



UNIVERSITY OF BERGEN  
*Department of Government*

## **AORG350**

**Master`s Thesis in Administration and Organizational Science**

**“Above me is only God.”**

**Attempts to reform the Bulgarian judiciary**

---

**Martine Jordana Baarholm**

**Spring/ 2023**

## **Acknowledgements**

During my childhood, Bulgaria was always like a second home to me and somewhere I could visit close family and friends. When I hear Bulgaria, I always associate it with warm weather, genuine and kind people and fantastic memories. And all this is still true, but beneath the happy memories lies something deeper.

After starting my bachelor's degree in Comparative Politics and now finishing my master's degree in government at the University of Bergen, amongst the many things I learned was that for a state to function you need democracy with stable governments, good and stable financial development, prosperity, transparency, and judicial independence. And with these insights, my views on, commitment to, and interest in Bulgaria, shifted into something more.

First and foremost, I am deeply grateful to my supervisor, Professor Siri Gloppen (autumn 2022 - spring 2023), for her unwavering guidance. Her expertise combined with the discussions and talks we had through the process are memorable memories I will bring with me. I will forever cherish the mentorship I received from her.

I am thankful to the Social Science faculty for providing funding for my fieldwork, which was a part of making it possible for me to collect the necessary data and conduct the research.

I want to thank my loving partner, Erlend, for your unwavering encouragement, discussions and understanding throughout this journey. To my parents, I am immensely grateful for your constant support and belief in me. A big thanks to my dear friend Tobias for engaging in numerous insightful discussions about the world of judiciary and law. The knowledge and perspectives shared during our conversations have greatly enriched this research.

Lastly, I would like to extend my heartfelt appreciation to all the individuals who graciously agreed to participate in my research. Without their willingness to share their experiences and insights, this thesis would not have been possible.

Once again, I express my sincere gratitude to all those mentioned above for their contributions, support, and belief in my work. Their involvement has significantly enriched this thesis and my academic journey as a whole.

## **Abstract**

This thesis aims to unpack the challenges of legal system reform in Bulgaria by exploring the heated contestations over the Prosecutor General's role, powers and accountability. It aims to understand, firstly why this has become such a crucial political issue, and secondly, why it has not been possible to get effective reforms in place.

In order to answer these questions, the thesis relies on interviews with key stakeholders within and outside the Bulgarian legal system; documents related to the reform process; existing literature on judicial politics in Bulgaria; and media reports on the ongoing debate and the implementation of the legal system reform, particularly with respect to enhancing the accountability of the Prosecutor General. Theoretically, the thesis draws on the literature on judicial independence and judicial reform.

The Prosecutor General has emerged as a prominent figure and issue in Bulgarian politics, demonstrating the challenges of the Bulgarian legal system, and this study aims to provide a comprehensive analysis of the challenges and potential solutions to these concerns.

The analysis reveals how the question of a legal system reform generally, and a reform of the Prosecutor General's power and accountability in particular is interwoven in larger political issues, including Bulgaria's relationship with the European Union (EU), the possibility of accessing the Schengen Area, and possible financial sanctions from external actors. The analysis also shows how personal conflicts between the central actors in the judiciary, the legislature, and the executive branch, have hampered the reform process.

## Table of Content

<b>Acknowledgements</b> .....	<b>ii</b>
<b>Abstract</b> .....	<b>iii</b>
<b>List of Acronyms</b> .....	<b>4</b>
<b>Key actors.</b> .....	<b>5</b>
<b>Introduction</b> .....	<b>6</b>
<i>Battles over Accountability</i> .....	6
<i>From communist rule to democracy</i> .....	8
<i>Theory – Judicial Independence and Policymaking</i> .....	9
<i>Methodology</i> .....	10
<i>Judicial system</i> .....	11
<i>The Process and history that lead to the politicization of the Prosecutor General</i> .....	12
<i>The Political Process – How did this happen and how will it end?</i> .....	13
<i>Conclusion</i> .....	15
<b>I. Theory – Judicial independence, accountability, policymaking</b> .....	<b>17</b>
<i>Institutional and individual independence</i> .....	17
<i>Internal and Individual judicial independence</i> .....	20
<i>Council of Europe – Rule of Law Checklist</i> .....	20
<i>Accountability – what does it mean?</i> .....	21
<i>Judicial Independence and Accountability</i> .....	22
<i>Decision-making and Policy problems</i> .....	22
<b>II. Methodology</b> .....	<b>25</b>
<i>Case study</i> .....	26
<i>Generalization, Validity and Reliability</i> .....	27
<i>Interview and fieldwork as a research method</i> .....	28
<i>Fieldwork</i> .....	28
<i>Interview</i> .....	28
<i>Semi-structured interviews and Elite interviews.</i> .....	29
<i>Recruitment of informants</i> .....	31
<i>Anonymity – protecting the informants identity.</i> .....	32
<i>Process tracing</i> .....	32
<i>Documents as an important source.</i> .....	33
<i>Positionality</i> .....	35

<b>III. Judicial system.....</b>	<b>36</b>
<i>The Prosecutorial Office.....</i>	36
<i>The Supreme Judicial Council (SJC) .....</i>	38
<i>The Supreme Court of Cassation (SCC) &amp; The Supreme Administrative Court (SAC).....</i>	40
<i>Constitutional court .....</i>	42
<i>Bulgaria and judicial independence.....</i>	43
<b>IV. Politics of Judicial Reform.....</b>	<b>49</b>
<i>Kolev v. Bulgaria – The case that started it all. ....</i>	52
<i>“I am an instrument in the hands of God.”.....</i>	54
<i>The rebellion of the people.....</i>	61
<i>The assassination attempt .....</i>	63
<i>Lawyers for the state, but without accountability.....</i>	66
<b>V. The political process – how did this happened and how will it end? .....</b>	<b>68</b>
<i>Drafting and presentation of the reform .....</i>	69
<i>Bringing long awaited accountability to the Prosecutor General.....</i>	71
<i>Reform attempt – “Ad. Hoc prosecutor” .....</i>	73
<i>Fifth parliamentary election – will there ever be a reform? .....</i>	76
<i>Parliament accepted the first reading - for investigating Prosecutor General .....</i>	79
<i>Why is it so important with judicial reform? .....</i>	81
<i>Five explanations to why there has been challenges in adopting effective reforms. ....</i>	82
<i>What is currently happening? .....</i>	86
<b>Conclusion.....</b>	<b>88</b>
<b>Literature list:.....</b>	<b>92</b>
<b>APPENDIX 1 – Overview of the interviews.....</b>	<b>107</b>
<b>APPENDIX 2 – Interview guides .....</b>	<b>108</b>
<i>Interview guide – Judge .....</i>	108
<i>Interview guide – Scholars.....</i>	109
<i>Interview guide – Politician / advisor .....</i>	110
<i>Interview guide – Lawyer.....</i>	111
<b>Appendix 3 – Invitation to participate and consent form English and Bulgarian .....</b>	<b>112</b>

## **Figures and Timeline overview**

Figure 1 – The Bulgarian Judicial System .....	44
Figure 2 – Judicial Independence of courts and judges according to the respondents in said country .....	46
Timeline 4.1 – Form the fall of Communism in 1989, up until the case of Kolevi v. Bulgaria started in the ECtHR in 2009 .....	51
Timeline 4.2 – The case that started it all – Kolevi v. Bulgaria .....	53
Timeline 4.3 – From the decision of Kolev-case up until Geshev was sworn into office ....	58
Timeline 4.4 – From the start of the demonstrations until the elections in March 2021 .....	63
Timeline 4.5 – Attempts at removing the Prosecutor General (PG) Ivan Geshev .....	65

## List of Acronyms

<b>Shortening</b>	<b>Full name</b>
ABV	Alternative for Bulgarian Revival
BDC	Bulgarian Democratic Center
BSP	Bulgarian Socialist Party
DB	Democratic Bulgaria
DPS	Movement for Rights and Freedoms
ECtHR	European Court of Human Rights
EU	European Union
GERB	Citizens for European Development of Bulgaria
PP	We continue the Change
SAC	Supreme Administrative Court
SCC	Supreme Court of Cassation
SJC	Supreme Judicial Council
NCID	National Criminal Investigation Department

## Key actors.

Name	Occupation
Borislav Sarafov	Deputy Prosecutor General and head of National Investigation Service (NSS)
Boyko Borissov	Former Prime Minister of Bulgaria (2009-2013, 2014-2017, 2017-2021) and leader of GERB
Danail Kirilov	Former Justice Minister in Borissov's third government April 2019- Sept 2020
Hristo Ivanov	Former Justice minister under Borissov's second government and current leader of DB
Ivan Chanchev	Representative in the National Assembly for BSP
Ivan Geshev	Prosecutor General 2019 -
Ivan Tatarchev	Prosecutor General – 1992-1999
Kiril Petkov	Former Prime Minister of Bulgaria (December 2021 – August 2022) and member of parliament
Konstadin Kostadinov	Parliament representative for “Vazrazhdane”
Kornelia Nivova	Leader of the party BSP
Lozan Panov	President of the Supreme Court of Cassation
Nadezda Yordanova	Former Minister of Justice (December 2021 – August 2022)
Nicol Filchev	Prosecutor General – 1999 – 2006 Advisor to the current PG – 2020-
Nicolai Georgi Kolev	The victim in the Kolevi v. Bulgaria case Former high-ranking prosecutor
Peter Obretenov	Former judge and member of the first Grand National Assembly in 1991
Randomir Cholakov	Representative in the National Assembly GERB (April 2023-
Rumen Radev	President of The Republic of Bulgaria – 2016 –
Stoir Tsatsarov	Prosecutor General – 2012-2019 Leader of the Corruption Board 2019-
Tatyana Doncheva	Leader of the “Movement 21”
Yanaki Stoilov	Caretaker Minister of Justice (September 2021 – December 2022)



## Introduction

Bulgaria is a country rich in history and culture, and for many, it is a lovely place to spend the summer holidays. But in the shadows of partying tourists and sunny beaches, there are economic and political challenges, including a contest between autocratic and democratic forces as well as serious problems in the legal system.

This thesis will explore these challenges through a close analysis of what has become a symbol of everything that is wrong with the Bulgarian legal system: the Prosecutor General. In doing so it asks two main questions: why has the Prosecutor General's powers and accountability has become such a crucial political issue in recent years? And what are the obstacles preventing effective reforms?

### *Battles over Accountability*

On July 7<sup>th</sup>, 2020, President Rumen Radev's office in Sofia was raided by special officers from the Prosecutor General's Office as a part of an investigation (DW 2020). President Radev's secretary and one of his national security advisers were arrested (Rafaliovich 2020). This incident resulted in thousands of people taking to the streets to show their support for the President and to demand Prosecutor General Ivan Gusev's resignation, calling his actions a disgrace (Tsolova and Hudson 2020).

How did it come to this? One key to the answer is personal, another is the position of the Prosecutor General in Bulgaria's prosecutorial legal system, and the power the office holds.

Ivan Geshev has had his whole career in the prosecutorial service and was appointed as Deputy Prosecutor General in 2018. In December 2019, he was appointed as Prosecutor General (Prosecutor's Office of Republic of Bulgaria 2020). This however did not go without hurdles as President Radev<sup>1</sup>tried to block the appointment, arguing that there should be more than one candidate to choose from (Tsolova and Hudson 2020). The tension has continued. President Radev has been one of the loudest critics of the Prosecutor General's powers and lack of accountability, the protests and demonstrations after the July 2020 raid on the July

---

<sup>1</sup> President Rumen Radev is the fifth democratically elected president. He holds the rank of Major General and has been Commander of the Bulgaria Air Force, before he in 2016 was elected president with over 60 percent of the votes (President of The Republic of Bulgaria 2017).

President's office took the debate about the Prosecutor General's position and accountability to the center of the Bulgarian politics.

But this goes beyond the personal conflict. The institutional position of the Bulgarian Prosecutor General is quite unique, summed up by a quote from the former Prosecutor General, Ivan Tartarчев, who in the 90s said “Над мен е само Бог” (“above me is only God”). In other words, no-one can hold the Prosecutor General to account. The Venice Commission<sup>2</sup>, also known as The European Commission for Democracy through Law, has discussed the role of the Prosecutor General and has been explicit about the challenges that the powers of this office create for judicial independence in Bulgaria (Maňko 2021, 6). The first time this was mentioned was in June 2003, where the commission noted that the powers of the Prosecutor General were too extensive (Venice Commission, CDL-AD (2003)012-e).

This has implications both domestically and in the foreign policy domain. The Prosecutor General's lack of accountability is one of the factors preventing improvements in judicial independence and is claimed to be one of the issues keeping Bulgaria outside the Schengen agreement,<sup>3</sup> and a cause for financial sanctions. It has also drawn condemnation from the European Court of Human Rights (ECtHR)<sup>4</sup> in Strasbourg; (Btv Novinite 2023a). The ECtHR's Annual Report for 2022 noted three violations of the right to a fair and free trial in Bulgaria linked to the role of the Prosecutor General (ECtHR Annual Report 2022:144).

Perhaps most importantly in this context, the Prosecutor General has become a main symbol of the problems in the Bulgarian legal system, and to secure the Prosecutor General's accountability, has become a priority in the Bulgarian politics.

To better understand the challenges of getting effective reforms passed, I will now present a short sketch of Bulgaria's democratic history

---

<sup>2</sup> The primary function of the Venice Commission is to offer legal advice and assistance to member states, aiding them in aligning their institutional and legal frameworks with the benchmarks of the European Council. The council consists of members that are appointed from each member state for a tenure for four years. These are judges in supreme and constitutional courts, eminent professors from universities, members of parliament and also civil servants (Maňko 2021, 6).

<sup>3</sup> Bulgaria has since they joined the EU tried to become a full member by entering the Schengen. But this has been stopped multiple times from the other members because of the countries status concerning corruption and the lack of judicial independence (Reuters 2022) (Btv Novinite 2023a)

<sup>4</sup> In 2022 alone there were 597 applications submitted to the ECtHR, 27 judgements were delivered, 25 judgements had at least one violation (Annual Report 2022 of the ECtHR).

## *From communist rule to democracy*

Bulgaria ended the communist rule in 1989, marking the end of Todor Zhivkov's 33 year-long dictatorship (Melon 1996, 213). This happened rather peacefully compared to other states that were under communist rule, and Bulgaria earned the name "Island of Tranquility" (Barany 2002, 141). The first democratic competitive election took place in June 1990 to elect a Grand National Assembly (Konstadinova 2020, 8). The 400-member assembly was tasked with drafting a new constitution, which was adopted on July 12<sup>th</sup>, 1991. In October the same year, a "regular" parliament of 240 members was elected (Konstadinova 2020, 8:9).

Even though the transition to democracy was peaceful, it still remains an "evolving, fraught democracy that has been 'ineffective' " (Konstadinova 2020, 8). The country's cultural and political development moved in two directions, one is pulling towards a populist, authoritarian and nationalist East, the other towards a liberal democratic West (Konstadinova 2020, 8). The tensions most dramatically came to the force in January 2018, when Bulgaria had a populist prime minister with a vehemently nationalistic coalition partner, who was striving to be positive towards the European Union (EU) while simultaneously governing with a socialist president who was protesting against the EU sanctions towards Russia during the 2014 annexation of Crimea (Konstadinova 2020, 8)

According to the Bulgarian Constitution Article 64 (1) the National Assembly is elected for a four-year term, however, early elections happen frequently (Konstadinova 2020). Between 1990 and 2017, there were ten legislative elections, with only five governments fulfilling their four-year terms (Konstadinova 2020). This pattern has continued. There have been five elections since the ordinary election in April 2021, and in 2022 alone there were three parliamentary elections due to inability to form a governing majority.

The political situation, with constant re-elections of parliament is one of the obstacles to the judicial reform, as it needs the vote of Parliament to pass. There have been several reform attempts to remedy the lack of accountability of the Prosecutor General, but so far, no effective reform has been adopted or implemented.

Following this introduction, the thesis will consist of five chapters: theory; methodology, the process and history that lead to the politicization of the Prosecutor General; the judicial reform process; and the conclusion. In the remainder of this chapter, I will outline each of them.

## Theory – Judicial Independence and Policymaking

This chapter discusses the theory used in the thesis. There are three main bodies of theory that are relevant for the analysis and that will be discussed here. The first concerns judicial independence and integrity; the second accountability and the relationship between judicial independence and accountability; and the third is the literature on political reform.

*Judicial independence* is a complex concept, drawing both on the observed behavior and actions of judges, and on a judge's perceptions and beliefs about what they are able and should do in light of internal and external constraints and pressures. The chapter discusses conceptual and empirical works of scholars of judicial independence on how judicial personnel can be protected from external and outside political pressure and negative influence (for example due to loyalty ties, concern for future positions, money or threats of violence). It is argued that when such protection is lacking so is the judicial independence.

Judicial independence relies heavily on *political insularity*, which can be ensured by establishing a system that rigorously examines the institutional framework and implements policies to prevent external influence. This safeguards the integrity of the rule of law (Shetreet 2014, 255). This is made sure in the way the judicial personnel is appointed, dismissed, if there are any guarantees in place to make hinder no outside pressure for example involving matters concerning the budget, their term in office and the appearance of the overall impartiality and independence (Mańko 2021, 7).

Political insularity can tell a lot about the influence and pressure that judges and judicial personnel may face from outside as well as sources inside the judiciary (Ayden 2013; Volcansek 2019). Huchhanavar (2023) distinguishes between internal and individual independence. The two dimensions are supposed to work as a form of shield against negative and pressure from both outside the judiciary, such as politicians as well as from other judicial personnel, in example pressure from hierarchical superiors.

*Judicial integrity* refers to the willingness and ability of individual judges to act impartially and not give in to undue pressures or temptations, monetary or other, and can be understood as the opposite of *judicial corruption*, or the use of judicial office for private gain. Bulgaria has the highest perceived level of judicial corruption in Europe. In 2011 a study with data from the European Social Survey shows that respondents from Bulgaria are more likely, even

more than Russian respondents, to claim that the judges are prone to take bribes, even from guilty people to be set free (Popova 2020, 124). As a result of bending for corruption and political pressure, the Bulgarian judiciary is not always guaranteeing their citizens civil and political rights. That Bulgaria has the per capita highest number of judgments against it in the ECtHR is indicative of this (Popova 2020, 124).

In this thesis, conceptions and theories of judicial independence will serve as a foundation for the development of a normative standard.

The concept of *accountability* is also central to this thesis. As defined here, accountability goes beyond the mere recognition of responsibility, and involves the potential for sanctions to control an agent and their actions. To better understand this concept the work of Bovens (2007) will be used and the definition that is presented in his article about the presence of a controlling entity, for example a higher authority or an independent actor who can control give accountability over the actor (Bovens 2007, 453).

In order to understand how the necessary changes might happen, it is useful to consult theories of decision-making processes and policy making. I will use the work of Knill and Tossun (2012; 2021) to provide an analytical lens for studying the reform process, what is important to remember, and which actors might contribute positively to the drafting and increase the legitimacy of the reform. Making it more accessible to be further adopted.

## Methodology

The methodology chapter will describe the research process and the methodological choices and considerations. This is a qualitative case study of the Bulgarian legal system. Relevant empirical literature is scarce, and in order to gather the necessary data, fieldwork was conducted in Bulgaria. In November 2022, I traveled to Sofia, the capital of Bulgaria, to conduct key informant interviews with individuals from the legal system, the political sphere, and academia.

The primary data collection method was semi-structured interviews, relying on open-ended questions and follow-up questions based on the respondent's answers. Some of the respondents were contacted beforehand, but the method of "snowballing" was also used to engage additional and particularly relevant respondents.

I also collected official document, newspaper articles and more as well as secondary literature. Analysis of these documents were central to understand the structure and operation of the Bulgarian judiciary, the reform initiatives, and the history of the reform process, including the actors driving and opposing the reforms in the legislative body and in the public debate.

In the methodology chapter, I have also included a section where I acknowledge my positionality: my mother is Bulgarian, and my father is Norwegian. Growing up in a multicultural family made me fluent in Bulgarian and provided deep insights into Bulgarian culture and history that have been very useful for the work, but I also reflect on how this may introduce bias into the research.

## Judicial system

The third chapter, provides an overview of the judicial system in Bulgaria, including the organizational structure of its courts and prosecutorial offices.

The Bulgarian judicial system belongs to the civil law tradition, which is characterized by highly codified laws serving as the main legal source, unlike common law systems where previous judicial decisions by higher courts are also regarded as law (Dainow 1967, 424). This is further reflected in the institutional structure, including in the division between two judicial hierarchies, each with a separate supreme court that each handles their own special cases. The Supreme Court of Cassation, deals with civil and criminal cases, while the Supreme Administrative Court, deals with administrative justice (Article 124 and Article 125 in the Constitution of Bulgaria). In addition to the two supreme courts, Bulgaria has a Constitutional Court, consisting of 12 judges that have the final say in rulings concerning the constitution.

Bulgaria's judiciary operates under a prosecutorial system, where the prosecutors are part of the judiciary, with conditions and protections on par with judges. They hold vast powers when it comes to who to charge, the level of aggression in seeking conviction, and the proposal of sentence (Tonry 2012, 1). The position of the prosecutors differ between countries, including whether they are considered nonpartisan or apolitical and how this is structurally anchored. In Western European systems, prosecutors are usually explicitly committed to being nonpartisan and apolitical. It is their duty to make decisions on individual

cases that are based on their “merits, without regard to public attitudes (...) or to politicians, preferences or priorities” (Tonry 212, 2). In some countries the prosecutorial office is a part of the judiciary, and prosecutors may have been both judges and prosecutors at different periods in their careers (Tonry 2012, 3).

The Supreme Judicial Council (SJC) plays a crucial role in the appointment and disciplinary proceedings of judges and prosecutors, as well as in the administration of the judicial system as a whole (Popova 2020, 121). Therefore, an understanding of the Supreme Judicial Council's role is essential for comprehending the workings of the Bulgarian judicial system.

The chapter about Bulgaria's judicial system, explores its unique features, including the sources of the Prosecutor General's extensive powers and pivotal role, and the lack of accountability. Finally, it examines the challenges that the Bulgarian judicial system needs to confront, with particular attention to the issue of judicial independence.

## The Process and history that lead to the politicization of the Prosecutor General

The information to address the research questions in the next three chapters of this thesis was gained mainly through interviews and the examination of relevant official documents and newspaper articles.

In order to answer the research question pertaining to the powers of the Prosecutor General and the challenges preventing effective reforms, an understanding of the history and culture that have influenced the Bulgarian judicial system is essential. The legacy of the communist era and its impact on the country's judicial system is particularly important to comprehend the current state of affairs. The main source of information will here be the opinions given by the Venice Commission. These documents provide insights into the development of the judiciary and the constitution since the end of communist rule, and also shows which issues have been of the most concern for the European Council over the years and which recommendations they have presented in order to make the system better.

The *Kolevi v. Bulgaria* case from 2009 was a key event that sparked widespread concern for the Prosecutor General's lack of accountability. Nikolai Georgiev Kolev, a high-ranking prosecutor, was murdered. Prior to his murder, Kolev had publicly voiced fear for his life

and that he might be killed as a part of a campaign by the General Prosecutor (ECtHR 2010, paragraph 80 and 81). The murder led to an investigation of the then Prosecutor General, and the case eventually made its way to the ECtHR, which convicted the Bulgarian state for breaching Kolev's right to freedom and right to life. This was based on the allegation towards the Prosecutor General and failure to address Kolev's concerns about the Prosecutor General (ECtHR, 2010, paragraph 64). The case became the symbol and the start of more than a decade of battles to find mechanisms to hold the Prosecutor General accountable. The importance of the case stems from how it pointed out why the powers and structures of the Prosecutor's Office are so problematic and how it should be changed (Vassileva 2020, 750).

In the years after the Kolev case the legislative branch has tried to pursue various types of reforms aimed at enhancing the independence and de-politicization of the judiciary. These reforms have tried to adopt measures to reduce the politicization of the Supreme Judicial Council, which is tasked with appointing, dismissing and disciplining judges, prosecutors and investigating magistrates. There have also been reforms trying to find mechanisms that would make the Prosecutor General accountable.

The chapter will cover central incidents that have contributed to why the powers and accountability of the Prosecutor General has become a crucial political issue in the later years. Some of these incidents date back to the previous Prosecutor General as well as the current serving. Topics such as corruption, political pressure and protest are essential in several of these

The Political Process – How did this happen and how will it end?

Chapter five aims to provide a comprehensive understanding of how Bulgarian politicians have sought to adopt reforms to regulate the powers and accountability of the Prosecutor General and why this had not been successful so far. To do so, I first provide an overview of the political process, highlighting procedural barriers that must be overcome to adopt such reforms. I will also discuss the political turbulence of the contemporary Bulgarian politics.

In this chapter I also discuss how the judicial reform issues play into broader political interest and agendas in Bulgaria, and how a reform coalition of domestic and international actors are pitted against actors resisting reform. In this context it is enlightening to show how the perspectives of both the main external actor, the Venice Commission, and of Bulgarian



politicians have evolved over time, with regard to promoting accountability. This also makes clear why finding ways to enhance the judicial system's independence is so important for Bulgaria. This includes pressure from international actors to be able to enter the Schengen Agreement. The chapter also discusses the outcome of the political process, why the reform so important both nationally and internationally, and what can explain the lack of effective judicial reform.

Since 2021, Bulgaria has had five general elections since it has not been possible to find the majority to form a government or to find support for one. The political gridlock has put the whole system on pause. Because of these constant re-elections, the short periods with a functioning parliament has been focused on passing the state budget and other essential decisions to keep the country going. Things are not likely to improve in the near future. In the aftermath of the election in April 2023 the president gave the mandate to form a new government to the party with the highest voter turnout, which was the right-wing party GERB and their nominated candidate Mariya Gabriel (Toncheva 2023a; Roussi, Camut and Sorgi 2023). At the time of submitting this thesis, there are talks about forming a government with the coalition GERB-SDS and the coalition PP-DB. Together they have agreed upon a plan for a rotating government, where the position of prime minister will rotate every 9 months (Nedkova 2023 a). However, in the last days of May 2023. GERB has frozen the negotiations with PP and DB due to the release of recordings between the PP-DB coalition partners, where some statements has harmed the negotiations (Fileva 2023).

One of the reforms that were proposed in 2022 sought to adopt a mechanism to bring effective accountability over the Prosecutor General by appointing a supreme court judge, with experience from criminal cases, as temporary ad hoc prosecutor or investigating prosecutor in cases involving the Prosecutor General (Novinite (the news) 2023a; the Venice Commission CDL-AD (2022)032-e); De Fakto 2023). During the drafting of the reform, interest groups and experts were involved to provide essential information which would not have been accessible without their assistance. The current 49<sup>th</sup> National Assembly finished the first reading in May 2023, which was the first out of two readings of the judicial reform presented in (Petrova 2023), and May 2023, the second reading was passed without debate, with only one party, BSP, absent. These are important steps towards reaching accountability of the Prosecutor General

This chapter will take a closer look at the process and the obstacles to adopt effective reforms, as well as the outcome of the process as it stands at the time of writing. The analysis

also seeks to explain how the prosecutorial system, that has been a part of the Bulgarian judicial system since 1947 when Bulgaria became a communist country (Vassileva 2020, 750), has so far resisted modernization, despite multiple attempts.

The national and international importance of such a reform – provided it succeeds in increasing the level of judicial independence and bring accountability to the Prosecutor General – includes that it would strengthen the Bulgaria’s application to join the Schengen area. Already when Bulgaria wanted to become a member of the European Union in 2007, there were issues raised concerning the function of the judicial system. Of the 6 benchmarks that the EU commented on, three concerned problems within the judiciary: 1) the lack of judicial independence, 2) continued judicial reform, and 3) the legal framework (Vassileva 2020, 742).

For the country formerly known as the “Island of Tranquility” going from a judicial system where its task was to help the state control the public to something that needs to be independent from the states has been showed to be a real challenge. This chapter will explain why reforms are needed – and difficult to adopt - distinguishing five aspects to provide a more comprehensive understanding of the current system, the history, and the mentality behind it, that helps explain why these changes are still yet to be adopted. The five lenses that will be used in the analysis are: historical, explaining the legacy from the Soviet Union and how this has affected the lack of change; structural, explaining the rigorous system that the bill needs to pass through; societal issues; legal-political culture; and the political crisis.

## Conclusion

The thesis investigates the complex challenges involved in legal system reform in Bulgaria. The first research question explored is why the powers and lack of accountability of the Prosecutor General have become a political issue in the later years. The second question, entails an in-depth analysis of the judicial system and the role of the Prosecutor General in order to answer what the obstacles preventing effective reform has been.

The findings of this research are organized into five categories, each shedding light on different aspects contributing to the lack of reform and the contentious nature of the Prosecutor General's powers. The first category, *Historical causes*, center on the legacy inherited from the communist period, which continues to shape the current judicial system.

*Structural causes*, center on the legal framework and robust institutional structures that have presented obstacles to reform. The discussion of *societal causes*, center on the ongoing political and institutional crisis and the personification of the Prosecutor General's office within this context. *Cultural causes* underpinning the situation, include the mindset of judicial personnel working under the Prosecutor General and their career goals, which may hinder proactive action. And, finally, the discussion of *political causes* analyzes the political gridlock resulting from recurrent re-elections over the past two year. Jointly the five sides of the analytical prism highlights the multiple factors having a detrimental impact on prospects for reforming the Bulgarian judicial system.

The analysis emphasizes that – contrary to the common understanding – the responsibility for the politicization of this issue does not solely lie with the individual holding the position of Prosecutor General. Rather, it is the systemic structure that permits unprofessional conduct and lacks mechanisms for accountability, thereby creating an environment prone to scandals, conflicts, and ultimately undermining not only judicial independence but also the public trust.

## **I. Theory – Judicial independence, accountability, policymaking**

In order to provide a background for the research questions about the accountability of the Prosecutor General and the reason for failed reform attempts, I will start by discussing relevant theoretical literature. As mentioned in the introduction this thesis will present three main bodies of theory which is relevant for the analysis. The first is judicial independence and integrity; the second accountability and the relationship between judicial independence and accountability; and the third is the literature on political reform.

An important theoretical resource for the thesis is the literature on *judicial independence*. Here I will mainly draw upon the works of Aydin (2013), Volcansek (2019), Huchhanavar (2023), and Shetreet (2014). Since Bulgaria is a member state of the European Union, it is relevant to look to the Council of Europe's standards on judicial independence and to which extent the Bulgarian judicial system adheres to these standards, in comparison to other EU member states. *Accountability*, is another key concept in the thesis and I will draw on Bovens (2007) to discuss how it should be defined and assessed in this context. Finally, the chapter investigates policymaking theory, looking into factors that contributes either to their success or failure. In order to do so, I will draw on Knill and Tossun (2012; 2020).

### *Institutional and individual independence*

To fully comprehend the concept of judicial independence, it will be relevant to delve into and explain the term and its meaning. Judicial independence is rooted in the principle of separation of powers among the three branches of government – the executive, legislative and judiciary (Volcansek 2019, 75). Therefore, the model of Separation of powers is widely regarded as the dominant framework for understanding the judicial independence (Shetreet 2014, 258).

The existing literature on the concept of judicial independence has primarily focused on the judge's behavior and actions. For instance, a judge is considered independent when they are not subjected to manipulation or coercion from external or internal sources of power, such as politicians or other hierarchical superiors (Aydin 2013, 108). Consequently, it can be argued that there are two fundamental characteristics that define the meaning of judicial

independence (Aydin 2013, 108). The main target of judicial independence is to shield the judiciary from influence deemed inappropriate, in order to prevent any negative influence or interference with the judiciary's ability to perform its tasks and duties in the line according to the Constitution, the legal fundamental principles and the states laws (Huchhanavar 2023, 117).

The first characteristic is "impartiality", which refers to the independence of a judge's decision-making based on their own understanding and interpretation of the law (Aydin 2013, 108). As it was touched upon above, according to Aydin (2013) a judge is considered independent when they can make their decision free from external and internal influence. In this regard, judicial independence primarily refers to the judiciary's freedom from economic, political and social influence and to which ability the judge can make independent decisions based on their own evaluation of the law (Aydin 2013, 108). Impartiality can also be called *internal independence*, or *individual judicial independence* since it refers to the individual judge as it is viewed within the judicial structure (Mańko 2021, 2) (Huchhanavar 2023, 118).

The second characteristic of judicial independence is "political insularity", which demands that the court must be entirely free from institutional preferences and immune to political manipulation (Aydin 2013, 108; Volcansek 2019, 75). Both Aydin (2013) and Volcansek (2019) argue that the judicial independence requires that the court should make decisions solely based on the law. As any influence on the judges decision-making, by politicians or other powerful elite actors, can compromise the political insularity of the court and thereby extension the courts independence (Volcansek 2019, 76) (Huchhanavar 2023, 114).

A mechanism that can be implemented to ensure the preservation of political impartiality is the examination of the appointment process and tenure of judges and other judicial personnel (Mańko 2021, 7:8). It is crucial to identify whether the legislative or executive branch, or an independent organ consisting of judicial personnel or judges, is responsible for their appointment. Additionally, it is important to determine if there are any safeguards in place to protect them from external pressures (Mańko 2021, 8). One approach could involve granting the judicial body the authority to draft its own budget, thereby reducing dependence on the legislative or executive branches for budgetary matters.

The characteristic of political insularity refers to what Mańko (2021) calls the *external independence* (2021, 2). This does not however, exclude the possibility of cooperative and productive relationship among judges and other administrative authorities involved in the managing of the courts (Mańko 2021, 2).

In the judicial system of Eastern European countries there are challenges that specifically concern the judges' *integrity*, particularly regarding their sensitivity to the manipulation by politicians and powerful elites (Shetreet 2014, 255). To ensure judicial independence Shetreet (2014) points out that in order to do so in such systems demands a thorough examination of institutional frameworks and policies that uphold the rule of law and prevent influence (Shetreet 2014, 255).

The correlation between judicial independence and positive economic growth has been subject to discussions between scholars. Volcansek (2019) points out that a country's economic growth is linked to the presence of judicial independence (2019, 75). Advanced democracies that have an environment for competitive political climate have demonstrated that a positive correlation between a positive economic growth and the increase of judicial independence (Volcansek 2019, 75). This correlation, however, is not observed in countries with developing democracies. Aydin (2013) argues that while an important and essential element in promoting judicial independence is political competition, other factors account for high judicial independence (Aydin 2013, 130).

In more advanced democracies, for politicians to meddle with practices for judicial decision-making would likely have huge costs and lead to a fierce public backlash (Aydin 2013, 130). In developing democracies, the cost of pressuring or trying to influence the courts are lower and the benefits higher. As political competition increases, the chances of the incumbent government manipulating the judiciary as a mechanism in order to maintain power or for re-election may increase (Aydin 2013, 131). According to Aydin (2013) these countries will continue to struggle with the rule of law as long as the benefit for the politicians meddling with the courts are higher than the costs, the public has to start to act as a constrain mechanism for these countries (Aydin 2013, 131).

While the presence of judicial independence is widely considered important in promoting the economic growth and the stability of the democracy, the likelihood of establishing an independent judiciary is in turn influenced by the economic and political context of the

country. A context-specific and nuanced approach is therefore needed to analyzing the factors that affects judicial independence.

### *Internal and Individual judicial independence*

Huchhanavar (2023) presents further two dimensions of judicial independence, internal and individual (118). Individual judicial independence has as a goal to shield the judicial personnel from improper influence that may come from external sources or their own conduct. In order to achieve individual judicial independence, it requires that the judges possess qualities that enable them to maintain their impartiality and independence (Huchhanavar 2023, 118). In order to ensure individual judicial independence, there are measures that need to be upheld and secured, this includes securing their tenure and adequate pension and pay and having a competent and impartial administrative body to deal with appointments, promotions, removals and discipline (Huchhanavar 2023, 118).

Judicial personnel do not only run the risk of being pressurized or tried to be influenced by outside and external actors, but also from actors within the judiciary. Internal judicial independence aims to protect or to insulate judges from improper pressure that senior judges, colleagues or other judicial personnel could arise (Huchhanavar 2023, 118:119). By doing this the ability of a judge to perform their duties can be completed without interference from senior judges and thereby the administrative hierarchies within the judiciary (Huchhanavar 2023, 118:119). These two concepts are closely tied together as both of them seek to prevent and safeguard the judge's decision-making autonomy from external influence (Huchhanavar 2023, 119).

### *Council of Europe – Rule of Law Checklist*

For the European Union the rule of law is one of the founding values and requirements that the courts are independent, it forms the essence for the rights to fair trails, judicial protection and of that the rights of individuals are not exceeded in any way (Mańko 2021, 2). In 2016, the Venice Commission adopted a Rule of Law Checklist<sup>5</sup>. The definition used to understand judicial independence is “as freedom from external pressure and lack of political influence or manipulation” (Mańko 2021, 7).

---

<sup>5</sup> This was October 2017 endorsed by the Parliamentary Assembly of the Council of Europe (PACE) (Mańko 2021, 7).

This Rule of Law Checklist is based on the European Court of Human Rights (ECtHR) case law and identifies four aspects of judicial independence; first and second being appointment process and term of office, these two emphasize the importance that the judges' term in office must be permanent, to prevent them from being dependent on the appointing authority (Mańko 2021, 7). This is also mentioned by Huchhanavar (2023) as a mean to defend and uphold individual judicial independence (2023, 118). The third and fourth point is protection against external pressure included budgetary influence and appearance of impartiality and independence (Mańko 2021, 7).

Further it emphasizes that judicial councils are quite an effective way in order to ensure independence in the selection and careers of judges (Mańko 2021, 7). Huchhanavar (2023) mentioned as a way to strengthen the individual judicial independence (2023, 118). However, if the involvement of parliament is carrying the risk of politicization of the judiciary (Mańko 2021, 7).

### *Accountability – what does it mean?*

In order to fully understand what it means when one says that someone is *accountable*, what does the term mean and how is it defined. This section will explain just that both in the view of contemporary political discourse and in the area of courts and the judiciary.

Accountability in the view of contemporary political discourse, holds a strong “promise of fair and equitable governance” (Bovens 2007, 449). In simple terms, accountability is an evaluative concept used for the description of a positive state of affairs or a state’s actors performance. The term is closely related to the idea of having a sense of responsibility and being responsive in order to achieve being fair, transparent and proper in one’s actions (Bovens 2007, 450). There is, however, no general agreement on what standards that should be used to determine accountable behavior as the concept is “differ from role to role, time to time, place to place and from speaker to speaker” (Bovens 2007, 450).

Legal accountability is based typically on specific responsibilities that have been either legally or formally granted and defined by authorities (Bovens 2007, 455). These are responsibilities that the authorities have under the law, this type of accountability is



straightforward because it is based on legal standards that are detailed and also based on past legal cases or existing laws (Bovens 2007, 455; Huchhanavar 2023, 110). Which makes it easy to determine whether someone has acted inappropriately (Huchhanavar 2023, 110). In order to ensure accountability, the actor has to be in a position where he or she may face consequences for their actions (Bovens 2007, 452).

### *Judicial Independence and Accountability*

Judicial independence is a concept that it acts as a safeguard to the judiciary and its personnel for the many influences that may compromise their objectivity, neutrality or their appearance of it. In other words, the concept is a sort of protection from interference by the legislator, executive and electoral branches (Huchhanavar 2023, 110). While accountability and judicial independence are both fundamental values in common law and civil law systems, there are other values that are of equal importance. In example diligence and competence are just as desirable qualities and as important to the judges' impartiality (Huchhanavar 2023, 111). A definition that adopts a more controlled definition of accountability, this type of mechanisms of accountability are important in for example to control public organizations "An agent is accountable to a principal if the principal can exercise control over the agent" (Bovens 2007, 453).

### *Decision-making and Policy problems*

The concept of decision-making is by most viewed as the legislative organ members deliberating over proposals that have been brought forth by the government. Decision-making is a fundamental and important aspect of governance in a country, as it required careful consideration of a diverse set of factors that has to be in order to arrive at outcomes that are effective and (Knill and Tossun 2012, 112). Not only must the outcomes of legislative proposals be effective, but the policymakers must also consider how their proposal will be received by the electorate. As policymakers often seek re-election, it is crucial that they keep in mind the potential impact their proposal has on the public opinion (Knill and Tossun 2012, 112).

There are two processes in decision-making, the first one is about drafting the legislation itself and the second is about the presentation for the adoption to be made formal. This might

look straightforward, however, there are restrictions that can be a challenge for the policy, procedural and substantial restrictions. Referring to the respective politics and policies in the country and problems to the policy that has to be settled (Knill and Tossun 2012, 122).

During the first phase there are room for experts and interest groups to involve themselves in the process and provided need information (Knill and Tossun 2012, 127). Interest groups can also propose policy suggestion to the governments, by doing this they are lifting a case up to the executive level and bringing attention to a case that is of importance and interest of their members (Knill and Tossun 2020, 51). The involvement of these too groups can prove to be important for the drafting process as it is able to get a higher level of legitimacy through the recommendations and inputs form the experts and relevant interest groups thereby increasing its chances for being adopted and also supported by the public (Knill and Tossun 2012, 127; 2020,51).

As the second process is adoption of the legislative proposal enters the state for debate in parliament and the voting to formalize it, and depending on how the legislative organ for example parliament is organized it needs a certain number or rounds of votes depending on what specific type of bill it is (Knill and Tossun 2012, 123). As some countries require either a simple majority or a super-majority which can be two-thirds or even more (Knill and Tossun 2020, 35). This would be specified in either the country's laws or in the constitution.

If the bill has been drafted in a way that effectively solves the problem at hand it is more likely that the adoption will be accepted by the deciding organ, but this is a difficult task to handle (Knill and Tossun 2012, 123).

An institutional body, other than the legislature, that can be an obstacle or that can prevent a policy is the Constitutional Court. Not only does their decisions have an impact that is profound on the design and context of the policy, but their power also applies to how this is interpreted and applied with the constitution (Knill and Tossun 2020, 48). Should the policy be found unconstitutional by the Constitutional Court, and there is still will for such a policy to pass the decision-makers need to start the policy process all over again (Knill and Tossun 2020, 48). This leads the policymakers to be aware of this in the policymaking process, in order to find ways to avoid for the policy to be unconstitutional or make the policy

suggestion in a way that it can present changes in the constitution as well as in the wanted problem area.

If the outcome of a policy is to change or the constitution need to be changed in order for a policy to pass there are different types of ways this can be done. As some countries have a constitution that is easy to mend and can be changed in the legislative body with regular majority, such as in the United Kingdom, these constitutions are categorized as a flexible. On the other hand, there are constitutions that are more rigid, and changes are not as easy amended. Where changes need more than two thirds or more to approve the changes (Knill and Tossun 2020, 35).

## **II. Methodology**

This chapter will elaborate about the research methodology that has been used in order to collect the necessary data. As the main methodology this thesis uses Qualitative research.

Qualitative research seeks to understand the full picture, therefore the data collection in such research focuses on detailed and in-depth description of the topic and analysis (Vromen 2018, 245). The method is often used to explore underlying mechanisms and reasons behind issues, events and processes. This approach is characterized by a focus on, as mentioned above, in-depth, text-based analysis that incorporates personal reflections from participants and historical context (Vromen 2018, 237). Therefore, it is expected to be both reflective and transparent on the choice of research and the progress concerning all from the research question and subject, theme and what and how the necessary data is collected and how this the interpretations and analysis of the data that is collected (Vromen 2018, 245).

The main method that has been used is case study, this is a method that is an in-depth study of a small number of cases or a single case (Gerring 2017, 28), such as a country. This gives the possibility to gain a deeper understanding of the factors that are contributing to the unique characteristics of the case. In a case study the goal is to understand a real world case and that relies on evidence that comes from several sources and the data from these sources converge on one common point (Yin 2018, 15).

This use of case study has been particularly useful in the studying of the complex phenomena and the need for an in-depth understanding of the case that is Bulgaria's judicial system and the role of the Prosecutor General.

However, there are also challenges that are associated with the method of case study. One of the main challenges is the lack of objectivity, the potential for bias, as the researcher may be too closely involved with the case (Yin 2018; Gerring 2018). For this thesis it will be explained further into this chapter my own position and how this has been handled in order to be as objective as possible.

## *Case study*

As mentioned above, case study is used in order to dive deeper into a specific topic and explore a wider understanding of the factors that the research wants to focus on (Gerring 2017, 28). A case study can also be the study of a state or organization (Gerring 2017, 27), as in this thesis the case is a part of the judicial system in Bulgaria. The goal is to provide an understanding of why the Prosecutor General's power and accountability has become such a crucial political issue and what are the obstacles preventing effective reforms.

Therefore, the best way to answer these questions is to use the method of case study. Since this method will find ways to provide evidence that will come from several sources and also being able to understand this in a way and gain a deeper sense of perspective than other studies would not have been able to do (Yin 2018, 15). The purpose of a case study is to explain the case that is being investigated, while at the same time provide insights that can be used or applied to similar cases (Gerring 2017, 30).

As mentioned above, the case for this research is in essence the Bulgarian judicial system, which makes this a single-case design. Such designs are riskier than having multiple cases because the whole study depends on a single case, which leaves no room for variations or errors. Therefore, it is crucial that the selection of the case is done carefully and thoroughly to avoid any potential drawbacks (Yin 2018, 61).

Even though this is a single-case design, it gives a study a chance of going really in depth. Since the depth of the research in a case study is proportional to the number of cases that are in the study. That is to say, the more cases that are included, the less in-depth the analysis of each case is likely to be, while on the other hand the fewer cases allow for a more intensive and thorough analysis of each case (Gerring 2017, 29). The depth of the research in a case study is proportional to the number of cases that are in the study. That is to say, the more cases that are included, the less in-depth the analysis of each case is likely to be, while on the other hand the fewer cases allow for a more intensive and thorough analysis of each case (Gerring 2017, 29).

## *Generalization, Validity and Reliability*

Another challenge is concerning the generalizability, since a case study might not be generalizable to other cases due to the circumstances of the case being unique to that specific case being studied (Yin 2018, 20:21). The empirical quality of the research is deducted by evaluating the validity and the reliability. Validity is about to which extent the findings in the data can be applied to other settings or whether it can be applied to the specific theory or context that is being studied (Andersen 2006, 291). While reliability is about to which degree of dependability and accuracy of the data in the research (Andersen 2006, 291).

In this thesis one of the chosen methods of collecting data has been through the use of interview. In situations like this there is often a discussion about the data that comes through and how they are handled, about how they are translated and used in the analysis (Andersen 2006, 291). There are two concerns that needs to be taken into account, the first one is concerned with the documented information that was obtained from an interview and whether this is accurately understood and perceived (Andersen 2006, 291).

In order to tackle this there is a tool that can be used, thereby achieving the proper documentation and the ability to differentiate between subjective evaluations and factual statements. One of them is by using a recorder during the interview, however running the risk of the conversation being a little tense and not so free (Andersen 2006, 219). The second is making sure the reliability and validity uses the required factual information and assessment that that is able to be verifiable and durable when it comes to investigations and frame of reference (Andersen 2006, 291:292).

Finally, the use of triangulation strategy has given this thesis high intern validity. Triangulation is the involving of multiple data sources in order to authenticating the findings (Gloppen and Sieder 2021, 14) that could be reveal “the weakness of some sources that might otherwise have been viewed as reliable” (Tansey 2007, 667). Therefore, conducting elite interviews, document analysis and process tracing has been crucial in enhancing the reliability and validity of the findings in the research.

## *Interview and fieldwork as a research method.*

### *Fieldwork*

In order to conduct the interviews, I travelled to the capital of Bulgaria, Sofia and stayed there for some time. Given the pandemic situation in Bulgaria, the opportunity to travel and engage in fieldwork was uncertain, however I was able to make my research trip in November 2022. The method of fieldwork is common through the social science, the aim of this type of research is to gain and understand the subject's perspective and their insight into their unique perception of the world (Gloppen and Sieder 2021, 2).

Prior to the fieldwork, I did comprehensive research that was conducted in order to ensure that I obtained insightful information through well-crafted questions and avoided asking questions that would give answers that could have been easily accessible beforehand. Yin (2018) highlights that the significance of documents in research and their usefulness is providing important background information before undertaking fieldwork. This produced "invaluable preparatory and orienting information" (Yin 2018, 115). It was crucial that the informants I had the opportunity to interview did not perceive their time as being wasted or that they felt like they needed to teach me about the topic. Instead, I aspired to establish myself like someone who knew the basic in order to ask well rounded and formulated questions as well as follow-up questions. This approach allowed for a more collaborative interview setting and a deeper understanding of their opinion and insight of the subject matter.

### *Interview*

Interviews are a valuable tool for case studies, particularly when the focus is on a deeper and direct research of the topic, in a way that secondhand sources as documents, surveys and archives do not begin to access (Rathbun 2008, 4). Such interviews provide valuable insights, as well as personal reflections and explanations that are critical for thorough analysis (Yin 2018, 114). Moreover, the interview offers a means of obtaining insightful and broad response from informants as well as "resembling guided conversations rather than structured queries" (Yin 2018, 118). According to Yin (2018) there is a strength in doing interviews since they offer a targeted approach on the topic of the case study (2018, 114).

Weaknesses that could arise is bias from both the informant and researcher is by the way they either answer the question, by leaving out information or if they are exaggerating the truth, or if the question is formulated poorly due to bias (Yin 2018, 114). Sometimes one might experience that the informant says something that the researcher wants to hear or to make themselves look better (*Gloppen and Sieder 2021, 12*). One also runs the risk that if one appears unprepared or if the informants feel like the researcher are making them feel like they are spending valuable time with an idiot (Leech 2003, 665). This is especially a risk when dealing with elite interviews, since this is people who are in positions where they are quite influential and powerful (Leech 2003, 669). Elite interviews will be covered and explained further beneath in this chapter.

Therefore, as one of the primary data collection methods, interviews are employed to gather necessary information for this research. The interviews proved to be highly beneficial in obtaining the required data, as well as the ability to develop a more nuanced understanding of the mechanisms and actors in the judicial system as well as the obstacles addressing the issue of the allegedly non-accountable Prosecutor General. The completed interviews have as mentioned been a valuable tool, also in obtaining information that would not be possible to access through alternative sources. They will be used both as direct quotes and as primary sources cited within the text.

#### *Semi-structured interviews and Elite interviews.*

In order to get the most out of the interviews I used an interviewing method called semi-structured interviews.

The usage of semi-structured interviews has provided a unique opportunity and advantageous position for the data collection. The opportunities included the possibility to ask open-ended questions and to ask follow-up questions in an ad-hoc manner when needed (*Gloppen and Sieder 2021, 13*). A cost of asking using open-ended questions is not only that it takes a lot of time during the interview itself, and you might not get through all your questions, but also it can be time consuming doing the transcribing and going through them (*Aberbach and Rockman 2003, 674*).

The open-ended question's goal is to ask the "respondents to give a verbal tour of something they know well" (Leech 2003, 667). This was also something that was given as advice from one of the scholars I was fortunate to speak with, who told me that in order to get the best



answers was to keep the questions open-ended and as less scientific as possible. Also, to explain that I want their reflection and thoughts on the matter (Interview 5).

Prior to the interviews an interview guide was prepared for each category of respondents. While the semi-structured method of interviews permits a flexible order of questions, a consistent structure was maintained across all interviews. It also allows the respondent to be experts and to provide their own expertise based on insight and valuable information (Leech 2003, 668).

The interviews conducted for the thesis fall under the category of *elite interviews*.

Elite interviews typically refer to either how the interviewer is treating the respondent or the respondent's socioeconomic status (Leech 2003, 663). In that context the elite interview approach is used in order to gain insights from individuals who hold positions that are of influence or expertise for the field being studied. By engaging with elite respondents, the study can seek to uncover perspectives and insights that may not have been accessible through other research methods (Leech 2003, 665).

Challenges with elite interviews are mainly in order to get access to the person who is being targeted. Since this is people with busy schedules, high demand which is making them a difficult interview to secure (Goldstein 2003, 669). Because of their busy schedules it is important to be available at the time they suggest and that one is open to make quick changes if it is necessary, usually the interviews are happening in a place they suggest or are comfortable with, for example in their offices (Aberbach and Rockman 2003, 674). Another challenge with elite interviews is the power dynamics, usually the respondents might feel subordinated in the interview situation (Rivera, Kozyreva and Sarovskii 2003, 685).

This is however not the norm, as sometimes due to the power dynamics it can be difficult for the interviewer to steer the conversation (Gloppen and Sieder 2021, 12). I was in a position where I could end up feeling intimidated in the interviews because of the power dynamics between myself and the respondent. This fortunately did not become too huge of a problem as the respondents that had agreed to an interview were very helpful and welcoming. Finally, in elite interviews respondents might have reasons to intentionally manipulate situations to their own advantage, including improving their own position in the situation in order to satisfy the interviewer (Gloppen and Sieder 2021, 12).

## *Recruitment of informants*

For this case study, a diverse group of nine respondents were identified and recruited, this included judges working within the judiciary, as well as legal professionals, scholars and politicians who had experience working with the judiciary. These individuals have provided valuable and unique insight into the inner workings of the judicial system and the obstacles that prevent effective reforms concerning the accountability of the General Prosecutor.

In selecting informants for this research, a theoretical framework was selected to ensure that a diverse range of experiences and viewpoints were represented (Gloppen and Sieder 2021, 9). This approach was essential to ensure nuanced and a comprehensive understanding of the topic at hand, as it allowed for multiple interpretations and perspectives to be taken for consideration of the topic at hand. By incorporating input from multiple sources, this study was able to move beyond a singular perspective and provide a more integrated view of the topic.

Four distinct categories were created to classify the informants in this research: “judge”, “lawyer”, “scholar” and “politician”. In order to protect their anonymity, which I will go further into in the section beneath, each informant was assigned a unique code name and then a new one that is used throughout the thesis. Their real identities of the informants are known only to the researcher. While some informants were selected prior to the study, the snowballing method was also employed to identify additional participants. This approach relies on the knowledge and connections of the initial informants, and their will to suggest and refer to other individuals that upholds the relevant expertise and experience I was looking for (Gloppen and Sieder 2021, 10).

The usage of this approach has been especially valuable for this thesis, given that the informants I sought out were individuals belonging to the elite category, such as judges at high level courts, national-level politicians, lawyers and scholars, as members of this category typically hold positions of power and influence. To be able to gain their perspective and insight can be challenging and therefore require a targeted and strategic approach to recruitment. The method that has been used in this research were thus crucial in facilitating access to this important group of informants.

### *Anonymity – protecting the informants identity.*

In the following section I will expand the measures that was adopted to safeguard the anonymity of the informants in this research. Firstly, it is important to mention that this research have been approved by the Norwegian Data Protection Authority. To foster and establish an environment of trust and openness, it was essential to establish transparency from the beginning regarding the research objectives. This way of approaching was critical in obtaining honest and comprehensive responses from the informants.

Therefore, in order to protect the identity and safety of the informant, their identities were kept highly confidential. This strategy was instrumental in securing their cooperation and facilitating their willingness to participate in the research. Prior to conducting the interviews in Sofia, Bulgaria, participants were asked and required to provide informed consent by signing a consent form, which was created following the Norwegian Data Protection Authority guidelines. By signing this consent form, they authorized their participation as well as the processing of their personal information until the end of the research project, but with the possibility to withdraw at any time. Additionally, to ensure the comprehensibility of the consent form, it was translated into Bulgarian to mitigate any potential issues arising from language barriers.

The document containing the names of the informants has been coded to ensure that their identities remain confidential, with only me as the researcher has the knowledge of the correspond codes. This has been accomplished using a physical list that links the code to individual informants, which is solely in the possession of the researcher. Additionally, all interview recording has been stored on a separate hard drive that is as well as the list only accessible by me. As the interviews were recorded, I as the researcher committed to deleting all interview recordings in accordance with the regulations outlined by the Norwegian Data Protection Authority, as well as the agreement with the informants.

### *Process tracing*

Process tracing is central tool in qualitative methods, as this method gives researchers the possibility to trace the causal mechanisms that can contribute to describing both social and political phenomena, in order to be used as a tool for evaluating claims (Collier 2011, 823). The requirements for collecting data in order to use process tracing is ideally collected from several sources (Tansey 2007, 765). This is referring to process tracing as an analytical tool

used to draw both descriptive and causal conclusions from pieces that is specific of diagnostic evidence. This evidence is often viewed as “part of a temporal sequence of events or phenomena” (Collier 2011, 824).

This method allows researchers to test theories against theoretical evidence, which means that it gives researchers an opportunity to refine and develop theories in the light of the evidence found, rather than relying on generalizations and prior assumptions (Collier 2011, 824).

The fact that this thesis uses elite interviewing makes it a good fit for process tracing. It is however important to be careful when using this method, although it is a helpful method to find the reason behind how certain things happen (Tansey 2007, 768).

Some of the weaknesses that might occur in process tracing is selection bias, where the risk of focusing on evidence that ignores evidence that might contradict the research’s hypothesis. The importance of transparency in how the process tracing us used is essential in order for the analysis and conclusion to be evaluated by others (Collier 2011; Tansey 2007).

Process tracing has been helpful in order to fully understand how the history of the judicial reform has evolved, how the path towards a change and as well as testing and finding the relevant theory for the thesis. This has been used together with other sources of methods in order to make sure the findings are accurate and reliable (Tansey 2007, 667). As it developed a nuanced and more precise explanation of political and social phenomena and how these has happened, which is likely to be more accurate and generalizable (Tansey 2007).

### *Documents as an important source.*

The use of various types of documents have been important and relevant in gathering the necessary information. According to Yin (2018) document analysis is a valuable approach for multiple reasons; firstly, it allows for the accurate spelling of organizations and names that might have come up during interviews (Yin 2018, 115), this has enabled the verification of the positions of people mentioned in the interviews that has been conducted. A second reason is that documents provide valuable and detailed information from several sources (Yin 2018, 115). Documents and documentations have in this case study research proven a prominent role in the collection of data, as mentioned it can do in Yin (2018, 115).

There is, however, some challenges or weaknesses with using documents, those being that the documents were at first hand difficult to find and also with a language barrier as most of the official documents from the legislative system in Bulgaria was in Bulgarian. To minimize the risk of important points and arguments being lost in translation, I used multiple methods in the translation process. Firstly, the translations were cross-checked with individuals proficient in the language in the Bulgarian language, to ensure that the meaning and nuances of the original text were accurately conveyed. In addition, a professional translator was hired for certain documents to supplement the translation process. Finally, translation software was used for additional documents and news articles. This multi-faceted approach helped to ensure that the translations were as comprehensive and accurate as possible and minimizing the risk of errors or misinterpretation in the translation.

In this thesis the use of different document types, including articles written by scholars, official documents from the Bulgarian state and legislative branch, reports from the European Union (EU) through the Council of Europe, judgements from the European Court of Human Rights and also important Opinions from the Venice Commission have proven exceptionally useful in corroborating and filling in important points.

The official documents were essential in providing a comprehensive understanding of the functioning and organization of the Bulgarian judicial system. By analyzing these documents made it possible to identify key institutions and actors in the judicial system and to gain insight into the processes and procedures that govern the administration of the judicial system. In particular, the judgements delivered by the Constitutional Court provided valuable information about the interpretation of the Bulgarian Constitution.

Furthermore, the documents from the Council of Europe and the Venice commission were particularly useful in assessing the growing interest and focus on judicial independence in Bulgaria. These documents revealed how the priorities of these institutions had shifted towards addressing the challenges to judicial independence, with a greater emphasis on the role of the Prosecutor General as a potential obstacle in achieving a higher level of judicial independence. The analysis of these documents enabled therefore a better understanding of

the complex legal and institutional factors that influence the judicial system and the challenges with a no-accountable prosecutor general.

The information that was collected in the interviews has therefore been further validated and refined through the use of such diverse sources as the documents, leading to a more robust analysis.

### *Positionality*

Prior to diving deeper into the chosen methodology in this thesis, it is highly relevant and important to disclose my positionality, this is in order to establish an understanding that is clear about my potential biases and subjectivity that may have influenced the research process.

As I have ancestral ties to Bulgaria through my maternal lineage, it is pertinent for me to disclose the potential implications of my family's connections to the country's judicial system.

My Bulgarian heritage includes familial affiliations with the judicial system, namely my grandmother's cousin who serves as a supreme court judge and my mother's first cousin who practices law in Bulgaria. These connections, while potentially valuable, could give rise to a one-sided perspective on the associated challenges on the judicial system and the system itself. In recognition of this bias, I have aimed to diversify my sources of information by engaging with a variety of informants and expert scholars that work on the topic. Furthermore, I acknowledge the existence of power dynamics within the country that could influence the perspective of the individuals and seek to remain conscious of these complexities.

Rather than only viewing my familial affiliations with the Bulgarian judicial system as a potential source of bias, it is crucial to acknowledge the value of the cultural and linguistic competence that I am bringing to this research. These skills have proven to be essential in facilitating my investigation and engagement with relevant informants. The ability to solicit and obtain data from key informants have indeed been greatly enhanced by my connections within the judiciary and other relevant spheres. Without these resources, I would not have reached the same level of success in engaging and accessing the data that I have been able to collect due to this.

### III. Judicial system

In Bulgaria, the judicial system is built on several important and vital institutions that hold up the courts and prosecution. There are three vital groups that are the judicial personnel, the judges, prosecutors and the investigating magistrates. Their role is clearly stated in the constitution and involves different areas of responsibility under the same judicial system and shall “be subservient only to the law” (Article 117 of the Constitution of Bulgaria). The investigating magistracy is a part of the judiciary and are tasked with investigating criminal cases, they also answer to the Prosecutor General together with the rest of the prosecutorial branch, see figure 2 (Article 128 of the Constitution of Bulgaria).

These three categories of judicial personnel are unique for countries that are under this type of prosecutorial system, which is also common in civil law systems. All three of them are appointed by the Supreme Judicial Council in either the chamber of judges or the chambers of the prosecutors (Article 129 of the Constitution of Bulgaria).

#### *The Prosecutorial Office*

The most powerful figure in a country’s justice system is the Prosecutor General, as the prosecutors is the one who is charged, whether to settle or to plea-bargain, decides the types of crimes that prosecute and how aggressively to prosecute (Tonry 2012, 1). While the judges, however, are the one who sentence conviction over the offenders, but yet only “those whom prosecutors bring before them” (Tonry 2012, 1). The outline of a judicial system with police, courts and correction facilities are mostly the same across countries, but the prosecutorial offices are different. The main difference is considered their relations to public opinion and partisan politics (Tonry 2012, 2). As in some developed countries the prosecutors are decisively nonpartisan and nonpolitical. However, in some Eastern European countries however the prosecutor can appear transparently political, in some cases the justice minister can try to use the prosecutorial service to gain political points (Tonry 2012, 2). Another structural difference is how the prosecutors are in connection to the judiciary, as in some countries they are a part of the judiciary as members, as they are in Bulgaria (Interview 1) while in others like Norway they are a part of the government’s executive branch (Tonry 2012, 3).

As mentioned above, the unique part of the judicial system in Bulgaria, is the fact that the prosecution office is a part of the judiciary, along with justices and investigating magistrates.

All three of these are appointed, demoted, dismissed and reassigned by the same council, the Supreme Judicial Council (SJC) (Article 129 of the Constitution of Bulgaria) (Venice Commission CDL-AD (2015)022-e). The representation of these three distinct components of the judiciary branch being represented in the same institutional body is not directly wrong, but it is important to maintain a distinction to the functions between the judges and the public prosecutors (Venice Commission CDL-AD (2008)009-e).

The reasoning for this is that as it is now, the prosecution and the lawyers in a court case are at different levels. These two, let us call them opponents, are supposed to be at the same level and argue for their view of the case. However, as the situation is for the time being, this is unfortunately not the case (Interview 7; Interview 4). Since the prosecutorial branch is side by side with the branch of the courts it is difficult to be able to view them as such.

The Venice Commission has after their first mention of the power imbalance in the prosecutorial office in 2003, brought it further into the light following the opinion from March 2009 commenting that the structure of which the Prosecutors Office is organized is inappropriate (Vassileva 2020, 752) and in October 2015 explicitly putting forward that the system is too powerful and is endangering the independence of the judges (Venice Commission, CDL-AD (2015)022-e).

The Bulgarian prosecutorial office still retains elements of powers that were typically found in the traditional Soviet-style prokuratura model (Venice Commission CDL-AD (2009)011-e), which is a vertical structure. This can also be seen in Figure 1. This model gives the Prosecutor General control and decision-making authority over appointment and promotion of prosecutors. Furthermore, the Prosecutor General also possesses the power to initiate disciplinary proceedings against both investigators and prosecutors. In practice nobody has the authority or ability to monitor the General Prosecutors work (Vassileva 2020, 757). As it seems the way the office is structured shows that the institutional roots, going back to the communist rule, still have a tight grip in the system and it will be difficult to deal with them, and especially to change.



### *The Supreme Judicial Council (SJC)*

The Supreme Judicial Council (SJC) consists of 25 members and has many administrative tasks in the judiciary (Article 130 in the Constitution of Bulgaria). With a two-thirds majority, 11 of its members are elected by the National Assembly, 11 elected by a judicial authority being judges, prosecutors and investigators (Popova 2020, 121). The last three members are the chairman of the Supreme Court of Cassation, chairman of the Supreme Administrative Court and the Prosecutor General. In order to be eligible for election as a member of the Supreme Judicial Council (SJC) one will have been practicing law for 15 years as a lawyer and ought to have gained a reputation of high morality and professional integrity (Article 130 paragraph 1 and 2 of The Constitution of Bulgaria).

Even though it has been a positive development that the SJC has become “an organ of judicial self-government” (Popova 2020, 121), the high level of politicization has rather done more harm leading the SJC to be viewed as “everything that is wrong with the Bulgarian judiciary” (Popova 2020, 121).

Since 2015 the SJC has been divided into two chambers, the constitution was altered through an amendment and the SJC was divided into two separate chambers, which made the SJC become a Plenum instead. The chambers that were created was one for the judges and one for prosecutors (Popova 2020, 121) (Venice Commission *CDL AD (2015)002-e*). These changes were done in order to create more independence between the judiciary and the executive (Popova 2020, 121), this can be argued that has failed as the National Assembly still elects members to each of the chambers (Article 130a paragraph 3 and 4 of The Constitution of Bulgaria). Even though the changes were mostly cosmetic as for the dividing of the Supreme Judicial Council, one would think that some of the changes such as no longer letting the prosecutors and investigators to vote on judiciary issues, the reform did not do anything in order to change the Prosecutor General's disproportionate influence on the SJC nor did it do anything to ensure the judicial independence (Vassileva 2020, 756).

Another change is that the plenum SJC, here by Plenum, is presided by the Minister of Justice and no longer chaired by, but the Minister does not have a right to vote (Article 130b of The Constitution of Bulgaria). However, the minister of justice has authority and is tasked with proposing a draft budget for the judiciary and has to present this before the SJC (Article 130c)

Even though there were changes to the SJC, there is still a Plenum SJC in place that consists of members from both chambers (25 members) and still possess several of its similar mandate as they did before the separation, some of the changes includes that it is the chambers that now appoints judges, prosecutors and investigating magistrates. The judge's chamber shall consist of 6 members elected by the National Assembly and six elected by judges, 14 in total (Article 130a paragraph 3). While the prosecutors chamber consists of five members elected from the National Assembly, four members elected by the prosecutors and one that is to be elected from the investigating magistrates (Article 130a paragraph 4).

The Plenum has still the mandate to vote over their own budget, suggest a candidate to the appointment of the Prosecutor General, which is done by the President of Bulgaria (Article 130a paragraph 2, subparagraph 7 in the Constitution of Bulgaria), However the authority to ask for the motion for removal of the Prosecutor General has been given to the Prosecutors Chamber of the Supreme Judicial Council, but it is up to the SJC to dismiss him and suggest a new candidate for the president to appoint (Constitution of Bulgaria).

As mentioned, the Prosecutor Chamber can call for a motion to dismiss the Prosecutor General, according to Article 129, paragraph 3 subparagraph 7, “Serious infringement or systematic neglect of their official duties, as well as actions undermining the prestige of the Judiciary” (Constitution of Bulgaria). It is arguable whether this is a good decision or not as the prosecutors who finish their term in the prosecutorial chamber often go back to be prosecutors and thereby fall under the office of the Prosecutor General once again (Interview 7). Arguably, the possibility of a backlash of going against him might be present, and that it therefore should go to someone the Prosecutor General does not have power over.

After a ruling in the Constitutional Court in August 2021, the minister of justice, as well as the chairs of the two supreme courts in Bulgaria, was also given the chance to ask the Supreme Judicial Council for the removal of the Prosecutor General (The Sofia Globe Staff 2022). This ruling happened after a request from the Council of Ministers to the Constitutional Court, because of the ruling in the Supreme Judicial Council in July 2021 when the council refused to vote upon the request of early removal of the Prosecutor General “on the grounds that it is inadmissible” (Novinite 2021).

## *The Supreme Court of Cassation (SCC) & The Supreme Administrative Court (SAC)*

Referencing figure 1, the Bulgarian justice system has three main pillars, with two sets of courts administering justice in criminal, civil and administrative cases respectively (European Justice, 2021). There are two supreme courts, Supreme Court of Cassation for criminal and civil cases and the Supreme Administrative Court, before these instances there is a court of appeal, court of assizes, courts of martial and district courts. Bulgaria also has its own Constitutional court, who governs the Constitution (Venice Commission CDL-INF (1999)005-e).

Both the Supreme Court of Cassation (SCC) and The Supreme Administrative Court (SAC) were recreated after the fall of the communist regime by the Constitution drafted in 1991 (Popova 2020, 122). The reestablishment of the two courts was to create a symbolic link to the communist period, back to the time when the Bulgarian rule of law was stronger (Popova 2020, 122). The way the presidents of SCC and SAC are appointed is through a proposal made by a full SJC on a two-thirds majority, which then is sent to the Bulgarian president. The term for office is seven years for both courts (Popova 2020, 122).

There are around 200 judges in the Supreme Courts, which is not normal. In some ways the system is reversed where there are more judges at the top than it is at the base. This can be explained by the fact that the majority wants to be the highest instance (Interview 5). The Prosecutor General has 6 or 7 deputies, this amount of people at the top is not normal. These judges and prosecutors end up not actually doing the job of their occupation but rather work as managers to keep the others in line (Interview 5).

The Constitution of the Republic of Bulgaria contains a dedicated chapter outlining the framework for the judicial system. The chapter details the organizational structure of the courts, including the Supreme Court of Cassation (SCC) and the Supreme Administrative Court (SAC) as the highest instance, with the courts of appeal, regional courts, and district courts falling below them. The military court system is also established, with its own courts-martial to handle military cases, as specified in Article 119 (1) of the Constitution. Figure 1 illustrates the hierarchical structure of the Bulgarian courts, with the supreme courts at the top overseeing the other courts. The Constitution further outlines the rights and authority granted to the courts, with the SCC responsible for the supreme judicial oversight "to ensure the

uniform and correct application of the law by all courts," as specified in Article 124 of the Constitution of Bulgaria.

Similarly, the SAC is responsible for the supreme judicial oversight of administrative justice, as set out in Article 125. Additionally, the Constitution prescribes the organization of the prosecution office and mandates that it corresponds to the court structure, as depicted in Figure 2. The Prosecutor General has extensive powers to oversee the activities of the prosecutorial offices and "to provide methodological guidance to all other prosecutors," as outlined in Article 126. Furthermore, the Constitution outlines the qualifications and criteria necessary to become a judge, prosecutor, or investigator, including the authority to promote, demote, and dismiss, which is delegated to the Supreme Judicial Council in accordance with Article 129 of the Constitution of Bulgaria.

The new constitution has since it was first adopted been amended five times, 2003, 2005, 2006, 2007 and 2015. Most of the amendments happened between the end of the initial period of democratization and before joining the European Union (EU). The extensive number of amendments that was made between 2003 and 2007 can be a sign of a lack of coherence among the Members of the National Assembly and "of their inability to generate sufficient political will for reform" (Tanchev and Belov 2015, 1101). At the same time this was an intentional approach that were both gradual and cautious, in order to make the necessary adjustment depending on how the demands concerning how, the economy, social life and the political climate is affected, by the constitutional reform, this method is called *constitutional gradualism* (Tanchev and Belov 2015, 1101).

The last amendment of the constitution was in 2015 and made for considerable changes (Venice Commission *CDL AD (2015)002-e*). Some of these changes consisted of revoking some of the paragraphs under Article 130, concerning the leading of the meetings of the SJC, removing some of the authorities of the SJC in connection with their tasks in promoting, transfer and discharge of judges, prosecutors and investigators from their position and organizing their qualifications. It is arguably that since the majority of the amendments to the constitution have been about chapter six that this is the one containing the most flaws since the adoption of the Constitution in 1991 (Interview 7).

Another considerable change that happened in 2015 was that the Supreme Judicial Council was divided into two chambers one for the judges and prosecutors (Vassileva 2020; Interview 8). This was done in order to move some of the responsibility from the Plenum of the Supreme Judicial Council down to the chambers (Interview 8), according to Article 129 of the Constitution of Bulgaria the appointment, promotion, demotion and transfers has been moved from the responsibility of the Plenum SJC and down to the Judges Chamber and the Prosecutors Chamber (Article 129 of the Constitution of Bulgaria). The criteria for the amendment were not stipulated, which was linked to the (then) Prosecutor General Tsatsarov, that he would use frivolous rules to move towards his will (Sofia Globe 2016).

### *Constitutional court*

The Constitutional Court (CC) is organized and established by chapter 8 in the Constitution of the Republic of Bulgaria. This chapter declares how the court should be organized, the number of judges, their appointment method along with the length of their term (Popova 2020, 120). Following the Article 147 paragraph 1 of the Constitution the CC “shall consist of 12 judges”. These judges are appointed in the following way; the National Assembly, the President and a joint meeting of judges of the Supreme Court of Cassation and the Supreme Administrative Court elects each their one-third of the members (The Constitution of The Republic of Bulgaria). The term length is determined by Article 147 paragraph 2 for nine years and their membership is, every three years, renewed from a rotation quota (Popova 2020, 120). The justice in the CC is also the only justice that “shall enjoy the same immunity as a Member of the National Assembly” (Article 147 paragraph 6 The Constitution of Bulgaria).

Even though the National Assembly appoints one third of its members, there are still some instruments in order to make it less influenced by politicians. One of them letting the CC draft and have control over their own budget (Popova 2020, 120). The Constitutional Court is in its institutional set-up typically following the Kelsenian model (Popova 2020, 120).

## The Bulgarian Judicial System

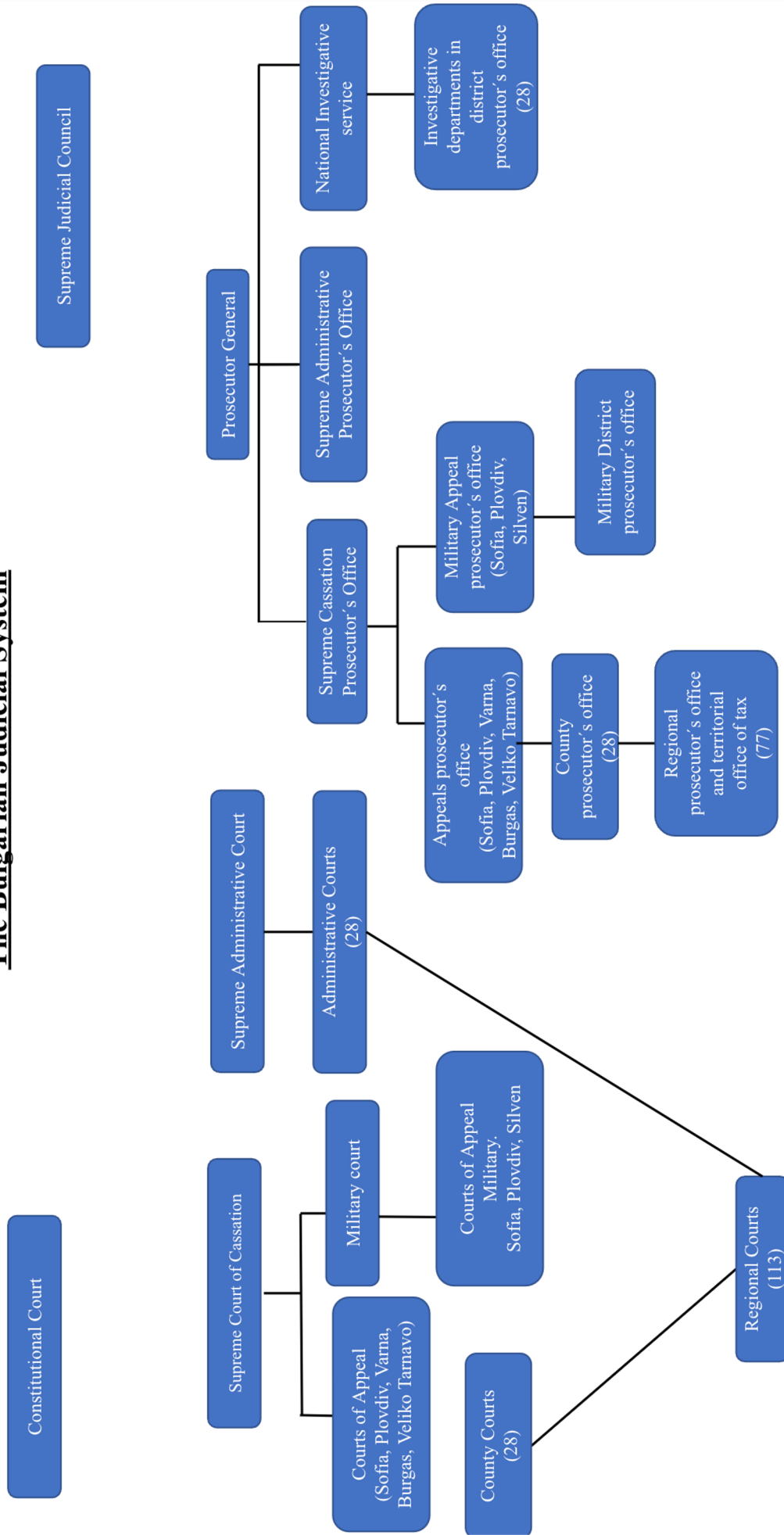


Figure 1 – The Bulgarian Judicial System

## *Bulgaria and judicial independence*

The idea of judicial independence is important in order for the judiciary and the separation of power to function properly (Shetreet 2014, 258). Without judiciary independence one cannot guarantee many of the rights individuals have when facing court. As it has been touched upon in previous chapters judicial independence is a complex term and it can be pursued in different dimensions and categories. One of the central that has been mentioned is how the judges perceive their independence and are able to base their decisions on the law alone without influence of pressure from others (Ayden 2013, 108). Any influence on the judge, coming from either powerful political actors or other judicial personnel within their own branch or outside can undermine the impartiality and political insularity of the courts judicial independence (Ayden 2013, 108; Huchhanavar 2023, 114).

When it comes to the Bulgarian judiciary one can see that these are challenges that need to be tackled, as both the European Commission's previous reports as well as the one from 2022. The degree of judicial independence has not only been of the concern of the European Union through reports of the Euro barometer, but also Opinions from the Venice Commission going back to 2003 where the power of the Prosecutor General was first mentioned as a challenge (Venice Commission *CDL-AD (2003)012-e*). It has created several international obstacles for Bulgaria, such as entering Schengen (Kolev and Markov 2022). The last matter will be examined in greater detail further later in the thesis.

The European Commission's report of 2022 presents the result of a survey done in every EU member state whose goal is to measure the perceived independence of the justice system among the general public in each of the EU member states (Flash Euro barometer 503 2022). When the respondents asked whether they could rate their answer according to these categories, 'very good', 'fairly good', 'fairly bad' and 'very bad'. One of the questions in the survey that the EU citizens were asked how they perceived the independence of the court and judges in their countries justice system. Generally, in the EU 11 percent rated their justice system as very good and 42 percent as fairly good, while 23 percent answered fairly bad and 12 very bad (Flash Euro barometer 503 2022, 5).

Taking a look at figure 2, one can see that the Bulgarian respondents have rated the independence of the courts and judges the following way, 26 % 'very bad', 30% 'fairly bad', 28%'fairly good' and only 3 percent rated the independence at 'very good' (Flash Eurobarometer 503 2022, 5). The only countries with worse rating of the perceived independence of the public was, as shown in figure 2, were Poland and Croatia- both countries respondents answered over 30% 'very bad'.

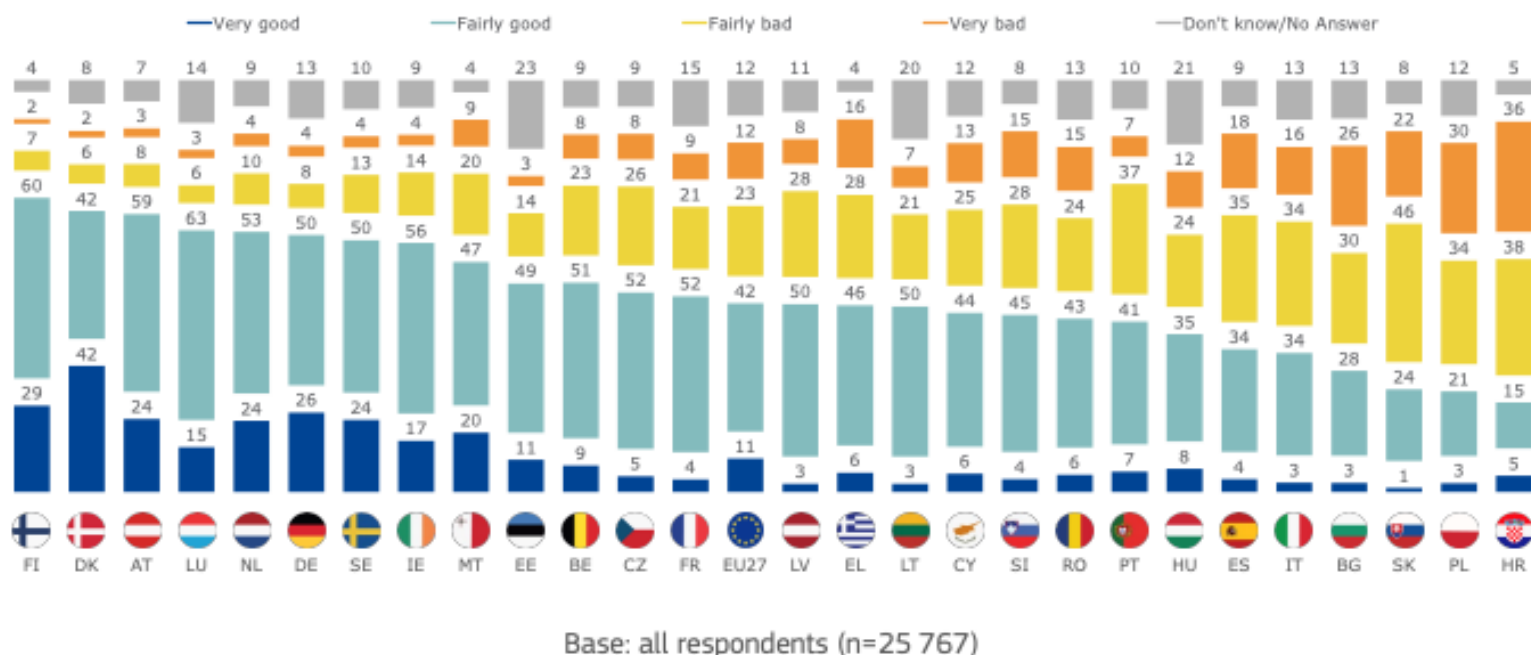


Figure 2: Judicial independence of courts and judges according to the respondents in said country. Source: Eurobarometer 2022

In the following describing of the statistic of Eurobarometer 2022, I will merge all the positive and negative answers and comment the results. The positive answers refer to the answers 'very much' and 'somewhat' and the negative answers refer to the answers 'not really' and 'not at all'. Amongst the people who responded that the judicial independence was bad, 75% answered that it was such because of "Interference or pressure from government and politicians" while 17% answered that there was not really any pressure or interference (Factsheet Bulgaria Flash Eurobarometer 503 2022, 2). 78% percent of the respondents that answered that the judicial system was bad, meant that the interference came from economic or other specific interests. To conclude with 65% of the respondents meant that the position of the judges was not sufficient enough to guarantee their independence (Factsheet Bulgaria Flash Eurobarometer 503 2022, 2).



The Corruption Perception Index (CPI) measures the court proceedings that are money laundering related and as well the “attitudes towards the independence of the courts and judges” (Keremidchiev et al. 2022, 153). This is measured by the international organization Transparency International, where Bulgaria in 2021 ranked alone on 78<sup>th</sup> out of 180 countries, since 2014 Bulgaria had fallen five spots on the ranking (Keremidchiev et al. 2022, 153:154). In 2022 Bulgaria was placed at 72, accompanied with countries such as Benin, Ghana and Senegal, and Bulgaria is the second most corrupt country in the European Union as of 2022 (Corruption perceptions Index 2022, 14).

Corruption is a wide concept and scholars have different views of who do define the concept. An important point to note is that it does not need to be only monetary but can also be about misuse of authority and bribery for personal gain (Rothstein and Varriach 2017, 14). This shows that corruption can be about something that goes deeper and might be a part of an intricate system in which the lines between misuse of authority and positive influence might not be so clear and have become more blurred out.

As we have seen Bulgaria is rated as the second most corrupt country in the European Union. At the same time people felt like that the judiciary was threatened from not only the monetary and governmental influence and pressure, but also from outside sources. This leads me to believe that corruption does not only come from businesses, but also from the government and the judiciary. Which shows that the judicial independence is threatened by internal and external factors, both politically and economically. As it has been mentioned above, corruption does not only need to be monetary, as one typically might think of corruption, but also about misuse of authority. This has been proven to be one of the challenges concerning the position of the Prosecutor General and the way their office has been functioning (Interview 7; Interview 6).

As the main target of the judicial independence is to shield the inappropriate influence, therefore to prevent negative interference or influence on the judiciary (Huchhanavar 2023, 117), the statistics from the EU and findings from the interview shows that Bulgaria is struggling to meet the criteria of judicial independence. There have been several cases where the politicians, as external actors, have tried to influence the court. An example of this, is when Tsatsarov was Prosecutor General in 2015, he and the former prime minister Boyko

Borissov were accused of instructing how the ruling of cases were supposed to go (Vassileva 2020, 752). The shield of judicial independence is also supposed to protect the judicial personnel from the negative influence and interference from higher-ranking superiors. The judges in the courts are said to be independent from their superior's influence and are free to take decisions only based on the law and basis of their standings (Interview 8). The same cannot be said in order to shield them from political influence and pressure.

However, as the situation is now the Prosecutor General can control or interfere with the votes in the SJC, as part of the prosecutors, five of them, are appointed by his office and that makes them his subordinates (Vassileva 2020, 756:757). The General Prosecutor as the authority to decides upon his subordinates, future career and where they work (Interview 7; Interview 6). Which arguably makes their independence in order to make their own decision without interference more challenging and somewhat dreadful.

The strong political sides of the judiciary is also a central challenge in order to strengthen the judicial independence in Bulgaria, as it has been mentioned earlier in this chapter the Supreme Judicial Council (SJC) has 11 of their members elected by parliament. These are candidates that the representatives in the National Assembly elects with a two-thirds majority (Article 130, paragraph 3 in the Constitution of Bulgaria). Even though there were changes to how the SJC is structured, where it was divided into two chambers in order to distance the prosecutors and investigators and no longer giving them the authority to make decisions on issues of judiciary importance (Vassileva 2020, 756).

The Supreme Judicial Council's strong political obedience has been mentioned by the Venice Commission in several of their Opinions, one of the first was back in 2002 where they drew attention that the election of the members of SJC needed to change in order to make the organ more independence and to remove the political influence (Venice Commission CDL-AD (2002)015-e).

When constructing the Bulgarian judiciary after the communist period ended there was several institutions and ways of doing that, such as the Supreme Administrative Court and Supreme Court of Cassation (Popova 2020, 122). The position concerning the prosecutorial model stems from the soviet . This position was supposed to serv as a figure of authority with

the responsibility concerning all the inquiries in the organization (Farooqi 1950, 115; Vassileva 2020, 750). The lack of modernization in the judiciary is one of several reasons there is a need of reform. Despite the changes in 2015, which was an important step in doing so (Interview 7), it still lacks important changes.

The need for reform that is of main focus in this thesis is about the lack of accountability of the Prosecutor General, as this position is as mentioned earlier “untouchable”. Looking at the definition presented by Bovens (2007) “An agent is accountable to a principal if the principal can exercise control over the agent” (Bovens 2007, 453), and viewing this together with how the prosecutorial offices are structured one can see that the Prosecutor General answers to no one and therefore is unaccountable.

In one way the reason for reform is linked in personal conflicts between political and judicial elites, however it is important to note that there are several people involved in this. Even though it is the current Prosecutor General has been a source of personal conflicts with several people in the political elite and between his own, it is essential to remember that there have been multiple other people in this position that has been problematic and showing several times the need for change in the prosecutorial office. This and more will be further covered and discussed in the next chapter.

## IV. Politics of Judicial Reform

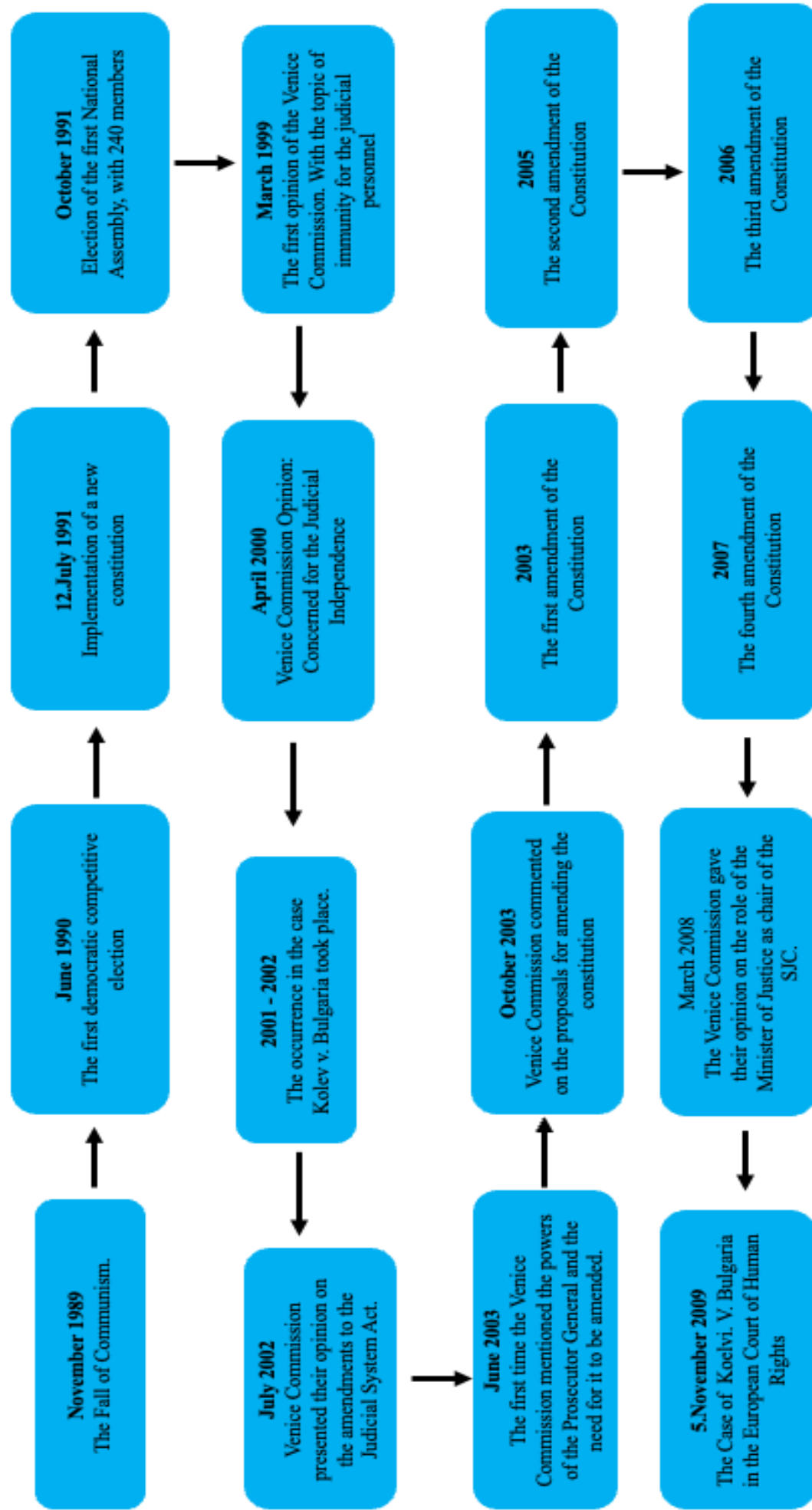
The politicization of the Prosecutor General in Bulgaria has a history that predates the recent emergence of personal conflicts in the past few years. To fully comprehend and explain the magnitude of this case at both national and international levels, it is crucial to delve into the additional factors underlying it. In order to facilitate a deeper understanding of Bulgaria's complex history of judicial reform, I have made a series of chronological timelines. These timelines trace the progression from the post-communist era to the comments of the Venice Commission through the years, following the Kolev-case, the 2020 demonstrations and the current events. Each timeline focuses on specific periods that highlight central events contributing to the politicization of the Prosecutor General. The first timeline, referred to as Timeline 4.1, covers the period from the fall of communism in 1989 until the beginning of the Kolev v. Bulgaria case in the European Court of Human Rights (ECtHR) in 2009.

There are long institutional roots in the system that goes back many decades, with formalities that has been continued from the former communist rule. One of them being how the elements of powers are retained for the prosecutors, and the structure of the court system with two Supreme Courts (Vassileva 2020; Interview 8). Former judge and member of the first Grand National Assembly<sup>6</sup> after the fall of communism, Peter Obretenov, drew back in July 2022 attention to the fact that the Bulgarian institution of Prosecutor General is a reoccurrence of the “Vyshinsky” model of Stalin's Constitution<sup>7</sup> or the traditional Soviet-style prokuratura model (Venice Commission, CDL-AD (2009)011-e).

The position of Prosecutor General appeared in the justice system at a later stage of the totalitarianisms development (Vassileva 2022; De Fakto 2022). Similar to the Soviet Union, the prosecutor's office and the court were tasked with safeguarding the interests of the Socialist State (Farooqi 1950, 113). The foundation of the prosecutor's office was strictly unitary responsibilities, with the Prosecutor General serving as the authoritative figure responsible for addressing all inquiries within the organization (Farooqi 1950, 115). The prosecutorial model was first introduced in 1947, after Bulgaria became a communist country, and this model remains strong in the judicial system to this day (Vassileva 2020, 750).

---

<sup>6</sup> Which where the one that adopted the first Constitution after the communist fall in 1991.



Timeline 4.1: From the fall of Communism in 1989, up until the case of Kolevi v. Bulgaria started in the ECtHR in 2009

*“The Soviet model of the prosecution must be decisively turned down. It turns it into a source of corruption and blackmail and creates opportunities for its use for political aims”* This was stated by the president of the Venice Commission during a conference in April 2016 Sofia (Cheresheva 2016; Vassileva 2020, 750). As it is today nobody controls the power or authority of the Prosecutor General, this shows that it is not entirely dependable on whom holds the position of General Prosecutor as the structural and institutional challenges are highly present.

Yet again this is portrayed in the fact that the involvement of the Bulgarian state prosecution in numerous controversial cases has raised suspicions regarding that the prosecution has been used in order to serve political interests under the leadership of the ex- Prosecutor General Tsatsarov’s control (Cheresheva 2016). An example of such a case is the ‘Kostinbrod Affair’ incident back in 2013, where there was found an illicit production of ballots that allegedly were a scheme by the GERB party to retain political power after the election (Novinite 2015). However, after the span of two years, the court dismissed all the charges that were brought forth by the prosecutors (Cheresheva 2016).

In the Venice Commission’s opinion from October 2015, it was very clearly pointed out that “there is a legacy of too powerful prosecution systems, which endanger the independence of the judges” (Venice Commission, CDL-AD (2015)022-e, 7:8). Obretenov continued that this “has no place in the Constitution of an EU member” (De Fakto 2022). Bulgaria became a member in the European Union back in 2007<sup>8</sup>, despite not having fulfilled all the criteria for entering<sup>9</sup> (Vassileva 2020, 742).

Ordinary citizens can witness some of the consequences of this, in the model of the ECtHR Annual Reports since Bulgaria’s ratification of the European Convention on Human Rights in 1992, both Article 5, the right to liberty and security, and Article 6, right to a fair trial, was found violated 270 times and 291 times (Vassileva 2020, 750). In 2022 alone the violation of these articles was found in total five times (Annual Report of the ECtHR 2022, 144).

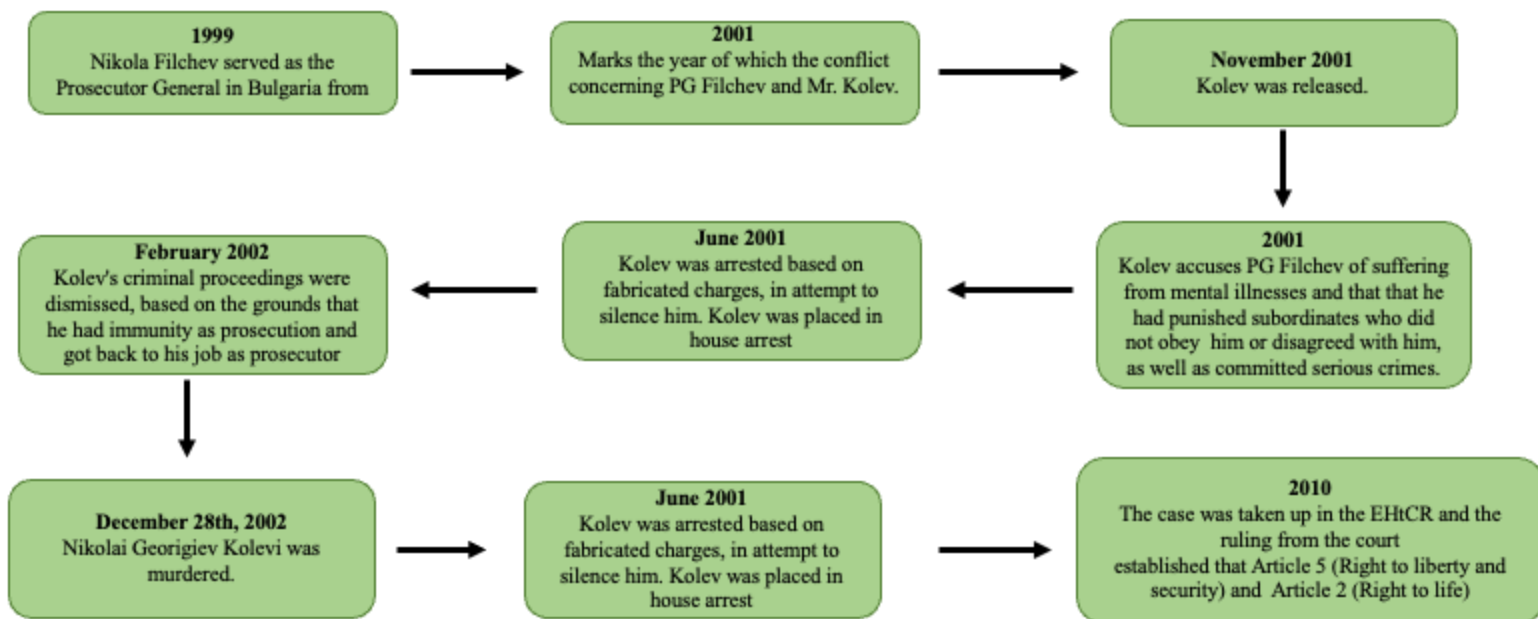
---

<sup>8</sup> Bulgaria entered the European Union together with Romania in 2007 (Vassileva 2020, 742).

<sup>9</sup> There were still six benchmarks that Bulgaria needed to fulfill, three of them concerning the judiciary: continuing judicial reform, judicial independence, legal framework (Vassileva 2020, 742).

*Kolev v. Bulgaria – The case that started it all.*

A case that revealed the structural and power challenges of the prosecutorial office was the Kolevi v. Bulgaria case. This case serves as a demonstration of the problematic nature of the structure and powers of the Prosecutor’s Office. In order to help understand the complicated history of the Kolev case, I have made the following timeline explaining the case chronologically.



Timeline 4.2: “The case that started it all” – Kolev v. Bulgaria

A former high-ranking prosecutor named Nikolai Georgiev Kolev<sup>10</sup> was shot dead on December 28th, 2002 (ECtHR 2010).

Prosecutor Kolev had suspicions that the Prosecutor General, Nicola Filchev<sup>11</sup> was suffering from a psychiatric disorder and was thereby abusing his power by initiating fake criminal proceedings (Vassileva 2020, 750) (European Court of Human Rights 2010, paragraph 14). This led Kolev to raise his concerns. Kolev allegedly knew the Prosecutor General from their time at University and they used to work together. According to the documents from the case in the ECtHR, it shows that there was a conflict between the two that erupted plans about giving public access to archives of data from the communist period concerning the military intelligence. This was something Kolev did not agree with (ECtHR 2010, paragraph 14).

Following these events, the Prosecutor General developed an increasingly autocratic demeanor, issuing directives to prosecutors to engage in unlawful practices against individuals he considered his enemies. These directives involved the initiation of criminal proceedings, accompanied by false charges, against targeted individuals. The allegations regarding the Prosecutor General's mental health was not only corroborated by Kolev but were also endorsed by other prominent figures in the public sphere. However, nobody dared to say anything except for Kolev (ECtHR 2010, paragraph 14).

Despite the awareness among numerous individuals regarding the Prosecutor General's behavioral shifts, no proactive measures were taken. Because they knew that if they informed the right institution's it would yield unfavorable consequences. Nevertheless, Kolev exhibited the determination to disclose the matter to the Supreme Judicial Council in 2001, as one can see from Timeline 4.2. The SJC has the responsibility for overseeing matters of all magistrates (Vassileva 2020, 751). Regrettably, these institutional bodies failed to initiate any remedial actions, not that there was anything they could do at the time, this led Kolev being subjected to a fabricated incrimination and subsequent detention. Disturbingly, the maltreatment experienced by Kolev extended to his family, who were also unjustly implicated and charged by the same prosecutorial office (Vassileva 2020, 751).

---

<sup>10</sup> Kolev was working as a Deputy Chief Public Prosecutor between 1994 – 1997, later in his career he worked both in the Supreme Administrative Prosecution Office and the Supreme Cassation Prosecution Office (European Court of Human Rights 2010, paragraph 10).

<sup>11</sup> Nikola Filchev served as the Prosecutor General in Bulgaria from 1999 to 2006 (Vassileva 2020, 750).



Kolev was later released by the Supreme Court of Cassation in November 2021 and his charges against him were dropped in February 2002. Kolev started investigating the case himself. After his release Kolev feared for his life, so he ended up sending an application to the ECtHR and letters to the institution explaining his concerns (Vassileva 2020, 751). On 28<sup>th</sup> December 2002 Kolev was murdered outside his home in Sofia (ECtHR 2010, paragraph 64).

His family took the case up to the European Court of Human Rights (ECtHR), and the court held Bulgaria responsible for breaching "Prosecutor Kolev's right to liberty (Article 5 of the ECHR) and right to life (Article 2) because of the inefficient investigation into his murder" (Vassileva, 2020) (ECtHR, 2010). After the case "Kolev v. Bulgaria," the Council of Europe Committee of Ministers looked further into this case and discovered a systematic problem in both ineffective investigations into several severe criminal offenses and a huge lack of independence in investigations concerning the Prosecutor General (Council of Europe Portal 2021).

*"I am an instrument in the hands of God."*

One would think this would have been an isolated case, but that is not so. If one were to look closer into the Prosecutor's Office it seems to violate the ECHR, specifically the right to a fair trial (Article 6) and the right to an effective remedy (Article 13) (Vassileva 2020, 754). In Bulgaria the criminal proceedings are not a subject to judicial oversight, as the right of appeal for an accused is limited to the Prosecutor's office. It has been established by prior rulings in the ECtHR that the hierarchical structure in the Bulgarian prosecution system has been deemed an ineffective remedy (Vassileva 2020, 755:754).

It is a difficult act balancing the position of the Prosecutor General when it has become such a politicized position, which has been the case in several Eastern European countries such as Bulgaria (Vassileva 2020). When this happens, it makes it hard to balance accountability and the need for political control. As one does not want a position like the General Prosecutor to be too heavily politicized, there is still need for the person holding the position to be held accountable. With a term of 7 years and with every decision being decided by him the position is more or less untouchable, without any checks and balances (Vassileva 2020, 749).

The best way to sum it up is, as the former Prosecutor General Tatarchev said in the 90s “Above me is only God” (Interview 7). The current Prosecutor General Geshev followed this viewpoint when he in 2019 said that “He is the instrument in the hands of God” – “Аз съм инструмент в ръцете на Господ” (Petrova 2020) (Btv-Novinite (the BTV news) 2019).

In December 2010 the Venice Commission pointed out that one of the challenges or problems that the judiciary at that time faced was how to achieve accountability to the judiciary and at the same time preserving the judicial system from improper influence from the legislative and executive power (Venice Commission CDL-AD (2010)041-e). Timeline 4.3 picks up at after the delivery of a decision in the *Kolevi v. Bulgaria* and up until the Prosecutor General Ivan Geshev was sworn into office.

In 2015 there was introduced a fifth amendment of the constitution, as seen in Timeline 4.3, it was in order to divide the SJC, Former Minister of Justice Hristo Ivanov had proposed changes that was designed to minimize the political influence on the SJC by reducing both the term in office for those elected by the National Assembly, down to three years and the number of political nominees in the judge’s chamber (Popova 2020, 121). The year 2015 and the proposals that had been presented was quite important to the Bulgarian society as it was a crucial attempt in reforming and modernizing the judiciary (Interview 7).

The Venice Commission noted in their 2015 opinion that separating the prosecutors and investigating magistrates on one side and judges on the other side, so they do not interfere with each other's professional cases and intervene is indeed a “significant step towards the goal of strengthening the independence and the transparency of the judiciary” (Venice Commission CDL-AD (2015)022-e).

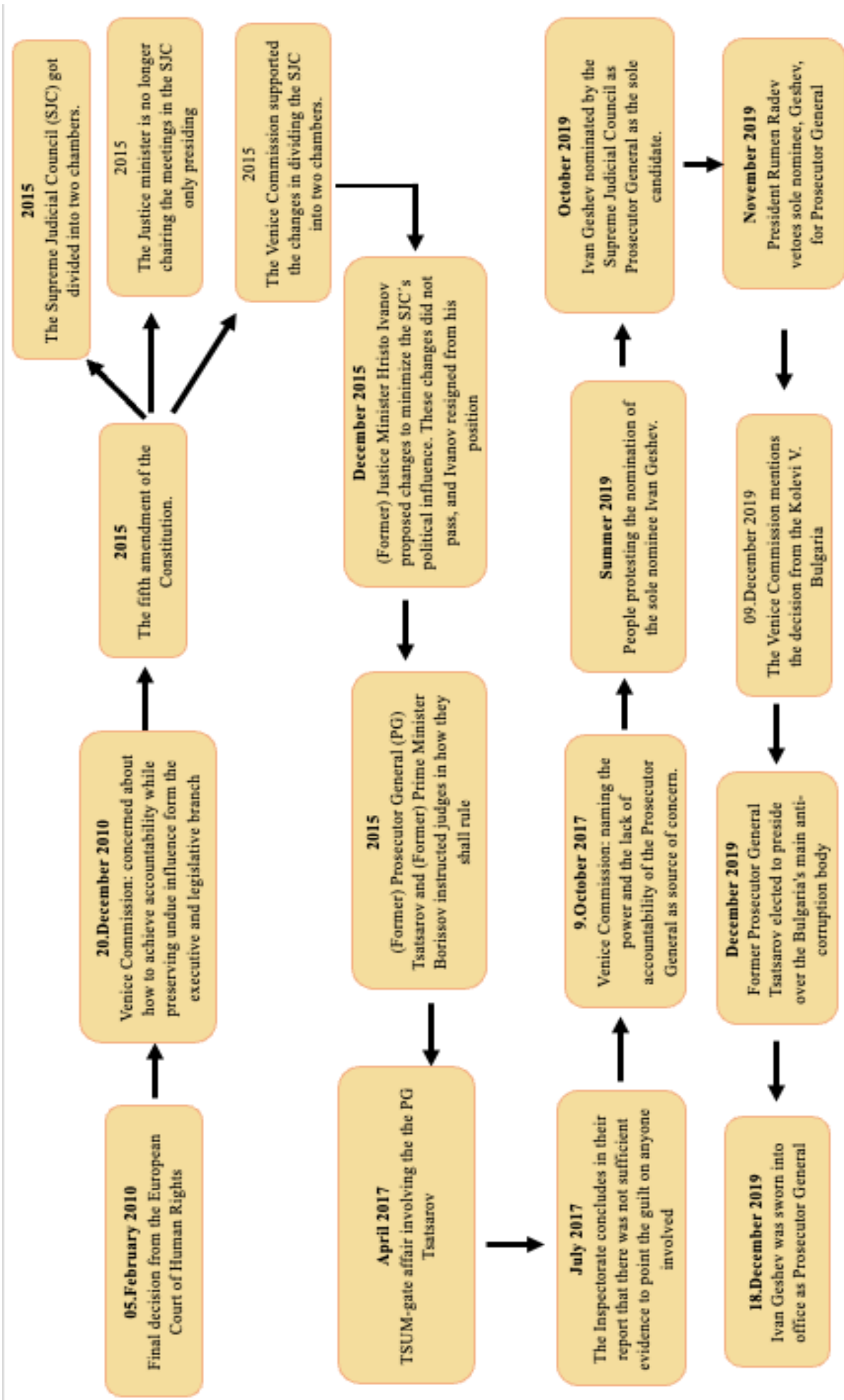
Despite being regarded as a positive development that would strengthen judicial independence, there were other opinions that were criticized. The change as a mistake and an obstruction rather than a tool for developing the judiciary (Interview 8). The arguments supporting this statement is that the chairmen, the chairmen/presidents of the Supreme Court of Cassation (SCC), Supreme Administrative Court (SAC) and the General Prosecutor are elected by the whole Supreme Judicial Council (SJC), in this way the division of the two

chambers which was done in order for the prosecutors not to be able to elect, appoint and dismiss judges which is a good thing, but they still elect the chairmen of the SCC and SAC (Interview 8). The change did not bring something better, rather the opposite happened. The primary objective to this reform was to decrease the influence of the General Prosecutor on of the SJC. This however did not happen, because the chambers of prosecutors are headed by the General Prosecutor (Interview 7). Who is one of the administrative heads of the SJC.

Despite prosecutors not acting as prosecutors while serving on the council's Plenum and prosecutorial chamber, they ultimately return to work in the prosecution after their council mandate ends. Consequently, they once again find themselves under the authority of the General Prosecutor, who assumes the role of their superior Prosecutor is their superior again (Interview 7; Interview 8).

This arrangement raises concerns both about the autonomy and independence of the prosecutors. While each prosecutor is theoretically free to form their own opinions and make decisions based on the law, these decisions can be overridden by their higher-ranking prosecutor, who holds significant administrative control. Such control can influence the career development of prosecutors, creating a situation where their decisions are influenced by the wishes of their administrative chief (Interview 8).

Even though the dividing of the SJC was passed, the changes proposed by Ivanov was rejected in the plenary halls second reading at the expense of Alternative for Bulgaria Revival's (ABV) proposal that wanted the prosecutor's office to remain uncontrolled and that decisions concerning personal should be made by the plenum of SJC, in other words they wanted to make the judicial reform meaningless as well as worsen the current situation (Media pool team 2015a).



Timeline 4.3: From the decision of Kolev-case up until Geshev was sworn into office.

The Project that Minister of Justice Ivanov made that has received the name “the historical compromise” divided the council in two, but also wanted to give the members elected by the National Assembly a slight advantage over those elected from the prosecutor’s office in order to assure for a minimum of accountability of the prosecutor’s office (Media pool team 2015a). This was however not supported by parties DPS (Movement for Rights and Freedoms), ABV, Bulgarian Democratic Center (BDC ) and “Ataka” which clearly stated that they would not support the amendment unless the quota adjustments went in favor of the Prosecution, in order to avoid the risk of pressure from politicians (Paunova 2015). GERB also withdrew their support, as seen in the timeline 4.3, the policy attempt failing lead to the Minister of Justice Hirsto Ivanov to resign (Popova 2020, 121; Meidapool team 2015b).

The Venice Commission commented back in 2017 that the current Bulgarian judicial system has no structure for accountability of the Prosecutor General and that “is essentially immune from criminal prosecution and is virtually irremovable by means of impeachment for other misconduct.” (Venice Commission CDL-AD (2017)018-e).

With the previous Prosecutor Generals there have been several public scandals (Btv Novenite 120 minutes, 2023b). As it was with Filchev, there were scandals concerning his predecessor Sotir Tsatsarov, where it in 2015 was disclosed how he and the former Prime Minister Boyko Borissov instructed judges in how they shall decide in cases, further allegations were concerning the lack of judicial independence, the separation of power and use of blackmail (Vassileva 2020, 752).

This was not the only scandal Tsatsarov was involved in, back in 2017 he was the subject of an investigation of the so-called “TSUM-gate affair”. The inspectorate, which is an organ established by the SJC that has the authority to investigate judicial bodies but without affecting the independence (Article 132a paragraph 1 and 6; Popova 2020, 121), started an investigation against the Prosecutor General (Nikolov 2023). Tsatsarov refused completely to come with a written statement or to cooperate in the investigation to reveal the truth of what happened (Interview 7; Nikolov 2023). The inspectorate became powerless and humiliated by the whole process and concluded that there was not sufficient evidence in the case to establish any guilt on the parties involved (Nikolov 2023).

Despite all this, both of them ended up in prominent positions in the time after their term. Tsatsarov was in December 2019 selected by the National Assembly to preside over Bulgaria's main anti-corruption body (Dimitrov (a) 2019). This was despite the poor results and scandals during his time as Prosecutor General (Dimitrov (a) 2019). In May 2020 Filchev was officially appointed to be an advisor to the General Prosecutor, Ivan Geshev, as he joined the newly created expert council that is understood to be helping Geshev supervise the legality and methodical guidance of the activities of all prosecutors and investigators (Nikolov 2020). Filchev has also been publicly one of the biggest supporters of the election of Geshev as the Prosecutor General (Nikolov 2020).

Following Tsatsarov is the current Prosecutor General Ivan Geshev. He was elected first as a Deputy Prosecutor General in 2018, being the deputy of Tsatsarov, until he in 2019 was appointed to Prosecutor General for a term of seven years (Prosecutor's Office of Republic of Bulgaria 2020). The nomination of Geshev did not go silently by with the public, following the nomination in June 2019 there was huge protests in the city of Sofia, where over a thousand of people gathered to show their protest against the sole nomination for the post of Prosecutor General (Tsolova and Hudson 2019), the organization mobilizing the protest was the civil initiative "Justice for All" / "Правосъдие за всеки" (Media pool 2019) which has been an active voice in lifting the lack of judicial independence and other judicial challenges in the judiciary (Interview 7).

In October 2019 the Supreme Judicial Council (SCJ) elected Ivan Geshev with a majority of twenty votes against four, one of the members against was the President of the Supreme Court of Cassation Lozan Panov who explained that he voted against because of "the lack of competition in this procedure has deprived us of the opportunity of getting acquainted with the conceptual vision of other candidates" (BNR 2019) which did not give them the possibility to actually choose a candidate. Prior to the election Geshev has served as Tsatsarov's deputy with the responsibility for organized crime and anti-corruption, one of the high-profile cases he was responsible for was the collapse of Corporate Commercial Bank (Dimitrov 2019; BNR 2019).

Even though Geshev has gotten praise from investigators, prosecutors and police for his work on several of his cases, the silent support from leaders of political parties across the spectrum might be an indication that he will not go after “the big fish” (Reuters Staff 2019). President Rumen Radev arguably agreed with Panov, because in November 2019 he vetoed the nomination of Geshev because “it is wrong that there should be only to be one candidate for the job” (Dimitrov 2019). The president continued further that the fact of there being only one candidate diminished the prestige and legitimacy in the office of Prosecutor General (Dimitrov 2019).

The ball therefore went back to the SJC, who again in November re-elected Geshev to the position of Prosecutor General with the same amount of votes as last time, 20-4 (BTA 2019). This vote took place after a long debate lasting several hours, and the president was left with no other choice than to appoint Geshev as according to the Constitution the president cannot veto a decision from the SJC on a second motion (Article 129 paragraph 2 in the Constitution of Bulgaria). The Prosecutor General’s powers can be summed up like this, as the president of the Supreme Court of Cassation Lozan Panov said to the French newspaper *Le Monde* “Instead of protecting people from bandits, (...) he protects his friends like an umbrella and hits his enemies like a baseball bat” (Chastand 2020 a).

## *The rebellion of the people*

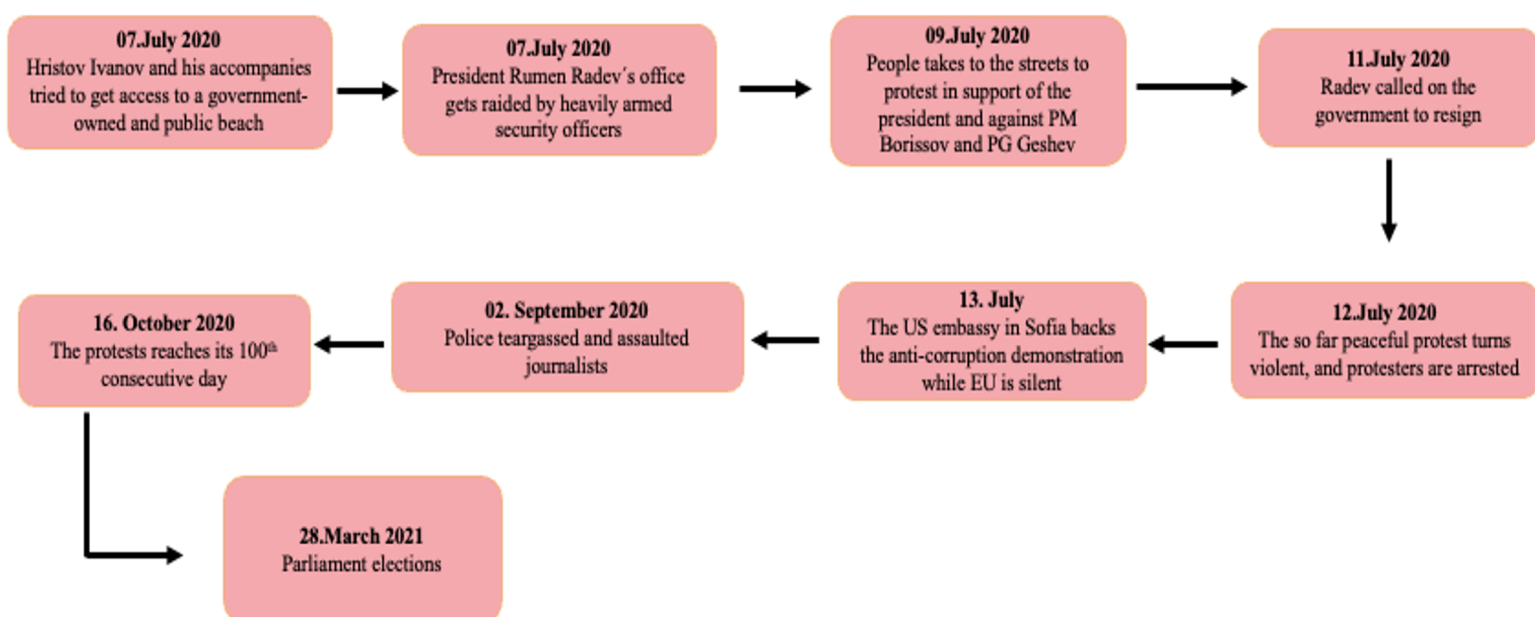
A newer incident that triggered the debate of the Prosecutor General's role was the demonstrations back in the summer of 2020. It all began with Hristo Ivanov, former justice minister and co-chairman of the party Democratic Bulgaria and his group of people attempting to access a government-owned public beach which was supposed to be open for all (Barzachachka and Yordanova 2020; Cholakov 2020). In the video filmed by Ivanov's companions and sending live on Ivanov's Facebook-page showing Ivanov arguing and being attacked by security guards or employees of the Bulgarian National Protection Service (Btv Novinite 2020; Barzachka and Yordanova 2020). The President later confirmed that it was indeed employees of the National Protection Service that was protecting the property in violation of their official duties (Tsoneva 2020).

Following this was the raid on President Radev's office the same day by heavily armed security officers and ending up arresting two of President Rumen Ramdev's associates on "*questionable charges*" (Vassileva 2020 (a)). For the public this was seen as an attempt to prepare for an impeachment of Radev, which is a known critic of Borissov, and a huge violation the separation of powers (Vassileva 2020 (a)). This was by many seen as a coup attempt. The plan, however, did backfire and people across political ideology gathered to defend the rule of law. Other supporters of Radev meant that the raids targeted the president in order to protect and delay investigations regarding corruption in the oligarch class and in the political elite (DW 2020).

The public took to the streets on the 9<sup>th</sup> of July in support of the president and against what they viewed as a corrupt government led by Boyko Borissov and the Prosecutor General (Cholakov 2020). President Radev demanded the resignation of the two on 11<sup>th</sup> of July and said that "there is only one way out of the current situation – the resignation of the government and the Prosecutor General" (Davies and Dell' Anna 2020). Other demands that were lifted by the protesters was the need for a judicial reform (Barzachachka and Yordanova 2020). The protesters were initially peaceful and went on without violence, this did not last long and soon the government used violence trying to stop the protests. Even journalists got both assaulted and teargassed by the police during the 56<sup>th</sup> day of the protest, despite clearly being identified as journalists (The Sofia Globe 2020).



The protest went on lasting over a hundred consecutive days, on the hundredth day of protests the 16<sup>th</sup> of October several thousand people gathered to shout “Resign, Resign!” to the non-accountable Prosecutor General and the Prime Minister Borissov (Chastand 2020). While this was happening one would have thought that the EU institutions would have said anything or showed concern, but “the Bulgarians will also remember the prolonged silence of EU institutions” which was seen as something unusual (Vassileva 2020b), while the US was backing the protesters peaceful demonstrations, the ambassador even stated that “No one is above the law” (Oliver 2020).



Timeline 4.4: From the start of the demonstrations until the elections in March 2021

## *The assassination attempt*

Following his years in office Geshev has not been without scandals. Since he took over office in 2019, there have until May 2023 been three attempts to remove him from office.

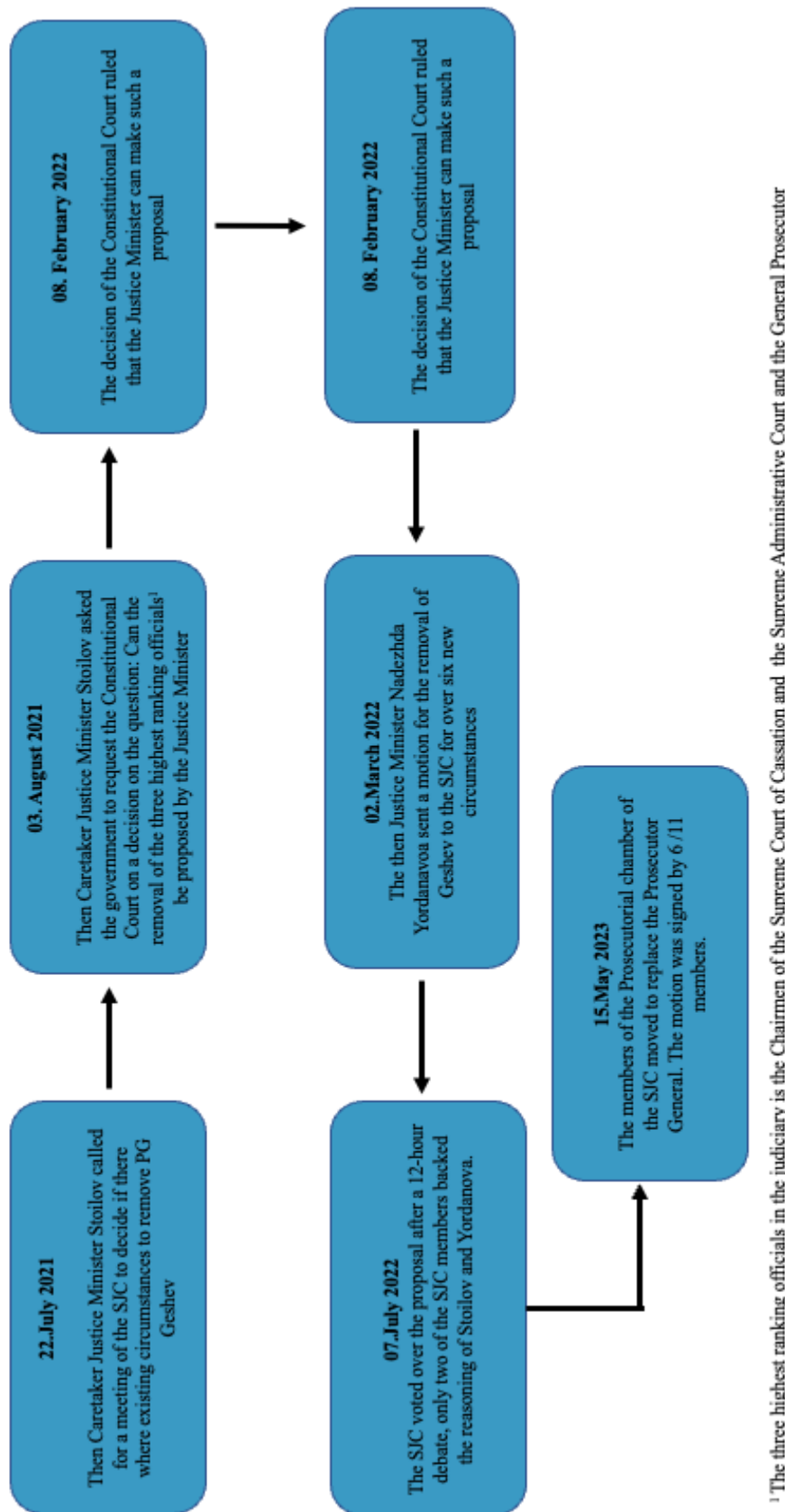
Through looking at Timeline 4.5 below one can see the times Geshev has been tried dismissed through the years 2021 and up until May 2023.

On the 1 of May 2023 General Prosecutor Geshev was involved in an accident involving his motorcade. Conclusions were quickly drawn that this was an assassination attempt against Geshev and his family who was allegedly in the car with him (Toncheva 2023b). The allegations that this was an attempt on his life was built on the fact that this happened only a few weeks after tapes were released by prosecutors allegedly showing conspiracy against the Prosecutor General. The conversation was allegedly about the future of judicial reform and seeing it as if they could not remove Geshev legally, they would want to do it physically (Novinite 2023 (Novinite 2023 (b))).

It was later confirmed to the National Assembly that Geshev's family was not in the motorcade, as he traveled alone with one security guard, and that the only damaged on the car was a hole in one headlight from a pallet that had entered it (Toncheva 2023b). Recent investigation of the incident has shown that the Prosecutor General had given oral instructions to investigators, this was against the Constitution as it was not compatible with the powers that the Prosecutor General (BTA 2023(a)). Furthermore, there was a violation of the Code of Criminal Procedure when access to case materials was granted based on oral instructions from the Prosecutor General to a person without procedural capacity (BTA 2023(a)).

This was also confirmed by the Deputy Prosecutor General and National Investigation Service head Borislav Sarafov during statement to the Bulgarian News Agency where he answered to the calls for his resignation. He concluded his statement with the following message that both himself and the majority of his colleagues believe *“that the prosecution must leave the political terrain, where it has dug itself in deep”* and should return back to its core mandate *“to the defence of justice solely within the framework of its institutional powers.”* (Solakova 2023).

The misrepresented details between Sarafov and Geshev has led to friction between them which now can be considered a sign that not even the Prosecutor General is immune to criticism.



Timeline 4.5: Attempts at removing the Prosecutor General (PG) Ivan Geshev

In light of these recent events, six members of the Prosecutorial chamber of the SJC has made a motion to remove the Prosecutor General based on his “gross violation of official duties” (BTA 2023b). The motion is clear from the fact that the behavior of the Prosecutor General after the incident near his motorcade was not in line with his official duties and responsibilities of a Prosecutor General (BTA 2023b). It seems that this incident has triggered a notable shift within the prosecutor’s chamber, which until now had been supporters of Geshev. Geshev told that he had heard rumor that the prosecutors had been put under pressure to do so (Nova 2023).

On May 15<sup>th</sup>, Geshev held a news conference confronting a message that he had until 10 am Monday to resign. His statement was clear. Geshev held up a document and a pen which was the resignation letter, this he tore into pieces in front of the press and said he would not be pressured to resign (Nova 2023; Bulgarian National News (BNT) 2023).

During the press conference Geshev said that the former PM and leader of the party GERB had offered him the position as ambassador to Turkey or Israel if he resigned out of free will (Nova 2023; Bulgarian National News (BNT) 2023). This has later been denied by Borissov who clearly expressed his lack of authority to offer any ambassadorial position and underscored that neither he or any political party have the authority to initiate and execute the removal of the Prosecutor General, but that this rests within the power of the Supreme Judicial Council (Kapkova 2023). Geshev also came with harsh statements towards the politicians in the National Assembly calling them “political trash” and expressed that he hoped there were decent people in the Supreme Judicial Council that still kept the meaning of the words of ‘dignity’ and ‘honor’ (Bulgarian National News (BNT) 2023).

Even though the motion to remove Geshev should be further approved it would not solve the structural challenges that still are highly present in the office of Prosecutor General, the lack of accountability will still be present in the judiciary system.

### *Lawyers for the state, but without accountability*

Even though it seems that there is an overall consensus that the Prosecutor General does not have any form accountability, there are arguments that will argue against. Some of the reasoning behind this is based on the already existing law that covers the part where who is allowed to press charges, which is reserved to the prosecutors (Interview 7; Interview 8). Following this some magistrates argue that because of this already existing law there is no need for a reform concerning the accountability of the Prosecutor General nor is it anything wrong with the system “it is not a systemic problem, it is not a system a fault” (Interview 8).

However, the arguments, fall on their own merits as they do not consider the hierarchical structural power which the Prosecutor General holds over his subordinates. According to my informants there are two reasons for the prosecutors not to press charges or accuse the Prosecutor General having committed a crime. The first is about the special powers he holds under the judiciary act as to the fact that he, the Prosecutor General can order someone from the prosecutorial office to another region, city without any explanation for a period for three months (Interview 7; Interview 6).

The second, is concerning the pursuit of a career, as the General Prosecutor embodies the final instance for those posting prosecutors. As the person holding the position as General Prosecutor has a final say in how the career of future prosecutors will look like (Interview 7). The purse for more exciting investigations, cases and higher pay also called the career advancement is the “heaviest tool that the administrative has in the judiciary to use against their subordinates” (Interview 7). As it is in theory possible for any prosecutor to accuse and press charges towards the Prosecutor General, arguably nobody would dare, in fear of being pursued themselves. “Sometimes it is the mentality which is stronger and more powerful than the law itself” (Interview 6).

However, after the recent happenings in the beginning of May 2023 it seems like several of the prosecutors in the prosecutors chambers now have taken a stand after what was presented as an assassination attempt towards the Prosecutor General, Geshev (BTA 2023a). Now that the prosecutor chamber has made its motion, 6 out of 11 members have voted for the Prosecutor General’s early dismissal. Even though Geshev himself believes that the

prosecutors were pressured into going against him, and further said that he had support amongst his colleagues (BTA 2023a). It will be interesting to follow the future incidents on how this will be handled in the Plenum Supreme Judicial Council in the weeks or months to follow.

## V. The political process – how did this happened and how will it end?

Judicial reforms are not new in the Bulgarian legal system, however passing some of these policy reform drafts have been proven quite difficult. The political gridlock the country has faced the last years has not helped in the development of a judicial reform. After five elections, with the latest being on 2 of April 2023, there still is not a clear majority that can form nor support a government. President Rumen declared short after the end of the election that as soon as the list of names for the National Assembly is announced to sit down, negotiate and “not to waste a single day” (Venkova 2023).

In the eyes of public Bulgaria’s judicial power is an interacted system, that for many seems tricky and hard to work with. Sometimes one can even argue that it is quite questionably and most of all its viewed as “not working in favor of the citizens” (Standardt 2022). This is not something that is new to the people, and rather become something that they have learned to *get used to*. This can be about something as simple as not allowing the lawyers during trial to hold their closing arguments, leading up for the judges to ask for it in writing rather than it being presented as it is supposed to (Interview 7) or how the judges are making and forming their rulings. Where one could argue that the judges “rulings are not well founded nor is it always easy to understand what justifies their rulings” (Interview 7).

As one newspaper put it “*В същото време и с просто око е видно, че прокуратура и съд могат да бъдат майки за едни и мащехи за други*” (Standardt 2022). (*Translated into English*): “At the same time, it is obvious to the naked eye that prosecutor’s office and court can be mothers to some and stepmothers to others” (Standardt 2022). There are some court cases in Bulgaria which has been going on for over decades, while others are finished quite quickly (Interview 9).

Since then, there has been several judicial reforms in Bulgaria, some succeeded and others that has failed. Several of these has been sent for opinion and review by the Venice Commission. Some of the themes that has been recurring from almost every one of their opinions between year 1999- 2003 has been about; (1) The immunity of the judges,

prosecutors and investigators. Where they back then benefited from a general immunity that would protect them being criminally prosecuted for their actions but should rather be protected from civil suits for actions done in good faith in the course of their function.

This however has changed with the removal of the Article 132 paragraph 2 which gave the judges, prosecutors and investigators the same level of immunity as parliamentarians (Venice Commission, *CDL-AD (2003)016-e*; The Constitution of the Republic of Bulgaria). As for today the only position in the judiciary that has the same immunity as a member of the National Assembly are the constitutional judges, Article 147 paragraph 6 (The Constitution of Bulgaria).

(2) The National Assembly elects 11 out of 25 members of the Supreme Judicial Council. The Venice Commission was concerned with the politization of the judicial system when so many of its members are elected from the National Assembly. This however has still not changed, except for the dividing the council into two chambers in 2015. (3) The third concern was the status of irremovability of the judges, prosecutors and investigating magistrates. These becomes appointed permanently upon complementing a third year in office. This was in 2003 changed from three years to five years, but the Venice Commission recommended in their Opinion from 2002 that this irromovability should be restricted to the first instance. (Venice Commission *CDL-AD (2003)012-e*; *CDL-AD (2003)016-e*).

### *Drafting and presentation of the reform*

Before going further into the political process, it is relevant to see this in the perspective of the theory about decision-making and challenges to the policy adoption. According to Knill and Tossun there are two important parts of decision-making and policy adaptation, the first is about how the policy is presented and drafted. This is essential because the way it is done will affect whether it has a chance of being implemented, the second part is about presentation in order to make the adoption formal (Knill and Tossun 2012, 122).

In the drafting of the legislation there is room to involve interest groups and experts in order to provide much needed information and perspective. Even though interest groups can propose their own policies they can also be a huge resource to the government in the drafting



of one as they can provide suggestions to the government from their members and thereby bring attention to a case that is important to them (Knill and Tossun 2012, 127; 51).

An example of such an interest group in Bulgaria is the Justice for all initiative, in Bulgarian Правосъдие за всеки. They were founded in 2015 under the Bulgarian act of civil participation. This piece of legislation provided the citizens to participate in legislative procedure by tabling legislative proposals under the condition that it had gathered the certain amounts of signatures (Interview 7; Правосъдие за всеки/ Justice for All 2023). This would be viewed as an expression of support from civil society. The year 2015 was especially crucial to the Bulgarian society's attempt to both reform and modernize the judiciary (Interview 7).

The Justice for all initiative was originally founded to back the original proposal that was tabled by Hristo Ivanov in 2015, thereby gathering a form of civic support for the reform (Interview 7). This is a tool that can be used in order to get the necessary votes in the legislative body, as the legislatures will make sure that the public, essentially their electorate wants this reform (Knill and Tossun 2012, 127) which also gives the legislative proposal more legitimacy through showing who is already in support and based on the recommendations (Knill and Tossun 2020, 51).

Another group that is essential in drafting a legislative proposal or reform is the one of the experts. These can provide information about the topic that one might not think of at first and also bring the level of legitimacy to a higher level. In the case with the reforms concerning the Bulgarian judiciary, the experts have been the Venice Commission. They have provided opinions, comments and recommendations to the Bulgarian authorities according to their applications and what they wanted feedback on. This is described as the best way to “find a decision in our country is to let more interest organizations, experts and people the possibility to debate and give their opinion” (Interview 9).

Going over to the second part it becomes clear it is about the adoption itself, the debate that will find place in parliament before the final voting process in order to formalize it or reject it. It will of course depend on how the legislative body is structured on how many rounds of debates, readings or the number of votes that are needed in order to finalize it (Knill and Tossun 2012, 123).

In order to pass a bill in the National Assembly it first has to go through the standing committee with the specific responsibility for the subject that the reform entails. If the bill is approved by the committee, it will then after a given amount of time move over to debate in the parliament. Where it has to pass two readings before it is forwarded to the president after a specific period of time for him to either return it to the parliament if he sees the need for further consideration or he signs a decree for the bills promulgation (National Assembly 2021).

### *Bringing long awaited accountability to the Prosecutor General*

It is intriguing that despite recurrence of several different challenges in the Opinions of the Venice Commission over the past years, there has been one problem pertaining to the judiciary that has taken a considerable amount of time before being addressed. The accountability of the Prosecutor General or lack of accountability to be precise. As one can see in Timeline 4.1 this was mentioned for the first time in the Opinion of the Venice Commission in June 2003. The challenge concerning the place of the prosecutors in the judiciary was uncovered and they wrote the following about the Prosecutor General's powers "were seen as too wide ranging. Any request for the lifting his immunity could in fact be made by himself" (Venice Commission, CDL-AD (2003)012-e).

Although, it was not mentioned again by the Commission until their Opinion from October 2017, where one of their main sources of concern was the Prosecutor General. Where the structures around the accountability of the Prosecutor General is weak and that the position is "essentially immune from criminal prosecution and is virtually irremovable by means of impeachment for other misconduct." (Venice Commission, CDL-AD (2017)018). The reason this is challenging is because the Prosecutor General sits as one of the chairmen's of the Supreme Judicial Council, which is the organ that elects him as well as the organ that can take disciplinary actions towards him (Article 130a paragraph 4; Interview 7). Because of this the Venice Commission has since the 2017 Opinion put pressure on this issue to be fixed. However, this has shown not to be easy (Venice Commission, CDL-AD (2017)018).

The answer to the question concerning the judicial reform is yet to be resolved, this question has been both shaking the public debate, but also been reoccurring around the political parties table for negotiations (Standard 2022) According to the newspaper Standard, the only political party in the National Assembly that has been proposing *real changes* on an principal basis and not for what can be described as “personal gain” has been DPS (Dvischenie za Prava I Svobodi/ Movements for Rights and Freedoms) (Standard 2022).

In September 2019 Danail Kirilov, the then Minister of Justice of Bulgaria, requested by letter an opinion from the Venice Commission on the draft amendments to the Judicial System Act (JSA) and the Criminal Procedure Code (CPC) (Venice Commission, CDL-AD (2017)018). This draft was meant to fill the gap between the shortcomings and the lack of accountability of the Prosecutor General that was identified in the case of Kolevi v. Bulgaria by the ECtHR. Briefly summarized the judgment from the ECtHR found a violation of the European Convention concerning the impossibility of an independent investigation into a crime allegedly committed by the Prosecutor General, Filchev (Venice Commission, CDL-AD (2019)031-e) (Vassileva 2021).

As mentioned above the primary reason for proposing this reform was to ensure some accountability of the Prosecutor General in the criminal law context. This was also not only the essence of the criticism in the Opinion of 2017 by the Venice Commission, but also the core of the judgment of the Kolevi case (Venice Commission, CDL-AD (2019)031-e). In the draft, one of the ideas was to exclude the amount of influence of the Prosecutor General on investigations, this would be done by temporarily suspending him.

These challenges have been of high priority for the future judicial reforms in Bulgaria, especially after the demonstrations during July 2020 where the public had demanded the resignation of the former Prime Minister Boyko Borisov and the Prosecutor General Ivan Geshev, after the latter raided the office of the President after allegations against him. Almost every judiciary reform since then has been about the accountability, or the lack of accountability of the Prosecutor General and how to fix that problem in the judiciary.

In 2022 it was introduced a new reform with the mechanism in order to bring on criminal responsibility to the Prosecutor General. This was meant to be through an “*ad hoc. Prosecutor*”. According to the draft this would be done by someone with the rank of a judge in the Supreme Court of Cassation that is engaged with penal cases, to be the “prosecutor” (Interview 8) (Venice Commission CDL-AD (2022) 032-e. The “*ad hoc. Prosecutor*” would, according to the draft, hold a position in the Supreme Prosecutor’s Office of Cassation. The judicial control over the “*ad hoc. Prosecutor’s*” activity is something the government emphasized that would be wide and substantial (Venice Commission 2022, CDL-AD (2022)032-e).

The Venice Commission has commented on this in their opinion from October 2022, and added that as it seemed from the draft it is not clear who it is that should deliver the request to the Supreme Court of Cassation in order to trigger the procedure that would involve an ad hoc prosecutor (CDL-AD (2022)032-e). They suggest that it would be more useful to have a mechanism that is shifting and that is not involved in the prosecutorial chamber, as the “*ad hoc. Prosecutor*” is to hold a position in Supreme Prosecutor’s Office of Cassation, this would be in order to exclude the Prosecutor Generals possible interference (Venice Commission CDL-AD (2022)032-e).

#### *Reform attempt – “Ad. Hoc prosecutor”*

Back in December 2022, the 48<sup>th</sup> National Assembly had a very important opportunity to end the spiral of crisis, both political, social and economic (Standard 2022). They had the possibility to tackle this by forming a regular government, not just the caretaker governments that people have seen for the past 3 years. During meetings with different parties in order to form a cabinet, a problem occurred when DPS raised questions about the rule of law and the challenges that the country had been facing (Standard 2022).

In October 2022 the leader of Democratic Bulgaria (DB), Hristo Ivanov, also tried to raise concern about the judiciary. However, the leader of the party managed to do it quite unsuccessfully and ended up making the Prosecutor General, Ivan Geshev, look like a guardian of the state and guarantor of stability (Trud News 2022). Ivanov has also been the former Minister of Justice during Boyko Borissov’s second government, but now his party is in coalition with one of GERB’s main competitors PP (Svobonda Europa 2023).

The DB leader tried to push changes in the prosecutorial office, but these changes were targeted to benefit certain legal and economic lobbies only (Trudt News 2022). This has come to show during what has become to be known as the “historic compromise” of 2015, a judiciary reform that was aimed to replace the (former) Prosecutor General, Tsatsarov. Even though Ivanov did not achieve his goal and Tsatsarov ended up serving his term, Ivanov’s goal did not change, and he has continued to try even after Geshev was elected by the Supreme Judicial Council (SJC) in 2019 (Trudt News 2022).

After the elections in October 2022, GERB representative Radomir Cholakov, told the news program “Face to Face” that the accusation that has been towards GERB is not true. The accusations have been about the party not wanting to support a judicial reform and that they are protecting Prosecutor General Geshev. According to him GERB is not trying to stop a judiciary reform from happening (Btv-Noveni face to face 2023). He also attacked the media for painting such a picture of the party and meant that they were spreading false information (Btv-Noveni face to face 2023).

Tatyana Doncheva, leader of the “Movement 21” said in an interview with 120 minutes back on January 23, that what is happening now in the parliament is not real change. According to her the changes are more a form of cosmetic, to implement real changes it will require changes in the Constitution. Then the people who want change need to put it in writing what they want to change (Btv-Noveni 120 minutes, 2023). Further in her opinion the problem is not the system but rather the people that are inappropriately occupying the position, like Nikolai Filchev (1999-2006), Sotir Tsatsarov (2012-2019) and now Ivan Geshev (2019-) (Btv-Noveni 120 minutes, 2023).

During the meeting following this interview the National Assembly has adopted four out of five bill concerning changes to the Criminal Procedure Code (CPC). This was the first reading and voting (Petrova 2023) out of two sittings needed to pass the bills. There by the legislative changes that were presented in the Criminal Procedure Code, that was supposed to provide the introductions for mechanism to use in order to investigate the Prosecutor General, were not adopted within the 48<sup>th</sup> National Assembly (Rizova 2023).

There was supposed to be a second reading, but the coalition GERB-SDS was clear that for them this was only the laws unification and not a second reading, this was supported by the nationalist party Vazrozhdenie (Rizova 2023). The Minister of Justice, Krum Zarkov, was clear towards the meeting in the National Assembly “Направете невъзможното, приемете закона за главния прокурор” (*translatet*) “Make the impossible, pass the law on the Prosecutor General” (Btv-Novinite 2023a).

Further the Minister of Justice states that this bill is very important for the country, as the lack of this bill, that would give the accountability for the Prosecutor General, is keeping Bulgaria outside of Schengen, they are being condemned in Strasbourg and pushing the country into further losing money (Btv-Novinite 2023). Minister of Justice, Zarkov further said that there is a lot of politicians that are loud about wanting to accept it, but it does not happen. The bill was introduced to the committee in the last days of December 22, what was supposed to happen then was for the committee to vote on (Btv-Novinite 2023). This did not happen, as it got more and more delayed. In total they lost eight days and according to the Minister that would have been enough to both consider and vote for the bills in the committee (Btv-Novinite 2023).

Minister Zarkov accused or hinted that the once sabotaging the adoption of the new law was the deputies from GERB-SDS. This was based on that it is their deputies that are in control of the legal commission. While “We Continue the Change” and “Democratic Bulgaria” was in favor but let themselves be swayed (Btv-Novinite 2023).

Even though the National Assembly had two more plenary days, the Bulgarian President, Rumen Radev, signed a presidential decree dissolving the parliament on 3<sup>rd</sup> of February 2023 (DW 2023). This means that there was no working parliament in Bulgaria until after the elections on 2<sup>nd</sup> April 2023. Therefore, it did not matter whether it was the first or second hearing that they just finished since they have to start the whole process again in the new National Assembly after the elections.

There is no surprise to then see that Prosecutor General Ivan Geshev did not agree with Minister Zarkov with the importance of this bill. Geshev goes as far and calls the bill “a

complete tragedy”, he views this as an attempt to take control over the prosecution by removing the Prosecutor General (Androlova 2023). The Prosecutor General is clear that his office does not protect anyone and as long as there is evidence they will press charges, they do not engage in political responsibility and works in the realization of criminal liability (Androlova 2023). According to Geshev he does not view the bill as something that is there to limit his power or control, he says that this bill is more about a political goal with European standards, a non-compliance with legal principles (Androlova 2023). In his opinion this is also against the constitution and would not hold up in the Constitutional Court (Androlova 2023).

Minister of Justice Zarkov answered to this in an interview in the show “Hello Bulgaria” and said that this is a topic that him and Geshev have been discussing for a long time now and now he finds it a tragedy why “Geshev would find this bill a tragedy” continuing: *“for every other Bulgarian citizen it is completely normal that if he has to be investigated, it would be done by a person who is not directly subordinated to him.”* (Hello Bulgaria 2023). The bill wants to achieve just that, for the Prosecutor General to be investigated, not by his prosecutors beneath him, but by someone who is not his subordinate. This bill has been up for discussion for a long time and is overdo it is time to be voted for.

### *Fifth parliamentary election – will there ever be a reform?*

April 2023 marked the fifth parliamentary election in Bulgaria. Out of the five elections there has been only one election that led to the formation of a government forming, this was the government lead by Kiril Petkov from We Continue the Change (PP), which only lasted from fall of 2021 until summer of 2022 (Trifonov 2023).

The last election was held on the 2<sup>nd</sup> of April 2023, which did yet again lead to an unsure result. Some will even argue that the elections proved their own pointlessness and go as far to say that there might be a new election again in the summer (Stoynev 2023). Which is not inherently out of the picture if one took a look at the results, showing the right-wing coalition between GERB and Union of Democratic Forces (SDS) which got the first place in this election with 26,49%, on second place the coalition between “We Continue The Change”

(PP) and Democratic Bulgaria (DB) with 24,57% and on third place the nationalist party Vazrozhdenie with 14,6 % (Svobodna Europa 2023).

This is a somewhat fragmented result which is making it challenging forming a government. It will therefore be interesting to see whether they will be able to form the necessary coalition, as the country is in high need of a functioning and elected government after a long time of destabilization and uncertainty.

Unfortunately, this might not happen, as Bulgaria is coming closer to a sixth parliamentary election in two years (Todorov 2023). GERB, led by former Prime Minister Boyko Borissov, came out as the winning party, but without support from other parties they will now reach majority. He therefore called for all the parties that have gained a place in the National Assembly to join talks about forming a government in order to end the election spiral in for meetings (Radio Free Europe 2023). The coalition of PP and DB only wants the support from GERB in parliament but does not want them in a government coalition, Borissov calls the lack of collaboration with GERB for “arrogant, irresponsible and impossible” since (Todorov 2023).

It has not been until May 15<sup>th</sup> that the President handed the mandate to the candidate nominated by the GERB-SDS coalition, Mariya Gabriel (Toncheva 2023a). Borissov in his announcement of Gabriel said that she is an “undisputed prime minister” and a person that could “bring order to the chaos” (Roussi, Camut and Sorgi 2023). Gabriel has up until May 15<sup>th</sup> been working as European Commissioner in charge of innovations, research, culture and youth. In her speech during the press conference, she said that her goal was to put forth an “expert cabinet, united around clear priorities” (Sofia Globe 2023). Gabriel has about one week to either nominate a government, containing a list of ministers or return an unfulfilled mandate back to the president (Sofia Globe 2023). One of the first things that would happen if she were to take into office was for the Minister of Justice to submit a request for the Supreme Judicial Council for the removal of Prosecutor General, Ivan Geshev. This would be based on the damage that he has inflicted upon the judiciary (Btv Novinite 2023c).



Despite Borissov's efforts in forming a new government and characteristics of the two parties containing the coalition Continuing the Change (PP) and Democratic Bulgaria (BG) has been very clear that they will not support nor cooperate in appointing ministers in a GERB-government (Roussi, Camut and Sorgi 2023). The co-chair of PP Kiril Petkov was clear that they will not support GERB and are currently working on a second mandate “which is the only alternative to a 6<sup>th</sup> general election” (BNR 2023).

Even though most of the politicians who are taking a part in the public debate, there are people inside the judiciary itself that believe that the reforms being presented are “no-good quality because the entire reform is being proposed so that the General Prosecutor should not be called Ivan Geshev” (Interview 8). In their eyes the reforms are directed in a way that is based on the personality of this individual and not in order to make actual change. Continuing with that a reform like this in order to make the General Prosecutor accountable is highly unnecessary since in their view the General Prosecutor is not unaccountable, since every prosecutor can raise accusations against him.

This is to show that “the problem is not the law, but the people. Not in Ivan Geshev, but in each prosecutor” (Interview 8). This can arguably show that for people who are being considered superior to the Prosecutor General, in terms of positions that he cannot control, might find it more difficult to view the challenges that the prosecutors might face in order to hold him accountable as it is presented in the constitution. These arguments are similar to the ones that were presented by the leader of the “Movement 21”, Doncheva. She meant that the problem was the people in office and not the position itself.

Despite this it might actually be a form of mobilization now that the people, the legislatures are united by a certain person in order to actually make the change needed to not only remove Geshev from the position, but actually make a final change. This change is not only in order to end the time where the Prosecutor General is untouchable and to put an end to the situation where the Prosecutor is the center of the political debates in Bulgaria (Kostov 2023). It is also a time for where Bulgaria has the possibility to improve both the judiciary independence and the trust of the people. This is arguably a very important moment in the modern history of the Bulgarian judiciary.

### *Parliament accepted the first reading - for investigating Prosecutor General*

During the meeting in the National Assembly on 19<sup>th</sup> of May 2023 the members of parliament accepted the first reading out of two in order to fully adopt the bill presented by the (caretaker) government which introduces a mechanism to investigate the Prosecutor General (De Fakto 2023). As previously disclosed a bill needs two readings in order to be adopted in the National Assembly before it is sent to the President for him to either send it back to the parliament if he sees the need for further consideration or he signs a decree for the bills promulgation (National Assembly 2021). The bill got 191 votes for, 0 against and 33 representatives voted “abstentions”. Parties supporting the bill were the coalition of GERB-SDS, PP-DB, DPS and BSP.

As previously mentioned, this reform is introducing a mechanism or tool in order to bring accountability over the General Prosecutor in the event that they commit a crime of general nature. This was to be done by appointing an ad hoc prosecutor, also now called investigating prosecutor, which was to be selected by supreme court judges from the Supreme Court, that has the minimum of 12 years' experience as a judge where at least 7 of these years is from criminal cases (Novinite 2023a). This investigating prosecutor is to be appointed from a list of judges that has agreed to take this role. If this is to be approved on the second hearing, the actions of the ad hoc prosecutor will be monitored by another supreme judge who also will be appointed temporarily appointed as deputy prosecutor general (De Fakto 2023). Adding to this it was also proposed that the amount of votes needed in order to release the Prosecutor General was to be lowered from 17 to 13 in the Supreme Judicial Council (Novinite 2023).

This proposal has made it possible to pass it without going through constitutional changes, as it is only the prosecutors that can take out accusations. However, the representative from “Vazrazhdane”, Konstadin Kostadinov, stated in the plenary hall that this was unconstitutional. “Vazrazhdane’s” bill<sup>12</sup>, proposed transferring the investigation responsibility to the director of the National Criminal Investigation Department (NCID) and thereby remove the department from the subordination of the prosecutor’s office (De Fakto 2023). Konstadinov was afraid that if a judge were to become a temporary prosecutor, they would also become a mirror judge which could lead to unexpected benefits. One moment he

---

<sup>12</sup> received 68 votes for, six against and 149 abstentions leading the bill to be rejected.

is a prosecutor who writes accusations and then in another he is a judge and now can make his own decisions (De Fakto 2023).

The challenges by giving the NCID the authority to carry out the investigation is the already dependence of the director of the investigating department and the Prosecutor General as well as the already existing deep connections of the investigators and the prosecutor's office. Which arguably would be just "moving" the problem from one subordinate of the Prosecutor General to another. The National Assembly has decided that the time period between the first and second reading shall be three days (Novinite 2023a).

During this thesis the goal has been to show the challenges of a non-accountable Prosecutor General and the measures that have been taken in order to change this. From over 70 convictions from the ECtHR on this issue alone (De fakto 2023), several opinions presented by the Venice Commission with recommendations on how to successfully and in the proper way possible, to multiple attempts from governments over the past years in order to reach this goal of accountability to a position that has been "above the law" and more or less untouchable.

This reform that has now been presented by the Bulgarian government has been argued to be a step in the right direction in order to put an end to the battle for accountability of the Prosecutor General. Ever since the 2009 Kolev. Bulgaria judgment and conviction of Bulgaria from the ECtHR has been an issue. The result of the political process of the reform has been a challenge as long as the politicians has not been able to gather a majority to either reject or adopt the reforms. Others have argued that the reason for the reform not going through has been because the reform proposal has been of the "cosmetic" kind and not really grasping the real problems and in order to reach real changes the constitution need to be changed (Btv-Noveni 120 minutes, 2023).

### *Why is it so important with judicial reform?*

Minister of Justice Krum Zarkov has been very clear from his position and ever since he took place in the office, that he will work towards the judicial reform being adopted. Zarkov have been clear that even though the issue concerning the resignation of the Prosecutor General Ivan Geshev is important, the more crucial issue lies within the systematic problems with the position of the General Prosecutor (Kostov 2023).

Bulgaria has ever since becoming a member state of the European Union in 2007 been supposed to join the Schengen Area. However, this motion has been prevented as there have been disagreements concerning whether Bulgaria is meeting the requirements to join Schengen (Benoit 2023). The Bulgarian application was once again up for consideration and vote in December 2022 but was blocked by only two European Countries, the Netherlands and Austria. There were two reasons for the blocking, the first reason was because of the major amount of illegal immigrants arriving through Turkey, Romania and Bulgaria, also called the Balkan route and the security (Kolev and Makrov 2022). This reason that has been given can arguably be viewed as discriminatory attitude and is something that Bulgaria cannot change who they are connected through their borders (Kolev and Makrov 2022).

The second reason was because of the country's weak economic structure and problems with the judicial system, and the weakness in the rule of law. This is not an unfamiliar problem for Bulgaria, when they wanted to become members of the European Union three out of six benchmarks that were commented were concerned with the judiciary (Vassileva 2020, 742). However, these allegations concerning the weakness in the judicial system are according to the Prosecutor General, Ivan Geshev said not to be a problem and that the Schengen criteria have been met and that it rather had something to do with the Bulgarian mentality, “we overexpose our problems for the purpose of internal political use (...). Our problem is that we do not protect the Bulgarian national interest” (Kolev and Makrov 2022).

According to the Minister of Justice Krum Zarkov the way to tackle this problem is to adopt judicial reform that would not only lift the level of judicial independence in the judiciary. But also bring along awaited accountability to the Prosecutor General (Btv Novinite 2023a). This will not only stop preventing Bulgaria from entering Schengen, but also stop them from further being condemned in the ECtHR in Strasbourg (Btv Novinite 2023a).

### *Five explanations to why there has been challenges in adopting effective reforms.*

Addressing the longstanding problems that have been haunting the Bulgarian state has been an ongoing challenge. Notably the prosecutorial system, which has remained roughly unchanged and has yet to undergo much modernization, since the establishment in 1947, despite multiple attempts. The country, once referred to as the “Island of Tranquility”, has faced many difficulties going from having a judicial system that served as a tool for the state in order to control the society over to a system that now requires independence from the states influence.

There are five distinct categories of explanations that shed light on the lack of effective reforms in the Bulgarian judicial system. These explanations are crucial in providing insight into the challenges faced. By categorizing these explanations, it will be easier to achieve a comprehensive understanding.

#### *Historical – legacy from the communist period*

The Bulgarian judicial system is structured with several vital institutions and bodies consisting of the courts, prosecution and investigating magistrates. This is something unique for the Bulgarian system in that it contains all these three bodies together in the system. The organ that has the main responsibility for the judicial personnel is the Supreme Judicial Council.

The way the Bulgaria judicial system is structured has much to do with the legacy that was brought forward from the communist period. Example, the way the supreme courts are divided into one for civil and criminal courts in the Supreme Court of Cassation and one for more administrative cases in the Supreme Administrative Court are prolongation from the communist period. The same goes for the prosecutorial office, where the powers contained by the Prosecutor General is an extension of the *soviet-prokuratora* with a vertical power structure (Venice Commission CDL-AD (2009)011-e). As seen in figure 1 there is no one above or besides the Prosecutor General making the position more or less untouchable. The inviolability of the Prosecutor General is becoming a huge challenge in the judicial system, as well as an essence of the reforms that are trying to be passed.

In order to change this, one either has to implement a reform that specifically takes care of the hierarchical challenges concerning the accountability, as in theory every single prosecutor can take out accusations towards the Prosecutor General but in practice there are not anyone that dares. This can arguably be because of the fear for their future career and position in the system, as the Prosecutor General has the final say in several of these decisions.

Because of these strong historical ties to the past system makes it difficult to achieve change, since the people have become accustomed to the system as it is and found ways to work both around and with it in order to achieve their own personal goals (Interview 6; Interview 7).

#### *Structural – The law and the rigorous system*

Concerning the structural explanation, it is mostly concerning the laws and the rigorous institutions and constitution. This explanation can be summed up by the decision from the Constitutional Court concerning how the judiciary shall work, it all goes down to the constitutional decision number 3 from 2003. Where the Constitutional Courts interpretation gave a very wide interpretation of Article 158, 3 in the Constitution (Constitutional Court 2003) (Interview 6). This decision proved that any change, in for example the place of the prosecution within the structure of state governance can only be performed by the Grand National Assembly (Interview 6) (Constitutional Court 2003).

In other words, this makes sure that in order to change how the prosecutorial system or office is structured this has to be done by the Grand National Assembly, which in itself is complicated to get elected as it needs two-thirds majority in the National Assembly in order to alone call for an election of the Grand National Assembly (Article 160 in the Constitution of Bulgaria). Adding to this there has to be a two-thirds majority in the Grand National Assembly in favor of changing the constitution.

#### *Societal issues: Crisis and personification*

Some of the main arguments against a reform change has been that the proposed legislations have been, as mentioned before, linked to be too personal against the current Prosecutor General, “the entire reform is being proposed is that the Prosecutor General should not be called Ivan Geshev” (Interview 8). This clears to show that the conflict goes deeper than the

legislative level which makes it even more difficult to change. Through the history of what has made the Prosecutor General's powers to become such a crucial political issue one of the sources to this are the scandals following the personal conflicts involving the prosecutor general, despite who it is that currently is in office several of the Prosecutor Generals through the years since after the end of the communist period has been involved in some sort of scandal and direct conflict with political actors or other high-ranking personnel.

This comes to show that it does not only depend on the personality of the person holding the position but a system that allows for unprofessional behavior and a system without accountability that has made room for scandals and conflicts on such a high level. The current Prosecutor General has now been accused of staging his own car explosion and accusing there to be political connections to the incident in order to hurt him and his family (Novinite 2023b). However, the damages proved to be minor and several of the statements following the investigation from Geshev and his deputy, Sarafov has not been bearing the truth (Toncheva 2023b; Solakova 2023). These incidents have now resulted in that 6 of the prosecutors in the Supreme Judicial Council prosecutors chamber to ask for his dismissal as they claim that he has broken several constitutional decrees concerning how he had handled the case (Btv Novinite 2023d).

These and many other incidents have been adding up and leading to the argument that the judicial personnel, also including both judges and prosecutors, have had enough. Geshev still tries to paint a picture that the prosecutors that have been going against him demanding his dismissal have been pressured from political influence and power (BNT 2023). One of the prosecutors that have asked for his removal has spoken up and answered the following to the question whether he has talked to any politicians “I have not spoken to any politician on this subject” (Btv Novinite 2023d).

### *Cultural*

Another factor that can lead to an explanation is cultural. By this it is to understand it as the mentality of the people, how they perceive the working culture at their job. Data connected to this is gathered from the interviews and by analyzing the recent events concerning the relationship between the prosecutors and the Prosecutor General. For many people in

Bulgaria, it is important to have a good career and being able to support yourself and for once family, in order to do this one has to have a good education and a good job in order to reach these set goals. There for one can argue that it sits even deeper to do anything than can jeopardies the wanting result of achieving a good career and good pay. Having this in mind it can be easier to understand somewhat why the subordinates of the Prosecutor General are hesitant or straight up does not want to accuse him of doing something criminal. The mentality and tendency related to peoples career growth is essential here (Interview 6).

Going against a superior one can risk not getting the possibilities to reach higher positions which could guarantee better pay or not getting more interesting investigations (Interview 7: Interview 4). Even though no one would admit to doing this, it does not mean it does not happen. Even greater consequences include being commissioned to far off places in the country without your agreement and being moved far away from your own family and immediate circle can be quite challenging and not worth the risk (Interview 6).

Some might argue that the way the system is structured and the mechanisms, for example in the constitution or in the law in general, that are placed in order to control it are present. However, if the people that is working within the system are not working in good faith, in a professional manner, in the end it does not matter at all the laws, the procedures and the meanings of the institutions. It depends only on the people, as anything else in our life” (Interview 4).

When it has for merely 75 years been going on this way, as the system is a continuance of the soviet-prosecutor style, this comes to form something of a mentality which is very difficult to change.

### *Political*

The second challenge which stands in the way of changes consists of the current political situation where at the moment during the last two years have been five elections and it is moving closer to a sixth round (Todorov 2023). This means that it is rather difficult to form a majority in parliament in order to implement what “could be a very deep and very wide lasting change” (Interview 6).



Even though the president has appointed caretaker governments, there is still important policies that is not been put up for voting or even discussed that needs to be voted for in parliament. As long as there is no majority and with constant re-elections this is one of the main obstacles in order to implement change (Interview 6, Interview 7, Interview 1).

Despite the Council of Europe strongly insisting, several times, that the Bulgarian authorities adopts legislative changes, even constitutional amendments, if necessary, to restrict the lack of independence in criminal investigations concerning the Bulgarian Prosecutor General. The country is at a standing still while the political crisis continues, as one of the informants said, “A real separation between prosecution can only happen by decision of parliament” (Interview 6), while others argue that “Only people who works within the system can make a change” (Interview 4).

In order for reforms to succeed they need the necessary amount of votes in the legislative branch, if this is not succeeded the process needs to start all over again. To achieve formalization or adoption of a legislative bill or reform, securing the necessary votes become a crucial factor. Given the ongoing political situation in Bulgaria, accomplishing this could potentially pose significant challenges. With the constant re-elections, the National Assembly is not always able to focus and reach a decision on the legislative proposals received. It is difficult enough and time-consuming for the National Assembly to negotiate a majority to form a government (Interview 9).

### *What is currently happening?*

In light of recent events and negotiations about forming government the coalition GERB-SDS and the coalition of PP-DB has been agreeing to make plans towards forming a rotating government (Nedkova 2023a). The rotating government would work in the following way, in the first 9 months the prime minister will be PP-representative Nikolay Denkov and after the period of 9 months the next prime minister would be GERB’s nominee Mariya Gabriel (Nedkova 2023a). This is quite a special situation, as the coalition PP-DB previously did not want to collaborate, and the PP-DB coalition had stated before that they would not support any candidate for prime minister from GERB (Roussi, Camut and Sorgi 2023).

Among the priorities for the new government is to implement constitutional reform, adoption of a state budget and entry into the Schengen area. It is yet to see if this will be happening as

the negotiations and further talks are still under work (Nedkova 2023a). This is however not the first time there has been a rotating government or more specifically rotating prime ministers. This has been carried out successfully in three other democratic countries, such as the Republic of Ireland, Israel and Romania. While in Germany and North-Macedonia it was unsuccessful (Evgenieva 2023). Despite there being talks about forming such a government The negotiation, however, has in light of recent developments been frozen by GERB. This has happened because of the release of recordings where the coalition PP-DB came with statements that harmed the negotiations (Fileva 2023). It will be interesting to follow these developments and whether there will be a sixth election in two years, this will happen if also the third mandate is returned unfulfilled to the president.

The reform has in recent events in the end of May 2023 been through the second reading in the National Assembly and has been passed with 210 votes (Nedkova 2023b). This adaptation happened without any debate, while one party was not present during the voting and that was BSP (Nedkova 2023b). The leader of BSP, Kornelia Nivova, meant that what was happening now is a parliamentary coup, while acknowledging the need for reform she meant that this is not the way to do it (Shishkova 2023). Representative from BSP, Ivan Chenchev, told Btv Novinite that this is “Е преврат спрямо конституцията. Не само БСП, а и 23/ма съдии казват, че този закон е противоконституционен” (*translated*) a coup against the constitution. Not vonly the BSP, but also 23 judges say that this is law is unconstitutional” (Btv Novinite 2023c).

Even though the BSP has for a long time wanted the removal of the Prosecutor General Ivan Geshev, they chose to not participate in the voting of this reform because in their eyes this is more about positions and distribution of power than a judicial reform (Btv Novinite 2023c). The Prosecutor General has already after this final reading announced that he will challeng the text in the reform before the Constitutional Court (Shiskova 2023).

## Conclusion

Through this thesis, the goal has been to answer two main questions: why has the Prosecutor General's powers and accountability become such a crucial political issue in recent years, and what are the obstacles preventing effective reforms? These questions have been explored through close analysis of the legal system and the particularly the office (and person) that has become a symbol of what is wrong with the legal system in Bulgaria, the Prosecutor General.

The Prosecutor General's powers and accountability has become the center of attention for several different actors, both at the national and international levels. The scandals, protests, and challenges of the recent years have contributed to the attention, and now that all this is centered around one person, the realization that change is needed is stronger. The last two parliaments in 2023 alone have tried to adopt the reform. Until very recently, this has seemed impossible, but in the days of submitting this thesis, the second reading of the reform was held in the National Assembly and passed with 210 votes. Only one party, the DPS, did not participate in the voting (Nedkova 2023).

In the analysis of the two research questions, I have drawn on three bodies of theory: judicial independence, accountability and political reform. Judicial independence is here understood as the lack of pressure from external factors, such as politicians, but also the lack of pressure and influence from superiors in the judicial system (Ayden 2013; Volcansek 2019). It has therefor been necessary to distinguish between internal and individual independence, as these two dimensions are supposed to be a shield from these types of pressures and influences (Huchhanavar 2023).

Accountability is an important concept in this thesis. In some cases, this is defined as having “*the feeling*” of responsibility (Bovens, 2007), but the definition used here emphasizes control and having someone who is able to exercise control over the agent, in this example it can be someone higher up or an independent actor (Bovens 2007, 453).

Policy making theory is relevant to understand the processes required to make the necessary changes. In the reform attempts discussed in this thesis, the use of experts and interest groups have been important to build legitimacy for the proposal (Knill and Tossun 2012, 127). Significantly, the Council of Europe's Venice Commission has provided the Bulgarian authorities with important feedback, comments and recommendation through several of their opinions. The interest group, Justice for all, has through their dedications for judicial reform provided the politicians with important views and comments on their draft for several judicial reforms (Interview 7), these feedbacks from interest groups and the Venice Commission have proven useful in the drafting of the reform.

The method that has been used in this thesis has been a qualitative case study of the Bulgarian judiciary and judicial reform process. To be able to collect the necessary data I have conducted fieldwork in the capital of Bulgaria, Sofia, in November 2022. Here I was able to interview key informants representing the political sphere, academia and the legal system. The interviews were conducted in a semi-structural way which gave the possibility to ask both open-ended questions and follow-up questions. The thesis has a high internal validity because of the use of triangulation, which involves the use of several data sources which has been helpful in order to reveal if any of the sources have any weakness that might have been deemed as reliable and also an important mechanism in authenticating the findings (Andersen 2006, 291; 292; Gloppen and Sieder 2021, 14).

The lack of accountability and obstacles to effective reform have been explained by the use of five different lenses, respectively emphasizing historical, cultural, societal, political and structural causes. Together they explain why the Prosecutors powers have become a critical issue and why it has not been possible to get effective reforms in place.

The historical and cultural explanations cover the legacy that the Bulgarian judiciary brought from the former communist rule, where the prosecutorial office has a vertical power structure that still remains. As illustrated in figure 1, this means that the Prosecutor General does not account to anyone. In theory, every prosecutor can take out charges towards the Prosecutor General, but for obvious reasons. Fear of retaliation from the Prosecutor General is widespread – no-one knows what he is capable of doing, as one informant put it (Interview 7), and he has the power to decide the prosecutors' career. The historical part - that it has

always been this way - affects peoples mentality, making the Prosecutor General's power stronger than the law itself (Interview 6), and thereby harder to change.

Due to the lack of modernization of the judiciary, the Prosecutors powers has also become an important foreign policy issue. It has been pointed out in both judgements from the ECtHR in the *Kolev*-case, as well as in several of the opinions given by the Venice Commission. With the higher degree of attention form external sources, it has also become an increasingly important domestic political case in Bulgaria, illustrated by the demonstrations and protest in 2020, demanding the resignation of the Prosecutor General (Cholakov 2020). This leads us to the societal issues and the political explanation. The current political crisis, due to problems of forming a stable government, and constant re-elections, makes it even more difficult to achieve effective reforms.

The National Assembly has now passed the reform, but there are still processes that remain to be passed before it is implemented. The Constitutional Court must test the constitutionality of the reform, as some politicians and judges have voiced their concern (Btv Novinite 2023c). If a constitutional change is needed, there will there be other structural obstacles to navigate, with the rigorous and demanding procedures needed to change the.

Even though the political debate focuses a lot on the current position holder of the Prosecutor General office, Ivan Geshev, it is important to underscore that the problems go beyond the personality of the person. At a deeper level, there is a system that allows for unprofessional methods and behavior as well as a system without accountability. All this gives room for scandals and conflicts on a higher level, which has been show through the term of several of Geshev's predecessors such as Filchev and Tsatsarov. Even though it is positive that the legislature, the people, and some judicial personnel are united in their view that change is necessary because of one specific person, removing him alone will not fix the institutional problem that sits deep in the prosecutorial office and especially in the Prosecutor General's office.

Current events have shown that there is a window of opportunity to make the necessary changes in the judicial system - and perhaps enable it to build trust with the people - as long as the politicians don't stumble on the last stretch.

To conclude, there are several factors combining to explain why these challenges have occurred and been so persistent, and this is what the thesis has presented by way of the five complementary categories of explanations. It is important to keep these in mind when conducting further research on efforts to reform the Bulgarian judicial system - beyond the completion of this thesis at the end of May 2023.

## Literature list:

Aberbach, Joel D. And Bert A. Rockman. 2003. "Conducting and Coding Elite Interviews." *PS: Political Science & Politics* 35 (4): 673-676.

URL: <https://doi.org/10.1017/S1049096502001142>

Andersen, Svein S. 2006. «Aktiv informantintervjuing.» *Norsk statsvitenskapelig tidsskrift* 22 (3):278-351. URL: [https://www-idunn-no.pva.uib.no/nst/2006/03/aktiv\\_informantintervjuing](https://www-idunn-no.pva.uib.no/nst/2006/03/aktiv_informantintervjuing)

Androlova, Kalina. 2023. "Иван Гешев пред "Гласове": Законопроектът на Зарков е пълна трагедия." *Glasove*. URL: <https://glasove.com/na-fokus/ivan-geshev-pred-glasove-zakonoproektat-na-zarkov-e-palna-tragediya?fbclid=IwAR3eYLhgt9w0TQfFNIqwmnBkDdluPzVEJtG4Uh0h34H4q6ScJoNuKnttbl>

Aydın, Aylin. 2013. "Judicial Independence across Democratic Regimes: Understanding the Varying Impact of Political Competition." *Law & Society Review* 47 (1): 105-34.

URL: <https://www.jstor.org/stable/23357932>

Barany, Zoltan D. 2002. "Bulgaria's Royal Election" *Journal of Democracy* 2002 13(2): 141-155 URL: [https://www.researchgate.net/publication/236792473\\_Bulgaria's\\_Royal\\_Elections](https://www.researchgate.net/publication/236792473_Bulgaria's_Royal_Elections)

Barzachka, Nina. S. and Stefka P. Yordanova. 2020. "Why Bulgaria's government has survived months of anti-corruption protest". *The Washington Post*.

URL: <https://www.washingtonpost.com/politics/2020/12/26/why-bulgarias-government-has-survived-months-anti-corruption-protests/>

Benoit. Robert J. 2023. "Bulgaria and the Schengen Area: Will Bulgaria join soon?" *Etias.info*. URL: <https://www.etias.info/bulgaria-schengen-area-member/>

Bovens, Mark. 2007. "Analyzing and Assessing Accountability: A Conceptual Framework". *European Law Journal*. 13 (4): 447-468. URL: <https://doi.org/10.1111/j.1468-0386.2007.00378.x>

BNR (Radio Bulgaria). 2023. "We Continue the Change/Democratic Bulgaria will not support a cabinet on a GERB mandate with PM Mariya Gabriel." Published: 17.05.2023.

URL: <https://bnr.bg/en/post/101824566/we-continue-the-change-democratic-bulgaria-will-not-support-a-cabinet-on-a-gerb-mandate-with-pm-mariya-gabriel>

BTA. (a) 2023. “Members of Prosecutors Chamber of Supreme Judicial Council Propose Replacement of Bulgaria’s Top Prosecutor.” Published: 12.05.2023

URL: <https://bta.bg/en/news/bulgaria/455731-members-of-prosecutors-chamber-of-supreme-judicial-council-propose-replacement-o>

BTA. (b) 2023. “Backgrounder: Third Attempt to Remove Ivan Geshev from office of Prosecutor General.” Published: 12.05.2023 URL: <https://www.bta.bg/en/news/bulgaria/455919-backgrounder-third-attempt-to-remove-ivan-geshev-from-office-of-prosecutor-gene>

Btv Novinite (a). 2023. “Крум Зарков към депутатите: Направете невъзможното, приемете закона за главния прокурор.” Published: 30.01.2023.

URL: <https://btvnovinite.bg/predavanja/tazi-sutrin/krum-zarkov-kam-deputatite-napravete-nevazmozhnoto-priemete-zakona-za-glavnija-prokuror.html>

Btv Novinite (b). 2023. “Татяна Дончеза Съдебната реформа няма, има само замазане на очите.” Published: 29.01.2023 URL: <https://btvnovinite.bg/predavanja/120-minuti/tatjana-doncheva-sadebnata-reforma-njama-ima-samo-zamazvane-na-ochite.html>

Btv Novinite (c). 2023. “БСП: ние искаме Иван Гешев да си тръгне, но механизмът е противоконституционен.” Published: 26.05.2023. URL: <https://btvnovinite.bg/predavanja/lice-v-lice/bsp-nie-iskame-ivan-geshev-da-si-tragne-no-mehanizmat-e-protivokonstytucionen.html>

Btv Novinite (d). 2023. “прокурорската колегия на вс предлагат предсрочно освобождаване на иван гешев.” Published: 12.05.2023. URL: <https://btvnovinite.bg/bulgaria/prokurorskata-kolegija-na-vss-predlagat-predsrochno-osvobozhdavane-na-ivan-geshev.html>

Btv Novinite. Face to face. 2023. “чолаков: повече няма да има обвинения срещу герб че саботира садебнатареформа.” Published: 31.10.2023. URL: <https://btvnovinite.bg/predavanja/lice-v-lice/radomir-cholakov-poveche-njama-da-ima-obvinenija-sreshtu-gerb-che-sabotira-sadebnata-reforma.html>



Btv Novinite. 120 minutes. “татайна дончева: съдебната реформа няма има само замазване на очите .” Published: 29.01.2023. URL: <https://btvnovinite.bg/predavanja/120-minuti/tatjana-doncheva-sadebnata-reforma-njama-ima-samo-zamazvane-na-ochite.html>

Btv Novinite. 2020. “Край „Летния Сарай”: Христо Иванов в сблъсък с охранител заради недостъпен плаж (ВИДЕО).” Published: 07.07.2020  
URL: <https://btvnovinite.bg/bulgaria/kraj-letnija-saraj-hristo-ivanov-v-sblasak-s-ohraniteli-zaradi-nedostapen-plazh-video.html>

Btv Novinite. 2019. “Иван Гешев Аз съм инструмент в ръцете на Господ.”  
Published: 14.04.2020 URL: <https://btvnovinite.bg/bulgaria/ivan-geshev-az-sam-instrument-v-racete-na-gospod.html>

Bulgarian National News (BNT). 2023. “Главният прокурор Иван Гешев отказа да подаде оставка.” Video. 36:44. 15.May 2023.  
(<https://www.youtube.com/watch?v=gaGcXVHQx0Y>)

Chastand, Par Jean-Baptiste. (a) 2020. “Le procureur général, « intouchable » figure du système judiciaire bulgare.” Le Monde. URL: [https://www.lemonde.fr/international/article/2020/10/13/le-procureur-general-intouchable-figure-du-systeme-judiciaire-bulgare\\_6055835\\_3210.html](https://www.lemonde.fr/international/article/2020/10/13/le-procureur-general-intouchable-figure-du-systeme-judiciaire-bulgare_6055835_3210.html)

Chastand, Per Jean-Baptise. (b) 2020. “En Bulgarie, les manifestations contre « la dictature de la mafia » ne s’arrêtent pas.” Le Monde. URL: [https://www.lemonde.fr/international/article/2020/10/13/en-bulgarie-les-manifestations-contre-la-dictature-de-la-mafia-ne-s-arretent-pas\\_6055794\\_3210.html](https://www.lemonde.fr/international/article/2020/10/13/en-bulgarie-les-manifestations-contre-la-dictature-de-la-mafia-ne-s-arretent-pas_6055794_3210.html)

Cheresheva, Mariya. 2016. “Delayed EU Audit of Bulgaria Prosecution Raises Concern.” Balkan Insight. URL: <https://balkaninsight.com/2016/05/31/postponed-eu-monitoring-of-bulgaria-s-prosecution-worries-experts-05-31-2016/>

Cholakov, Petar. 2020. “Political clashes fueling Bulgarian protests.” Destuche Welle (DW). URL: <https://www.dw.com/en/bulgaria-politics-fuels-protests/a-54164832>

Collier, David. 2011. «Understanding Process Tracing.” *PS: Political Science & Politics* 44 (4): 823-830. DOI: <https://doi.org/10.1017/S1049096511001429>

Constitutional Court of The Republic of Bulgaria. 2003. “Решение No 3 от 10 април 2003 г.” Date: 10.04.2003. URL: <https://www.constcourt.bg/bg/act-1929>

Constitution of The Republic of Bulgaria. *Last amended 2015.*

URL: <https://www.parliament.bg/en/const>

Constitution of the Republic of Bulgaria. “Constitution of the Republic of Bulgaria of 1991, amendments 2015”. National Assembly. URL: <https://www.parliament.bg/en/const>

Corruption Perceptions Index. 2022. “Report Corruption Perceptions Index 2022.”

Transparency International. URL: [https://images.transparencycdn.org/images/Report\\_CPI2022\\_English.pdf](https://images.transparencycdn.org/images/Report_CPI2022_English.pdf)

Council of Europe. 2021. “Bulgaria: Urgent steps needed to reduce the Chief Prosecutor’s influence on the Supreme Judicial Council to be elected in 2022.” Published: 03.12.2021

URL: [https://www.coe.int/en/web/execution/news/-/asset\\_publisher/j0QMuy0LrTts/content/bulgaria-urgent-steps-needed-to-reduce-the-chief-prosecutor-s-influence-on-the-supreme-judicial-council-to-be-elected-in-2022](https://www.coe.int/en/web/execution/news/-/asset_publisher/j0QMuy0LrTts/content/bulgaria-urgent-steps-needed-to-reduce-the-chief-prosecutor-s-influence-on-the-supreme-judicial-council-to-be-elected-in-2022)

Dainow, Joseph. 1967. “The Civil Law and the Common Law: Some Points of comparison”

*American Journal of Comparative Law* 15 (3): 419-435 URL: [https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/amcomp15&id=435&men\\_tab=srchresults#](https://heinonline.org/HOL/Page?collection=journals&handle=hein.journals/amcomp15&id=435&men_tab=srchresults#)

Davies, Pascale and Alessio Dell’Anna. 2020. “Explainer: Why is Bulgaria engulfed in daily anti-government protest?” EuroNews. URL: <https://www.euronews.com/my-europe/2020/07/18/explainer-why-is-bulgaria-engulfed-in-daily-anti-government-protests>

De Facto. 2023. “На първо четене: Парламентът прие „болезнено“ актуалния механизъм

за разследване на главния прокурор.” Published: 19.05.2023. URL: [https://defakto.bg/2023/05/19/на-първо-четене-паламентът-прие-боле/?fbclid=IwAR3pdkWICF3cJrSVY771IpSuTXDMjFrwsvNgUt3rBBmQ\\_j4JhBZ5IBXcNKc](https://defakto.bg/2023/05/19/на-първо-четене-паламентът-прие-боле/?fbclid=IwAR3pdkWICF3cJrSVY771IpSuTXDMjFrwsvNgUt3rBBmQ_j4JhBZ5IBXcNKc)

De Fakto. 2022. “Какъв да е обхвата и фокуса на конституционния дебат, за да отстраним „чудовищата“, които създадохме.” Published: 09.03.2022

URL: <https://defakto.bg/2022/03/09/какъв-да-е-обхвата-и-фокуса-на-конститу/>

Destuche Welle (DW). 2023. “Парламентарните избори ще бъдат на 2 април.” Published:

24.01.2023. URL: <https://www.dw.com/bg/parlamentarnite-izbori-se-bdat-na-2-april/a-64503052>

Destuche Welle (DW). 2020. “Raids on Bulgarian president draw protests.” Published: 10.07.2020. URL: <https://www.dw.com/en/bulgaria-radev-raids-protests/a-54120080>

Dimitrov, Martin (a). 2019. “Ex-Prosecutor General to Head Bulgaria’s Anti-Corruption Commission.” Balkan Insight. URL: <https://balkaninsight.com/2019/12/11/ex-prosecutor-general-to-head-bulgarias-anti-corruption-commission/>

Dimitrov, Martin (b). 2019. “Bulgaria President Vetoes Sole Nominee for Prosecutor General.” Balkan Insight. URL: <https://balkaninsight.com/2019/11/07/bulgaria-president-vetoes-sole-nominee-for-prosecutor-general/>

Draft Gloppen, Siri. And Rachel Sieder. 2021. Chapter (page 1-17) prepared for Malcolm Langford and David Law. In *Handbook on Research Methods in Constitutional Law*. (E. Elgar, forthcoming)

Evgenieva, Irina. 2023. “една държава две правителства къде по света управлението е на ротация.” Btv Novinite. URL: <https://btvnovinite.bg/svetut/edna-darzhava-dve-pravitelstva-kade-po-sveta-upravlението-e-na-rotacija.html>

European Court of Human Rights. 2010. “Case of Kolevi v. Bulgaria” Final: 05.02.2010. URL: <https://hudoc.echr.coe.int/eng#%7B%22tabview%22%3A%22document%22%2C%22itemid%22%3A%22001-95607%22%7D>

European Court of Human Rights. 2023. “Annual Report 2022 of the European Court of Human Rights, Council of Europe.” URL: [https://www.echr.coe.int/Documents/Annual\\_report\\_2022\\_ENG.pdf](https://www.echr.coe.int/Documents/Annual_report_2022_ENG.pdf)

European Justice. 2020. “Organization of Justice – judicial system.” Last updated: 10.05.2021 URL: [https://e-justice.europa.eu/16/EN/national\\_justice\\_systems?BULGARIA&member=1](https://e-justice.europa.eu/16/EN/national_justice_systems?BULGARIA&member=1)

Factsheet Bulgaria Flash Eurobarometer 503. 2022. “Perceived independence of the national justice systems in the EU among general public - Country Factsheets in English Bulgaria.” URL: <https://europa.eu/eurobarometer/surveys/detail/2752>

Farooqi, Nasir Ahmad. 1950. “VYSHINSKY’S LAW OF THE SOVIET STATE.” *Pakistan Horizon* 3 (2): 104–21. <http://www.jstor.org/stable/41392456>

Fileva, Maria. 2023. “ГЕРБ замразява преговорите с ПП-ДБ за формиране на правителство.” BNR (Bulgarian Radio). URL: <https://bnr.bg/horizont/post/101829441/gerb-zamrazava-pregovorite-s-pp-db-za-formirane-na-pravitelstvo-s-vtoria-mandat>

Flash Eurobarometer 503. 2022. “Perceived independence of the national justice system in the EU among the general public.” URL: <https://europa.eu/eurobarometer/surveys/detail/2752>

Gerring, John. 2017. *Case study research*.  
United Kingdom: Cambridge University Press

Goldstein, Kenneth. 2003. «Getting in the Door: Sampling and Completing Elite Interviews». *PS: Political Science & Politics* 35 (4): 669–672.  
DOI: <https://doi.org/10.1017/S1049096502001130>

Hello Bulgaria. “Зарков: Вярвам, че 49-ото НС ще приеме законопроекта за разследване на главния прокурор.” 23:32. Published 17.04.2023.  
URL: <https://www.youtube.com/watch?v=kVooWfvSzRQ>

Huchhanavar, Shivaraj S. 2023. “Conceptualizing Judicial Independence and Accountability from a Regulatory Perspective.” *Oslo Law Review* 9 (2): 110-148.  
DOI: <https://doi.org/10.18261/olr.9.2.3>

Justice for All / Правосъдие за всеки. 2023. “За нас.”  
URL: <https://pravosadie zavseki.com/about/#mission>

Каркова, Ива. 2023. “Борисов отговори на Гешев” Dnes. URL: <https://dnes.dir.bg/politika/borisov-otgovori-na-glavniya-prokuror-ne-sam-v-pozitsiya-da-davam-poslanicheski-postove>

Keremidchiev, Spartak. Ekaterina Salkova Natalia Kiselova, Tsveta Popova, Ivaylo Yankov, Dochka Velkova, Yana Kirilova. 2022. “Реформа на съдебната система в България.”  
Sofia: Club “Economics 2000”

Knill, Christoph and Jale Tossun. 2012. *Public Policy: A New Introduction*  
Macmillian: United Kingdom

Knill, Christoph and Jale Tossun. 2020. *Public Policy: A New Introduction*.  
Macmillian: United Kingdom

Kolev, Yoan and Al. Markov. 2022. “Bulgaria and Romania remain outside Schengen once again – what to expect next?” Radio Bulgaria. URL: [https://bnr.bg/en/post/101749961/bulgaria-and-romania-remain-outside-schengen-once-again-what-to-expect-next?fbclid=IwAR0EVdO6X2-1\\_yGxh1f5xyEKIAJQjkm4qflnBJndmoPiKDIIb2CnjtkTw](https://bnr.bg/en/post/101749961/bulgaria-and-romania-remain-outside-schengen-once-again-what-to-expect-next?fbclid=IwAR0EVdO6X2-1_yGxh1f5xyEKIAJQjkm4qflnBJndmoPiKDIIb2CnjtkTw)

Konstadinova, Petia. 2020. “Thirty years of Bulgarian Democracy. Lessons (partly) learned” In *Bulgaria's Democratic Institutions at Thirty*. Edited by: Kjell Engelbrekt and Petia Konstadinova. Available from: Akademika, Rowman & Littlefield Publishing Group, 2020.

Kostov, Konstantin. 2023. “Много внимателно трябва да проследим крайния резултат на процедурата за освобождаване на главния прокурор.” БТА. URL: <https://www.bta.bg/bg/news/455965-mnogo-vnimatelno-tryabva-da-prosledim-krayniya-rezultat-na-protsedurata-za-osvob>

Leech, Beth L. 2003. «Asking Questions: Techniques for Semi structured Interviews». *PS: Political Science & Politics* 35 (4): 665–668.

DOI: <https://doi.org/10.1017/S1049096502001129>

Leech, Beth L. 2003. «Interview Methods in Political Science». *PS: Political Science & Politics* 35 (4): 663–664. DOI: <https://doi.org/10.1017/S1049096502001117>

Mańko. 2021. *Council of Europe standards on judicial independence*.

Council of Europe: [https://www.europarl.europa.eu/thinktank/en/document/EPRS\\_BRI\(2021\)690623](https://www.europarl.europa.eu/thinktank/en/document/EPRS_BRI(2021)690623)

Mediapool. (a) 2015. “АБВ внесе поправки, които слагат кръст на съдебната реформа.”

Published: 20.10.2015 URL: <https://www.mediapool.bg/abv-vnese-popravki-koito-slagat-krast-na-sadebnata-reforma-news240728.html>

Mediapool. (b) 2015. “ГЕРБ бламира съдебната реформа, Христо Иванов подаде

оставка.” Published: 09.12.2015 URL: <https://www.mediapool.bg/gerb-blamira-sadebnata-reforma-hristo-ivanov-podade-ostavka-news242864.html>

Mediapool. 2019. “Нов протест срещу Гешев пред Съдебната палата.” Published:

26.07.2019 URL: <https://www.mediapool.bg/nov-protest-sreshtu-geshev-pred-sadebnata-palata-news296190.html>

Melone, Albert P. 1996. “The struggle for Judicial Independence and the transition Toward Democracy in Bulgaria” *Communist and Post-Communist Studies* 1996 (2): 231-243  
URL: <https://www.sciencedirect.com/science/article/abs/pii/S0967067X96800079>

National Assembly. 2021. “How does a bill become an act?” Last updated: 2021.  
URL: <https://parliament.bg/en/billbecomeact>

Nedkova, Vanina. (a) 2023. “ГЕРБ и ПП-ДБ с план за кабинет с втория мандат и ротационен премиер” Btv Novninite. URL: <https://btvnovinite.bg/bulgaria/gerb-i-pp-db-s-plan-za-kabinet-s-vtorija-mandat-i-rotacionen-premier.html>

Nedkova, Vanina. (b) 2023. “Без дебат приеха окончателно създаването на механизъм за разследване на главния прокурор.” Btv Novinite. URL: <https://btvnovinite.bg/bulgaria/bez-debat-prieha-okonchatelno-sazdavaneto-na-mehanizam-za-razsledvane-na-glavnija-prokuror.html>

Nikolov, Krasen. 2020. “Никола Филчев официално е съветник на главния прокурор.” Mediapool. URL: <https://www.mediapool.bg/nikola-filchev-ofitsialno-e-savetnik-na-glavniya-prokuror-news307377.html>

Nikolov, Krasen. 2023. “Съдебният инспекторат започва проверка на Гешев и Сарафов.” Mediapool. URL: <https://www.mediapool.bg/sadebniyat-inspektorat-zapochva-proverka-na-geshev-i-sarafov-news347864.html>

Nova. 2023. “Bulgarian Prosecutor General Ivan Geshev is determined to resign despite the pressure.” Publish: 15.05.2023 URL: <https://nova.bg/news/view/2023/05/15/411985/bulgarian-prosecutor-general-ivan-geshev-is-determined-not-to-resign-despite-the-pressure/>

Novinite. (a) 2023. “On first reading: Bulgaria’s Parliament approved the Mechanism for Investigating the Prosecutor General.” Published: 19.05.2023.  
URL: <https://www.novinite.com/articles/220177/On+First+Reading%3A+Bulgaria%E2%80%99s+Parliament+approved+the+Mechanism+for+Investigating+the+Prosecutor+General>

Novinite. (b) 2023. “After the Incident with the Bulgarian Prosecutor General: Is there a Political Connection?” Published: 02.05.2023. URL: <https://www.novinite.com/articles/219921/After+the+Incident+with+the+Bulgarian+Prosecutor+General%3A+Is+there+a+Political+Connection%3F>

Novinite. 2015. “Bulgaria President, PM Clash over Chief of State Security Body.”

Published: 15.02.2015. URL: <https://www.novinite.com/articles/166539/>

[Bulgaria+President%2C+PM+Clash+over+Chief+of+State+Security+Body](https://www.novinite.com/articles/166539/Bulgaria+President%2C+PM+Clash+over+Chief+of+State+Security+Body)

Novinite. 2021. “Caretaker Justice Minister Stoilov Will Appeal SJC’s Refusal to Dismiss

Prosecutor General Geshev.” 03.08.2021. URL: [https://www.novinite.com/articles/](https://www.novinite.com/articles/210620/Caretaker+Justice+Minister+Stoilov+Will+Appeal++SJC%27s+Refusal+to+Dismiss)

[210620/Caretaker+Justice+Minister+Stoilov+Will+Appeal++SJC%27s+Refusal+to+Dismiss+Prosecutor+General+Geshev](https://www.novinite.com/articles/210620/Caretaker+Justice+Minister+Stoilov+Will+Appeal++SJC%27s+Refusal+to+Dismiss+Prosecutor+General+Geshev)

Novinite. (b) 2023. “After the incident with the Bulgarian Prosecutor General: Is there a

political connection?” Published: 02.05.2023 URL: [https://www.novinite.com/articles/](https://www.novinite.com/articles/219921/After+the+Incident+with+the+Bulgarian+Prosecutor+General%3A+Is+there+a+Polit)

[219921/After+the+Incident+with+the+Bulgarian+Prosecutor+General%3A+Is+there+a+Political+Connection%3F](https://www.novinite.com/articles/219921/After+the+Incident+with+the+Bulgarian+Prosecutor+General%3A+Is+there+a+Political+Connection%3F)

Raunova, Polina. 2015. “Венецианската комисия не подкрепя "прокурорската" поправка

в конституцията.” Mediapool. URL: [https://www.mediapool.bg/venetsianskata-komisiya-](https://www.mediapool.bg/venetsianskata-komisiya-ne-podkrepya-prokurorskata-popravka-v-konstitutsiyata-news240403.html)

[ne-podkrepya-prokurorskata-popravka-v-konstitutsiyata-news240403.html](https://www.mediapool.bg/venetsianskata-komisiya-ne-podkrepya-prokurorskata-popravka-v-konstitutsiyata-news240403.html)

Petrova, Kalina. 2023. “нс прие на първо четене въвеждането на механизам за

разследване на главния прокурор.” Dnes.dir. URL: [https://dnes.dir.bg/politika/ns-prie-na-](https://dnes.dir.bg/politika/ns-prie-na-parvo-chetene-vavezhdaneto-na-mehanizam-za-razsledvane-na-glavniya-prokuror)

[parvo-chetene-vavezhdaneto-na-mehanizam-za-razsledvane-na-glavniya-prokuror](https://dnes.dir.bg/politika/ns-prie-na-parvo-chetene-vavezhdaneto-na-mehanizam-za-razsledvane-na-glavniya-prokuror)

Petrova, Teodora. 2020. “The General Prosecutor Unbound.” Verfassungblog.

URL: <https://verfassungsblog.de/the-general-prosecutor-unbound/>

Popova, Maria. 2020. “The Postcommunist Judiciary, one step forward, two steps back.” In

*Bulgaria's Democratic Institutions at Thirty*. Edited by: Kjell Engelbrekt and Petia

Konstadinova. Available from: Akademika, Rowman & Littlefield Publishing Group, 2020.

President of the Republic of Bulgaria. 2017. “Rumen Radev.” Published: 22.01.2017.

URL: <https://m.president.bg/en/cat9/President-biography>

Prosecutor’s Office of Republic of Bulgaria. 2020. “Biography.” Published in 2020.

URL: <https://prb.bg/prokuratura/glaven-prokuror/en/biografia>

Oliver, Christian. 2020. “US backs Bulgaria protesters, while EU leaders keep mum.”

Politico. URL: <https://www.politico.eu/article/bulgaria-protests-eu-silence-us-opinion/>

Radio Free Europe. 2023. “Bulgaria Election Commission Releases List of Parliamentary Seat Winners.” Published: 08.04.2023. URL: <https://www.rferl.org/a/bulgaria-parliamentary-elections-seat-winners-borisov/32355303.html>

Radio Bulgaria. 2019. “Supreme Judicial Council elects Ivan Geshev to the post of Prosecutor General.” Published: 24.10.2019 URL: <https://bnr.bg/en/post/101182545/supreme-judicial-council-elects-ivan-geshev-to-the-post-of-prosecutor-general>

Rafalovich, Julia. 2020. “Prosecutors raid the presidency building, arrest two members of Rumen Radev’s staff.” Mediapool. URL: <https://www.mediapool.bg/prosecutors-raid-the-presidency-building-arrest-two-members-of-roumen-radevs-staff-news309635.html>

Rathbun, Brian Christopher. 2008. *The Oxford Handbook of Political Methodology*. Oxford Handbook Online: <https://www-oxfordhandbooks.com.pva.uib.no/view/10.1093/oxfordhb/9780199286546.001.0001/oxfordhb-9780199286546-e-29>

Reuters. 2022. “Croatia to join Schengen zone, but Romania and Bulgaria kept out.” The Guardian. URL: <https://www.theguardian.com/world/2022/dec/08/croatia-to-join-schengen-zone-but-romania-and-bulgaria-kept-out>

Rizova, Desislava. 2023. “съдебната реформа се провали в парламента остава за следващото.” Btv Novinite. URL: <https://btvnovinite.bg/bulgaria/sadebnata-reforma-se-provali-v-parlamenta-ostava-za-sledvashtoto.html>

Roussi, Antoaneta., Nicolas Camut and Gregorio Sorgi. 2023. “EU’s Mariya Gabriel nominated to be Bulgaria’s new prime minister.” Politico. URL: <https://www.politico.eu/article/eu-commissioner-mariya-gabriel-nominated-for-bulgaria-pm-gerb-boyko-borissov/>

Rothstein, Bo and Aiysha Varraich. 2017. *Making Sense of Corruption*. Cambridge: University Press

Shetreet, Shimon. 2014. *The culture of Judicial Independence: Rule of Law and World Peace*. Leiden: BRILL. URL: <https://ebookcentral.proquest.com/lib/bergen-0ebooks/detail.action?pq-origsite=primo&docID=1815747#>



Shishkova, Liliana. 2023. “ОКОНЧАТЕЛНО: Депутатите решиха да има механизъм за контрол върху главния прокурор.” Nova. URL: <https://www.nova.bg/news/view/2023/05/26/413194/окончателно-депутатите-решиха-да-има-механизъм-за-контрол-върху-главния-прокурор/>

Solakova, Dimitrina. 2023. “National Investigation Service Head Reacts to Prosecutor General TV Interview.” BTA. URL: <https://bta.bg/en/news/bulgaria/453052-national-investigation-service-head-reacts-to-prosecutor-general-tv-interview>

Standardt. 2022. “Кой (не) иска съдебна реформа в България?” Published: 19.12.2022 URL: <https://www.standardnews.com/balgariya-politika/koy-ne-iska-sdebna-reforma-v-blgariya-512268.html>

Stoynev, Veselin. 2023. “Изборите в България: какво може да се случи оттук нататък” Destuche Welle (DW). URL: <https://www.dw.com/bg/izborite-v-blgaria-kakvo-bi-moglo-da-se-sluci-ottuk-natatk/a-65210948>

Svoboda Europa. 2023. “ГЕРБ е първа политическа сила с 69 депутати. ПП-ДБ има 64.” Published 07.04.2023. URL: <https://www.svobodnaevropa.bg/a/32353472.html>

Tanchev, Evgeni and Martin Belov. 2015. “The Bulgarian Constitutional Order, Supranational Constitutionalism and European Governance.” In *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law*. Edited by: Albi, A., Bardutzky, S. URL: [https://link.springer.com/chapter/10.1007/978-94-6265-273-6\\_23#citeas](https://link.springer.com/chapter/10.1007/978-94-6265-273-6_23#citeas)

Tansey, Oisín. 2007. “Princess Tracing and Elite Interviewing: A Case for Non-probability Sampling.” *PS: Political Science & Politics* 40 (4). Cambridge University Press: 765-772. DOI: <https://doi.org/10.1017/S1049096507071211>

The Sofia Globe Staff. 2023. “Bulgarian President Radev hands mandate to Gabriel to try to form Cabinet.” Published: 15.05.2023. URL: <https://sofiaglobe.com/2023/05/15/bulgarian-president-radev-hands-mandate-to-gabriel-to-try-to-form-cabinet/>

The Sofia Globe Staff. 2022. “Bulgaria Constitutional Court rules Justice Minister can request Prosecutor-General’s dismissal.” Published: 08.02.2022. URL: <https://sofiaglobe.com/2022/02/08/bulgaria-constitutional-court-rules-justice-minister-can-request-prosecutor-generals-dismissal/>

The Sofia Globe. 2020. "Media bodies in Bulgaria condemn police violence against journalists at anti-government protests." 03.09.2020 URL: <https://sofiaglobe.com/2020/09/03/media-bodies-in-bulgaria-condemn-police-violence-against-journalists-at-anti-government-protests/>

The Sofia Globe Staff. 2016. "Bulgaria's top judiciary body splits into separate colleges." Published: 14.04.2016 URL: <https://sofiaglobe.com/2016/04/14/bulgarias-top-judiciary-body-splits-into-separate-colleges/>

Todorov, Svetoslav. 2023. "Bulgaria Edges Closer to Sixth General Election in Two Years." Balkan Insight. URL: <https://balkaninsight.com/2023/05/04/bulgaria-edges-closer-to-sixth-general-election-in-two-years/>

Toncheva, Desislava. 2023. "President Radev to Hand First Government-forming mandate to GERB-SDS." Bulgarian News Agency. URL: <https://www.bta.bg/en/news/bulgaria/456738-president-radev-to-hand-over-first-government-forming-mandate-to-gerb-udf>

Toncheva, Desislava. 2023. "Interior Minister: Prosecutor General's Car Had Minor Damage after May 1 Blast." BTA. URL: <https://bta.bg/en/news/bulgaria/451847-interior-minister-prosecutor-general-geshev-s-car-had-minor-damage-after-may-1->

Tonry, Michael. 2012. "Prosecutors and Politics in Comparative Perspective." *Crime and Justice* 41 (1): 1-33. DOI: <https://doi.org/10.1086/666975>

Tsolova, Tsvetelia and Alexandra Hudson. 2019. "Bulgarians protest against the country's sole candidate for chief prosecutor." Reuters. URL: <https://www.reuters.com/article/us-bulgaria-protest-idUSKBN1X22CD>

Tsolova, Tsvetelia and Alexandra Hudson. 2020. "Prosecutor raids on Bulgarian President's office draw public anger. Reuters. URL: <https://www.reuters.com/article/uk-bulgaria-protests-justice-idUKKBN24A2ZX>

Tsoneva, Jana. 2020. "What is happening with the Bulgarian protest movement?." Aljazeera. URL: <https://www.aljazeera.com/opinions/2020/9/10/what-is-happening-with-the-bulgarian-protest-movement>

- Trifonov, Vladimir. 2023. “Тежки времена очакват България след изборите.” Pogled. URL: <https://pogled.info/bulgarski/tezhki-vremena-ochakvat-balgariya-sled-izborite.154637>
- Trudt News. 2022. “Защо Христо Иванов не иска съдебната реформа на Иван Гешев?.” Published: 19.10.2022 URL: <https://trud.bg/защо-христо-иванов-не-иска-съдебната-реформа-на-иван-гешев/>
- Vassileva, Radosveta. 2020. “Threats to the Rule of Law: The Pitfalls of the Cooperation and Verification Mechanism” *European Public Law* 26 (3): 741-768. URL: <https://ssrn.com/abstract=3857073>
- Vassileva, Radosveta. 2022. “Impunity: The unbearable difficulty of dismissing a General Prosecutor for abuses of office and other crimes.” *Verfassungsblog*. URL: <https://verfassungsblog.de/impunity/>
- Vassileva, Radosveta. 2021. “Framing and Raiding.” *Verfassungsblog*. URL: <https://verfassungsblog.de/framing-and-raiding/>
- Vassileva, Radosveta. 2020. “Bulgaria: 100 days of protest.” *New Eastern Europe*. URL: <https://neweasterneurope.eu/2020/10/28/bulgaria-100-days-of-protests/>
- Vassileva, Radosveta. 2020. “Protest in Bulgaria: will the EU at least condemn the violence?.” *The Brussels Times*. URL: <https://www.brusselstimes.com/131263/protests-in-bulgaria-will-the-eu-at-least-condemn-the-violence>
- Venice Commission Opinion CDL-AD (2022)032-e. “*On the draft amendments to the Criminal Procedure Code and the Judicial System Act.*” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2022\)032-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2022)032-e)
- Venice Commission Opinion CDL-AD (2019)031-e. “*On Draft Amendments to the Criminal Procedure Code and the Judicial System Act Concerning Criminal Investigations Against Top Magistrates.*” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)031-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)031-e)
- Venice Commission Opinion CDL-AD (2018)018. “*On the Judicial System Act.*” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)018-e)

Venice Commission Opinion CDL-AD (2015)022-e. “*On the Draft Act to Amend and Supplement the Constitution (in the field of the judiciary)*.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2015\)022-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2015)022-e)

Venice Commission Opinion CDL-AD (2009)011-e. “On the Draft Law Amending and Supplementing the Law on Judicial Power.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2009\)011-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2009)011-e)

Venice Commission Opinion CDL-AD (2008)009-e. “*On the Constitution of Bulgaria*.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2008\)009-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2008)009-e)

Venice Commission Opinion CDL-AD(2003)012-e. “*Memorandum Reform of the Judicial System in Bulgaria*.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2003\)012-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2003)012-e)

Venice Commission Opinion CDL-AD (2003)016-e. “On the Constitutional Amendments Reforming the Judicial System in Bulgaria.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2003\)016-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2003)016-e)

Venice Commission CDL-AD (2002)015-e. “*On the Draft Law on Amendments to the Judicial System Act of Bulgaria*.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2002\)015-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2002)015-e)

Venice Commission Opinion CDL-INF (1999)005-e. “*On the Reform of the Judiciary in Bulgaria*.” Venice: Council of Europe. URL: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-INF\(1999\)005-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-INF(1999)005-e)

Venkova, Gertana. 2023. “Радев признава преговорите за кабинет да започнат беднага” Btv Novinite. URL: <https://btvnovinite.bg/bulgaria/radev-prizova-pregovorite-za-kabinet-da-zapochnat-vednaga.html>

Vromen, Ariadne. 2018. “Qualitative methods.” In *Theory and methods in political science*, edited by Vivien Lowndes, David Marsh and Gerry Stroker, 237-253. London: Palgrave

Volcansek, Mary L. 2019. *Comparative Judicial politics*  
United Kingdom: Rowman & Littlefield

Yin, Robert K. 2018. "Case Study Research and Applications, Design and Methods"  
United States of America: SAGE Publications

## APPENDIX 1 – Overview of the interviews

### Overview of the interviews

<b>Code used in thesis</b>	<b>Occupation</b>	<b>Date of the interview</b>
Interview 1	Judge	18/11-23
Interview 2	Scholar	14/11-23
Interview 3	Judge	15/11-23
Interview 4	Lawyer	18/11-23
Interview 5	Scholar	09/11-23
Interview 6	Politician	15/11-23
Interview 7	Lawyer	21/11-23
Interview 8	Judge	16/11-23
Interview 9	Advisor	15/11-23

## APPENDIX 2 – Interview guides

### *Interview guide – Judge*

1. How was your path to the bench?
  - a) What is your educational background?
  - b) Other work experience before coming a judge
  
2. In your professional opinion is there anything that should be changed in today's Bulgarian Constitution?
  
3. How has the Bulgarian judicial system changed since the fall of communism?
  
4. In your professional opinion is there anything that should be changed in today's Bulgarian constitution?
  
5. If you could change anything about the judicial system, in that case what would you change?
  
6. What are the main challenges in the Bulgarian judiciary today?
  
7. What are the most frustrating things about your job?
  
8. Who/What is your biggest obstacle in achieving what you want to achieve?
  
9. What do you think of former justice minister Jordanova?
  - a) What do you think about her actions?
  
10. In 2007 the Bulgarian government created a new inspectorate attached to the Supreme Judicial Council; this was to assure the EU that it is making progress toward meeting rule of law benchmarks. The inspectorate was tasked with tackling judicial corruption. Its main focus is to inspect the activity of the judicial bodies without affecting their independence.
  - a) What is your view on the inspectorate?
  
11. Is there something else that you think I should know?

## *Interview guide – Scholars*

1. What was the reason for choosing (*their field of expertise* ) as your field of expertise?
2. In your professional opinion is there anything that should be changed in today's Bulgarian constitution?
3. How has the Bulgarian judicial system changed since the fall of communism?
4. In your professional opinion is there anything that should be changed in today's Bulgarian constitution?
5. If you could change anything about the judicial system, in that case what would you change?
6. What are the main challenges in the Bulgarian judiciary today?
7. What are the most frustrating things about your job?
8. Who/What is your biggest obstacle in achieving what you want to achieve?
9. What do you think of former justice minister Jordanova?
  - b) What do you think about her actions?
10. In 2007 the Bulgarian government created a new inspectorate attached to the Supreme Judicial Council; this was to assure the EU that it is making progress toward meeting rule of law benchmarks. The inspectorate was tasked with tackling judicial corruption. Its main focus is to inspect the activity of the judicial bodies without affecting their independence.
  - a) What is your view on the inspectorate?
11. Is there something else that you think I should know?



*Interview guide – Politician / advisor*

1. What does your work as (*political position*) entail?
2. In your professional opinion is there anything that should be changed in today's constitution?
3. How has the Bulgarian judicial system changed since the fall of communism?
4. In your professional opinion is there anything that should be changed in today's Bulgarian constitution?
5. If you could change anything about the judicial system, in that case what would you change?
6. What are the main challenges in the Bulgarian judiciary today?
7. What are the most frustrating things about your job?
8. Who/What is your biggest obstacle in achieving what you want to achieve?
9. What do you think of former justice minister Jordanova?
  - a) What do you think about her actions?
10. In 2007 the Bulgarian government created a new inspectorate attached to the Supreme Judicial Council; this was to assure the EU that it is making progress toward meeting rule of law benchmarks. The inspectorate was tasked with tackling judicial corruption. Its main focus is to inspect the activity of the judicial bodies without affecting their independence.
  - a) What is your view on the inspectorate?
11. Is there something else that you think I should know?

## *Interview guide – Lawyer*

1. Have you always wanted to become a lawyer?
2. In your professional opinion is there anything that should be changed in today's constitution?
3. How has the Bulgarian judicial system changed since the fall of communism?
4. In your professional opinion is there anything that should be changed in today's Bulgarian constitution?
5. If you could change anything about the judicial system, in that case what would you change?
6. What are the main challenges in the Bulgarian judiciary today?
7. What are the most frustrating things about your job?
8. Who/What is your biggest obstacle in achieving what you want to achieve?
9. What do you think of former justice minister Jordanova?
  - a) What do you think about her actions?
10. In 2007 the Bulgarian government created a new inspectorate attached to the Supreme Judicial Council; this was to assure the EU that it is making progress toward meeting rule of law benchmarks. The inspectorate was tasked with tackling judicial corruption. Its main focus is to inspect the activity of the judicial bodies without affecting their independence.
  - a) What is your view on the inspectorate?
11. Is there something else that you think I should know?

## **Appendix 3 – Invitation to participate and consent form English and Bulgarian**

### **Invitation to participate in the research project “*Judicial independence in Bulgaria*”?**

Purpose of the project:

**I would like to interview you for my Master’s project** at the University of Bergen (UiB) in Norway: “**Judicial independence in Bulgaria**”, which investigates reforms to enhance the independence of the Bulgarian judiciary. The UiB Department of Government is responsible for the project.

#### **Why are you asked to participate?**

I have asked you for an interview because of your experience as .....

I found/received your contact information through ....

#### **What does participation entail?**

If you agree to take part in the project, I will conduct an in-person interview with you lasting approximately 30 minutes. The interview includes questions about the judicial system in Bulgaria and attempted judicial reforms. I will be accompanied by a translator and, if you permit, your answers will be recorded. Your confidentiality will be ensured, and your answers will be anonymised unless you expressly give me permission to use without anonymity.

**Participation in the project is voluntary.** If you chose to participate, you can withdraw your consent at any time without giving a reason. All information about you will then be made anonymous. There will be no negative consequences for you if you chose not to participate or later decide to withdraw.

#### **Your personal privacy – how we will store and use your personal data**

I will only use your personal data for the purpose(s) specified here and will process your personal data in accordance with data protection legislation (the GDPR). I will be the only one with access to the personal data. I will replace your name and contact details with a code. The list of names, contact details and respective codes will be stored separately from the rest of the collected data on a research server, locked away/encrypted. Participants will not be recognizable in publications; I do value the importance of anonymity and the only information that will be disclosed in the paper is occupation.

#### **What will happen to your personal data at the end of the research project?**

The planned end date of the project is June 2023. After the thesis is submitted, the personal data including digital recording will be completely anonymised. Once the Master’s thesis is approved and article(s) based on the thesis are published, the data will be deleted.

#### **Your rights**

If you can be identified in the collected data, you have the right to:

- access the personal data that is being processed about you
- request that your personal data is deleted
- request that incorrect personal data about you is corrected/rectified

- receive a copy of your personal data (data portability), and
- send a complaint to the Norwegian Data Protection Authority regarding the processing of your personal data

We will process your personal data based on your consent. Based on an agreement with the University of Bergen, Data Protection Services has assessed that the processing of personal data in this project meets requirements in data protection legislation.

### Where can I find out more?

If you have questions about the project, or want to exercise your rights, contact the University of Bergen via:

- Martine Jordana Baarholm, +47 909 96 012, [martine@baarholm.com](mailto:martine@baarholm.com)
- Supervisor, Professor Siri Gloppen. +47 918 20 532, [siri.gloppen@uib.no](mailto:siri.gloppen@uib.no)
- Our Data Protection Officer: Janecke Veim, +47 93030721, [Janecke.Veim@uib.no](mailto:Janecke.Veim@uib.no)

If you have questions about how data protection has been assessed in this project, contact:

- Data Protection Services, at: [personverntjenester@sikt.no](mailto:personverntjenester@sikt.no) or +47 53 21 15 00.

Yours sincerely,

Supervisor  
Professor Siri Gloppen

Student  
Martine Jordana Baarholm

---

## Consent form

I have received and understood information about the project *Judicial independence in Bulgaria* and have been given the opportunity to ask questions. I give consent:

- to participate in *an interview*
- *for information about me to be published in ways that allow me to be identified by name or position*

I give consent for my personal data to be processed until the end of the project.

-----  
(Signed by participant, date)

# Покана за участие в изследователския проект „Съдебна независимост в България“?

## **Цел на проекта:**

Бих искала да ви интервюирам за моя проект във връзка с магистратурата ми в Университета в Берген (UiB) в Норвегия на тема „Съдебна независимост в България“, в който разглеждам реформите за повишаване на независимостта на българската съдебна система.

Катедра „Политика и администрация“ в Университета в Берген (UiB) отговаря за проекта.

## **Защо сте помолени да участвате?**

Помолих ви за интервю поради вашия опит като .....

Намерих/получих вашата информация за контакт чрез ....

## **Какво включва участието?**

Ако дадете съгласие да участвате в проекта, ще проведе лично интервю с вас с продължителност около 30 минути.

Интервюто включва въпроси за съдебната система в България и опитите за съдебни реформи.

При нужда ще бъде придружена от преводач и, ако разрешите, вашите отговори ще бъдат записани. Вашата поверителност ще бъде осигурена и вашите отговори ще бъдат анонимни, освен ако изрично не ми разрешите да използвам без анонимност.

## **Участието в проекта е доброволно.**

Ако решите да участвате, можете да оттеглите съгласието си по всяко време, без да посочвате причина. След това цялата информация за вас ще бъде направена анонимна. Няма да има отрицателни последици за вас, ако решите да не участвате или по-късно решите да се оттеглите.

**Вашата лична поверителност** – как ще съхраняваме и използваме вашите лични данни.

Ще използвам вашите лични данни само за целите, посочени тук, и ще обработвам личните ви данни в съответствие със законодателството за защита на данните (GDPR).

Ще бъде единственият с достъп до личните ви данни. Ще заменя вашето име и данни за контакт с код. Списъкът с имена, данни за контакт и съответните кодове ще се съхраняват отделно от останалите събрани данни на изследователски сървър, криптирани. Участниците няма да бъдат разпознаваеми в публикации.

Оценявам значението на анонимността и единствената информация, която ще бъде разкрита в документа, е професията.

## **Какво ще се случи с вашите лични данни в края на изследователския проект?**

Планираната крайна дата на проекта е юни 2023 г.

След предаването на дисертацията личните данни, включително цифровите записи, ще бъдат напълно анонимизирани. След като магистърската теза бъде одобрена и статията, базирана на тезата, бъдат публикувана, данните ще бъдат изтрити.

## **Вашите права**

Ако можете да бъдете идентифицирани в събраните данни, имате право на:

- достъп до личните данни, които се обработват за Вас

- да поискате изтриване на вашите лични данни
- да поискате коригиране/коригиране на неверни лични данни за Вас
- да получите копие от вашите лични данни, и
- да изпратите жалба до Норвежкия орган за защита на данните относно обработката на вашите лични данни

Вашите лични данни ще се обработват въз основа на вашето съгласие.

Въз основа на споразумение с университета в Берген, Норвежския център за изследователски данни прецени, че обработката на лични данни в този проект отговаря на изискванията на законодателството за защита на данните.

### **Къде можете да получите повече информация?**

Ако имате въпроси относно проекта или искате да упражните правата си, свържете се с университета в Берген чрез:

- Мартине Йордана Борхолм, +47 909 96 012, [martine@baarholm.com](mailto:martine@baarholm.com)
- Научен ръководител, професор Сири Глопен. +47 918 20 532, [siri.gloppen@uib.no](mailto:siri.gloppen@uib.no)
- Отговарящ по защита на данните: Яанеке Веим, +47 93030721, [Janecke.Veim@uib.no](mailto:Janecke.Veim@uib.no)

Искрено Ваша,

Ръководител  
Професор Сири Глопен

Студент  
Мартине Йордана Борхолм

---

## **Формуляр за съгласие**

Получих и разбрах информацията за проекта „Съдебна независимост в България“ и ми беше дадена възможност да задавам въпроси.

Давам моето съгласие:

- за участие в интервю
- информацията за мен да бъде публикувана по начини, които позволяват да бъде идентифициран по име или длъжност

-----  
(Подпис на участника, дата, място)