To:

# All 705 Members of the European Parliament

OPEN LETTER – SIGNAL

The Chief Prosecutor of Bulgaria is a criminal! Stop the funds!

Vote today for the Resolution on Bulgaria!

**Subject: Reasonable presumption of crimes committed
by the Chief Prosecutor of Bulgaria Ivan Geshev**

Dear members of the European Parliament,

I write to all of you as Bulgarian and European citizen, scientist and public relations practitioner. As representatives in the European Parliament, you have a responsibility not only to the countries and citizens you represent, but also the citizens of all other member countries and their citizens.

 Today, the free citizens in Bulgaria are in a particularly difficult situation. Every day we fight the current corrupt government trying to prevent a lasting dictatorship. That is why he call to you with appeal for your full cooperation and support. Please support the Resolution on Bulgaria today, and insist to stop the European funds for our country until the rule of law returns here. In this regard, I send to your attention information for the crimes made by the current Prosecutor General in Bulgaria, which is not known to you at the time and which was sent on October 5th to Mrs. Ursula von der Leyen, Mrs. Vera Yourova, Mr. Didier

Reynders, Ms Laura Covesi and the members of the LIBE Committee.

Especially important is the attention of the deputies from the European People's Party, who yesterday witnessed an attempt to include in the Resolution on Bulgaria false information, most likely produced by the Bulgarian Chief Prosecutor's office, as their colleague Mrs. Roberta Mezzola was misled by the source, whom she does not appear to reveal before the media. Scary for us is also that the EPP did not allow Mr. Radan Kanev to speak on the debate on Bulgaria held on October 5.

I am sending this open letter - a signal to you in connection with the findings in the last Rule of Law Report for 2020 on the situation of the rule of law in Bulgaria - on the statements for lack of control and omnipotence of the Chief Prosecutor, as well as the impossibility to investigate him, about the statement for partial progress in the fight against high-level corruption, as well as findings on the dependence of the judiciary in Bulgaria.

As there is no institution, body or prosecutor in Bulgaria to accuse, investigate and bring to justice the Chief Prosecutor Ivan Geshev, I personally alert you on my behalf to the existence of a sufficiently stable and seriously substantiated presumption of official crimes and crimes against justice committed by the Chief Prosecutor in his capacity as administrative head of the Specialized Prosecutor's Office in early 2018.

There is a reasonable suspicion that Mr. Ivan Geshev committed a crime of defamation, fabricated bribery, official crimes and crimes against justice in the investigation, in the brutal spectacular twelve-hour arrest, as well as in the pre-trial proceedings on the charge of requesting and taking bribery, brought by the Specialized Prosecutor's Office under the direction of Mr. Geshev against the former mayor of the Mladost district of Sofia, Mrs. Desislava Ivancheva, and her deputy, Mrs. Bilyana Petrova. At the same time, this encroachment and crime is an example of a false fight against high-level corruption.

**The “Ivancheva and Petrova” case in brief**

On November 13, 2016, after prolonged civil protests against the redevelopment, the civil independent non-partisan candidate Desislava Ivancheva won the elections for mayor of the Mladost district of Sofia with a huge advantage over the candidate of the ruling GERB party (65% vs 30%). As mayor together with her team, led by her deputy Mrs. Bilyana Petrova, Mrs. Ivancheva began to fulfill her main pre-election commitment - to stop redevelopment in the area, revealing illegal privatization deals with land for more than 30 million euro, including forgery of documents. They stoped attempts for illegal construction of over 300,000 square meters worth over 2 billion euro, stared negotiations with investors to move conflict buildings in interblock spaces, worked hard for landscaping and creating conditions for recreation, play and sports for children and families in the area. During the short time she has been mayor, together with Mrs. Bilyana Petrova, Ivancheva has submitted to the Prosecutor's Office, the police and the Sofia Municipality a number of signals for corruption and property fraud committed in Mladost district by the previous GERB party mayors. To date, there has been no result on any of their signals. Some of these frauds and corruption schemes are covered in reports by the private national television bTV.

On April 17, 2018, Bulgaria and Europe witnessed the most brutal and spectacular arrest in the country's recent history since the 1989 democratic changes. Ivancheva and Petrova were stopped in their official car by masked men at a busy intersection in Sofia. During the arrest, one of the masked officers without identification marks on his clothes threatened Bilyana Petrova that if she did not testify against Ivancheva, she would not see her daughter again. The arrest and proceedings lasted more than twelve hours, with the two women being held at the crossroad in handcuffs, without water, toilet and lawyers for several hours. Most of the time, they were keped away from the official car, unable to observe what was happening in it. From the available videos, photos, the protocols in the case for search and certification, as well as from the way of storing the material evidence in the case, it is clear that the car was deliberately stained with fluorescent dust, and the Euro bundles for the so-called bribe were most likely placed in the car at the intersection during the arrest, when the police removed them from the car. At the beginning of the arrest, "by accident", a very controversial person appeared at the scene, the GERB MP Mr. Anton Todorov, who took pictures and shared about the arrest on his Facebook page. His publication caused the media to arrive at the crossroads and the arrest to become particularly spectacular.

Unprecedented for Bulgaria and Europe is not only the twelve-hour arrest of Desislava Ivancheva and Bilyana Petrova. Unprecedented are also the repressions they have endured for two and a half years by the law enforcement authorities in the pre-trial detention, when they were transported to hospitals, as well as in the courtrooms - with chains on their legs, placed in a glass cage in the courtroom. The work of both instances of the Specialized Court is exclusively in the service of the prosecution, as there is evidence of deliberate, instead of random selection of judges, including the election of a juror by the ruling GERB party, and illegal actions of the court to keep Ivancheva and Petrova in custody, despite a court decision to replace the measure of detention with house arrest. In the latter case, an investigation was ordered by the President of the Supreme Court of Cassation, which found violations of the law by the President of the Appellate Specialized Criminal Court, Judge Georgi Ushev, who was subsequently elected chairman of the court of second instance in the case against Ivancheva and Petrova and did not withdraw.

**Reasonable assumption** **for crimes committed by the current Chief Prosecutor of the Republic of Bulgaria in “Ivancheva and Petrova” case**

Dear ladies and gentlemen,

given the evidence that we citizens and journalists have here in Bulgaria, I most responsibly and categorically declare to you that there is a sufficiently stable reasonable assumption of crimes committed by the current Chief Prosecutor of Bulgaria, Mr. Ivan Geshev. As there is no institution or prosecutor in Bulgaria to investigate and prosecute him, given the forthcoming debate in the European Parliament on the rule of law in Bulgaria on Monday, October 5, as I am aware of the specific facts in the first person, I will present them here in front of you, with a request to you to help the Bulgarian citizens to get rid of this man, appointed to the highest position in an institution for repression and torture of free-thinking citizens and political opponents in a state occupied by the mafia.

The facts that lead to a substantiated proposal that Ivan Geshev as administrative head of the Specialized Prosecutor's Office in early 2018 headed the organized criminal group that organized the arrest and the fabricated bribery accusation of the mayors of Mladost district Desislava Ivancheva and Bilyana Petrova, have committed a crime of fabricating accusation of asking and taking a bribe, crimes in the line of duty and crimes against justice are the following:

1. A recording from eavesdropping device, made by the main witness for the

prosecution Alexander Vaklin and attached to the case, is heard as a fellow construction contractor telling Vaklin that he has an offer from the Specialized Prosecutor's Office for the removal of Ivancheva for BGN 15,000. The prosecutor's office and the Specialized Court refused to investigate who said these words!

1. In violation of the functions and powers assigned to him by law, as administrative

head of the Specialized Prosecutor's Office, Ivan Geshev personally attended the place of arrest of Ivancheva and Petrova on April 17, 2018. As can be seen from the available videos and photos, the operatives of the institutions performing the actions of arrest, search and certification of the crossroads reported personally to Ivan Geshev, as some of them give him a sign with a thumbs up. In response to a journalist's question, then-Chief Prosecutor Sotir Tsatsarov said he had ordered Geshev to attend the arrest. However, the Prosecutor General does not have such powers under the law.

1. The Specialized Prosecutor's Office and both instances of the Specialized Court

refused to request from the Ministry of Interior and the Ministry of Sports and to provide for consideration in court the full records of the crossroads with the arrest of Ivancheva and Petrova lasting several hours on the grounds that this has nothing to do with the case!

1. The two instances of the Specialized Court refused to call for questioning the

witness, whose signal for corruption the prosecution claims to have served for a permit for the use of eavesdropping devices against Ivancheva and Petrova. Such a signal was not provided by the prosecutor's office in the case at all!

1. On April 18, the day after his arrest, Ivan Geshev gave a special press conference in

which he declared the case "the biggest bribe in history", uttering a dozen false allegations, lies and manipulations, which we later refuted in a special video by reviewing documents in the case and minutes of the court hearings. Geshev continued to lie about the Ivancheva and Petrova case in his interviews on national TV channels, changing the version of the bribery several times, also lying that there was a video of the money being handed over.

1. Investigations on the media sites Frognews and Bivol proved direct links and business

relations between the woman – current life partner of the chief prosecutor and the partner of the main witness of the prosecution Alexander Vaklin.

1. Bulgarian citizens witnessed how Chief Prosecutor Geshev and witness Vaklin

became entangled in their lies on national air. Vaklin's speech in the media completely differs from his testimony before the court, and Geshev's speech completely differs from the documents in the case.

1. The then Chief Prosecutor Sotir Tsatsarov and his deputy Geshev hosted Vaklin

at a personal public meeting with invited media, at which Vaklin complained that there was systematic pressure against him because of his testimony in the Ivancheva case. At the same time, Vaklin filed a defamation lawsuit against me, which he closed before it even began.

1. Witnesses confirmed that three months before the arrest of Ivancheva and Petrova,

Tsvetan Tsvetanov known as the "second in GERB" had told at a party meeting that Ivancheva will not be mayor of Mladost for several months. Ivancheva and Petrova themselves informed me and other colleagues about an oral threat of their elimination through a high-ranking municipal councilor from GERB.

1. A year after the arrest, in an interview with the Bulgarian National Television, Ivan

Geshev stated directly that the trial against Ivancheva and Petrova was political.

For all these facts, as well as for many others, there is evidence and witnesses that we are ready to provide in case a body is found to conduct an investigation. From these facts it is clear that the current Chief Prosecutor Ivan Geshev, as administrative head of the Specialized Prosecutor's Office, had headed an organized criminal group that organized the fabricated accusation of the civil non-partisan mayors of Mladost district in demanding and taking bribery. This happened with the knowledge, the order and the cooperation of the highest officials in the GERB party.

In addition to all his other abuses and possible crimes, we can reasonably assume that in the case of Ivancheva and Petrova Ivan Geshev committed several crimes in the line of duty and several crimes against justice and against the person under the Criminal Code of the Republic of Bulgaria, including: for accusing the innocent of a crime by presenting false evidence against them, leading to their prosecution (Article 286); for abuse of official rights by a person holding a responsible official position in order to cause harm to others and with significant harmful consequences (Article 282); to use eavesdropping devices for illegal ordering (Article 284c); for knowingly allowing a person subordinate to him to commit a crime related to his office or work (Article 285); for failing to perform the duties imposed on him by the prosecution service in a timely manner in order to relieve another of the punishment which is due to him by law (Article 288); to persuade officials of the investigating, prosecuting and judicial authorities to infringe their official duties in relation to the administration of justice (Article 289); for disclosing a disgraceful circumstance to another and attributing a crime - insult and slander (Articles 147 and 148).

Dear Members of the European Parliament,

The case of Ivancheva and Petrova is emblematic and unprecedented in Bulgarian and European history. This case is a living example of how newly formed specialized judicial institutions created by an extremely vicious government can function only in the service of this vicious government and its oligarchic trust circles, destroying civil society and democracy, and ominously trampling on the rule of law, including by committing brutal crimes against living people for which crimes no one can investigate and punish them!

**Ivan Geshev's remaining as Chief Prosecutor is not just a shame, as we have been chanting at the protests for the resignations of Borisov and Geshev for three months now. It is extremely dangerous for the citizens, democracy and the rule of law in Bulgaria to keep this person as Chief Prosecutor!**

**I therefore call on you, on behalf of civil society in Bulgaria and on my own behalf, to immediately suspend all European funds for Bulgaria while Geshev and Borisov submit their resignation and get sent to the court for their crimes, until we succeed in upholding the rule of law in our country!**

For more information, photos and video on the case of Ivancheva and Petrova, please visit the website:

<https://freethemayors.com/>

With respect,

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Specialist in public communication on risks and crises
Former PR specialist in Mladost District - Sofia Municipality
Member of the Union of Scientists in Bulgaria
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