

Breaking THE BARRIERS

TRANSNATIONAL PARTICIPATORY
JUDICIAL TRAINING ON PROCEDURAL RIGHTS

CASE STUDY 3

Facts

A, B, C, D, E and F are accused of participating in a criminal organization operating in Sofia (Bulgaria), which aimed to forge identity cards and driving licenses for motor vehicles.

One of the six accused persons, A, expressed his wish to enter into an agreement with the prosecutor in which he would plead guilty in exchange for a reduced sentence. The five other accused persons provided their “procedural consent” to the conclusion of such an agreement between A and the prosecutor, expressly stating that this did not mean that they plead guilty. F, a minor, requested that the Court appoint a lawyer for him, and the prosecutor assured him that he would appoint a lawyer for him immediately after the agreement with A had been concluded.

The text of the agreement between A and the prosecutor shall be submitted to the competent court in Bulgaria for approval. The participation of all the accused persons is mentioned in the text, just as in the indictment. All accused persons are identified in the same way, i.e., by their first name, father’s name, surname and national identification number. The only difference in the way they are identified is that A is also identified by his date and place of birth, address, nationality, ethnicity, marital status and criminal record.

According to the practice in Bulgaria, the text of such an agreement must correspond to the exact text of the indictment. Moreover, the offence of criminal organization requires the participation of at least three persons.

Question

Is the practice that was followed in accordance with EU law?

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