



The experience of a Bulgarian seaside city in countering (international) trafficking and smuggling

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The district of Bourgas

- The district of Bourgas has a territory of **253 644 sq. km**, biggest in the country, and population of **412 684 people** (202 766 in the district centre), **252 towns and villages, 13 municipalities**.
- **EU external border with Turkey**, biggest customs office in the country, sea port and airport.
- **Inflow of tourists and people with criminal history** during the summer months.
- Well developed industry, dynamic economic environment, major roads.
- Based on the above factors – a number of cases of human trafficking, illegal border crossings and smuggling.

Background – trafficking and smuggling in the Criminal Code and in practice

- Human trafficking is criminalized as part of the crimes against the person in the Bulgarian Criminal Code. Bulgaria is **one of the few countries where trafficking is criminalized regardless of the victim's consent**. Given the evolution of the relationships between traffickers and victims, where consent currently prevails over threat/coercion, collision may appear in criminalization between Bulgaria and countries of destination in Western Europe.
- Rise of migrant flows since 2015 affected mainly countries from the Schengen area, but raised the pressure on the external border between Bulgaria and Turkey. Thousands of people, including children and elderly, tried to illegally cross this border on their route to Western countries. They were often helped by Bulgarian citizens through illegal channels of border crossing and transportation, as well as accompaniment to the borders with Serbia and Romania.
- Crimes related to illegal border crossing and helping illegal stay in the country – human smuggling – are part of the crimes against the activities of state authorities and government in the Bulgarian Criminal Code.

Requirements and experience in investigating and prosecuting trafficking and smuggling

Our experience and a number of successful cases have led us to observing the following requirements and good practices in investigating and prosecuting human trafficking:

- **Creating a joint investigation team:** supervising prosecutors (usually two instead of one!), investigators, operative police, tax and asset forfeiture authorities to analyse flows of assets, generated by the criminal activity;
- Operative police **find the victim witnesses** and support investigators in organizing their **interviews**;
- **Investigation plan:** trafficking cases usually generate an enormous body of evidence to be put in a system and order to avoid any omissions in collecting relevant material;

Requirements and experience in investigating and prosecuting trafficking and smuggling

- **Swift** investigation and collection of evidence!
- Victim witnesses are **interviewed before a judge** so that their testimony can be later used in court; interviews of witnesses of secret identity are widely used;
- **Special investigative devices** – surveillance, wiretapping, undercover officers – are also used;
- Alleged offenders' **detention in custody** is requested before the court, or at least they are **banned from leaving the country** to cut their access to illegal assets abroad;

Requirements and experience in investigating and prosecuting trafficking and smuggling

- **Security measures** are put on the alleged offenders' assets to secure subsequent confiscation; asset forfeiture authorities make active checks on the alleged offenders' assets to secure subsequent illegal asset forfeiture; money laundering investigations may also be opened;
- Detailed checks are made on alleged offenders and victim witnesses' **foreign travels** which contribute to proving the existence of a criminal organization; **telephone conversations** are also checked in detail;
- Due to the **transnational nature of human trafficking**, all means of international legal assistance are used, and most recently the European Investigation Order for various investigation activities, including interviewing victims;

Requirements and experience in investigating and prosecuting trafficking and smuggling

- Investigations are led in **strict confidentiality** as the leak of information may lead to, among others, changing the testimony of victim witnesses;
- We routinely develop **tables and schemes to better present evidence**; prosecutors **supervise constantly** the collection of evidence and assess their quality and sufficiency;
- Closing the investigation, presenting of the investigation file, submitting an indictment to court.
- We use a similar algorithm in investigating illegal border crossings.

Statistics on human trafficking in the Bourgas district in 2017-2019

- In 2019 in the district of Bourgas we had a total of 53 human trafficking cases, also 53 in 2018 and 51 in 2017. In 2019 the investigation of 25 cases was closed, in 2018 – 29 cases and in 2017 – 25 cases. 11 cases were terminated in 2019, 6 in 2018 and 8 in 2017.
- In 2019 in our district 4 cases were submitted to court (2 of which for ‘external’ trafficking), 2 cases in 2018 and 4 cases in 2017.
- 6 offenders had their final sentence in 2019, 7 offenders in 2018 and 4 offenders in 2017.
- 10 cases against 20 alleged smuggling offenders were submitted to court in 2019, 17 cases against 23 persons in 2018, 57 cases against 104 persons in 2017 and 108 cases against 160 persons in 2016 – a significant decrease in 2019!
- Prevention – under the auspices of the National Anti-Trafficking Commission and significantly supported by NGOs.

Conclusions

Investigation and prosecution of human trafficking is just one element of combating this criminal phenomenon – others are:

- **Protecting trafficking victims:** under the coordination of the National Anti-Trafficking Commission and its local commissions, with the support of NGOs; victims can be protected witnesses under the Criminal Procedure Code and the witness protection legislation;
- **Support and state provided financial compensation** – investigating authorities and the prosecutor should inform the victims about their options for support and financial compensation and refer to the competent authority – the National Council for Supporting and Compensating Victims of Crime;
- **Illegal asset forfeiture from traffickers;**
- **Prevention**

Thank you for your attention! Questions?

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