

## **Fact-based opinions are now considered a crime in Bulgaria**

*The case of Capital Weekly's investigative journalist Rossen Bossev, sentenced for defamation by a judge who he has previously criticized, is a vindictive retaliation for his reporting and could act as a precedent to suppress future journalistic investigations*

On May 21st the Sofia City Court convicted Rossen Bossev, a journalist at Capital Weekly, in a criminal case brought before the court by the ex-chairman of the Financial Supervision Commission (FSC) Stoyan Mavrodiev.

We believe that the conviction of Rossen Bossev sets a dangerous precedent and endangers both journalism and freedom of expression in Bulgaria.

The court fined Mr Bossev for two statements he made during a TV interview in January 2015:

**"Stoyan Mavrodiev is using the FSC to repress "Capital Weekly" and "Dnevnik".**

and

**"Mr Mavrodiev has been associated with a money laundering scheme that Evelin Banev faces trial for (Banev was later convicted for executing financial operations with funds acquired through the trafficking of narcotic substances – editor's note). Through his actions, he [Mavrodiev] facilitated money laundering of a sum of money, acquired through drug trafficking."**

Rossen Bossev made both statements following a FSC decision to impose a record fine in 2015 on Economedica, Capital Weekly's publisher. These punitive acts were part of a larger campaign initiated by FSC and its chairman Mr Mavrodiev to suppress the freedom of speech in the country.

The legal proceedings against our colleague were the last of three cases, which Stoyan Mavrodiev brought before the courts against journalists from "Capital Weekly", who had made public statements similar to those of Rossen Bossev. The other two cases ended with acquittals. Rossen Bossev was found guilty only in this particular case even though his statements are based on facts, the validity of which has not been questioned by the court and which have been publicly known for years.

In the reasoning of its decision, the court accepted that:

- There have been no punitive actions taken against the two media, because the 2015 fines had been signed not by Mavrodiev himself, but rather by his deputy (*who still*

*works together with Mr. Mavrodiev in the Bulgarian Development Bank to this day - editor's note)*

- Mavrodiev could not have been involved with the laundering of Banev's drug money, because... he was never convicted for such an act.

Meanwhile the court acquitted Rossen Bossev for having said that Stoyan Mavrodiev had been a "legal consultant in a scheme for laundering drug money" in the very same TV programme.

"Capital Weekly" has always treated the Bulgarian judiciary with the utmost respect in its 25 year long history of defending the values of liberal democracy, free entrepreneurship and the rule of law. As a matter of principle, we do not question court decisions.

However, in Mr Bossev's case, we express our doubts about the court's impartiality for the following reasons:

- the reasoning contains obvious logical fallacies;
- the procedure of summoning Mr Bossev to court was intended to intimidate him and set an example for the other journalists;
- the case's reporting judge acting as the chair presiding the court's panel was judge Petya Krancheva, who had been featured in multiple "Capital Weekly" articles of a critical nature in the period 2010-2015. A substantial part of them were authored by Rossen Bossev (*for more information, please see the background information at the end of this letter*).

All of the above leads us to believe that our colleague's conviction is a malicious retaliation for his journalistic work.

Many lawsuits have been filed against "Capital Weekly" journalists. We have fought and continue to fight certain cases. We've lost some of them.

**With all due respect for the Bulgarian court, we do not agree with the conviction of our colleague Rossen Bossev.**

Above all we cannot comprehend how drawing conclusions on the basis of facts has become a criminal act.

We cannot condone the use of the power of a public office to suppress critical journalism. We believe that journalism serves a necessary and integral corrective function in democracy when the first, second, or third pillar of democracy work against the best interests of citizens and business.

Rossen Bossev's verdict completely ignores the defense's arguments. There is not a single line about the role of the media in democratic society or about the high moral standards, required of senior government officials.

The court decision gives the impression that we are still living in the 1980s (incidentally, part of the case-law referred to in the decision dates from that time). It is as if there wasn't a new Bulgarian constitution adopted in 1991, which the Constitutional Court interpreted in 1996 as follows: "*Freedom of speech ... applies not just to information and ideas that are readily accepted or are not considered insulting - it applies also to the information and ideas that insult, shock or disrupt the state or another part of the general populace. Such are the requirements of pluralism, tolerance and accountability that any "democratic society" has to uphold to be deserving of the name.*"

Throughout the years journalists and editors at "Capital Weekly" have been brave enough to wager their names behind the facts, even and especially when those facts have revealed malpractices or corruption. We have accepted the risk of being sued, but sued impartially, with respect for the facts and the law.

That is why we feel that our objections are well founded. We consider it pertinent to notify international journalist organizations and media of Rossen Bossev's conviction.

**We support our colleague's intentions to seek justice before the European Court of Human Rights in Strasbourg.**

Bossev's verdict is yet another grim sign of Bulgaria's declining media freedom. The country ranks last of all the EU members in the Reporters without Borders (RSF) 2018 World Press Freedom index because of widespread "corruption and collusion between media, politicians, and oligarchs." The US Department 2018 Country Report on Human Rights raises concerns "that corporate and political pressure, combined with the growing and nontransparent concentration of media ownership and distribution networks, as well as government regulation of resources and support for the media, gravely damaged media pluralism."

**Respectfully,**

**Capital Weekly editorial and managing team, and publishers**

**For more information:**

Alexei Lazarov, managing editor Capital - [alexei.lazarov@capital.bg](mailto:alexei.lazarov@capital.bg); (+359) 888226535

Teodora Vassileva, managing editor Capital - [teodora.vasileva@capital.bg](mailto:teodora.vasileva@capital.bg); (+359) 888515779

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## **Background Information**

Facts and events leading up to the case

### **1. Stoyan Mavrodiev did abuse his power and that is what Rossen Bossev claimed.**

FSC's chairman did indeed lead a punitive campaign against "Capital Weekly" and "Dnevnik" because of publications in both media outlets:

- In 2013 "Dnevnik" and "Capital Weekly" published information that Stoyan Mavrodiev had been summoned by the prosecution in the case against the convicted Bulgarian drug lord Evelin Banev-Brendo and four other defendants for laundering drug trafficking money. The reason - he had been certifying documents that were used for illicit money transfers, an object of the case.

- The court that convicted our colleague does not dispute these facts and accepts that Mavrodiev had in fact been certifying the documents used in the money transfers. However, it concludes that Mavrodiev has not been associated with it.

- After these publications, the FSC, headed by Mavrodiev, imposed punitive orders, unprecedented both in size and number, against companies of one of the publishers of "Capital Weekly" and "Dnevnik". There were 123 fines in total, worth over 250 000 EUR, and the majority of them were later overruled in court.

- The repression increased after Corporate Commercial Bank went bankrupt and was put under special supervision in 2014. "Capital Weekly" and "Dnevnik" began to question the inaction of the regulators, the Central Bulgarian Bank and the FSC. More unprecedented punitive orders followed against "Economedica", the publishing company of "Capital Weekly" and "Dnevnik", worth of 75 000 EUR. The FSC claimed that the two media outlets were manipulating the market.

- The fines, imposed on "Economedica", triggered a serious public debate. Journalists, human rights activists, NGOs, and political parties participated in the following discussion. The case attracted [the attention of international organisations](#). It was noted by ["Reporters Without Borders"](#) and it was also mentioned in the [US State Department's annual report on human rights](#).

## 2. Why we doubt the court's impartiality

- Years before Petya Krancheva took over the case and convicted our colleague, the author of the verdict and chair of the court was featured in dozens of "Capital Weekly" publications in a negative light.

- Many of these articles were authored by Rossen Bossev, who has been monitoring the judicial system since 2007. **Despite these facts and the demands of the Defense, the judge refused to recuse herself, stating that she hadn't read the articles and thus they could not have influenced her.**

- [The November 2010 article "The Bribe Technology"](#), authored by Rossen Bossev, published exclusive audio recordings from a bribery case, in which key witnesses commented that judge Krancheva accepted a bribe in order to free Zlatomir Ivanov - Baretata (who was accused of drug trafficking) from detention:

- In March 2012 judge Petya Krancheva was nominated for a deputy-chair of Sofia City Court. "Capital Weekly" published multiple articles (again authored by Rossen Bossev) that questioned this choice and gave publicity to judges who were trying to expose the controversial appointment.

- [The March 16, 2012 publication in "Capital Weekly", entitled "Now or Never"](#) by Rossen Bossev, commented that Krancheva's appointment is problematic, offered an example with one of her cases and informed that there is an ongoing audit against her for antedating court acts.

- On April 12, 2012, Rossen Bossev questioned Krancheva's appointment in an [interview with the Justice Minister of the time, Diana Kovacheva](#). "The nomination of SCC deputy-chair Petya Krancheva. Do you think it was justified to put the nomination to a vote despite all the irregularities revealed the audits of her"?, " asks the journalist.

- [In a May 18, 2012 publication, dedicated to Evelin Banev-Brendo](#), "Capital Weekly" revealed questionable decisions made by judge Petya Krancheva in the case against him and his group (it was the same case that Mavrodiev was called on as a witness). "Capital Weekly" revealed that the case was also investigated by the Office of the Supreme Public Prosecution of Cassation.

- Another [publication by "Capital Weekly" from March 10, 2013, called "The court during the next 40 years"](#), authored by Rossen Bossev, questioned whether judge Krancheva's appointment as head of an Appointment Commission is adequate, given all of the controversy, surrounding her professional integrity. The article lists facts about an investigation that has started against her. One of the journalist's sources in the Supreme Judicial Council is quoted saying that there is enough evidence that Krancheva antedated at least 10 of her decisions, while "the delay in the cases is substantial - over a year for more than 10 of them even though her schedule was only at 25% capacity." "Aside from this particular investigation, it is common knowledge that Petya Krancheva is the judge with some of the most prolonged court trials in SCC (the trial against organised crime figure Milcho Bonev ("Bai Mile") lasted 6 years, whereas the trial on draining Central Cooperative Bank funds lasted 9 years", the article says.

- Rossen Bossev's case was closed in few months. The journalist was tracked down by employees of Court Security for a few months, following an order by judge Krancheva that is in contradiction to the law. His relatives were harassed by visits and summons that were based on legal provisions applicable to violent intentional crimes instead of the provisions applicable to Rossen Bossev's case. All of this happened despite the fact that he has never tried to hide from receiving them.