

INSTRUCTION

FOR THE IMPLEMENTATION OF COMMON RULES BETWEEN THE PROSECUTOR'S OFFICE OF THE REPUBLIC OF BULGARIA AND GENERAL DIRECTORATE FOR EXECUTION OF PENALTIES WITHIN THE MINISTRY OF JUSTICE

Aiming at improving co-operation and enhancing control over the activities towards persons serving a term of imprisonment in prisons or prison hostels, sentenced for crimes perpetrated by organised crime groups and on the grounds of Articles 139; 142; 145, Para.2; 146, Para.1, Item 4 of the Judicial System Act; Articles 46; 412; 416, Para.2 of the Penal Procedure Code and Article 6 of the Regulation for the Implementation of the Law on Execution of Penalties,

WE GIVE THE FOLLOWING INSTRUCTIONS:

1. The director of the respective prison or prison hostel shall inform immediately the prosecutor exercising lawful control on accommodation of persons that are imprisoned, sentenced, accused or defendants for crimes perpetrated under the conditions set in Article 321 of the Penal Code.

The respective prosecutors shall constantly require information on the behavior of these persons in prison.

2. Differentiated approach shall be used towards the persons serving a term of imprisonment for crimes perpetrated by organised crime groups regarding their accommodation in detention facilities - at the dormitories, working premises and correctional groups, strictly observing the regulations of the Judicial System Act and the Regulation for the Implementation of the Law on Execution of Penalties.

The purpose is to separate accused persons from each other in order to avoid unfavorable influence of the other sentenced members of the criminal group, as a precondition for better correctional activities and enhancement of individual control over the accused persons.

3. The social workers in the detention facilities shall carry out instructive work on individual programs with these sentenced persons with the purpose of motivating them to refuse future participation in organised crime activities. Individual correctional programs shall be elaborated after a comprehensive analysis in accordance with the risk assessment for every sentenced person.

4. On the basis of comprehensive analysis of the materials on criminal cases where sentences were passed for carrying out organised crime activities, the respective observing prosecutors shall notify the management of the prison of persons related to organised crime activities and exercising negative influence on sentenced persons, so that the respective directors of prisons and prison hostels shall impose the restrictions provided in Article 33, Para 3 of the Law on Execution of Penalties concerning the prohibition of visits and correspondence to these persons.

5. During the preparation period of the sessions of the Commissions provided under Article 17 of the Law on Execution of Penalties, the directors of the prisons shall notify the respective prosecutors exercising lawful control of the persons who serve a term of imprisonment for criminal acts under Article 321 of the Penal Code and are included in proposals for pre-term release on probation, change of the regime of penalty execution with a lighter or a heavier one, moving to prison hostel of transitional type and granting a home leave reward under Article 75 of the Law on Execution of Penalties.

The purpose is to give the prison administration and the prosecutors an opportunity to make jointly a thorough and comprehensive analysis of the reasons and preconditions regarding every sentenced person before taking a decision for the respective change of the regime and the usage of a privilege or a reward.

6. The prosecutors exercising lawful control in the detention facilities and the directors of the prisons shall constantly make analysis of the practice related to the implementation of Articles 76, 76A, 78, 78B, 84B, 84C, 85, 85A of the Law on Execution of Penalties, regarding the imposition of disciplinary sanctions and restrictions to the sentenced persons, in order to improve this kind of activities and to strengthen the control over these persons.

7. The employees at the prison administration, who receive signals for undetected criminal activities in the course of their daily work with the sentenced persons, shall immediately notify the directors of the prisons and the latter shall notify the respective Prosecutor's Office and the bodies of the Ministry of Interior for taking the competent actions.

DEPUTY PROSECUTOR GENERAL

Signed and Stamped

H. Manchev

**DIRECTOR GENERAL OF
GENERAL DIRECTORATE FOR
EXECUTION OF PENALTIES
WITHIN THE MINISTRY OF
JUSTICE**

Signed and Stamped

Chief Commissioner P. Vasilev