

## **REVIEW**

by Prof. Dr. Zivko Angelov Velchev,

lecturer at the Academy of the Ministry of Internal Affairs, Faculty "Police", Department "Criminal Sciences", in connection with the public defense of a doctoral dissertation for the award of the educational and scientific degree "Doctor"

The composition of the scientific jury, of which I am a member, was determined by order No. RD 38-344/02.07.2024 of the Rector of Sofia University "St. Kliment Ohridski", in connection with the open procedure for the public defense of a dissertation on the topic "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania", for awarding the educational and scientific degree "doctor" in the field of higher education: 3 "Social, economic and legal sciences"; professional direction: 3.6 "Law", doctoral program: "Public International Law" **by Anisa Giu**, PhD student - full-time study in the Department of "International Law and International Relations" of the Faculty of Law of the SU "St. Kliment Ohridski", with supervisor: **Prof. Doctor of Law Boris Vladimirov Velchev**.

### **I. Biographical notes on the doctoral candidate**

Doctoral student Anisa Giu received a higher legal education in 2014, at the Faculty of Law of the University of Tirana, Republic of Albania. In 2012, he received the educational and qualification degree "Bachelor" in International Relations at the Faculty of Law of the Private University "Justinian I", Tirana. In 2017, she began his professional career as a lawyer in the Giu law office, Tirana. In 2021, she was enrolled as a doctoral student - full-time study in the Department of "International Law and International Relations" at the Faculty of Law of the SU "St. Kliment Ohridski", with the topic of the dissertation "Immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania". From 2022, she is training to become a prosecutor at the School for Magistrates of the High Prosecutorial Council of the Republic of Albania, and will take office in 2025. From 2018 to 2022, She leads seminar classes on the discipline of criminal law for students majoring in "Law " at "Aleksander Moisiu" State University, Durres, Republic of Albania. She speaks Bulgarian, Albanian, English, German and Italian.

### **II. Volume and structure of the dissertation work**

The presented work is in a volume of 199 pages, including the table of contents, a list of used abbreviations and a list of used literature. Footnotes are 424 in number.

The structure of the dissertation is determined by the purpose and tasks of the researched issues and includes an exposition in which three chapters are distinguished, each with thematically and logically structured sub-topics, presenting an analysis of the individual elements, forms and specifics of the legal institute, proposals de lege ferenda, contributing moments; conclusion and bibliography. In the bibliography, a complete list of cited sources from international, Albanian and

Bulgarian legal doctrine is attached to the scientific study, as well as a list of judicial acts of international, European, Albanian and Bulgarian judicial jurisdictions cited in the work.

In the first chapter, entitled "General characteristics of the dissertation work", the main characteristics and specifics of immunity as a fundamental institution in international law and in the domestic law of the two studied countries are presented, as well as the current problems encountered in its application in modern society. The need for a comprehensive review and improvement of the immunity regulation is justified, with a view to guaranteeing the basic principles of the legal and democratic state, which have been established for decades. Arguments for the importance and relevance of the chosen topic are presented. The subject, goals and tasks of the scientific research, the applied research methodology, as well as the factors that determine the scientific novelty and practical importance of the chosen topic are defined. Information on the structural presentation of the dissertation is presented. The main thesis of the author is that immunities are old-fashioned institutions that do not correspond to the modern development of society. Precisely for this reason, they should be removed from the current international, European and national legal sources, or at least limited in content and application, in order to guarantee to the highest degree the principles of the democratic state, including the basic principle of protection of fundamental rights and liberties of citizens.

Chapter two, entitled "Immunity in Public International Law", analyzes the concept of immunity and the logic contained in the institute in international law. The historical origin of the institute in international law and its development through the various historical stages until today are traced. A classification of the types of immunities established in the international legal system, their nature, main features, functions, specifics and application. The immunities defined by their carriers, as well as the regulation of immunity in the law of the European Union, are examined in detail. In a separate subsection, the gaps and imperfections in the immunity system in international and EU law are brought out in a systematized form, and recommendations for their elimination are formulated. Current issues of immunities and equality of citizens and the abuse of immunity are explored, which are essential for ensuring democracy and the principles of the rule of law and the protection of human rights in modern society. The dissertation presents arguments that the prohibition of abuse of immunity is a phenomenon that affects a number of developed legal systems, therefore its prevention and limitation require taking adequate measures by the responsible legal entities at the international, European and national level.

Chapter three, entitled "Constitutional immunities", is dedicated to constitutional immunities in the Republic of Bulgaria and in the Republic of Albania. Their historical development, as well as the legislative approaches to their regulation, have been traced. An in-depth analysis of the current sources of the institute in the modern legal systems of the two countries was carried out, as well as an analysis of the similarities and differences between them. A brief statement of the international acts regulating immunity, which have been ratified by the Republic of Albania and the Republic of Bulgaria, is presented. The content, functions, specifics and applicability of the established constitutional immunities have been analyzed. The gaps and imperfections in the

immunity system in the Republic of Albania and the Republic of Bulgaria are brought out in a systematized form. Recommendations have been formulated for their removal, with a view to improving the regulatory framework, ensuring better practical application of the institute and achieving effective protection of citizens' rights. A separate subsection presents the general characteristics of immunity in international and constitutional law, discussing in detail the issues related to the essence of immunity as a procedural obstacle, especially in criminal proceedings, as well as the content of immunity as an institution of substantive law. The extremely important issue of the applicability of immunities in modern legal systems and compliance with the principle of equality of citizens is analyzed.

In the conclusion of the work, the author's conclusion about the essence of immunity and the need for its elimination or at least limitation from the sources of legal systems, due to its inconsistency with the principles of modern international and European organizations, as well as sovereign states.

### **III. Characterization and evaluation of the dissertation work**

1. The work represents a comprehensive and systematic study of immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania.
2. In terms of its volume, structure, content, as well as in view of the used scientific literature, normative acts and interpreted judicial practice, the depth of the scientific analysis and the significance of the conclusions and scientific contributions, the dissertation fully meets the criteria and requirements for a monographic study.
3. The topicality and significance of the topic is very well substantiated, the structure of the dissertation research is methodologically correct and clearly constructed, the arguments for the formed subject of the research are substantiated.
4. The development of the presented topic provides a kind of filling of the existing gap in theoretical and practical terms.
5. The author has shown independence towards the researched issues and has argued his conclusions.
6. The scientific apparatus is detailed, with punctual and precise citation.

### **IV. Publications on the topic of the dissertation:**

1. "Immunity in the law of the European Union", In: DE JURE, Veliko Tarnovo, Issue 1/2023 (26), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), pp. 191-196;
2. "The immunity of the people's representatives in the Republic of Bulgaria and the Republic of Albania", In: DE JURE, Veliko Tarnovo, Issue 1/2022 (24), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), p. 177 -184;

3. "Legal regulation of the immunity of magistrates in the Republic of Bulgaria", In: DE JURE, Veliko Tarnovo, Issue 2/2023 (27), ISSN 1314-2593 (Print), ISSN 2367-8410 (Online), pp. 402-406.

The three publications presented on the topic of the dissertation work allow to supplement the dissertation work, reveal part of the analysis of the scientific and scientific-applied contributions, as well as the author's achievements. They are distinguished by precision, analytic Alness and justification of the author's position.

## **V. Scientific contributions in the dissertation work**

The scientific contributions in the dissertation work are numerous and have different weight and importance. The most important, fundamental and essential contributions are the following:

1. A comprehensive review of the historical development of the institution "immunity" from its inception to its regulation in modern international, European and national legal systems was conducted.
2. A thorough analysis of the concept of immunity in international law and the logic contained in the institute is presented.
3. A systematized classification of the types of immunities in international law and in the national legislation of the Republic of Bulgaria and the Republic of Albania is presented.
4. An interdisciplinary approach was applied in the study of the issues related to the application of immunity in the various legal branches – criminal law, criminal procedural law and others.
5. An extensive review and analysis of the established definitions of immunity in the national legislation of the Republic of Bulgaria and the Republic of Albania, as well as in the international legal framework, is presented.
6. A comparative legal analysis of the immunity of the people's representative in the Republic of Albania and the Republic of Bulgaria is presented.
7. The legal essence of immunity, its importance as a procedural obstacle and as an institute of substantive law have been thoroughly analyzed.
8. The essential issue in relation to the application of immunity and guaranteeing the equality of citizens has been investigated.
9. The main problems that arise before the modern states in connection with the growing trend of abuse of immunity are outlined, and mechanisms for overcoming it are presented.
10. Reasoned recommendations *de lege ferenda* have been formulated in connection with the regulation of immunity in the Republic of Bulgaria and the Republic of Albania, and more specifically: to amend the legal regulation of the immunity of senior government officials in the two studied countries; for the introduction of a mechanism for the protection of the rights of

citizens in the case of crimes of a private nature by the Bulgarian people's representatives; for synchronizing the constitutional and criminal-procedural provisions in the Albanian legislation in connection with the conduct of criminal proceedings against a representative of the people; for the introduction of a clearly defined mechanism to control the activities of the Chief Prosecutor in connection with his authority to request the lifting of the immunity of the people's representatives in the two countries and others.

## **VI. Theoretical and practical significance of the dissertation work**

The work can be extremely useful, both to students and representatives of academic circles, and to practicing specialists in the field of international public law. The conclusions from the questions posed in the dissertation can be used in the research activity in the subsequent development of the topic of the dissertation.

## **VII. Recommendations**

In view of the overall positive assessment of the dissertation work developed by PhD student Anisa Giu, I would like to make a recommendation for future continuation of the research on issues concerning the theoretical knowledge and practical skills regarding immunity in the international and constitutional law of the Republic of Bulgaria and the Republic of Albania. The doctoral student should continue to follow scientific publications on the issue, clearly and punctually highlighting her own opinion in her future publications.

## **VIII. Conclusion**

In conclusion, given the fulfillment of all legally established requirements for the development and defense of a dissertation for awarding the educational and scientific degree "doctor", according to Art. 6, para. 3 of the Law on the Development of the Academic Staff in the Republic of Bulgaria (ZRASRB) and on Art. 27, para. 2 of the Regulations for the Implementation of the ŽRASRB, I confidently give my positive assessment of the dissertation work and propose that Anisa Giu be awarded the educational and scientific degree "DOCTOR" in the field of higher education: 3. "Social, economic and legal sciences"; professional direction: 3.6 "Law", doctoral program "Public International Law".

Prepared the review:

Prof. Dr. Zhivko Angelov Velchev

09/05/2024

the city of Sofia