

TO
THE MEMBERS OF THE CIVIC COUNCIL
OF PROFESSIONAL AND
NON-GOVERNMENTAL ORGANIZATIONS
WITH THE SUPREME JUDICIAL COUNCIL

DEAR LADIES AND GENTLEMEN,

On August 5, 2014, BILLI submitted its resignation letter to leave the Civic Council (CC) with the Supreme Judicial Council. Our reasons were clear: lack of equality, transparency and accountability in the relationships between the CC and the Supreme Judicial Council. It was no coincidence that we announced our resignation at a press conference together with NGO Center Razgrad. At the same time, while being active members, we have taken note of the fact that the CC has established itself as a structure in which organizations with different interests, experience and representation succeed in finding common ground and working together.

BILLI stated it would continue to contribute to the processes of implementing the reform of the judiciary. Our desire, then, and now, has been for all stakeholders to participate in good faith in this process: even moving along different paths – we should always be looking at the same direction – and it should not be the formal but the actual assertion of the independence of the judiciary.

For these reasons, in the name of the purpose of the CC's existence, and on the basis of Section IV, Items 1, 3, 4 and 6 of the Rules of Procedure of the Civic Council of professional and non-governmental organizations with the Supreme Judicial Council¹ and taking into account the EC's recommendations in the report on the Cooperation and Verification Mechanism of November 2017, namely: "In the judiciary, the newly elected Supreme Judicial Council (SJC) has an opportunity to address the generally negative environment of debate which has reigned within the judiciary under the previous SJC, with evident divisions and mutual suspicions hampering an impartial decision-making process. [...] Given this challenge, it will therefore be important for the new composition of the SJC to create an atmosphere of open debate and transparency on key decisions so as to recreate the trust among magistrates and the wider public which is fundamental to a well-functioning judiciary"²

And last but not least, respecting the work and contribution of all members of the CC and without in any way seeking to affect their autonomy in making decisions, BILLI calls on the members of the CC to discuss publicly and to draw up a statement on the procedure for the election of Court President of Sofia City Court from March 13th at the Judges' College of the SJC, following the procedural options in its Rules of work.

We believe that not only in defense of its legitimacy, but also in the name of the purpose for which the CC was created - as an immediate consultative body with the SJC - it should state its position on the so-called unreasoned (sequential) unsuccessful election of administrative head of a key body of the judicial power. We believe that such an act would be important at the beginning of the mandate of this SJC. Such a position of the CC would be a position not only on behalf of the members of the council, but would also regain the respect of society, that once again has been shocked and disappointed by the way in which decisions are taken (or rather, are not) in the SJC.

¹ <http://www.vss.justice.bg/root/f/upload/12/rules.pdf>

² https://ec.europa.eu/info/sites/info/files/comm-2017-750_en_0.pdf

All of us who want fair, clear, objective and impartial decision-making - we can support and give a clear signal of how high expectations are to the supreme administrative body of the judiciary. Otherwise, the erosion of trust in the judiciary and its allies will continue to immerse.

March 15, 2018

Respectfully,

Bilyana Gyaurova-Wegertserder

Director of the Bulgarian Institute for Legal
Initiatives