

**TO: TSVETA KARAYANCHEVA
HEAD OF THE NATIONAL ASSEMBLY OF THE
REPUBLIC OF BULGARIA**

**BORIS YANKOV YACHEV
HEAD OF THE COMMISSION FOR COMBATING
CORRUPTION, CONFLICT OF INTERESTS AND
PARLIAMENTARY ETHICS**

**DANIELA ANASTASOVA DARITKOVA-PRODANOVA
CHAIRPERSON OF PP GERB**

**KORNELIYA PETROVA NINOVA
CHAIRPERSON OF A PP “BSP FOR BULGARIA“**

**MUSTAFA SALI KARADAYI
CHAIRPERSON OF PP „MOVEMENT FOR RIGHTS AND
FREEDOM“**

**VALENTIN KIRILOV KASABOV AND ISKREN VASILEV
VESELINOV
CO-CHAIRPERSONS OF PP „UNION PATRIOTS“**

**GERGANA ZELYAZKOVA STEFANOVA
CHAIRPERSON OF PP „VOLIA – THE BULGARIAN
PATRIOTS“**

INDEPENDENT MEMBERS OF PARLIMANET

**RE: Procedure for election of a Head of the Commission for
Counter-Corruption and Unlawfully Acquired Assets
Forfeiture (CCUAAF)**

December 02, 2019

Sofia

OPEN LETTER
FROM
ANTI-CORRUPTION FUND
BULGARIAN LAWYERS FOR HUMAN RIGHTS
BULGARIAN INSTITUTE FOR LEGAL INITIATIVES
INSTITUTE FOR MARKET ECONOMY
ACCESS TO INFORMATION PROGRAMME

HONORABLE MEMBERS OF THE PARLIAMENT,

According to art. 9, subart. 5 from the *Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act* and § II, p. 3 from the *Procedural rules for the requirements and way for suggesting candidates, submission and disclosure of documents, hearing of the candidates for election of a Head of the CCUAAF Commission*, nongovernmental organizations can submit statements including also questions to the candidates nominated for this position.

Despite that legal possibility given, we are not going to take advantage of it. Our long experience in monitoring and analyzing the processes in the judicial power, human rights and rule of law, give us ground to declare that the upcoming election of a Head of the CCUAAF Commission is a predestined one.

Observing the procedures carried out at the National Assembly, we regret to say that this is just another procedure bearing defects like lack of competitiveness, lack of transparency and publicity, absence of a professional and public debate about the condition of the institution which head is going to be elected. We are convinced that sending statements and questions to the candidates will only lead to a legitimization of a façade and initially compromised procedure. We do not want to contribute to empty of content such democratic instrument as the participation of the civil society through statements and questions in the procedure for election of Head of the CCUAAF Commission. That kind of a “boycott” is an unprecedented, yet, an inevitable step towards the exposure of an obvious cover up of decision already taken in an opaque way.

The circumstances around the procedure for election of a Head of the CCUAAF Commission are casting a shadow of doubt for unclear, at least for the broad society, agreements, because it was connected with the procedure for election of a prosecutor general. We are of the opinion that a situation where an acting prosecutor general tours the

parliamentary groups to collect support for his nomination for a Head of a body part of the executive power is inadmissible and almost absurd. Such actions are compromising, from its very beginning, the procedure for election of a Head of the CCUAAF Commission. They are a prerequisite for a grounded civic suspicion that the bodies in the different powers are acting in some kind of a twisted symbiosis which does not serve the democratic order of the country (art. 8 from the Constitution of the RB). It is not the personal and cadre bond among executive, judicial and legislative bodies, but the real separation of powers implemented through the principle of *checks and balances* which guarantees the freedom and rights of the citizens.

Honorable members of the parliament, the election of a Head of the CCUAAF Commission is of crucial importance for the Bulgarian society and its perception for justice. Your vote will decide on who will lead a body with mixed functions which can very skillfully be used for repression and misuse of power. The decision whether to strengthen the statehood or, on the contrary, to support the ongoing processes of erosion of the legal order in the country, is in your hands.

Respectfully:

Boyko Stankushev
Director
Anticorruption Fund

Dilyana Markova
Executive Director
Bulgarian Lawyers for Human Rights

Bilyana Gyaurova-Wegertseder
Director
Bulgarian Institute for Legal Initiatives

Svetla Kostadinova
Executive Director
Institute for Market Economy

D-r Gergana Jouleva
Executive Director
Access to Information Programme