

To

Mrs. Cecka Cacheva
Chair
Bulgarian Parliament

Mr. Boiko Borisov
Prime Minister
Republic of Bulgaria

Mrs. Diana Kovacheva
Minister of Justice

Mrs. Iskra Fidosova
Chair of the
Legal Affairs Committee
Bulgarian Parliament

Mrs. Catherine DAY
Secretary General
European Commission

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Leaders of the Parliamentary
Fractions

Media

Ladies and Gentlemen,

The continuous polemics related to the procedure for election of inspectors for the Inspectorate at the Supreme Judicial Council (ISJC) from the Parliament, engages us once again to remind of the essence of our position stated in the letter from December 19, 2011 supported by 11 leading NGOs and further developed by the Union of Judges in Bulgaria in their letter from December 20, 2011.

The fundamental problem we brought to the publics' and institutions' attention was not some concrete, personal nominations, but the wrong selection and nomination procedure for appointments within the judicial power. The fact that the election for ISJC caused such public reaction and response from the European Commission, led to a belated withdrawal of nominations and inspectors elected, is only a symptom of the systematic viciousness of the procedure, applied by the Parliament. It roots in the shortcomings in the Judicial System Act, it can be seen in the way this election was carried out and it culminated in the current lack of legitimacy of yet another body within the judicial power. The election of the two members of the SJC from the parliamentary quota, which happened in July 2011, was carried out in exactly the same way as the current one, a fact, which simply confirms our conclusions.

Regardless Mr. Conevs' withdrawal, the composition of the newly elected ISJC still remains with questionable capacity for a competent and legitimate functioning.

We don't accept that the withdrawal bears the importance Mr. Conev is giving to it in his statement to the media. It does not at all underline "the fact that the nomination and election procedures for inspectors were transparent and open to the public and all institutions". On the contrary, Mr. Conevs' motives not to withdraw himself before the election at the Parliament remain opaque; regardless the same wave of public opposition against his appointment. He did it after the election and his position was evaluated by representatives of the executive as an act of dignity, with the hope that this will mitigate the critical statements in the upcoming report of the European Commission.

The prime concern of the Bulgarian institutions is the functioning of an independent judicial power. This is the only way to achieve some positive evaluations coming from the European observers. In this regard, the current ISJC will continue being the same problem for the society as it was before Mr. Conevs' withdrawal.

We would like to underline that nothing will change unless the rules for appointments within the judicial power from the parliament undergo some drastic reforms. The problem we alarmed about remains and we will continue to insist for its resolution in front of the Bulgarian as well as the international institutions. At present, this problem threatens to vitiate the upcoming elections for a new SJC.

We are turning to the Minister of Justice and the Prime Minister with the request to engage themselves in a broad discussion for the drafting and introduction of changes and amendments to the Judicial System Act regulating in detail the appointments procedure within the judicial power on behalf of the Parliament. Such procedure should guarantee public participation, enough time for a thorough study of all relevant circumstances regarding the professional qualification and authority of the candidates, as well as a real public hearing with questions and answers to the point. We appeal to the parliamentary represented political parties to support such changes and amendments with the same consensus with which they have put their reputation on stake when participating in the vitiated procedure for election of new ISJC.

These changes and amendments are the main test for the existence of political will for reforming our judicial power. Without them, our judicial power will continue suffering from bad management; will stay under the shadow of dependences which are soaking up from the political system, thus condemning the Bulgarian society on lack of justice.

We do hope that at the end we will witness a constructive response.

27.12.2011 г.

Respectfully:

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Institute for Public Environment Development

Bilyana Gyaurova-Wegertseder, Director
Bulgarian Institute for Legal Initiatives

Georgi Milkoff, Chair of the MB
Network for civic monitoring of the court and
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Gergana Jouleva, PhD, Executive Director
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D-r Iva Pushkarova, Chair of the MB
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Yonko Grozev, Programme Director
Center for Liberal Strategies

Margarita Ilieva, Deputy chair
Bulgarian Helsinki Committee

D-r Maria Yordanova, Director Law Programme
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Miroslava Todorova, Chair of the MB
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Mihail Ekimdjiev, Chair of the MB
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Sofia Razboinikova, Chair of the MB
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Stefan Popov, Executive Director
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