

Dear citizens,

Over the past few days, following the rendering of a release on parole court ruling, we witnessed a malicious political abuse of the suffering of relatives of crime victims, citizens' feelings of insecurity, and the court's limited by law ability to engage in active public communication. The result is visible - instilling fear and division in Bulgarian society, mistrust and hatred for the court, discrediting long-standing legal institutions, devaluation of the responsibility of the state to carry out meaningful and useful work, on the one hand, with the convicted, in order to prepare them for a lawful life after years of social exclusion, so as they do not represent a public danger, and on the other, with the victims' relatives so as they can continue to live in dignity after their irreversible bereavement.

We do not dispute the right of citizens to carry out a free discussion about the meaning of justice and the content of judicial acts, the purpose of the punishment and the state policy dedicated to successful re-socialization of the persons deprived of freedom. We do not belittle the grief of the deceased young man's relatives and their right to demand respect from all for their tragic loss and memory of the deceased. However, the specific court act ordering the release on parole of a convicted person was used by various representatives of the political system solely as an occasion to discredit the court and to threaten the members of the panel of judges. The situation is intolerable in a rule of law country, because other than dubious short-term political dividends, it has no public benefit - it neither strengthens the independence of the court, nor it educates citizens about the importance of the rule of law, nor does it lead to the much needed debate about the criminal policy and the criminal repression's tasks, nor - ultimately - brings comfort to the victims' relatives and helps them continue living in dignity with the trauma.

Dear citizens, without allowing ourselves to discuss the merits of the case, because we do not have such a right, we have to again bring the attention to the ground rules which if destroyed will turn the court into a decorative façade for imposing the will of the those in power, of those who have economic and power resource to manipulate public opinion for their own benefit through the media, or those who represent more aggressive social groups.

1. The release on parole presupposes a sentence which entered into force. It is not is a pardon, neither a revision of the sentence, nor a reduction of the punishment. The punishment continues to have the same length of time as imposed by the sentence that entered into force. The consequence is that its execution will not be completed in prison. The exemption from the part of the punishment that has not been served is conditional - with a trial period in which the convicted person should not commit another premeditated crime punishable by imprisonment. If the condition is not fulfilled, the convicted person serves also the remainder of the punishment. The rationale behind the procedure is unconditional – the state coercion aimed at achieving the correction of offenders is limited to the extent to which it is actually necessary to achieve the purpose of the punishment; save money; assistance with the care and supervision of the proper resocialization of the convict after many years of isolation, which ultimately diminishes the risk of recidivism and ensures public safety.

2. The specific release on parole is no exception. Just on the day of the court hearing, the Sofia Court of Appeals ruled two more such court acts. Since 1968, tens of thousands of releases on parole have been ruled. The Criminal Code allows for release on parole after the convict has actually served half of the punishment imposed in the event that the convicted person did not commit the crime in the conditions of dangerous recidivism. The thing the court should assess according to Art. 70, para. 1 of the Criminal Code is whether the convict “provided evidence of his correction”. This assessment is within the legal powers of the court and is made on the basis of the evidence and their legal relevance.
3. After the panel of the Sofia Court of Appeal unanimously exercised its legal authority, no one has a legitimate ground to require the court to resolve the case in a way that is inconsistent with its inner conviction, formed on the basis of the law and the evidence in the case. The opposite of that is “street” justice that has nothing to do with the rule of law, does not guarantee the equality of all people before the law, does not bring justice, neither pacification.
4. The calls for lynching and mob law directed at the panel of judges are absolutely inadmissible. They lead to a dangerous escalation of tension and are detrimental to the security, privacy and physical integrity of the judges. They jeopardize due process not solely in similar cases because it gives the impression that the court could be affected outside the courtroom and the formal procedure, if it is physically vulnerable. Respected citizens, since the government has made no effort to guarantee the independence of the court as a fundamental pillar of the rule of law, we appeal to you for a conscious and responsible behavior in defense of fundamental democratic values, human dignity and public peace.