



BULGARIAN JUDGES ASSOCIATION

Member of the International Association of Judges (IAJ-UIM)

Member of the MEDEL

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TO
THE MEMBERS OF THE JUDGES' COLLEGE
AT THE SUPREME JUDICIAL COUNCIL

Ladies and Gentlemen,

With this letter we would like to inform you that according to art 16, subart. 1 from the JSA (the text can be found on the website of the SJC) the Supreme Judicial Council represents the judicial power, **assures and upholds its independence**, determines the composition and the organization of the courts, the prosecution offices and the investigation bodies and secures from a financial and technical point their activity **without interfering in it.**

The "Position of the Judges' College" published on September 24, 2019 in relation to a "signal" submitted by one political party and statements by representatives of other political parties, academia, citizens and media publications, shows that not only you don't act according to this main obligation of yours, but on the contrary; you are joining this unprecedented political and society pressure upon a concrete court panel and the judiciary as a whole, a pressure, which offhandedly exploits for various reasons and purposes the tragedy of a Bulgarian family. By doing so you are destroying the very fundamentals of a legal state – the rule of law and the independence of the judiciary.

We remind you that each court decision is ruled based on the law and the evidence collected accordingly. In this regard, it is inadmissible that precisely the members of the Supreme Judicial Council accounting to the abovementioned article from the JSA are "sharing the feeling for disturbed balance between law and fairness" in relation to a concrete court decision, a feeling, expressed by citizens, groups of citizens or political parties. The procedure for challenging and repeal of a judicial act is clearly described in the law.

Grounded discussion and critique of judicial acts are not only allowed, but also welcomed in a democratic society. On the other hand, personal attacks and threats, including physical ones against a judge or the court panel which made the respective decision, are absolutely inadmissible. These are exactly the situations in which a judge should receive a categorical and firm support by the institution meant by the law to do that – the Supreme Judicial Council. This is the only way to uphold the rule of law and the independence of the court. This is also the meaning of the Standards for the Independence of the Judiciary which you adopted (decision of the JC at the SJC, Protocol № 31 from October 23, 2018).

Instead of this, the Bulgarian judge receives from you a clear sign that if he does not rule in unison with the public opinion and the desires of the political parties and some of their leaders, he will be subject to abuse, even physical one, denigration and maltreatment, and the only reaction of the JC at the SJC will be cooperation for a disciplinary procedure against him.

The abovementioned actions are in gross violation of all common principles relevant for a democratic state with an established rule of law and division of powers. At the same time they represent also a gross violation of your own obligations.

We are of the opinion that if the implementation of these obligations is beyond your strength, the provision of art. 27, subart. 1 from the JSA in relation to art. 130, subart. 8, p. 1 from the Constitution of the Republic of Bulgaria, offers a possibility for a dignified solution.

ON BEHALF OF THE MB OF THE BULGARIAN JUDGES ASSOCIATION:

JUDGE KRASIMIR MAZGALOV

JUDGE EMIL DECHEV

JUDGE YORDAN DAMASKINOV

JUDGE DANIELA MAVRODIEVA

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