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TO THE HEADS OF CONSTITUTIONAL AND SUPREME COURTS
IN EUROPE AND NORTH AMERICA

Dear Colleagues,

Expressing, first and foremost, my deepest respect for you, I wish to bring to your kind attention some negative processes underway in Bulgaria with regard to the judiciary and the Supreme Court of the Republic in particular.

The matter of concern is the following:

Pursuant to the provisions of Article 8 of the new Constitution of the Republic of Bulgaria, state power is separated into the legislature, the executive and the judiciary.

The principle of Montesquieu is further enshrined in the provisions of Article 117, paragraph 2 which reads that the judiciary is independent. The constitutional guarantee to this effect lies in the existence of the Supreme Judiciary Council which is the leading body of the judiciary. Members of this Council are prominent Bulgarian lawyers of high professional and moral integrity. No institution or individual may intervene in the activities of the Council.

Since the beginning of this year the Government of Mr. Lyuben Berov and the parliamentary group of the former communists supporting it have started systematic attacks and attempts at interfering in the work of the Supreme Judiciary Council and the Supreme Court.

Members of Parliament from the former Communist Party have presented a bill aimed at changing the composition of the Supreme Judiciary Council and placing it in a subordinated position. Besides, the Government and the former communists are making direct and ill-grounded attacks against the Supreme Court, its Chairman and the Chief Prosecutor of the Republic.

On 18 October 1993, Prime Minister Berov, together with some ministers (including the Ministers of Justice and the Interior), had a meeting at the Parliament with the parliamentary group of former communists and insisted on some personal changes in the composition of the Supreme Judiciary Council. This action of the Government is a gross violation of the Constitution, law and morality. The meeting and the demands of the Government concerning the judiciary were covered by the National Television and the Bulgarian News Agency. On the following day, the same parliamentary group fulfilled the demand of the Government by presenting a bill on changes in the composition of the Supreme Judiciary Council and new

discriminatory restrictions on participation in the Supreme Judiciary Council with respect to some of its members, the Chairman of the Supreme Court and the Chief Prosecutor of the Republic of Bulgaria.

At present, this anti-democratic bill is submitted for discussion to the Parliament.

Dear Colleagues,

I am making this outline of the anti-constitutional actions of the forces currently in power in Bulgaria concerning the independent judiciary only for information purposes. I am not seeking specific protection for me or my colleagues. Your moral support will be sufficient.

My only request is to inform your Governments and Parliaments about the situation in which the judiciary finds itself in Bulgaria now.