Position of the Association of Prosecutors in Bulgaria and the Chamber of Investigators in Bulgaria

The independence of Judiciary as a guarantor of the rule of law is among the most fundamental achievements of a modern democratic society. That is why we cannot remain indifferent when we once again witness public and targeted attempts to directly interfere in the work of the Judiciary by individual political figures on the rise of elections.

In the context of a deepening political crisis, complicated socio-economic processes and serious erosion of trust in institutions, we consider it necessary to recall the chronology of the processes that led to the current escalation of tension around the Judiciary, in order to make a correct and objective assessment of what is happening.

For years, the National Assembly has not fulfilled its constitutional obligation to elect a new composition of the Supreme Judicial Council. This objectively led to the extension of the mandates of the current members by virtue of the law – a legal consequence, envisaged precisely in order to prevent an institutional vacuum and blockage of the judicial system. Today, this situation, caused by political inaction, is purposefully used as an argument for suggestions of illegitimacy of bodies and figures in the Judiciary, while conveniently keeping silent about who bears responsibility for its occurrence.

In parallel, a tendency to mix legal issues with political rhetoric is observed in the public sphere, in which institutional problems are personalized and turned into a tool for accumulating short-term political dividends. Personnel issues in the judicial system are used as election slogans, and institutional dialogue is replaced with public pressure.

Political calls for removal or appointment of specific individuals to leadership positions in the judiciary can only be interpreted as a form of pressure. Such actions create risk of blocking criminal proceedings, destabilizing the judicial system, and undermining public trust, while serving only narrow party interests and short-term political vision.

It is unacceptable to exert direct or indirect pressure on the Prosecutorial College of the Supreme Judicial Council in order to make personnel decisions that serve specific political goals. What is even more disturbing is that this practice is becoming a sustainable model of political behavior that is activated at key moments - during political crises, election campaigns, when considering cases of high public interest, when taking procedural actions against people with immunity or with significant economic and lobbying resources.

As a result, the public debate is systematically shifting from necessary legislative decisions and institutional accountability to manipulative suggestions of “usurpation,” “illegality,” and “control.” Of particular concern is the promotion of these suggestions by linking independent judicial bodies to the integrity of the electoral process. Such an approach is controversial to legal and democratic logic and sets a dangerous precedent for subordinating justice to the political calendar.

The direct responsibility for the lack of new leadership of a number of institutions, for legislative gaps and for the legal contradictions created lies with the legislative branch. The periodic and hasty redrafting of laws, as well as fragmentary changes to the Constitution without a clear assessment of the consequences, do not lead to stability, but deepen the institutional crisis.

Under current legislation, the current composition of the Supreme Judicial Council does not have the authority to initiate procedures for the election of a new Prosecutor General or Chair of the Supreme Administrative Court. Such procedures can only be conducted by a newly elected Supreme Judicial Council – a process that has not even begun for more than three years, within the framework of several successive parliaments.

In a state governed by the rule of law, issues of mandates, powers and legitimacy are resolved through the Constitution, laws and judicial review, not through political rhetoric and partisan pressure presented as institutional criticism. Until responsibility is taken for the root causes of the crisis, tensions will continue to reproduce at the expense of institutional stability and public interest.

The artificial opposition between the judiciary and society and the instillation of distrust in state institutions erode statehood and serve only narrow political interests, but not Bulgarian citizens. Trust in institutions can only be restored through compliance with the principles of the rule of law, and not through attempts to circumvent them or use them politically.

The Association of Prosecutors in Bulgaria and the Chamber of Investigators in Bulgaria call on the Prosecutorial College of the Supreme Judicial Council to uphold its institutional independence and to resist any attempt at political pressure.

We also call on the political parties represented in Parliament to respect the Constitution and the principle of separation of powers by refraining from actions that threaten the functioning of the Judicial system and trust in justice.

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