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BULGARIA'S JUDICIAL TURMOIL

By Margarita Assenova

With the Bulgarian parliament preparing to debate a new bill on the judicial system submitted by the government this week, the Interior Ministry has reported links among politicians, high-ranking magistrates, and organized-crime structures. General Boyko Borisov, the ministry's chief secretary, announced on 20 April that the report describes the operations of organized-crime structures and their leaders, members, and activities. It is said to contain photographs of politicians and magistrates with figures from the underworld, but the prime minister's spokesman denied this on 24 April. The document, which was submitted to President Georgi Parvanov and Prime Minister Simeon Saxecoburggotski, for the first time presented concrete cases of connections between the mafia and the authorities.

The Bulgarian government, which has made fighting organized crime and corruption a priority since taking office in 2001, has been trying to rally political support for the desperately needed judicial reform. The government's reform strategy entails changes in the constitution and the adoption of several laws to regulate the functions of the prosecutor's office, criminal investigations, and the courts. One of the major changes will limit the constitutional immunity of magistrates and revoke their present life-long mandate.

Bulgaria's unreformed judicial system has become one of the major obstacles to finalizing the country's accession negotiations with the EU and might hinder its NATO-membership ratification process. Judicial inefficiency often leaves organized crime unpunished, undermines the government's efforts to curb corruption, and has negatively affected Bulgaria's economic development. Judicial reform has been stalled for several years because of a lack of political will among the major political parties and because of obstruction on the part of high-ranking magistrates.

Speaking on bTV independent television on 20 April, Justice Minister Anton Stankov openly accused the "judicial nomenklatura" of opposing the reforms to preserve its status. He said that judicial reform is most important for the government, because it will create normal conditions for free enterprise and transparent privatization.

In December 2002, Bulgaria's Constitutional Court turned down 44 provisions of the revised law on the judicial system, which had been adopted in July of that year. This decision led to an interlude in EU-accession negotiations about the EU *acquis communautaire* chapter on justice and home affairs. The government realized that delaying the reforms would further obstruct the progress of Bulgaria's integration with the West and harm the country's prospects of attracting foreign investment. It was therefore decided to accelerate judicial reform, and it is expected the process will be finalized by the end of the year.

Earlier this month, all political parties in parliament agreed to adopt within a year substantial changes in the constitution regarding the justice system. The agreement was reached after the Bulgarian Socialist Party (BSP) -- the major opponent of constitutional amendments in the current parliament -- changed its position. Although the proposed reforms in the status of the prosecutor's office and the investigations branch were postponed for lack of political consensus, a declaration

signed by all parliamentary parties on 2 April established a blueprint of provisions to improve coordination between prosecutors, investigators, and the executive branch in the campaign against organized crime.

Recent public-opinion surveys found that more than 60 percent of Bulgarians consider constitutional changes necessary to resolve problems in the judicial system. Popular support is even higher for introducing fixed mandates for high-ranking magistrates, who at present are appointed for life, and for limiting the immunity of judges.

While most Bulgarians still support effective legislative measures, voices promoting a more radical approach to organized crime are also increasingly being heard. A frustrated and vulnerable public is increasingly expressing its desire for a "strong hand" and more drastic actions to crack down on organized crime. Borisov, who is currently the most popular politician in Bulgaria, has advocated the introduction of emergency measures similar to those implemented in Serbia after the assassination of Prime Minister Zoran Djindjic.

Several assassinations in Sofia in recent months have sown fear among the population. The Interior Ministry report on links between politicians and criminals came in the wake of an 18 April assassination attempt on suspected crime figure Ivan Todorov (a.k.a. the Doctor), in which his driver was killed. The compilation of the report, however, began earlier -- after the killings of the former Deputy Prosecutor-General Nikolay Kolev and Multigroup boss Iliya Pavlov. According to Borisov, all these murders were ordered and financed by a foreign organized-crime structure that has not been named publicly.

Bulgarian media reported on 23 April that some of the photographs attached to the Interior Ministry report show Todorov on a yacht in Monaco with the Finance Minister Milen Velchev and Transportation Minister Plamen Petrov, among others. Velchev has said that such evidence was fabricated by criminal circles that oppose the establishment of a tax police and tighter customs controls. Criminal groups suffered financial losses after the government contracted a British company called Crown Agents to oversee the Bulgarian customs service. As finance minister, Velchev initiated both these measures.

About 110 criminal structures are believed to be operating in Bulgaria, and 25-35 percent of the local economy is connected to or controlled by them, according to a report by the National Service for Fighting Organized Crime. The global war on terrorism, including measures to stop the financing of terrorist groups, makes effective crime fighting and the implementation of judicial reform in Bulgaria all the more urgent. Margarita Assenova is a consultant with the Center for Strategic and International Studies in Washington.