

ABOUT THE JUDICIAL REFORM AND THE RESISTANCE AGAINST IT

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The experience of other European countries shows quite clearly that the Bulgarian investigation service is the only structure of its kind in Europe. There is no other such structure. At the same time, in respect of the prosecution office, not only in Europe, but from all that we know about other countries, it is obvious that each country has a solution of its own. There are various types of structure of the prosecution office. This means that in Bulgaria the issues of the structure and placement of the investigation and the prosecution should be solved in view of the expectations of society for more serious counteraction to crime. The thesis that the executive has no possibilities to influence the criminal procedure is true to a great extent. This is my position not only as a politician, but also as a lawyer, who has been working continuously since 1987. In the course of my practice I have had the chance to observe the various forms of organization of the judiciary, the various versions of the Criminal Procedure Code, including at the time when lawyers were entitled to join the criminal procedure only at its trial phase. Without efficient interaction among the Ministry of Interior, the investigation and the prosecution, one could not expect good results.

What do we have now in Bulgaria? The Ministry of Interior, the investigation service and the prosecution office are pulling the cart each in its own direction, and I am quite certain about my conclusion. The institutions throw the ball of responsibility to one another and it is very hard to follow and find out the broken thread. The Law on the Judiciary has a section devoted to the *Uniform Information System for Counteracting Crime*, but it remains on paper. Naturally, there are people who have no interest in the completion and putting into operation of this system because it would show quite clearly the problems in the criminal proceedings and which units in particular have weaknesses.

I am far from trying to put the blame on only one of the structures. In my practical experience I have seen that at times the problems are within the Ministry of Interior, at other times the problems are within the investigation, and at yet other times the problems are within the prosecution. I do not share the opinion that it is shameful that none of the prosecutors is taking part in this debate. This is easy to understand because the present leadership of the prosecution perceives any idea of judicial reform as an obscenity targeted directly at it. It is quite clear that any politician, who dares to seek real reform in the judiciary, will encounter strong resistance from the high levels of the investigation service and the prosecution office. This should not be forgotten.

When we seek changes, we have to seek them in a very efficient dialogue. Let us hear each other's arguments, because each of us could make a mistake, but when we work together we can achieve results satisfactory to all.

Personally, I am concerned about the fact that the judiciary has very low rating, it does not enjoy the support of the people and many accusations of poor

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performance are addressed at many of our colleagues, but in most of the cases these accusations are unjustified. I know many capable investigators, prosecutors and judges in Bulgaria, there are many decent people working in this system and they all together have to bear the liabilities of a small group of people who are a disgrace to the judiciary. For these reasons we are obliged to seek a real reform and such reform should bring about results.