

Trial observation dismissal Bulgarian Judge Todorova

On May 16 2013 **Judges for Judges** - in cooperation with the **International Commission of Jurists** (ICJ) and **Magistrats européens pour la démocratie et les libertés** (MEDEL) - attended the hearing before the Supreme Administrative Council (SAC) in Sofia in the dismissal case of **Judge Miroslava Todorova**. Todorova served many years as an outstanding criminal judge in the Sofia City Court and as the leader of the Bulgarian Judges' Association. In that last capacity, she was critical of interferences by the executive branch of government in the work of the judiciary, and of the consistently poor management of Bulgaria's judiciary.

Following to accusations of influence and bias in organised crime cases by the then Minister for Interior Affairs, Todorova filed a court case for slander against him (which, after acquittal of the Minister, is now pending at the appeal stage). She has subsequently been dismissed from the judiciary by the SJC on 12 July 2012. The official ground for her dismissal was the long delays in issuing the reasoning in a number of court cases. The dismissal led to walk-outs and protests by several courts including by a large number of judges for the Bulgarian Supreme Court of Cassation as well as to public statements of several non governmental organisations (see f.i. [bghelsinki.org] (July 17 2012) and [icj.org] (August 27 2012)). While the decision was not explicitly tied to her criticism of the SJC and the Minister, the timing and severity of the punishment made many assume that the disciplinary action was politically motivated as a result of Todorova's plea for an independent judiciary. It is important to note that the average caseload for Bulgarian judges is very high, causing many judges to be in technical infraction of the deadlines for issuing the reasoning of their judgments. See for a description of this and many other threat(s) to the efficiency of the judicial process: the Report from the Commission to the European Parliament and the Council on progress in Bulgaria under the Cooperation and Verification Mechanism of 18 July 2012 [ec.europa.eu] (pdf). The facts of the case show that no other Bulgarian judge with a backlog similar to that of Todorova, was dismissed on that ground.



On January 4 2013 the SAC (in a three panel chamber) rejected all Todorova's arguments as to the lack of a legal basis for the dismissal decision, the unfairness of the disciplinary proceedings and the proportionality of the sanction and upheld the dismissal. Todorova appealed. The hearing of the five panel chamber of the SAC - at final instance - on May 16 2013 was given large media attention in Bulgaria (see f.i.: [novinite.com]). At the hearing, the Prosecutor, who has an advisory role in these proceedings, unexpectedly and contrary to the view expressed at first instance, stated that the dismissal of constituted a breach of law and that the SAC judgment at first instance should be overturned.

The SAC judgment is expected next month.

International observers present at the hearing:

- W.D. Meyer, attorney at Law (American Bar Association, (ABA)),
- Prof. dr. G. Witzsch (ICJ),
- Mrs. A. Adamska-Gallant (MEDEL),
- Ms. J.W. Bockwinkel (Judges for Judges).

Please see for last weeks publications of the ABA and ICJ:

- [americanbar.org] (pdf) (May 15 2013),
- [icj.org] (May 17 2013).

Judges for Judges will comment on the judgment as soon as it is delivered.

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