

Mission Impossible: Punishment of Corrupt Judges

*By Stanimir Vaglenov**

Judge Slavcho Petkov of Veliko Tarnovo (a town 200 km away from Sofia, the Bulgarian capital) was returning home on the evening of October 20, 2010, when a voice sounded from the darkness: “Halt! Don’t move!” Suddenly, the 52-year-old found himself surrounded by policemen wearing black masks.

The policemen searched the judge’s pockets and found he was carrying 6,000 leva (US\$4,300). Slavcho Petkov had received the money only minutes earlier from Emil Shopov, a man who had been accused of stealing 10 tons of naphtha from three gas stations in 2005, and had appeared as a defendant in Slavcho Petkov’s court a few weeks earlier. These facts are clear, according to an official statement issued by the Bulgarian Ministry of Interior.

Because the money was marked as part of a police sting operation, there was no doubt it was the same money that Slavcho Petkov had given the judge, according to the Ministry of Interior’s announcement. The detained judge, however, claims the money was reimbursement of a loan he had made to Emil Shopov some time ago.

Evidence in this bribery case indicates that the two men actually knew each other before they faced one another in the courtroom as judge and defendant. Petkov and Shopov share a common passion—gambling—and had met on numerous occasions at gambling halls in Veliko Tarnovo.

Orchestrating the “Sting”

Documents in the case reveal that in 2008 six people, including Emil Shopov, were brought before the court in Svishtov, a town not far away from Veliko Tarnovo, and charged with a series of thefts that were committed between March and August 2005.

In 2010, the court in Svishtov passed guilty verdicts on Georgi Daskalov—known as “Gosho the Gin,” from Veliko Tarnovo, and his friend Ivan Ivanov, who is known as “the Cabbage.” Both defendants had criminal backgrounds (with seven convictions each on other charges.) The remaining four defendants—Emil Shopov, from Pleven, Yordan Yordanov, and the brothers Georgi and Plamen Toshkov, from Svishtov—received not-guilty verdicts, according to the Svishtov court’s decision.

On October 11, 2010, the verdicts of the six men were appealed by prosecutors at the supreme institution—the district court in Veliko Tarnovo, the very court where Judge Slavcho Petkov presides. At this hearing, Judge Petkov and his other two colleagues from the three-member court committee declared they would decide the case within the legal term of one month.

“He [Judge Petkov] found me the night before the sentencing and said he had already decided we would all be convicted,” Emil Shopov said. Judge Petkov then made a suggestion: “You just pay not to get into prison,”” recounts Shopov. According to Shopov’s statement, the judge threatened to sentence the group to a total of 30 years unless they paid him a bribe.

The marked 6,000 leva found on the judge was the third bribe payment, Shopov told the court. On two previous occasions, Shopov paid Petkov 5,000 leva (US\$3,500) each time. According to the prosecutor’s indictment, the judge demanded a total of 25,000 leva (US\$17,800), but the defendants were unable to collect that amount. In order to stop the judge’s racket, Shopov informed the police.

Judge Petkov was arrested and held by the prosecutor for 72 hours—the longest time allowed for by law. On October 23, 2010, judges from the city court in Sofia released their colleague on 7,500 leva (US\$5,350) bail. According to the judges’ decision, the prosecutor’s office had unreasonably demanded Petkov’s detainment because, in the judges’ view, there was not enough evidence that Petkov had taken the bribe.

Release, Reaction and the Pengezova Case

The decision, which can be appealed at the appeals court in the capital, brought furious reactions from the Bulgarian Ministry of Interior and the prosecutor’s office, as well as public opinion, according to comments on the case that were published in Bulgarian media and posted on Internet forums.

Alongside these angry comments there were pessimistic ones that said the case was just one more example where another corrupt judge would escape Bulgarian justice. Petkov’s detainment on bribery charges is just one in more than 10 similar cases that have occurred in the past two years.

Veselin Pengezov, then head of the Appeal’s court, where the next decision on Judge Slavcho Petkov’s case will be made, was himself at the center of at least two major scandals in 2010. Both of them involve his daughter, 25-year-old lawyer Anna Pengezova.

In 2005, Pengezova was one of five offspring, along with other relatives of top magistrates, who received a cheap building lease

in the Black Sea resort town of Primorsko. She obtained a 563-square-meter lot from the local municipality, a fact that was brought to light by a Supreme Judicial Council review done in 2010.

To receive this benefit, applicants had to be considered “miserably poor,” and be a resident of the respective town. Pengezova failed to fulfill both criteria, as she has a higher income and lives in Sofia, 400 km from Primorsko. Nevertheless, she obtained the lot at the same time that her father was presiding over several major trials for the municipality, according to court archives.

On January 18, 2011, Bulgaria’s Supreme Judicial Council voted to remove Pengezov from the position of chair of the Sofia Appellate Court because of the family property scandal.

The Supreme Judicial Counsel (*VSS–ВИСШ СЪДЕБЕН СЪБЕТ*) voted 15 to four, with three abstaining, to remove Pengezova; however, the discredited magistrate will still remain on staff as a regular judge. The VSS decision can be appealed.

Interestingly, the only motive VSS cited for Pengezova’s removal was the fact that the scandal damaged the image of the Bulgarian judiciary.

The Tsvetkova Case

The first judge that was detained for bribery was Anelia Tsvetkova, who was the head of the administrative court in Varna, the third biggest city in Bulgaria. She was arrested on July 17, 2008, at the Lavera restaurant in Varna, with 10,000 leva (US\$7,150) in her purse. According to the information from the Ministry of Interior, she received the money from her ex-lover, businessman Stefan Stefanov, in exchange for making a “good” decision in a court case. (There is no information about the specific case this involved.)

The prosecutor’s office stated that another 150,000 leva (US\$107,150) and 400 grams of gold were found in Tsvetkova’s home. Transcripts from the trial reveal that she explained that she took the money as a loan from businessman Grisha Ganchev. Ganchev, a former wrestler, is one of the richest men in Bulgaria and operates businesses all around the country, including in Judge Tsvetkova’s jurisdiction.

Tsvetkova was charged with corruption on the very day of her arrest. Three days later, she was released from jail in Sofia on a bail of 20,000 leva (US\$14,300). After her release, she resigned from her chair at the Administration Court in Varna. In the prosecution’s opinion, Tsvetkova, as an official, requested a 60,000 leva (US\$42,850) bribe from Stefanov and received 30,000

leva (US\$21,500) as payment to judge in favor of one litigant. The punishment for such a crime ranges from three to 10 years in jail. The trial has been at a standstill for nearly three years, and hearings have been postponed for a variety of reasons.

Other Judges, Other Cases

The trial against Georgi Veselinov, a judge from the district court in Pazardzik who in 2009 was accused of receiving a 15,000 leva (US\$10,700) bribe, follows a similar storyline. The Ministry of Interior announced that the investigation of Veselinov on bribery charges was being carried out by Georgi Zagorski, who is himself facing charges of illegally trafficking in antiques. Ironically, it was Judge Veselinov who ordered that Zagorski be released after he was arrested on suspicion of illegal antique trading.

For this decision, Judge Veselinov was allegedly paid 15,000 leva (\$10,700) by Zagorski. The payment was made with the help of an attorney who also was accused.

In spite of the investigation, Georgi Veselinov is still on the bench and only can be removed if he is convicted. The official statistics for 2010 show that he has been appointed to some of the most significant trials in the Pazardzik region.

In yet another case, former Defense Minister Nikolay Tsonev was arrested in a special police operation on April 1, 2010, together the Sofia city court Judge Petar Santirov. According to prosecutors, the three of them tried to bribe investigator Petyo Petrov, who was in charge of investigating the ex-minister for a making a questionable deal.

On June 2, 2010, the court ruled that there was enough evidence to show that Nikolay Tsonev and Petar Santirov paid a bribe of 20,000 leva (US\$14,300), but said the evidence only proved that Petrov had asked them for the money. According to the law, there is a difference between offering a bribe and being asked to pay a bribe: the second charge is considered a lesser crime.

On the grounds of this finding, the Sofia City Court discharged and released Tsonev and Santirov. The judges agreed that they had committed a crime by paying the bribe. However, they said that the crime was not serious enough to deny their release from jail so long as they were able to pay their bail. They paid 15,000 leva (US\$10,700) and 10,000 leva (US\$7,150), respectively and were freed. The case is now at a standstill.

The same situation happened in the case of Yuriy Marinov, a judge who requested a bribe of 24,000 leva (US\$17,150) from a building company with a 1,400,000 leva (US\$1,000,000) revision act, in exchange for a ruling in favor of the company. This finding was

announced by Interior Minister Tsvetan Tsvetanov on October 13, 2010. Just one day later, the judge was released on bail of 10,000 leva (US\$7,150).

This action compelled Tsvetanov to conclude that “the judiciary system is at the service of organized crime.”

In the minister’s words, the police in Bulgaria and in the other EU member states, work identically. The difference lies in the judicial systems. The Bulgarian judiciary is much more likely to release detained persons because of alleged illnesses or other special conditions than other EU member states, where convicted criminals receive quick, impartial, and firm sentences, says Tsvetanov.

“Special intelligence services currently keep track of at least 40 judges and prosecutors who are suspected of corruption and connections with the organized crime. There are investigations and prosecutions against another 20 individuals. Investigations on magistrates are more difficult, because information is leaked to the suspects,” Vice-Head Prosecutor Valeri Parvanov stated in July 2010.

Parvanov said that in the case of four magistrates (he didn’t provide information about the cases against them) it was possible to suspend them only because the inspectors in the Supreme Judicial Council proved that the judges had deliberately delayed trials and, therefore, failed to fulfill their duties. Legal commentators call this a success, especially when compared to the situation five years ago, when judges and prosecutors were impossible to remove.

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