

Information from the Supreme Court of Cassation (SCC) on public attacks

Institutional and public attacks against the Supreme Court of Cassation (SCC) sharply increased following the publication on the Court's website ([съда на информация](#)) information on two rulings dated 02.10.2025 – one issued by the Deputy President of the Supreme Court of Cassation and Head of the Criminal College, and one issued by the President of the Second Criminal Division – by which the initiation of proceedings was refused in respect of motions filed by the Acting Prosecutor General for the reopening of criminal cases.

The submitted motions were signed by the Acting Prosecutor General, Borislav Sarafov (appointed as such by a decision of the Prosecutors' College of the Supreme Judicial Council (SJC) under Protocol No. 21/16.06.2023).

By the Law amending and supplementing the Judiciary Act, a new provision was introduced in Article 173, paragraph 15 of the Judiciary Act (new – State Gazette, issue No. 6/2025, in force as of 21.01.2025), which provides that: “in the event of early termination or expiry of the mandate of the Prosecutor General, the President of the Supreme Court of Cassation, or the President of the Supreme Administrative Court, an acting official shall be appointed to perform the respective functions, subject to the following condition: the same person may not perform the respective functions for a period longer than six months, regardless of whether there have been interruptions in the performance of the functions.”

According to the supreme judges, the six-month period from the entry into force of the provision expired on 21.07.2025.

“The effect of this statutory provision is such that upon the expiry of the time limit set therein, the Acting Prosecutor General Sarafov, who was the incumbent acting official at the time of its entry into force, may no longer perform the functions for which he was appointed by a decision of the Prosecutors' College of the SJC,” it is stated in the rulings. “Specifically for the present case, the conclusion must be drawn that the person who, at the time of the entry into force of the provision, was appointed to perform the functions of Prosecutor General, upon the expiry of the six months provided for from the moment of its entry into force, may no longer perform those functions going forward. The interpretation of Article 173, paragraph 15 of the Judiciary Act leads to the conclusion that the termination of the functions of the Acting Prosecutor General occurs *ex lege*,” the supreme judges explain.

Such considerations formed the basis for a decision of the General Assembly of the Criminal College of the SCC of 18.09.2025, according to which the powers of the Acting Prosecutor General are terminated by virtue of Article 173, paragraph 15 of the Judiciary Act after the expiry of the six-month period from the entry into force of that provision, and therefore a motion for the reopening of a criminal case submitted by the Acting Prosecutor General after 21.07.2025 does not constitute valid seising of the Criminal College of the SCC and justifies the issuance of a refusal to initiate proceedings. “In this sense, the existence of active legal standing of the Acting Prosecutor General to submit a motion for reopening cannot be accepted. In the present case, the person who submitted the motion for reopening – the Acting Prosecutor General – although formally falling within the circle of persons under Article 420, paragraph 1

of the Criminal Procedure Code, cannot exercise this power in view of the cited legislative amendment under Article 173, paragraph 15 of the Judiciary Act,” the reasoning concludes.

On 03.10.2025, a position was published on the website of the Prosecutor’s Office of the Republic of Bulgaria ([сайта на Прокуратурата](#)) regarding the SCC press release, referred to as an “information note”, which was described as an action prompted by the ongoing attempts to destabilise the judiciary. The position states that the leadership of the SCC is drawing the institution into an attempt to achieve illegitimate objectives in contradiction to their constitutional obligation to strengthen the rule of law and the rule of law principle. The Prosecutor’s Office further states that the opinion of the Criminal College of the SCC does not produce legal effects with regard to a valid administrative act – the decision of the Prosecutors’ College of the SJC.

In response to the position of the Prosecutor’s Office, on 04.10.2025 a statement by the President of the SCC was published on the Court’s website concerning the challenge to the sovereign power of the judges of the Criminal College of the SCC to independently perform their constitutional function, the insinuations of unclear political affiliations of the “leadership of the SCC”, and the incitement of the public against the Court.

In November 2025, a petition was launched against the President of the SCC ([подписка с искане за нейната оставка, която ѝ е връчена лично в началото на организирана от ВКС конференция](#)) calling for her resignation, which was personally handed to her at the beginning of a conference organised by the SCC on the occasion of the celebration of the 145th anniversary of the Court’s establishment.

One of the most recent attacks is related to attempts to involve the President of the SCC in a scandal concerning the use of Kaspersky software in the Court ([становище на председателя](#)), which allegedly “threatened national security”. The pretext for this was the introduction of the Trellix Endpoint Security Power Edition antivirus agent in the courts (the Supreme Administrative Court and the administrative courts were excluded from the implementation of the technology the courts in the country, as well as the Prosecutor’s Office). During the discussions on the topic at a meeting of the Plenum ([заседание на Пленума на ВСС](#)) of the Supreme Judicial Council (SJC), a member of the Council stated that it was not anyone else, but the SCC that was using software from a hostile state to protect its official computers. This was described as a problem for the cybersecurity of the judicial system and, consequently, for national security.

Concerns regarding the deployment and use of Trellix have been expressed by a number of court presidents, as well as by the Union of Judges in Bulgaria [Съюза на съдиите в България](#). In January 2026, a discussion of the Trellix implementation process is scheduled to take place.

Note: For ease of reference, the text includes hyperlinks to publications concerning the aforementioned attacks.