

Summary of the dissertation
‘PRIVATE PROSECUTION IN BULGARIAN
CRIMINAL PROCEDURE’

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The dissertation ‘PRIVATE PROSECUTION IN BULGARIAN CRIMINAL PROCEDURE’ is the first detailed study under the current Criminal Procedure Code focusing on the procedural activity of the private prosecutor and the private complainant. Contemporary, debatable, theoretically and practically significant issues concerning the function of indictment performed by the victim in court proceedings, have been discussed.

Chapter One introduces an analysis of a number of issues, the clarification of which is a necessary prerequisite for the in-depth examination of the indicated subjects of criminal procedure. The grounds for the private prosecution and the fundamental terminology for the research have been reviewed. An emphasis has been placed on the matters regarding the essence of the function of indictment, the subjects of private prosecution, the relevance of the objectivity requirement to their procedural activity, and also the compatibility of the various procedural roles.

Chapter Two concentrates on the private prosecutor. Research has been conducted on the prerequisites for his constitution as a party to the proceedings – his procedural capacity and procedural competence, on the request for participation in court proceedings and the competences of the court in this respect, the time limit for filing the request, as well as the procedural status of the private prosecutor – his procedural rights and obligations. Particular attention has been paid to procedural violations related to the private prosecutor, and also to his participation in differentiated criminal procedures, respectively to the prohibition of such participation and the reasons for that.

Chapter Three contains an analysis of the issues concerning the private complainant and privately actionable criminal cases. The focus is directed towards the constitution of the private complainant and his procedural status. Aspects related to the competences of the court in the institution of privately actionable criminal cases have been investigated. Consideration has been given to the termination of these cases, the competences of the prosecutor in them, the institute of retortion in criminal procedure, the costs, the protection of the safety of the victim of a crime prosecuted on the grounds of complaint by the victim, and other significant problems of the procedure instituted on the grounds of complaint by the victim. The hypothesis has been discussed under which the legislation provides for a different order – a publicly or a privately actionable case respectively – for the criminal prosecution of persons who committed a crime in complicity.

In the course of the research, a number of practical issues have been identified, in connection with which proposals for improvement of the legislation have been formulated and substantiated. These proposals hold the potential to guarantee to a more significant extent the protection of the rights and legal interests of the victim in criminal proceedings, but also those of the state, the accused party, the civil claimant.