O P I N I O N

by Assoc. Prof. Dr. Ekaterina Salkova,
appointed by Order No. RD-09-32/02.04.2025 of the Director of the Institute for the State and the Law at the Bulgarian Academy of Sciences
as a member
of the academic jury for the public defense of a doctoral dissertation
for the award of the academic degree "Doctor of Sciences"
in the field of higher education: 3. Social, Economic and Legal Sciences,
professional field: 3.6. Law,
scientific specialty: Criminal Procedure

Title of the dissertation:
"THE PRINCIPLE OF INNER CONVICTION IN BULGARIAN CRIMINAL PROCEDURE"

Author: Prof. Dr. Gergana Marinova

1. Information about the candidate and the procedure

Gergana Marinova Marinova graduated in Law from the Faculty of Law at Sofia University "St. Kliment Ohridski" in 1999. From January 2000 to January 2001, she was a judicial trainee at the Sofia City Court. Since September 2000, she has held successive academic positions (in accordance with the legally established hierarchy) at the Institute for Legal Studies (later the Institute for the State and the Law) of the Bulgarian Academy of Sciences: Research Fellow III rank, Research Fellow II rank, Research Fellow I rank; since 2010 – Senior Research Fellow II rank/Associate Professor; since 2018 – Full Professor. Since 2001, she has been teaching Criminal Procedure at the Academy of the Ministry of Interior, where she has also held various academic ranks (Assistant, Senior Assistant, Chief Assistant, Associate Professor

(since 2010), and Professor (since 2018 to date)). She was awarded the educational and scientific degree "Doctor" in 2005 with a dissertation on "The Pre=Trial Detention as a Coercive Measure". She has completed several specializations abroad: at the University of Florence, Italy (Nov 2002 – Apr 2003); the Max Planck Institute, Germany (Jul 2006); Northwestern University, Chicago, USA (Sep 2007 – Feb 2008); and the Institute of Advanced Legal Studies, University of London, UK (Oct 2009). Since 2009, she has participated in six European research projects on various topics in criminal law.

The procedure for awarding the academic degree "Doctor of Sciences" was initiated based on the dissertation submitted by Prof. Marinova titled "The Principle of Inner Conviction in Bulgarian Criminal Procedure." Both procedural and substantive legal requirements have been met. The dissertation is entirely distinct from her previous PhD dissertation. In compliance with the law, the dissertation was discussed at an extended meeting of the Criminal Law Department at the Institute for the State and the Law on 19 March 2025, where it received unanimous positive evaluation. Based on that decision, the dissertation was forwarded for public defense.

The submitted documents confirm that Prof. Dr. Gergana Marinova meets the minimum national requirements for obtaining the academic degree "Doctor of Sciences".

2. General Characteristics of the Dissertation

The dissertation is ***213 pages*** long and contains ***154 footnotes.*** The bibliography includes ***63 sources*** (49 in Bulgarian and 14 in English and Italian). The structure includes a title page, table of contents, introduction, four chapters, conclusion, and bibliography. Each chapter is further structured into sections.

The topic is both **timely and significant** for the development of criminal procedural science and for the work of judicial authorities. Although each procedural principle is important, many—including the one under study—have not recently been the focus of research. While the principle of inner conviction may seem self-explanatory, practice reveals frequent difficulties in its application, both in evaluating evidence and in its broader application as defined in Article 14 of the Criminal Procedure Code (CPC), which extends it to the decision-making process of procedural bodies.

In the **introduction**, the choice of topic is briefly justified, and the structure, content, and research methods are outlined.

Chapter One offers a historical overview of the origin and development of the principle of inner conviction, as well as the evolution of evidentiary procedures in England and continental Europe. It analyzes the development of the principle in

Bulgarian procedural legislation. A key comparison is made with the principle of judicial independence, arguing for a focus on the principle as a method for evaluating evidence. The traditional understanding is critically examined, including the varying degrees of certainty required in different procedural stages, and the ambiguities surrounding the definition of "correctness or incorrectness of certain matters." The chapter supports the view that the 1974 CPC correctly extended the principle not only to judges but also to pre-trial procedural authorities.

Chapter Two focuses on the content of the evidentiary evaluation under the principle of inner conviction. The author argues that admission relates to investigative acts rather than the evidence itself. Uniquely, it is stated that relevance is not an independent criterion but part of admissibility, which also includes legality. Legality is rightly defined as a legal assessment, not subject to inner conviction. It is concluded that only substantial procedural violations should render evidence inadmissible. The chapter draws from U.S., Irish, and ECHR case law. Grounds for inadmissibility are categorized into ensuring factual reliability, protecting fundamental rights, and safeguarding specific relationships. Factors influencing credibility assessment—beyond logic—are analyzed. The limitations of the principle concerning special intelligence means, confessions, audit reports, and other documents (under Art. 127(2) CPC), as well as reading of testimony, given in pre-trial phase, during trial, are reviewed.

Chapter Three explores the concept of the "standard of proof," a term used in Anglo-American systems. As it is almost unknown in Bulgaria, the author turns her attention to the English and American legal theory and practice in order to clarify it. The chapter compares standards from England and the U.S. to those established in the Bulgarian CPC, which, while not using this term, includes evidentiary thresholds such as: sufficient data (Art. 207(1)), reasonable assumption (Art. 211(1)), sufficient evidence (Art. 219(1)), sufficient grounds for assuming (Art. 160), justified assumption (Arts. 56(1), 63(1), 356(4)), necessary evidence (Art. 246(1)), and beyond any doubt (Art. 302(2)). Each is analyzed to clarify the required level of conviction at specific stages of criminal procedure. Abstract reasoning is provided on why different proof standards are necessary.

Chapter Four discusses the increasingly debated issue of reasoning in judicial decisions and, more specifically, how inner conviction is reflected in them. The chapter addresses how inner conviction is articulated in judgments, appellate and cassation decisions. It argues that evidence assessment involves complex cognitive processes, including intuition, beyond mere logic. The importance of reasoning is examined, including in light of European Court of Human Rights jurisprudence.

The **Conclusion** summarizes the main findings.

3. Evaluation of scientific and applied contributions

The dissertation presents theoretical insights and practical solutions to major scholarly and applied legal problems. The relevant literature is thoroughly analyzed; the practical challenges are well addressed. The principle of inner conviction is comprehensively clarified through historical and comparative perspectives. The writing is clear and analytical, with well-structured arguments and criticism. This is the first modern monographic study of the principle of inner conviction in Bulgarian criminal procedure. The abstract accurately reflects the content and contributions. Additional (to the already mentioned) notable contribution is the answer to the question whether the supervisory and oversight powers interfere with the principle of inner conviction. I agree with the conclusion that when overturning the prosecutor's decision to terminate proceedings, the court may give him/her binding instructions to conduct certain investigative activities or to establish certain facts. The analysis of CPC provisions safeguarding reliability of evidence and the classification of the grounds rendering the evidence inadmissible is highly valuable. The theoretical and practical issues related to judicial oversight of searches and seizures during the pre-trial phase have been thoroughly analyzed. The clarification of "standard of proof" is an important contribution to Bulgarian procedural theory and is likely to influence future legislation and practice, given the trend toward approximation of different procedural systems. Numerous well-argued *de lege ferenda* proposals deserve legislative attention—even if some seem radical (e.g., abolishing post-approval of urgent investigative protocols), they are well justified and would streamline procedure.

The Conclusion appropriately states the main results.

The dissertation is characterized by accurate terminology, precise language, and accessible style.

4. Evaluation of the publications

Alongside the dissertation, 16 publications were submitted—6 directly related to the dissertation topic, the rest covering various aspects of criminal procedure. This demonstrates a comprehensive grasp of the criminal procedure issues. The publications have provided an opportunity for the academic community in Bulgaria to become acquainted with the main theses of the dissertation and to validate its results.

5. Evaluation of the abstract

The abstract is well-structured in four parts: (1) General characteristics of the dissertation; (2) Summary of the dissertation; (3) Publications on the dissertation topic; (4) Statement of contributions. The first section justifies the relevance of the research, outlines the methods, subject, objectives, and tasks of the study, substantiates its scientific novelty and practical significance, and presents general information about the scope and structure of the dissertation. The abstract correctly reflects the dissertation's contents and the related publications.

6. Conclusion

In conclusion, I believe the submitted dissertation is a comprehensive and significant scientific study and meets all requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria - it contains valuable theoretical generalizations and practical solutions to important scientific and practical problems and constitutes a substantial and original contribution to science. I therefore confidently give a positive opinion and recommend that the academic jury vote in favor of awarding the academic degree "Doctor of Sciences" to Prof. Dr. Gergana Marinova Marinova, in the professional field 3.6. Law, doctoral program "Criminal Procedure."

Member of the Academic Jury:
Assoc. Prof. Dr. Ekaterina Salkova