The Principle of Inner Conviction in Bulgarian Criminal Procedure

Dissertation for the award of the academic degree “Doctor of Sciences”

Summary

The dissertation examines the principle of inner (free) conviction in the contemporary Bulgarian criminal procedure.

In continental European criminal procedure, the concept of free judicial conviction emerged after the French Revolution as both a standard of proof and a method of evaluating evidence, serving as a rejection of the formal theory of evidence. Initially adopted in the French *Code d’instruction criminelle* (which, in turn, drew it from English law, where it was established with the introduction of jury trials around the 13th century), the principle was subsequently incorporated into other European legal systems. Through Russian law, it entered Bulgarian criminal procedure with the adoption of the Law on Criminal Proceedings. However, this law did not explicitly define it as a principle, applied it to the court and regulated it exclusively as a method of evaluating evidence. The principle was later incorporated into the 1952 Criminal Procedure Code (CPC) (repealed), then into the 1974 CPC (repealed), and finally into the current CPC.

The provisions governing inner conviction in the latter two codes are titled "Decision-Making Based on Inner Conviction" and they actually regulate two distinct principles: judicial independence (Article 14, Paragraph 1 CPC) and free evaluation of evidence (evidentiary evaluation based on inner conviction) (Article 14, Paragraph 2 CPC). As a result, both legal scholarship and judicial practice frequently use the term "inner conviction” in two senses—broadly, as a synonym for judicial independence, and narrowly, as method of evaluating evidence. Given the redundancy between Article 14, Paragraph 1 CPC and Article 10 CPC, a precise and correct legislative approach requires renaming Article 14 CPC to "Free Evaluation of Evidence" (as recognized in legal theory) and repealing Paragraph 1.

The principle of inner conviction establishes a method of evaluating evidence. Its defining characteristics are as follows:

1) Subject to evaluation (assessment) based on inner (free) conviction are the evidence in the case.

2) The purpose of the evaluation is the accurate establishment of the material truth.

3) The principle applies to all procedural authorities.

4) The evidentiary assessment performed by one authority is never binding upon another procedural authority.

5) No procedural authority may receive directives from another one regarding how to assess the evidence.

6) There are no statutory (formal) rules governing the assessment of evidence. This is the principle's most fundamental characteristic. Specifically, there is no requirement for a predetermined number or type of evidence to establish a given fact in a case.

7) Some legal requirements partially limit the full application of the principle. While Article 14 CPC does not explicitly state exceptions, the law implicitly establishes them, modifying certain aspects of the principle. Additionally, some elements of admissibility assessment are inherently legal rather than discretionary and thus fall outside the scope of the principle.

8) Inner conviction is formalized in the reasoning of procedural acts and is subject to review by higher judicial instances.

The evidence—whether defined as facts or information—are subject to ***three types of evaluation****:*

- ***admissibility*** evaluation includes assessments of relevance and legality. The legality assessment is a legal determination rather than one based on inner conviction.
- ***reliability/credibility*** evaluation falls fully within realm of by inner conviction;
- ***sufficiency*** evaluation is generally based on inner conviction, though exceptions exist.

Although the standard of proof is not explicitly defined as a general concept in the CPC, the Code recognizes ***various standards of proof***. The notion of standard of proof and the content of different standards are briefly examined.

Inner conviction is never concealed—it is always externalized and ***expressed in the reasoning of procedural acts.*** The judicial reasons hold significant importance in criminal proceedings: for the parties involved, the issuing court, the higher courts, and also for society in general. Therefore, judicial reasoning must always be clear, comprehensible, and convincingly articulated.