TO
THE ACADEMIC JURY FOR THE DEFENSE
OF THE DOCTORAL DISSERTATION
OF PROF. GERGANA MARINOVA MARINOVA,
APPOINTED BY ORDER OF THE DIRECTOR
OF THE INSTITUTE FOR THE STATE AND THE LAW
AT THE BULGARIAN ACADEMY OF SCIENCES
No. RD-09-32 of 2025

REVIEW

by Corresponding Member Prof. Boris Vladimirov Velchev, Doctor of Legal Sciences, Sofia University "St. Kliment Ohridski"

of the doctoral dissertation by

Gergana Marinova Marinova

on the topic:

"The Principle of Inner Conviction in Bulgarian Criminal Procedure"

for the award of the academic degree "Doctor of Legal Sciences"

in the professional field 3.6. Law

1. Grounds for the review and procedure information

This review is submitted as part of the procedure for the defense of a doctoral dissertation for the award of the academic degree "Doctor of Sciences" in professional field 3.6. Law, with candidate Gergana Marinova Marinova, professor at the Institute for the State and the Law at the Bulgarian Academy of Sciences (ISL-BAS).

The procedure has been conducted in compliance with the law requirements. A discussion of the dissertation was held by an extended panel of the Criminal Law

Department at ISL-BAS. All scientific metrics have been met, as evidenced by the provided reference.

I was appointed a member of the academic jury by Order No. RD-09-32/2025 of the Director of ISL, issued pursuant to Article 13 of the Law on the Development of the Academic Staff in the Republic of Bulgaria. At the first meeting of the jury, I was designated as reviewer of the submitted dissertation.

2. Biographical information about the candidate

Gergana Marinova graduated in law from Sofia University. In 2005, she defended her doctoral dissertation "Pte-trial Detention as a Coercive Measure." Since 2000, she has held various academic positions at the Institute for the State and the Law at BAS, where she was elected professor in 2018. She has served as scientific secretary and deputy director of the Institute. During the same period and to this day, she teaches criminal procedure at the Academy of the Ministry of Interior.

She has specialized at various foreign universities and has participated in numerous research projects.

3. Information about the dissertation and the abstract

The dissertation consists of 213 pages including an introduction, four chapters, a conclusion, and a bibliography with 49 sources in Bulgarian and 14 in foreign languages. There are 154 footnotes.

The chosen structure has allowed the doctoral candidate to develop a broad creative approach and to present well-grounded legal conclusions.

In the introduction, the candidate justifies her interest in criminal evidence and the principle of inner conviction.

The first chapter provides a historical overview of the origin and development of the principle of inner conviction. Here the candidate argues that the principle

establishes a method of evaluating evidence. Prof. Marinova thoroughly examines all the characteristics of this evaluation and emphasizes that as a result, inner conviction is formalized (articulated) in the reasoning of the procedural act. Of particular importance in this chapter is the analysis of the subjects of the principle and its application even at the pre-trial stage.

The second chapter expands on the idea that inner conviction is a method of evidentiary evaluation, identifying three key components:

Evaluation of admissibility: The candidate analyzes the grounds for exclusion or non-admission of evidence. Well-reasoned criticisms of the subsequent (post factum) judicial review are presented. A particularly valuable practical proposal is made - confessions made to a voluntary informants of the police to be considered inadmissible in evidence. The criticisms of Article 244, paragraph 1, item 3 of the Criminal Procedure Code, regarding sole eyewitness testimony, are also well-founded.

Evaluation is reliability (credibility) of evidence. Special emphasis should be placed on Prof. Marinova's justified view that this aspect of the principle is mainly applicable in the pre-trial phase.

Evaluation of sufficiency. The candidate highlights restrictions in sufficiency evaluation on confessions; data gathered by surveillance measures, and audit reports—pointing out that, while their information may be deemed sufficient by legal authorities, such sources cannot be the sole basis of a verdict. The conclusion that a verdict cannot be based solely on information from secret sources is strongly supported.

The third chapter deals with the standard of proof. The candidate defines it as the degree of certainty required for decision-makers to be convinced that the facts on which their judgment is based have actually occurred. She discusses the conceptual

foundations of varying standards of proof – from the perspective of the affected rights and also from the perspective of criminal procedure efficiency.

In the fourth chapter, Prof. Marinova examines how inner conviction is objectified in the reasoning of the judgment. Her position on the importance of reasoning—for the parties, the court delivering the judgment, the higher courts, and the society—should be particularly emphasized.

The language of the dissertation is highly readable but without any compromise to the requirements of rigorous scientific style. The candidate has succeeded in synthesizing philosophical and legal issues in a convincing manner, resulting in a remarkable scholarly work—both profound and understandable.

The abstract is 22 pages long. It thoroughly and accurately reflects the dissertation's content. A summary of the scientific contributions is appended at the end.

I have no doubt that the dissertation is an independent scholarly work of Prof. Marinova.

4. Scientific contributions

I fully endorse the summary of contributions presented in the abstract. Many of them are also included in the dissertation's conclusion.

While not claiming to be exhaustive, I will take the liberty of highlighting and drawing particular attention to some contributions beyond those I have already indicated in my brief presentation of the contents of the work:

First, the choice of the topic. It is important not only because this is the first academic monographic study of the principle of inner conviction in criminal procedure, which in itself is significant, but also because it addresses one of the most complex topics in criminal law. The very choice of topic—and the obtained result — is proof of the fully justified professional confidence of prof. Marinova.

The scientific analysis of the principle of inner conviction is of particular importance. Its clarification would not only enhance public understanding but also provide accountability for magistrates who often misuse the principle.

In legal scholarship, contributions are primarily sought in *de lege ferenda* proposals. Prof. Marinova makes numerous such proposals—on judicial review (preliminary and subsequent) over investigative acts, on the value of single eyewitness testimony, on secret evidence, and on the confidentiality of confession. All are well-argued and address real practical issues in criminal justice.

Of course, contributions are not limited to legislative proposals. The dissertation also contains substantial theoretical contributions.

Prof. Marinova's approach to analyzing the principle not from the lens of "conviction" but from the lens of "evaluation"—and the breakdown of this evaluation into components— has allowed an innovative clarification of the content of this principle. The clarification of the three components of the evaluation - admissibility, credibility, and sufficiency—is of high value.

The comparisons in the third chapter have allowed the candidate to develop practically useful and academically sound models for standards of proof.

I could continue listing the scientific contributions, but those already mentioned are more than sufficient to justify my high assessment of Prof. Marinova's dissertation.

5. Publications

In this procedure, the candidate presents three groups of publications:
The first includes six articles (one pending publication) directly or partially related to the dissertation topic, published in reputable journals. These include:

- "The Principle of Inner Conviction in Bulgarian Criminal Procedure"
- "Standards of Proof in Bulgarian Criminal Procedure"

- “On the Judicial Control over Some Investigative Acts”
- “Requirements of the European Court of Human Rights Regarding Searches and Seizures”
- “On the Right to Refuse Testimony in Criminal Proceedings”
- “On the Reasoning of Judgments”

The second group includes articles on a wide range of criminal procedure issues unrelated to the dissertation topic, such as:

- “Specifics of Special Investigative Means in the Bulgarian Criminal Procedure”
- “The ECJ Decision in Case C-282/20 and the Preparatory Hearing in the Bulgarian Criminal Procedure Code”
- “Challenges to Criminal Procedure Legislation in Implementing the Requirements of the Directives of the European Parliament and the Council of the European Union”
- “Common Minimum Standards in the EU on Procedural Rights”
- “Differentiation of Criminal Procedure – Traditions and Perspectives”
- “The Penal Order”
- “On Some Issues of the Abbreviated Trial”

The third group includes three studies:

- “On Some Issues Regarding the Charging of the Defendant in Bulgarian Criminal Procedure”
- “Exceptions to the Fundamental Principles of Bulgarian Criminal Procedure”
- “Correction of Obvious Factual Errors in the Indictment”

All listed publications contain scientific contributions and reflect the candidate’s broad academic interests in criminal procedure. They attest to her depth of knowledge and establish her as one of the leading national researchers in the field.

6. Critical comments and recommendations

I have no critical remarks that could affect my high opinion of the work. The dissertation fully meets the requirements for the academic degree 'Doctor of Sciences'. I recommend its publication, as it will be of particular interest to law students and practicing lawyers alike.

7. Conclusion

The dissertation is the first monographic study on the principle of inner conviction in criminal procedure. It is an independent scholarly work that makes both theoretical and applied contributions. The findings fill gaps in Bulgarian legal literature and are convincingly supported by rigorous analysis. This is especially true for the dissertation. The candidate's theses are proven in a compelling academic manner. Numerous valuable conclusions are made for both theory and practice.

The structure and legal language of the dissertation meet the highest academic standards.

In conclusion, I express my positive opinion that the dissertation "The Principle of Inner Conviction in Bulgarian Criminal Procedure" by Prof. Gergana Marinova meets the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria and its implementing regulations as well as the highest standards of academic research, and I therefore recommend that the jury award Prof. Gergana Marinova Marinova the scientific degree of Doctor of Sciences.

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Corresponding member Prof. Boris Velchev,

Doctor of Legal Sciences