R E V I E W

by Prof. Georgi Ivanov Mitov, Doctor of Legal Sciences

on the dissertation of Prof. Dr. Gergana Marinova Marinova

titled **"The Principle of Inner Conviction in Bulgarian Criminal Procedure"**

for the award of the academic degree **Doctor of Legal Sciences**
in Field of Higher Education 3: Social, Economic and Legal Sciences,
Professional Field 3.6: Law, Specialty: Criminal Procedure

Dear Members of the Academic Jury**,**

Prof. Dr. Gergana Marinova Marinova is an established scholar and lecturer. She has authored numerous publications in the field of criminal procedure.

By Order No. 09-32/02.04.2025 of the Director of the Institute for the State and the Law at the Bulgarian Academy of Sciences, I have been appointed as a member of the academic jury.

At the first meeting of the jury, I was chosen for a reviewer of the dissertation.

CANDIDATE INFORMATION

Gergana Marinova graduated in Law from the Faculty of Law at Sofia University "St. Kliment Ohridski" in 1999.

She joined the Institute for the State and Law at the Bulgarian Academy of Sciences in September 2000, consecutively holding the academic positions of Research Fellow III degree, II degree, I degree, Senior Research Fellow II degree (Associate Professor) since 2010, and Professor since 2018.

Since 2001, she has also been teaching at the Academy of the Ministry of Interior, consecutively as Assistant, Senior Assistant, Chief Assistant, Associate Professor (from 2010), and Professor (from 2018).

She defended her doctoral thesis titled *"Pre-trial Detention as a Coercive Measure"* at the Institute for Legal Studies at BAS and was awarded the educational and scientific degree "Doctor" in 2005.

She has completed specializations at the University of Florence, Italy (Nov 2002 – Apr 2003), the Max Planck Institute for Foreign and International Criminal Law, Freiburg, Germany (July 2006), Northwestern University, Chicago, USA (Sept 2007 – Feb 2008), and the Institute of Advanced Legal Studies, University of London (Oct 2009).

GENERAL CHARACTERISTICS OF THE DISSERTATION

1. The dissertation by Prof. Dr. Gergana Marinova titled "The Principle of Inner Conviction in Bulgarian Criminal Procedure" is the first comprehensive study in Bulgarian legal literature of this principle.

Her extensive professional experience in teaching and research, along with her deep theoretical knowledge in criminal procedure, allows her to examine the issue in its entirety and complexity.

2. The scientific novelty lies in the innovative approach to understanding the principle—not through the lens of conviction but through the lens of evaluation.

The dissertation comprises 213 pages, including an introduction, four chapters, conclusion, and bibliography. The bibliography includes 49 Bulgarian sources and 14 foreign sources. There are 154 footnotes.

3. The abstract meets the formal requirements and accurately reflects the content of the dissertation.

The author convincingly justifies the relevance and importance of the topic, outlines the research subject, defines objectives and tasks, and describes the methodology. A synthesis of the chapters and the author's contributions and *de lege ferenda* proposals is provided.

BRIEF OVERVIEW OF THE DISSERTATION CONTENT

1. The Introduction justifies the choice of the topic, presents the new approach to studying the principle of inner conviction, and gives a general overview of the work's structure.

2. Chapter One explores the historical development of criminal evidence law and the origin of the principle of inner conviction.
The analysis of different types of evidence systems and the shift from formal to free evaluation systems, both in Europe and Bulgaria, supports the essence of the principle as a method of evaluating evidence.

The critical analysis of Article 14 of the CPC (Criminal Procedure Code) is offered, along with a *de lege ferenda* proposal for its amendment deserve support.

An innovative approach is adopted: the principle is examined not through the concept of “conviction” but through the concept of “evaluation” of evidence. The complex, difficult-to-comprehend, and abstract principle of inner conviction thus gains tangibility and clarity. This can be identified as an independent scholarly contribution of the dissertation.

A significant contribution to the theory is the analysis in the final part of this chapter regarding the subjects—the addressees of the principle. I share the conclusion that, in practice, there are hypotheses where the assessment of evidence by one procedural body may be replaced by the evaluation made by another procedural body (for instance, the prosecutor’s assessment may override that of the investigating authority, and the Supreme Court of Cassation’s mandatory

instructions for the inclusion or exclusion of evidence may alter the evidentiary set in the case). This, in turn, may lead to changes in the evidentiary evaluation and the factual findings of the court to which the case has been returned, despite the general rule that no body may impose binding instructions on another regarding the assessment made freely, based on inner conviction.

3.Chapter Two examines the core aspects of evidentiary evaluation — admissibility, credibility, and sufficiency.

The author presents a new interpretation of the essence of evidentiary evaluation, making this complex theoretical and practical issue easier to comprehend. This can also be considered a distinct scientific contribution of the dissertation.

The idea that admissibility includes relevance and legality is well-argued.

A notable contribution is the analysis of the three grounds for inadmissibility (exclusion) of evidence in criminal proceedings: preserving the credibility of the evidentiary material; the protection of fundamental rights; the safeguarding of specific personal and professional privileges.

The author’s stance on Article 234, para. 7 of the CPC is well-reasoned.

A particularly valuable contribution is the argument that evidentiary evaluation of reliability must also extend to the means of proof. A noteworthy contribution is the substantiation that the assessment of credibility is made entirely based on inner conviction, grounded in logic and sometimes additional factors—such as attitudes, biases, life and professional experience, as well as intuition, understood as perception through the unconscious.

The analysis of the sufficiency evaluation based on inner conviction is useful. A contribution is the clarification of exceptions to this (data obtained in the application of special intelligence means - Art. 177, para 1 of the CCP; confession - Art. 116, para. 1 of the CCP; the testimony of a witness with a secret identity, including an undercover officer - Art. 124 of the CCP; the audit report and other documents under

Art. 127, para. 2 of the CCP; some of the hypotheses of the defendant's and witness's statements read out during the court investigation - Art. 279, para. 4 of the CCP, respectively Art. 281, para. 8 of the CCP). The *de lege ferenda* proposal for amending Art. 177 para. 1 of the Code of Criminal Procedure, in order the accusation and conviction based only on data from special intelligence means and testimony of a secret witness to be prohibited, must be supported.

4. Chapter Three is dedicated to standards of proof—it defines for the first time in Bulgarian legal literature the concept of standard of proof and its types under the CPC. Through comparative analysis, especially of the Anglo-Saxon legal system, the author proposes a definition (p. 147 of the dissertation). The chapter significantly contributes to both theory and practice, filling a gap and explaining the conceptual grounds for the existence of multiple standards of proof.

5. Chapter Four focuses on how the court's inner conviction is expressed in verdicts, appellate and cassation decisions. It provides a practical breakdown of judicial reasoning in terms of clarity and persuasiveness. It is rightly noted that the Supreme Court of Cassation effectively performs its own evidence evaluation and goes beyond its formal cassation grounds by addressing evidentiary completeness and the factual analysis of the lower court.

6. The **Conclusion** summarizes the theoretical findings and research outcomes.

SCIENTIFIC AND APPLIED CONTRIBUTIONS AND MERITS

1. The dissertation's uniqueness and relevance are standalone contributions. The innovative approach to inner conviction, analyzed through the concept of evidentiary evaluation, enriches theory and benefits practitioners and lawmakers alike.

This is the first in-depth and modern reinterpretation of inner conviction and standards of proof in Bulgarian criminal procedure. The proposed concept reframes

the principle of inner conviction, while the definition and typology of the standards of proof are valuable for both legislation and practice.

The proposed new concept of inner conviction, viewed through the lens of evidence evaluation, offers a fresh perspective on the traditional understanding of this principle. Particularly valuable and a distinct theoretical contribution is the development of the concept and types of standards of proof in criminal proceedings, which is of significant importance for practice and especially for the improvement of legislation. The study of the content of judicial reasoning and the manner in which the evaluation of evidence based on inner conviction is reflected therein is useful for practicing legal professionals, making the work relevant and interesting for them as well.

The *de lege ferenda* proposals are sound and can be supported.

2. I agree with the contributions outlined in the author's abstract.

3.The work addresses current, significant issues in criminal procedural theory and practice. The author presents strong, well-argued positions, counters opposing views respectfully. The citations are correct.

The dissertation is well-structured, readable, and precise in legal language. The complex topic is explained in an accessible manner without compromising academic rigor.

PUBLICATIONS RELATED TO THE DISSERTATION

Prof. Dr. Gergana Marinova has six publications related to the dissertation, according to the submitted list.

CONCLUSION

Based on the above, I find that the dissertation by Prof. Dr. Gergana Marinova Marinova titled *"The Principle of Inner Conviction in Bulgarian Criminal*

Procedure" contains theoretical generalizations and solutions to scientific and practical legal problems that represent a significant and original contribution to legal science.

Therefore, pursuant to Art. 12, para. 3 of the Law on the Development of Academic Staff in the Republic of Bulgaria and Art. 37, para. 1 of its Implementing Regulations, I strongly recommend that the esteemed academic jury grant her the degree of Doctor of Legal Sciences.

April 15, 2025

Reviewer:

Prof. Georgi Mitov, Doctor of Legal Sciences