O P I N I O N

by Associate Professor Ivan Petrov Vidalov, PhD

Dissertation topic: The Principle of Inner Conviction in the Bulgarian Criminal Procedure
Field of Higher Education: 3. Social, Economic, and Legal Sciences
Professional Field: 3.6. Law
Scientific Specialty: Criminal Procedural Law
Doctoral Candidate: Gergana Marinova Marinova

1. Relevance and Scientific Significance of the Dissertation

In the procedure for the award of the academic degree "Doctor of Sciences" the candidate, professor Gergana Marinova Marinova, presents for review before a scientific jury, 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, a dissertation entitled “The Principle of Inner Conviction in the Bulgarian Criminal Procedure”.

The dissertation is a thorough scientific study on the principle of inner conviction in criminal proceedings. The scientific interest in this topic arises from its essential importance, as the inner conviction is not only one of the fundamental principles in criminal procedure but is also directly related to various institutes of criminal procedural law. The relevance of the topic is indisputable due to the lack of comprehensive scientific research on it and the existence of some contradictions in judicial practice, and thus requires no further justification. However, its scientific relevance for the theory of criminal procedure must be emphasized. The author has developed a scientific work that examines the essence of the principle of inner conviction, analyzes existing doctrinal views on its nature and content, traces its historical development, and offers proposals for the improvement of criminal procedural legislation. These issues are addressed for the first time in Bulgarian legal literature at a monographic level, with the primary contribution lying in the analysis based on an in-depth study of case law and legal theory.

Prof. Dr. Gergana Marinova achieves scientific contributions in the field of criminal procedure through a solid research approach, building upon and further developing modern advancements in the theory of criminal procedure, and presents well-reasoned conclusions backed by an excellent knowledge of judicial practice. The scientific novelty and research reliability of the results obtained and the conclusions drawn from them are guaranteed by the methodological tools used, applied in accordance with research and ethical standards. The carefully selected methodology, together with the comprehensive approach and professional competence of the doctoral candidate, has resulted in a dissertation that meets and exceeds the requirements of the Law on the Development of the Academic Staff in the Republic of Bulgaria.

The dissertation consists of 213 pages and includes an introduction, four chapters, a conclusion, and a bibliography with 47 titles in Bulgarian and 14 in foreign languages. There are 154 footnotes.

2. General characteristics and structure of the dissertation

Structurally, the dissertation comprises an introduction, four chapters, and a conclusion. The work totals 213 pages and the bibliography includes 49 titles in Bulgarian and 14 titles in foreign languages. The footnotes are 154. The chosen structure and the sequence of the exposition allow the issues discussed to be perceived and analyzed both separately and in their entirety, making the doctoral candidate's theses and supporting arguments accessible and comprehensible.

The **introduction** explains the relevance of the research and outlines its aims, tasks, and methodology. They are clearly and correctly formulated, which has undoubtedly contributed to the research results.

Chapter One, titled "Historical Review of the Development of Criminal Procedural Evidence and the Origin of the Principle of Inner Conviction. Essence of the Principle", is divided into four sections. It provides a historical analysis of the principle of inner conviction, tracing its development from its origins and its manifestation in the legal systems of European countries. The author explains the social and legal reasons and conditions for its emergence and traces its appearance in the Law on Criminal Procedure and in the procedural codes of 1952, 1974, and 2005. The author has succeeded in revealing the existing relationship and interdependence of the principle of inner conviction and the other procedural institutes. This approach has helped to present the historical facts, not in chronological, but in a systematic and interrelated manner, in parallel with the prevailing historical philosophy and their corresponding doctrinal understandings.

The core of the dissertation is the analysis of the nature of the principle of inner conviction. It is argued that its meaning and content can be truly revealed if it is viewed as a principle establishing a method for evaluating evidence. The arguments supporting the thesis are based on its historical development, but also on the comparative legal analysis, and the substantive content of the principle in our CCP.

Prof. Marinova examines the principle not from a traditional abstract viewpoint, instead she reveals its content. From a methodological perspective, inner conviction is approached as a matter of evidence evaluation with structure and elements—subject, purpose, limits, etc.—which enables its typical features to be clearly outlined in a scientifically sound manner.

Chapter Two, titled "Free Evaluation of Evidence", is divided into three sections. The author discusses the admissibility, credibility, and sufficiency of evidence.

The first section argues that the assessment of admissibility includes evaluation of relevance and legality, with the latter extending to the means of proof as well. Three grounds for inadmissibility are identified, each linked to the protection of distinct values: ensuring the credibility of factual conclusions, protecting fundamental rights, and regulating specific personal and professional relationships.

The notion of "mandatory admissibility" is explored, particularly concerning expert opinions in cases of mandatory expertise and a sole eyewitness testimony. The author criticizes the legal regime of the sole eyewitness testimony and proposes reinstating the repealed provision in the CPC regarding the interrogation of the sole eyewitness.

Credibility assessment is seen as applicable to both evidence and means of proof. The substantive aspect of that assessment is examined and it is argued that it rests on logic but also on other factors such as attitudes, prejudices, life and professional experience and intuition. Some specifics of the credibility evaluation in the two phases of criminal procedure are discussed.

The third section addresses the sufficiency assessment as a form of evaluation. It is done freely, but some exceptions to the principle of free evaluation (inner conviction) are identified and justified — such as special investigative means, confessions, testimony of anonymous witnesses. A proposal is made to restore the previous version of Article 177, paragraph 1 of the CPC.

Chapter Three of the dissertation is titled “The Evaluation of Evidentiary Materials in Light of Different Standards of Proof.” It consists of four sections. At the center of the scholarly analysis is the issue of standards of proof, which are regulated by the Criminal Procedure Code (CPC), although it does not use a general term to designate them. In this part, a doctrinal definition of the standard of proof is also proposed—well-argued and based on a carefully chosen methodological approach. Prof. Marinova defines it as the degree of conviction regarding the existence of a fact, serving as the basis for procedural decision-making.

The chapter consistently examines the specifics of evidentiary evaluation under the various standards of proof, thus not only revealing their content but also the relationships between them, presenting them as an internally connected system that interacts with other procedural institutions. From this perspective, the following are analyzed: *sufficient data* (Art. 207, para. 1 CPC), *reasonable assumption* (Art. 211, para. 1 CPC), *sufficient evidence* (Art. 219, para. 1 CPC), *sufficient grounds to assume* (Art. 160 CPC), and *justified presumption* (Art. 56, para. 1; Art. 63, para. 1; Art. 356, para. 4 CPC).

In this section, the author thoroughly explores all aspects of the analyzed categories—not only describing their essence but also successfully revealing their conditions and systematic interrelations as evaluative criteria used to resolve various evidentiary questions. The chapter is characterized by depth and a consistent approach, which has contributed to the scientific substantiation of a new

procedural category—something that, in itself, constitutes a significant scholarly contribution.

Chapter Four, "Objectifying Inner Conviction in the Reasons of Judicial Acts", examines how inner conviction is stated in the reasoning of verdicts, appellate and cassation decisions.

An analysis of Supreme Court of Cassation (SCC) case law leads to the conclusion that the court *de facto* expands the cassation grounds by adding two new ones: incomplete evidence and unreasoned decisions. The author proposes legal amendments to the CCP to either formalize this or reject the expansion.

The significance of judicial reasoning is examined in light of ECtHR case law, with considerations for its role both within and outside criminal proceedings, followed by useful conclusions and proposals.

The dissertation's **conclusion** summarizes the research results and systematizes the findings and recommendations based on them.

3. Characteristics of the scientific and applied contributions of the dissertation

The dissertation contains scientific contributions in the field of criminal procedure, as demonstrated by the its content briefly examined above. The doctoral candidate has listed the contributions in the abstract, which I fully accept. For brevity, they can be summarized as follows:

- A thorough analysis of the principle of inner conviction is presented; it is argued that the principle establishes a method for evaluating evidence is justified.
- The content of the criminal evidence evaluation is revealed.
- The concept of "standards of proof" is theoretically explained, with their content and systemic relations clarified.
- *De lege ferenda* proposals are made to improve criminal procedure legislation.

4. Conclusion

Candidate Gergana Marinova Marinova possesses in-depth theoretical knowledge in the field of criminal procedure and proven capabilities for independent scientific research. The presented dissertation "The Principle of Inner Conviction in the Bulgarian Criminal Procedure" represents a thorough scientific study.

The candidate’s reasoned scientific views leave no doubt that the dissertation is a result of serious work and personal contribution to criminal procedure research. The dissertation includes profound theoretical generalizations and scientific contributions, meeting the requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria and its implementing regulations.

Based on the positive assessment of the dissertation and the candidate's significant professional experience, I recommend that the scientific jury vote in favor of awarding Gergana Marinova Marinova the academic degree “Doctor of Sciences” in Higher Education Field 3. Social, Economic and Legal Sciences, Professional Field 3.6. Law, Scientific Specialty: Criminal Procedure.

Sofia, April 23, 2025

Member of the Scientific Jury:
Assoc. Prof. Dr. Ivan Vidalov