

The results of the Centre for the Study of Democracy study "Crime Trends in Bulgaria: Police Statistics and Victimization Surveys" raised several questions about the effectiveness of the criminal justice system and the possible avenues towards overcoming the current public feeling of a lack of justice, law and order. We invited Tihomir Bezlov, an expert from the Centre for the Study of Democracy, and Yonko Grozev, an attorney with the Bulgarian Helsinki Committee, to the *Obektiv* Discussion Club to discuss what it is that has brought about the general public's heightened sensitivity towards crime and its expressed desire for harsher penalties for the perpetrators. We also invited the deputy chief justice of the Plovdiv Regional Court, criminal judge Hristo Kracholov, to share his views on ways in which the efficiency of the criminal justice system could be improved, in order to counteract current perceptions of a lack of law, order and justice.

Does the criminal justice system in Bulgaria need to be improved?



*Tihomir Bezlov,
Chief Expert
from the Centre
for the Study of
Democracy's
sociological
programme*

**PEOPLE'S FEELINGS OF INSECURITY ARE THE RESULT
OF THE COMPARISON BETWEEN TWO PERIODS:
THE PRE- AND POST-1990 PERIOD**

**WE HAVE AN EXTREMELY FRAGMENTED SYSTEM
FOR ADMINISTERING JUSTICE**

Although police data reveals a drop in crime rates, the public opinion in Bulgaria believes there has been an increase in repression suffered due to high crime rates. The Centre for the Study of Democracy has con-

ducted tests to measure this societal sensitivity. One of the questions we asked was, "How severe should the penalties be?" Even for such minor crimes such as petty theft, the respondents favoured exceptionally harsh punishments. Where is Bulgarian society getting this extreme opinion from? Before 1990, Bulgaria was one of the countries with the lowest per-capita crime rates. At that time its crime rates compared to those in only two or three countries worldwide. According to police data, the explosion of criminal activity since then marks a three- to five-fold increase, as all over East Europe. And that's just the number of registered crimes. According to various estimates, the police still register only about one-fourth of all crimes. Therefore, for certain categories of crime the increase has probably been over ten-fold. Thus, the feelings of insecurity amongst people are the result of a comparison between the two periods: before and after 1990. In comparison with the average European crime indicators, Bulgaria has higher crime rates than Greece, Turkey and Romania, but significantly lower than Central European countries.

In Germany, the Max Planck Institute conducted a series of studies on the topic "Subjective Concepts of Crime". Police registers reveal a consistent decline in criminal activity in Germany, as in most other Western European countries, including Great Britain. This is also true in the United States. At the same time, however, people perceive the crime situation as becoming markedly worse. The reason is the new media focus on crime. While up to 1992-1993 Germany had two large public television networks with well-planned news reports, with the advent of the powerful private television networks crime came into the spotlight as a hot-selling item. In this country, too, part of the problem is the media focus on

crime. Crime sells extremely well. There is no media outlet without a large crime department.

In looking at the issue of the size of the prison population, we should carefully examine which offenders end up in jail. Usually, these are the people who cannot afford to pay for a lawyer. Bulgaria has a medium-sized prison population. Russia is in first place, with 900 people in jail per 100,000 population, and the United States comes second, with 750-800 prisoners per 100,000. Central European countries such as Poland have about 220-240, the Scandinavian countries have 60-70, and Bulgaria has about 100-120 prisoners per 100,000 population. However, the issue does not simply boil down to numbers and punishments. We have an extremely fragmented system for administering justice. Since 1998 I have been trying to study the problem of how corruption "works" in the law enforcement agencies and justice administration. The classic strategy of every mid-level bandit is first to "break through" at the level of the regional police directorate. If he fails there, he tries at the levels of the investigators, the prosecutors, and finally begins to buy at the court level - the district court, regional court, even reaching the Supreme Court of Cassation, as occurred in the Opitsvet [amphetamine manufacturing lab] case. Our justice system is similar to all our other badly and irrationally functioning systems, like the educational, healthcare, customs and taxation ones, etc. The biggest problem is that while it initially operated on the basis of inertia and an outdated legal framework, it is now very well compartmentalised into groups of middlemen and lawyers, who know just how much to pay to which judge, and how to organise "assistance" for their clients.

In some regional directorates of the Interior Ministry there is a hierarchical system of corruption. One-third of officers have so-called *kapiyas* - people who pay a monthly protection fee for running anything from a banana-selling stand to a pawn shop. In order for this system to function, the next-in-superiority person has to give their consent, etc. Prostitution, drug dealing and other categories each have their own "cover". The Russian models are functioning in this country, starting with the coercive "insurers" and going as far as the regular insurance companies, which have also been known to use similar tactics. This type of service has become so tightly entwined with human, family and friendly relationships that it is not clear exactly where the purely commercial corrupt relations end and where clientelism begins. Outside the big cities clientelism has become an entire culture of existence, with its own rational models.

When we speak of police security, we should also mention prosecutor security and investigator security as distinct institutions. They are different, and sometimes at odds with one another. There are middlemen who

connect these mechanisms to each other, enabling them to function. The resources at our disposal are extremely inefficient. One study has shown that the greatest collection of corrupt practises has built up within the prosecutors' institution, which has too much power. That is, if you are a prosecutor, you can get away with a lot, with very few consequences to yourself. In the late 1990s, this was one of the preferred means of solving problems.

According to the Centre for the Study of Democracy data, it is usually socially disadvantaged people with a low level of literacy who end up in prison. In some rare instances, those who are arrested with connections at higher levels are sent to VIP-prisons (e.g. on an out-of-prison basis at a far better closed facility). There has been no effort to increase prison population numbers; the aim has been to maintain the current level. A rise or fall would be risky. The police continue to calculate a decrease of 2-3% in crime rates, even though the real decrease is much greater. In fact they are not taking into account all that has been achieved. Some police chiefs say, "Do you have any idea what would happen if I say there has been a 20% drop in crime?!" That would automatically mean that I'm not doing my job!" I am constantly seeing how people at the medium levels, the regional bosses of drugs, prostitution, smuggling, etc. are being let off. In contrast to the "authoritative ones", whom nobody can touch because they purchase their peace at the highest levels, at the mid-levels it is attorney assistance that gets the job done. These are networks of people who have acquaintances in all of the relevant structures. A person may not have been caught yet, but his lawyer is already waiting for him at the regional Interior Ministry directorate. I think that it is only by exception that such people ever end up in jail. The reason is that they have become too well-known in the media for the court to dare let them go free. The other model is when there is information outside Bulgaria about a certain person, as was the case with rapper and people trafficker Vanko T. There was evidence uncovered in France - the diaries of the girls who had prostituted for him. A legislative provision had come into effect there whereby if you testify against a pimp, you receive the right to French citizenship, and the girls began turning in their diaries *en masse*.

One of the models for building up a bureaucracy for the administration of justice is to make an economic assessment. In the Anglo-Saxon system, every criminal act is weighted according to the pecuniary damages it causes to society, and correspondingly what the society's expenses are for all the related law-enforcement operations. In our country we have a strange and meaningless, case-by-case valuation system. If we were to try to put a value on the damages and consequences of certain crimes, as well as the actions we take to reduce those damages, we would have a good mechanism. ■