

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?



*Hristo Kracholov, Deputy Chief Justice of the Plovdiv Regional Court, director of the criminal division. He has risen through every level of the judicial hierarchy, from junior judge to regional court judge, to deputy chief justice of the Plovdiv District Court, to district judge. He tries criminal cases regarding murder, robbery, drug dealing and people trafficking.*

After all the changes during the past 15 years, society has recognised that besides the positive aspects, we already have clearly distinguishable social strata. Some people became rich without having any particular knowledge or financial capacity. Others are still having a hard time finding work and supporting their families. This explains the large proportion of people with an extremely sensitive attitude towards those who violate the law. Besides, the criminal annals inform us daily of the murders and robberies that have been committed. There is hardly even anyone who has not suffered from an ordinary burglary. It's only natural to want retribution for the perpetrators, and there is a more and more clear feeling of general intolerance for criminal offences. Judges, however, are quite conservative in their relationship to the media - as opposed to the police, for example. Few courts manage to inform society about the character of their work and the huge efforts they expend in resolving large and complicated cases. This is one of the reasons why people are left with the impression that all criminals are being caught, but few of them punished.

The examination of each criminal case entails upholding certain legal requirements for proving a concrete action. Sometimes the material in the case file before the judge is fundamentally different from that which has been publicly mentioned or broadcast about a given incident. This, too, might help explain the discrepancy between societal expectations and certain specific court judgments.

Very often people feel that the punishments, imposed when certain deeds have been discovered, are too lenient. I am an adherent of the old principle that what is important is not the size of the punishment, but rather its unavoidability. For serious crimes, proven beyond a

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doubt in court, it is necessary that we have stricter penalties. It is more important, however, that the punishment be imposed as soon as possible, once the guilt of the perpetrator has been established.

I do not share the view that there is a lack of law and order in this country. Usually the courts are also blamed for working slowly and ineffectively. We proved long ago that these claims do not apply to Plovdiv. Since the beginning of the year, over 1,500 people have been convicted in our court district. Last year, the Regional Court handed down more verdicts than it had in any of the preceding 14 years. Only one of these decisions was struck down in its entirety by a higher court. The first convictions for trafficking and currency counterfeiting were handed down in Plovdiv. People wanted from all over the country have been convicted here on charges of automobile theft. Within just one week, each of them received 10-year sentences, and these sentences were upheld. This is not thanks only to good work by the judges; the verdicts were pronounced on the basis of the presentation of valid evidence, which had been gathered beforehand by the police, investigators and prosecutor. The courts must also establish the necessary conditions for the defendants to fully exercise their right to legal defence. I stress that this is only organisational cooperation, which stops at the door of the courtroom. Once through that door, the judge is an impartial arbiter in the argument between the prosecution and the defence.

Three basic prerequisites are needed in order to improve the criminal justice system: quality laws, well-prepared magistrates and a material infrastructure. The current Penal Code and Code of Criminal Procedure, no matter how old they are, provide a certain level of counteraction against crime. Without the formulation of entirely new criminal laws, things are not going to progress in the most desirable direction. We need to create the conditions for concluding each case as quickly as possible. This should not happen at the price of limiting the rights of the defendants, but at the same time we should also take into account the rights of the victims, which are not being adequately defended now.

No matter how good the laws are, without well-prepared magistrates to apply them, we will not achieve the desired outcome. Long before they were made mandatory by law, the Plovdiv Regional Court conducted competitions for the appointment of judges. In

order for a case to be concluded in court quickly, besides the judge there need to be employees who can process it and a courtroom in which it can be heard. The reason for cases being delayed is often elementary: there is a lack of courtrooms, and the judges' dockets are full. There are no secretaries. We need to categorise the courts throughout the country on the basis of their caseloads. This classification should be made based on the number of cases opened and closed by each judge in the course of a year. Therefore, a comprehensive analysis must first be made of the actual caseload in each court, and then some nationwide standards set.

I am not surprised by the fact that the number of people being sent to prison is growing. There has been a steadily increasing number of people convicted in the Plovdiv court district in the past few years. I hope that this is the result of a higher level of crime-solving by the police and increased precision in the work of the court. Since the prisons are full, I don't see the logic in the criticisms constantly being levelled at the judicial system, of a lack of effectiveness in our work. Whether there has been a genuine decrease in crime in the country is a separate matter. At the moment, the police and the organs of the judicial branch are measuring their work according to totally different criteria. For the police, a crime is considered solved when they have arrested a certain person and handed the matter over to the prosecution. For the courts, however, a crime has only been solved when a guilty verdict is pronounced and takes effect. But if a person commits six robberies and is caught, there will be six charges filed by the police, and they will measure that as six individual crimes. These files are later united in one case against the defendant, which will result in one verdict on all charges. From a statistical standpoint, in the end it will look like six crimes have been solved but only one verdict handed down, only one person convicted. I support the idea of establishing a unified system with a database of all of the people in the country who have criminal records. The courts, prosecutors, investigative services and Interior Ministry organs should all have computer access to it. It would thus be possible to follow up on the movement of a file, from the mandatory filing of charges by the police for a given deed to the conclusion of the court proceedings in the case. ■