

**TO
THE SCIENTIFIC JURY FOR THE SELECTION OF A
PROFESSOR OF CRIMINAL PROCEDURE
AT THE FACULTY OF LAW OF PLOVDIV UNIVERSITY
“PAISII HILENDARSKI”**

REVIEW

**by Prof. Boris Vladimirov Velchev, J.S.D.
Sofia University “St. Kliment Ohridski”**

of a habilitation work for appointment to the academic position of Professor

Field of Higher Education: 3. Social, Economic and Legal Sciences

Professional Field: 3.6 Law

Candidate: Assoc. Prof. Dr. Ekaterina Salkova Getova

Title of the main habilitation work: “Current Problems of Criminal Procedural Functions”

1. General Presentation of the Procedure

By order of the Rector of Plovdiv University, I was appointed as a member of the scientific jury for the selection of a Professor of Criminal Procedure at the Faculty of Law of Plovdiv University “Paisii Hilendarski,” and subsequently, by decision of the jury, I was designated as a reviewer.

In this capacity, I examined the scientometric indicators of the scholarly work of Assoc. Prof. Salkova and the fulfillment of the requirements under Article 76 of the Rules for the Development of the Academic Staff of Plovdiv University. I can

confirm that all requirements of the Rules have been met. The same applies to the

documents submitted pursuant to Article 77 of the same Rules.

The candidate for the academic position of Professor, Assoc. Prof. Dr. Ekaterina Salkova, is an established researcher in the field of criminal procedural law. She is an Associate Professor at the Institute for the State and the Law of the Bulgarian Academy of Sciences, where she also heads the Section of Criminal Law Sciences. Over the years, she has worked within the systems of the Ministry of Justice, the Bulgarian Academy of Sciences, and the National Assembly. Assoc. Prof. Salkova is also an ad hoc judge at the European Court of Human Rights. She has held a PhD in Law since 2006.

As a doctoral supervisor, Assoc. Prof. Salkova has successfully supervised eight doctoral candidates who have defended their dissertations.

In addition to her remarkable research activity, Assoc. Prof. Salkova also has significant teaching experience. She began her teaching career nearly 25 years ago as a part-time assistant lecturer at the University of National and World Economy, after which she also taught at Sofia University. In 2013, she was elected Associate Professor at the Institute for the State and the Law, and since 2019 she has been teaching Criminal Procedural Law at Plovdiv University.

Submitted for review are a monographic work entitled “Current Issues of Criminal Procedural Functions” and a total of 24 articles and studies, some of which are co-authored. The monograph has a volume of 174 pages and includes an introduction, three chapters, and a conclusion.

The structure of the work outlines content that fully corresponds to its title. Indeed, the most topical issues related to one of the most significant questions of criminal procedure – procedural functions – have been selected.

The first chapter examines the function of guidance and adjudication in the context

of the evolutionary development of the process. Issues related to the content of this function and the bodies that exercise it are analyzed.

The second chapter is devoted to the “opposing functions” in the process – those of prosecution and defense.

In the third chapter, an exceptionally interesting scholarly analysis is conducted on whether the institution of the civil claim should have a place in criminal proceedings.

The chosen concise structure of the work has not limited the author in conducting an in-depth analysis of the examined functions and formulating valuable proposals for legislative amendments, as well as making significant scholarly generalizations. This apparent dissonance between a simplified structure and a profound scholarly analysis demonstrates Assoc. Prof. Salkova’s ability to conduct research at an exceptionally high level, to defend her conclusions convincingly while remaining unobtrusive.

Assoc. Prof. Salkova has presented a self-assessment of her scholarly contributions. I fully share the points reflected in the submitted statement. It is aptly divided into several parts, substantiating contributions of a theoretical, legislative, practical, and educational nature. At the same time, even without claiming exhaustiveness, I cannot fail to highlight some specific contributions that I find particularly significant.

First and foremost, I would like to note the idea of distinguishing an “investigative function.” This issue is far from being purely theoretical. Its conceptualization allows for the identification of legislative solutions, which Assoc. Prof. Salkova proposes convincingly. As a result of such and similar amendments to the Criminal Procedure Code, a certain emancipation of investigative bodies and mobilization of

their potential can be achieved without leading to substantial limitations of the prosecutor's functions.

I also find a significant theoretical contribution in Assoc. Prof. Salkova's conclusions regarding the special role of the court in pre-trial proceedings. Her reasoning on the nature of its activity and whether it exercises supervision or control over the prosecutor leads to the contributory conclusion that this function of the court actually has a human-rights-protective character.

Ultimately, the third chapter of the habilitation work is devoted to the discussion of the meaning of the civil claim in criminal proceedings and the functions it generates within the process. Clarifying these specific functions is extremely useful for criminal procedural theory. Assoc. Prof. Salkova's position that these functions and the civil claim itself have their place in the process is excellently defended and has a contributory character.

Assoc. Prof. Salkova's proposals for amendments to the Criminal Procedure Code should also be noted as contributions.

Her idea to differentiate the functions of the prosecutor and the bodies of the pre-trial proceedings in order to guarantee their operational independence has led to a convincingly formulated *de lege ferenda* proposal on p. 48. With some hesitation, I nevertheless find her proposal that the prosecutor should issue only procedural instructions and personally carry out those actions he or she deems necessary, rather than assigning them to investigative bodies if they have objected, to be convincingly defended as well (p. 47).

The *de lege ferenda* proposal on p. 130 concerning the place of the special representative as a party to the proceedings should also be accepted as contributory.

I would also like to emphasize the well-defended conclusions of Assoc. Prof.

Salkova and her criticism of the mechanism for investigating the Prosecutor General (pp. 53 et seq.). The conclusion that the new mechanism for investigating the Prosecutor General may be primary but does not exclude the competence of the Sofia City Prosecutor's Office to investigate the Prosecutor General is new and original.

The criticism by Assoc. Prof. Salkova of the most recent constitutional amendments relating to the Prosecutor General (pp. 64 et seq.) is also excellently substantiated and well-founded.

Although it may seem secondary, the problem of conducting an "inquiry" on board a vessel on the high seas is real and demonstrates the depth of Assoc. Prof. Salkova's analysis (p. 61).

At the end of each chapter and in the conclusion of the work, other contributory conclusions are summarized. Additional conclusions could also be cited, but those listed thus far confirm one general conclusion – the submitted habilitation work contains significant contributory elements both for theory and for legislation and judicial practice, which fully meet the requirements for the appointment of Assoc. Prof. Salkova to the academic position of Professor.

In the present procedure, Assoc. Prof. Salkova also participates with 24 articles and studies, some of which are co-authored. Most of them are devoted to topical issues of criminal procedural law. Without exception, they bear the hallmark of an established researcher, allowing specific scholarly contributions to be identified in each of them. I would particularly like to emphasize some of the articles devoted to substantive criminal law—on continued offenses, on the punishability of active bribery, and on administrative prejudicial issues in the formulation of criminal offenses. These materials contain substantial substantive-law contributions and

confirm my conclusion that Assoc. Prof. Salkova possesses an exceptionally high level of criminal-law culture, which fully justifies her aspiration to be elected to the position of Professor.

From the analysis of the articles and studies submitted for review, which address a wide range of problems in criminal procedural law, not only theoretical contributions but also contributions to judicial practice can be identified. They confirm the breadth of Assoc. Prof. Salkova's scholarly interests and her ability to achieve an effective synthesis between theory and practice.

Certainly, some of Assoc. Prof. Salkova's conclusions may be subject to debate. For example, the idea of reconsidering the requirement for sufficient data when initiating pre-trial proceedings is undoubtedly debatable (p. 120). This also applies to some of her other conclusions. However, the purpose of an in-depth habilitation work is to provoke discussion. Assoc. Prof. Salkova's conclusions are convincingly and professionally defended. They are the result of long-term reflection and in-depth knowledge of practice.

I have no critical remarks that could affect the conclusion below regarding the evaluation of Assoc. Prof. Salkova's work.

CONCLUSION

The habilitation work and the other materials submitted for review contain scholarly and applied-scientific results that constitute an original contribution to science and meet all the requirements of the Act on the Development of the Academic Staff in the Republic of Bulgaria, the Regulations for its implementation, and the relevant Regulations of Plovdiv University "Paisii Hilendarski." The habilitation work demonstrates that Assoc. Prof. Ekaterina Salkova possesses profound theoretical knowledge and professional skills in the field of criminal procedural law,

demonstrating qualities and abilities for scientific research that have led to significant scholarly contributions.

In view of the above, I confidently give my positive assessment of the submitted habilitation work and recommend that the esteemed scientific jury propose the appointment of Assoc. Prof. Ekaterina Salkova to the position of Professor at Plovdiv University “Paisii Hilendarski.”

Prepared by:
Prof. Boris Velchev, J.S.D.

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