



CENTRE FOR LIBERAL STRATEGIES



British Embassy
Sofia

The Judiciary: Independent and Accountable. Indicators on the Efficiency of the Bulgarian Judicial System

Preliminary report of the Project “Strengthening of the Policy Making Capacity of the Bulgarian Judicial System” of the Centre for Liberal Strategies, supported by the British Embassy in Bulgaria and the Supreme Judicial Council of Bulgaria

Evaluation of the Judicial System: Basic Principles

Over the last several years the judicial system has turned into one of the most serious problems in the eyes of the public in Bulgaria. The distrust of the citizens towards its institutions has reached dramatic levels. The courts, the prosecutorial office and the bodies of investigation receive negative evaluation of their performance by some 70-71% of the citizens.¹ (In contrast, half of the citizens evaluate positively the work of the police, for instance.) The increased pressure on the part of the EU for reforms of the judicial system has further strengthened the impression of the citizens that the judicial system is a central, if not the central problem the country faces. The media language with respect to the judiciary is extremely negative. One could often hear it described as “non-working”, “slow”, “cumbersome” and “inefficient.” These statements are usually supported by anecdotal evidence and scandalous stories uncritically accepted as representative of the activities of the system as a whole.

As it often happens in our public life, many of the arguments in the debates, including the debate on the judicial system, come down to metaphors and hyperboles. One of the popular metaphors for the system, for example, depicts it as a graveyard, from which one cannot expect internal support for reforms. Extreme hyperboles like the one “we do not have a judicial system” are also favorite of the media. Using such linguistic tools is not a problem by itself – they mobilize the public attention in certain direction and give an opportunity for wider circles of people to join a debate, which is in danger of degenerating into a closed exercise for experts.

With time, however, the metaphors and the hyperboles tend to become perceived as a cognitive tool rather than a motivational one. Simply put, the society is in danger to fall into a cynicism trap – it becomes convinced, that the judicial system is deeply corrupt and inefficient, and is getting tired of all talk about reforms and innovative policies with respect to the judiciary.

¹ According to data from Alfa Research Agency for the beginning of 2006.

The Centre for Liberal Strategies hopes that the present report will contribute to avoid the trap of societal cynicism by defending two key principles in the evaluation of the performance of the judicial system: *priority of the point of view of the citizen* and *objectivity of evaluation*.

- Priority of the point of view of the citizen. Any analysis and evaluation should put the interests of the citizens prior to the narrowly interpreted bureaucratic interests of the magistrates and the administration. The citizens are concerned mainly with the quality of the ultimate “product” of the judicial system, measured against the input of public resources. They are concerned primarily about the quality of the output – completed cases, judicial decisions, convictions in reasonable time - and not about the segmented work of different bodies and institutions, however important this might be from a bureaucratic point of view.

Due to the normative priority of the citizen, the present report aims at presenting a more comprehensive picture of the workings of the Bulgarian judicial system. No matter how simple this enterprise seems, it meets a series of difficulties. First, the reports of the different judicial bodies and institutions are prepared separately and in practice are rather mechanically summarized. The Supreme Judicial Council does the summary work, but their analysis does not include the performance of the Supreme Court of Cassation and the Supreme Administrative Court, who produce their own separate reports. The Prosecutorial Office itself summarizes its own data and prepares its own separate reports. The Investigation bodies also prepare their own separate reports. Secondly, this practice of fragmented accountability hinders the analytical evaluation of the work of the judicial system; in fact, there is no single analytical report, evaluating the performance of the judicial system as a whole. In this context, the point of view of the citizen is lost: the public is flooded with performance data having meaning and significance exclusively for the workings of the separate institutions and not for the system as a whole.

This problem presented us with a twofold task. First, to sift only that information, which could serve the citizen in her own evaluation of the quality and the efficiency of the judicial procedures. Secondly, wherever such information is missing, to attempt to compensate for this lack by undertaking innovative research.

The results are encouraging. On the one hand, the Supreme Judicial Council, acting upon the recommendation of the Working group of our Project, requested from the courts, the investigation bodies and the prosecutorial offices additional information specifically on the delay of civil and criminal cases. The new matrix for gathering information could be used in the future as well. On the other hand, together with the sociological agency Alpha Research we undertook a first-of-its-kind survey of the *overall duration* of different types of civil and criminal cases. The method of this research for the first time makes it possible to calculate the total duration of all judicial and the pre-trial phases, as well as the time a case “spends” in-between institutions, which is far from negligible, as we shall see. The contribution of this research will be even greater, if its methodology becomes a tool for periodic measurement of the duration of cases, since it gives a far more detailed information than the currently observed indicators.

- Objectivity of the indicators. The second principle, followed in our report, is the principle of objectivity of evaluation. The popular perceptions of the workings of the system are, of course, important, but it is possible that they are not fully congruent with reality due to the excessive use of metaphors and hyperboles in the public discourse. The objective indicators for the workings of the system, focused predominantly on the ratio between public resources and work done/output of the system, are the backbone of the evaluative tools, used in the present report.

For this purpose, in addition to the official reports of the courts, the prosecutorial office and the investigation bodies, we have used our own original field research: the already mentioned survey of the duration of judicial procedures, as well as studies on the coordination between the institutions in the fight against organized crime. We have further used information from publications of leading NGOs. We

have sought as well to put the problems in comparative perspective, by providing data on the work of the judicial systems in other countries.

Finally, the evaluation of the workings of the judicial system has to be put in a wider social context. This means that its problems have to be weighed against problems in other areas, as well as against the priorities of our country in a longer-term perspective. The proximity of the much-desired EU membership turns (quite rightly) our attention to those issues, which would ease the dialogue with Brussels and would guarantee our admission as a respected member of one of the most developed politico-economic communities in the contemporary world. No one should underestimate the importance of this goal. But it should not be an excuse for turning our back to other important for us issues, such as the state of public services and the general welfare of the people.

Of course, the role of the judicial system for the overall well-being of people is not at all negligible. On the contrary, it is a truism that the rule of law is a key element for the success of a market economy and for the consolidation of democracy. But the rule of law goes much beyond the judicial system – it is a principle, which has to pervade all societal spheres in Bulgaria. If this does not happen, no matter how effective the judicial system is, its effect will be overall limited. An illustration will serve well here. According to surveys on corruption in Bulgaria for 2005, the number of corrupt deals was approx. 1.5 million (around 130 000/ a month).² All prosecutorial acts on all types of crimes, introduced by the prosecutors in the courts for 2005, are 51 414. The disproportion between these two numbers reveals the illusion that the judicial system *on its own* could be a sufficient guarantor of the normative foundations of a society.

For all of the above mentioned reasons, in this report we attempt to strike a balance between the legitimate expectations of the citizens for efficiency of the judicial system, and the objective reality of its workings. The balance between the

² *Антикорупционните реформи в България на прага на членството в Европейския съюз*, Център за изследване на демокрацията, 2006 г. *Anticorruption reforms in Bulgaria on the Doorway to European Membership*, Center for the Study of Democracy, Sofia, 2006.

principles of the citizen perspective and objective evaluation of performance is the tool that could best serve as a corrective to unwarranted and inflated expectations, a tool which at the same time will avoid the further alienation of the citizens from the debates on the judicial system.

Main Conclusions and Evaluation

- In contrast with already well-established popular perceptions of the Bulgarian judicial system as ineffective, cumbersome and corrupt, the analysis of objective indicators of its performance presents a different and far more nuanced picture. For most of its activities the system meets European standards and does not differ substantially from the practices of other European countries and EU member states. According to some main efficiency indicators – as the length of judicial procedures, workloads, the cost of completed cases, and public funding - the Bulgarian judicial system is altogether comparable with those of the EU member states. The findings of our study are supported by previous research done by the Commission on the Efficiency of Judicial Systems of the Council of Europe.³ According to the results of their comparative research, the Bulgarian judicial system does not exhibit any major deviation from European averages in terms of length of proceedings (for robberies, divorces and employment cases), workloads of magistrates, numbers of courts and magistrates, public funding as proportion from national budgets.
- According to the findings of our original field research, in terms of duration of trial and pre-trial procedures as an indicator for the efficiency of the judicial system, Bulgaria does not seem to differ substantially from the practices in other EU member countries. The total average length of civil cases is 350 days in Bulgaria. For criminal cases of common character it is 835 days, as the duration of the pre-trial phase (investigation) is included into this number. (See Tables 6 and 7 as well as charts 24-26 for more details). It should be stressed that we do not have data for EU countries gathered using our methodology – so comparisons will be by necessity incomplete. Nevertheless, by using data from the CEPEJ survey, and despite the fact that European practices are rather diverse in terms of length of

³ *European Judicial Systems 2002: Facts and Figures on the Basis of a Survey Conducted in 40 Council of Europe States*, European Commission for the Efficiency of Justice (CEPEJ), April 2005, Belgium (electronically available at the website of CEPEJ).

proceedings and waiting times, it seems warranted to assume that there is no major problem with the length of judicial procedures in Bulgaria, as compared to other countries. Yet, our judicial system is definitely not a high scorer in any of the monitored by CEPEJ categories – we are rather in the middle, and possibly more towards the bottom-end regarding criminal cases (Still there are EU member states with comparable and worse results). Apart from providing a yardstick for further, more precise measurements of the duration of judicial proceedings, our study shows is that there is a considerable “in-between- institutions” time, which the cases spend between two courts, or between the court and the prosecutorial office. There is a serious potential for optimization in this regard, should the necessary administrative and legislative measures be adopted.

- With respect to criminal cases, it is the duration of the pre-trial phase which draws the attention (See Table 6). The accumulated duration here is 541 days, which is the overall time in the investigation and the prosecutorial offices (i.e. including the time, during which cases are sent back for further investigation). This demonstrates that the pre-trial phase accounts for the better part of the duration of a common criminal case (835 days altogether). One should not immediately jump from here to the conclusion that the pre-trial phase is inefficient, because other explanations are also possible. To begin with, the duration of the pre-judicial phase should be read together with the information about the “super efficiency” of the prosecutorial office, demonstrated by the ratio between convictions and acquittals: around 80% convictions as against only around 1% acquittals of all indicted persons. (See Chart 18.) When these two facts are combined, it is quite possible to conclude that in our criminal judicial system there is a “fear” of acquittals. This increases considerably the relative weight of the pre-trial phase: either the prosecutors and investigators have collected sufficient evidence for conviction, or the case is referred back to them for further investigation. It is possible that the tendency to refer cases back increases the duration of the pre-trial phase.

- The fact that as a whole the judicial system functions satisfactorily does not mean that there are no considerable problems in some specific spheres. These problems concern limited in size but yet very important spheres such as the fight against organized crime, money laundering, high-level corruption. In these spheres the system faces apparent problems. It is difficult to place the difficulties the Bulgarian judicial system faces in comparative perspective, because of lack of data. Yet, the level of unresolved contract killing cases, the lack of convictions for participation in organized groups, the excessive focus on petty corruption as opposed to high-level political corruption are sufficient indicators of serious problems. (See Charts 19-21. See also the *Excerpt from the Report of the Prosecutorial Office*, on contract killings in Part IV below.)
- The budget of the judicial system as a whole is adequate and has a considerable growth in the last years. In absolute terms the country spends less for justice than the other European countries, but this is explained by the difference in the living standards and in the economic development. As a percentage from the country's budget, it is comparable to that in the other European countries. For the last three years there is a significant increase in the cost of a completed case in Bulgaria, which is explained by the increase in the budget, while maintaining a comparably stable workload (See Chart 5 below). The increased public funds for the judicial system and the more expensive final products give grounds to the citizens to expect a better quality for these final products. (See section I of the report below.)
- It is of special importance for the judicial system to develop tools for annual monitoring of the quality of the "final" output of the judicial system, compared to the input of resources. The present report is a first attempt to take a snap-shot of the situation, which makes it possible to monitor the further development and to evaluate the trends in the work of the judicial system.

- From this perspective it is encouraging, that the new amendments of the Constitution introduced forms of accountability for the top magistrates and procedures of reporting before the Parliament. The problem with the chosen institutional solution, however, is that each of the three chief magistrates – the heads of the two supreme courts and the prosecutor general – prepare reports on the work of their own institution only. In this way the already established practice of fragmented accountability is further reinforced, which hinders the analysis of the system as a whole. There is no need for new Constitutional amendment to overcome this difficulty. What simply needs to be done is, within the framework of an inter-institutional dialogue, to develop a mechanism, through which the judicial system - represented by the Supreme Judicial Council (SJC) itself or by its representatives - informs the Parliament and the wider public about the comprehensive picture of its performance, presented and analyzed by means of a limited number of key indicators.
- The analysis of the indicators of the performance of the system with respect to organized crime and corruption uncovers serious problems. There are almost no convictions for participation in organized criminal groups – the statistical data lumps together all “organised-crime-related cases” thus concealing the difficulties in proving membership in organised groups. This “lumping” exercise is probably the explanation for the reported increase of indictments and convictions for the period 2003-2005. (See Chart 20) This means that the investigative bodies work “one piece at a time” and experience considerable difficulties in infiltrating and unraveling criminal networks. As a result, the convicted are convicted for individual crimes, while their alleged participation into organised groups remains unproven, and in that sense is not being punished. Similar is the situation with the money laundering issue, where the ineffectiveness of the institutions is also troubling. The so called “contract killings” also demonstrate very low levels of indictments and convictions. (See the *Excerpt from the Report of the Prosecutorial Office*, on contract killings in Part IV below.)

- With respect to the fight against corruption, the measured progress is unsatisfactory. (see Chart 21.) For the 2003-2005 period, the number of convicted persons and the number of indictments (the rough ratio is 380/700) is relatively stable. Probably it is more important to introduce a more precise statistics, separating the low-level from the higher-level corruption. The current indicator includes a great number of relatively minor crimes, for the greater part of which there are relatively mild convictions, which does not reflect the weight of the public interest in the forms of high-level “political” corruption. In this sense it is telling that our judicial system stays “out” of certain sensitive spheres, like political party financing, for example. On such issues there are in practice no cases.

Indicators

In this part of the report we present a list of indicators for the evaluation of the efficiency of the judicial system. First, we list possible indicators for each one of ten spheres, which we believe present a synthetic image of the working of the system as a whole. After that we adduce empirical data for each one of the indicators, where available. With respect to the duration of the judicial procedures we have conducted a detailed study, the results of which have been made public at the Conference *The Judiciary: Independent and Accountable* held on April 20th 2006 in Sofia.

I. *Public Resources*

Indicators

- public resources necessary for maintaining the judicial system in other European countries
- comparison of the generalized budget of the courts, the prosecutorial office and the investigation for the last three years;
- proportion of the salaries of the magistrates and the funds for infrastructure and equipment of the system (capital spending), computerization and so on, as part of the overall budget;
- price of a completed case: budget/number of completed cases

1. The Relative Share of the Budget of the Judicial System as Part of the Budget of the Republic:

2003 – 2.40% - 141 882 800 leva

2004 – 3.25% - 205 220 000 leva

2005 – 3.21% - 230 105 300 leva⁴

⁴ In 2005 with the Law on the State Budget, a budget for the Prosecutorial office was set, amounting to 51 000 000 leva, which limited in times the capacity for meeting even the most necessary needs of the work of prosecutors and the administration in this sphere. 80% of this budget was to be spent on salaries and social security payments. This led to demanding from the Supreme Judicial Council of additional targeted financial means and to a revision of the budget. As a result the total budget of this sphere was increased and at the end of the year it amounted to 53 362 843 leva in total.

Chart 1. The Budget of the Judicial System in Leva

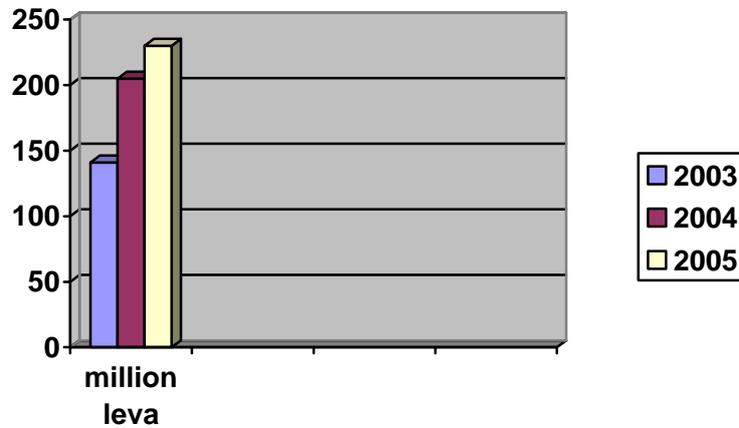
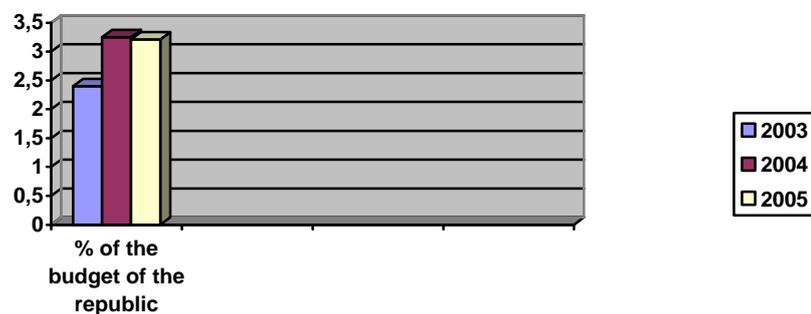


Chart 2. Budget of the Judicial System as a Percentage of the Budget of the Republic



2. Public Spending on the Judicial System Per Capita of the Population

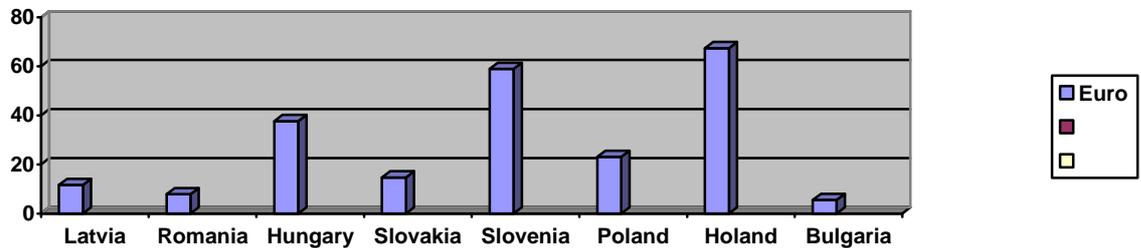
2003 – 18,18 leva; or 9,32 Euro

2004 – 26,44 leva; or 13,56 Euro

2005 - 29,81 leva; or 15,29 Euro

3. Comparative survey of the financing of courts and the prosecutorial offices in Europe for 2002, in Euro/per capita of the population (Source: The Council of Europe):

Chart 3. Comparative Survey of the financing of judicial systems in some European countries – in Euro/per capita of the population



Summary of the data from the report of the Commission on the Efficiency of the Judicial Systems of the Council of Europe for 2002

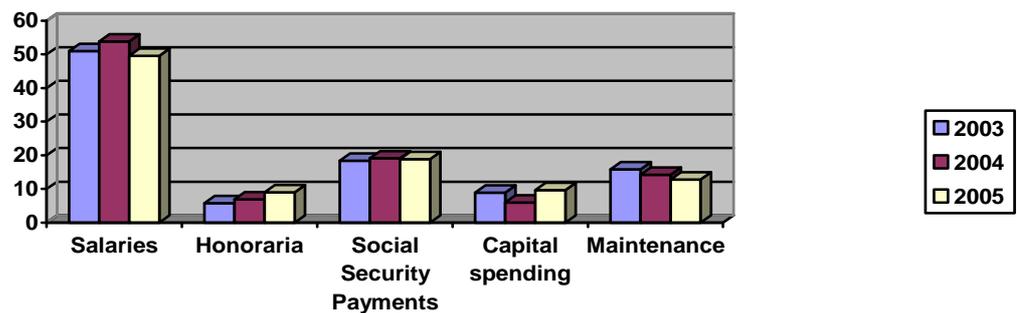
With respect to the financial resources for the judicial system, Bulgaria spends 3.53 Euro/per capita for its courts and 0.41 Euro/per capita for legal aid. To compare, Finland - 41 and 9.98 Euro/capita respectively, Belgium - 64 and 3.9 Euro/capita and Switzerland - 103 and 7 Euro/capita spend most. The countries in Central Europe also spend considerably more in absolute terms – Slovenia - 51 and NA, Hungary - 21 and NA, and the Check Republic - 21 and 0.84 Euro. Only Romania - 5.4 and 0.08, and Russia - 4.63 and 0.01 are comparable with the amount we spent, as well as Georgia and Turkey.

If those financial resources are counted as percentage of the state budget, then Bulgaria spends 1% for its courts and for legal aid, which gives it a place within the European family in the middle of the scale. We get the same result if these resources are measured as percentage from the average salary – then Bulgaria, with its 0.2 % is again in the middle of the scale. Before us are Serbia, Portugal, Hungary, Slovenia, the Check Republic, Croatia, Slovakia, Poland. One could conclude from here, that post-communist countries that have managed to implement more successful reforms of their judicial systems have spent more resources on them.

With respect to the budget for the prosecutorial office, Bulgaria spends 1.96, which sends it again in the lower end of the scale. Hungary, for example, spends 10.67 Euro per capita. As percentage of the national budget, however, our country is again in the middle. As a percentage of the average salary, moreover, we are among the first four countries in the scale, which shows that the spending in this part is adequate with respect to the available resources in the country.

4. Structure of the Spending in the Budget of the Judicial System in Percents.

Chart 4. Spending Breakdown of the Budget of the Judicial System



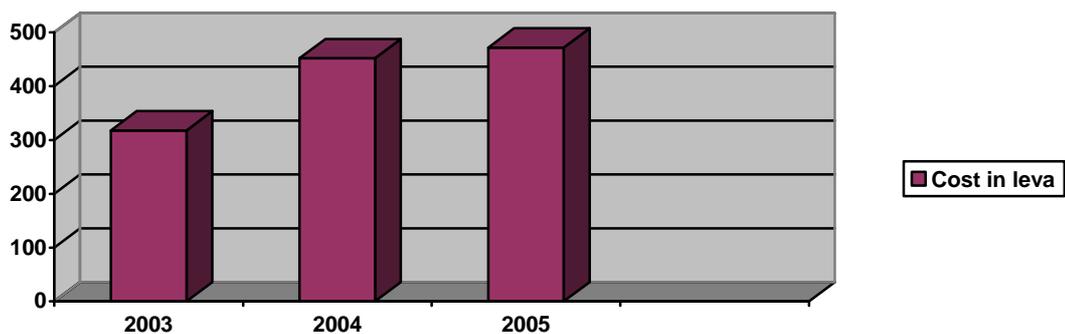
The salaries and the honoraria of the administrative staff, the social security payments included, amount to more than half of the spending in the budget of the judicial system.

5. Cost per case completed

Table 1. Cases completed by the courts

Cases Completed	2003	2004	2005
Courts	417 325	426 085	458 315
Supreme Administrative Court	12 156	10 955	12 493
Supreme Cassation Court	17 000	17 000	17 000
Total	446 481	454 040	487 808
Budget/number cases	317,78 leva	451,99 leva	471,71 leva

Chart 5. Cost per case completed



II. Workload of the Judicial System

- workload in the pre-trial phase: number of prosecutors per number of indictments, number of convicted persons
- workload in the judicial phase: number of cases per number of judges; cases introduced and cases completed.

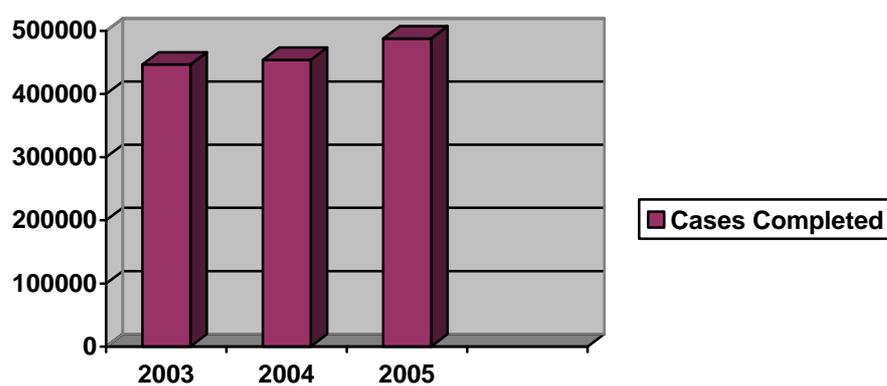
1. Number of Positions for Judges

Table 2. Number of Judges in the Courts

	2003 г.	2004 г.	2005 г.
Courts	1521	1547	1582
Supreme Administrative Court	NA	NA	67
Supreme Cassation Court	NA	NA	83
Total	NA	NA	1732

2. The Workload of the Courts

Chart 6. The workload of the courts



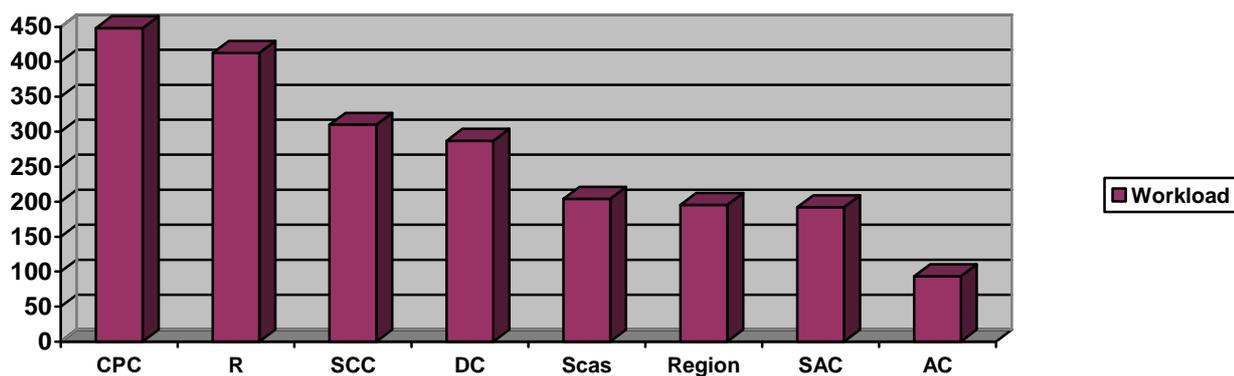
3. Workload with respect to cases completed

For all courts in the country: on average 281,6 cases per judge for 2005

Table 3. Workload of individual judges with respect to cases completed

2005	Number of Judges	Cases Completed	Work Load
Supreme Administrative Court	67	12 493	192 cases
Supreme Cassation Court	83	17 000	204 cases
Appellate	100	9 352	93,52 cases
Regional	553	108 032	195,35 cases
District Regional	369	152 257	412,62 cases
District	335	96 086	286,82 cases
Sofia city court	118	36 565	309,87 cases
Sofia district court	119	53 324	448,1 cases

Chart 7. Workload of individual judges in different courts with respect to cases completed



CPC- Sofia district court

R – District courts in main cities

SCC – Sofia City Court

DC – Other district courts

Scas- Supreme Court of Cassation

Region – Regional courts

SAC – Supreme administrative court

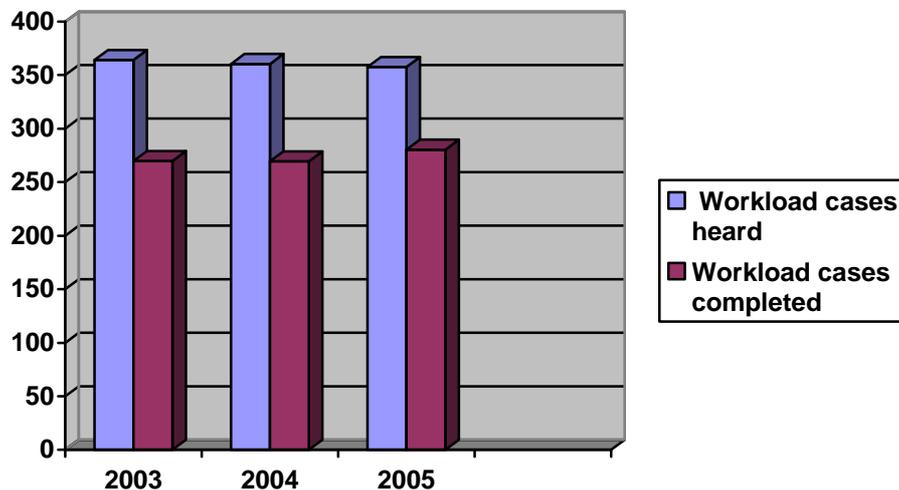
AC- Appellate courts

4. Workload in 2003, 2004 and 2005 (Supreme Administrative Court and Supreme Court of Cassation excluded)

Table 4. Workload of individual judges in the Courts (SAC and SCC excluded)

	2003	2004	2005
Cases Heard	563 250	570 019	584 455
Cases Completed	417 325	426 085	458 315
Number of Judges	1 547	1 582	1 635
Workload Cases Heard	364,09	360,31	357,46
Workload Cases Completed	269,76	269,33	280,31

Chart 8. Average workload of individual judges (judges in SAC and SKC excluded).



5. Workload in the Prosecutorial office

Excerpt from the Report of the Prosecutorial Office on its Activity from 1999 to 2005

By March 1999, the number of positions for the prosecutors and the administrative staff of the Prosecutorial office was 1952 in total.

By September 1999, this number was increased by 34, and the next year again, following a decision of the Supreme Judicial Council (SJC).

In 1999 there were 343 proposals regarding personnel policy to the SJC, 116 of which were for taking a position, 58 for promotion, and 58 for dismissal.

Due to staff outflow and the lack of qualified suitable candidates, the number of positions not taken was not constant, but it has increased the most at the end of 1999 – 54 open positions.

As a result of the active work with respect to staff issues, objective preconditions were created so that most of the open positions were taken already in the first quarter of 2000.

In 2000 there were 35 open positions for magistrates left, 16 of which in the military prosecutorial offices.

The approved by the SJC number of positions for 2001 is 1049 for prosecutors, and 1179 for administrative staff.

The open positions by January 1st 2002 were 48 for prosecutors, 19 of which – for district prosecutors, 19 – for military-regional prosecutors, and 10 in the Supreme Administrative and the Supreme Cassation Prosecutorial Offices. Attention was given for providing the prosecutorial offices with the necessary administrative staff.

As a result of active work with respect to staff issues, the work conditions in a degree were normalized in the predominant number of prosecutorial offices.

In 2002 the number of positions in the Prosecutorial office is increased to 1089 prosecutors and 1 259 administrative staff. The additional 40 positions for prosecutors and 80 positions for administrative staff are distributed predominantly among the district offices. The number of positions in SCP and SAP and the Administrative office of the Chief Prosecutor is not changed. At the

end of 2002 the open positions remain 76 for prosecutors, 34 of which in the district offices, 29 – in regional and military regional ones, 3 – in appellate offices, and 10 in SCP and SAP.

In 2003 the number of positions is not changed, so is the number of open positions. The reason for this is the amendments to the Law on the Judicial Power concerning appointment in the bodies of the judicial power, and the necessary adoption with this respect of an Order on the Conditions and the Procedures for Position Competitions.

In 2003 the SJC heard 143 proposals for rank promotion and 133 proposals for position promotion.

In 2004 the “Personnel” Department in SCP office have prepared, investigated and submitted to SJC 257 proposals in total, 64 of which for appointing high administrative officials and prosecutors, 130 for promotion in position, 52 for promotion in rank, and 10 for attestation and granting tenure (indismissible status)...

In 2005 there were 1224 positions for prosecutors, compared to number of 1 319 positions - the proposal projected in the 2005 budget for the Prosecutorial office. The same was the situation with the administrative staff positions of the Prosecutorial office, which by 31. 12. 2004 were 1 379, compared to the 2005 budget proposal for 1519 positions....

In 2005, 914 proposals were introduced in the SJC, of which for administrative heads and their deputies – 173 positions; for prosecutor appointments – 508; for promotion in rank – 185; for tenure – 36, and 12 for dismissal.

In 2005, 47 junior prosecutors were appointed (as a result of selection competition), of which 5 in the Sofia district prosecutorial office, and the rest – in the rest of the regional prosecutorial offices in the country...

For 2006 the number of positions is increased – by 15 for the “prosecutor” position, and by 26 for the position of “junior prosecutor” and the total number of positions approved for the Prosecutorial office is 1 281 positions for magistrates and 1 506 for administrative staff...

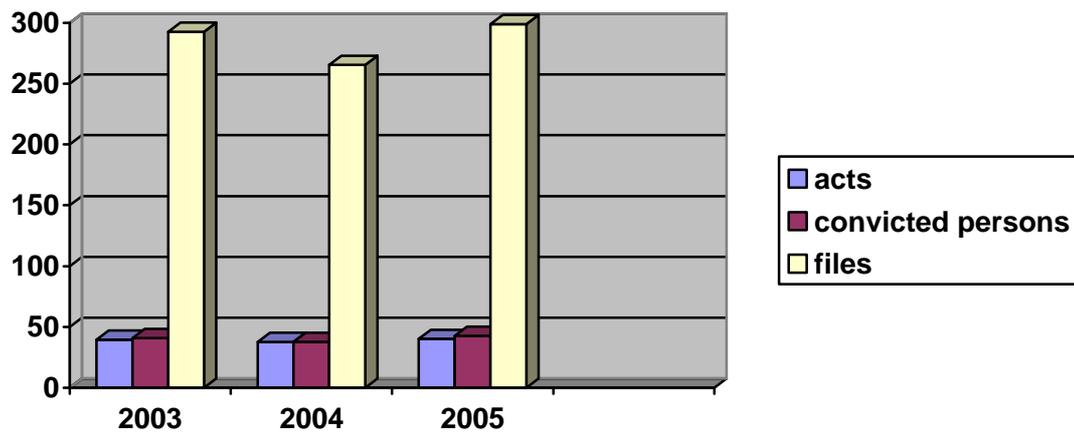
In relation to the re-appointment of investigators from the Investigative offices in the country to the courts and the prosecutorial offices, as a result of the adoption

of the new Criminal Procedural Code, 480 positions for investigators were transferred to the Prosecutorial Office of the Republic of Bulgaria. At present, 142 proposals for re-appointment of investigators as prosecutors in the district offices are introduced in the SJC, and some more 300 proposals will be soon introduced.

Table 5. Number of Positions in the Prosecutorial Offices

	2003	2004 (12. 05)	2005
Number of Prosecutorial Positions	1 089	1 319	1 281
Number of Administrative Staff Positions	1 259	1 519	1 506
Positions for Prosecutors Taken	1 013	1 224	NA
Positions for Administrative Staff Taken	NA	1 379	NA
Work Load as Submitted Files (преписки) Resolved per Prosecutor	292,69 (per position) 314,60 (per position taken)	265,42 (per position) 286,03 (per position taken)	298,91 (per position)
Work Load Acts Brought to Court (Indictments, Agreements, 78a Penal Code Cases) per Prosecutor	39,46 (per position) 42,42 (per position taken)	37,54 (per position) 40,46 (per position taken)	40,13 (per position)
Work Load Convicted Persons per Prosecutor	40,73 (per position) 43,79 (per position taken)	37,66 (per position) 40,59 (per position taken)	42,62 (per position)

Chart 9. Workload per Positions in the Prosecutorial Offices



III. The Ratio of Civil, Criminal and Administrative Proceedings

- number of cases in the different proceedings
- the proportion of contested cases

IV. The Structure of Crime Compared to the Structure of the Output of the Judicial System

- main types of crime, according to the statistics of the police and the prosecutorial office
- main types of indictments
- main types of cases, finished with convictions
- relative weight of the crimes, indictments and the convictions on issues of great public importance, like organized crime (organized criminal group, smuggling, drugs, human trafficking), corruption, contract killings, etc.

Excerpt from the Report of the Prosecutorial Office for 2005.

The registered crimes in 2005 (against the person and against the property of the citizens) are 122 310. Compared to the data on 2004, there is a 5.6% decrease in crime.

The number of resolved crimes is 1 690 per 100 000 population. The percentage of crimes resolved is 62%, and it is at the same level as in 2004 (61.3%).

The intensity of registered crime is 1 690 per 100 000 population, compared to 1 661 for 2004.

In 2005 the police has resolved 13 632 cases of economic crime, compared to 13 749 in 2004, which is 15.2% from all resolved criminal cases. The level of non-registered crime of this type remains high.

Chart 10. Structure of Registered Crime

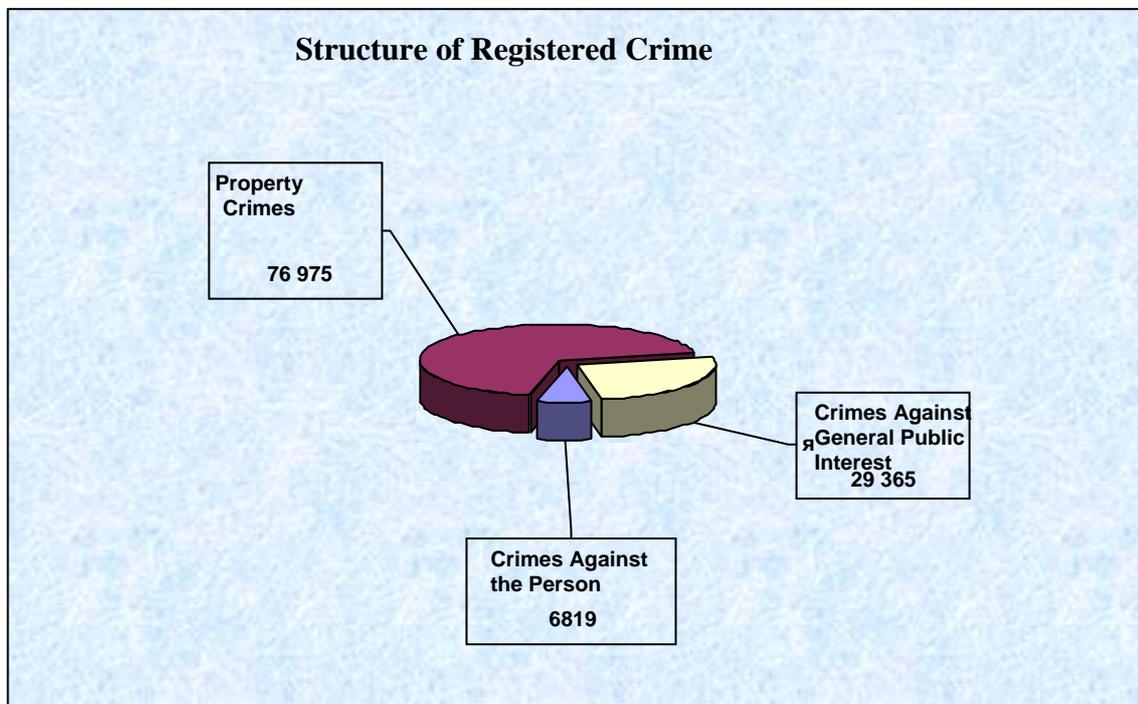
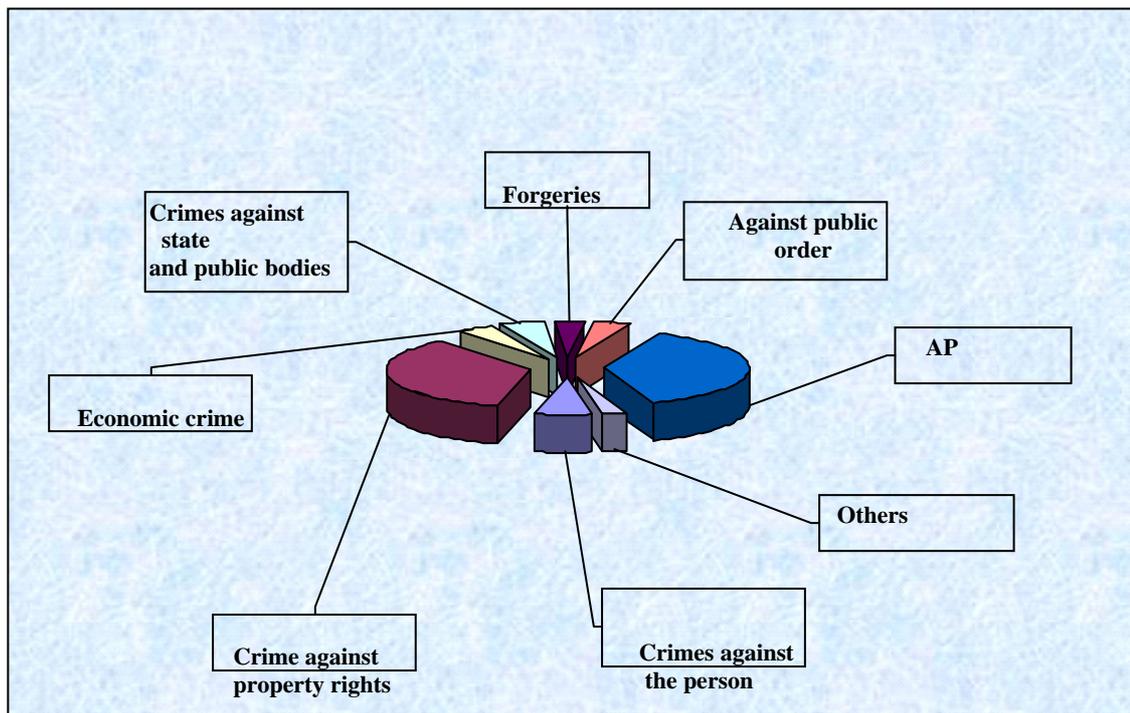


Chart 11. Structure of Prosecutors' Acts Brought to Court



AP – Crimes against general public interests

Excerpt from the Report of the Prosecutorial Office

Contract killings in 1992 – 2005.

- 173 cases of “contract” killings by non-identified perpetrators were established and described. It was found out, that the resolved cases of contract killings were 25, where the perpetrators of 17 of the killings were established and indictments against the responsible for these killings are brought to court. On some of them there are convictions at the first instance.
- 12 cases were re-opened. The common traits of contract killings were analyzed. A project on a methodology in the investigation of this type of crime was prepared.
- (2005) in “Organized Crime and Terrorism” Section of Supreme Cassation Prosecutorial Office, 585 files on organized crime-related cases were decided. For the same period in this Section there are new 2 595 files, according to the register. Together with cases from a previous period, the

prosecutors have taken “under special supervision” and realize supervision on more than 122 pre-trial proceedings, compared to 77 for the preceding 2004 year.

V. Structure of the Activity in the Pre-trial Phase

- number of submitted files, received by the prosecutors;
- number of indictments;
- number of introduced prosecutorial acts;
- number of agreements (pleas);
- ratio of convicted against acquitted persons.

Chart 12. Submitted Files Resolved By the Prosecutorial Office

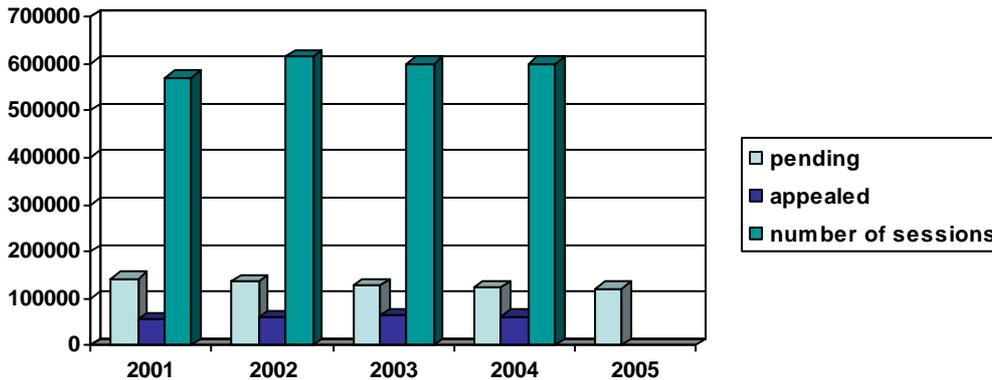


Chart 13: Prosecutorial Acts Brought to Court

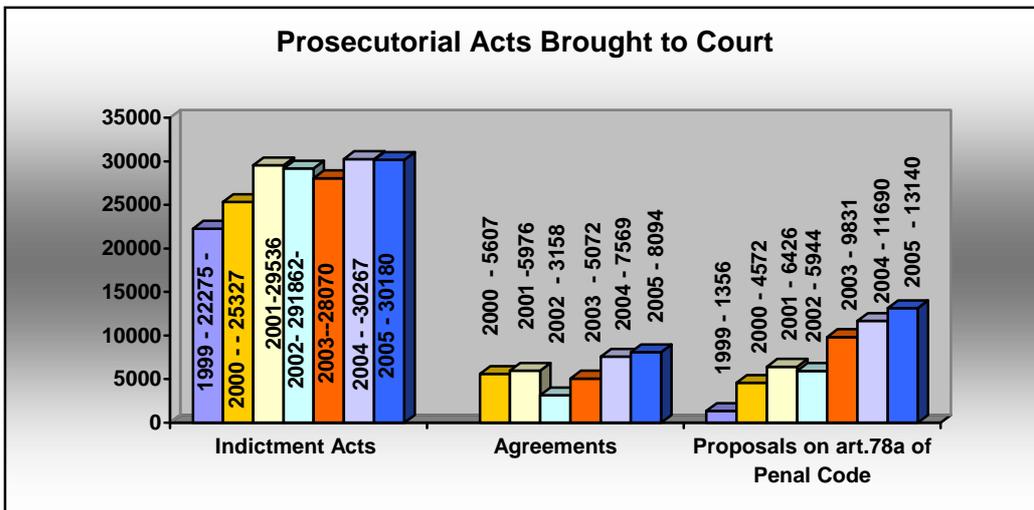


Chart 14. Number of Pre-trial Proceedings

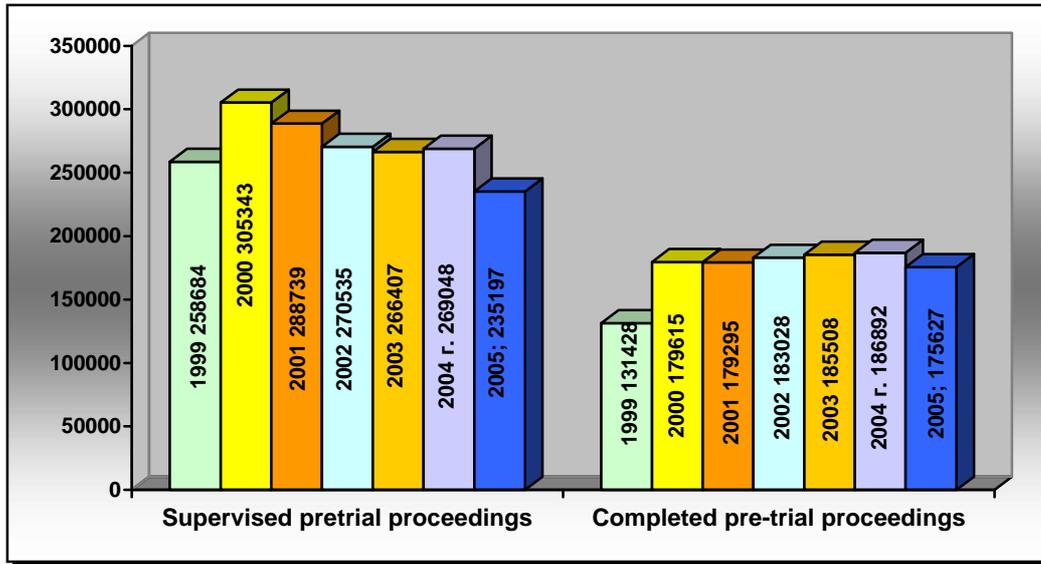
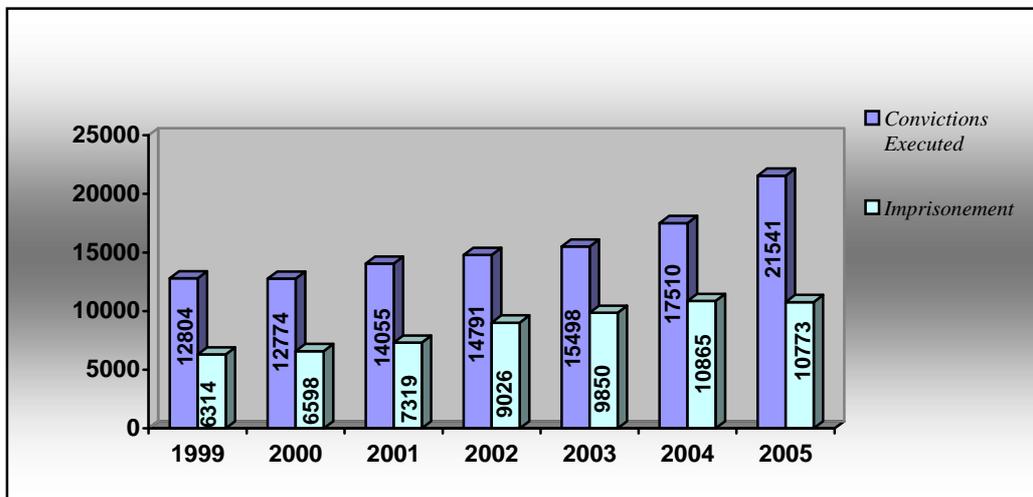


Chart 15. Convictions Executed



VI. Structure of the Activity in the Judicial Phase

- total number of cases heard by the courts: heard and completed;
- percentage of appeals;
- percentage of reversed by a higher instance decisions;

- percentage of cases referred back for further investigation;
- number of reversed ministerial acts.

Chart 16. Cases heard, cases completed, cases completed within 3 months

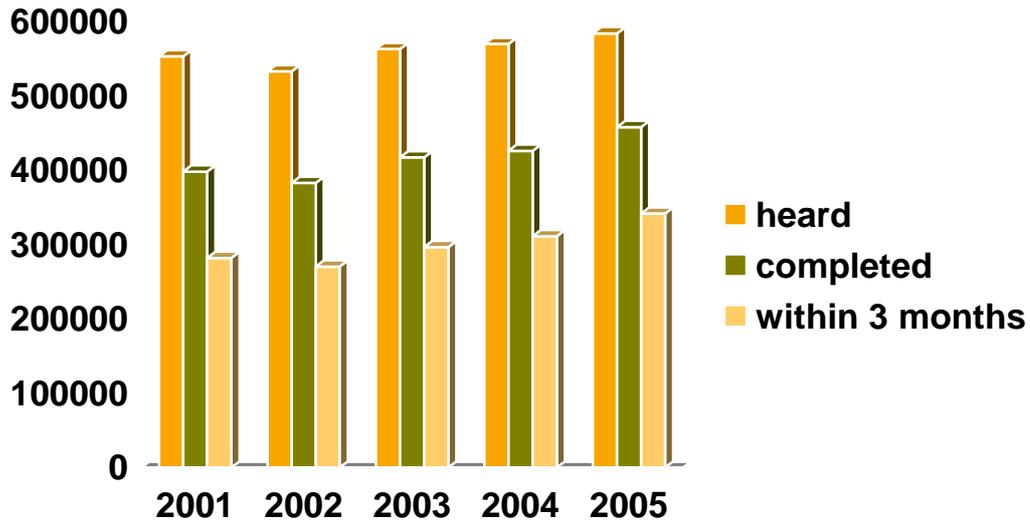


Chart 17. Cases pending, cases appealed, number of court sittings

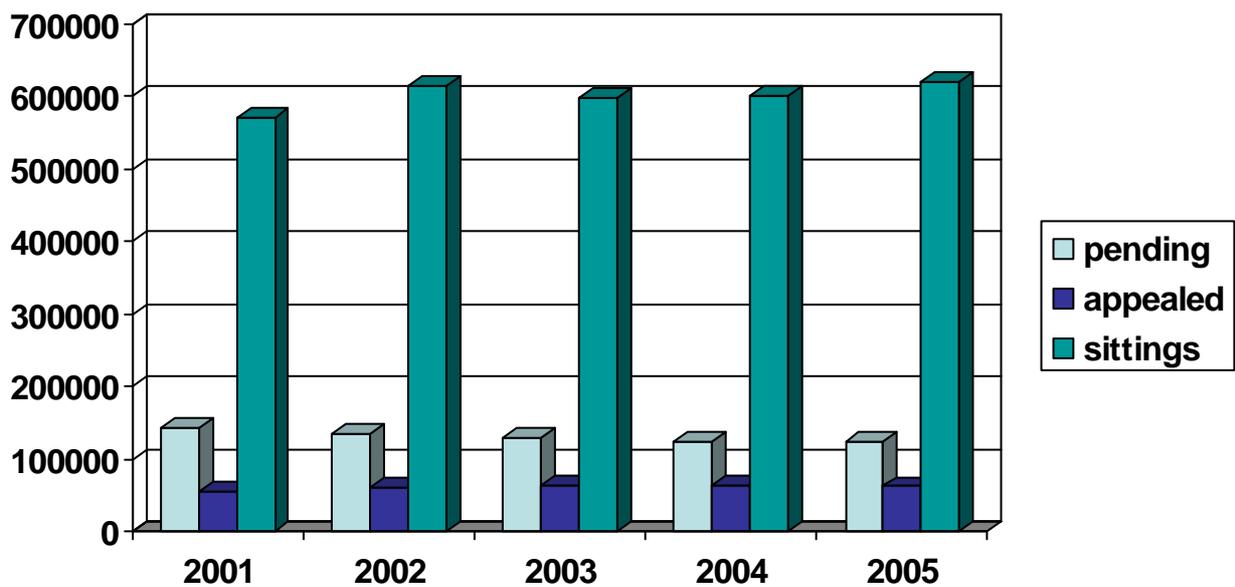
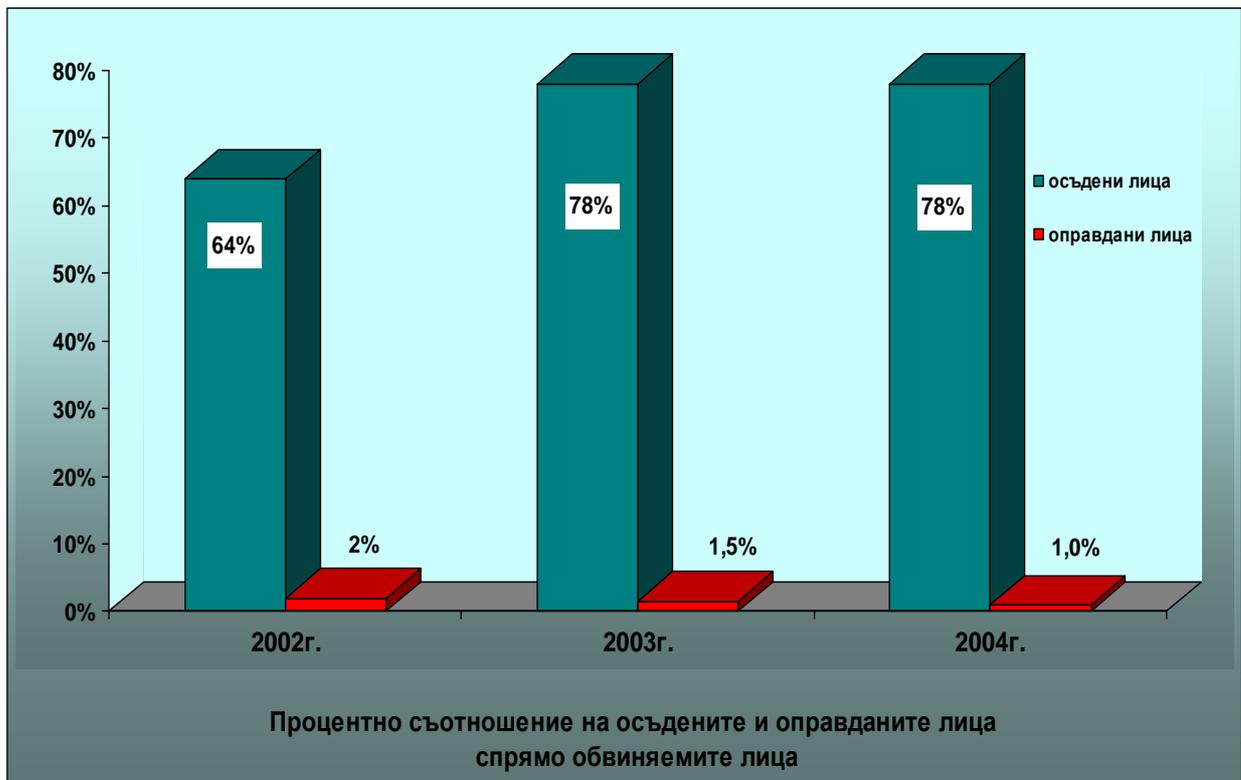


Chart 18. Percentage of Convicted (first column - green) and Acquitted Persons (second column-red) from All Indicted Persons



VII. Problematic Spheres in the Activity of the Judicial System

- organized crime: indictments, convictions
- corruption: indictments, convictions

Chart 19. Crimes of High Public Relevance 2005: the proportion between number of prosecutors' acts and the number of indicted persons. First two columns – organized crime; second two columns – corruption related crime; third two columns – tax fraud; fourth two columns – drug crimes; fifth two columns – trafficking in human beings



Chart 20. Organized Crime and Terrorism 2003-2005: first column – prosecutorial acts brought to court; second column – number of indicted persons; third column – number of convicted persons



Chart 21. Corruption Cases 2003-2005 (first column – indictments; second column – convicted persons)



VIII. Duration of Procedures in the Pre-trial Phase

- overall duration of the pre-trial phase
- ratio judicial/pre-trial phase
- cases not completed – beyond 9 months, 2 years, 3 years

Chart 22. Duration of Completed Preliminary Proceedings (first column – within 2 months; second column – within 6 months ; third column - within 9 months; fourth column – above 9 months)

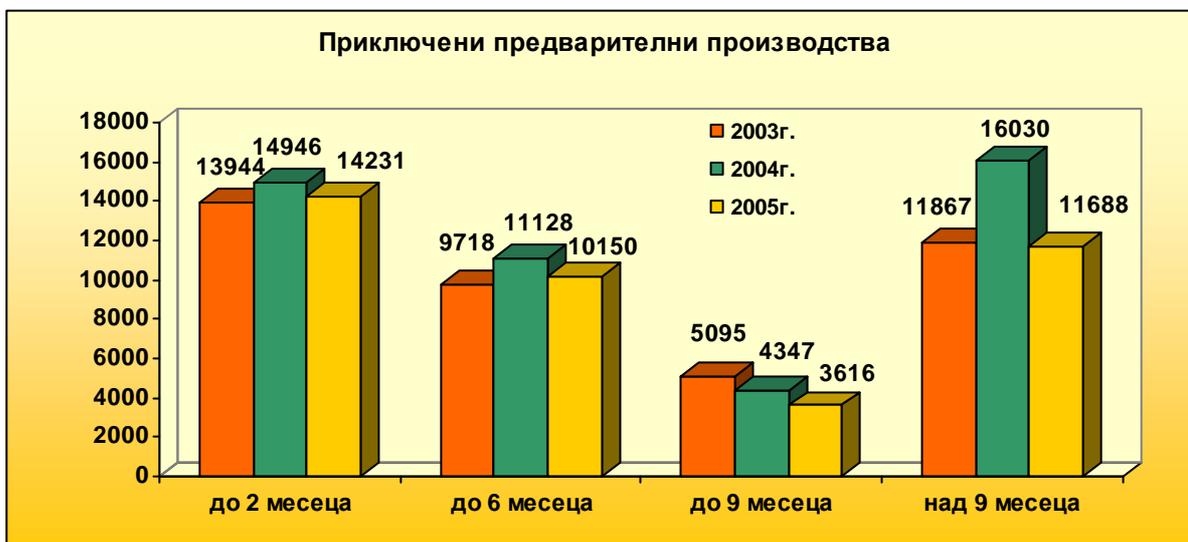
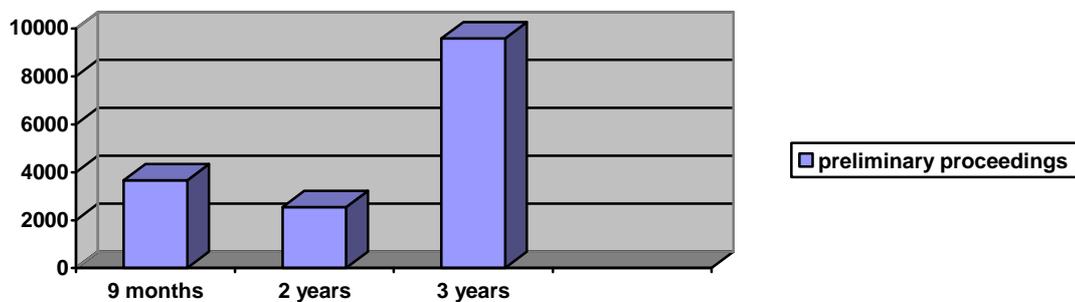


Chart 23. Preliminary Proceedings Not Completed by the Prosecutors Office – started before 9 months, 2 and 3 years



IX. Duration of the Judicial Procedures

- speed of the criminal proceedings
- speed of civil proceedings
- speed of administrative proceedings

Table 6. Total Duration of Civil Cases

Civil Cases	days	% cases reaching that instance
First Instance	238	100%
Duration in-between first and second instance	82	
Second Instance	227	22%
Duration in-between second and third instance	136	
Third Instance	344	4%

Total Duration	350
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Table 7. Total Duration of Criminal Cases from the Beginning of the Pre-trial Phase

Criminal Cases		% of cases reaching that instance
Pre-trial Phase	541*	
First Instance	196	100%
Duration in-between first and second instance	74	
Second Instance	181	15%
Duration in-between second and third instance	56	
Third Instance	192	6%

Total Duration	835
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* Accumulated duration of the pre-judicial phase, back referrals for further investigation included.

Chart 24. Spread of Total Duration of Criminal Cases by Days

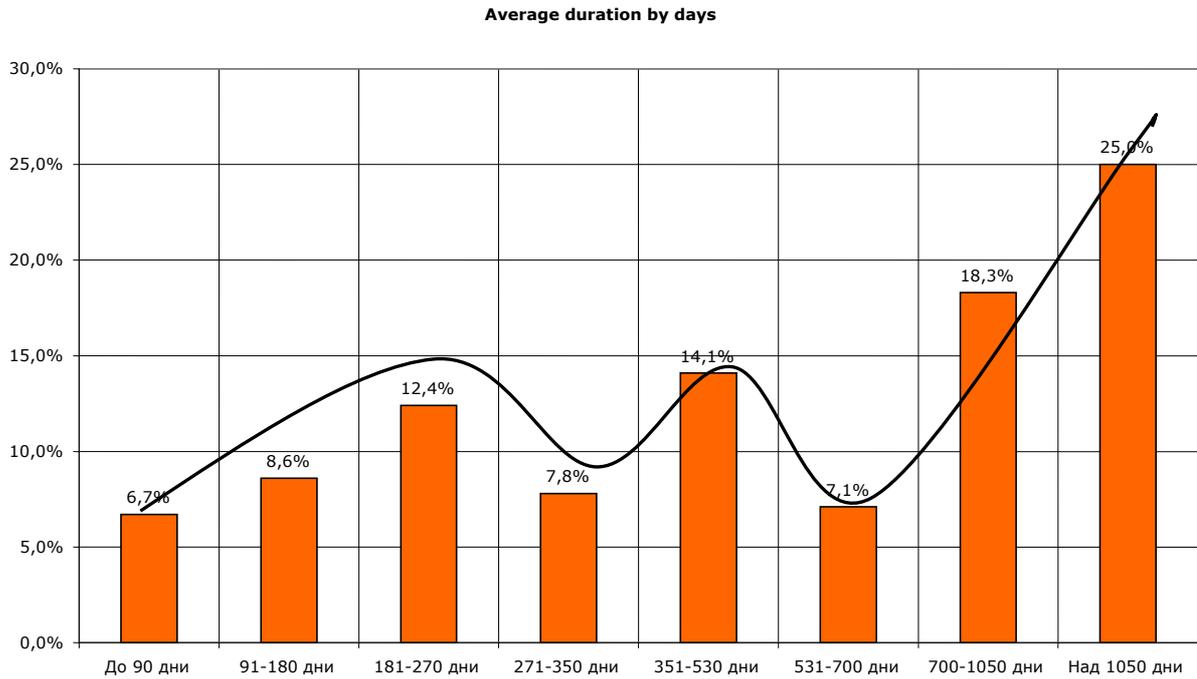


Chart 25. Total Duration of Civil Cases (first group of columns – first instance; second group of columns – second instance (appeal) ; third group of columns – third instance (cassation); third group of columns – general duration

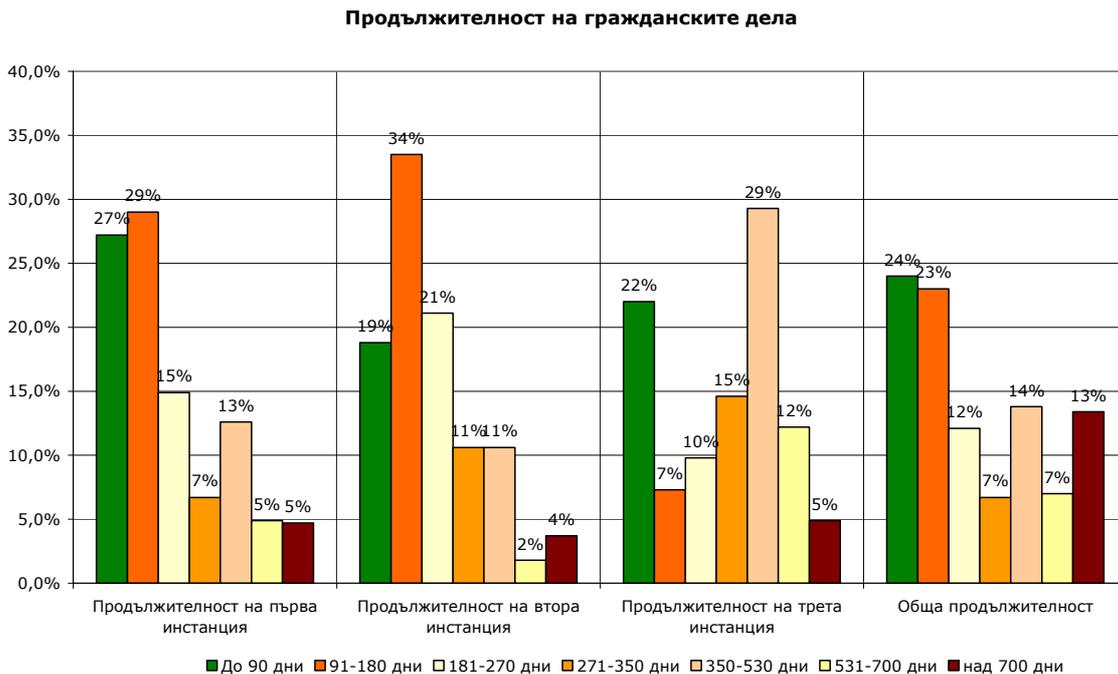
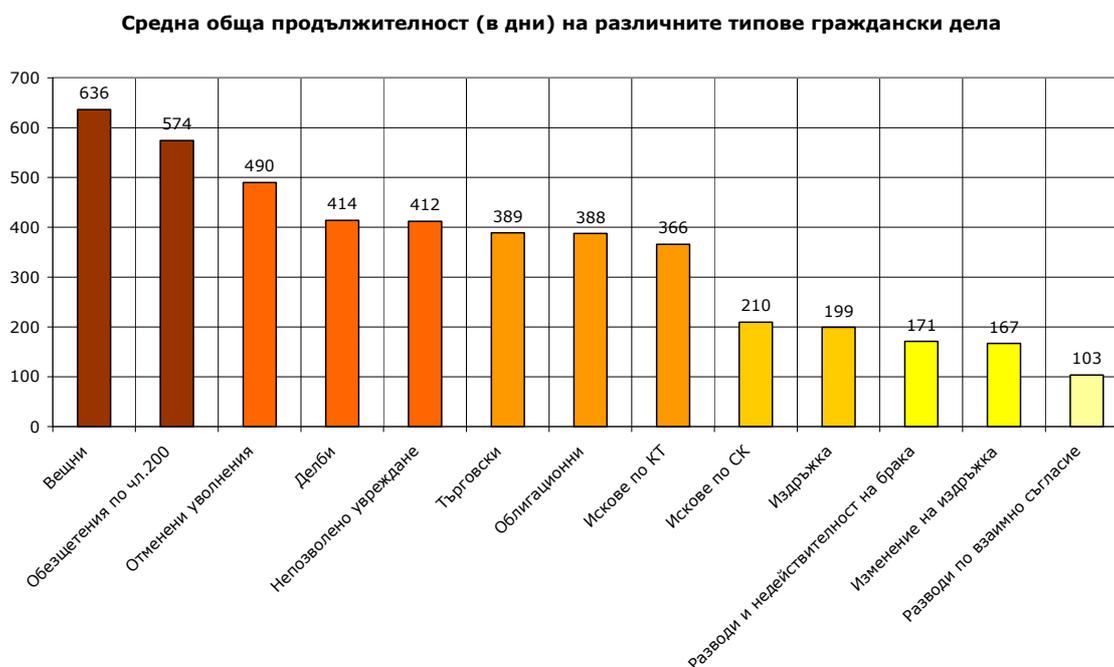


Chart 26. Duration of Civil Cases by Types: from left to right – property; damages Art. 200; overturned dismissals; joint ownership; damages; commercial; contract; labour; family; alimony; marriage; change of alimony; consensual divorces



X. Disciplinary Procedures against Magistrates

- number of disciplinary procedures;
- number of sanctions;
- number of violations;
- number of procedures, approved by the Supreme Administrative Court.

Total number of disciplinary procedures by Dec 31st, 2005:

Excerpt from the report of the Supreme Judicial Council's Commission on Corruption

By Dec 31st 2005 there are 10 finished disciplinary procedures. Six of them are against judges, two – against prosecutors, and two – against investigators. By

Dec 31st 2005 the decisions of the Supreme Judicial Council on four of the cases are in force as not appealed.

On the quoted disciplinary cases the Supreme Judicial Council, on grounds of art. 170, &1 from the Law on the Judicial Power, has decided:

- a) imposes a punishment "dismissal" to an investigator on grounds of systematic failure to fulfill the obligations of the position;
- b) imposes a punishment "reprimand-poritzanie" to two prosecutors - for failures in supervising legality and for failure to fulfill the obligations of the position, respectively;
- c) imposes a punishment to a investigator, which has been terminated with a decision of the disciplinary commission;
- d) imposes a punishment "dismissal" to two judges on grounds of systematic failure to fulfill the obligations of their positions;
- e) imposes a punishment "dismissal" to a judge on grounds of violating the rules of professional ethical code and for damaging the prestige of the judicial power;
- f) imposes a punishment "reprimand-poritzanie" to a judge on grounds of failure to fulfill the obligations of the position
- g) imposes a punishment "reprimand-poritzanie" to a judge for actions, violating the judicial ethical code.

Grounds for the disciplinary punishments in 2005:

Excerpt from the report of the Supreme Judicial Council's Commission on Corruption

The **judges** accused have committed the following violations of art. 168, &1 of the Law on the Judicial Power:

- a) non-fulfillment and/or retardation of the obligations of the position (11 cases)
- b) actions in violation of the professional ethical code and/or damage to the prestige of the judicial power (2 cases)

The **prosecutors** accused have committed the following violations of art. 168, &1 of the Law on the Judicial Power:

- a) non-fulfillment of the obligations of the position (5 cases);
- b) violations in supervising the legality and in managing an investigative case (2 cases)
- c) actions in violation of the professional ethical code and damaging the prestige of the judicial power (1 case).

The **investigators** have committed the following violations of art. 168, &1 of the Law on the Judicial Power:

- a) non-fulfillment of the obligations of the position (5 cases);

Excerpt from the report of the Supreme Judicial Council's Commission on Corruption

The disciplinary proceedings in 2005 are 55% more than those in 2004. Compared to 2004, the number of disciplinary proceedings against judges have had considerable growth, the number of those against prosecutors is relatively stable, and there is a trend of slight decrease in the number of cases against investigators.

Like in 2004, in 2005 there has been disciplinary proceedings not only against magistrates but against administrative heads as well.

For violation of a type the Supreme Judicial Council has given punishments of one and the same type to all separate categories of magistrates.

With respect to all completed cases, which for 2005 and by March 2006 are 19 altogether, one could offer the following analysis of the punishments given.

In 9 cases the decision of the SJC coincides with the proposal of the body that has introduced it.

In 5 cases SJC has rejected the proposal for punishment or has terminated the proceeding.

In 4 other of the concluded cases SJC has given a harsher than the proposed punishment.

In 1 case SJC has given a milder than the proposed punishment.

One preliminary proceeding has been terminated.

In 2005, as in 2004, the SJC and the assigned by him disciplinary commissions and reporting magistrates have heard the cases, following the procedural requirements, guaranteeing fair process. The average duration of the disciplinary cases shows that they are completed within reasonable terms. The *Commission on Corruption* has developed and proposed to the SJC a project for a register of disciplinary proceedings, which is to be kept and maintained by the administration of the SJC. This register was approved with decision of the SJC № 18/ 08. 06. 2005...

Within the framework of the SJC PHARE Project “ Strengthening the Administrative Capacity of SJC and Improvement the Status of Magistrates” continues work on developing rules and mechanisms for improving the procedure on realizing the disciplinary accountability of the magistrates. The final product of this process will contribute to further improvement of this activity.

Appendix:

Questions addressed during the final conference and the preliminary seminar organized in the framework of the project “Improving the Policy Making Capacity of the Bulgarian Judicial System”:

- How is the accountability of the magistrates organized at present? Who collects, summarizes and analyzes the information?
- What is reported? What are the kinds of indicators used for evaluation of the activity of the judicial system?
- Can the constitutional amendments contribute to the rationalization and the optimization of the accountability of the magistrates?

Why is the analysis of the reports of the separate institutions important?

- There is a confidence deficit with respect to statistics: “Imprisonment of a single top criminal speaks much louder for an efficient judicial system than all types of statistics and reports.”
- The preeminent weight of the scandals in shaping of public opinion
- Use of statistics as management, governing tool rather than as PR for some institutions.

Problems

- Information is fragmented and given institution by institution
- Lack of systematic measurement and analysis. No informed sifting of the important indicators from the secondary ones. Lost in numbers?
- Lack of research institutes attached to the institutions, capable of analyzing in detail the information and preparing methods for more precise analyses.
- Still no information on:
 - consistency of decisions and convictions;
 - whether the decisions and convictions are dependent on the presence of an attorney, on the financial situation of the indicted and the interested parties, on their ethnicity, etc.
- Disproportionate stress on the workload of the magistrates - a purely bureaucratic logic;
- No external evaluation, debate or interest in the performance of judicial bodies (apart from the EU monitoring);
- No measures taken on grounds of systematic analysis of the data presented. What is the link with the managerial, governmental decisions?
- The constitutional amendments: a chance for reform. The parliamentary hearing of the reports of the institutions will give an opportunity for external evaluation and clarification of the reports.
- The Parliament has to develop the necessary capacity for a successful monitoring of judicial institutions.
- What are the high magistrates responsible for? How is this responsibility realized?