
STATUS AND PROBLEMS IN THE USE OF ICT IN THE JUDICIARY IN BULGARIA

INTRODUCTION

The present report examines the methods for collection, processing and retrieval of information related to the phases of criminal proceedings, as well as the utilisation of information technology to increase the productivity of the prosecutors and the judiciary in Bulgaria. The report is a part of a more extensive work covering similar practices in several older Member States of the European Union and the efforts of two of the newer EU members to improve their work in accordance with the recommendations of the Union and the European organisations working towards improving the efficiency of the judiciary.

The report consists of three main parts. The **first section** provides an overview of the administrative work of collecting, processing and distributing the key information flows in the Prosecutor's Offices in Bulgaria, both on hard and electronic copy using the existing information systems and web-based resources. It also reviews the rules under which citizens and stakeholders can gain access to such information. Despite the efforts to digitise the work of the prosecution some activities such as correspondence with other institutions within and outside the country is mainly carried out without the involvement of information technologies.

The **second part** is devoted to the work of the secretaries' offices and registries in the different types of courts. It presents the five types of case management information systems, outlining the fact that the information systems of the judiciary are built in the past on the basis of temporary and incidental decisions with lack of centralised management which presently require the investment of additional resources and efforts to ensure their connectivity and interoperability. The introduction of ongoing training for judicial officers is necessary for achieving the optimal use of the existing electronic resources.

The **third section** introduces the electronic solutions common to the entire judicial system, the most significant of which is the Unified Information System for Counteracting Crime (UISCC) – an inter-agency automated information system under development to link the institutions involved in all stages of the criminal proceedings. This section outlines the legislative framework regulating the development of the system, what has been done by mid-2011, as well as the main issues for further development.

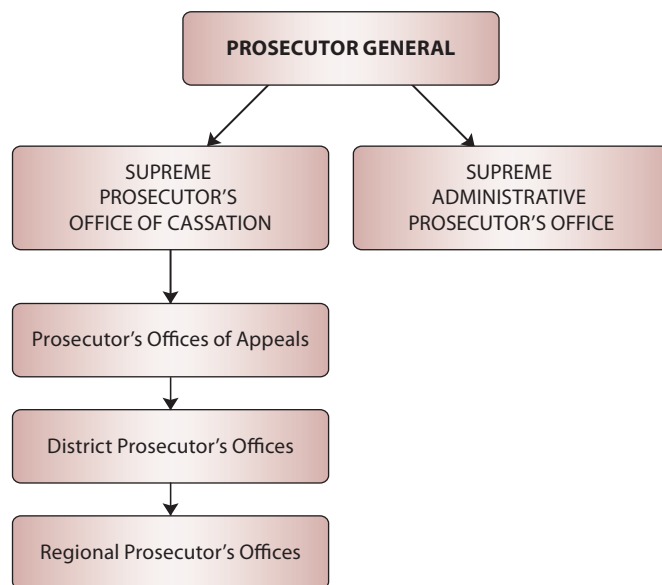
The report is based on the following documents – regulations for the operation of the administration of the prosecutors' offices and the courts,

strategies for the development of the information technology in the judiciary and the latest analytical report on the development of information technology in the judiciary, prepared for the Supreme Judicial Council.

1. COMMON UNITS OF PUBLIC PROSECUTION

The Prosecutor's Office of the Republic of Bulgaria comprises the Prosecutor General, the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office, the National Investigation Service, five Prosecutor's Offices of Appeals, Military Prosecutor's Office of Appeals, 27 District Prosecutor's Offices, Sofia City Prosecutor's Office, five Military District Prosecutor's Offices and 113 Regional Prosecutor's Offices.

Figure 1. Structure of the Prosecutor's Office of the Republic of Bulgaria



Source: Prosecutor's Office of the Republic of Bulgaria

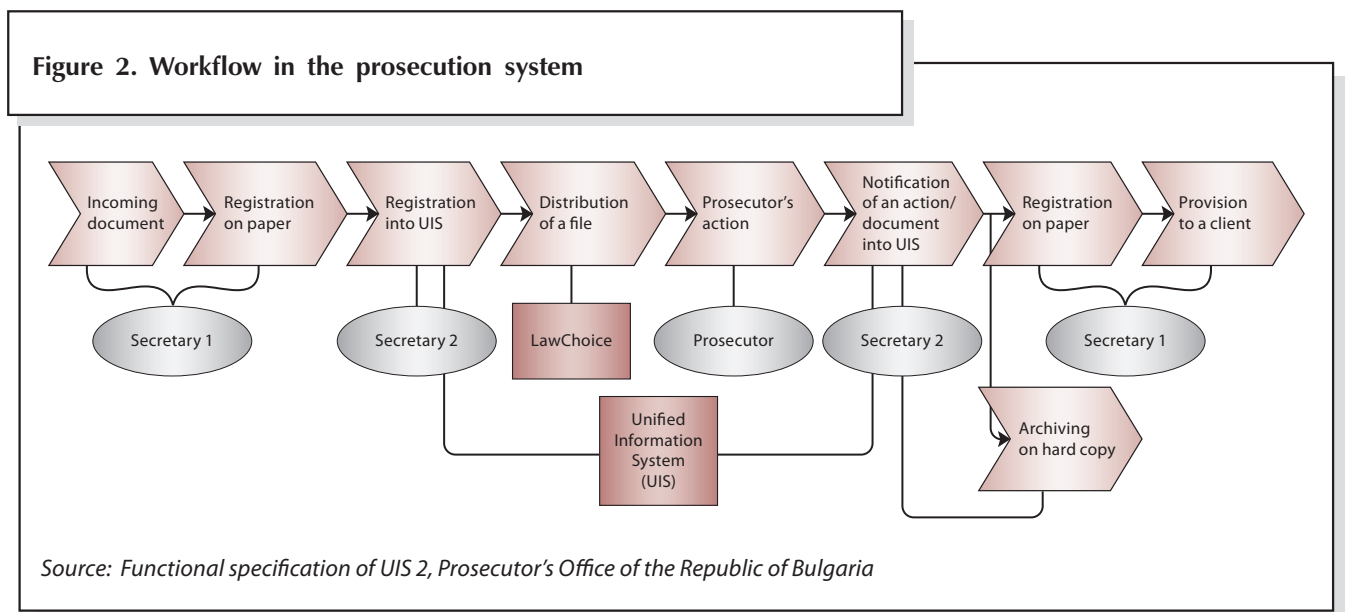
The latest amendments to the *Law on the Judicial System* and the *Criminal Procedure Code* provide for the establishment of a Specialised Prosecutor's Office to investigate organised crime as well as a Specialised Prosecutor's Office of Appeals. As of mid-2011 a case, regarding these amendments, however, is still pending before the Constitutional Court and the establishment of the above Prosecutor's Offices depends on the outcome of the proceedings.

1.1. Scope of activities of secretary's offices of Prosecutor's Offices

Administrative work related to the receipt and processing of information flows within the prosecution and investigation authorities is carried out by the departments of Registry, Secretary's Office and Archives, the allocation being dependent on the workload and the resources available at each department.

The **National Investigation Service (NIS)** has a Registry and Secretary's Office Department part of which is the Archives section.

The Supreme Prosecutor's Office of Cassation has the three administrative components operating as separate departments. The **Registry** receives, records and sends out all papers and documents entering or leaving the Prosecutor's Office. The **Archives** department takes care of the storage of all completed cases and correspondence, document-flow books and documents. The **Secretary's Office** is meant to receive and record all incoming files and cases, to allocate new cases and files to prosecutors adhering to the principle of random assignment, to attach newly received documents to pending cases, to prepare outgoing mail to be sent out by the registry department and to also prepare and pass to the Archives department all closed and systematised cases and files.



1.2. Creating and keeping files

The secretary's offices of the appellate, military appellate, district, military district and regional prosecutor's offices keep registers and journals in accordance with the current system of cases.

The departments of the Prosecutor's Office keep the following journals:

1. **Index** – it is used for quick reference to the names of all persons associated with the files – the complainant, persons against whom complaints were filed, defendants, victims and others. It includes all documents of all journals.

2. **Internal incoming journal** in the secretary's office of the respective prosecutor's office – here all documents received by the prosecution, including those received by fax, are recorded and given a reference number. Files are numbered starting from 1 at the beginning of each year. After the serial number a slash is put followed by the year the file is recorded. When documents are received pertaining to an open file, this is just noted down in the respective column of the journal and the documents are attached to the file without being numbered. Papers received by mail are saved together with the stamped and dated envelope. The journal is kept by court secretaries and numbers go by years.
3. **Internal outgoing journal** of the secretary's office – here a record is kept of documents that are not related to files recorded in the incoming journal. The journal is kept by court secretaries and numbers go by years.
4. **Report book** – here the random assignment of incoming cases and files is recorded.

There are separate incoming and outgoing journals for documents containing classified information. Prosecutors or court officials operating with this type of information could only access them after signing in the respective journal.

Sofia City Prosecutor's Office and Sofia Regional Prosecutor's Office, as well as the bigger district and regional prosecutor's offices in the country, may also keep other auxiliary record books of their activities.

1.3. Making files available and obtaining information

According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* all citizens involved as parties in open cases or their proxies may obtain information about the movement of the file at the secretary's office of the prosecution. Of all possible ways for obtaining information this is the most popular among citizens. During their working hours the secretary's offices of appellate, district and regional prosecutors are contacted by citizens and upon seeing a valid ID provide litigants and/or their proxies with the following information:

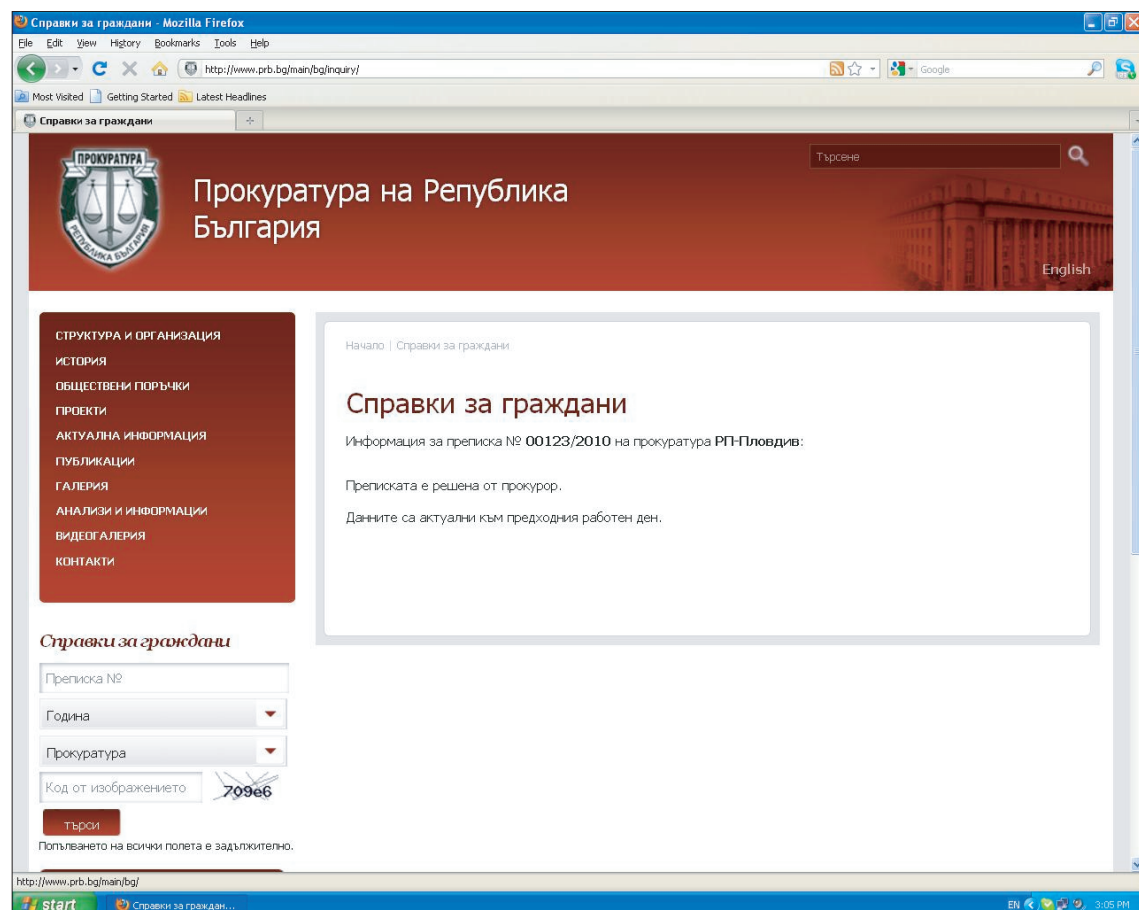
- reference number of the complaint as well as information about the movement of the file;
- statements of the supervising prosecutor related to citizens' requests for change of remand measures;
- handling material evidence;
- lifting restrictions on leaving the country, etc.
- copies of rulings of the appellate, district or regional prosecutor are given upon payment of the state tax to the account of the respective prosecution.

Attorneys' rights to access information in the prosecution are stipulated by law. Article 31 of the *Law on the Bar*¹ stipulates that: "An attorney should have free access to inquire into cases, to receive copies of papers and documents with priority in court, with authorities of pre-trial proceedings, administrative bodies and other institutions in the country and at every place necessary based only on their capacity which is certified by an attorney's card."

Anyone could make an inquiry at the registry as well as by phone about the status of a file by its reference number, year and prosecutor's office.

The above information could also be obtained online through the website of the Prosecutor's Office using the *Unified Information System (UIS) of the Prosecutor's Office*.

Figure 3. Interface for online inquiries about files of the prosecution at the Prosecutor's Office website



Source: Prosecutor's Office of the Republic of Bulgaria.

¹ Law on the Bar – Promulgated in SG issue 55/25.06.2004, amended – SG issue 43/20.05.2005, amended – SG issue 79/4.10.2005, amended – SG issue 10/31.01.2006, amended – SG issue 39/12.05.2006, amended – SG issue 105/22.12.2006, amended – SG issue 59/20.07.2007, amended – SG issue 69/5.08.2008, amended – SG issue 53/13.07.2010, amended – SG issue 101/28.12.2010.

The website of the Prosecutor's Office contains a field "Citizen Inquiries" and after entering the reference number of the file and selecting the year and the competent prosecutor's office information could be obtained about the current status of the file.

1.4. Evidence keeping

In the secretary's offices of the NIS, district investigation departments, military district prosecutor's offices and regional prosecutor's offices, if a prosecutor is conducting the investigation, a special journal is kept and reference numbers are put on all protocols attaching material evidence to investigation cases (including protocols of site inspection, search and seizure and voluntary handover).

Material evidence is stored in separate specially equipped premises which are at the responsibility of a designated officer – storekeeper of material evidence.

In the National Investigation Service as well as in the district investigation departments of the prosecutor's offices, the military district prosecutor's offices and in the regional prosecutor's offices when investigation is conducted by a prosecutor, the storekeeper is responsible for managing a **Register of material evidence**.

The register has the following sections:

1. Incoming:
 - number;
 - date of filing;
 - number of pre-trial proceedings;
 - number of seizure protocol;
 - name, middle name and surname, personal ID number and address of the person from whom the material evidence was seized;
 - material evidence received: full description (for banknotes – series and number, for other pieces of material evidence – type, colour, size, etc.), measurement unit, quantity;
 - position, name, middle name and surname, signature of the investigator;
2. Outgoing:
 - date;
 - list and description of the outgoing documents;
 - position, name, middle name and surname, signature of the person receiving the material evidence.

After the material evidence is seized, it is checked. The storekeeper attaches a numbered card to each piece of evidence and then packs them all together with their inventory list and seals the package with red wax or plasticine pressing the personal metal stamp of the investigator or the prosecutor and then he puts down the number of the stamp in the record of handover drawn up at the handing of the material evidence. The storekeeper fills in all data in the incoming register and draws a record of handover which is given to the investigator and is attached to the pre-trial proceedings file.

According to their type pieces of material evidence are stored as follows:

1. money, foreign currency, precious metals and jewels are stored in a metal safe-box, separately from other pieces of material evidence;
2. narcotics are stored in premises separately from other material evidence;
3. seized documents are kept in the storeroom only after being listed and inventorised.

The storekeeper has a separate numbered folder for copies of all documents related to the movement of material evidence (prosecutor's decrees, rulings of the court, investigator's receipts, etc.).

Documents containing classified information are stored in metal safe-boxes which are sealed at the end of each working day. It is not allowed to have classified information copied, modified and transmitted on any type of electronic or magnetic drive. When classified information on electronic/magnetic drive is received from other agencies or institutions, their movement, reporting and storage follow the rules on classified information and a label is placed on the electronic/magnetic drives containing the reference number from the register and the level of classification.

1.5. Archiving

In prosecutor's offices it is the Registry and Secretary's Office that archives closed cases and files. After a file is closed, all materials are listed and inventorised, clipped together, numbered and handed over to the Archives for storage.

Storage of all closed files, cases, documents and secretary's journals is the responsibility of the respective Archives Department. Incoming documents or cases are recorded in a book of archives; they are formed into archive cases of which records are being kept. There is a separate book of archives for each calendar year. After the end of their term of storage² a disposal committee is summoned to decide which cases are to be shredded and which are to be handed over to the State Archives. A separate book is kept each year for cases and documents which have been destroyed.

The Registry and Secretary's Office of the National Investigation Service has an Archives section which receives, lists, describes and stores all closed cases and other documents.

1.6. Making archived documentation available

Releasing cases from the archives of the Prosecutor General is only possible with his/her consent and a separate record book is kept for that. According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* there is no possibility for on-the-spot references or copying of any parts of the archived documents.

² The term of storage of documents reflecting the main activities of state and municipal institutions is 20 years – Article 46, paragraph 1 of the State Archival Collections Act from 13.07.2007, promulgated in SG 57/13.07.2007, amended SG 19/13.03.2009, amended SG 42/5.06.2009, amended SG 78/2.10.2009, amended SG 92/20.11.2009, amended SG 93/24.11.2009, amended SG 103/29.12.2009, amended SG 43/8.06.2010, amended SG 59/31.07.2010, amended SG 101/28.12.2010.

Cases, documents, or registry books could be released from the archives of the Supreme Administrative Prosecutor's Office and the Supreme Prosecutor's Office of Cassation only with the permission of the Prosecutor General or his/her deputy at the Supreme Administrative Prosecutor's Office or any deputy at the Supreme Prosecutor's Office of Cassation.

When access to the archives of the Prosecutor's Office is ensured, the so called court archivist plays a major part. Pursuant to Article 87, paragraph 1 of the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* the court archivists in the appellate, military-appellate, district, military-district and regional prosecutor's offices are in charge of granting access of the authorised people to the archives. Moreover, the court archivist organises the use of archived documents by personally preparing and making all kinds of references, copies and excerpts related to cases, books and documents.

1.7. Correspondence between common units of prosecutor's offices, common courts and other organs and entities

1.7.1. Incoming and outgoing correspondence

The chief of the cabinet of the Prosecutor General organises **the correspondence of the Prosecutor General** and drafts replies to incoming letters and reports which may require specific legal competence. The Registry and Secretary's Office registers and redirects incoming and outgoing correspondence of the administration of the Prosecutor General. All papers received by mail are stored together with the dated and stamped envelopes.

All correspondence from the National Assembly, the President's Office, the Council of Ministers, the Constitutional Court, the Prosecutor General, the Supreme Court of Cassation, the Supreme Administrative Court, ministries, institutions and Members of Parliament, addressed to the Prosecutor General or the administrative head of the prosecutor's office should be registered unopened and immediately forwarded to his/her office after the respective officer's signature in a separate book is obtained.

In **appellate, military-appellate, district, military-district and regional prosecutor's offices** the Registry and Secretary's Office receives, registers and distributes incoming mail and also sends out outgoing mail, sends cases and files for which complaints have been received to the relevant departments and instances, and returns closed cases coming from other prosecutor's offices. It also provides reports about received and sent correspondence.

1.7.2. Complaints and motions

During the pre-trial phase of a criminal procedure the prosecutor and the investigating authorities issue ordinances. These could be appealed against through written or verbal **complaints**. When a verbal complaint is submitted a protocol should be drafted and signed by both the complainant and the receiving officer. Written complaints are received at the Registry of the competent prosecutor's office or by mail.

Every citizen could report a crime by filing a crime **report** before the prosecutor in his/her capacity of a pre-trial authority (Article 209 of the *Criminal Procedure Code*). Reports could be verbal or written and should contain information about the person filing them. Written reports must be signed by the sender whereas for verbal reports a protocol must be drafted and signed by both the filing person and the officer who receives the notice.

Signals could also be filed by e-mail at the e-mail address of the competent prosecutor's office. The website of the Prosecutor's Office contains information about the phone numbers and the e-mail addresses of all prosecutor's offices in the country. Messages received by e-mail are given a reference number and the senders may check the development of their complaint by phone. The website of the Prosecutor's Office does not provide for sending of complaints by a web form (electronic form).

1.7.3. Contacts with foreign investigating authorities

In the general administration office of the Prosecutor General there is a Department of International Relations and Protocol which is responsible for the international activities of the Prosecutor's Office. According to the *Rules for the Organisation and Activities of the Prosecution's Administration of the Republic of Bulgaria* this department organises the contacts of the Prosecutor General, of his/her deputies and of all prosecutors and investigators with international institutions and non-governmental organisations. It partakes in working groups and committees for the development of international programmes and projects and for the implementation of programmes and projects of which the Bulgarian Prosecutor's Office is a beneficiary; coordinates the technical assistance which is offered by European and international institutions to the Bulgarian Prosecutor's Office; organises protocol meetings of the Prosecutor General and his/her deputies as well as of the heads of departments of the Supreme Prosecutor's Office of Cassation and the Supreme Administrative Prosecutor's Office; drafts agendas and organises the visits of international delegations and visitors.

1.8. Conditions and principles of data processing about ongoing proceedings on the public prosecution information system

The **Unified Information System (UIS)** is a web-based application aiming at more effective management of the document flow in the Prosecutor's Office. It has been implemented and used in all prosecutor's offices in the country but the Appellate, District and Regional Prosecutor's Office of Plovdiv and the Regional Prosecutor's Office of Asenovgrad use their own information system which regularly transfers data to the UIS.

The purpose of the UIS is to provide operational and statistical data for monitoring the activities of the prosecutor's offices, to facilitate the interaction and information exchange between the regional prosecutor's offices and the office of the Prosecutor General as well as to provide relevant information to the Unified Information System for Counteracting Crime (UISCC) which is yet not as operational as the legislation provides.

Information about files and cases is uploaded to the system by all prosecutor's offices in the country. The system allows citizens to make online inquiries about the movement of files through the website of the Prosecutor's Office.

UIS functionalities are achieved through the use of metadata (data about data) describing the contents, functions, conditions and other features of the information.

The system users fall into three main categories: "prosecutor", "secretary" and "administrator". Each of them could use a specific part of the system:

- **The secretary's part** includes uploading documents. The secretary can open the system and upload all the information related to a certain file. At first secretaries can enter a new file uploading its main data. Whenever a new incoming document is received they could fill in the required fields and upload all new documents received. The outgoing part is used for registering all documents that are sent out to other institutions. In addition, other movements are registered which are specific to some of the phases of the file movement, e.g. incoming movement from an investigator, starting a pre-trial proceeding by an investigator, etc.
- **The prosecutor's part** of the system facilitates uploading of information related to prosecutor's acts. Uploaded information is recorded in the database and could be used for the generation of new documents. **As of 2009, the system contains over 200 templates for prosecutor's acts.**
- **The administrator's part** is meant for operation with metadata and system configuration.

At present all developments and movements of documents are registered into the UIS by secretaries. Prosecutor's acts are first created by a prosecutor outside the system and then uploaded by a secretary.

References are based on Oracle Discoverer. It allows the generation of new references as well as modifying the existing ones.

The improvement in the UIS is provided for in activities 5 and 6 of the project "Completion and improvement of the UISCC and integration of institutional information systems with the UISCC core unit".

The information system of the National Investigation Service automates processes related to the phase of pre-trial proceedings which are investigated by the investigation services. The system is a version of the UISCC adapted to the needs of the investigation authorities so its functionalities are the same.

Table 1. Prosecutor’s Office information system

Name	Short description	Number of prosecutor’s offices where implemented	Problems
Unified Information System (UIS) of the prosecutor’s office	The database is updated with all the information about developments and movements of files and cases as well as documents related to the respective proceedings with prosecutor’s acts attached. A datawarehouse of the UIS is currently under construction.	The system has been implemented and used in all prosecutor’s offices in the country but the Appellate, District and Regional Prosecutor’s Office of Plovdiv and the Regional Prosecutor’s Office of Asenovgrad which use their own information system and ensure regular automatic data migration to the UIS.	1) Incorrect or incomplete data upload regarding files and criminal proceedings which impedes the use of the full capacity of the system and compromises the information available; 2) The system’s reference module is not flexible and dynamic enough to meet the increasing requirements to the Prosecutor’s Office for provision of statistical and operational information. This creates a significant difficulty for all prosecutor’s offices because the information required by Bulgarian, European, and international institutions and various non-governmental organisations needs to be extracted from the journals thus involving considerable human resources. Moreover, this approach to retrieving information leads to a number of errors and omissions.

Source: Analytical report on the development of information technologies in the judiciary and their interaction with the information systems of the executive, the regulatory framework and the preceding strategic papers in the field including their entire generation process.

Box 1. UIS Improvement

The project envisages the following improvements:

- single data entry for incoming/outgoing documents;
- sending of an automatic e-mail containing a reference number;
- drop off of the hard copy registration of incoming/outgoing documents and entering this information by a secretary directly in the UIS;
- printing of journals;
- development of functionality for the random assignment of files within UIS2;
- use of a single information system for registering all operations related to a file (incl. distribution and reporting of workload);
- improvement of legal qualification entries and linking all entries to the relevant versions of the laws;

Box 1. UIS Improvement (Continuation)

- creation of on-the-screen versions of different types of documents related to the functionalities;
- improvement of the file registration – adding the option to choose a type of file;
- implementation of a validation mechanism;
- adding of automatic change of the phase or status of the file;
- optimisation of data upload not allowing double entries;
- optimisation of file movement – file grouping, separation or movement among prosecutor’s offices – in order to avoid double entries;
- development of the module related to tracking deadlines and creating reminder notices when a deadline approaches;
- development of a file archive module to automate the work of the Archives department;
- optimisation of the secretary’s functions related to common administrative documents – correspondence, resolutions, etc.;
- improvement of the ad hoc reference system – related to prosecutors’ workload by type and number of documents they issue.

Source: *Project “Completion and improvement of the UISCC and integration between institutional information systems and the core unit of the UISCC”.*

1.9. System functioning

The Secretary’s Department is responsible for uploading to the system information about files and cases as well as about incoming and outgoing correspondence. Appellate, military-appellate, district, military-district and regional prosecutor’s offices each have a computer operator with secretarial functions who uploads data to the Unified Information System of the Prosecutor’s Office of the Republic of Bulgaria related to all files, pre-trial proceedings as well as all incoming and outgoing correspondence of the respective prosecutor’s office. They also retrieve statistical information from the system. When needed, court secretaries³ also upload information to the Unified Information System of the Prosecutor’s Office.

The Prosecutor General, his/her deputies and heads of departments of the Supreme Prosecutor’s Office of Cassation have full access to all files and cases. They could check at any time the current status of a file or a pre-trial proceeding, what actions have been taken by the respective prosecutor or investigators, what rulings have been made and whether the deadlines for announcing a decision have been kept. Administrative heads of the prosecutors’ offices have the same rights but limited to the files and pre-trial proceedings in the prosecutor’s office they are responsible for.

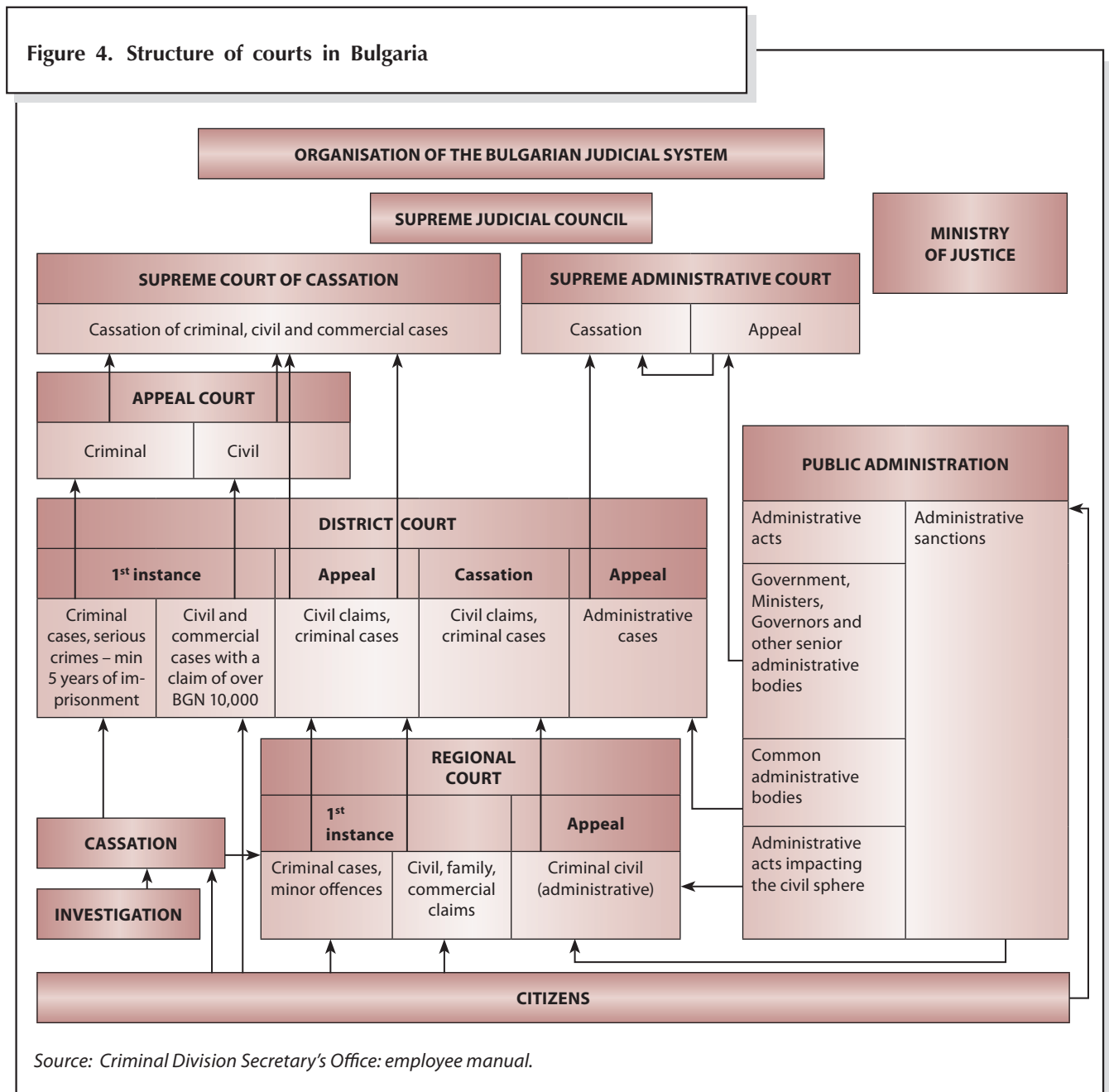
Transferring, processing and sending of classified information on electronic-magnetic media are prohibited.

³ Court secretaries assist prosecutors and investigators by processing documents, drafting protocols and other types of papers.

UIS maintenance and updating in accordance with legislative changes are carried out by the IT department at the Administration of the Prosecutor General.

2. COMMON COURTS

There are 113 regional courts, 28 district courts (incl. Sofia City Court), 28 administrative courts, 5 courts of appeal, the Supreme Court of Cassation and the Supreme Administrative Court in Bulgaria. In addition, there are 4 military courts – in Sofia, Plovdiv, Pleven and Sliven as well as a Military Court of Appeal in Sofia.



The latest amendments of the *Law on the Judicial System and the Criminal Procedure Code* provide the establishment of a Specialised Criminal Court with the same status as a district court with the jurisdiction to hear cases related to organised crime and, as a second instance – a Specialised Court of Appeal. A case regarding these amendments, however, as of mid-2011 is still pending at the Constitutional Court so the establishment of specialised courts is largely dependent on the outcome of the proceedings.

2.1. Scope of court secretariats' activity

Court operation is assisted by common and specialised administration. Administrative departments are formed according to the needs and the size of each court. Of all components of common administration, only the division of Information Service, Statistics and Information Technologies falls into the focus of this study. This division updates and maintains courts' information systems, it is responsible for the integration of the court's information system with those of other institutions, uploads to the website the court's regulations, having entered into force, assists the court's administrative management in collecting and summarising statistical information, etc.

Specialised administration comprises of:

- **Registry Department** – it receives, registers and allocates/distributes incoming correspondence, sends out outgoing correspondence and keeps an exchange book and provides information about incoming and outgoing mail. Keeps an incoming and outgoing journal (a description of all documents received by the court) both on hard and electronic copy. The exchange book contains information about the circulation of documents among the court, the prosecutor's office and the mailing services for a given year. The registry keeps record of applications for access to public information (according to the Law on Access to Public Information). In administrative courts the registry office also keeps a journal pursuant to Article 251, paragraph 3 of the Administrative Procedure Code, of the exact time and sender of submitted requests for termination of actions of an administrative body or an official where the requests are not based upon administrative act or law.
- **Classified Information Registry Department** – it is a separate unit operating exclusively with classified information. It is established according to the volume and nature of classified information received by the respective court. In cases of working with international classified information, a registry for international relations might be opened. These registry offices are equipped to ensure protection against unauthorised access and disclosure of their operations. In the Supreme Administrative Court, there is a Protection of Classified Information Department which is responsible for this. The incoming journal for classified information which is kept by the Protection of Classified Information Department in the Supreme Administrative Court contains the following information about received documents: reference number, date of arrival, outgoing reference number of the sender and date of sending, a short description, name and address of sender, level of security classification, number of pages.

- **Court Secretary's Office** – supports proceedings on pending cases and court acts, having entered into force; groups incoming documents as allocated to rapporteurs; inputs data in the respective secretary's books and journals; lists and sends out summons prepared according to a model as well as draws up notifications on all but postponed cases; arranges and presents newly received documents on pending cases to judge rapporteurs; tracks deadlines of proceedings, presents cases to rapporteurs and follows their instructions; organises and keeps files and cases ordered at the secretary's office; provides information on the cases; upon the order of the rapporteurs prepares and sends to the respective instance cases for which appeals have been received; transfers closed cases to the archives; keeps a calendar of scheduled cases; puts down both in the electronic folder and on paper the status and location of each case. The secretary's office keeps 11 types of books and journals on paper and in electronic form. They follow a pattern which is the same for all courts and refer to a calendar year. Special registers for criminal cases contain information related to measures for the protection of witnesses and permits for the use of special investigation techniques. These include:
 - **Index** of all instituted criminal, civil, commercial, corporate, execution, administrative and registry cases. It provides quick information about the reference number of initiated cases only by name. Defendants' names could be indexed and used to retrieve information about the criminal cases;
 - **Inventory book** – provides information about cases from the start of the proceedings until their transfer to the archives. It is kept separately for criminal, civil, commercial, administrative and execution cases and reflects any changes in the course of the proceedings;
 - **Journal of open sessions** – provides information by date about scheduled sessions and their status; a separate journal is kept for different types of cases;
 - **Journal of closed and preparatory sessions** – it is used for recording the outcome of closed and preparatory sessions;
 - **Book for the enforcement of effective sentences and rulings** pursuant to Chapter 29 (twenty-nine) of the Criminal Procedure Code – it is used to put down information about effective sentences and setting the timeframes for their passing to executive bodies;
 - **Book of material evidence** – contains information about the storage and movement of material evidence related to criminal cases;
 - **Book of received and returned summonses and other court papers;**
 - **Register of judgments pursuant to Article 235, paragraph 5 of the Civil Procedure Code** – it is used to register the number of the case, the date of recording the decision and the operative part of the decision;
 - **Register pursuant to Article 251, paragraph 3 of the Administrative Procedure Code** – it contains information about the requesting person as well as the date and time of submitting the request.
- **Archives Department** stores all closed cases, secretary's books and documents. Closed cases are transferred to the archives at least two months after their completion and before the month of June of the following calendar year. To this end the department keeps a sepa-

rate book of archives for civil, criminal, administrative, commercial, corporate, real estate and execution cases. Cases are recorded in the respective book by the order of their initiation and are given an archive number and a batch number (the batch is an archival folder containing several cases). Each batch receives a sticker with its number and the archive numbers of the cases included. When a case is transferred to the archive a sticker is placed on the last page with information about the total number of documents in the folder.

The database of all secretary's programs is archived after each 10 years' period of time on two identical media which are stored for 50 years under special conditions.

After the expiry of storage periods documents of great significance are selected and transferred to the state archives' fund. The selection is made by a special committee following the instructions of the Archives State Agency. The remaining documents are destroyed after an inventory is made in triplicate.

2.2. Creation and keeping records

All documents pertaining to initiated proceedings are placed in standard folders following coloured coding for the different types:

- folders of **criminal** cases are **red**;
- folders of **civil** cases are **yellow**;
- folders of **administrative** cases are **white**;
- folders of **corporate and commercial** cases are **yellow**;
- folders of **execution** cases are **manila**;
- folders of **registry** cases are **grey**;
- folders of **insolvency** cases are **blue**.

The name of the court, the subject and the parties of the case, the initial and final date, the judge-rapporteur and the dates of scheduled open court sessions are put down on the front cover of the folders.

The number of a case is derived by the following pattern: **year**, unified information **code of the court** according to a standard list annexed to the *Regulations on the administration of regional, district, administrative, military and courts of appeal*, **number specifying the type of the case**: 01 – first-instance civil cases, 02 – first-instance criminal cases, 03 – real estate cases, 04 – execution cases, 05 – second-instance civil cases, 06 – second-instance criminal cases, 07 – administrative cases, 08 – corporate cases; **five-digit serial number of the case**.

Documents received in relation to a certain case are attached to its folder chronologically by order of reception and are numbered. If they are too many a second folder is attached to the first one bearing the same case number; the first folder is then labeled as Volume 1 and the rest receive the respective volume numbers.

Pre-trial proceedings' files and the files of non-judicial bodies are attached to the back cover of the cases.

Folders of current cases are arranged vertically by their serial number and colour for each calendar year. Cases with a deadline for specific proceedings are arranged separately. Cases on which closed sessions are held are arranged at yet another place.

Uncompleted cases are not attached to other case folders and are not sent to other institutions. Certified copies of documents on scheduled cases may be sent with the permission of the responsible judge-rapporteur upon the reasoned request of another court, prosecutor's office or district investigative departments.

2.3. Making court files available

Court files in their entirety are not accessible under the *Law on Access to Public Information*,⁴ even though it covers all state bodies and public entities.⁵ Access to court files is regulated by the *Regulations on the administration of regional, district, administrative, military and courts of appeal* issued by the Supreme Judicial Council.⁶ It stipulates that access to court files should be granted only to the parties to a certain case, their representatives and attorneys. Citizens who are not parties to a case could have access if there is legal interest (recognised and legally protected benefit, advantage, or profit) stated in a reasoned written request. Parties, their representatives and attorneys can access files at the court's secretary's offices and may also receive paid copies.

Access to court files is granted at the premises of the secretary's office of the court or in a reading room where available. Parties and their representatives can have copies of documents attached to the case by the secretary's office on the day of their request upon payment of a standard fee.

The court secretary may grant access to court files to people who are not parties in the case only after a written request is submitted and permission is given by the judge-rapporteur. All citizens who are not parties to a case must submit a written reasoned request for access to the case or for obtaining court certificates, copies or excerpts of documents attached to the case. The request must specify the legal interest of the person in the respective case. It should be submitted at the secretary's office and the secretary passes it on to the judge-rapporteur. The serial number of the request is put down in the register of applications for access to public information in courts together with the name of the person, the reference number and the date of the request as well as a short description of the requested information, number, date and the decision "full access granted", "partial access granted", or "access

⁴ Access to Public Information Act – Promulgated SG 55/7.07.2000, amended SG 1/4.01.2002, amended SG 45/30.04.2002, amended SG 103/23.12.2005, amended SG 24/21.03.2006, amended SG 30/11.04.2006, amended SG 59/21.07.2006, amended SG 49/19.06.2007, amended SG 57/13.07.2007, amended SG 104/5.12.2008, amended SG 77/1.10.2010, amended SG 39/20.05.2011.

⁵ See Article 3, paragraph 1 – 4 of the Access to Public Information Act.

⁶ Regulations on the administration of regional, district, administrative, military and courts of appeal – issued by the Supreme Judicial Council, Promulgated SG 9/29.01.2008, amended SG 28/14.03.2008.

denied". Recordings in the incoming and outgoing journal, the register of applications for access pursuant to the Access to Public Information Act and in administrative courts in the register pursuant to Article 251, paragraph 3 of the Administrative Procedure Code are given consecutive numbers. The judge grants or denies access on the day of the request or within 24 hours of its submission.

The secretary is allowed to provide the following information to everyone who requests it and is not a party in the case:

- date and time of scheduled sessions;
- order of suspension of proceedings;
- suspension of proceedings;
- whether a decision is announced;
- the current status of a complaint;
- decision execution.

According to Article 64, paragraph 1 of the *Law on the Judicial System* acts issued by each court should be published immediately on the website of the court. There is also a central interface for publishing court acts which is available on the internet at: <http://legalacts.justice.bg>.

As a rule the complete texts of court acts should be published. Possible restrictions are:

- Under the provisions of Article 64, paragraph 2 of the *Law on the Judicial System* acts on cases related to civil or health status of citizens should be published **without their reasons**. In these cases only the dispositive part of the act is to be published but it is still a subject to the restrictions of Article 64, paragraph 1 of the *Law on the Judicial System* and namely its part pertaining to the requirements of the *Law on Personal Data Protection*.
- Restrictions under the *Law on Personal Data Protection* – names of physical persons, personal identification numbers, addresses, details about occupation, religious identity, ethnicity, health and social status should be deleted but only when they would help identify the person even after the omission of other information; such depersonalisation only refers to physical persons. It is not limited to the parties in the case but includes all physical persons involved in the proceedings in any other capacity. The name of the magistrate who ruled the court act should not be deleted.
- Restrictions under the *Law on Classified Information Protection* – acts which do not bear a security mark are open, should be attached to the open volume of the case and their publishing should follow the usual rules for publication according to the type and nature of the respective act. In classified proceedings the court acts should not be published.

Subject to publishing are acts of jurisdiction as well as those terminating or preventing the further development of the proceedings. The following acts are not to be published:

- Acts on cases under the *Tax and Social Insurance Procedure Code*;
- Acts related to the ruling on evidential claims or movement of cases – these are acts for the movement of cases which do not put an end or prevent the further development of the proceedings but are issued by the court to administrate the proceedings or to collect additional evidence; all acts for imposing fines, assigning remuneration to experts, witnesses, public defenders and special representatives; acts for permission of legal aid, for scheduling and postponing hearings, for constituting parties, for collection of evidence by delegation, for execution of letters rogatory; acts concerning deviations in claim proceedings;
- acts for providing instructions to the parties; for admission or rejection of evidence; for issuing writs of execution;
- acts on private civil cases – on all civil appeals and complaints including those concerning court administration on which the court issues a ruling or order, by delegation of Bulgarian and foreign courts on civil cases.

Figure 5. Online access to information through the website of the Supreme Administrative Court: search interface

ВАС - Търсене на информация - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://www.sac.government.bg/court22.nsf/(\$All)/\$searchform?SearchView

Most Visited Getting Started Latest Headlines

ВАС - Търсене на информация

Посочете документите, които ще търсите:

Жалби Дела Решения Протоколи Във всички изброени

1. Търсене по номер на жалба, дело или съдебен акт:
Въведете номер година

2. Търсене на текст:

Възможност за варианти: Да Не
Приблизено: Да Не

Done

start ВАС - Търсене на ин... BG 6:33 PM

Source: The Supreme Administrative Court

Access of citizens to court files in the **Supreme Administrative Court** is provided in several different ways. References could be made in the secretary's office or over the telephone. The rules for the organisation of the work of the Supreme Administrative Court designate special employees who provide information about the cases. These are the court informers who provide information and references to the parties in the case and/or their representatives about the movement of papers received in the court and the cases initiated. The departments of Registry and Secretary's Office prepare the references for the parties in a case and their representatives uninterruptedly during the working hours following a roster.

The Supreme Administrative Court provides an opportunity for online checks and references through the best developed system for access to court files. It allows viewing of scanned copies of the original docu-

Figure 6. Online access to information through the website of the Supreme Administrative Court: search results

The screenshot shows a web browser window with the following content:

Намерени 3 документа.

	Подател	Във връзка с	Отделение	Образувано заседание
13/2010	Мария Иванова Иванова		Петчленен състав - I колегия	
	Решение №13 от 04.01.2010 по Дело №12830/2009			
13/2010	"Имянекс"ООД	Дело № 267/2005 на ОС Пловдив	Шесто отделение	01/04/2010 P/O

Посочете документите, които ще търсите:

Жалби Дела Решения Протоколи Във всички изброени

1. Търсене по номер на жалба, дело или съдебен акт:
Въведете номер година

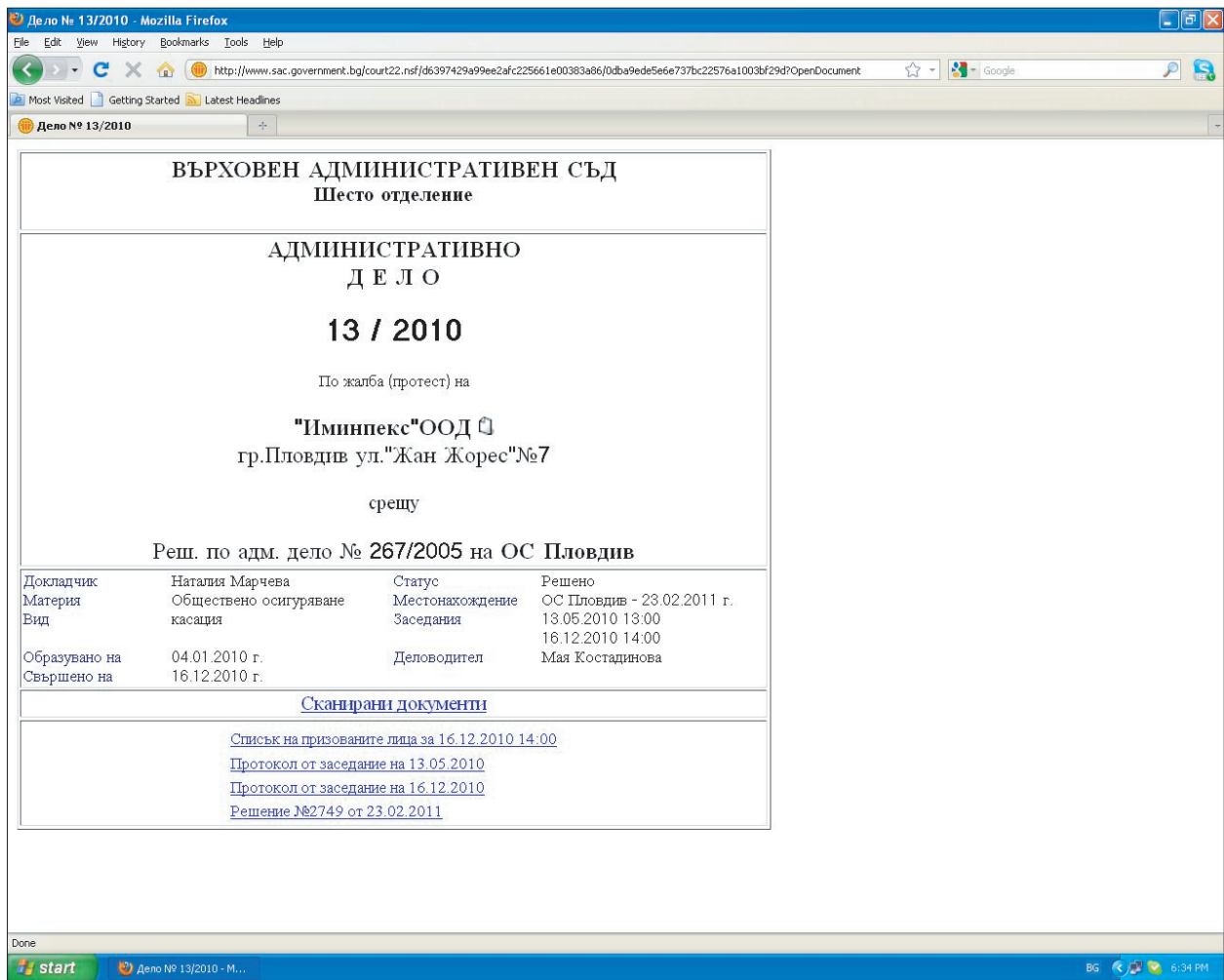
2. Търсене на текст:

Възможност за варианти: Да Не
Приближено: Да Не

Source: The Supreme Administrative Court

ments – appeals, complaints, protocols, decisions, which could be copied or downloaded.

Figure 7. Online access to information through the website of the Supreme Administrative Court: information available about a certain case



Source: The Supreme Administrative Court

The Supreme Court of Cassation also has a well developed website which allows the identification of a certain case by its parties, information from a lower instance, incoming number in the Supreme Court of Cassation, or by the number of the case in the department. The website provides access to the full text of court rulings (with personal data deleted) after 01.10.2008.

Figure 8. Online access to information through the website of the Supreme Court of Cassation: search interface

Справки за дела

Уважаеми посетители,

Чрез тази страница можете да осъществите директен достъп до информационната система на Върховният касационен съд на Република България. Имате възможност да идентифицирате дадено дело по страни, данни от долна инстанция, входящ номер във ВКС или по номер на делото в отделението.

При търсене връщашо повече от един резултат, моля изберете дело за което искате да получите информация.

Ако има постановено съдебно решение след 01.10.2008 г. имате достъп до пълния текст на решението (със заличени лични данни) чрез бутона **Пълен текст**, разположен странично.

ТЪРСЕНЕ НА ДЕЛО

Търсене по номер на дело

Номер на дело

Година

Отделение

Частно производство

Търсене по входящ номер във ВКС

Входящ номер

Година

Търсене по номер на дело в предишна инстанция

Съд

Номер на дело

Търсене по име на страни

Име на страна

Година

Source: *The Supreme Court of Cassation*

The websites of the six courts of appeal in the country – in Sofia, Burgas, Varna, Plovdiv, and Veliko Tarnovo, as well as the Military Court of Appeal provide users with information about schedules of cases and give access to the full text of court rulings. The principles of accessing information differ on each website – the rulings may be published as a numbered list or there may be a system for searching by number of case and year.

It should be noted that there is a difference in the method of formation of the domain of the courts of appeal:

- Court of Appeals Sofia: <http://acs.court-bg.org>
- Court of Appeals Burgas: <http://www.bgbas.org/>
- Court of Appeals Veliko Tarnovo: <http://vtac.court-bg.org/>
- Court of Appeals Plovdiv: <http://www.apelsad-pd.bg>

- Court of Appeals Varna: <http://www.appealcourt-varna.org/>
- Military Court of Appeals: <http://vasbg.com>

Even though websites are being indexed by search engines all these differences make access to courts' websites far from intuitive.

All 28 **district courts** have websites and those that are newer follow a logical structure of domain formation. They all provide information about scheduled hearings and offer access to court acts of closed cases. Differences in the implemented information systems mean different paths to accessing court acts. Some of the websites use search interface, others have the acts arranged chronologically and there are some that facilitate both ways for users' convenience.

All 113 **regional courts** have websites, each of them containing information about scheduled hearings and published court acts. There is a

Figure 9. Centralised web-based interface for publishing court acts (CWBIPCA): search interface

Публикувани съдебни актове - Mozilla Firefox

File Edit View History Bookmarks Tools Help

http://legalacts.justice.bg/AdvancedSearch.aspx

Most Visited Getting Started Latest Headlines

Публикувани съдебни актове

Съдебни актове

Вход

Търсене

Разширено търсене

Разширено търсене на съдебен акт

Съд: Всички

Вид дело: Всички

Дело No/Година: / Всички

Съдебен състав или съдия:

Вид на съдебния акт: Всички

Статус на съдебния акт: Всички

Номер на акт/Година: / Всички

Дата на постановяване: От дата: / До дата:

Ключова дума/и в текста на акта:

Включи актовете по свързани с делото дела на други инстанции

© 2009

Done

start Публикувани съдеб... BG 7:24 PM

Source: Centralised web-based interface for published court acts

problem with some of the websites created for example through hit.bg which offers free hosting because they are not indexed by search engines thus being less accessible than others.

Apart from courts' individual websites there is a Centralised web-based interface for published court acts (CWBIPCA) available at: <http://legalacts.justice.bg/>.

Figure 10. Centralised Web-Based Interface for Published Court Acts (CWBIPCA): information available about a specific case

The screenshot displays the 'Публикувани съдебни актове' (Published Court Acts) interface in Mozilla Firefox. The page title is 'Съдебни актове' (Court Acts). The main content area is titled 'Детайлна информация' (Detailed Information) and contains the following data:

Данни за делото	
Съд:	Софийски градски съд
Вид на делото:	Възвиевно гражданско дело
Номер на делото:	1
Година:	2011
Съдебен състав / Съдия:	ВАЛЕНТИНА АНГЕЛОВА, ГАЛЯ Й. МИТОВА, МАРИЯНА Н. АНГЕЛОВА
Данни за акта	
Вид на акта:	Решение
Номер на акта:	2295
Дата на постановяване:	21.4.2011 г.
Дата на влизане в сила:	
Статус на акта:	Не е влязъл в сила
Съдържание на акта:	Изтегли
Дата на постановяване на мотива:	
Съдържание на мотива:	
Данни за изпращане в по-висша инстанция	
Съд:	
Исходящ номер:	
Година:	
Тип на документа:	
Дата на изпращане:	
Резултат от обжалване:	

Below the table, there is a section for 'Свързани съдебни актове' (Related Court Acts) with the message: 'Не са намерени свързани съдебни актове' (No related court acts found).

Source: Centralised web-based interface for published court acts

The Centralised Web-Based Interface for Published Court Acts is a database supplied with information by all types of courts' information systems and providing access to an aggregate array of court acts with a user-friendly interface. Currently only the website of the Gabrovo district court has a link to it.

2.4. Complaints and motions

Websites of some courts have feedback forms which citizens could use to send complaints, signals and recommendations to the court. It requires that citizens fill in their names and e-mail addresses.

2.5. Keeping registers

Starting with the first documents of the newly opened case until its completion the secretary is responsible for recording information about incoming documents and the status of the case in various books.

Books and registers contain information about civil, criminal, corporate, administrative, execution and registry cases. A new book is started every calendar year and the numbering is reset for each type of case.

Secretary's books and registers are standard as described in the *Regulations on the administration of regional, district, administrative, military and courts of appeal*. Below is a detailed description of the most widely used books:

1. **Inventory book:** The secretary registers new cases in the inventory book. It should be done by the next working day after the court's chairperson or a judge appointed by the chairperson receives the case. Each case is given a number matching its number in the inventory book where cases are recorded by order of their arrival. The inventory book provides information about cases from their beginning until they are transferred to the archives. It contains the following data:
 - number of the case;
 - date of opening the case;
 - subject of the case;
 - parties in the case;
 - date of court act;
 - number and date of the letter which sends the case to another instance or with which has been received from another instance;
 - number of archived file (after the case is closed).
2. **Index:** After recording the information in the inventory book the secretary enters it in the Index book. It is designed to provide quick reference to the number of a certain case by the name of one of its parties. It contains the number of the case, the names of the parties and address. It is organised by the names of:
 - the accused (for criminal cases of a general and private nature);
 - complainants and defendants (for criminal cases of administrative nature);
 - persons for whom forced medical measures are requested;
 - convicted persons in rehabilitation cases;
 - party in the case on which damage is inflicted.
3. **Schedule book** – provides information about scheduled hearings. The information about the first hearing of a case is put down by the secretary and the rest – by the court's record-keeper. The book contains:
 - number of the case;
 - date of opening the case;
 - scheduled date of the hearing;
 - name of judge-rapporteur.

4. **Journal of closed and preparatory sessions** – provides information about closed sessions. The secretary enters information in this journal only after the end of closed or preparatory sessions. The journal contains:
 - number of the case;
 - composition of the court or judge-rapporteur;
 - outcome of the session;
 - number of the court act;
 - date of the court act.

5. **The outgoing journal** is used to register all documents leaving the court (e.g. court orders, decisions and rulings). Copies of outgoing documents are attached to the respective cases. The outgoing journal contains the following data:
 - outgoing number;
 - description of outgoing documents;
 - recipient;
 - way of sending the documents (by regular mail, delivery service, e-mail, etc.)

6. **The book of exchange** contains information about cases which are sent to a higher or lower instance and about correspondence with other courts and prosecutor's offices. It is organised by date. It includes:
 - date of sending the case to another court;
 - name of the court to which the case has been sent;
 - number of the case;
 - number of the case at the other instance upon its return;
 - signature of the employee or courier receiving the case.

The following information is recorded concerning correspondence:

- number of the case,
- recipient,
- number of pages of the documents.

2.6. Mail reception and sending

The process of **receiving, sending and handling correspondence** is regulated by the *Regulations on the administration of regional, district, administrative, military and courts of appeal*. It stipulates that receiving incoming mail and sending outgoing mail should be the responsibility of the Registry departments of courts. Documents received by the court should be legible, preferably on A4 paper. They are registered in the respective books. Envelopes of incoming mail should also be stored. When documents are received by mail the number of the receipt or the date of the postal stamp should be put down on the first page.

Papers related to pending cases should be transferred from the Registry department to the Secretary's Office on the day of their arrival. Papers upon which cases are initiated should be transferred not later than the day after their arrival to the court's administrative head or to a judge appointed by him/her who would open a case if procedure requirements are met, would determine its type and appoint a judge rapporteur following the principle of random assignment.

The courts correspond with parties through court summons officers – court clerks who serve court papers. The summons officers receive court papers (subpoenas, documents and notifications of procedural actions in the cases), prepared by Court Secretary's Offices or Registry Departments and deliver them to the parties. Documents are handed personally within the city in which the court operates. In smaller settlements summonses are mailed or sent to the mayors. Summonses can also be sent by: telephone, fax, telex or through the State Gazette.

According to the Sofia Regional Court's President Krassimir Vlahov⁷ in courts only there are 624 summons officers, and more than BGN 10 million (5 million Euro) are spent for summoning parties annually. At the same time, on one hand, the summoning system in Bulgaria is not effective, especially in big cities, and, on the other hand, it is conducive to spreading corruption. The litigation is, consequently, expensive and slow.

It is admissible within the civil proceedings to serve summonses and notifications at an e-mail address specified by the party. In some courts (e.g. District Court of Burgas), this opportunity is already being successfully used. Under the current system, summonses and notices are considered to be served upon their entry into the information system of the addressee. The summoning and serving of other documents to state and municipal institutions electronically is possible within the existing single environment for the exchange of electronic documents (SEEED) – an existing system of standards for information exchange between institutions, supported by the Ministry of Transport, Information Technology and Communications. This option is still not used. In September 2011, at the initiative of the Supreme Court President Prof. Lazar Gruev, the opportunities for gradual introduction of e-summoning were discussed at a workshop with representatives of the executive and judicial branch, as well as of NGOs. A working group of lawyers and IT specialists was tasked to prepare concrete proposals for legislative changes, and technological and personnel solutions. Sometimes the court must cooperate or exchange letters with a court in another country regarding a matter of criminal proceedings.

Contacts with foreign courts are made through the International Legal Aid Department at the Ministry of Justice. Following the orders of the judge rapporteur the secretary sends the documents to the Ministry of Justice requesting the respective procedures from the foreign courts. This is a specially designed set of documents available at the Ministry of Justice. The secretary prepares two identical sets of the documents and sends them with a cover letter. Documents are also accompanied by a translation to the respective language. Procedures executed by foreign courts may include handing of papers, interrogation of witnesses, defendants and other persons, carrying out investigations, inspections and searches, seizure and handing over of material evidence, etc.⁸

⁷ Желева, Павлина. Само съдът харчи 10 млн. лв. годишно за призовки.// *Дневник online*, 28.09.2011, http://www.dnevnik.bg/bulgaria/2011/09/28/1165064_samo_sudut_harchi_10 mln_lv_godishno_za_prizovki/

⁸ Criminal Division secretary's office: employee manual, Project for the development of the Judiciary in Bulgaria.

2.7. Court IT systems

Currently courts around the country use five types of **information systems for case management** each of them keeping a digital copy of documents and processes. Each system needs to be updated in accordance with the changes in legislation. This has been accomplished so far through projects within Operational Programme Administrative Capacity.

The Judiciary recognises the need of coherence between the case management systems and the Ministry of Interior and Directorate General Execution of Penalties but it remains unaccomplished.

The most widely used software is the **Court Administrative System “Court Clerk”**. It creates a digital record of the work of court officials and magistrates in regional, district, administrative and courts of appeal and there are four relevant versions for every type of court. Functions of the system fall into several main groups: generation of database and electronic folders, preparation of necessary output (court books, references, statistical reports, etc.), security functions. The system supports the following basic activities:

- registration of documents received in court;
- registration of documents leaving the court;
- resolutions and appointment of judge-rapporteur;
- initiation of cases – includes functions for initiating cases upon the receipt of incoming documents, returned for reconsidering, re-opened, submitted for further investigation or entered by jurisdiction;
- scheduling of open court sessions;
- preparation of an open session;
- registering of court acts;
- informing parties of the court acts;
- module Court Summons facilitating automation of the work of court employees from the unit for handing summonses and court papers;
- execution of court acts;
- registration of cases returned from higher instances and the outcome of higher court rulings;
- archiving of court cases;
- automatic tracking of deadlines;
- entering information about the physical location of a case;
- opening and maintaining of electronic folders for the cases;
- preparation of court acts to be published on the court’s website;
- automatic keeping and printing of court books;
- compiling statistical information (by various criteria) needed for the daily work of magistrates and court officers;
- generation of statistical references and reports of the court’s work;
- activities related to system administration.

The System for Court Case Management was designed and developed in 2005 as a web-based database system which is to be installed in a court. It could be accessed through a standard web browser: Internet Explorer, Mozilla Firefox, Opera, etc. **It is operational in Sofia District Court and 10 regional courts in the district of Sofia.**

The system stores and processes the full information about opened, running, suspended and completed cases including details about events and documents related to them. It allows automatic assignment of cases, generation of summonses, notifications and references about the status, progress and history of court cases.

The Automated Case Management System was developed in 2001. It is implemented in the Supreme Court of Cassation, Sofia Court of Appeals and 13 regional, district and administrative courts.

The system's specification includes the following functions:

- entering information about cases;
- case management;
- indexing and numbering of case documents;
- linking cases;
- management of registers and keeping entries in court books;
- user management;
- printing of documents;
- publishing information about the case status;
- making schedules;
- random assignment of cases;
- archiving of cases;
- publishing of information about cases;
- automatic deletion of personal or confidential information in court rulings;
- statistical data processing.

System for Court Case Management – EMSG Kodinov has been developed since 1996 using the Events Monitoring System Generator (EMSG) platform. **It is implemented in three courts of appeal – Plovdiv, Burgas and Veliko Tarnovo.** Each file of the secretary's system is presented as a chronological set of various facts (information about upcoming or past events). Electronic folders for cases are kept in the system. The principle of electronic files is implemented in a way that allows attachment of electronic documents to every step of an event. The system implements the following specific functions:

- notification for missed deadlines and other events (this feature is not operational yet);
- incremental numbering of electronic registers;
- printing of documents for automatic generation of summonses, records, notifications, messages, announcements and other outgoing documents;
- uploading of publicly accessible information about the status of cases;
- random assignment of cases using an algorithm.

The Integrated information system for military courts – Court Case Management System (CCMS) is implemented in the Military Court of Appeals in Sofia, the Sofia Military Court and the Pleven Military Court. It is specially designed to meet the features of military criminal jurisdiction.

The following modules and functionalities are implemented:

- administration of **physical and legal persons** involved in the case: courts, military outfits, prosecutors' offices, bar associations; defendants and their affiliates; witnesses; experts; jury; references could be made in the system by the person's name and involvement; connections could be followed between people and documents;
- administration and management of all **incoming and outgoing documents** in military courts; management of the internal document flow; administration of incoming and outgoing journal; integration of templates and forms according to the requirements of military courts; control of the access to each document complying to the hierarchy and requirements of each court; control of changes made in each document and management of its movement; saving of document's content and an option of attaching files to it; grouping of documents in view of their purpose; references and document search; notification of addressees;
- setting a **task** to a court employee or department, control of its fulfillment, keeping track of deadlines, generation of contents and attachment of files, control of the access to the document;
- opening of a **case** with automatic generation of its number; administration of the case; integration of case participants according to their involvement: judge-rapporteur, chairperson, judges, jury, accused, defendants and their affiliates (defender, attorney), prosecutor, other participants (experts, witnesses, etc.); integration and generation of court sessions; integration and generation of summonses and a list of summonses for each session; management of documents related to material evidence; automatic administration of the relevant court books; generation and management of court acts; control of the execution of sentences;
- management of **court sessions**, type of case, date, time, hall; integration of minutes templates; succession of jury; management of incoming and outgoing documents; links to summonses; administration of the outcome of each session; generation and management of court acts;
- automatic generation of **summonses** using a template, creation and management of existing and new templates, generation and administration of lists of summonses, management of the outcome of handing summonses;
- generation of **court acts** and administration of the document's attributes, linking the court act to the respective case, session, jury; generation of bulletins; control of performance; control of access to the document; automatic filling in the relevant court books; management of the process of appeals; automatic tracking of deadlines; uploading of decisions; references;
- management of the **human resources**; generation of a profile for every employee at the court; administration of the court hierarchy and management of the document flow accordingly; management of vacations; management of workload.

Table 2. Current systems of case management in courts

Name	Short description	Number of courts where implemented	Problems
Court Administrative System "Court Clerk"	The system covers over 90% of the court activities.	146 regional, district and administrative courts	
System for Court Case Management – Siemens	Developed in 2005.	Sofia District Court and 10 regional courts in the district of Sofia	Users experience significant difficulties with the low speed of system operations and performance. They often choose alternatives to using the SCCM even though the system features the necessary functions. The fact that users avoid entering data in to SCCM affects the entire work of the court, e.g. for this reason court acts are not uploaded to the Centralised web-based interface, this makes it difficult to retrieve information from the archives (citizens need to make numerous runs from the secretary's office to the archives of the court), this is the reason why document exchange cannot be accomplished without using paper copies, etc. It is the poor operational speed of the system that makes it unsuitable for criminal departments.
Automated Case Management System	Developed in 2001.	The Supreme Court of Cassation, Sofia Court of Appeals, 13 regional, district and administrative courts	
System for Court Case Management – EMSG Kodinov	Under development since 1996 by ET Parallel, after 2006 the copyright is handed over to Dekstro Group OOD.	3 courts of appeal	Uses a closed and outdated software platform which is not further developed and there is no sufficient information available.
Integrated Information System for Military Courts – Court Case Management System (CCMS)	Fully developed in 2008, fully automated electronic processing of court cases, the document flow is reduced, allows monitoring of all activities and electronic transfer of cases to higher instances.	3 military courts	

Source: Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.

3. UNIFIED INFORMATION SYSTEMS AND THE SITUATION OF THEIR INTEGRATION

3.1. Software in the Judiciary

Apart from case management information systems which have already been implemented in courts, prosecutor's offices and other institutions, there are five more software products which digitise various functions, some of them having different common features.

Table 3. Specialised information systems

Name	Short description	Number of courts where implemented	Problems
Application for Random Assignment of Cases – LawChoice	The application is used for the random assignment of cases within each court. Software versions have been developed also for the investigation and prosecutor's offices.	The application is implemented in 165 courts. The Implemented Systems for Court Case Management have the same function for random assignment of cases which courts use instead of the LawChoice application. Courts using the Automated Case Management System do not use LawChoice. All prosecutor's offices use LawChoice but only as a temporary option.	Using the module in the institutions of the Judiciary has raised serious concerns about: <ol style="list-style-type: none"> 1) implementation of the assignment algorithm; 2) inherent possibilities to manipulate the choice; 3) functionality and organisation of usage (e.g. sometimes it is necessary to manually edit the number of prosecutor's rulings which is not considered good practice).
Automated Information System "Conviction Records"	Unified integrated system automating all operations related to issuing certificates of conviction and reports of convicted persons.	The Automated Information System "Conviction Records" is implemented successfully in all regional courts. Information about convicted foreign citizens is saved on a central server in the Ministry of Justice. A ruling of the Supreme Judicial Council allows access to the central database and makes it possible to issue reports and references for the needs of the prosecutor's office	The greatest shortcoming of the Automated Information System "Conviction Records" is that information about bulletins and issued certificates of conviction is not replicated at the central server at the Ministry of Justice. Currently it only contains information about convicted foreign citizens. The lack of information at a central level is an obstacle to making references and issuing certificates of conviction. Presently, if the birthplace of a person is not within the region of the court issuing the certificate an electronic message is sent to the birthplace court, the person is identified there, a search is performed through the bulletins of conviction and a reply is sent back. If data from bulletins of conviction are replicated to the central server at the Ministry of Justice, searches would be made there avoiding exchange of messages and thus speeding the process of issuing certificates of conviction.

Table 3. Specialised information systems (Continuation)

Name	Short description	Number of courts where implemented	Problems
Centralised Web-based Interface for Publishing Court Acts	The main purpose of this product is to facilitate publishing of court acts pursuant to Article 64 of the Law on the Judicial System deleting any personal and confidential data. Information about court acts is published through the case management systems at the courts. This system comprises two parts: a web-portal and a web-service.	All courts and the System for Court Case Management send information to the interface on a daily basis. By 20 August, 2010, the Centralized Web-based Interface for Publishing Court Acts contains over 100,000 acts.	
Integrated Information System for Management of Human Resources in the Judiciary	The system automates the following operations: keeping files of magistrates, planning of appointments, holding competitions, appraisals, trainings, keeping information about judicial officers as well as judicial and prosecutor's assistants.	This is a pilot system implemented in the Supreme Judicial Council and 13 other bodies of the Judiciary (the Supreme Court of Cassation, the Supreme Administrative Court, the administration of the Prosecutor General, the Supreme Prosecutor's Office of Cassation, the Supreme Administrative Prosecutor's Office, the National Investigation Service, Sofia Court of Appeals, Sofia Prosecutor's Office of Appeals, the Administrative Court of Sofia City, Sofia City Court, Sofia City Prosecutor's Office, Sofia Regional Court and Sofia Regional Prosecutor's Office).	The major shortcoming of the Integrated Information System for Management of Human Resources in the Judiciary is that no information about magistrates has been imported into the system. The specific nature and the structure of information accumulated by the time the system was implemented do not allow their automatic migration into the system. Another problem arises from the lack of flexibility of the system – it accomplishes the necessary business processes without really taking into account the specifics of their implementation which causes inconveniences to users working with the system.

Table 3. Specialised information systems (Continuation)

Name	Short description	Number of courts where implemented	Problems
Specialised Software for Monitoring and Control of Experts' Activities	This system has been integrated with the case management systems thus enabling judges and court administration officers to use it directly. As it comes to integration with the four most widely used case management systems, a unified integration method has been developed using XML exchange. Main results of the development and implementing the system include: providing better choice options; monitoring and control of expert-witnesses; random choice of experts within a certain court region and expertise; control of the quality of examinations; keeping a record file of every expert; financial accountability; keeping lists of experts.	The system has been implemented in all courts and prosecutor's offices.	The major problem of using the Specialised Software for Monitoring and Control of Experts' Activities is the lack of in-depth knowledge of the system operations and the insufficiently intuitive character of the interface. This is why lists of experts are often doubled. Another problem is that it is not possible to authorise and control the editing of data entered into the system when it comes to a casual mistake in the information about completed examinations. Another disadvantage comes by the random choice of experts, e.g. if there is no expert witness with the qualification needed in the region of the court, the system automatically appoints an expert from another region. The shortcoming is that the system has no territorial criteria and does not search through the expert lists in the nearest regions. Currently, there are no experts registered in the system who use the functions for importing electronic report-declaration which is most likely due to insufficient promotion of the system and its features among experts.

Source: Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.

3.2. Unified System for Counteracting Crime

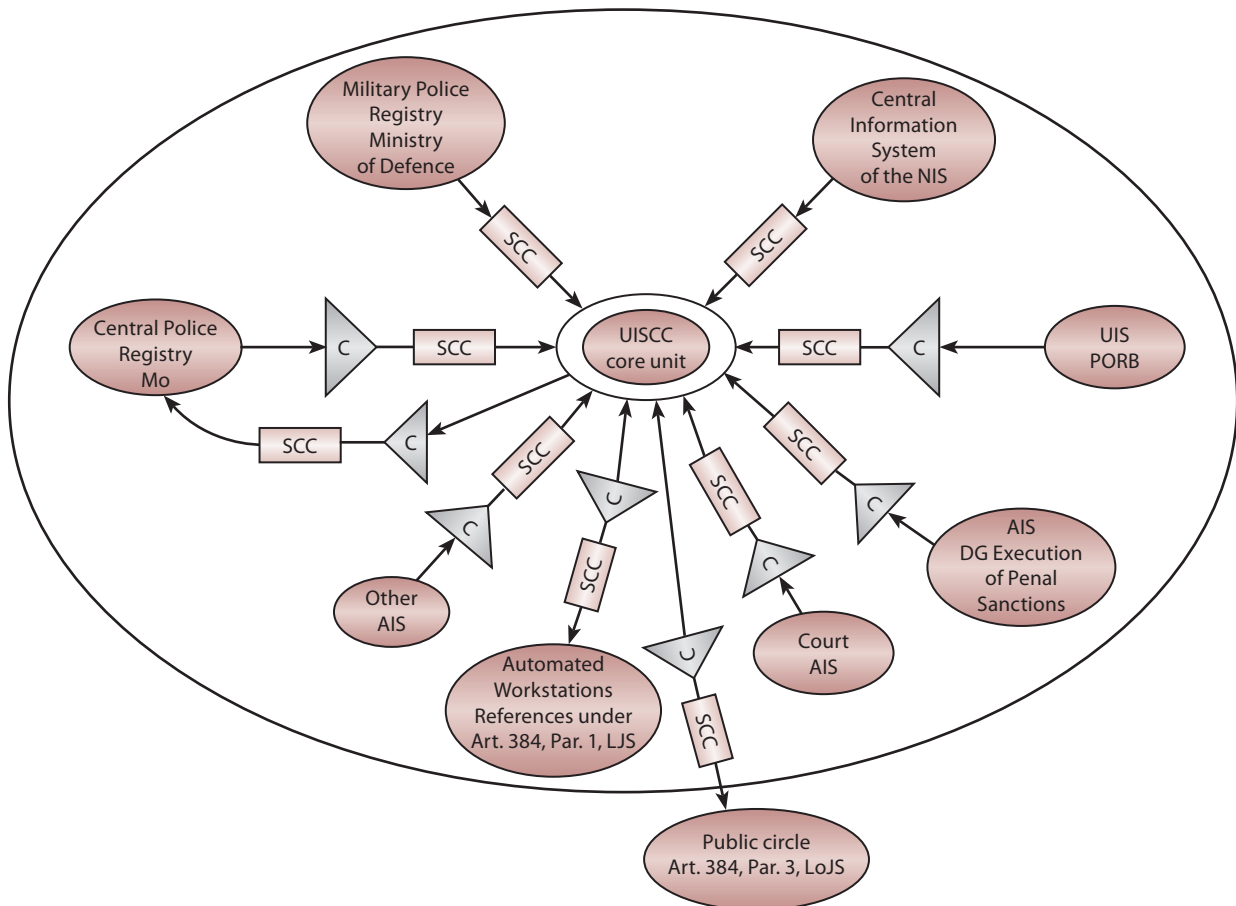
The **Unified Information System for Counteracting Crime (UISCC)** has been developed as an inter-institutional automated information system for providing information in the course of counteracting crime in the Republic of Bulgaria. It is designed to include all instances of recorded crime and to allow monitoring of the work on every crime, offender, criminal proceeding, etc. In 2011, the system is still under construction.

UISCC is a combination of automated information systems and consists of a **central component (core unit)** which is connected to **systems of the Judiciary and the Government** processing information about events and objects of criminal proceedings and the execution of penalties thus creating an overall information support of the activities for counteracting crime.

The core unit of the UISCC accumulates information from the following institutions:

- courts;
- prosecutor’s office;
- investigation;
- police;
- military police under the Ministry of Defense;
- Directorate General “Execution of Penalties” which comprises probation services, places of detention and pre-trial detention facilities.

Figure 11. Structure of the Unified Information System for Counteracting Crime



SCC – Specialised communication components

C – converter

Source: Analytical report of the development of information technologies in the Judiciary and their interaction with the information systems of the Executive, the regulatory framework and the preceding strategic papers in the field including the entire generation process.

The main functions of the UISCC under the technology of the criminal process, execution of penalties and information services are accomplished by the following subsystems:

- **Registration subsystem.** Registration of data in the UISCC could be accomplished in two ways. Under the main operational mode – exchange of information with other systems – data are recorded through processing XML packages by an established UISCC standard. Under the other two operational modes of the system – online and offline registration mode – data is entered into the central component by a user. Regardless of the operational mode, the Registration subsystem provides feedback about the output of processing the information received by UISCC.
- **Reports and Analyses subsystem.** It provides the user with tools for defining and setting requests for reports as well as tools for handling the output of the completed reports. The creation of the report is a process that the user could influence indirectly and within certain limits by choosing certain parameters of the way the report is composed.
- **Common System Information subsystem.** Provides the UISCC administrator with tools for maintaining common system information.
- **Security subsystem.** Provides the security administrator with tools to define and set data about users, automated work places and groups.
- **Communication subsystem.** Accomplishes automated data exchange between the UISCC and the information systems of relevant institutions as well as between the central and the offline components of the UISCC.

The establishment of the Unified Information System for Counteracting Crime is regulated by the *Law on the Judicial System*. The UISCC includes the information systems of the bodies and agencies of the Judiciary, the Ministry of Interior, the State Agency for National Security, the Ministry of Defense, the Ministry of Justice and the Ministry of Finance which are either part of the UISCC or exchange information with it. The financing of the institutional components of the UISCC is secured through the budgets of the respective institutions. The development, maintenance, use and improvement of the core unit of UISCC is done by the Prosecutor's Office. It is also responsible for the development of communication components linking the core unit to the systems of the respective institutions.

Based on the existing law, the Council of Ministers by its decree № 262 of 05.11.2009 adopted the *Ordinance for the Unified information system for counteracting crime*⁹ (Promulgated SG 90/13.11.2009 – in effect since 01.12.2009), which determined the way of establishing, maintaining, use and development of the UISCC, the membership and activities of the Interagency Council for Methodical Management of the system and the interaction of institutions in securing its operation.

⁹ Ordinance for the Unified information system for counteracting crime, Promulgated SG 90/13.11.2009, in effect since 01.12.2009.

On June 30, 2010, the Interagency Council for Methodical Management of the UISCC adopted an "Agreement on shared responsibility for the security of information" and an "Organisational, programmatic and technical plan for the protection of UISCC and related systems". On August 30, 2010, the agreement was signed by the Supreme Judicial Council, the Chair of the Supreme Court of Cassation, the Prosecutor General, the Ministers of Interior, Defense, Justice and Finance, the Chair of the State Agency for National Security and the Chair of the National Statistical Institute.

The development of UISCC is in the focus of the *IT Strategy of the Bodies of the Judiciary in the Republic of Bulgaria for 2011 – 2013*, which was adopted in December 2010.

What has been achieved at the current stage of development is the construction of a functioning core unit at the Ministry of Justice and placement of UISCC components at investigation services and the military police adapted to the information systems implemented in the respective institutions.

UISCC standards are completely in line with the *Criminal Code* and the *Criminal Procedure Code*. An organisational and programmatic scheme has been developed for the introduction of new changes in the common system information without affecting the application software.

The Ministry of Justice reports¹⁰ that by May 12, 2010, the system was operating steadily and contained the following data entries: the core unit – 1,334,615 entries related to criminal proceedings; the investigation service subsystem – 1,513,983 entries related to criminal proceedings.

The methods of exchange between the systems for court case management and the UISCC in 2010 were still to be clarified. The next step would be the development of information system in the detention facilities and its connecting to the UISCC.

Currently, no real-time exchange has been accomplished between systems of the Judiciary and systems of the Government.

UISCC major problems are identified in the communication between the UISCC core unit and the institutional automated information systems of the law enforcement and judicial authorities. Since communication is accomplished through XML packages containing coded information, it is necessary to synchronise the coding used by the individual systems and the UISCC core unit. At present this is possible by the use of special converting modules. To maintain their correct operation they need to be updated every time a code is changed. When done manually it takes a lot of effort and is likely to cause errors so a method for automatic update needs to be developed and implemented. In courts, where 74 of the events registered by UISCC originate, none of the systems for

¹⁰ Ministry of Justice (2010) Bulgaria's progress on achieving specific indicators in the field of judicial reform and combating corruption and organised crime, August 2009 – May 2010, p. 48.

court case management use the adopted common system information (metadata) by the UISCC standard thus hampering the exchange of information.

By end-2010, there is no integration with European information systems or information systems of international organisations.

As of September 21, 2010, the core unit of UISCC operated steadily with the information system of the National Investigation Service connected for uninterrupted exchange. Efforts are made to connect the following systems:

- The information system of the Military police is ready to be connected and is awaiting the procedure for its declassification;
- The information system of the Ministry of Interior – a converting module for data transfer is being prepared. The standards of the system of MoI and the UISCC are being paralleled;
- Development of a converting module from a System for Court Case Management for automated exchange of information on three items of the criminal proceedings (initiating a case, termination of criminal proceedings by agreement and sentence enforcement).

Box 2. Projected Development of UISCC

In 2011, the Prosecutor's Office of the Republic of Bulgaria is initiating the application for a grant within Operational Program Administrative Capacity (OPAC), sub-priority 3.3. "Improvement of the service delivery provided by the bodies of the judiciary through development of information technologies" with a project "Further development and improvement of UISCC". Among all project activities these should be noted:

- proposed further development, maintenance and improvement of the application software and update of the technical and system infrastructure of the central component (core unit) of the UISCC;
- development of converters, filters and information system for connecting the core unit to the system of the Ministry of Interior for the registration of events and objects of criminal proceedings;
- integration of the UISCC with the Unified Information System of the Prosecutor's Office and with four of the secretary's systems implemented in courts;
- development of other types of references and outputs of the UISCC core unit;
- training of teams responsible for the integration of various information systems with the core unit.

Source: *Project "Completion and improvement of the UISCC and integration between institutional information systems and the core unit of the UISCC"*

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