

## OPINION

By Assoc.Prof. Ralitsa Yankova Ilkova Petkova, PhD – member of the scientific jury in the competition for the academic position of Associate Professor in the field "Social, Economic and Legal Sciences", professional field "3.6 Law", scientific specialty "Criminalistics", announced for the needs of the Faculty of Law at Sofia University "St. Kliment Ohridski", in State Gazette No. 24 of 17.03.2023, with a candidate – Chief Asst.Prof. Iskra Vladkova Vladova – Nedkova, PhD

### **I. Information about the competition**

The competition for the academic position of Associate Professor in the field "Social, Economic and Legal Sciences", professional field "3.6 Law", scientific specialty "Criminalistics", is announced for the needs of the Faculty of Law at Sofia University "St. Kliment Ohridski" in Official Gazette No. 24 of 17.03.2023, according to the decision of the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski". One candidate participated in the competition – Chief Asst.Prof. Iskra Vladkova Vladova – Nedkova, PhD.

By Order of the Rector of Sofia University "St. Kliment Ohridski" № RD 38-202/26.04.2023. I have been appointed as an internal member of the scientific jury for the competition. According to Protocol No. 1 of the meeting of the scientific jury for the competition for the academic position of "Associate Professor" in the professional field "3.6. Law" (Criminalistics), held on 18.05.2023, I have been appointed to prepare an opinion, which I present.

### **II. Information about the applicant**

*Iskra Vladkova Vladova - Nedkova* was born in 1982, graduated with a law degree at Sofia University "St. Kliment Ohridski" in 2005. She successively held the positions of "Assistant Professor" (since 2011) and "Chief Assistant Professor" (since 2018) at the Department of Criminal Law at the Faculty of Law of Sofia University "St. Kliment Ohridski". She earned her doctorate in Criminalistics in 2017 with a defended dissertation on "Investigation of drug crimes", Sofi-R Publishing House, Sofia, 2019, ISBN 978-954-638-181-1.

The candidate has considerable teaching experience. For more than twelve years she has been conducting seminar classes for the students of Law at the Faculty of Law of Sofia University with a full lecturer employment. Along with that she actively participates in the semester exams, written state exams, candidate exams, study and practical internships. From 2021 to the present she has been a lecturer in the discipline of Criminology at the Department of National and International Security at New Bulgarian University.

Iskra Vladkova Vladova - Nedkova is a well-established university lecturer with an extremely good reputation and authority in academia. She enjoys the respect of the students at the Faculty of Law, given her energy, enthusiasm and dedication in working with students. She manages to arouse the interest of the students in the subject matter taught and motivates them to acquire knowledge with much love, purpose and dedication. In view of the foregoing, I strongly believe that the candidate is a lecturer of high academic level, very well prepared and competent to hold the academic post of Associate Professor for which the competition has been announced.

The applicant has worked in other fields. In 2002, she was a trainee at the Council of Ministers of the Republic of Bulgaria under the Phare programme, and in the period 2003-2004 she was a legislative assistant under the Students on Traineeship at the Parliament programme at the National Assembly. Subsequently, she held the position of legal adviser at Ciela Soft and Publishing Ltd (in the period 2006-2007). ) and Investigating Police Officer in the Criminal Investigation Sector, Pre-Trial Proceedings Department of the Sofia Police Department (2007-2011). As an investigating police officer, she demonstrated outstanding knowledge and skills in investigating and proving crimes. She works hard, dedicated, motivated and conscientious in the investigation of crimes, and her work unequivocally demonstrates her excellent knowledge of criminal procedure institutes and the means of collecting and verifying evidence. She has been awarded four times with a "Proclamation of Gratitude" by the Minister of the Interior for excellence and for specific contributions made in the performance of her duties (2008, 2009 and 2011).

Iskra Vladova - Nedkova is a renowned scientist in the field of criminalistics. She has published two monographic studies ("Investigation of Drug Crimes", Sofi-R Publishing house, Sofia, 2019, ISBN 978-954-638-181-1

and "Investigation of Computer Crimes", Sofi-R Publishing house, Sofia, 2023, ISBN 978-954-638-185-9); has nine articles. She has participated in numerous scientific and research conferences.

The candidate's interests are mainly in the field of criminalistics and forensic science. When reviewing her scientific activity, one can notice her monographic work for the award of the educational and scientific degree "Doctor of Law" - "Investigation of drug crimes", Sofi-R Publishing house, Sofia, 2019, as well as the articles: "The searching and seizure in the investigation of drug related crimes" - In: Norma, no. 9/2017; "The interrogation of an accused in the investigation of drug related crimes - In: De Jure, no. 1/2018, pp. 103 - 109; "The crime scene investigation in the investigation of drug related crimes" - In: Proceedings of the scientific conference "Criminal justice - traditions and perspectives", Sofia University "St. Kliment Ohridski", Sofia, 2018, pp. 378 - 389; "The drug expertise and the expert proof of a drug abuse" - In: Contemporary Challenges in Criminal Justice. Sofia University "St. Kliment Ohridski", Sofia, 2018, p. 438 - 450; "The interrogation of witnesses in the investigation of drug related crimes" - In: Society and Law, no. 9/2019, pp. 40 - 55; "The cyber crimes investigation. The preparation of the crime scene investigation, searching and seizure in the cyber crimes investigation /Part I/" - In: Society and Law, no. 6/2020; "The cyber crimes investigation. Part two. The performing of the crime scene investigation, searching and seizure in the cyber crime investigation" - In: Society and Law, no. 10/2020, pp. 60 - 73; "The cyber crimes investigation. Part three. The documentation and the evidence collection of the crime scene investigation, searching and seizure in the cyber crime investigation" - In: Society and Law, no. 1/2021, pp. 64 - 77; "The computer crimes specificities and the predictability of the investigation" - In: Proceedings of the Scientific Readings on the Predictability of Law, Sofia University "St. Kliment Ohridski", Sofia, 2022, pp. 254-265.

Iskra Vladova - Nedkova not only meets, but also exceeds the national minimum requirements for the academic position of Associate Professor at Sofia University, according to the Law on Academic and Professional Development (Article 2b) and its Implementing Regulations (Article 1a, paragraph 1). According to the submitted reference on the fulfilment of the national requirements under Article 2b of the Law on the Research and Development of Academic Staff for scientific field 3. Social sciences,

professional field 3.6 "Law" (Criminalistics) Chief Asst.Prof. Vladova - Nedkova, PhD collected the following required points for all groups of indicators, as follows: group of indicators A - dissertation for the award of the educational and scientific degree "Doctor" - 50 points; group of indicators C - habilitation thesis - monograph - 100 points; group of indicators D - scientific publications - 125 points; group of indicators E - citations - 55 points. The total number of points in view of the fulfilled quantitative indicators in groups A + C + D + E is 330 points.

### **III. Information on the submitted works for review**

For participation in the competition the candidate Iskra Vladkova Vladova - Nedkova presents the monograph "Investigation of Computer Crimes", Sofi-R Publishing house, Sofia, 2023, ISBN 978-954-638-185-9 and five articles: "The drug expertise and the expert proof of a drug abuse" - In: Proceedings of the International Scientific Conference "Contemporary Challenges to Criminal Legislation", Sofia University "St. Kliment Ohridski", Sofia, 2018, pp. 438 - 450; "The cyber crimes investigation. The preparation of the crime scene investigation, searching and seizure in the cyber crimes investigation /Part I/" - In: Society and Law, no. 6/2020, pp. 35 - 51; "The cyber crimes investigation. Part two. The performing of the crime scene investigation, searching and seizure in the cyber crime investigation" - In: Society and Law, no. 10/2020, pp. 60 - 73; "The cyber crimes investigation. Part three. The documentation and the evidence collection of the crime scene investigation, searching and seizure in the cyber crime investigation" - In: Society and Law, no. 1/2021, pp. 64 - 77; "The computer crimes specificities and the predictability of the investigation" - In: Proceedings of Scientific Readings on the Predictability of Law, Sofia University "St. Kliment Ohridski", Sofia, 2022, pp. 254 - 265.

The reviewed works represent a continuation and further development of the candidate's scientific search in the field of criminalistics and forensic science. All scientific works submitted for review are in the field of criminalistics for which the competition was announced.

Among the candidate's scientific production, a special place is occupied by her habilitation work - *the monograph "Investigation of computer crimes"*, Sofi-R Publishing house, Sofia, 2023, ISBN 978-954-638-185-9. The monograph

is an original work containing valuable scientific contributions. The work is a methodology for the investigation of computer crimes with a focus on the procedural and investigative actions that fulfill its content and the procedural and tactical requirements that should be considered when conducting it.

The monographic study has a total length of 232 pages; footnotes are 337; citations are correct. The bibliography includes 102 titles - 69 in Bulgarian and 33 in foreign languages. The monograph includes an introduction, three chapters and a conclusion.

In the introduction the candidate has motivated the relevance and importance of the research. The subject of the study is outlined, namely the investigation of computer crimes, systematically placed in Chapter Nine "a" of the Criminal Code.

Chapter one of the monographic study is devoted to the general provisions on computer crime. At the beginning of the exposition the author has made some terminological clarifications, having clarified the notions "information system", "computer data", "provider", "computer network", "computer program" and "computer virus", which are necessary for the needs of the research. Terms that have no legal basis but are widely known in the scientific literature and used in practice are also discussed, including electronic evidence, hardware, software, operating system, personal computer, server, router, modem, hard disk, etc. The historical development of cybercrime from its inception to the present is discussed. It has made a general characterization of computer crime from the point of view of with its criminal, criminological and forensic aspects.

In chapter two of the study, entitled "Initial stage of the investigation", the author has clarified with the necessary precision and depth the issues concerning the initiation of pre-trial proceedings for computer crime, the construction of investigative versions and the planning of the investigation, as well as the procedural-investigative actions that are usually of an initial and urgent nature in this type of crime.

In chapter three, "Subsequent stage of the investigation", Chief Asst.Prof. Iskra Vladova - Nedkova, PhD has examined the specifics of the subsequent stage of the investigation of computer crimes, including the interrogation of witnesses and the accused, as well as expert examinations, with a central role among which are computer-technical.

The conclusion summarises the conclusions that have emerged from the research and makes two *de lege ferenda* proposals. Both general and specialised measures for preventing and countering computer crime are recommended, which are valuable to put on the public agenda, and some of them to be adopted uncritically.

The structure of the monographic study follows the established model of a habilitation thesis, and its content - the highest standards established for methodologies for the investigation of the relevant type of crime.

The article "*The drug expertise and the expert proof of a drug abuse*" - In. Contemporary Challenges in Criminal Justice. Sofia University "St. Kliment Ohridski", Sofia, 2018, pp. 438-450, deals with the issues of expert drug testing and expert evidence of drug use, which occupy an essential role in the investigation of drug-related crimes. The author convincingly argues that drug expertise and expert evidence of drug abuse play a major role in the investigation of various categories of crime. In particular, the study is devoted to the physico-chemical and evaluative examination of drugs, as well as the chemical examination of samples of biological origin such as blood, urine, saliva and hair, through which the use of drugs is proved. The study identifies the experts competent to carry out the relevant examinations, discusses the objects and tasks of the relevant types of examination, as well as their substantive performance and the written expert report. Recommendations are made to the investigators in view of the need to improve practice.

In the article "*The cyber crimes investigation. The preparation of the crime scene investigation, searching and seizure in the cyber crimes investigation /Part I/*" - In: Society and Law, no. 6/2020, pp. 35 - 51, the author discusses in detail and in depth the individual elements of preparation as a stage preceding the substantive execution of the examination, search and seizure in the investigation of computer crimes.

The article "*The cyber crimes investigation. Part two. The performing of the crime scene investigation, searching and seizure in the cyber crime investigation*" - In: Society and Law, no. 10/2020, pp. 60-73, is devoted to examination, search and seizure in computer crime investigations. It discusses in detail the actions constituting the essential part of the mentioned investigative actions.

The article *"The cyber crimes investigation. Part three. The documentation and the evidence collection of the crime scene investigation, searching and seizure in the cyber crime investigation"* - In: Society and Law, no. 1/2021, pp. 64-77, is devoted to the examination, search and seizure in the investigation of computer crimes. It discusses in detail the actions constituting the phases of fixing and seizure as part of the mentioned investigative actions.

In the article *"The computer crimes specificities and the predictability of the investigatio"* - In: Proceedings of Scientific Readings on the Predictability of Law, Sofia University "St. Kliment Ohridski", Sofia, pp. 254 - 265, the author discusses the specificity of computer crimes, confidently defending the understanding that clarification of their essential characteristics guarantees a well-planned investigation, which is a prerequisite for conducting effective criminal proceedings.

#### **IV. Evaluation of the scientific and applied results and contributions of the dissertation**

The monograph of Chief Asst.Prof. Iskra Vladova - Nedkova, PhD on the topic "Investigation of computer crimes", is an undoubted and significant contribution to criminalistics.

The habilitation thesis represents the first in Bulgarian forensic theory comprehensive and in-depth study of computer crime within a classical investigation methodology.

The topicality of the research is undeniable: on the one hand, computer crimes, or also, cybercrimes, are a new, modern phenomenon, which differs significantly from the traditionally existing types of crime, which sets qualitatively different standards for investigation; on the other hand, and currently the investigating authorities are difficult in investigating and proving cyber crimes, so the research will appear not only of high scientific value, but also of scientific - applied importance. Undoubtedly, the long experience of the candidate as an investigating police officer contributes significantly to the recognition of the most important and essential questions that are posed to the competent authorities in the investigation of this type of crime and to the formulation of scientific theses that could be adopted in

practice. This will also be contributed to by the many prominent Bulgarian and foreign practices in the field of computer crime investigation.

The efforts of the candidate in clarifying the conceptual apparatus necessary for the scientific research and for the work of law enforcement agencies deserve admiration. This research will contribute significantly to the unification of the conceptual apparatus by law enforcement authorities and to the clarification of the meaning, significance and legal regulation of the relevant concepts.

The habilitation thesis is of important scientific but also practical importance in the part in which the status, activities and powers of national and supranational institutions relevant to the prevention and counteraction of cybercrime are examined. The candidate's work is also particularly valuable in the part in which a comparative legal analysis is made of the legislation in the field of cybercrime in Germany, Japan, USA, India, Sweden, Great Britain, China, Brazil, Russia, Estonia, Belarus, Ukraine and others.

Of particular interest is the elucidation of the criminological characteristics of perpetrators of computer crimes, as well as the main reasons for the latency of this type of crime. In this part, the research also contributes to the enrichment and further development of criminological knowledge in the field of quasi-conventional and, in particular, computer crime.

The work appears to be of significant importance in the part in which a criminalistical characterization of computer crime is made with clarification of all its aspects - the mechanisms and means of preparation; the commission and concealment of the specific type of crime; the characteristic traces formed as a result of their commission, the objects of the criminal violation; the characteristics of the victim; the time and place of the crime; the means of committing the crime; the motivation of criminal behavior and the prosecuted.

A scientific contribution of very high practical value is the study of the issues concerning the construction of investigative versions, the planning of the investigation, the circumstances to be proved and typical investigative situations. In this regard, the general and private versions are logically and consistently examined, emphasizing their role in conducting an objective, complete and comprehensive investigation. The stages of preparation, conducting the substantive examination, fixing the results of the examination, search and seizure, packing, transportation and storage of the admitted traces



and material evidence are systematically and thoroughly clarified through the prism of the specificities that the respective objects have in the framework of the investigation of computer crimes.

Important are the results of the candidate's work in examining the categories of witnesses and defendants who are subject to interrogation in the various investigative situations related to cybercrime, and the issues that are clarified through their interrogations. The work is significant for the recommendations made to the competent authorities in planning the sequence in which the questions to be asked in the course of interrogations, the so-called "sensitive", key questions for the investigation; the signs of verbal and non-verbal communication that could serve as a benchmark for the good faith of the interrogated persons; the clarification of the mechanism of perjury in terms of the processes that take place in the mind of the perjurer.

The work should be highly appreciated in the part in which the author clarifies the issues of expert examinations which are necessarily appointed in this category of cases. Particular attention is paid to the expertise in the category of computer-technical expertise, which plays a key role and provides answers to central questions of the subject of evidence. In relation to them, a classification is proposed, hitherto unknown in the Bulgarian scientific literature.

The *de lege ferenda* proposals are also worthy of attention. It is appropriate they to be put to a wide public debate and adopted. This will undoubtedly lead to an increase in the effectiveness of cybercrime investigations.

The articles submitted for the competition are also characterised by significant scientific contributions and will undoubtedly contribute to the development of science and law enforcement.

## **V. Critical comments and recommendations**

The analyzed scientific works are characterized by numerous and indisputable points of contribution, but some critical remarks should be made, in particular concerning the monographic study.

The study would be considerably enriched if the computer crime which is not systematically placed at Chapter Nine "a" of the Criminal Code would be considered – the computer fraud /article 212a of the Criminal Code/.

## **VI. Overall assessment of the scientific and applied contributions and recommendations**

The scientific works submitted for participation in the competition by Chief Asst.Prof. Iskra Vladova – Nedkova, PhD - both the habilitation thesis and the others, in terms of quality not only meet but also exceed the requirements of the law. They contain numerous and valuable scientific contributions. The candidate convincingly demonstrates her ability to formulate and argue her scientific theses thoroughly. The conclusions, generalizations and de lege ferenda proposals contained in the theses are not only scientific but also of great practical significance, because they are not self-evident, but are fully tailored to the needs of law enforcement.

The critical remarks made in no way affect the overall positive assessment of the reviewed scientific works. These comments are fragmentary and do not detract from the unqualified conclusion that the scientific work was written as a result of the author's hard work and conscientious efforts in the field of scientific analysis.

The candidate's scientific work unequivocally indicates that Chief Asst.Prof. Iskra Vladova – Nedkova, PhD is distinguished by her ability to comprehensively and thoroughly research the problems in the field of criminalistics. The candidate is a long-time lecturer in criminalistics and enjoys the trust and respect of her colleagues and students.

## **VII. Conclusion**

In conclusion, the overall evaluation of the teaching activity and scientific work of the candidate for the academic position "Associate Professor" in the professional field 3.6 Law (Criminalistics), Chief Asst.Prof. Iskra Vladkova Vladova – Nedkova, PhD meets the requirements of Art. 24, par. 1 of the Law on the Development of Academic Staff in the Republic of Bulgaria, therefore I give a categorically *positive conclusion* and I strongly

believe that the esteemed scientific jury should propose to the Faculty Council of the Faculty of Law of Sofia University "St. Kliment Ohridski" Chief Asst.Prof. Iskra Vladkova Vladova - Nedkova, PhD to be elected to the academic position of "Associate Professor" in the professional field 3.6 Law (Criminalistics) at the Faculty of Law of Sofia University "St. Kliment Ohridski".

Opinion prepared by

Assoc.Prof. Ralitsa Ilkova, PhD

Sofia, 24 May 2023