

REVIEW

By Prof. Evgeniya Kotseva-Vladimirova, PhD on the competition for the occupation of the academic post of "Associate Professor" in the professional field 3.6. Law /Criminalistics/

Information about the competition

In the announced competition for the academic post of Associate Professor in the professional field 3.6. Law /Criminalistics/ at Sofia University "St. Kliment Ohridski", announced in State Gazette No. 24 of 17 March 2023, one candidate participated - Chief Assist. Prof. Iskra Vladkova Vladova-Nedkova, PhD, from the Law Faculty of Sofia University "St. Kliment Ohridski", Department of Criminal Law.

Information about the candidate

Iskra Vladova-Nedkova is Chief Assistant Professor of Criminalistics at the Department of Criminal Law, Faculty of Law, Sofia University "St. Kliment Ohridski" since the academic year 2011/2012 and a lecturer in Criminology at New Bulgarian University since the academic year 2021/2022.

In 2017 she was awarded the educational and scientific degree "Doctor of Law" in the professional field 3.6. Law /Criminalistics/ after a public defense of her dissertation on "Methodology for the investigation of drug-related crimes" at Sofia University "St. Kliment Ohridski".

Iskra Vladova-Nedkova has a very good professional experience in the investigation of crimes in the Pre-Trial Proceedings Department, Criminal Investigation Sector in the period from 2007 to 2011 as an investigating police officer. She has been repeatedly awarded for high achievements in her work.

In the training of students of Criminalistics at the Faculty of Law of Sofia University "St. Kliment Ohridski" she successfully applied her experience in investigation, and over the years she has presented as an excellent lecturer, enjoying great respect among his colleagues and students.

Evaluation of the submitted papers for review

The candidate's scientific and applied activities are contained in the works submitted for review. Iskra Vladova-Nedkova participated in the competition with 1 monograph and 5 articles.

The submitted monograph "Investigation of Computer Crimes" is a scientific work with valuable scientific contributions, which reveals in-depth knowledge of the legal framework, theory and practice in the researched area. It is distinguished by precise use of scientific apparatus, high linguistic culture, clear and precise style of expression. The quotations are conscientious, and the author's ability to critically and argumentatively analyse the normative and practical aspects of the issues under consideration deserves high praise.

The monograph "Computer Crime Investigation" characterizes the candidate as a teacher and scholar.

The introduction presents in a summarized form the necessity of conducting research on the mentioned problematic, taking into account the topicality, dynamism and high levels of social danger of cybercrime and the difficulties encountered by the competent authorities in the framework of the investigation. The investigation of cybercrime poses considerable difficulties due to the specific nature of the criminal law, the variety of investigative situations, the particular nature of the traces formed as a result of their commission, the high intellectual level and professional knowledge and skills of the perpetrators in the field of computer technology.

The introduction outlines the subject of the study, namely the investigation of computer crimes, systematically placed in Chapter Nine "a" of the Criminal Code.

Chapter one of the exposition is devoted to the general provisions on computer crime.

First of all, the terminology concerning cybercrimes is clarified. With regard to legal terms, their correspondence with the supranational regulations in which they are also contained is precisely analysed. Terms that have no legal basis but are widely known in the scientific literature and used in practice are also examined.

The history of computer crimes from its origins to the present is presented in precise chronological order, and individual landmark cases that have provided impetus in the development of knowledge about computer crime and its investigation are also discussed.

The status and powers of organisations and institutions at national, European and international level that are relevant to the fight against cybercrime are examined, including Interpol, Europol, Eurojust, the United Nations Centre for the Prevention of Transnational Crime, the National Contact Point, the Cyber Security Unit, the Regional Forum on Cyber Security and Cybercrime for South East European Countries, the European Cybercrime Centre, etc.

The general characteristics of computer crimes with their criminal, criminological and criminalistical aspects are developed in detail. A precise comparative-legal analysis is made between individual aspects of the regulation in our country and in countries such as Germany, Japan, USA, India, Sweden, UK, China, Brazil, Russia, Estonia, Belarus, Ukraine, etc. regarding computer crimes.

The profile of perpetrators, the peculiarities of organized criminal groups with activities in the field of cybercrime are examined from a criminological point of view.

An in-depth forensic characterization of computer crime has been developed with clarification of all its aspects - the mechanisms and means of preparation, commission and concealment of a particular type of crime, the characteristic traces formed as a result of their commission, the objects of criminal intrusion, the characteristics of the victim, the time and place of the crime, the motivation of criminal behavior and the goals pursued by the perpetrator, etc. A classification is made of the typical traces in cybercrime investigations, dividing them into virtual /also known as electronic and informational/, material and ideal. Virtual traces are particularly thoroughly studied, given that they are the most iconic and at the same time the most specific among the traces formed as a result of computer crimes.

Chapter Two is devoted to the initial stage of the investigation. The issues of the initiation of the pre-trial proceedings, the construction of the investigative versions and the planning of the investigation are clarified, as well as the procedural-investigative actions that are usually of an initial and urgent nature - the crime scene investigation, the searching and seizure.

The contradictory motivation of the informants and the need for a thorough analysis of the information coming from them is clarified in detail in connection with the initiation of the pre-trial proceedings. So also the peculiarity that the initiation of pre-trial proceedings in computer crimes is often in the hypothesis of Article 212, paragraph 2 of the Criminal Code given the dynamic nature of investigative situations related to cybercrimes.

The general and private versions that are constructed are logically and consistently discussed, emphasizing their role in conducting an objective, complete and comprehensive investigation. With regard to typical investigative situations, the investigative actions and the sequence in which they should be carried out are indicated with specificity.

The stages of preparation, substantive conduct, recording the results of the crime scene investigation, searching and seizure, packaging, transportation and storage of the 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.

The third chapter deals with the subsequent stage of the investigation, including the interrogation of witnesses and the accused, as well as expert examinations, with computer technical examinations playing a central role among them.

The categories of witnesses and defendants to be questioned in the various investigative situations related to cybercrime are outlined, as well as the issues to be clarified through their interrogation.

The key role of expert witnesses at each stage of a cybercrime investigation is discussed in detail, both in summary and systematically in the relevant sections of the study. Particular attention is paid to the expertise in the computer-technical category, but so too are the 'classic' expert witnesses examined through the lens of the specificities they have in cybercrime investigations.

In the conclusion, the conclusions drawn as a result of the research are summarised and two proposals de lege ferenda are made.

The presented work contains original scientific contributions, as the more significant can be presented the following:

1. The presented work on "Investigation of Computer Crimes" is the first comprehensive and in-depth study of cybercrime in the Bulgarian scientific literature, a relatively new category of crime with a high level of danger.

The investigation of this type of crime is in practice characterized by a number of difficulties due to its specific nature, which is why the comprehensive theoretical study and the recommendations given in the presented monograph are of great theoretical and practical value for the investigation.

The research is supported and substantiated by a number of examples from the practice in the field of computer crime investigation.

2. The general characteristics of computer crime are thoroughly examined through the prism of criminal, criminological and criminalistical aspects.

3. The two main methods of committing computer crimes are presented, the possible means of overcoming the possibly available protection of the incriminated computer data are analyzed, and in this connection the so-called intelligent password selection and the so-called social engineering method with the two approaches used in it - physical and psychological - are clarified.

4. Issues such as building versions, planning the investigation, the stages of preparation, conducting and fixing the results of the crime scene investigation, searching and seizure, transportation of traces and material evidence are studied with a view to practical applicability, taking into account the specifics of the objects relevant to the investigation of computer crimes.

5. The categories of witnesses and defendants to be interrogated in different investigative situations, the issues to be clarified are outlined, and in this regard, a recommendation is rightly made to the competent authorities that in the course of scheduling interrogations, key questions for the investigation should be inserted among the questions that are insignificant from the point of view of the investigation, as well as the repeated asking of essential questions, but with different wording.

6. With regard to a de lege ferenda proposal relating to the need to refine the text of Article 162(6) of the Code of Criminal Procedure, it is appropriate to provide that, where a search involves the seizure of computer information systems and software products, a specialist in the field of computer technology should be present. In the author's view, the current wording concerning this participant - "technical assistant specialist" - does not provide clarity as to which specific field the specialist should be in.

As a final assessment of the content of the work presented by Iskra Vladova-Nedkova, it can be concluded that the researched issues are of outstanding theoretical and practical value and undoubted relevance.

Going into the depth of the problem, the author substantiates a number of well-founded practical proposals and, in our opinion, it is intended mainly for investigating authorities, legal practitioners, law students, as well as for all others interested in the field of Criminalistics.

In addition to the monographic work, 5 articles on the investigation of drug-related crimes and the investigation of computer crimes are presented as follows:

The drug expertise and the expert proof of a drug abuse - Collection of the reports of a scientific conference "Contemporary challenges to the criminal law", edited by prof. Plamen Panayotov, PhD, prof. Georgi Mitov, LL.D, asst.prof. Nikoleta Kuzmanova, PhD, St. Kliment Ohridski University Press, S., 2018, ISBN 978-954-07-4536-7, pp. 438-450

The cyber crimes investigation. The preparation of the crime scene investigation, searching and seizure in the cyber crimes investigation /Part I/ - Society and Law, 6/2020, ISSN 0204-85-23, pp. 35-51

The cyber crimes investigation. Part two. The performing of the crime scene investigation, searching and seizure in the cyber crime investigation - Society and Law, 10/2020, ISSN 0204-85-23, 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 - Society and Law, 1/2021, ISSN 0204-85-23, pp. 64-

The computer crimes specificities and the predictability of the investigation - Scholarly readings: Predictability of law - Collection of the reports of a scientific conference, organized by the Law Faculty of Sofia University "St. Kliment Ohridski", edited by prof. Yanaki Stoilov, PhD, assos.prof. Ralitsa Ilkova, PhD, ch.assist.prof. Dilyan Nachev, PhD, ch.assist.prof. Krasimir Manov, PhD, "St. Kliment Ohridski" University press, S., 2022, ISBN 978-954-07-5478-9, pp. 254-265

The quality of the scientific works of Iskra Vladova-Nedkova submitted for the competition - both the habilitation thesis and the other scientific publications - articles, meet the requirements of the law. They contain numerous and valuable scientific contributions, and most of the conclusions drawn by the author are of significant practical and applied importance. In her scientific activity and in particular in the presented habilitation thesis, Iskra Vladova-Nedkova has convincingly demonstrated her ability to formulate and argue her scientific objectives.

In her teaching activity, she is able to arouse great interest among students in the presented topics of this very specific matter, which is of essential importance for the effectiveness of criminal proceedings.

On the basis of the facts, considerations and arguments presented so far, I express my high appreciation for the scientific merits of the research and teaching activity of Iskra Vladkova Vladova-Nedkova and strongly recommend Iskra Vladkova Vladova-Nedkova to be appointed as an "associate professor" in the professional field 3.6. Law /Criminalistics/ at the Law Faculty of Sofia University" St. Kliment Ohridski ".

Review prepared by

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