ЦЕНТЪР НА НЕПРАВИТЕЛСТВЕНИТЕ ОРГАНИЗАЦИИ В РАЗГРАД

Non-Governmental Organizations Center Razgrad

STRENGTHENING THE COMMUNITY SUPPORT FOR THE COURT IN RAZGRAD – CIVIL PARTICIPATION FOR TRANSPARENT JURISDICTION PROJECT HAS BEEN IMPLEMENTED WITH THE SUPPORT OF RAZGRAD REGIONAL AND DISTRICT COURT

A progress report of the court in Razgrad

A THREE-MONTH ANALYTIC REPORT ON THE RESULTS OF CIVIL MONITORING IN THE COURT IN RAZGRAD

March - May 2006

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Chapter I. CONCLUSIONS AND RECOMMENDATIONS

Social adjustments show an improvement in the environment of normal functioning of the two courts in Razgrad. It is needed to consider the possibility to adopt an action plan for improving the jurisdiction in Razgrad. The analytic reports on civil monitoring of this project may be used as a base of the plan.

It may be proposed to the District court to have an information board of the cases that are appointed for hearing in the Supreme Court of Cassation. The Supreme Court of Cassation does not send summons on parties but announces the hearings in the State Newspaper. It is difficult to find the State Newspaper where the appointed cases are published in every issue from the last Friday of the month. For example, the list of the appointer for hearing cases in May 2006 is published in the issue № 27 of the State Newspaper, issued on 31st of March 2006, the cases that are appointed for hearing in June are announced in the 28the April 2006 issue, etc.

Chapter II. CONCLUSIONS

2.1. Dynamics of lawsuit proceedings

Progress
Encouraging is the fact that IT system administrators were appointed in District and Regional courts in Razgrad;

- The functioning of the court offices is improved – a BULSTAT bureau is functioning on the second floor of the District court since March 2006;
- The lawsuit proceedings that started behind the time-schedule are reduced;
- The software to operate the systems LOT 1 – management lawsuit system, LOT 2 – programme for managing the working flow of documents, LOT 3 – unified registry system and LOT 4 - system for issuing certificates for previous conviction, are available in Regional court. But practically only the software system LOT 4 for issuing certificates for previous conviction is used.

No change

- The principle for random allocation of cases is not actively used in the District court in Razgrad;
- All automatic software products for lawsuit system management – from LOT 1 to LOT 4, are not yet operated in the District court;
- The prolong of lawsuit proceedings and the frequent delay of cases still continues;
- The courts formally keep the announced schedule;
- The order in the courtrooms is not kept strictly;
- There are no established proceedings for summoning the witnesses in case of a technical problem with the sound track system. It is improper to engage the party of a case to summon witnesses or experts;
- It is a practice that judges keep for long time the lawsuit files with all materials in their offices. It leads to inconvenience for the parties to make on time case checks-up in the court offices;
- The assessors are not active during the lawsuit proceedings;
- Judges often do not address the parties politely, address them familiarly, especially the defendants;
- There is no good coordination for cases appointment between the Regional and the District courts in Razgrad;

There is no essential change since the first analytic report from 15th of March 2006.

2.2. Court and citizens

- Citizens have a positive attitude to judges in District and Regional courts in Razgrad and evaluate their professionalism as good.
- Citizens express a high opinion of the effective and qualified service of the court offices in the two courts.
- Citizens expect to receive polite treatment from court clerks.
- Some citizen report about partial behaviour of judges and clerks and for discrimination attitude.

There is no essential change since the 15th of March 2006 report.

2.3. Architectural setting

- Still the settings for conducting lawsuit proceedings are bad – it is difficult to hear in the courtrooms because of the big noise from outside;
- The civil cases court office in Razgrad Regional court is very small, the door opens inwards. It bothers citizens.

The architectural setting **is not changed** (15th of March 2006 analytic report).

Chapter III. RECOMMENDATIONS:

3.1. About architectural setting

- The necessary equipment has to be improved – suitable offices, enlarged courtrooms, solicitors` rooms;
- Citizens should have secured access to WC in the court building;
- The noise from outside in the courtrooms should be isolated effectively;
- The heads of the two courts should solve the problem with the tiny civil cases court office till the end of the court holiday, when the building of the ex-hotel "Abritus" is renovated and rearrangements are expected;

3.2. About lawsuit proceedings

- To operate effectively the automatic software products for lawsuit system management –LOT 1, 2, 3 and 4;
- The lawsuit proceedings should be conducted effectively and without often delays;
- The chairpersons of the two courts should demand official responsibility for the often cases` delays;
- To implement an effective control for keeping the order in the courtrooms;
- To implement an effective mechanism to summon witnesses in case the audio system is not working;

3.3. About allocation of cases and setting the date for case hearing

- To apply the principle for random allocation of cases in District court in Razgrad implementing art.12a of Law on the Judiciary;
- To survey the possibilities to coordinate the setting the date for case hearing between Regional court and District court in Razgrad;
- Everyday to announce in the time-schedule the names of the judges who will conduct the cases.

3.4. About conflict of interests

- Transparency of lawsuits at which parties have a conflict of interests based on family, economical and other circumstances in correspondence to the laws and the Regulations for court administration work.

3.5. About judges` behaviour

- Judge should not allow an interruption of order in the courtroom – not to interrupt the prohibition to enter the courtroom with switched on mobile telephone;
- Judges should use effectively the time while using the lawsuit files and bring them back in the court offices at reasonable time so that the parties may have access to them;
- Judges should address politely to all lawsuit participants;

3.6. About assessors` activity

- To promote and popularise the role of assessors in the trial;
- To assign spare assessors who will substitute the titular to avoid delaying of cases;
- To organize a training programme for assessors to train and motivate them to fulfil their activities with responsibility and honour;
- To give clear information about the criteria for assessors election;
- To give publicity to the procedure of nominating and electing assessors;

3.7. About court clerks` activity

- To use effectively office equipment in service of citizens;
- The court documents should be prepared in the regulated terms;
- Court officers should behave with consideration, give competent information and qualified services;

3.8. About public relations

- A clear information mechanism for the activity of the two judicial institutions in Razgrad is necessary;
- Public relation officers should be appointed in District and Regional court in Razgrad. They should operate information boards;
- An officer on duty should be appointed in Regional court – Razgrad who will direct the entering citizen;
- District court should have an information board with a list of cases set for hearing in the Supreme Court of Cassation, published in the State Newspaper;

Chapter I. SUMMARY

1.1. Definition and description of problem

The focus of the project is to analyse the results of the monitored cases in which the party are vulnerable group representatives –unemployed, poor people, young people, ethnical minorities, disabled people, victims of violation, women. The civil monitoring of court in Razgrad will secure terms to defend local communities and their interests, to raise the quality and effectiveness of the court social services. The judicial institution in Razgrad will be more transparent and accessible to citizens of Razgrad.

Citizens meet serious problems when looking for definite information. There is no mechanism in District and Regional courts – Razgrad to inform citizens about the activities of the two institutions, about the delayed cases or changed open hours –there is no public relations officer, changes are not announced in the Internet site of the two courts in Razgrad, there are no information boards. Court clerks perform the functions of information desks. That leads to increased (unusual) engagement and also, not random, to intolerance and not ethical attitude to citizens. Citizens qualify the behaviour of some judges, court clerks and policemen of "Court Police" as haughty (http://court-rz.hit.bg).

1.2. Evaluation of alternative politics

The Supreme Judicial Council adopted a Media strategy of judiciary (Record № 25/25.06.2003). The strategy aims *to set up a united information and media strategy of judicial power and to overcome the existing impression in society that the public appearances of judiciary are personal but not institutional, as well as to create a positive realistic social image in judicial system.* A main principle of judicial media strategy is the constitutional right of citizens to be informed unless the law forbids access to certain information. The Supreme Judicial Council foresees to appoint public relation experts in the judiciary structure who will intermediate between judicial system and society. They have to decide what kind of information to be brought to social attention as well as to cooperate between the relations of magistrates and journalists. http://www.vss.justice.bg, Reports heading.

1.3. Conclusion and recommendations

The court as an important social institution owes accountability to citizens. That presumes also the presence of civil observers in courtrooms. The civil monitoring of judicial system gives a possibility to improve the court public image and to increase the social trust. The volunteers` observation established a lack of mechanism in District court and in Regional court in Razgrad to inform citizens. As a result of that citizens wander around rooms and floors although the offices have signs. Courts are recommended to use as an example the information boards of the District administration and of municipal administration in Razgrad.

"The court is changing slowly but undoubtedly". For less than a year the two courts in Razgrad seriously improved their activities. The achievements are evident in several areas: improving lawsuit proceedings, opening the court sessions at the appointed hours, preparing the court documents in the set terms, politeness of court clerks, and quality of court services.

The basic recommendations of citizens to court are: to improve the equipment – suitable offices, enlarged courtrooms, solicitors` rooms, the noise from outside should be isolated effectively in the courtrooms, to conduct an effective control to keep the order in the courtrooms; a clear information mechanism of the two judicial institutions` activities in Razgrad is needed.

The 16th of May 2006 report of the European Commission sent Bulgaria to correction exam in October 2006. The legislation and the judicial bodies should overcome all failings and to implement the undertaken engagements for EU membership.

Chapter II. INTRODUCTION

2.1. Context of the problem

Citizens require accessible forms of informing about the activities of judicial institutions, according to the survey on "Civil monitoring of court in Razgrad" project (194 citizens inquired). A big part of the inquired citizens consider the importance of availability of: information centres, information materials, and statistic reports. The whole text as well as the recommendations and expectations of citizens are available on the Internet address: http://court-rz.hit.bg, Bulletin heading/Documents/Survey.

2.2. Definition of the problem

Several groups of impressions were formed during the civil monitoring: about the behaviour of judges, prosecutors, assessors and solicitors –judges speak quietly and quickly to save time, prosecutors and solicitors are late for the court sessions; the institute of assessors in some criminal cases is limited. There are some impressions about bad architectural settings in court building. There is no mechanism in District and Regional courts – Razgrad to inform citizens about the activities of the two institutions – there are no public relations officer, Internet sites, and information boards. The decisions of higher court instances on important for the local community cases are not announced Court clerks perform the functions of information desks. That leads to increased (unusual) engagement and also, not random, to intolerance and not ethical attitude to citizens.(http://court-rz.hit.bg)

Civil observers are a corrective of the interaction between court and society. They propose recommendations to improve the court public image to have the trust and support of the local community.

2.3. Formulation of intension

Civil monitoring of cases in District court and in Regional court in Razgrad ensures support for effective jurisdiction, raising of social information and citizens` trust in court. The active civil monitoring of the court transparency helps to identify the judicial imperfections.

Priorities of monitoring in the courtrooms are:

- To keep constructive relations with judicial institution;
- To support the court to reach its potential by marking the imperfections, giving recommendations for possible solutions and promoting changes;
- To spread and exchange information with organizations and institutions that provide direct services and support people from the target group;
- To assist to reach a balance between the rights of defendant and the rights of victims, between the effective trail and the prompt trail.

Aims of monitoring in the courtrooms are:

- To guarantee that the judicial system will be responsible for its actions by promoting citizens` presence in the courtrooms;
- To find out the negative tendencies, practices and problems of judiciary and to suggest ways to solve them;
- To improve jurisdiction;
- To raise social information and trust in judiciary.

2.4. Methodology and limits of the document

The methodology in working out the May 2006 report includes two components, as every one of them is an independent source of information:

1. Monthly reports for the activity of every civil observer. They are an expression of the implemented Civil monitoring of court. Civil observers are present in sessions of criminal, civil and divorce cases in District court and in Regional court in Razgrad, where at least one of the party is a representative of a vulnerable group: ethnical minorities, disabled people, poor people, victims of violence, children, unmarried parents, prisoners, drug addicts, etc. Observers put down their impression notes in monitoring cards of criminal and civil cases.

Data that may not be collected during the session is additionally picked up with the cooperation of court clerks of District court and in Regional court in Razgrad

2. Making a parallel observation of the public image of court by filling in inquiry cards – a look from outside;

At the end of every three months the Civil Consultative Group (Experts group) makes analyses and restructures the information from the pointed sources and works out an analytic report on a preliminary approved form. The structure of the analytic report includes: summery, introduction, description, possible politics, conclusions and recommendations, enclosures and references.

A scale for measuring the court's progress - a comparison with the first analytic report (15th of March 2006)

- *Reached positive change;*
- *Negative change*;
- *No change*;

2.5. Description of the problem

Several important tendencies in citizens` perceptions about the way the cases proceed in District court and in Regional court in Razgrad are outlined in the monitoring process. Court proceedings are not clear to the ordinary citizen. Cases are often delayed. There is no internal audio system with microphones. Especially bad impression makes that some judges are systematically late for sessions with 10-15 minutes. Some cases of impartiality are also observed among judges and prosecutors.

It is a practice to announce several hearings for one and the same hour and this considerably decreases the jurisdiction effectiveness. The judge fixes the number of cases to be heard in a definite hour according to their complexity. The time schedule is compulsory because civil cases are announced twice in the courtroom for hearings –art.107 on Civil Procedural Code. If the second summon of parties is not observed this can be considered as breaking the procedural rules and a ground to reverse the court decision. Coming in and going out of courtrooms of people without any order sometimes is a default of the judge. To use techniques, to speak clearly and soundly thereby the people in the courtroom may hear well, also depends on the judge. The courtroom acoustics is very bad and the external noise also disturbs the normal lawsuit proceedings.

2.6. History of the problem

Never till now in the new history of Bulgaria the court, as an institution, was an object of monitoring and control. A strong system of control existed before 1990, as the totalitarianism did not miss the court.

According to the Constitution of Republic of Bulgaria, adopted in 1991, court is defined as a main body of judiciary in Bulgaria. For the last 17 years the number of judges increased three times. The office equipment also increased, computers and other techniques. Quite higher is the number of delayed cases; the terms for judgement are prolonged. There are no objective reasons for the jurisdiction not to be on European level, as well as to remove any legislative obstacles on time.

The random allocation of cases and the installation of the relevant IT system need to become effective nation-wide. As regards the functioning of the court system, no final decisions were taken on the establishment of specialised courts or on the reduction of the number of courts. The new provisions on competitive recruitment procedures for magistrates now need to be implemented. A uniform mechanism with well defined criteria for assessing the quality of the work of magistrates is not in place yet. Corruption within the judiciary remains a serious challenge.

Overall, limited progress has been made both in terms of quality and accountability of justice as well as regarding the institutional relations between the executive and the justice system. Bulgaria needs to complete the reform of the judiciary, ensure tangible results, and take the additional steps to guarantee its independence [1]

The accountability, transparency and internal management of the prosecution service needs to be further addressed Additional efforts are needed for successful application of the principle of random allocation of cases in the country. More objective and transparent mechanism for assessing the quality of the work of magistrates is needed. Any ambiguities regarding the guarantees of the

[1] Monitoring report of the European commission, 16/05/2006, page 4-5, http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0037&n=000026&g=

independence of the judiciary must be removed. Some embarrassment is also observed in the pre-trial phase defined by procedure rules and insufficient number of investigators. Till now there are no clearer evidence of tangible results in investigating and prosecuting organised crime. [2]

2.7. The problem in the context of the currently applied politics

The Supreme Judicial Council is not fighting against corruption in justice system[3]

According to the civil monitoring implemented by the Institute for public environment development on the work of Supreme Judicial Council [4] there is no sufficient transparency in the work of Supreme Judicial Council as the motives for recruitment of magistrates are not clear. It is remarked that the Supreme Judicial Council did not develop a mechanism for counting the contradictory and incorrect court practice. The report says that in more than a half of the courts the software to operate the system for random allocation of cases is not available. When asked about the availability of this system in different court the Supreme Court of Cassation and the Supreme Administrative court simply did not answer. Operating the automated system for random allocation of cases is one of the most delayed elements of the judiciary reform. A criticism on delaying the implementation of this engagement was addressed in the last two reports of the European Commission. Before a month the Supreme Judicial Council announced that in more than 90% of Bulgarian courts cases are allocated random but in only 34% of them computer operate it. In the rest courts the cases are allocated manually.

Bulgarian justice system is observed and managed by the Supreme Judicial Council. It consists of 25 members – lecturers in law, judges, prosecutors and investigators. The minister of justice heads the Council but with no right to vote.

Originally the Supreme Judicial Council was set up by the legislator to save the Bulgarian court and investigation service from political pressure. But now more experts consider that this decision had an opposite effect as it gave too much power to judiciary bodies and made their activities impenetrable to civil control.

2.8. Statement

Civil monitoring is very important to improve the courts` activity in Razgrad and to inform the local community widely. The independent civil monitoring will increase the accountability, transparency and efficiency of justice system. Civil control is an innovative approach to improve the judicial mechanism and it includes amending relations with society, behaviour of all participants of lawsuit proceedings and changes in the architectural setting in court building. The impartial civil opinion is necessary condition to improve the interaction between court and society.

2.9. Arguments

According to western analysers the Bulgarian justice system is the most slowly reforming sector in the country after the end of socialism in 1989. Its non-transparency, no effectiveness and functional chaos combined with a lack of civil control converted it into one of the most serious problems of the country in its project to access European Union.

The Constitution of Bulgaria and the Law on the Judiciary do not have texts on civil control over the activity of the courts as public judiciary institutions.

Chapter III. OBSERVED LAWSUIT PROCEEDINGS

3.1. Statistics – Enclosure – diagram 8.2, diagram 8.3

Totally 56 lawsuit proceedings on 55 cases were observed in the three months March-May 2006. 47 of the lawsuit proceedings were monitored in Regional court (84%) and 9 lawsuit proceedings in District court (16%).

In March 2006 five civil observers monitored totally 18 lawsuit proceedings on 18 cases. All lawsuit proceedings were in Regional court. From the 18 cases 17 are criminal and 1 civil.

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[2] there again, page 4-5, http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0037&n=000026&g=

[3] http://www.mediapool.bg/show/?storyid=118080&srcpos=1, 9th of June 2006

[4] the survey is implemented in the period 9th of November 2005 – 30th of May 2006.

In April 2006 14 lawsuit proceedings on 14 cases were monitored. 9 of them were criminal, 4 divorces and 1 civil. 11 lawsuit proceedings were monitored in Regional court and 3 lawsuit proceedings in District court - Razgrad.

In May 24 lawsuit proceedings on 23 cases were monitored. 17 of them were criminal and 6 divorces. 6 lawsuit proceedings were monitored in District court and 18 lawsuit proceedings in Regional court.

3.2. Subject of observation - Enclosure – table and diagram 8.4.

The representatives of vulnerable groups are people from 6 years to 64 years old. In some of the observed cases the two parties are representatives of one or more vulnerable groups.

In District court in Razgrad the parties were not identified to what vulnerable group belong because of the limited access to materials in court files. Two of the criminal cases were for homicide and the third criminal case had administrative matter and was not related to the project. Because of the same reason, it was not possible to select cases for monitoring in which one of the parties belongs to vulnerable group.

3.3. Profile of civil observers and Expert group

Three of the observers have juridical education, 1 - university pedagogical education, 1- university engineer education. Volunteers are motivated to observe civil cases to improve the court public image and to raise the transparency and accountability of court in Razgrad

The members of the Experts Group increased in April 2006. A psychologist, a religious leader and an entrepreneur joined the seven respected local solicitors.

3.4. Impressions on work of court offices in Razgrad Regional and District court

Civil observers have very good impressions on court clerks in the court office on criminal cases – they are polite and helpful. They assist civil observers to examine the case files. The impressions on the civil cases office are also very good but the access of citizens to it is still difficult – the room is very small and the door opens inwards.

A progress is made in improving the work of court offices since the impressions of the first analytic report. Civil observers note that the attitude of the administrative secretary and of court clerks in Razgrad District court has changed. The access to case files is not allowed in offices in District court unless the case is closed. The names of judges and assessors are not announced before or during the processing of cases. It is a constant practice that citizens do not know the members of the court who will consider their case.

There is a **positive change** in the attitude of court clerks to citizens since the observations of the first three-month analytic report from 15th of March 2006. Without a change is the improvement of architectural setting concerning the civil cases office in Regional court.

3.5. Impressions on judges` behaviour in Razgrad Regional and District court

The civil observers' impressions of the behaviour of judges in monitored period is good, they strictly fulfil their professional duties, they are active in proceedings, question many witnesses.

A large number of the civil observers note that judges speak quickly on the proceedings to save time. Judges often do not address the parties politely. Some of them speak quietly and cannot be heard by the present in the courtroom. It is a practice that judges keep for long time the lawsuit files with all materials in their offices. It leads to inconvenience for the parties to make on time case checks-up in the court offices. There is no evident tendency to write their decisions before the 30 days term has expired.

The names of judges and assessors are not announced before or during the processing of cases in the two courts. This information is not published.

Court does not obey the rule of art.109 par.2 on Civil Procedural Code to ask the parties to come to an agreement.

Still there is a discussion on the question whether court discriminates ethnical groups. One not small group of Roma (living in the quarters between "Razgrad" hotel and "Orel" quarters) announces several cases in which judges, court clerks and court policemen had bad approach to them. According to the victims the reason for their bad treatment is their origin and ethnical belonging.

No change is observed in judges` behaviour in Regional court since the impressions of the first analytic report (15 of March 2006).

3.6. **Impressions on assessors` behaviour**

The assessors` behaviour was observed for the fist time during the second quarter.

During the observed period monitoring established that the assessors are not active in the lawsuit proceedings. This makes the impression that they are not useful for judicial processing, they do not do efficient work in court, and their opinion is not taken into consideration.

3.7. Impressions on prosecutors` behaviour in Razgrad Regional and District court

Prosecutors are active; they strictly fulfil their professional duties, according to observers.

There is a progress in the way prosecutors dress since the past observed period. Monitoring established that all prosecutors have improved their appearance.

It should be noted that some prosecutors are late for lawsuit proceedings.

It is establishes that prosecutors in the most cases priority stand for the positions of state institutions and local authorities. They very rarely support the position of citizens or a group of citizens. .

No change is observed in the prosecutors` behaviour during the observed period since the monitoring report of the first quarter (15th of March 2006).

3.8. Impressions on solicitor during lawsuit proceedings

According to the civil observers` impressions, during the monitoring period the solicitors stand for the interests of their clients with all lawful instruments and firmly defend their interests. Solicitors request the court to summon and examine many witnesses in a case. Civil observers think that that is one of the most common reasons for delaying cases. Some solicitors are late for the beginning of the lawsuit proceedings because of their official engagements in the other court - there is no coordination between the time schedule for hearing cases in District court and in Regional court.

No change in solicitor behaviour since the impressions in the first analytic report.

3.9. Overall impression on the atmosphere in courtroom

In the observed period civil observers established that the audio system in courtroom №1 in Regional court is not working and there is a problem with announcing the cases and the participants. It happens very often one of the solicitors to invite personally the witnesses to enter the courtroom. There are some impressions also about the prohibition to enter the courtroom with switched on mobile telephones. Telephones ring very often and this disturbs the proceedings. People are going in and out of the courtroom very often during the lawsuit proceedings.

Still the hearing in the courtrooms is very low. The windows are open with the warming of weather and the noise from outside disturbs the work during the lawsuit proceedings. It is noted that the additional noises increase in the courtrooms that have western exposure and look out on the “Nezavisimost” square.

Civil observers did not monitor a conflict or any pressure between the parties on the observed cases.

No change since the first analytic report from 15th of March 2006.

3.10. Overall evaluation of District court on conducting lawsuit proceedings during the monitored period – as per the six point grading system

There is a tangible progress in resource provision of court. A BULSTAT bureau is working on the second floor of the District court since March. A system administrator of computer techniques is appointed in District court.

The number of cases open for hearing late than the announced hour is reduced.

Civil observers cannot have full impressions on the District court because of the limited access to case files. Thus they are not able to fulfil their observation cards and to give correct and objective assessment.

The principle for random allocation of cases and according to the order they enter the court is not actively used. The automatic software products for lawsuit system management – from LOT 1 to LOT 4, are not yet actively used.

No change since the first analytic report from 15th of March 2006.

3.11. Overall evaluation of the Regional court on conducting lawsuit proceedings during the monitored period – as per the six point grading system

Civil observers give a good assessment of the activity of Razgrad regional court in the observed period. It is a result of their observations that: court is trying to be impartial and to apply strictly the procedure laws.

The principle for random allocation of cases and according to the order they enter the court is implemented in the court since 8th of May 2006 [5]

There is a tendency of reducing the number of cases that are open for hearing late than the announced hour.

The software to operate the systems LOT 1 – management lawsuit system, LOT 2 – programme for managing the working flow of documents, LOT 3 – unified registry system and LOT 4 - system for issuing certificates for previous conviction, are available already in Regional court. Still many cases are delayed – even because of absence of assessors – incomplete judge session. Telephones are ringing during the proceedings and it disturbs the working atmosphere in the courtroom. The noise from outside tangibly prevents to hear the parties` statements during the proceedings.

There is no information about the criteria for assessors` nomination and election.

A system administrator for computer management is appointed.

There is a positive change in Razgrad Regional court since the analytic report from 15th of March 2006.

3.12. Citizens` impressions – a look from outside – Enclosure – diagram 8.1.

The second current monitoring of the court public image in Razgrad was implemented in March 2006. 43 inquiry cards were filled in on the method of random selection. The survey was organized in four main regions in the town.

The survey of social opinion presented information about citizens` opinion on the qualities of court system, judges and court clerks in Razgrad, what sources of information about court activities they prefer to have, how do they assess the jurisdiction in Regional court and in District court – Razgrad, what are the qualities of judges, what is their attitude to judicial processing, are they pleased by the service of clerks on court offices, whether the mechanisms of functioning and accountancy of court in Razgrad are transparent to citizens, what are their recommendations to improve the court activity in Razgrad. The results of the second current quarter monitoring show active civil position. Citizens are interested in the activity of Regional court and District court – Razgrad. Their recommendations for improving the activity of court system in Razgrad are actual and reasonable. A comparison is made with the first month assessment in December 2005. The whole text of the current survey and its comparison are published in the Internet address: http://court-rz.hit.bg, heading Transparency.

The conclusions of court monitoring in Razgrad are:

- Citizens are informed about the activities of court system in Razgrad by media – television, newspapers, and radio, Internet. Not low is the percentage of inquired people that declared necessity to have a personal conversation with a court clerk. Local mass media is an important source of information about the activity of Regional court and of District court in Razgrad.
- The inquired citizens share that they form their impressions either as external observers or as direct clients of services.
- Most of the inquired citizens have positive attitude to the judges of the two-courts. The participants in the inquiry give a good assessment to the professionalism of judges in Regional court. They also highly assess the professionalism of judges in District court- Razgrad.
- The inquired citizens share that the service in court offices is effective and qualified, clerks give competent information, keep the working time.
- It is impressing that a high percentage of inquired answered that they presume manifestations of impartiality and discrimination attitude by judges and clerks.
- A big part of inquired think that the transparency and accountability of court in Razgrad is not sufficient. They suggest organizing and implementing of different forms and press conferences to inform society about the activity and the complete work of court institution.

[5] art 12a on the Act on the Judiciary, published in State newspaper, issue № 59 from 1994, in force since 12th of May 2006 published in the State Newspaper, issue № 39.

- Many inquired citizens do not engage any concrete opinion or recommendations and answer with " I can not assess" probably because they never used the services of court or do not have direct impressions on its work.

The third current court monitoring was implemented in June 2006. 45 inquiry cards are fulfilled in 5 "nets" in the town. The method of casual selection was used. The inquirers were: project team, civil observers.

The survey results show that more than 70% of citizens are informed about court system` activity by mass media – television, newspapers, radio. Citizens receive initial information about court activity from local television and press. High is the percentage of inquired who receive information about court activity from Internet /12.00%/. 7% prefer to get information about court system from a personal conversation with court clerks and judges. The inquired point out more than one answer because the sources of information about court activity are more than one.

Almost half of citizens (over 45%) form their impressions about the activity of judges and court clerks in Razgrad from mass media. Almost 1/4 of citizens receive information as external observer of court activity. 14% form their impressions directly as users of court services. Inquired citizens share that they are informed about court activity from personal conversations with court clerks.

The prevailing assessment on the question *"How do you assess the quality of jurisdiction in District court - Razgrad?"* is " Fair" /20%/ - for impartial and objective jurisdiction in District court – Razgrad. More than 15% of answers are "Poor" /21%/. "Excellent" is the opinion of 11%. Most of the participants in the inquiry /35%/ point out the answer "I can not assess". The inquired citizens assess with "Fair" the index: Expedition of judicial processing of cases /33%/. 9 is the percentage of citizens who pointed "Excellent" at: Expedition of judicial processing of cases. The answer "I can not assess" /25%/ shows that citizens do not have information about the services of District court in Razgrad.

Citizens of different age groups participate in the inquiry. The most active in the survey are citizens between 20 and 40 years old. Women are 61% and men - 39% of all participants. High is the percentage of educated citizens who are interested in the questions related to court system. The percentage of participants with higher education prevails – 47%, participants with secondary education are 42%.

<u>The conclusions of the third current monitoring are:</u>

- Citizens are informed and show interest to activity of District court and of Regional court in Razgrad.
- They give valuable recommendations to improve the activity of court system in Razgrad.
- Citizens give a poor mark to the quality of jurisdiction of District court and of Regional court in Razgrad.
- Their opinion about the professionalism of judges in District court and in Regional court in Razgrad is positive. Most of citizens think that judges are impartial and effective in taking decisions. Judges enjoy social prestige.
- They are pleased on the service of the court clerks in the offices of the two courts. Clerks relate with attention to citizens, work expeditious, competent and qualified. Half of the inquired think that clerks keep the working time.
- Equal is the percentage of those who do trust the court system and those who do not trust it.
- Citizens expect more transparent and more accountable court system in Razgrad.
- Half of the inquired prefer in future to receive information about court activities from media – press, radio, and television, Internet.
- The local mass media is a main source of information for receiving information about the activities of District court and of Regional court in Razgrad.
- The percentage of those who answered that they presume manifestation of impartiality and discrimination attitude of judges and clerks is comparatively high /42%/.
- The active civil position on giving recommendation about improving the work of court institution in Razgrad is impressing. Citizens give recommendations for improving the transparency and access to information about court activity. Better access to media. Citizens think that it is important to set up a WC in court building.
- Citizens are not active in inquiring. They do not engage to give a definite answer because they never used the services of court and do not have direct impressions.
- The percentage of young people between 20 and 40 years old and participants with university education is high.

Almost 70% of inquired citizens do not give definite recommendations. Their recommendations concern mainly the improving the transparency of court system and giving more information about court activity. Citizens suggest that it is important to set up a WC in court building. There is also an opinion that the court activity does not depend on the recommendations of citizens because they will not be considered. The whole text of the current survey and its comparison are published in the Internet address: http://court-rz.hit.bg, heading Transparency.

3.13. Recommendations of citizens:

- No corruption in courts in Razgrad.
- More expedient judicial processing of cases keeping the time terms.
- Court clerks should give expedient and precise information and be polite and nice.
- To appoint more competent and young clerks who will service citizens of Razgrad quickly and properly.

Chapter IV. POSIBLE POLITICS

4.1. Normative framework of analyses

The successful cooperation between the team of NGO Centre and the District court and Regional court in Razgrad is the key moment to achieve the project aims and to implement civil monitoring on court. The traditional monitoring analysis of volunteers presents the public image of judicial institution. The court system is set up in front of a challenge in its preparations for membership in European Union: the necessity to stable jurisdiction by adoption and amendment of laws and to improve its relations with society.

4.2. Evaluation of alternative politics

The District court - Varna adopted a *five years plan to improve the effectiveness, transparency and provision of jurisdiction in Bulgaria. The plan points out as a priority to improve the relations with society. Another aim is to increase the guarantees for openness, transparency and adequate access to court, to dispose wider information, to promote the transparency of lawsuit proceedings, to re-organize the physical environment in order to ensure a wider access to information for and about court and to use modern technologies for information provision.* More concrete it foresees to improve the activity of information centre for disposing information and services to citizens, for surveying public opinion about the activity of court in Varna and for improving vision and possibilities of Varna District court website – www.vcourts.org,

District court – Shumen in cooperation with Judicial Strengthening Initiative in Bulgaria of USAID and East-West Management Institute describes in *a document of 10 pages the achievements of Shumen court as a participant in the "Courts-partners" programme.* The document aims to multiply successful practices for courts in Bulgaria in the process of judicial system's reforming: http://www.ewmi-bg.com/docs/ShumenRCprofil.pdf

Chapter VIII. Enclosures– tables, diagrams, analyses and other

Diagram 8.1. Month assessment of March 2006

"How do you inform about the activity of the court system in Razgrad?"
"How do you form your impression on the activity of judges and court clerks in Razgrad?"
"How do you assess the quality of jurisdiction in District court - Razgrad?"
"How do you assess the quality of jurisdiction in Regional court - Razgrad?"
"How do you assess the attitude of judges to lawsuit participants?"
"According to you, do judges in District court - Razgrad have the necessary qualities?"
" According to you, do judges in Regional court - Razgrad have the necessary qualities?"
"Do you trust the court system in Razgrad?"

Diagram 8.2. Monitored cases in District court – Razgrad and in Regional court - Razgrad

Diagram 8.3: Kinds of monitored cases

Table and diagram 8.4: Object of monitoring

Chapter IX. STATISTICS

Totally 56 lawsuit proceedings on 55 cases were observed in the three months March-May 2006. 47 of the lawsuit proceedings were monitored in Regional court (84%) and 9 lawsuit proceedings in District court (16%).

In March 2006 five civil observers monitored totally 18 lawsuit proceedings on 18 cases. All lawsuit proceedings were in Regional court. From the 18 cases 17 are criminal and 1 civil.

In April 2006 14 lawsuit proceedings on 14 cases were monitored. 9 of them were criminal, 4 divorces and 1 civil. 11 lawsuit proceedings were monitored in Regional court and 3 lawsuit proceedings in District court - Razgrad.

In May 2006 24 lawsuit proceedings on 23 cases were monitored. 17 of them were criminal and 6 divorces. 6 lawsuit proceedings were monitored in District court and 18 lawsuit proceedings in Regional court.

Table 1: Object of monitoring

Object of monitoring/ lawsuits	*Criminal cases*	*Divorce cases*	*Civil cases*
Ethnical minorities	9 (16%)	2 (4%)	
Violence victims	7 (13%)	2 (4%)	2 (4%)
Juvenile	4 (7%)		
Prisoner convicted several times	6 (11%)		
Unemployed	2 (4%)		
Poor	4 (7%)	2 (4%)	
Illiterate	1 (2%)	2 (4%)	
Foreigner	2 (4%)		
Disabled people	2 (4%)		
Ill pensioner	1 (2%)		
Non of the parties belong to vulnerable groups		1 (2%)	
No data	6 (11%)		
Total	44 (100%)	9	2

From totally 56 lawsuit proceedings 7 (less than ¼) started with 5 to 20 minutes later.

In 54 lawsuit proceedings defendants/ respondents are Bulgarian citizens, 2 are foreigner.

Ethnical origin	*Defendants /respondents*	*Victims /claimants*
Bulgarian	9	11
Roma/ethnical	8	5
Turkish	15	6
Other	2	
Education grade	*Defendants*	*Victims*
Elementary	7	7
Primary	16	2
Secondary	9	5
Higher	1	1

No data	3	4

In 9 lawsuits defendants were previously convicted and vindicated, in 10 lawsuits defendants were previously convicted and but not vindicated, in 13 lawsuits they were with clear record, in 1 lawsuit there is no data for any records.

In 29 lawsuits defendants are literate, in 2 – illiterate or barely illiterate; in 2 we have no data.

In 4 lawsuits defendants did not have a solicitor or an official advocate, in 2 lawsuits – no data.

In 24 lawsuits the victim is a Bulgarian, in 2 lawsuits – no data.

In 9 lawsuits victims have a solicitor, in 3 lawsuits – no data.

In 8 lawsuits prosecutor has returned the case to pre-trail phase for additional investigation, in 2 lawsuits – no data

In 28 lawsuits present in the courtroom could hear the statements of the case participants, in 2 lawsuits they could hardly hear, and in 1 lawsuit – no data

In 6 lawsuits defendants were not present.

In 8 lawsuits victims were not present.

In 8 lawsuits relatives/ close to the defendant were present in the courtroom.

In 7 lawsuits relatives/ close to the defendant were not present in the courtroom.

There is no data for 2 lawsuits.

In 22 lawsuits the cases were considered, in 9 lawsuits cases were nonsuit, in 2 lawsuits cases were delayed, there is no data for 2 lawsuits.

In 12 lawsuits defendant was not arrested to the moment of committing the crime.

In 5 lawsuits defendant was arrested at pre-trail phase.

In 14 lawsuits defendant was not arrested during the trail.

There is no data for 3 lawsuits.

In 4 lawsuits there were statements for home violation.

In 4 lawsuits there was evidence for home violation

There is no data for 3 lawsuits.

In 31 lawsuits there was no pressure between the parties in the courtroom during the trail.

In 2 lawsuits there was pressure between the parties in the courtroom and in 3 lawsuits there was pressure during the proceedings.

There is no data for 3 lawsuits.

In 10 lawsuits the victim made a statement.

There is no data for 10 lawsuits.

In 12 lawsuits the defendant made a statement

There is no data for 7 lawsuits.

In 3 lawsuits the defendant and the victim do not know each other.

In 1 lawsuit the defendant and the victim are married.

In 1 lawsuit the two parties are relatives.

In 11 lawsuits the two parties know each other.

In 6 lawsuits the defendant explains the reasons for the crime. There is no data for 7 lawsuits.

In 1 lawsuit the defendant and the victim have children together under the age of 18 who are present in the courtroom.

In 2 lawsuits children under 18 witnessed the crime.

In 1 lawsuit there is data that children under 18 witnessed the violation between the defendant and the victim.

In 1 lawsuit children were questioned as witnesses.

In 18 lawsuits the prosecutor showed deep knowledge of the case, and in 2 lawsuits the prosecutor did not show deep knowledge of the case.

In 2 lawsuits the prosecutor was not active during the trail; in 18 lawsuits the prosecutors were active in proving prosecution.

In 8 lawsuits the prosecutor made remarks, in 1 lawsuit there is a remark.

In 4 lawsuits the prosecutor was active and made objections, and in the same number of lawsuits (4) the prosecutor did not make any objection.

In 6 lawsuits the prosecutor made demands and in 5 lawsuits there are no demands.

In all monitored lawsuits court did not show partiality to parties of a case.

In 25 lawsuits the judge succeeded to keep the order in the courtroom.

In 28 lawsuits the judge obeyed his obligation to explain the parties their rights.

In 23 lawsuits there were no comments or statements out of the record of proceedings.

In 14 lawsuits the court was active in explaining the reasons for the crime.

In 2 lawsuits the court used the possibility to apply the educative function of the trail in cases when groups (pupils) were present in the courtroom.

In 5 lawsuits there was data for previous defendant's violation acts.

In 2 lawsuits there is data that the defendant continues his violation acts, in 11 lawsuits there is no such data.

In 3 lawsuits the judge took measures to stop violation.

In 5 lawsuits the judge was active in clearing up the forms, reasons and results of violation.

In 1 lawsuit the defendant was found not guilty.

In 13 lawsuits defendant was found guilty.

In 4 lawsuits cases ended with agreement between the parties.

Chapter IX. REFERENCES

1. Monthly reports of civil observers.
2. "Civil Court Watch in Razgrad" Project 2004, http://court-rz.hit.bg, heading Bulletin/Documents/Survey.
3. Plan for Improving the Activity of District Court – Varna – http://vcourts.org/plan.htm
4. Media strategy of judicial system, adopted by Supreme Judicial Council (Record №25 from 25th of June 2003)
5. District court – Shumen in cooperation with Judicial Strengthening Initiative in Bulgaria of USAID and East-West Management Institute - http://www.ewmi-bg.com/docs/ShumenRCprofil.pdf