

Republic of Bulgaria – National Procedures for Extradition
Updated 28/04/2015

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for extradition:	<p>Ministry of Justice of the Republic of Bulgaria, tel.: +35929237545/515, fax: +35929237545, e-mail: k_panova@justice.government.bg Terziivanov@justice.government.bg S_filipova@justice.government.bg</p> <p>Postal address: 1, Slavyanska Str. 1040 Sofia BULGARIA</p>
If different from the Central Authority the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	
Channels of communication for the request for extradition (directly, through diplomatic channels or other):	Ministry of Justice of the Republic of Bulgaria
Means of communication (e.g. by post, fax, e-mail ¹):	<p>The request for extradition shall be submitted by a competent body of the requesting country in written form to the Ministry of Justice of the Republic of Bulgaria.</p> <p>The request for extradition may be transmitted also via diplomatic channel, via the International Organization of the Criminal Police (Interpol) or in another manner which may be agreed between the requesting country and the Republic of Bulgaria.</p>
Language requirements:	Documents shall be sent together with a translation into Bulgarian, or in the absence of such, with a translation into either of the official languages of the Council of Europe.
Documentation required:	<p>To the request for extradition shall be attached:</p> <ol style="list-style-type: none"> 1. original or a certified copy of the sentence, the writ of seeking of criminal liability or the arrest warrant or another document of the same effect, issued following the order as prescribed by the legislation of the requesting country; 2. description of the offence for which the extradition is required, time and place of the commitment, legal

¹ Please indicate if encryption or electronic signature is required.

	<p>classification, range of the damages if such arose, a copy of the applicable legislation provisions, including regarding the limitation period;</p> <p>3. data about the requested person, accompanied by other information allowing his/her identification and citizenship;</p> <p>4. information regarding the not-served part of the imposed penalty, if extradition of a sentenced person is required;</p> <p>5. documents certifying the guaranties under that if the legislation of the applying state provides for the offence death sentence or such has been imposed, except the applying state gives sufficient legal guarantees that the death sentence shall not be imposed, or if it had been imposed – shall not be executed or shall be replaced by a different penalty, and if the sentence had been pronounced not in the presence of the person and the person did not know about the prosecution against him/her, except the applying country gives sufficient guaranties that the person shall be provided with second hearing of the case with right of defense.</p>	
Provisional arrest:	Time limit for presentation of formal extradition request if the person is in provisional arrest	
	Is there a need for an explicit request for prolongation of the provisional arrest beyond the 18 days mentioned in Article 16, paragraph 4 of the European Convention on Extradition (ETS No.24)?	
Extradition procedures: Please describe shortly the different types of procedure (e.g. normal, simplified, other) indicating the main differences:	<p>According to Extradition and European Arrest Warrant Act there are three types of extradition: normal, simplified and provisional.</p> <p>1. Normal procedure for extradition - After finding the location of the person on the territory of the Republic of Bulgaria and the identity of the person, the Supreme Prosecutor's Office of Cassation shall detent the person for a period not longer than 72 hours and shall send the temporary detention application together with all the documents to the District Prosecutor of the district where the person is located. The District Court shall hear the request and shall pronounce a definition of imposing measure of temporary detention or of another measure of proceedings compulsion which shall provide the participation of the person in the extradition procedure. The measure of temporary detention shall be imposed for a period of 40 days or another period as provided in an</p>	

	<p>international treaty where the Republic of Bulgaria is a party to.</p> <p>2. Simplified procedure for extradition - Procedure upon consent to immediate extradition: In the case where the required person expresses consent to immediate extradition at the court session, the court shall question him/her whether he/she gives voluntary his/her consent and whether he/she understands the consequence of this. After the court makes sure that the consent has been given voluntarily, it shall be inscribed in the minutes which shall be signed by the person and by his/her defender. If there is no ground for refusal for extradition, the court shall pronounce decision for immediate extradition within 24 hours. The decision shall be executed by the Supreme Prosecutor's Office of Cassation.</p> <p>3. Provisional procedure for extradition If the cancellation under Para 1 of Article 18(see below) may lead to elapse of the limitation period for the criminal prosecution in the applying country or to complicate it significantly, the court may admit temporary extradition, under the condition that the person shall be returned in the Republic of Bulgaria immediately after enactment of the actions for which the temporary extradition is admitted.</p> <p>4. Cancellation of extradition By the decision to admit the extradition the court may cancel the factual surrender of the required person if a pending penal procedure or entered in force sentence-subject of execution against him/her exists in the Republic of Bulgaria for an offence, different than this for which the extradition, has been admitted.</p>
<p>Detention before and after the receipt of the extradition request, (deadlines, conditional release, etc.):</p>	<p>See the measures above</p>
<p>Statutes of limitation for the purpose of prosecution and for the execution of sentences (general principles):</p>	<p>According to Bulgarian Criminal Code the statutes of limitation for the purpose of prosecution and for the execution of sentences are prescribed in:</p> <p>Art. 79. (1) The criminal prosecution and the fulfilment of the punishment shall be excluded:</p> <ol style="list-style-type: none"> 1. when the perpetrator dies; 2. due to running of the statute of limitations; 3. for subsequent pardon. <p>(2) Not excluded by prescription shall be the criminal prosecution and the fulfilment of the punishment regarding</p>

	<p>a crime against the peace and the mankind.</p> <p>Art. 80. (1) The criminal prosecution shall run the statute of limitations when it has not been instituted for a period of:</p> <ol style="list-style-type: none"> 1. (amend., SG 31/90; SG 153/98) twenty years for acts punishable by life imprisonment without an option, life imprisonment, and thirty five years for murder of two or more persons; 2. fifteen years for acts punishable by imprisonment of more than ten years; 3. ten years for acts punishable by imprisonment of more than three years; 4. (amend., SG 62/97) five years for an act punishable by imprisonment of more than one year, and 5. (amend. – SG 26/10) three years for all remaining cases. <p>(2) The terms of limitation under the preceding para for crimes committed by juveniles shall be determined upon considering the replacement of the punishments under art. 63.</p> <p>(3) The prosecution limitations shall begin from the completion of the crime, for attempt and preparation - from the day when the last act is committed, and for permanent crimes, as well as for continued crimes - from their termination.</p>
<p>Provisions concerning extradition of nationals:</p>	<p>Extradition shall not be admitted:</p> <ol style="list-style-type: none"> 1. of a Bulgarian citizen, except such provided by an entered in force international treaty, where the Republic of Bulgaria is a party to; 2. of a person, for which person refuge has been provided in the Republic of Bulgaria; 3. of a foreign citizen, who has immunity regarding the prosecution jurisdiction of the Republic of Bulgaria; 4. of a person who shall not bear penal liability as per the Bulgarian legislation; <p>Ground on which execution of European Arrest Warrant may be refused is when the required person lives or is permanently staying in the Republic of Bulgaria, or is a Bulgarian citizen and the Republic of Bulgaria accepts to execute as per the Bulgarian legislation imprisonment penalty or the measure requiring detention in custody of the person which measures have been imposed by the court of the issuing Member State.</p>
<p>Surrender (e.g. deadlines):</p>	
<p>Other particularly relevant information (such as, specific</p>	<p>Double criminality shall not be required for 32 offences, described in a list in our legislation, if in the issuing State</p>

<p>requirements concerning double criminality):</p>	<p>they carry not less than three years of imprisonment or with another more severe penalty, or for them a measure requiring detention for not less than of 3 years is provided.</p> <p>For the offences out of the list, extradition shall be admitted only if the act constitutes a criminal offence as per the Bulgarian legislation and as per the legislation of the applying country, and for this offence imprisonment penalty or measure requiring detention not for shorter than 1 year or other more stiff penalty is stipulated.</p>
<p>Links to national legislation, national guides on procedure,</p>	