

Interrogation of witnesses

Article 139

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Prior to interrogation of the witness his or her identity shall be established, and the relations thereof with the accused party and with the other participants in the proceedings. In cases under Articles 141 and 141a, the identification code of the witness shall be entered in the record to substitute for his/her identity data.

(2) The body conducting the interrogation shall invite the witness to testify in good faith and warn him or her of the responsibility under the law if he or she refuses to do so, gives false testimony or withholds certain circumstances, also explaining him/her the right under Article 121.

(3) The witness shall promise to tell in good faith and exactly everything to his or her knowledge about the case.

(4) The persons under Article 119 shall be explained their right to refuse to testify.

(5) Witnesses shall state in the form of free narration all that may be known to them about the case.

(6) The provisions of Article 115, paragraph (1), Article 138, paragraphs (4) and (5) shall also apply to the interrogation of witnesses, mutatis mutandis.

(7) (Amended, SG No. 32/2010, effective 28.05.2010) Any witness outside the territory of Bulgaria may also be interrogated through a video or phone conference in compliance with the provisions of this Code.

(8) (New, SG No. 32/2010, effective 28.05.2010) Interrogating a witness within the territory of Bulgaria through a video or phone conference may be conducted in trial proceedings, as well as in pre-trial proceedings subject to the conditions and procedures laid down in Article 223.

(9) (New, SG No. 32/2010, effective 28.05.2010) In cases within the scope of paragraph 8, the interrogation shall be conducted in compliance with the provisions of this Code, and the identity of the witness shall be verified by a judge from the court of first instance in the area where the witness is located.

(10) (New, SG No. 63/2017, effective 5.11.2017) Interviews of witnesses with specific protection needs shall be conducted after measures have been taken to avoid contact with the accused party, including videoconferencing or telephone conferencing, in accordance with the provisions of this Code.

(11) (New, SG No. 98/2020) Protected witness may also be interrogated through a videoconference.