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BULGARIAN MISSION PAGE 01/03

PERMANENT MISSION OF THE REPUBLIC
OF
BULGARIA
TO THE UNITED NATIONS

The Peimanent Mission of the Republic of Bulgaria to the United Nations presents its compliments to the United Nations Office of Legal Affairs and in response to its circular notes reference LA/COD/50/l and reference LA/COD/50/1 dated December 31, 20 15 relating to the implementation of GA Resolution 70/114 of 14 December 2015 entitled "Criminal Accountability of UN Officials and Experts on missions'·' has the honor to submit the infonnation attached herewith.

The Peimanent Mission of the Republic of Bulgaria to the United Nations avails itself of this opportunity to renew to the United Nations Office of Legal Affairs the assurances of its

highest consideration.)'F

New York, 25 May 2016

UNITED NATIONS
OFFICE OF LEGAL AFFAIRS

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Uno(ficial translation

INFORMATION

CONCERNING THE IMPLEMENTATION BY THE REPUBLIC OF BULGARIA OF
GENERAL ASSEMBLY RESOLUTION 70/U4 OF 14 DECEMBER 2015

TlJe rules regulating the criminal jurisdiction and the international cooperation in criminal cases,
established by the legislation of the Republic of Bulgaria, c.orrespond to the highest degree to the requirements set up in operative paragraphs ofGA Resolution 70/114 of 14 December 2015.

With regard to OP7 the Bulgarian Penal Code is applied to Bulgarian citizen including for crimes conunitted abroad (Art. 4, para 1 of the Penal Code), regardless of whether the perpetrated acts represent a crime according to the legislation of the State within whose territory the offence has been committed. Crimes committed abroad by Bulgarian citizens in their capacity of national officials ('civil servants' crimes') or foreign officials, including UN officials and experts on missions also fall within the scope of the criminal jurisdiction of the Bulgarian State (according to Art. 301, para 5 and Art. 304, para 3 of the Penal Code foreign officials are held responsible for passive and active bribery).

Regarding OP 8 and OP 9 (a) and (d), the international cooperation in the field of criminal prosecution is carried out in accordance with the national legislation and the international treaties to which Bulgaria is a party, the latter having precedence over the norms of the national law, which contradict them. The Republic of Bulgaria is a party to numerous conventions of the United Nations, the Council of Europe, the Organization for Economic Cooperation and Development and the European

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provided by in an international treaty to which Bulgaria is a party. The special braches within the
Ministry of justice and the Supreme Prosecutor's Office of Cassation are entrusted with guaranteeing the timely of legal assistance and extradition tmder the conditions of international
treaties or on the basis of reciprocity.

With regard to OP 9 (b), the provisions of the Bulgarian Penal Procedural Code (Chapter XVII "Investigation") allow for information received from the Organization of the United Nations to serve as a basis for commencement of pretrial proceedings against Bulgarian citizens serving as officials or experts on missions for crimes committed by them abroad.

Regarding the implementation of OP9 (c) the respective legal and institutional framework has been set up for the protection of witnesses, victims and their relatives. Witness protection is regulated in Art. 123 of the Penal Procedural Code and the Law on the Protection of Persons in Criminal Proceedings which establishes the conditions for providing special protection to persons endangered as a result of pending criminal proceedings and persons directly connected to them, where the measures provided in the Penal Procedural Code are insufficient to guarantee their protection. The objective of the Law is to assist in the fight against the most serious crimes