

[Home](#) > ... > [Your Rights](#) > [Defendants \(criminal Proceedings\)](#) > 3 - My rights in court

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Where and how will the trial be held?

The [Criminal Procedure Code](#) defines whether the court of first instance to hear your case will be a district or a regional court. For more information on courts, visit the [Supreme Judicial Council](#) website.

In principle, the trial is public. However, it is possible for the entire trial or individual hearings to be held behind closed doors. That is done to protect state secrets, public morals or the secret identity of a protected witness.

Depending on the gravity of the charge, the case will be decided by a judge or a panel of one judge and two jurors. Most serious crimes cases are handled by a panel of 2 judges and 3 jurors. The judge and jurors have equal votes in the process.

Can the charges be changed during the trial?

That is possible if, during the trial, new facts unknown to the investigating authorities until then, are proven to support the charge. But new charges can be brought up only when:

- serious changes of the facts described in the original charges are needed;
- even without such changes, the new charges concern graver crimes.

If there is a new charge, you may ask to prepare for it before the trial goes on.

If you plead guilty to any charge, you may get a lighter sentence. But the court cannot pass judgement on the basis of your confession only.

What are my rights during the trial?

[here](#)

In principle, participation in a trial by video-link is not allowed. If the court deems that the truth would not be hindered, the court can only question you by video-link – and only if you are outside the country. Mandatory participation means your physical presence during the entire trial. If your participation is not mandatory, you have the right to be present. If you do not speak the language, you can get an interpreter free of charge.

[here](#)

You may, but do not have to, speak during the trial. Even if you say something which is not true, that will not have any bad consequences for you. But you should confirm your personal details.

What are my rights in relation to the evidence against me?

You can challenge the evidence produced against you. You can state that it is not admissible because it has not been legally collected or because, though admissible, it does not support the charge. Normally, evidence is challenged at the end of the trial when the lawyer presents the arguments of the defense. Admissibility of the evidence can be challenged in the course of the trial too.

You are entitled to ask for any evidence, admissible under the law, in your favour. You can request that defence witnesses be interviewed. You can ask for evidence to be produced at any time during the trial. Evidence obtained

through a private detective is admissible if it is collected within the law. Your lawyer can estimate its value.

You and your lawyer can put any questions to witnesses for the prosecution in their presence. More specific is the procedure of interviewing [protected witnesses](#). You can challenge what has been said by witnesses against you. Normally, that is done at the end of the trial when the lawyer presents the arguments of the defence.

Will information about my criminal record be taken into account?

The court will collect information about your previous criminal convictions no matter whether you agree or not. If you are found guilty and have previous convictions, they may lead to a more severe penalty. The information should be current as of the close of the trial. Any previous convictions in another Member State will be taken into account if they have been previously recognized by a Bulgarian court.

What happens at the end of the trial?

If the court determines that the charge is proven beyond a reasonable doubt, the court will find you guilty and punish you under the law. Otherwise, the court will declare you 'not guilty'.

Possible sentences:

- Life imprisonment – with or without a right to substitution: imposed for the gravest crimes. Life imprisonment without a right to substitution may not be replaced by imprisonment for a definite term. Imprisonment for a definite term – 20 years maximum or, by exception, up to 30 years. The sentence is served in prison.
- Probation for a definite term – includes measures of control and influence without depriving you of your freedom. Community service can be such a measure.
- Seizure - your property or part of it is forcefully taken away from you.
- Fine – you have to pay a certain amount of money.
- Deprivation, for a definite period, of the right to hold a certain position or practice a certain profession, the right to awards or military titles.
- Public censure – your sentence is made public in an appropriate way.

What is the role of the victim during the trial?

As a private accuser, the victim will maintain the charge brought up by the public prosecutor and ask for your conviction. As a civil plaintiff, the victim will want you to be sentenced to pay for the damages caused by the crime. The victim will file a petition at the beginning of the trial and play those roles if the court decides so.

Interviewing a protected witness

Giving testimony may endanger the life or health of a witness or his/her family and friends. Then the court, if it is convinced that the danger is real, takes measures – at the request or with the consent of the witness - to urgently protect his/her safety. Not revealing a threatened witness's identity can be such a measure.

If a protected witness with a secret identity is to testify, the court will interview him/her when the parties to the trial are not present. The law requires the court to take all possible precautions in order not to expose the identity of the witness. After the interview, the court will promptly provide you and your lawyer with duplicates of the unsigned witness statement. You and your lawyer can put your questions to the witness in writing.

Related links

<https://www.lex.bg/bg/laws/ldoc/2135512224Criminal Procedure Code>

<https://www.lex.bg/bg/laws/ldoc/1589654529Criminal Code>

<https://www.lex.bg/bg/laws/ldoc/2135560660The Judiciary Act>

<http://www.vss.justice.bg/bg/vlast/1.htmSupreme Judicial Council>

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