

INFORMATION
from
THE REPUBLIC OF BULGARIA
in implementation of Operative Paragraph 1 of Resolution 64/117 of 16 December
2009 of the United Nations General Assembly entitled
“THE SCOPE AND APPLICATION OF THE PRINCIPLE OF UNIVERSAL
JURISDICTION”

The territorial scope of the Penal Code of the Republic of Bulgaria is defined by several basic principles. The first of these principles is the so-called territorial principle, according to which the territorial borders of the State also define the territorial scope of the penal law. This means that the Penal Code applies to all criminal offences committed within the territory of the Bulgarian State, regardless of whether the perpetrator is a Bulgarian national or a foreign national (Article 3 (1) of the Penal Code).

Article 4 of the Penal Code also provides for the personal principle of application of the Bulgarian Penal Code, according to which the Penal Code furthermore applies to Bulgarian nationals with regard to the criminal offences they have committed abroad. The Penal Code also applies to aliens who have committed criminal offences abroad, but only when the offences they have committed are indictable and affect the interests of the Bulgarian State or of Bulgarian nationals (Article 5 of the Penal Code).

The universal principle of application of the norms of penal law is regulated by Article 6 of the Penal Code. The provision is mandatory in nature and unambiguously identifies the prerequisites required for the establishment of criminal jurisdiction. According to Article 6 (1), the penal law applies to aliens who have committed abroad crimes against peace and humanity, including crimes against the laws and customs of war, genocide and apartheid, thereby affecting the interests of another State or of foreign nationals. Article 6 (2) provides that the Penal Code furthermore applies to other offences committed by aliens abroad, where it so provided for in an international agreement to which the Republic of Bulgaria is a party. Therefore, when the Republic of Bulgaria is a party to an international agreement which contains a provision on the establishment of universal jurisdiction with regard to the offences specified by the international instrument, the Bulgarian Penal Code makes it possible to undertake effective criminal prosecution of the perpetrator of such kind of offence, regardless of the territory within which this offence was committed and regardless of the nationality of the perpetrator or the victim, as well as without requiring a link between the offence as committed and the State which claims jurisdiction in this particular case.

Considering the above, it should be noted that the Republic of Bulgaria can exercise its universal criminal jurisdiction to an equal degree with regard to the above-mentioned offences governed by customary international law: genocide, crimes against humanity, grave violations of the Geneva Conventions of 1949 or other violations of international humanitarian law committed in international or non-international armed conflict, as well as with regard to crimes defined by international treaties to which Bulgaria is a party (such as torture, unlawful seizure of aircraft, taking of hostages, terrorism).

The Republic of Bulgaria is party to the following international instruments relevant to the issues discussed above and which, at the same time, define crimes falling under the scope of Article 6 (1) and (2) of the Penal Code:

- *Article 6 (1) of the Penal Code*

- Rome Statute of the International Criminal Court of 1998 (signed on 11 February 1999 and ratified by a law adopted by the National Assembly on 15 March 2002, promulgated in the *State Gazette* No. 31 of 26 March 2002).

• *Article 6 (2) of the Penal Code*

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (ratified by State Council Decree No. 3384 of 9 October 1986, promulgated in the *State Gazette* No. 42 of 3 June 1988, amended in *State Gazette* No. 19 of 24 February 1995);

- Convention for the Suppression of Unlawful Seizure of Aircraft of 1970 (ratified by National Assembly Presidium Decree No. 564 of 1 April 1971, promulgated in the *State Gazette* No. 29 of 13 April 1971. The Convention entered into force for Bulgaria on 14 October 1971 and was promulgated in the *State Gazette* No. 12 of 11 February 1972);

- Convention on Offences and Certain Other Acts Committed on Board Aircraft of 1963 (ratified by State Council Decree No. 1470 of 27 July 1989, promulgated in the *State Gazette* No. 60 of 4 August 1989);

- International Convention Against the Taking of Hostages of 1979 (ratified by State Council Decree No. 3418 of 16 December 1987, promulgated in the *State Gazette* No. 98 of 1987. The Convention entered into force for Bulgaria on 9 April 1988 and was promulgated in the *State Gazette* No. 41 of 31 May 1988);

- International Convention for the Suppression of Terrorist Bombings of 1997 (ratified by a law adopted by the National Assembly on 13 November 2001, promulgated in the *State Gazette* No. 102 of 27 November 2001. The Convention was promulgated in the *State Gazette* No. 36 of 9 April 2002);

- International Convention for the Suppression of the Financing of Terrorism of 1999 (ratified by a law adopted by the National Assembly on 23 January 2002, promulgated in the *State Gazette* No. 11 of 2002. The Convention entered into force for Bulgaria on 15 May 2002 and was promulgated in the *State Gazette* No. 70 of 19 July 2002).