

CENTRAL INTELLIGENCE AGENCY

INFORMATION REPORT

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1. Until 9 September 1944, when the Bulgarian Government was taken over by the Communist Party, the administration of justice in Bulgaria was organized largely on the French system. In 1940, when the Government was Fascist, and in 1941 when Bulgaria formally decided to collaborate with Germany, the Nuremberg laws were introduced, but these were abolished again in 1944. By the end of 1944, all members of the pro-Nazi Regency Council, Government, and Parliament had been arraigned before the People's Courts, whose composition was defined by a series of special decrees. The Regency continued formally until the proclamation of the People's Republic of Bulgaria in September 1946.
2. During 1947 a new constitution was prepared, approved on 5 December 1947, and the previous legal code was completely overhauled and replaced by new basic laws formulated in accordance with the principles of the popular republics. At the present time all laws which existed prior to 1944 have been abolished and replaced by new ones based on the Soviet pattern.
3. Every effort is made to have the administration of the law approximate the Soviet pattern. In practice this is not always possible, partly because members of the legal profession in Bulgaria have received a different training, and partly because it is not always possible to obtain information on the day-to-day administration of Soviet law. Both textbooks and protocols of important legal precedents in the Soviet Union are extremely difficult to obtain, and, in any event, are not published in any language but Russian. In addition, the economic system of Bulgaria has not yet progressed sufficiently in the direction of state socialism for the Soviet legal system to be fully applicable.
4. The legal pyramid in Bulgaria consists of District (Okoliya) Courts, now known as People's Courts, Circuit Courts (sic), and the Supreme Court in Sofia. All civil and criminal cases must first come before a People's Court, with the exception of certain crimes which are specifically listed as having to come directly before a Circuit Court. Generally speaking, it may be said that the former French system of two de-facto courts (courts of first and second instance), followed by a court of appeal as a court of third instance, has now been replaced by a two-court

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-2-

system without a formal court of appeal. In fact, the second court acts as a court of appeal, and, where the appeal is allowed, it returns the case to the lower court for further consideration. However, in cases where the actual facts have been fully cleared up by the lower court and there is doubt only as to the penalty, this will be decided directly by the higher court without returning the case to the court which first tried it. An innovation of interest is that the higher court may reverse even parts of the decisions of the lower courts against which no appeal has been made, if these are affected by the reversal of the main judgment.

5. The supreme authority for the legality of all court decisions is vested in the Supreme Court, which not only passes on cases reaching it, as court of second instance, from the Circuit Courts, but also is authorized to reverse or return to a lower court any decisions made at any level, as well as to reverse judgments which have already been given. Applications for such reversals may be originated either by the State Attorney of the Republic or by the President of the Supreme Court, and must be heard by the Supreme Court itself. This procedure amounts in fact to a court of third instance, and does not correspond to the legal system as laid down by the Constitution. It was originally intended that these appeals would be reserved for very special cases in which serious mistakes have been made in the lower courts, but it has proved difficult to prevent the lodging of appeals. As a result, even disputes concerning apartments have now reached the Supreme Court by this route. All crimes committed by members of the Government in their official capacity and official crimes committed by judges (both trained and lay judges), state attorneys, and magistrates, go directly to the Supreme Court.
6. The People's Courts and the Circuit Courts consist of a Civil and a Criminal Chamber, while the Supreme Court has three "colleges": Civil, Criminal, and Military. The Military Chamber of the Supreme Court functions as a court of first instance.
7. In 1952 the following regulations were laid down for the number of judges in each court:
  - a. Popular Court as Court of First Instance - one trained judge who acts as president, and two lay judges;
  - b. Popular Court as Court of Second Instance - one trained judge.
  - c. Circuit Court as Court of First Instance - one trained judge and two lay judges.
  - d. Circuit Court as Court of Second Instance - three trained judges.
  - e. Supreme Court as Court of First Instance - three trained judges and four lay judges.
  - f. Supreme Court as Court of Second Instance - three trained judges.
8. The Bulgarian constitution provides for the division of the country into local councils, districts, and counties, each of which is headed by popular councils elected for a period of three years. Each popular council (Naroden Suvet) elects an executive council to attend to current affairs. Both trained and lay members of the People's Courts and the Circuit Courts are elected for five years by the People's Councils of the district and county respectively. Re-election is permissible in both cases. The members of the Supreme Court are elected by the National Assembly (Narodno Sabranie), also for five years. Sessions of the Supreme Court are usually attended by three judges, although in special cases all members of the appropriate college may be convened. It is provided that in certain cases, lay judges, elected by the National Assembly, shall sit on the Supreme Court.

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-3-

9. Although judges are elected by the appropriate People's Councils, the candidates are always selected with the approval of the Ministry of Justice and usually on its initiative.
10. On election, a judge accepts the obligation to give a written account to the organ which elected him of the manner in which he has carried out his duties. This has proved difficult in practice, but every effort has been made to permit the assemblies at the various levels to exercise control over the judges and to maintain close contacts between the courts and the people. It is considered desirable in particular that judges in the lower courts shall know the popular reactions to their judgments. Judges are fully aware that their reelection depends on the impression made by their decisions. There is no doubt that this creates a serious problem for the individual judge, who may often be afraid of offending an influential member of his constituency. The official theory, of course, is that no People's Council at any level would permit itself to be influenced by the feelings of individual members who happen to have lost a case in the courts, provided the judge had otherwise proved himself a good interpreter of the popular will.
11. A judge can be dismissed only by the council which appointed him, and only after careful investigation and by permission of the Ministry of Justice. Prior to his dismissal, the judge must be given an opportunity to defend his position.
12. The new Bulgarian constitution provides that the State Prosecutor is elected for five years, by the National Assembly. He is directly responsible only to the National Assembly and he appoints and dismisses all other prosecutors, including his deputy. His duties not only include prosecution in criminal cases but also authorize him to take part in civil suits, either where this is expressly provided by the law, or at his own discretion. One of his most important duties is to ensure that all parts of the government and administration, public institutions, organizations and enterprises operate in accordance with the law, and in particular he must prevent administrative actions which are not in accordance with the public interest. The State Prosecutor makes an annual report to the National Assembly. Only the Presidium of the National Assembly is permitted to annul or amend a ruling made by him.
13. It must be kept in mind that while the National Assembly is the supreme authority according to the Bulgarian constitution, the privileged position of the Communist Party is always emphasized, and in any case, the large majority of the members of the National Assembly belong to the Communist Party.
14. The majority of the judges and attorneys now working in Bulgaria studied law at the Legal Department of the University of Sofia. The legal profession became popular in Bulgaria between the two World Wars, and by 1946 there were about 12,000 attorneys practicing in Sofia, which had, at the time, a population of about half a million. In 1948, new regulations for the practice of law were announced. These roughly paralleled those in operation in the Soviet Union. All attorneys were required to join an attorneys' collective, with a minimum of 15 members to each collective in Sofia.
15. An attorney may now no longer come in direct contact with his clients, this being the job of the secretary of the lawyers' collective. The secretary distributes the various cases among the members of the collective, and payment is made to the collective which distributes shares at the end of the month in accordance with the amount of work done by each member. But in fact, earnings are personal, as most attorneys have their own personal clientele who may designate the lawyer whom they wish to have handle their cases. Thus, while payment is made to the collective, it does, in the end, revert to the lawyer who was responsible for bringing the case to the collective in the first place.

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16. An Attorney's Chamber has been established in each county, the members being elected by the attorneys, in order to supervise the working of the collectives.
17. As a result of the nationalization of industry, civil litigation has dropped off, and the volume of legal advice required is steadily declining. Increasing numbers of attorneys join State and public organizations as legal advisers, but the number of practicing attorneys is still in excess of the demand.
18. Judges as well as attorneys must complete a legal course at the University of Sofia in order to be authorized to exercise their profession, and attorneys must also pass a special state examination and a six months' apprenticeship. There are no special short-term law courses.



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