



Българско Затворническо Сдружение за Рехабилитация Bulgarian Prisoners' Rehabilitation Association



So you've been arrested....

The handcuffs have been put on you by a smartarse cop and he starts pushing you towards his car or office. You're freaking out and thinking about your friends or family and how they will react to this. Your heart is pumping and you start to think that your life is over. However this is a critical time and what you do next can affect the rest of your life. There are a few steps that can reduce the harshness of your sentence.

Step 1. The first thing you need to do is SHUT UP

It might sound obvious, but the majority of prisoners in Bulgaria are convicted due to information collected from the suspect himself. Don't try to decoy the police with lies or bullshit stories. They're used to it and they're only listening to lull you into a false sense of security so that you'll reveal the truth. They'll be happy listening to lies for hours, but eventually you'll talk too much and start revealing the truth. Just don't try. The police and the investigators are not your friends, you don't owe



them anything. They might come across as friendly, but never forget that they want to steal your life and put you in prison for as long as possible.

Never help the police or pretend to help them, you are only giving yourself a longer sentence. The best plan is to sit silently while they shout questions at you, don't speak a single word, there is nothing you can say or do, that will improve your situation and every word you do say will only incriminate you further. It is completely your right not to speak with the police or investigator, no one can force you to speak and there is no punishment for not speaking.

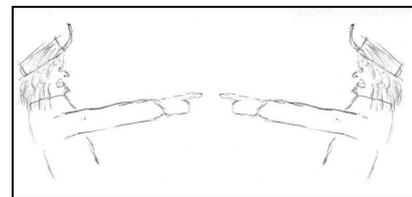
NEVER CONFESS TO THE POLICE OR INVESTIGATOR, IF YOU WANT TO CONFESS SAVE IT TO MAKE A DEAL FOR A LOWER SENTENCE.

(Warning)

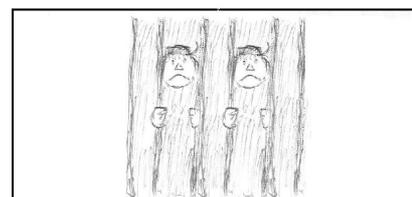
If you are beaten by the police (happens often), tell the police that you are willing to confess but you will only confess to a judge, when a judge comes, complain that the police have and are beating you and of course stick to Step.1 and don't say anything about your case and don't sign anything other than that the police are beating you, sometimes the police might refuse to call a judge especially if your bleeding or badly injured from their beatings. If the police beat you don't expect the doctors to write it in their reports, if other prisoners are witnesses write down their name, ID number and contact details and they can help you later as witnesses. When you get a lawyer you trust get him/her to submit a complaint to the prosecutor's office that the police beat you, but again don't expect much. One thing I will say on the topic, if they beat you and you don't complain they will beat you more often and harder. It is always a better idea to complain as it wont punish the police in question but it usually scares them off from continuing their attacks upon you.

(Warning)

If you are arrested in a group the first step is even more important. You might think that admitting that you know someone is not a big deal especially if you are not admitting that you have committed any crime. However in Bulgaria if the courts do find you guilty of a crime, your confession that you know the other man is enough to add the extra charge of organised crime. Especially if you are arrested as a group of suspects, just shut up! Don't believe the bullshit stories they tell you about the other guy admitting everything. Again there is nothing you can say that can help your situation. Many times Bulgarian courts have convicted 2 people as they both pointed their fingers at the other.



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Don't even agree for one of you to confess to help your friend go free, as later during the investigation the police might fight incriminating evidence against your friend and again you're both in the shit, they'll use the evidence against your friend and your confession against you.

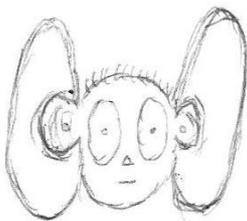
Step 2. Just WAIT

First you'll be arrested on suspicion, if there's "enough" evidence the police can keep you for 24 hours; this can be extended by the prosecutor for another 72 hours. So on the 4th day you'll be taken in front of a judge, the judge will decide if enough evidence has been collected in the last 4 days to keep you in remand (arrest). However when they say "enough" evidence, really they do whatever they want. If you are released by the prosecutor or a judge after your arrest, we suggest that you sue the police or prosecutor who held you for so long. The first 24hour then 72 hour detention is easily applied by the investigator and prosecutor without too much review. So just relax and wait, and continue with Step.1, stay silent and wait.

Step 3. Be environmentally aware

Once you're charged by the investigator you have a right to a government lawyer. However be highly aware of you government lawyer, the investigator is responsible for calling you a government lawyer and depending on the case they might choose to call the government lawyer who is their mate. Even if you pay your lawyer be very careful of your lawyer at least for the begging of your relationship. Lawyers frequently break confidentiality laws and give private information to the investigator.

Also lawyers in Bulgaria are notoriously corrupt. Once receiving payment many lawyers have been known to disappear. Also of concern, don't give your family contacts to lawyers until you yourself have contacted them. Lawyers have been known to call the families of prisoners with a story like "if you don't pay 5000Euros your son will get 20 years". The family freaks out, pays the money then the



lawyer disappears. Just wait! Nothing in Bulgaria happens fast; don't listen to any lawyer who tells you that there is a limited time for paying bribes or to get work done.

Usually you'll be in remand (arrest) for a minimum of 4 months before your trial starts, so take your time to get an idea of who your lawyer is. If s/he is always pushing you to pay quickly amounts over 250Euros then it's almost a sure thing that this lawyer is trying to scam you. If you're a foreigner, most embassies have a list of lawyers who speak your language

and payments if possible should be made through the consol with witnesses. All payments to a lawyer should be made to the lawyer's name, not to a third party. If your lawyer is asking you or your family to send money to a third person (who'll then give it to the lawyer) it's also a pretty good sign that this lawyer is trying to scam you. They do this so that there's no paper trail connecting them to the payments if or when they decide your not going to pay any more money. Basically for everything other then murder the normal rate of pay is 150-200Euros for helping to sign a deal with the prosecutor and the court or for the first trial (but we'll talk about that later)

Be careful if your lawyer is telling you that s/he needs more money to pay the prosecutor or judge, this is an old scam and it is a total gamble if your money actually gets to the prosecutor or judge and even then there is no guarantee that the prosecutor or judge will uphold their side of the deal. Many times judges and prosecutors take money and then still high sentences, so be careful and make sure you can prove a money trail to the people receiving the money.

Step 4. You're plan

1	Arrested	+24hours
2	Prosecutor's extension	+72
3	Police's investigation time	+2months
4	Prosecutor's investigation time	+2months
5	Investigation finishes and the case is given to the court ¹	
6	Wait for a court date	+1 or 2months
7	Receive court date	+1 or 2 months

¹ It is possible if a judge agrees to transfer you to a larger prison where you will have more privileges then remand (arrest)

8	Go to court (if the court finishes you'll be told your sentence verbally in court)	
9	if the court is delayed then wait for another day in court	+1-3

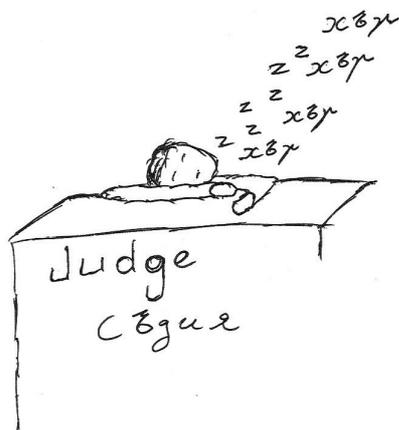
Appeal stages

1	First court convicts	
2	Wait for conviction decision from court	+1.5-2months
3	you and the prosecutor can appeal the decision in 14 days	+14 days
4	(if you or the prosecutor appeal) wait for a date for the Appeal court	+2-3months
5	receive the date then wait for the day	+2-3months
6	go to Appeal court (court of second instance)	
7	Wait for decision from the Appeal court (the appeal court will not tell you your sentence verbally you'll have to wait for the decision on paper)	+2-3months
8	another 14 days for you and the prosecutor to appeal after receiving the decision	+14days
9	wait for court date to the Supreme Court of Cassation	+1month
10	receive court date	+1month
11	go to Supreme Court of Cassation	+15minutes
12	again the decision will not be told to you, you'll have to wait for the decision	+1-2months

The investigation is concluded and the case is handed to the courts for trial, you will then have to wait for a court date, it is possible to wait 1 or 2 months to receive a court date and then possible that the actual date will be 1 or 2 months later. So if you're arrested and charged you can expect to wait at least 6 months before going to court.

Once the investigation concludes you're lawyer will be given a copy of your case and you'll be able to read all the evidence they have (and more importantly what they don't because you followed Step.1!) So the investigation will start with the investigator, when the investigator finishes they will pass your case onto the prosecutor who will continue the investigation, then the prosecutor will pass your case to the court. This is one of the biggest reasons why you need to follow Step.1, if you give a confession freely there is less chance of being able to make a deal with the prosecutor or courts.

During the prosecutor's investigative period you or the prosecutor can offer to make a deal (sekreteno procedure). This is where you agree on a sentence in exchange for your confession and you waive your right to a court hearing. If you have followed Step.1 then the prosecutor won't have a confession. In Bulgaria the prosecutors and judges love confessions as it wraps up their cases. It also means the prosecutors and judges don't have to be some thorough with their paperwork as they know there won't be an appeal if you make a deal with them. So now is the time to make a deal, just before the prosecutor sends the case to court, but don't forget that a judge will have the last say and the judge can still increase the sentence agreed on with the prosecutor. When your case comes to court you can also ask the judge to make a deal, however this is more risky as simply asking to make a deal with the judge is in a way confessing (in Bulgarian thinking). But if you confess the judge is allowed to give you less then the minimum for your crime.



(Warning)

Bulgarian courts will and constantly convict based on:

- A single witness testifying that your guilty
- A single piece of indirect evidence or hearsay
- If drugs were found in your possession

For drug cases especially on the borders the courts will not:

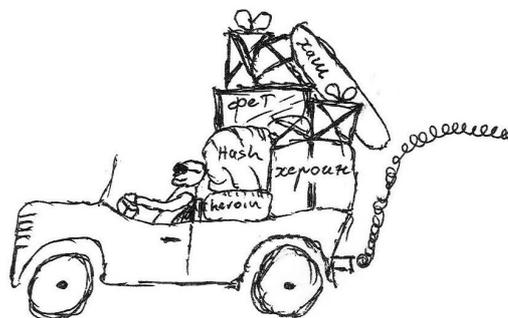
- Order a DNA test on the drugs
- Call witnesses from foreign countries (this happens very rarely)
- Order a 'region of origin' test on the drugs

Bulgarian courts will and constantly ignore:

- Alibis
- Requests for your witnesses to be brought to court
- Requests for further investigation or fact finding

(Warning) DRUGS

If you are caught with drugs on the Bulgarian border you will almost always be convicted. As far as Bulgarian courts are concerned if the drugs were in the bag you were carrying or the car you were driving then you're guilty. Bulgarian courts don't care about arguments like "but the car wasn't mine". If there are passengers in a car with drugs (not a bus) it is highly possible that even the passengers will be convicted along with the driver. If there are several of you in the car with drugs the driver will ALWAYS be convicted, so don't try getting one of the passengers to take the blame, you'll both end up in prison. Also of important note, if you tell the investigator that you're only a courier or transporter of the heroin and it isn't actually yours, you have just admitted that there are more people involved in your crime, congratulations, by trying to pass the blame to another guy, you've just admitted to 'organised crime' which comes with a harsher sentence. If you're caught with drugs keep to Step.1 and stay silent, you will not receive a lower sentence or be freed just because you ratted on the guy you were transporting the drugs for; in fact you'll be given a harsher sentence. if you're caught on the border normally INTERPOL police will come and visit you either soon after your arrest or after your conviction, the best advice is to ignore them, they'll promise you the world but actually they CAN'T help you as they are not part of the Bulgarian justice system so they have no power to help you with the Bulgarian police, courts or arrest. Basically if you're caught with drugs on the border in a car you were driving the Bulgarian courts WILL 100% convict you, so don't waste your money on lawyers, just stick to the steps and make a deal with the prosecutor to have a lower sentence, for 1-5kg's of heroin on the border you can expect between 2-5 years prison, for 5-10kg's on the border you can expect between 5-10 years of prison. Over 20 kg's of heroin on the border you can expect between 10-17 years in prison, these are just examples from previous cases (*these sentences listed here are examples, not law*).



(Warning)

The judges and prosecutors from smaller cities such as Haskovo or Svilengrad are not very educated about drugs and they don't seem to know the difference between marijuana, opium or heroin so don't think that because you had 50kg of marijuana (and not heroin) that you wont get 15 years prison! Justice really IS blind.