

PUBLIC

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To: Health professionals
From: Medical Office / Europe sub-regional team
Date: 3 February 1998

MEDICAL LETTER WRITING ACTION
Death in custody and torture
BULGARIA

Keywords:

Theme: death in custody/torture/police brutality

Summary

Attached is information on a number of deaths in police custody which occurred during 1997, the majority apparently as a result of beatings and ill-treatment, and another possibly attributable to the failure of the police to allow the detainee access to medical attention. Testimony is also given from Stanimir Georgiev who was tortured and ill-treated in police custody together with Mincho Sartmachev who subsequently died from his injuries.

Recommended action:

Letters are requested from medical professionals to the addresses given below:

- raising the cases outlined in the attached and expressing concern at these deaths and reports of police ill-treatment
- urging the authorities to provide information publicly on what investigations have thus far taken place on these cases and urging that police officers found to have been guilty of the abuse of these detainees are brought to justice
- noting that Amnesty International has in the past called for the establishment of independent police complaints boards at county level which should be empowered to question police officers and, as appropriate, to call for criminal proceedings against any officer felt to be responsible for the abuse and ill-treatment of detainees
- urging that such boards are established and that police receive a clear message that ill-treatment and the abuse of detainees will no longer be tolerated
- noting that in one instance - that of Velintin Nedev - the detainee died after having been refused medical attention and asking the reasons why this was refused
- asking what arrangements are normally made to provide medical attention to those held in police lock-up and, given the high incidence of reported ill-treatment, asking whether police officers are fully aware of the number of deaths which have resulted in recent years

Addresses

Bogomil Bonev
Minister of the Interior
(*Ministur na vnatrashnite raboti*)
ul 6 Septemvri 29
1000 Sofia
Bulgaria

Vasil Gotsev
Minister of Justice
(*Ministur na pravosudieto*)
Blvd. Dundukov 2
1000 Sofia
Bulgaria

Gen. Emil Karamfilov
Chief Prosecutor of the Armed Forces
of the Republic of Bulgaria
(*Glavna Prokuratura na Vuoruzhenite Sili
na Republika Bulgaria*)
2 Vitosha Blvd.
1000 Sofia
Bulgaria

Slavcho Bosilkov
Director of National Police
Ministry of the Interior
ul 6 Septemvri 29
1000 Sofia
Bulgaria

Copies to:

Ivan Kostov
Prime Minister
(*Premier*)
Council of Ministers
Blvd. Dondukov 1
1194 Sofia
Bulgaria

and to Bulgarian diplomatic representatives in your country.

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DEATHS IN POLICE CUSTODY IN 1997
Mincho SARTMACHEV, Velintin NEDEV, Georgi BYANDOV, Stefan STANEV and Stefan Traykov
TORTURE of Stanimir GEORGIEV
BULGARIA

In the course of 1997, at least four Bulgarian detainees died in police custody, or on admission to hospital from police cells, and a fifth man was beaten to death by police before being taken into custody.

Three of the deaths of those held in police lock-ups appear to have been the result of injuries sustained during violent beatings another may have resulted from failure to provide the detainee with medical attention.

Ill-treatment and beatings in police custody are common in Bulgaria and there now exists a pattern of almost casual violence which Amnesty International believes must be urgently addressed. In 1996 there were, according to Amnesty International's information, at least five suspicious deaths in police custody and in May 1995, the then-Minister of the Interior revealed that in the period between March 1994 and April 1995, 17 people had died in suspicious circumstances in police custody. Violence on the part of the police at the time of detention is also frequent.

DEATHS IN 1997

Mincho Sartmachev, aged 26, was arrested at his home in Riltsi on the evening of 13 November 1997 and taken to the First Regional Police Directorate in Dobrich where he was accused, together with two others, of committing a robbery during which a nightwatchman had been assaulted and injured. Police were quoted in the Bulgarian press on 14 November as saying that the men had attempted to escape while being escorted from their cell to an office within the police station. They were pursued by Chief Sergeant P¹ who resorted to force to apprehend and restrain Mincho Sartmachev

Mincho Sartmachev was taken to a lock-up where he was examined by someone described as a "medical assistant". He was then taken to the Director of the Dobrich Regional Investigation Service who refused to admit him to the lock-up because he was in need of medical attention. The Director stated the following:

He came to report to me. I then saw the detainee myself and, suspecting a cranial trauma (his head was all in blood), refused to have him admitted. I returned the detainee to the police officers who brought him and called the director of the Regional Police Department and the County Prosecutor. I instructed the officers to take the detainee to the emergency medical service. I am experienced and know that a person can die from a brain injury on the second, third or fourteenth day. The police officers returned with a medical certificate stating that the detainee was fit to be kept in detention."

The officer's full name is known to Amnesty International.

Amnesty International is concerned that at this point, and also a week later, Mincho Sartmachev appears to have been taken to see doctors who deemed him fit for detention and interrogation and, as far as Amnesty International is aware, failed to warn against further ill-treatment. Mincho Sartmachev was reportedly seen daily by the "medical assistant" (not a qualified doctor) during his interrogation.

A week after his arrest - on 20 November 1997 - Mincho Sartmachev was taken to hospital after having complained of feeling unwell the previous day, but was returned with a certificate stating that he was fit to remain in the lock-up. However, on the evening of 21 November he was admitted to the intensive care unit of a hospital where he is said to have been treated for renal and pulmonary problems. He died in hospital on 26 November without having seen his family who, although informed of his whereabouts, had not been permitted to visit him.

It is clear from statements made by doctors that Mincho Sartmachev died as a result of severe beatings, although the director of the local Department of Internal Affairs had earlier tried to suggest to press that an electricity black-out in the hospital might have affected equipment in the intensive care unit and led to his death. The director of the hospital to which he had been admitted stated the following: *"They are trying to blame the hospital for the death of a detainee who was beaten in the lock-up. The electricity black-out did not affect the equipment in the intensive care unit. Seven physicians cared for the deceased during his last hours."*

An autopsy was performed by two doctors and, according to their statement to the press: *"Not even God could have saved him. From shoulders down to his feet, not a single part of his body was unharmed. It was all a pulp and there were massive bruises."*

On 25 November, the Minister of the Interior disciplined the director of the Dobrich Regional Department of Internal Affairs and the acting Chief of the First Regional Police Directorate where Mincho Sartmachev had been held. The Chief of the Dobrich Police Directorate submitted his resignation later that day and the Minister of the Interior also ordered the unconditional dismissal of Chief Sergeant P who was initially responsible for assaulting Mincho Sartmachev. His case has now been referred to the Varna Military Prosecutor.

Other deaths in custody

Also in November 1997, 34-year-old **Velntin Nedev** died after a spell in police custody. He was arrested on 11 November 1997 and held for 10 days in lock-ups in the towns of Shabla, Balchik and Kavarna. He was transferred to Varna police lock-up on 21 November and released from detention upon which he was immediately admitted to hospital where he died four days later. An autopsy was performed and his death is reported to have been the result of complications arising from tuberculosis and pneumonia. Velntin Nedev had complained of the need to see a doctor throughout his time in the lock-ups, but is reported to have been refused medical assistance. It is unclear why he was not given medical attention or why he was repeatedly transferred from one lock-up to another.

40-year-old **Georgi Byandov** died in hospital of head injuries and a sub-dural haemorrhage on 24 or 25 March 1997 after his arrest on 13 March when he was taken to the Burgas police lock-up. Following his death, a spokesperson for the Ministry of Internal Affairs apparently claimed that the only injury suffered by Georgi Byandov during his time in police custody was a broken arm sustained at the time of arrest when police had resorted to force.

50-year-old **Stefan Stanev** died in Popovo police station a matter of hours after his arrest on 6 January 1997 on suspicion of theft of a safe-box and a coffee machine from a village bar. According to police, Stefan Stanev was medically examined shortly after his arrest at 6.20 pm that day and no serious health problems were reported. Stefan Stanev was taken to a cell where, at 1.30 am, the officer on duty found him dead. Two days later the Director of the Trgovishte police reportedly stated that an autopsy had been performed and had established the cause of death as internal

haemorrhaging resulting from the fracture of three ribs which had punctured his lungs. He stated that an investigation had established that Stefan Stanev had not been ill-treated by the police in Popovo, but that he had suffered the fractures at the time of arrest when one officer had resorted to the use of force in order to restrain him. One other officer and the village mayor were present at the time.

In February 1997, **Stefan Traykov**, an ethnic Rom, was beaten to death by police officers on the outskirts of Sofia. The officers were subsequently arrested and brought to trial in December 1997.

The

outcome of the trial is not known and Amnesty International is concerned to ensure that the trial is properly conducted and responsibility for Stefan Traykov's death duly attributed to those responsible.

TORTURE OF STANIMIR GEORGIEV, NOVEMBER 1997

Stanimir Georgiev, aged 27, was arrested on 12 November 1997 and taken to the Police Directorate in Dobrich where he was questioned on suspicion of robbery together with Mincho Sartmachev whose death is described above. A statement he gave to investigators was published in a daily newspaper on 10 December 1997 and described how, during questioning, his mouth was taped, he was forced to the floor and kicked and beaten with clubs. His statement also refers to the torture of Mincho Sartmachev.

At one point, he said:

"The four other officers shouted that I should hit my head against the ground. After a while I could not stand it any longer and I started to bang my head. They then stopped the beating and took the tape off my mouth. I asked them why they were beating me..... The big one then said that I was acting stupid and would have to die. He ordered the others to put the tape back and to resume the beating. They then started to beat me again. After a while I passed out."

When Stanimir Georgiev regained consciousness, he was tied to a radiator and beaten continually. The beatings continued the following day. He said:

"I don't know how many times I fainted and had to be revived. In the evening they tied me up to a railing. At around 2 am the man with the chestnut hair came with another officer. When they saw me lying on the floor they kicked me. He shouted at me that I should reflect on what was happening as he was about to kill me and would then dump me in the forest so that no-one would find my body. Then they left me alone and took Mincho [Sartmachev] and started to beat him."

He was later taken to a room where he was again beaten and forced to sign a pre-prepared statement. Stanimir Georgiev was subsequently medically examined. According to the press, a medical certificate dated 14 November 1997 states that he was complaining of pain over the front and back of his upper body and buttocks, that he had massive bruising over the body and difficulty in breathing. The certificate is reported as noting: *"The swellings, bruises and lesions observed and his inability to move normally are consistent with the detainee's allegations of how he suffered these injuries"*

CONCLUSION

While Amnesty International welcomes the fact that some action was taken over the deaths of Mincho Sartmachev and Stefan Traykov, it believes that insufficient action has been taken in the past against law enforcement officers responsible for human right violations. This has led to the present pattern of casual violence on the part of the police. If the pattern is to be broken, it is important that the police force recognize that they can no longer enjoy impunity from prosecution or discipline for such acts. To this end, Amnesty International has been urging the Bulgarian authorities to ensure that all complaints of torture and ill-treatment are properly investigated and pursued in line with Bulgaria's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which it is a State Party. It has also urged the Bulgarian authorities to establish police complaint boards at county level, these boards to be independent of the Justice Ministry and the police. A full set of recommendations aimed at eradicating ill-treatment and torture were made by Amnesty International in a June 1996 report entitled *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96).

Amnesty International believes it is urgent that the Government implement all recommendations made in the organization's June 1996 report and is seeking information on the progress of investigations into the ill-treatment and deaths reported here.