

# £BULGARIA

## @Turning a blind eye to racism

### Background

Roma throughout Bulgaria have been subjected to beatings and other ill-treatment by law-enforcement officers. Amnesty International believes that in most instances such treatment is racially motivated and is concerned that the ill-treatment of Roma is one of the major human rights problems in Bulgaria. The Roma have also been subjected to acts of racial violence from which the authorities failed adequately to protect them. The Bulgarian Government's apparent lack of will adequately to investigate these human rights abuses is an indication of a discriminatory policy towards its citizens of Roma origin.

Since the publication of a report in May 1993 (*Bulgaria: Torture and ill-treatment of Roma*, AI Index: EUR 15/03/93) Amnesty International has continued to bring to the attention of Bulgarian authorities cases of ill-treatment of Roma by police officers as well as incidents of racial violence where the authorities failed adequately to protect the lives and property of the Roma community.

The number or the regional distribution of such human rights abuses against Roma in Bulgaria is difficult to estimate but the consistency, regularity and credibility of the allegations received by Amnesty International causes the organization to believe that the problem is large-scale and widespread. Such acts take place against a background of a state with short democratic traditions, serious economic and social difficulties affecting the vast majority of the population, and in an atmosphere of ethnic and religious intolerance, where nationalistic notions, embraced regardless of ideology, provide popular and ready-made solutions.

Many of the victims are not aware of their rights to file complaints, while others are openly threatened with worse treatment should they seek a judicial redress. In some instances the victims do not obtain medical evidence for the injuries they have sustained. Roma victims are often assaulted in public, not only to further degrade them, but also to humiliate and intimidate their family or community.

Frequently the victim's criminal record or suspicion of criminal activity is given by law-enforcement officers as a pretext for arbitrary and excessive use of force. A perception of Roma as a "criminal population" is promoted by authorities as well as the media not only to justify the use of force but also to discredit any allegations that its use was abusive. When invited to attend an international conference organized in Sofia in June 1994 to discuss the legal defence of victims of police abuse, a spokesman for the National Police claimed that 33.4% of all arrested suspected criminals in Bulgaria were Roma and that none of the allegations made to human rights monitors had proved to be true. Newspaper reports on crime habitually identify by ethnic origin, often in racist terms (such as "our dark-skinned

brethren"), only those suspects who are Roma. At the same time the state claims that it has insufficient resources adequately to equip or train the police force to deal with the rising crime rate. Because they are perceived as defenceless in the fight against crime, the public sympathizes with police officers even when they have committed gross human rights abuses. The few independent journals and human rights monitors in Bulgaria have difficulties in drawing the attention of the public to the problem of human rights abuses. In such a situation no decisive pressure is brought against the government to initiate prompt and impartial investigations into violations of human rights.

Meanwhile the economic situation for most Roma is further deteriorating. According to Aleksandar Kracholov, of the Bulgarian Roma Confederation, nearly 90% of Roma "live on the poverty line. Thousands of large families rely only on monthly social security payments while municipal authorities do little to improve conditions in Roma neighbourhoods." United Roma Union, another national organization, called at its conference in November 1993 for the establishment of a government agency for Roma affairs to deal with the dire social and economic problems of the Bulgarian Roma community.

The Human Rights Project, a non-governmental organization set up to monitor human rights violations in the Roma community and provide legal assistance to the victims, reports that labour discrimination against Roma is also widespread. Problems arise from the practice of some employers not to sign appropriate work contracts with Roma, leaving them without social security and health benefits. Other problems result from the refusal of some local authorities to pay Roma social benefits to which they are legally entitled.

### **Torture and Death in Suspicious Circumstances of Zahari Aleksandrov Stefanov**

On 3 June 1993, Zahari Aleksandrov Stefanov was arrested by three police officers (the identity of one of the officers is known to Amnesty International) at the railway station in Dubovo. Reportedly he was accused of participating in a group which was charged with 65 cases of theft. According to several workers at the railway station and another witness, Stefanov was beaten by the police officers immediately after his arrest. He was then taken to the Mayor's office where the beating continued. Tina Petkova Milanova, Stefanov's mother-in-law, reported hearing his cries from the room where he was being interrogated. She was in the corridor outside officer Popov's room with another woman. Stefanov was allegedly beaten for an hour and when he was led out of the room his feet were so swollen from the beating that they had to help him to put on his shoes. Outside he was taken to a police car and a police officer, pointing to the car boot, reportedly ordered Stefanov: "Come here Lassie, you know your place".

Several police officers then took Stefanov to his home in the Roma neighbourhood of Dubovo, where he was told to collect all the goods that he had allegedly stolen. Stefanov took some children's clothes, a radio set and a stove. He told his family that he had to do this or the police would not release him. During the house search police reportedly continued to beat Stefanov.

Later he was taken to another house in the neighbourhood, to identify objects that he had reportedly stolen and which were subsequently returned to the owner. Between 15 and 20 people gathered around the house in protest. One police officer came out of the house and fired several shots in the air and the people dispersed.

Yovka Petkova Koicheva told Amnesty International: "I saw Zahari brought to my son's house. They had supposedly come to collect stolen goods. Three policemen were beating Zahari all over the body with fists and wooden sticks."

Stefanov was then taken to the regional police station in Kazanluk. On 6 June 1993 word reached his family that he had died the day before. According to television and press reports of the following day, Stefanov had committed suicide by jumping from a third storey room where he was being interrogated. At the time of the suicide he had reportedly been alone in the room. Stefanov's family was not given a death certificate and was told that there was no autopsy report.

Zahari Aleksandrov Stefanov was a 23-year-old ethnic-Turk who was married to a Rom and had lived for the past six years in the Roma community in Dubovo, a village in central Bulgaria, 15 kilometres outside Kazanluk. The village has around 2,000 inhabitants of whom 700 are Roma who live in a separate community. Stefanov was the father of three children; he was unemployed and worked as a day labourer. He spoke little Bulgarian and had a speech impediment - a stutter. He spoke Turkish and some Romani. It has been suggested to Amnesty International that Stefanov might have been "denounced as an accomplice" because of his speech impediment and his inability to defend himself properly.

In March 1994 the lawyer representing Stefanov's wife appealed to the Chief Military Prosecutor's Office because the local prosecutor had not completed the investigation into Stefanov's death within the statutory period of six months. This investigation has still not been completed to date.

### **Torture and Other Ill-treatment of Nine Roma in Stara Zagora**

On the morning of 23 June 1993 nine men from the Roma community in Maglizh went to pick cherries in an orchard two kilometres outside Stara Zagora on the main road to

Kazanluk. They had just started to pick the fruit when two armed guards on motorcycles, working for the Agricultural Cooperative Enterprise of Stara Zagora, came to question them.

Armed guards employed by Bulgarian enterprises are licensed by the Ministry of Interior and for offences committed in the line of duty are liable to the Military Prosecutor and the Military Court. They asked about the car the Roma had come in and its driver. Slavi Atanasov Minchev told them that he was both the owner and the driver. The guards then asked for Minchev's driving licence. Denko Angelov Atanasov intervened to say that it would have been proper for the guards to first present their credentials. One of the guards replied, "You must be the biggest Gypsy wise guy." Slavi Atanasov Minchev gave his driving licence and asked if they could continue to pick the fruit.

Between 9am and 10am the same two armed guards returned with six more guards and two sergeants of the Regional Police Department of Stara Zagora. They reportedly started to beat the men indiscriminately with truncheons, fists and boots. Then they handcuffed Slavi Atanasov Minchev and took the keys to his car. After searching the car they found a bread knife in the bag of Milko Raikov Kolev. They also found 870 leva which belonged to Slavi Atanasov Minchev. The nine Roma were then taken to the Stara Zagora agricultural cooperative, to the office of one of the armed guards who was reportedly in charge of this action. The nine Roma men were told to stand with their hands above their heads. They were reportedly beaten again with truncheons and fists. Slavi Atanasov Minchev, Denko Angelov Atanasov and Milko Raikov Kolev in particular were subjected to severe beating. Reportedly pistols were placed next to their heads to keep them from crying out in pain. Afterwards the guard in charge made two affidavits for the requisition of the bread-knife and the 27 fruit containers. They were reportedly told that picking cherries in the cooperative orchard was not allowed. Denko Angelov Atanasov was allegedly forced to sign a statement that he sustained bodily contusions after a fall from a cherry tree.

On 25 June, three of the Roma who had been subjected to ill-treatment were examined by the coroner in the Military Health Institute of Stara Zagora who issued certificates detailing the following injuries:

- Slavi Atanasov Minchev had five lacerations on the upper right side of his back, two similar lacerations on the left lower back as well as on the inside of the left thigh;

- Denko Angelov Atanasov had lacerations on the chest, bruises on the head, lower lip and left armpit;

- Milko Raikov Kolev had lacerations on his back.

All of the certificates conclude that: "The described injuries resulted from blows with hard objects, whose length considerably exceeds the width, at the time and in the manner as alleged by the men who were examined".

Although Slavi Atanasov Minchev, Denko Angelov Atanasov and Milko Raikov Kolev filed complaints to the military prosecutor in Plovdiv, they have still not received any reply about the results of an investigation into this incident.

### **Torture and other ill-treatment of Roma in Glushnik**

During the night of 3 November 1993 a group of around 40 Roma men, women and children from the village of Topolchane, in the Sliven region, went to gather grapes illegally in the vineyards of the neighbouring village of Glushnik. At around midnight 20 of the Roma were apprehended by a police officer from Zhelyu Voivoda (whose identity is known to Amnesty International) and three armed men. On the way to Glushnik a police patrol car stopped the group and the officer and the armed men were reportedly told to release all the detainees except three or four men who would help unload the stolen grapes in the village. These instructions were not observed and the detained Roma were locked up in a pigsty in Glushnik.

At around 7am on 4 November the tolling of the church bells summoned all the people of the village to the pigsty where the Roma had been detained. One of the detainees, Ilia Slavov Banov, was taken out of the pigsty and the people started to beat him with fists and sticks. After the beating Ilia Slavov Banov and three other Roma managed to escape from the village. The remaining 16 Roma were taken out of the pigsty one by one and tied to a metal fence with their hands held behind their backs. They were then beaten by a police sergeant and villagers. The village Mayor, Todor Ivanov Todorov, reportedly also participated in the beatings of some of the Roma.

Two of the Roma who were reportedly beaten were children, Kolyo Petrov Iliev, aged 11, and Petar Yordanov Khristov, aged 14. During the beatings, the Roma women, Zhivka Velikova Dimitrova, Liliana Dimitrova Todorova, Todorka Simeonova Ilieva, Mariyka Ilieva Dimitrova and Rilka Yordanova Dimitrova were reportedly threatened with rape. Other detained Roma who were subjected to beatings included: Boiko Yordanov Nikolov, Petar Iliev Dimitrov, Nikola Kinchev Dimitrov, Angel Slavov Banov, Vassil Slavov Banov, Petar Todorov Iliev and Todor Iliev Todorov.

At around noon a police patrol, contacted by the Roma who had earlier fled from the village, arrived in Glushnik and took the detained Roma to an office where they were issued with affidavits on the committed offence and were subsequently released.

### **Racial attacks against the Roma of Dolno Belotintsi**

The attacks on, and harassment of, the Roma community of Dolno Belotintsi reportedly began on 25 February 1994 after a soldier, who had deserted from his unit, robbed and murdered Piarvan Geraskov, a 70-year-old resident of the village. The soldier, who is a Rom, was caught by the villagers and handed over to the police.

That evening a series of attacks against Roma homes began in order to force the Roma community, numbering around 20 families, to leave the village. Roma homes were broken into, the windows were smashed and furniture and other household belongings were deliberately destroyed. Many of the homes broken into were empty at the time, their inhabitants having fled in fear. Later in the night a group of men from the village, armed with guns, knives, axes, pitch forks and stakes, forced around 12 Roma to leave their homes and ordered them to march to Nikolovo, a village some three kilometres away, and back. Most of the Roma forced on this march were women with children who had not fled from the village. One of them, Vania Nikolova, marched together with her 10-day-old baby. During the march they were insulted with racist slurs, threatened that they would be thrown off the bridge and some of the women were threatened with sexual assaults.

The attacks continued with the same intensity for the next two days. On 26 February, at the funeral of Piarvan Geraskov, some people among the mourners shouted: "Death to Gypsies!" and a village meeting was convened that evening at the square. Gencho Petrov Kolev, the village mayor, and other villagers spoke at the meeting about the Roma in general terms and how the village was victimized by the growing rate of crimes committed by members of the Roma community. Emil Makaveev reportedly spoke holding a knife in front of the microphone, saying: "No Gypsy will leave the village alive." Again cries of "Death to the Gypsies!" were repeated. A letter was sent from the meeting to the President of the Republic demanding that the Gypsies of Dolno Belotintsi be expelled from the village and that the moratorium on the carrying out of death penalty be lifted. Only three of around 20 Roma families were given permission to remain in the village. It was decided that the others would be expelled.

That night the house of Miron Simeonov Metodiev was burned down, apparently because it was the first in the row and no one had been inside at the time. Other homes which were attacked and damaged in acts of anti-Roma violence were those of Zlatka Krumova, Petrana Spasova, Kamen Milchev, Veselin Kamenov, Blaga Ilieva, Mihail Velichkov and Rabia Mihailova.

The victims of racial violence filed complaints and reportedly failed to receive protection from the Regional Police Department and the County Prosecutor. A local police officer, stationed in the village, claimed that he had not been present there during the nights of 25 and 26 February. The officer also reportedly said that during the other attacks on Roma homes, which he had witnessed, he had called the Regional Police Department for reinforcements but was not sent any and had been afraid to intervene by himself. As a result

of these attacks most of the Roma had to flee from the village and lived with relatives or friends in the neighbouring villages.

They later returned to their homes in Dolno Belotintsi. However, the 12 people who had been forced on the march were told by the mayor that he could not guarantee their safety if they returned. They still live in Gorno Tserovane. The mayor reportedly also told Miron Simeonov Metodiev and four other members of his family that he could not guarantee their safety either. Local authorities offered to provide Miron Simeonov Metodiev with a trailer as a temporary shelter but the villagers did not allow him to park it in the village. The family now lives with relatives, but Metodiev is harassed because he is the only one who filed a complaint and is seeking compensation. There are still no police officers stationed in the village which has a population of 1,200, of which between 80 to 100 are Roma.

### **Racial attacks against the Roma in Pleven**

At around 9pm on 26 March 1994, a day after a fight between some Roma and ethnic-Bulgarian schoolboys, a group of around 50 "skinheads" attacked Roma homes in Zheleznichar Street in the Storgozia quarter of Pleven. The attackers were armed with Molotov cocktails, firecrackers, knives and sticks and some wore socks over their heads. They shouted racist abuse such as: "We will burn you alive" and "Gypsies shall no longer live in Storgozia". They set fire to the home of Zaharinka Koleva in which the entire roof and much of the furniture were destroyed. When the police arrived, according to some witnesses, they did not intervene to stop the attack and, in some cases, beat the Roma with truncheons to prevent them from leaving their homes. Some police officers also allegedly shouted racist insults.

Another attack reportedly took place on 28 March at around 8.30pm when the same group of "skinheads" armed with Molotov cocktails, firecrackers and torches attacked the homes of Milka Koleva Marinova, Biser Rusanov Nikolov and Velichka Kirilova Koleva. Windows were broken and household appliances and furniture were set on fire. A spent cartridge was found after the attackers left one of the homes. An hour later the police came together with the fire brigade and an ambulance car. The attack was stopped, but none of the perpetrators were arrested, although the identity of many was well known to the local people. When six police officers entered the home of Milka Koleva Marinova to inspect the damage, one officer reportedly hit her and her small child with a truncheon. Several other people were also reportedly beaten by the police. In one incident, Assen Ivanov was hit by a police officer with an electric club while waiting at a bus stop. Many people left their homes out of fear and did not return until 1 April.

On the same evening the racial violence spread to the Roma homes in Lozinka Street. Windows were broken and furniture damaged in the homes of Zahari Makedonski, Margarita Panteleeva, Tina Chakiarova, Kosta Arhangelov and Zarko Iordanov. The police arrived half an hour after the attack began but did not arrest any of the perpetrators.

On 1 April a group of "skinheads" similarly attacked the Roma in Laika Street in the same neighbourhood. During this period many Roma were not allowed into the local shops and were attacked on the streets by youths with clubs and metal bars.

No one has been arrested or charged to date for their participation in anti-Roma violence in Pleven.

### **Torture and Ill-treatment of Roma in Pazardjik and a Suspicious Death in Detention**

On 4 August 1994 police carried out a massive raid on the Roma community in Pazardjik in search of suspected criminals. The police action started at 4.30am and lasted around nine hours. Reportedly several hundred policemen from different regional police departments, as well as special units of the Ministry of Internal Affairs, blocked off all roads and communications to Tokay and Shantik, Pazardjik neighbourhoods with between 35,000 and 40,000 Roma residents. They arrested 15 Roma on suspicion of committing criminal acts.

In the course of this action armed officers reportedly broke into Roma homes, without presenting warrants, and indiscriminately beat their occupants. After the incident most of the Roma who had been subjected to ill-treatment were too afraid to make statements to local human rights activists. A similar police action in the same community had taken place in June 1992. None of the victims of ill-treatment who filed complaints after that incident have yet been able to achieve a judicial redress. Amnesty International, which, at the time urged the Bulgarian Government to fully and impartially investigate this incident, has not been informed whether such an investigation has been undertaken and if so with what results. The organization is not aware that any law enforcement officer has been brought to justice for his participation in this incident.

Only a small number of victims testified about the beating and other ill-treatment to which they were subjected by the police during the most recent action. In one such incident, at around 7am, between 10 and 12 armed policemen wearing black masks entered the home of Aleksandar Assenov Nedialkov after breaking down the door and one of the windows. The officers started to beat Aleksandar Assenov Nedialkov while he was still naked in bed and then took him outside into the yard where they continued the beating. His wife Nadia was threatened by several officers that she would be shot if she cried out for

help. The officers then proceeded to search the house taking the couple's international passports, some money and gold rings without issuing any receipts. A captain of the Pazardjik police department (whose identity is known to Amnesty International) was reportedly present during this incident.

Aleksandar Assenov Nedialkov was then forced into the baggage compartment of a white car without registration plates and taken to the Pazardjik Regional Police Department. Police officers continued to beat him there for another 15 minutes. He was released shortly after with an explanation that he had been "arrested by mistake".

A medical certificate issued on the same day described the following injuries which Aleksandar Assenov Nedialkov suffered as a result of the beating: contusions on the head, lesions on both lips and the forehead, as well as extensive bruising on shoulders, back, buttocks and thighs.

In another incident, at around 6am, several police officers entered the house of Filka Todorova Todorova by breaking down the door. The policemen then beat Valentin Assenov Minev, a 16-year-old boy, with rifle butts and tried to force him to confess that he was Yosko, a neighbour whom the police suspected of having committed various crimes. Faik Faikov Aliev, a 66-year-old invalid, was kicked in the chest by an officer wearing boots, as a result of which he fell to the ground. Three other officers entered another room where 17-year-old Filka Iosifova Cholakova and 15-year-old Veneta Assenova Mineva were sleeping. The girls, wearing only light gowns, were then forced to stand up and lie down several times.

Lyubcho Sofiev Terziev, who was arrested near Maglizh in the course of this police action, died in the police station of Kazanluk two days later. According to newspaper reports his death certificate only referred to "heart failure" as the cause of death. However, witnesses at the funeral claimed that there were traces of beatings all over his body, including injuries on his penis believed to have been caused by electric shocks. These statements are supported by photographs of Lyubcho Sofiev Terziev's body taken by journalists of *168 chasa*.

### **Amnesty International's Concerns**

In September 1992 Amnesty International urged the Bulgarian Government to fully and impartially investigate the torture and other ill-treatment of Roma in Pazardjik and for those responsible to be brought to justice. The Minister of Justice replied a month later that "the Ministry of Interior has initiated a prompt and impartial investigation of the minority situation here in Bulgaria". Amnesty International has still not been informed whether it has been completed and if so what its results were. Since then Amnesty International has

written repeatedly to the Bulgarian Government expressing its concern about alleged ill-treatment of ethnic minorities in Bulgaria by law enforcement officers. In all these cases Amnesty International urged the Bulgarian Government to fulfil its obligation as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to initiate prompt and impartial investigations, to make public their findings and to bring to justice anyone responsible for human rights violations. However, no reply from the Bulgarian Government regarding any of these cases has yet been received, and the organization is not aware that any police officer responsible for ill-treatment has in any way been brought to justice.

Amnesty International is concerned that all cases of reported torture and other ill-treatment of Roma in Bulgaria would represent a flagrant violation of the international human rights standards to which Bulgaria has acceded. These include Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, as a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Bulgaria is bound by the provisions of Article 12 to initiate a prompt and impartial investigation wherever there is evidence that torture or other ill-treatment has occurred.

Amnesty International is also concerned that the reported lack of adequate protection from racial violence for the Roma communities represents a violation of the of Article 2, paragraph 1, of the ICCPR which obliges each State Party to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Amnesty International believes that this fundamental provision of the ICCPR, aimed at preventing all forms of discrimination, is also flagrantly infringed by the Bulgarian Government's apparent lack of will to fulfil its international obligations under Article 12 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

### **Amnesty International's Recommendations**

**Amnesty International therefore calls on the Bulgarian Government to:**

1. Initiate the establishment of an independent commission, empowered to conduct a full and impartial inquiry into all allegations of ill-treatment of Roma in Bulgaria.

Members of the commission should be chosen on the basis of their known impartiality, independence, and competence. Such a commission should carry out its work in close consultation with representatives of the Roma community.

As soon as possible after the conclusion of its work the commission should issue a full public report on its methods, findings, conclusions and recommendations.

2. Ensure that all law enforcement officials should have a basic knowledge of the rights it is their duty to protect and are given a thorough understanding of national and international human rights standards. These particularly include the following United Nations documents:

- The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

- The Code of Conduct for Law Enforcement Officials and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials.

3. Take measures to create public confidence that all allegations of torture or ill-treatment will be investigated promptly, impartially, openly and thoroughly. In order to achieve this the government should ensure that:

- Prosecutors and examining magistrates investigate all allegations of torture impartially and thoroughly. In the event of contradictory or conflicting evidence, courts should be left to assess the veracity of different versions or events. The absence of a complaint by the victim, relatives or a third party should not deter investigation by the authorities into suspected cases of torture or ill-treatment.

- Complainants and witnesses are protected from police harassment or ill-treatment.

- Any law enforcement agent charged with an offence involving the commission of torture or ill-treatment should be immediately suspended from duties directly related to arresting, guarding or interrogating detainees, pending the court's decision.

- All complaints and findings of all investigations into torture and ill-treatment allegations should be recorded, made publicly available and open to scrutiny.