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Bulgaria must ensure independent and impartial investigation into death of Afghan asylum-seeker shot at Bulgarian-Turkish border

Following the first known case of a fatal shooting on EU's border, Amnesty International calls on the Bulgarian Minister of Interior to ensure that the investigation opened in the death of the Afghan asylum-seeker at the Bulgarian – Turkish border on the night of 15 October is carried out independently, thoroughly and effectively and the results are made public. Amnesty International is also calling on the Bulgarian authorities to ensure that all witnesses to the shooting are questioned and are given the possibility to recount the events without fear of persecution, intimidation or threats.

According to extensive media reports, on the night of 15 October around 10.00pm, a large group of around 50 people, reportedly all Afghans, were intercepted by a Bulgarian border police near the south-eastern town of Sredets village, some 30 km from the Bulgarian- Turkish border. According to statements issued by the Bulgarian authorities on 16 October, as the group of refugees reportedly put up resistance during the arrest, a warning shot was fired in the air by one of the officers which ricocheted fatally wounding one of the men who died en route to the hospital.

According to media reports, the Burgas Regional Prosecution office opened an investigation into the death. Amnesty International welcomes such development and calls on the Bulgarian authorities to thoroughly investigate if the border police acted in accordance to Bulgarian law and international human rights standards binding in Bulgaria and the use of force was proportionate and not excessive to the circumstances of the incident.

Amnesty International reminds the Bulgarian authorities that, under international human rights law and standards designed to protect the rights to life and to physical and moral integrity, law enforcement officials have the obligation to avoid and minimize the use of force, and that they should apply the criteria of proportionality and necessity at all times. According to the UN Basic Principles of the Use of Force and Firearms by Law Enforcement Officials, Special provisions Nr. 9, *“law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life”*.

Bulgarian authorities must also ensure that assistance and medical aid are given to any injured persons at the earliest possible moment. Governments must establish effective investigation procedures for any incidents where people are injured as a result of police use of force, and must ensure that arbitrary or abusive use of force by police is punished as a criminal offence.

The rest of the group have been arrested and are being held in Elhovo detention centre. Amnesty International calls on the Bulgarian authorities to ensure that they have access to asylum procedure and adequate reception. In the past, cases of asylum-seekers transferred

from the border police custody directly to detention where access to assistance with asylum procedure was limited were documented.

Background

A significant increase in the number of refugees, asylum-seekers and migrants entering through the border with Turkey has been registered in 2015 (around 21,000 people). Numbers fell in 2014 to around 3,000 (compared to around 11,000 people in 2013) following the construction of a 33 km fence on the border with Turkey and the deployment of an extensive surveillance system, including sensors, thermal cameras and the significant presence of border police.

International and national organisations, including Amnesty International, [have documented allegations of summary expulsions \(push-backs\) of refugees and migrants by Bulgarian police at the border with Turkey](#). As recently as March, two Yazidis died of hypothermia on the Turkish border after being allegedly pushed back and severely beaten by Bulgarian police. The internal investigation launched in the case was discontinued as Bulgarian authorities were not able to establish the location of the incident. No other investigations are pending and the Bulgarian authorities have always denied the [allegations](#).

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