

BULGARIA

The shooting of Atanas Djambazov, a 14-year-old Roma boy

Amnesty International's concerns

Amnesty International is concerned about the shooting of Atanas Djambazov, a 14-year-old Roma boy, by a police officer. The police officer then reportedly failed to ensure that assistance and medical aid were provided to the injured boy. This is yet another case in which a Bulgarian law enforcement official has resorted to the use of a firearm in circumstances which are prohibited by international principles on the use of force and firearms, in violation of Bulgaria's obligations under the International Covenant on Civil and Political Rights (ICCPR) to guarantee the right to life, freedom from torture or cruel or degrading treatment or punishment, and the right to security of the person. Amnesty International remains concerned that, despite its repeated urgings, the Bulgarian authorities have still failed to bring the national law governing the use of firearms by police into consistency with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Background

"Nadezhda" (meaning "Hope"), the larger of the two Roma quarters in Sliven, is home to approximately 14,000 Roma. It lacks basic amenities, such as sewerage, and the housing is of very low quality, with overcrowding the norm. Unemployment among the Roma of the quarter is 90 per cent or more, and desperate poverty is near universal. The territory of the Sliven wine factory "Vinprom" is adjacent to the Roma quarter, divided from it by a concrete perimeter wall, topped with iron railings. On 10 May 2000 three Roma youths from the quarter climbed over the wall, through a hole in the railings, and reportedly began taking out wooden pallets that they found on the factory side of the wall, with the aim of taking them home to keep for use as winter firewood. The grounds of the factory were being patrolled by a police officer assigned to guard it.

Article 80 of the Bulgarian Law on the Ministry of Internal Affairs retains a provision which allows police officers to use firearms as a last resort, after issuing a warning, to arrest or prevent the escape of someone who is committing or has committed a crime of a general nature. This is inconsistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which define the circumstances under which law enforcement officials may use force and firearms. According to these principles, which have been accepted internationally, law enforcement officials shall only use firearms if other means remain ineffective or without any promise of achieving the intended result. Firearms may be used against people only after a warning has been given, in order to prevent death or serious injuries, where less extreme means are insufficient to achieve such objectives. In doing so, law enforcement officials must respect and preserve

human life, and minimize damage and injury. The principles underscore that intentional lethal use of firearms may be made only when it is strictly unavoidable in order to protect life.

Roma have been the victims in many cases of reported excessive use of firearms by Bulgarian police officers in recent years. It is a long-standing human rights problem which the Bulgarian authorities have consistently failed to address effectively, and investigations into such incidents have frequently not been thorough and impartial.

The shooting of Atanas Djambazov

On Sunday 10 May 2000 Stefan Stefanov (21 years old), his brother Simeon Stefanov (16 years old), Georgi Borisov (14 years old), and Atanas Djambazov (14 years old), all of them Roma from the “Nadezhda” quarter, approached the wall of the wine factory. Reportedly, at about 7pm, in daylight, the two youngest boys climbed through a hole in the iron railings, and Stefan Stefanov climbed over the railings, into the factory yard, while Simeon Stefanov kept watch from the vantage point of a raised concrete platform on the Roma quarter side of the wall. The youths had reportedly already removed one wooden pallet over the wall and had climbed back into the yard for a second when Simeon Stefanov is reported to have seen a police officer approaching from a distant area of bottles and containers in the yard and to have shouted to his companions: “Get out. The policeman is coming.” Having also heard the shout, the police officer¹ is said to have approached the youths at a brisk walk. The two other youths were able to climb back over the wall, yet Atanas Djambazov, who is of slight, short build, had not managed to do so by the time the police officer approached.

¹ The police officer’s name was published in an article in the national daily newspaper *Monitor* on 12 May 2000, and is therefore known to Amnesty International.

The range at which the police officer started shooting at Atanas Djambazov with his Makarov service pistol is disputed, as are other important details. The Roma youths claim that he shot at a range of no more than five or six metres in daylight, having clearly identified his target, while according to the account given the day after the event by Sliven district police headquarters the police officer shot at a range of 60-70 metres, at two hours later than the time given by the Roma youths, 9pm rather than 7pm, when the light would not have been so good. The Roma youths claim that the police officer acted in complete silence, and although the account given by the Sliven district police headquarters reportedly did not specifically contradict this, the police spokesman did claim that one of the shots fired by the police officer was a warning shot into the air. The Roma youths dispute even this, claiming that only two shots were fired, both of which hit Atanas Djambazov in quick succession. A Roma man who lives near the wall reported to Amnesty International that he heard three shots fired in quick succession shortly after 7pm.

Either of these versions represent a clear violation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 7 of which states that: "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law". Amnesty International believes that the UN Basic Principles provide a standard of measure to determine whether or not law enforcement officials have, in a particular case, violated an individual's rights to life, freedom from torture or cruel or degrading treatment or punishment, and to security of the person, enshrined in Articles 6, 7 and 9 of the ICCPR.

The first bullet to strike Atanas Djambazov hit him in the head, entering through his left cheek and exiting under his nose, destroying five teeth. Stefan Simeonov reported hearing Atanas Djambazov cry: "Oh, he broke my teeth", and that another gunshot followed in quick succession, two to three seconds later. Atanas Djambazov claims that after receiving this first gunshot wound he still tried to reach the iron railings with the intention of scaling the wall. Atanas Djambazov's second gunshot wound was sustained in the upper right arm, the bullet entering and exiting through its middle. Upon receiving the second gunshot wound he reportedly collapsed on the factory side of the wall, onto some heating pipes, and temporarily lost consciousness. The police officer is then reported to have walked away. Such action would represent a further alleged breach of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which, under Principle 5 (c), oblige law enforcement officials to: "Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment". As if to explain such behaviour, the Sliven police spokesman noted that the police officer claimed not even to have been able to see that he had shot anybody. This suggestion is vigorously disputed by the Roma youths, who claim that they and the police officer could clearly see each others' faces. The Sliven police headquarters was

reportedly only informed of the incident by a telephone call from the hospital later in the evening, and not by the police officer who was involved.

After fleeing the factory yard the three companions of Atanas Djambazov reportedly returned to the scene within a minute or two to see what had happened to him. They claim to have observed that the police officer had walked away toward the factory gate, and they climbed over the wall again to recover Atanas, who was drifting in and out of consciousness. Having got him back over the wall, the three youths brought Atanas Djambazov to his home nearby. His parents took him to hospital, where he was reportedly admitted by 8pm, and underwent a three-hour surgical operation. Atanas Djambazov was released from hospital after eight days, on 18 May 2000, and returned home. Reportedly, he was asked to return for a check-up 10 days later, and was not prescribed any medical treatment, including painkilling treatment, in the intervening time. When visited by an Amnesty International researcher on 21 May 2000 Atanas Djambazov was still suffering considerable pain in his right arm, which he could not move properly, and this was preventing him from sleeping well.

Investigation

The military prosecutor's office, which investigates complaints against police officers, was reportedly informed of the incident by the Sliven police headquarters only nine hours after it occurred. According to a report in the national daily newspaper *Monitor* military prosecution investigators have criticized this delay for its possible hampering of their investigation, such as in establishing whether or not the police officer used his firearm while under the influence of alcohol.²

² Article entitled: " _____ 13- _____ " ("Policeman shot 13-year-old boy"), 12 May 2000

The parents of Atanas Djambazov reportedly visited the Sliven military prosecutor's office on 11 May 2000 to make their complaint. On the same day, Atanas' three companions, Stefan Stefanov, Simeon Stefanov and Georgi Borisov, were reportedly interviewed by police officers at Sliven district police headquarters about the incident. Simeon Stefanov claims that during the interview a police officer told them: "If you do not tell me exactly and honestly what happened I will hit you with a chair and detain you for a day". The following day the three youths are reported to have been interviewed by investigators of the Sliven military prosecutor's office.

Amnesty International urges that the investigation into the shooting of Atanas Djambazov should be thorough and impartial. The organization requests the Bulgarian authorities to inform the organization of the scope, methods and the results of the investigation, and to make the findings public. Amnesty International urges the authorities to bring to justice any police officer reasonably suspected of having used a firearm in a manner inconsistent with national or international norms. In this case, where the use of firearms may be found to have violated the rights to freedom from torture or cruel or degrading treatment or punishment, and to security of the person, as guaranteed by Articles 7 and 9 of the ICCPR, compensation should be paid to the victim.

Recommendations

Amnesty International again urges the Bulgarian authorities to comply with its recommendations, originally published in its report *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials* (AI Index: EUR 15/12/97) in October 1997, and repeated in a subsequent report: *Bulgaria: Recent reports of unlawful use of firearms by law enforcement officials* (AI Index: EUR 15/19/98), published in December 1998. In particular, the organization urges that Article 80 of the Bulgarian Law on the

Ministry of Internal Affairs should be made consistent with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Amnesty International appeals to the authorities to ensure that impartial and thorough investigations are conducted immediately into all shootings by law enforcement officials resulting in death or injury, and to instruct law enforcement agencies to give the investigating and prosecuting authorities their full cooperation in order to establish the facts of every case, and to bring any law enforcement officers suspected of inappropriate use of firearms to justice. Amnesty International furthermore recommends to the Bulgarian authorities that police and other law enforcement officials should be provided with clear regulations and that effective training programs be initiated on the use of firearms, which will ensure that relevant international standards are observed and adhered to. Finally, Amnesty International urges the Bulgarian authorities to make public regular statistics on police shootings.

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