

BULGARIA

Tsvetalin Perov, a 16-year-old Roma boy, severely burned in police detention

Amnesty International is concerned that Tsvetalin Perov, a 16-year-old Roma boy, was allegedly set on fire in police detention in Vidin on 29 April 2000. Police officers have claimed that he set himself on fire, yet inconsistencies and illogicalities in their account, and the unexplained disappearance of material evidence, leave their claims open to question. This raises the possibility that Tsvetalin Perov was set on fire by a police officer. Tsvetalin Perov sustained severe burns, which covered 15 per cent of his body, and required skin grafting operations.

Tsvetalin Perov was arrested by police officers in Vidin at approximately 7.30pm on Saturday 29 April 2000 on suspicion that he had stolen some articles from an apartment. He was taken to Vidin district police headquarters and interrogated. At approximately 8pm two police officers took Tsvetalin Perov from the police station. These officers reportedly drove him in a police car to a location in Vidin where he was said to have hidden a cassette recorder which he had stolen. He showed the two officers the location, yet they found nothing there, and drove him back to the police station at about 8.30pm, where he was handed over to the custody of police station duty officers and placed in a locked room. At about 9pm Tsvetalin Perov was driven from the police station to Vidin's "Sveta Petka" hospital, where he was admitted with severe burns.

Reportedly, the police issued no official information about the incident, and an investigation into the incident was not initiated until after local journalists and the non-governmental organization (NGO) "Drom", which provides legal defence to Roma victims of alleged human rights violations in the Vidin area, became aware of the case several days later, and publicized it. On Tuesday 2 May 2000 Tsvetalin Perov's sister alerted "Drom" to the case, and on the same day a local journalist was informed about it by her contacts at the "Sveta Petka" hospital. She and two colleagues visited the hospital. Short articles about the incident appeared in two national newspapers on 3 May, and a longer article came out on 6 May¹. The local journalist's repeated requests for information from the police did not elicit anything more than an informal acknowledgement of the incident, and an assertion that the boy had set himself on fire. Police officers reportedly referred to the fact that she or her colleague had already written

¹ 24 _____ and _____ published short articles on 3 May 2000, and _____ published an article entitled "16- _____" ("A 16-year-old set himself on fire in the police station") on 6 May 2000. All of the articles accepted the informally stated position of the Vidin police that Tsvetalin Perov had set himself on fire.

an article about the case and told her that therefore: “You do not need to know any more”. They also reportedly accused her of wanting to stir up trouble, which risked jeopardising the position of Nikolai Dechev, the police chief of Vidin². Having been open and cooperative with her on 2 May, from the next day on the senior hospital staff are reported to have abruptly changed their attitude toward the research being conducted by the local journalist, and asked her not to bother them. On 4 May 2000, on the basis of the reports which had appeared in national newspapers, a preliminary investigation of the incident was initiated by the Pleven branch of the military prosecutor’s office, which is the body responsible for investigating allegations or reports of crimes committed by police officers.

On 5 May 2000 Tsvetalin Perov was transferred from the “Sveta Petka” hospital to the Pirogov emergency hospital in Sofia for specialist treatment in its children’s burns clinic. He had sustained third degree burns to 15 per cent of his body, with particularly deep burns covering eight per cent of his body: his throat and neck, left shoulder, and a part of his chest and abdomen. Third degree burns, also described as full thickness burns, implicate the entire epidermis and dermis, and require skin grafting operations. Skin grafts were applied with reported success at the Pirogov hospital on 12 and 19 May, and Tsvetalin Perov was released from the hospital on 26 May 2000. He has continued to be treated as an out-patient in Vidin, particularly for the burn injuries to his left shoulder.

Tsvetalin Perov is reported to have been arrested and detained by police officers often over the last six or seven years. On several occasions he was allegedly ill-treated by police officers who interrogated him on suspicion of committing thefts and burglaries. His sisters report seeing him return home with his clothes covered in blood on several occasions after such interrogations, during which he is reported to have signed statements admitting to crimes of which he was accused. In October 1998 “Drom” filed a complaint to the district prosecutor’s office about incidents of alleged ill-treatment of Tsvetalin Perov by police officers. Tsvetalin Perov is illiterate, and was reportedly expelled from a school for children with learning difficulties for persistent stealing. He is also an epileptic, and has frequently been admitted to the “Sveta Petka” hospital before, after suffering fits.

² There have been recent dismissals from the senior hierarchy of the Vidin police, which may have exacerbated the sensitivity of police officers to such inquiries. It was confirmed on 25 May 2000 that the Minister of Internal Affairs Emanuil Yordanov dismissed two of Lieutenant-Colonel Dechev’s immediate subordinates for having covered up criminal offences and misled district prosecutors.

According to a fire specialist consulted by Amnesty International, the severity and extent of the burns sustained by Tsvetalin Perov suggest that the fire which burned his clothes is likely to have been assisted by some form of fire accelerant, such as, for example, lighter fuel or petrol. It is not known what fibres Tsvetalin Perov's clothes were made of, since they have disappeared. Natural fibres such as cotton have a high burning rate and are relatively easy to ignite. Wool, by contrast, is both difficult to ignite and burns with a low flame velocity, and may self-extinguish. Lighter, more loose-fitting clothing will burn more quickly than heavier or tight-fitting clothes. Most synthetic fabrics, such as nylon, acrylic or polyester resist ignition. However, once ignited they melt and the resulting hot, sticky, melted substance causes localized and extremely severe burns. Blends of natural and synthetic fibres can combine the hazards of a high rate of burning and melting fabric³. Melted synthetic fabric might provide a partial explanation for the third degree burns suffered by Tsvetalin Perov. However, some of the areas of his body which sustained the deepest burns are unlikely to have been covered by his clothes, i.e. his throat and neck. This indicates that it is likely that another source or explanation beyond the unassisted burning action of his clothes must be sought for some, if not all, the severe burns sustained by Tsvetalin Perov.

The account given by Tsvetalin Perov about how he caught fire, if it were accepted, would lead one to conclude that it happened as a result of the actions of a police officer. After his release from hospital Tsvetalin Perov visited the NGO "Drom" in the company of his parents on 29 May 2000 and recounted his version of what had happened to him. He claimed that he had been locked in a room at the police station together with a "new" police officer, whom he did not recognize from his previous periods of detention at Vidin police station. This police officer began to beat him with his fists and to kick him. Allegedly, the police officer kicked him several times in the stomach and one of the blows was so hard that it knocked Tsvetalin Perov unconscious. He claimed that the next thing he remembered was being awoken by the pain of being on fire, which caused him to scream. Upon awaking in the locked room, he saw the same police officer who had allegedly beaten him. Tsvetalin Perov's screams reportedly alerted a duty police officer, who opened the door and entered the room. The police officer who had allegedly beaten Tsvetalin exited the room. The duty police officer took Tsvetalin out into the corridor and summoned his colleague senior sergeant Vanyo Milkanichov, who brought a bucket of water and threw it over Tsvetalin in an attempt to extinguish his burning clothes, which did not succeed. Two more officers came. One of them took off his uniform jacket and wrapped it around Tsvetalin to try to smother the flames, yet this did not work. In the meantime senior sergeant Vanyo Milkanichov brought another

³ Information on the comparative flammability of fabrics was sourced from the internet website of City of Phoenix Fire Services: www.ci.phoenix.az.us/FIRE/firefbr.html

bucket of water and emptied it over Tsvetalin Perov. This at last extinguished the flames. Tsvetalin Perov claimed to recall being naked once the fire was put out. The fire had destroyed part of his clothes, and it seemed to him that police officers threw those that were left into a rubbish bin before taking him in a police car to hospital. A witness who is reluctant to be identified, who was in the police station at the time, reported seeing Tsvetalin Perov being taken out of the police station in a naked state by police officers. Nikolitsa Nikolova, a member of the "Sveta Petka" hospital medical team which dealt with Tsvetalin Perov on his admission, reportedly testified to the military prosecution investigator that the only recognizable item of clothing Tsvetalin Perov had was a pair of trousers, which had been removed from him and placed next to him in a stretcher. She is said to have reported that other clothes fragments were immediately thrown away in the hospital, and that they found nothing else on him. Hospital staff and police have reportedly been unable to account for what subsequently happened to Tsvetalin's trousers.

There are reports that Tsvetalin Perov made contradictory statements about the incident while he was sedated in Vidin's "Sveta Petka" hospital in the days immediately following 29 April 2000, prior to the statement he made to the NGO "Drom" on 29 May 2000. Members of his family were able to visit him in the hospital, and reported that he gave two different accounts of being set on fire. According to his mother he claimed that a police officer poured some fluid over him and then threw a lit match at him, which caused the fluid to ignite. To his sister Natka he reportedly claimed that a police officer whom he could identify hit him after arresting him and later in the police station made two attempts to set light to a newspaper in proximity to him, succeeding on the second attempt, upon which he held the burning newspaper against Tsvetalin's clothes, causing them to catch fire. Dr Videnov, the head of the emergency department of the "Sveta Petka" hospital reported that Tsvetalin Perov admitted that he set fire to himself. Vidin police officers who interviewed Tsvetalin Perov in hospital on 4 May 2000 testified that he told them that he set fire to himself with a cigarette lighter.

If Tsvetalin Perov set himself on fire while in police detention, whether by accident or deliberately, he could not have done so without having in his possession the materials for starting a fire, such as a lighter or matches, and perhaps cigarettes. Arguably, he would have needed to douse himself with lighter fuel before setting fire to himself, if the combination of the severity and locations of the burns he sustained is to be explained in this way. Moreover, if Tsvetalin Perov had these items it is logical to assume that after the incident they would have been found and made available to the investigation, as would other relevant material evidence such as Tsvetalin Perov's burnt clothes.

The Vidin police officers who interviewed Tsvetalin Perov on 4 May 2000 reported that he claimed to have retained some cigarettes and a disposable lighter in a

cigarette packet during his detention at the police station. Reportedly, these items were accidentally missed by the police officer who conducted the routine search which is made of anyone taken into police detention for the purpose of removing all potentially harmful objects. Reportedly, it was with these items that he set himself on fire. It should be noted that failure to confiscate such items would represent a highly unusual occurrence. It is obligatory Bulgarian police procedure to remove even shoelaces from detainees. An explanation given is that the cigarettes and the lighter or matches were probably missed during the routine search due to the fact that they must have been in the breast pocket of Tsvetalin's shirt, which was obscured by his jacket.

However, it is not even clear that the shirt Tsvetalin Perov was wearing had a breast pocket, nor whether he was wearing any kind of jacket over it. Police officers who testified to the military prosecution investigator gave various and vague versions about what what clothes Tsvetalin Perov was wearing.

The police were unable to find the cigarettes and a lighter or matches which Tsvetalin Perov was said to have had. Amnesty International received a report from Dr Videnov, the head of the "Sveta Petka" hospital's emergency department, that a cigarette lighter was found on Tsvetalin Perov when he was admitted to the hospital, but this does not appear to be confirmed by the testimony of the staff who were directly involved, nor by the police officers who visited Tsvetalin Perov in hospital on 4 May 2000.

According to the testimony reportedly lodged by police officers with the military prosecution investigator, from a corridor duty officer Lyudmil Ivanov heard Tsvetalin Perov screaming in a locked room in which he had been left by himself. Officer Ivanov called senior sergeant Vanyo Milkanichov to assist him. They found Tsvetalin Perov on fire and took him out into the corridor. Senior sergeant Milkanichov threw a bucket of water over Tsvetalin Perov, but this failed to extinguish the fire. At this point two senior sergeants who both work on the centralized system for the monitoring of burglar alarms linked to the Vidin police ("COD"), Valeri Evgeniev and Biser Asenov, came to assist. They put Tsvetalin Perov onto the floor and senior sergeant Asenov took off his uniform jacket and wrapped it around Tsvetalin in an attempt to smother the fire. This did not succeed, and senior sergeant Milkanichov threw another bucket of water over Tsvetalin, which finally extinguished the fire. In their testimonies, the police officers were at pains to state that there had been no-one with Tsvetalin Perov in the locked room, that his clothes did not give off any smell of petrol, liquid fuel, or solvents and that they did not take or throw any of Tsvetalin Perov's clothes away before taking him to the hospital. However, their account of the fire, which demonstrates its persistence and the difficulty in extinguishing it, adds weight to the contention that some form of fire accelerant had been applied or doused on Tsvetalin Perov's clothes beforehand. They stated that they

searched the room where Tsvetalin Perov had been held, but failed to find any lighter or cigarettes there.

The remnants of Tsvetalin Perov's clothes have disappeared and are thus unavailable for forensic examination. The police reportedly returned Tsvetalin's shoes to his mother instead of handing them to the investigator of the military prosecutor's office. Tsvetalin Perov's mother gave the shoes to military prosecution investigator Dimo Mikov in the presence of a lawyer of the NGO "Drom". Yet in this way the chain of custody was broken and any value which the shoes might yield as evidence, such as in forensic tests, was therefore compromised. The uniform jacket of senior sergeant Biser Asenov was not reportedly solicited as evidence, despite the urging of a lawyer of the NGO "Drom". In any case, forensic examination of the remnants of Tsvetalin Perov's clothes and of the uniform jacket used to smother them when they were on fire would help to determine the nature and cause of the fire, such as by determining the presence or absence of traces of any kind of fire accelerant. Various, the preliminary investigation appears to have been denied and to have denied itself such a possibility.

Amnesty International calls upon the Bulgarian authorities to ensure that the investigation of the burning of Tsvetalin Perov is impartial and thorough, and requests them 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 law enforcement officials reasonably suspected of having violated Tsvetalin Perov's human rights, including the right to freedom from torture or cruel or degrading treatment or punishment, as guaranteed by Article 7 of the International Covenant on Civil and Political Rights, Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, and Article 37 (a) of the Convention on the Rights of the Child, to which treaties Bulgaria is a state party. Moreover, if such violations are confirmed, reparation should be made to the victim, including financial compensation, as required under Article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), to which Bulgaria is also a state party.

Amnesty International remains concerned about the high incidence of reports of ill-treatment by Bulgarian police officers. A questionnaire survey conducted among nearly 1000 convicts in Bulgaria's prison system on behalf of the Bulgarian Helsinki Committee in early 1999 revealed that over half claimed that they were tortured or ill-treated during arrest or when detained at a police station⁴. When broken down by

⁴ Detailed in "Legal defence of defendants in the criminal process and its effect" by Dr Krassimir Kanev. The internet website of the Bulgarian Helsinki Committee is at www.bghelsinki.org

ethnic group, the results showed that the highest incidence of alleged ill-treatment by police officers was reported by Roma respondents. Sixty per cent of Roma convicts claimed that they were ill-treated in police detention. In the latter half of the 1990s Amnesty International has reported extensively on alleged ill-treatment by Bulgarian police officers.⁵

⁵ See, for example, the Amnesty International reports *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96), published in June 1996, and *Bulgaria: New cases of ill-treatment of Roma* (AI Index: EUR 15/11/98), published in August 1998.

Amnesty International believes that the Bulgarian authorities have an obligation, under Article 11 of the Convention against Torture⁶, to devise and implement a national strategy to address the issue of ill-treatment by police officers, which appears to be a systemic, institutional problem. Necessary measures would include ensuring that impartial and thorough investigations are promptly initiated into all allegations or reports of ill-treatment by police officers, and that the police afford all necessary cooperation to the investigating authorities. They would also include effective training programs for police officers to ensure their correct understanding and implementation of national and international human rights standards. Such standards include the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the UN Code of Conduct for Law Enforcement Officials and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials.

⁶ Article 11 of the Convention against Torture states: “Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.”

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