

BULGARIA

Bulgarian authorities respond to Amnesty International's June 1996 report

In June 1996 Amnesty International published a report, *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96). The report's two appendices described seven deaths in custody in suspicious circumstances, three incidents in which six people were shot and 17 cases of torture and ill-treatment of dozens of victims.

Amnesty International was particularly concerned by an apparent pattern of impunity of law enforcement officers responsible for human rights violations. Until the publication of this report (hereafter referred to as the June report) the Bulgarian authorities had consistently failed to provide Amnesty International with copies of investigation reports or any other substantial information about such investigations. Amnesty International urged the Bulgarian authorities to fully and impartially investigate all cases described in the June report, to make public the findings and to bring to justice those responsible for human rights violations.

On 18 July 1996, in Sofia, the Human Rights Department of the Ministry for Foreign Affairs convened a meeting to consider the response of the Bulgarian authorities to the June report.¹ The meeting was attended by the Director of Investigations in the Prosecutor General's Office, the Armed Forces Prosecutor, the Deputy Director of the National Police Directorate, Director of the Penitentiary Administration, as well as representatives of the Ministry of Justice, Interior Ministry, and the National Investigative Service. In a letter to Amnesty International from the Ministry for Foreign Affairs, of 26 July 1996, the Bulgarian authorities expressed "[a] wish to develop a cooperation as well as to conduct a constructive dialogue with your organization in order to contribute to the further improvement of the human rights situation in Bulgaria".

On 8 October 1996 Amnesty International received from the Bulgarian Embassy in London a second letter from the Ministry for Foreign Affairs dated 6 September 1996 which contained information on investigations into 16 cases described in the June report.

Amnesty International welcomed the information provided by the Bulgarian Ministry for Foreign Affairs, but found it insufficient to assess whether these investigations have been prompt and impartial as required by Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) which has been ratified by Bulgaria. Therefore, Amnesty International urged the Bulgarian Government to provide additional information, as specified in the following observations and comments.

Cases of deaths in detention in suspicious circumstances.

The letter of the Ministry for Foreign Affairs referred to investigations into four deaths in custody in suspicious circumstances. In one of the cases the investigation had been suspended following the prosecutor's decision that no criminal offence had taken place. In two cases investigations are still in progress, although preliminary inquiries indicate that there is no evidence that the victims had been ill-treated by police officers. In the fourth case another detainee is under investigation for

¹ "Press Release of the Foreign Ministry", BTA report of 18 July 1996.

murder. However, there was no information that reports of severe beatings by police officers in pretrial detention had been investigated, particularly whether such treatment may have contributed to the victim's deteriorating health and his subsequent death. Finally, there was no mention of three other cases of deaths in detention in suspicious circumstances described in Appendix 1 of the June report.

Amnesty International has the following specific concerns:

In the case of **Iliya Gherghinov**,² an inquest by the Regional Investigation Office established that his death occurred in a street and that there was no evidence that it resulted from a violent act. Amnesty International urged the Bulgarian authorities to provide it with a full report of the investigation which should particularly include information on the authorities which conducted the investigation, whether they questioned witnesses who saw a police officer beating Iliya Gherghinov, and what evidence was gathered relevant to the circumstances in which the body of Iliya Gherghinov was found. Amnesty International also requested a copy of the autopsy report in this case. Witnesses who saw Iliya Gherghinov's body reported a number of injuries described in detail in the July report. Furthermore, Amnesty International questioned the Bulgarian authorities about the measures taken in the course of the investigation to protect a witness who had been threatened by the officer involved in the alleged ill-treatment. Article 13 of the Convention against Torture imposes a commitment on Bulgaria, as a State Party, to "ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given".

In the case of **Assen Ivanov**,³ the investigation has established that following his arrest he was examined by a physician. "The doctor did not find any reason why [he could not be placed under] guarded custody". The following day he was admitted to Sandanski hospital "with a tentative diagnosis 'suspected brain concussion and subarahnoidal haemorrhage'". He died several hours later. Although the investigation by the District Investigation Office has not been completed, it was reported that there is no evidence that any police officer was responsible for the alleged ill-treatment of Assen Ivanov. Amnesty International urged the Bulgarian authorities to provide it with a full report of this investigation, as well as a copy of the autopsy report.

With regard to the case of **Iliyan Veselin Nikolov**,⁴ it was reported that another detainee is under investigation for causing his death. However, there was no information about an investigation into allegations that Iliyan Nikolov had been brutally beaten in the lock-up of the investigation service before he had been transferred to the Stara Zagora prison, and whether such treatment may have contributed to the deterioration of Iliyan Nikolov's state of health resulting in death. There was also no information about an investigation into the apparent failure by prison officials to promptly administer adequate medical treatment to Iliyan Nikolov who complained about his acute condition

² See the June report page 16.

³ See the June report page 17.

⁴ Ibid.

to the prison guards two or three days prior to his death. Similarly no information was available about an investigation into the reported ill-treatment of Ivan Nikolov, who was arrested together with his brother in October 1994, but released shortly afterwards. A police officer who was reportedly involved in the beating of Iliyan Nikolov threatened Margareta Nikolova, his mother, not to file a complaint. Amnesty International requested to receive information on steps taken by the Bulgarian authorities during the investigation to ensure her safety.

In the case of **Angel Zubchikov**,⁵ although the Military Prosecutor's Office in Varna is still conducting an investigation, events leading to, as well as the circumstances of his death, were reported in detail, as if they have been established as fact. Amnesty International urged the Bulgarian authorities to provide it with information about the procedures and evidence under which these events and circumstances were established, as well as to provide for the organization a copy of the autopsy report.

Amnesty International also urged the Bulgarian Government to fully and impartially investigate the deaths in suspicious circumstances of Mitko Angelov, Yordan Angelov and an unidentified Rom, whose cases are described in the June report, as well as the cases of Zahari Stefanov, who died in Kazanluk police station in June 1993; Lyubcho Terziev, who died in the same police station in August 1994; Slavcho Lyubenov Tshonchev, who died in Pleven police station in September 1994; and Angel Angelov, who was shot and killed by a police officer in Nova Zagora in March 1995. All of these cases had been brought to the attention of the Bulgarian Government by Amnesty International in the past.

Cases of shootings, torture and ill-treatment by police officers.

The reply of the Bulgarian authorities also included information about the investigations into 12 cases of ill-treatment described in the June report. However, no information was given on three incidents involving four people and an incident involving dozens of people which occurred in Rakitovo in February 1995. Similarly, no information was given about any investigations into three incidents of police shootings in which six people were injured.

In only one of the 12 cases had the police officers allegedly responsible for ill-treatment been disciplined. Investigations in four cases were closed without any information on the reasons for such a decision. In three cases no information was given about an investigation into the reported ill-treatment. However, one of the complainants was convicted for insulting and slightly injuring a police officer, another complainant was charged with hooliganism, and the third is under investigation for robbery. In the remaining four cases an investigation has been initiated or is under consideration by the military prosecutors.

Amnesty International is concerned to note that preliminary investigations under Article 191 have been carried out by other police officers from the same police stations as officers

⁵ See the June report page 18

suspected of human rights violations.⁶ In the June report Amnesty International called on the Bulgarian authorities to ensure that prosecutors exercise control of police officers who are investigating reports or allegations of ill-treatment committed by other police officers during a preliminary inquiry. The prosecutors should question complainants directly if the results of the preliminary inquiry recommend that the complaint should be dismissed. If allegations of the complainant are credible it should be left to a court to assess the veracity of conflicting or contradictory testimony.

Amnesty International has the following specific concerns:

Regarding the case of **Gancho Stefanov**,⁷ two officers of the Regional Unit to Combat Organized Crime in Stara Zagora were disciplined with a “reprobation”. The military prosecutor in Stara Zagora decided to suspend criminal proceedings against the two officers on the basis of Article 406 of the Penal Code which permits such a decision “if the offence is not a serious violation of military discipline”. Amnesty International urged the Bulgarian authorities to provide it with information on the reasoning behind this decision of the Military Prosecutor.

In the case of **Yanko Yanev**,⁸ the Bulgarian authorities replied that an inquiry, conducted by the Regional Police Directorate in Asenovgrad, “established that its officers acted within their powers and never used physical force”. There is no mention of a judicial investigation. On 12 September 1994 Yanko Yanev submitted his complaint about the ill-treatment to the Regional Prosecutor in Asenovgrad. The prosecutor has still not replied to him or to his lawyer who has been unable to obtain any information on what steps, if any, have been taken to investigate the complaint.

Similarly, the case of **Kamen Chaushev**⁹ appears to have been closed following an investigation by the Regional Police Directorate in Stara Zagora. Amnesty International requested to receive information about the results of any judicial investigation carried out. According to Article 12 of the Convention against Torture, a prompt and impartial investigation should be initiated, even if no complaint is made, whenever there is reasonable ground to believe that an act of torture or ill-treatment has taken place.

The cases of **Dimitar Stankov**¹⁰ and **Margareta Kostadinova**¹¹ were closed following a review by the responsible military prosecutors. There is no information as to whether judicial

⁶ See the June report page 9 and 10 for a description of the apparent failings of such an inquiry procedure.

⁷ See the June report page 25.

⁸ See the June report page 19.

⁹ See the June report page 27.

¹⁰ See the June report page 23.

¹¹ See the June report page 25.

investigations had taken place or whether the decisions followed preliminary inquiries. Amnesty International urged the Bulgarian authorities to provide it, in both cases, with a copy of the prosecutor's decision which includes the reasoning for the closing of the investigation.

Girgina Dimova Toteva,¹² a 67-year-old woman who was reportedly beaten by police officers in Sevlievo in April 1995, had been sentenced in June 1996 to six months' imprisonment, suspended for three years, for insulting and slightly injuring a police officer. In a different case, **Desislav Pavlov**,¹³ who in March 1995 was reportedly severely beaten on the lower back by police officers in the Second Police Precinct in Sofia, is under an investigation for four armed robberies. His lawyer has still not been contacted about the complaint which was filed in March 1995 together with a medical certificate describing massive bruising on the buttocks. In the case of **Iliya Lambov**,¹⁴ the prosecutor in Plovdiv has initiated a preliminary inquiry for hooliganism and resisting a public official as well as causing a police officer slight bodily injury. However, there is no information about any investigation that would explain how he suffered a large bruise on his right eye, numerous bruises on his back, as well as lesions on his chest, right elbow, right thigh and left knee, all of which are described in a forensic medical certificate. For all three cases, Amnesty International urged the Bulgarian authorities to provide it with information about any judicial investigation carried out into the reported ill-treatment.

In four cases a preliminary investigation has been initiated. The Pleven Military Prosecutor is investigating the ill-treatment of **Velislav Dobrev**.¹⁵ A preliminary inquiry was carried out by the Regional Police Directorate in Pleven, but disciplinary measures against officers who are suspected of ill-treatment will be considered only following the investigation of the military prosecutor.

Regarding the case of **Ahmed Mustafov**,¹⁶ the Varna Military Prosecutor is reviewing the findings of a preliminary police inquiry. However, Amnesty International was concerned to note that this inquiry contained the following observations: "The Mayor of the village of Bratovo and other fellow-villagers of the plaintiff said in their explanations that Ahmed Mustafov Ahmedov drank and was involved in many brawls in the village. In 1994 three unlicensed hunting guns and ammunition were seized from him. The fact that for three days he had not sought medical care, as well as his character and behaviour, cause suspicion that the traumas referred to in the medical certificate produced by Ahmed Mustafov might have been received at another place and time but not at the Trgovishte RPS". Amnesty International is concerned that these remarks are illustrative of police inquiries into the reported cases of ill-treatment. The complainant's alleged past conduct, or a criminal record, are apparently used to discredit his statements and evidence of ill-treatment. In this

¹² See the June report page 23.

¹³ See the June report page 22.

¹⁴ See the June report page 23.

¹⁵ See the June report page 27.

¹⁶ See the June report page 28.

specific case, the police inquiry failed to note that Ahmed Mustafov was examined by a forensic expert on the first working day following the incident in which he was allegedly ill-treated.

In the case of **Dimitur Velev**,¹⁷ preliminary proceedings have been initiated by the Blagoevgrad District Prosecutor's Office to review whether the force used in apprehending Velev had been in proportion to the resistance that he had put up. In the case of **Vasil Vasilev**¹⁸ disciplinary proceedings have been suspended against four police officers involved in the ill-treatment. The Military Prosecutor in Plovdiv is currently investigating the complaint.

Amnesty International urged the Bulgarian authorities to provide it with information about the results of the four investigations mentioned above.

Finally, there was no information about investigations into any of the ill-treatment or shooting incidents involving officers of the Specialized Unit to Combat Terrorism, commonly known as the Red Berets. These incidents were described in the June report. Amnesty International is also concerned that no information has been available on a number of similar incidents involving the Red Berets which the organization has been urging Bulgarian authorities to investigate since 1993. Once again Amnesty International urged the Bulgarian Government to observe all its international commitments and to initiate thorough and impartial investigations into these incidents, to make public their results and to bring to justice those responsible for human rights violations.

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¹⁷ See the June report page 26.

¹⁸ See the June report page 21.