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BULGARIA

Shootings, deaths in custody, torture and ill-treatment by law enforcement officers

“In the war on crime there will be victims”,

Lyubomir Nachev, Minister of the Interior, May 1995.

Introduction

In November 1989, after 45 years of totalitarian rule, Bulgaria embarked on a peaceful transition to democracy and very quickly significant improvements in the observance of human rights took place. In particular, the campaign of enforced assimilation of ethnic Turks was ended, political prisoners were released and restrictions on the rights to freedom of expression and freedom of assembly were lifted. A moratorium on the execution of the death penalty was adopted in June 1990. The Constitution of the Republic of Bulgaria, adopted in July 1991, contains provisions on most rights and freedoms recognized by the Universal Declaration of Human Rights and the main international treaties. International instruments ratified by the National Assembly become part of domestic law. Furthermore, international provisions take precedence if “any domestic legislation stipulates otherwise”.¹ By ratifying the European Convention for the Protection of Human Rights and Fundamental Freedoms in September 1992, the Bulgarian Government made a further commitment to safeguarding human rights.²

However, human rights violations persist in Bulgaria: they include shootings, torture, beating and other forms of ill-treatment of detainees, sometimes resulting in death. The rising number and regional distribution of the reported cases indicate that they are numerous and widespread. Daily accounts of such incidents reveal a pattern of casual violence and illegal acts by police officers throughout the country.

The problem is further compounded by a pattern of impunity of law enforcement officers responsible for human rights violations. International standards require prompt, thorough and impartial investigation into reports of human rights violations by law enforcement officials. Whether and how often these standards are fulfilled is difficult to ascertain. Information on investigations is seldom made public. Usually details are only released in the most notorious cases where public outrage needs to be appeased. Failure to bring to justice those responsible for human rights violations is in itself a violation of international obligations. Furthermore, in order to prevent such human rights violations from reoccurring, the Bulgarian authorities need to indicate clearly that such conduct is totally unacceptable.

These human rights violations occur in the context of serious social and economic difficulties which affect most of the population. Five years of unstable political development and inadequate legislative reforms were marked by the apparent inability of a succession of governments to tackle growing corruption in state institutions and to fight organized crime. The atmosphere of lawlessness is heightened by numerous reports describing illicit gains made by the former *nomenklatura*, some of whom are still

¹ Article 5, paragraph 4, of the Constitution of the Republic of Bulgaria.

² Bulgaria is also a party to other human rights treaties, including the International Covenant on Civil and Political rights (ICCPR) and the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture).

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active politicians, and a new class of entrepreneurs who ruthlessly abused legislative and judicial shortcomings of a state in transition.

In January 1994 a series of gangland killings culminated in an incident in *Beli Brezi* in Sofia in which riot police, reportedly trailing an underground suspect, shot dead two anti-terrorist officers by mistake. The killed officers were allegedly guarding a meeting between government officials and members of the criminal underworld.³ “Our state is seriously ill and there is no force in the country, not even the Ministry of the Interior, that can deal with it”, said Nikolay Slatinski, then chief of the Parliamentary Commission for National Security after a meeting with Viktor Mikhailov, then Minister of the Interior. “Before the very eyes of the people, the political elite has become an accomplice in the breakup of the Bulgarian State.” The Ministry of the Interior then reportedly initiated an inquiry into possible links between police and the criminal underworld but there was no information as to whether it was completed and if so with what results.

In January 1995 Reneta Indzhova, then outgoing Prime Minister, speaking in a television interview stressed that her government had tried to “halt the chaos and further collapse of the decaying state machine”. She warned the newly elected government of the Bulgarian Socialist Party that “tendencies perpetuating the convergence of the state and the mafia” would lead to a state more dangerous than even the most open totalitarianism.⁴

Chronic lack of funds to maintain state and other public services also make it difficult to cope adequately with growing criminality. Law enforcement units are understaffed and underpaid. Their feelings of frustration are often used to excuse human rights abuses by police officers. In addition, police officers have traditionally placed the protection of state interests above the universally recognized rights of individuals. Education and training designed to promote a human rights culture among public officials and law enforcement officers are therefore imperative.

Shootings - inappropriate use of firearms by police officers resulting in death or injury of the victim

Amnesty International has recorded an increasing number of incidents in which police shoot people in circumstances which are prohibited by principles 4 and 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which state that:

"Principle 4 - Law enforcement officials, in carrying out their duty, shall as far as possible apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

"Principle 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

³In January 1996 two police officers responsible for the killing were brought to trial, at which the hearings were conducted *in camera*. Their superior officer at the time, Captain Khristo Savov, later chief of the Regional Department of Internal Affairs Unit for Combatting Organized Crime, and another police officer were arrested on 26 February 1996 in Sofia on charges of racketeering.

⁴Reuters report from Sofia of 13 January 1995.
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particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, 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."⁵

In November 1995 Amnesty International requested information from the Minister of the Interior about five shootings in which the victims were not suspected of particularly serious crimes, were unarmed and did not endanger the lives of the police officers involved or anyone else.⁶ At the time of publication of this report, however, the government has not provided this information. In fact, in some of these cases inappropriate use of firearms by police placed at risk lives of other people as well as the criminal suspects they attempted to apprehend.

According to an article published in *Standart* on 12 April 1995, in the period between 18 February 1992 and 31 January 1995 "eight innocent people died and six were wounded by police officers". On 18 May 1994 Violeta Georgieva was killed by four or five shots fired at point blank range by police officers in Kyustendil. On 11 January 1995 Georgi Paraskevov was killed in front of Hotel "Pliska" in Sofia. A plainclothes police officer reportedly opened the door of a parked car and shot him in the head.⁷

Numerous other newspaper reports describe incidents in which police officers inappropriately use their firearms when not on duty. On 1 May 1995 at around 7am in Sofia, taxi driver Krasimir Georgiev was shot in the legs with four bullets by a plainclothes police officer who had threatened another taxi driver with his gun.⁸ On 29 May 1995 at 2am, Chief Sergeant Yordan Pandev shot at point blank range 36-year-old Noriyet Sayvi Hadzhiyska in the emergency ward of Pazardzhik hospital. Her husband and a friend had come to visit her in the hospital where she was recovering from an operation. They went to a store to buy some food and on their way back two men, one of whom said he was a police officer, approached her husband's truck asking about its load of wood. Chief Sergeant Pandev then fired six shots at the truck. Noriyet and her visitors fled into the hospital where she was overtaken and shot in the neck by the Chief Sergeant who was later arrested.⁹

In June 1995 in Gyueshevo, Kyusatendil region, Sergeant Vasil Yankov Shukalski, who was drinking in a bar with a colleague, fired rubber-bullets at a lamp. He then recharged his gun with live bullets and shot Rosen Mikhaylov, the barman, in the back.¹⁰ In July 1995 in Pavolche, Vratsa region, officer Todor Todorov, after leaving the local bar, fired eight shots at children waiting at the bus stop. Fourteen-year-old Tsveta Tsoleva and 16-year-old Milena Marinova were wounded and taken to hospital. Reportedly Todorov was known locally to fire his gun after drinking bouts.¹¹ In September, in Elenino, Stara Zagora region, Sergeant Radi Madzharov accused the mayor of the village of forging land division maps to the

⁵Emphasis added.

⁶See *Bulgaria: Amnesty International condemns excessive use of force by police officers* (AI Index: EUR 15/07/95) of 29 November 1995.

⁷In January 1996 he was indicted for manslaughter.

⁸See *Standart* of 2 May 1995.

⁹See *Standart* of 1 June 1995.

¹⁰See *Standart* of 30 June 1995.

¹¹See *Standart* of 19 July 1995

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detriment of his parents. He took out his gun and threatened to shoot him.¹² In October in Sofia, 28-year-old Mariana Miteva was inadvertently killed by a bullet fired by sergeant Nikolai Nikolov who was on the way to his wedding.¹³ Criminal investigations have been initiated in all of these incidents.

This report documents other cases of inappropriate use of firearms by police officers. These and daily accounts of similar incidents taking place in Bulgaria make imperative the introduction of well-defined rules for the use of firearms by law enforcement officials, consistent with internationally recognized principles, and improved education and training of police officers.

Deaths in custody resulting from torture and ill-treatment

The seventh police precinct in Sofia recorded that Khristo Khristov was detained on suspicion of theft on 5 April 1995 at around 6.15pm. The detainee confessed orally but refused to write a statement to the same effect. At 11pm the officer on duty observed that his state of health had deteriorated and called for an ambulance. The doctor established that the detainee was dead and the body was taken to the Forensic Medicine Department.

"Four plainclothes officers took my son to the police station. They told me that they had been looking for him for six months and that he was a well-known bandit. My son had just come back from work and was reading a newspaper when the officers came", said Valya Semkova, mother of the 22-year-old victim. "He never had any dealings with the police." That evening Khristo's parents went to the police station and found him lying on the floor of a cell secured by handcuffs to the radiator.

A forensic medical report concluded that a blow to Khristo's chest resulted in the fracture of several ribs, which ruptured the aorta causing death of the victim in roughly five minutes.¹⁴ On 8 April 1995 it was reported that six officers had been arrested in connection with this incident.¹⁵

On 24 April 1995 in Plovdiv 17-year-old Kostadin Timchev was arrested on suspicion of car theft. The next day he was taken to the emergency unit of Dimitrovgrad Hospital with a massive brain haemorrhage. After five days in a coma Kostadin Timchev died. The autopsy concluded that he had received a powerful blow to the head. Three police officers, one of whom had just started work on the force, who were involved in the interrogation of Kostadin Timchev were arrested pending an investigation.¹⁶

Following these two tragic incidents which were widely reported by the Bulgarian media, the Minister of

¹²See *Standart* of 4 September 1995.

¹³See *Standart* of 23 and 24 October 1995.

¹⁴ See *Standart* of 1 June 1995.

¹⁵ In January 1996 they were indicted for murder and the trial began on 14 March 1996. Lieutenant Ivancho Petkov, one of the defendants, reportedly stated before the court: "I was surprised when we were told that the detainee had died. I saw much more severe cases of beating and people who suffered much more in the precinct. Beating is a practice and there were times when colleagues would "work" on my cases. Because I was new they all asked me: "When will you learn to beat your own?". Before this happened to the young man, a Ukrainian was beaten in the precinct. His ribs were broken and he was in a very bad state all over".

¹⁶ In June 1995 they were released on bail. No other information on the investigation has been made public. Amnesty International June 1996AI Index: EUR 15/07/96

the Interior, Lyubomir Nachev, disclosed to the press that 17 people had died in suspicious circumstances in police arrest in the period between March 1994 and May 1995. It was reported¹⁷ that he and the Minister of Justice, Mladen Cherveniyakov, expressed condolences to the families of the deceased, but no information was given on how many of these deaths had been investigated and with what results. "In the war on crime there will be victims", warned Minister Nachev.

This report describes in detail other cases of deaths in custody in suspicious circumstances where little or no information on investigations is available.

Torture, beatings and other ill-treatment cases

Lawyers and non-governmental organizations monitoring human rights in Bulgaria frequently report that the incidence of ill-treatment is high and that such cases are widespread. However, few victims make official complaints, either because they fear further harassment or because they do not believe that perpetrators will be brought to justice.

Many of the victims are detained because they are suspected of a criminal offence. In almost all reported cases it is alleged that the victims were subjected to torture and beatings in police stations to coerce them to sign "confessions" and reveal other information about a committed crime. This report describes a number of such cases.

In many cases, some resulting in death, adequate medical treatment was not provided to victims who suffered injuries from ill-treatment. This is at variance with the obligation of the authorities under Principle 24 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,¹⁸ which requires that:

"A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge."

Once they are released the victims can be examined by local medical forensic experts who, in practically all cases taken up by Amnesty International, have issued medical certificates noting that the described injuries are consistent with the victim's allegations of ill-treatment.

Apart from those who are detained on suspicion of having committed a criminal offence, an increasing number of victims of ill-treatment are people who are incidentally present at the scene, or in the vicinity, of a police action to apprehend suspected criminals. Police officers, particularly members of the Specialized Unit to Combat Terrorism, commonly known as the Red Berets, have on numerous occasions during raids in public places indiscriminately beaten and otherwise ill-treated anyone present. One such incident took place on 2 March 1995 in the "La Scala" bar in Sofia. Around 40 police officers sealed off the area and arrested 10 people, beating them in the process. Tens of people were ill-

17 See *24 chasa* of 8 May 1995.

18 Adopted by consensus of the UN General Assembly on 9 December 1988. Rules 22 to 26 of the UN Standard Minimum Rules for the Treatment of Prisoners contain similar requirements.

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treated, of whom at least three had to undergo emergency hospital treatment.¹⁹

Two other similar incidents took place on 23 November 1995 also in Sofia. At around 11am a group of around 20 officers of the Red Berets raided a cafe in the *Druzha* quarter. It was later reported that the police were looking for the manager of a private security firm, whom they suspected of being involved in organized crime. Four officers stormed into the cafe and ordered everyone to leave at gunpoint. Outside they were kicked and beaten with truncheons for about 15 minutes. Six of the victims were so badly injured that they had to stay in hospital and undergo emergency operations. One of them, 33-year-old Konstantin Kaldurumov, suffered a cracked skull and other fractures to his arms and legs. Miko Tsanev had to be given emergency resuscitation twice. Ten days after the incident he was still in hospital where he had to be operated on twice because of massive abdominal internal bleeding, and needed further urgent operations on injuries to his arms.

Two hours after the first raid, the same officers were reportedly involved in another action, this time near the *Rakovski* football stadium. Dimitur Dimitrov, manager of a private security firm, and around six other men were just leaving their offices when masked plainclothes police officers reportedly fired rubber-bullets at their cars. When they got out of their cars, the policemen allegedly attacked them and took them to Mount Vitosha where the ill-treatment continued. They were taken to police headquarters, but released without charges after half an hour. One of the victims was still in hospital two weeks later with a “bruised lung” and a broken arm.²⁰ Other recent incidents where officers of the Red Berets indiscriminately ill-treated people are described in this report.

Many officers of the Special Unit have been involved in other serious criminal offences. An article in *Standart* of 10 January 1996 reported the following incidents: in May 1993 six officers were arrested in Svilengrad for racketeering; a month later two officers were detained in Varna on the same charges; four officers were reportedly charged with causing bodily harm to a businessman in Montana; two officers in Kyustendil were arrested and charged with murder and bank robbery.

Police officers were also responsible for ill-treating participants of non-violent assemblies and demonstrations. In April 1993 in Lozenitsa, near Melnik, dozens of ethnic Macedonians, many of them members of *Obedinena Makedonska Organizatsiya “Ilinden”*, the United Macedonian Organization “Ilinden”, were beaten by the Red Berets with truncheons and rifle butts when they attempted peacefully to visit Rozhen Monastery.²¹ In February 1995 around 120 officers of the Special Unit for Combatting Mass Disorder dispersed a crowd of about 150 protesters who were blocking the road outside the small town of Sapareva Banya. Most of the people in the crowd were local elderly inhabitants, joined by some ecology groups and parliamentary deputies. Police forces in riot gear kicked and beat many of the protesters; a total of 15 people were injured including two who had to undergo medical treatment for broken limbs and one man who had a heart attack after he was taken into a police car.²²

¹⁹ See *Bulgaria: Excessive use of force by members of special forces during police raid in Sofia* (AI Index: EUR 15/02/95) of 4 April 1995.

²⁰ For a more detailed account of this incident see *Bulgaria: Alleged ill-treatment by Bulgarian special police forces in the Druzha quarter and Rakovski stadium in Sofia* (AI Index: EUR 15/02/96) of 12 February 1996.

²¹ See *AI Concerns in Europe: May - October 1993* (AI Index: EUR 01/01/94)

²² See *Bulgaria: Ill-treatment of local protester in Sapareva Banya* (AI Index: EUR 15/01/95) of 21 February 1995.

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Article 287 of the Bulgarian Penal Code prescribes a penalty of up to 10 years for “state agents who in the course of their service, directly or through an intermediary, apply illegal means of coercion on a defendant, a witness or an expert in order to obtain a confession, a statement or a finding”. However, in cases which have been brought to Amnesty International’s attention suspected police officers were under investigation for a lesser charge. Article 131, paragraph 1, point 2, penalizes “officials, state representatives and members of the police force who in the course of their duty cause bodily injury”.²³

There are few reports of disciplinary measures taken against police officers for ill-treating detainees. In one case in June 1995 three police officers in Dobrich were suspended and their superiors were demoted following an incident in which two guards on a milk farm were taken to the police station and severely beaten. One of the guards later jumped from the window of the third floor office where he had been questioned and suffered fractures of both legs and the left arm, as well as injuries to the spinal column. There was no information, however, as to whether a criminal investigation had been initiated against the three officers.

Investigations into reports of deaths in custody, torture and ill-treatment

A review of investigations of police abuses leads to the conclusion that the Bulgarian judicial system and practice inadequately safeguard fundamental human rights. Complaints about deaths in custody normally result in criminal investigations, but Amnesty International has not been able to obtain information about investigations in seven cases which it brought to the attention of the Bulgarian authorities since June 1993.²⁴ Despite Amnesty International’s repeated requests, the government has failed to provide it with copies of the prosecutors’ decisions in these investigations or autopsy reports. The authorities’ refusal to provide such documents casts doubts on whether the investigations were conducted promptly and impartially, as required by Article 12 of the Convention against Torture. Moreover, failure to make public these documents is inconsistent with the Bulgarian authorities’ obligation under the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles set forth strict standards for thorough, prompt and impartial investigations in such cases, including the prompt completion of the investigation and immediate publication of the report. The report must: “include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it.”²⁵

On the other hand, criminal investigations are initiated in relatively few cases when the complaint concerns ill-treatment by police officers. Lawyers in Bulgaria have told Amnesty International that in practice the prosecutor frequently orders a preliminary inquiry. Legally the prosecutors can instruct

23 ²³ According to paragraph 2 grievous bodily injury is punishable by three to 12 years’ imprisonment; serious bodily injury is punishable by one to five years’; slight bodily injury is punishable by up to three years’ imprisonment.

24 This number does not include the cases in Appendix 1.

25 Principle 17

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“agents of the Ministry of the Interior and other administrative services” to collect information on their behalf.²⁶ Victims who complain are usually called to the police station to write a statement, but are not questioned about the relevant circumstances.²⁷ Any witnesses mentioned in the complaint are similarly instructed to write in a statement what they know about the incident. Law enforcement officers suspected of abusive conduct invariably submit statements which are well formulated and describe circumstances required by the prosecutor to dismiss the complaint. Therefore a complaint can be dismissed although the prosecutor has never directly questioned the victim.

When a criminal investigation is initiated it is often unnecessarily prolonged. The Penal Procedure Law sets no time limit for the investigators²⁸ to complete it. If the investigator proposes that no indictment should be made, the complainant is summoned to state his or her position and is allowed access to the collected evidence. The complainant is informed of the prosecutor’s decision to suspend the investigation and of the reasoning behind it. The former can lodge an appeal with a superior prosecutor. However, there is no possibility for a judicial review of this decision. This violates a victim’s right to an effective legal remedy.²⁹ It also violates a torture victim’s right to redress and compensation.³⁰ Civil liability for a criminal act is almost totally dependent on the outcome of the criminal case.

Another circumstance which has prolonged investigations is the revision of the legal competence to investigate police officers for criminal offences. At the beginning of 1994 these offences were transferred from the competence of the military to civilian prosecutors. A year later, in June 1995, this competence was reversed again. Military prosecutors claim that no work on investigations of offences for which police officers had been suspected had been carried out during the year that civilian prosecutors had been in control.

Discriminatory treatment of Roma

Many of the victims of beatings and other ill-treatment by police officers are Roma. Racist prejudices and lack of concern for the problems of this community is evident not only in Bulgaria but throughout the region. Following the ill-treatment of dozens of Roma during a police raid in Pazardjik in June 1992, Amnesty International expressed concern to the Bulgarian authorities about two other incidents of mass beatings during police raids on Roma neighbourhoods, five incidents of racial violence where Roma were inadequately protected³¹, five cases of deaths in suspicious circumstances and nine incidents of torture

26 ²⁶Article 191 of the Penal Procedure Code.

27 ²⁷Statements in the preliminary inquiry usually contain no information about the name of the person who carried out the preliminary inquiry.

28Article 117 of the Constitution established prosecutors and investigators as part of the judiciary and therefore independent of the executive. They are appointed and supervised by the Supreme Judicial Council.

29 ²⁹Article 2 (3) (a) of ICCPR.

30 ³⁰Article 14 (1) of the Convention against Torture requires each State Party to “ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible”.

31 ³¹In four of these incidents there were also allegations that some police officers not only failed adequately to protect the Roma but had actively participated in the beatings.

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and ill-treatment involving 21 victims.³²

The general shortcomings of investigations into allegations of torture and ill-treatment also apply to cases where Roma file complaints. However there are specific additional problems. Lawyers working on Roma cases have told Amnesty International that in certain locations such as Pazardjik, Stara Zagora, Sliven and Shumen, where conflicts arise in connection with the local Roma communities, the prosecutors are less independent in their work. They are constrained by the perceived need to consider the reactions of the majority population. This is also, in many instances, reflected in the work of the other branches of the judiciary.

Investigators in Roma cases sometimes take advantage of the ignorance of most Roma of their rights. During initial questioning the defendant has to be instructed that he or she has a right to a lawyer and to examine all evidence.³³ Roma are usually detained for lesser crimes for which the law does not impose obligatory legal representation. Roma who are beaten following arrest to obtain “confessions” are therefore not properly advised to retract these statements when questioned by the investigator. On the other hand, there are few lawyers who take up Roma cases. One lawyer told Amnesty International that there are cases where investigators cover-up for the police officers by denying the detainee the right to see a doctor. In some cases reported to Amnesty International, doctors refused to give Roma victims certificates describing their injuries.

Representatives of the Human Rights Project, a local non-governmental organization providing legal assistance to Roma victims of human rights violations, told Amnesty International that in the four-year period from 1992 to 1995 they had filed 32 criminal complaints for offences perpetrated by police officers. In 14 cases the prosecutor decided not to initiate a criminal investigation. In 12 cases (one complaint from 1993 and 11 from 1995) no response from the prosecutor had been received. Four criminal investigations begun in 1994 had still not been completed. In only one case have the suspected police officers been indicted, for severely beating 16-year-old Assen Georgiev and 17-year-old Lyubomir Ivanov in Vidin in April 1995. On 4 March 1996 the two police officers were tried by the Plevan Military Court and sentenced to eight months’ imprisonment, suspended for three years, for causing bodily injury under Article 131, points 2 and 4.

Response of the Bulgarian authorities

The Bulgarian authorities have consistently failed to provide Amnesty International with copies of reports of investigations of cases of torture, other ill-treatment and deaths in custody in suspicious circumstances or any other substantial information about such investigations. Following the ill-treatment of dozens of Roma during a police raid in Pazardjik in June 1992, the Minister of Justice informed Amnesty International that “the Ministry of the Interior has initiated a prompt and impartial investigation of the minority situation here in Bulgaria”. Amnesty International has still not been informed whether this investigation has been completed and if so what its findings were. In the meantime Amnesty International

³² ³² The majority of these cases have been reported in *Bulgaria: Torture and ill-treatment of Roma*, published in May 1993 (AI Index: EUR 15/3/93), *Bulgaria: Turning a blind eye to racism*, published in September 1994 (AI Index: EUR 15/04/94) and *Bulgaria: Concerns about ill-treatment of Roma by Bulgarian Police Officers* (AI Index: EUR 15/05/95)

³³ ³³ Article 74, paragraph 2, of the Penal Procedure Code.
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repeatedly brought to the attention of the Bulgarian authorities cases of torture and ill-treatment by police officers sometimes resulting in the death of the victims. In November 1995 the organization urged the Minister of the Interior to investigate a number of incidents of excessive use of force by police officers.³⁴

The Bulgarian Government was also repeatedly urged to establish a commission to investigate cases of ill-treatment of Roma as well as to consider recommendations made by Amnesty International in September 1994.

The following replies were received by Amnesty International from the Bulgarian authorities. In June 1994 the Bulgarian Embassy in France informed Amnesty International that a judicial investigation did not confirm reports that Zahari Aleksandrov Stefanov³⁵ died in the police station in Kazanluk in June 1993 as a result of ill-treatment by police officers. This reply did not include a copy of the report or give any information on the investigation itself. In January 1996 an Amnesty International group in France, writing appeals in the same case, was informed by the Office of the Chief Prosecutor to send letters only in Bulgarian and to provide “convincing evidence of your competence in the organization which you purport to represent”. In January 1996, an Amnesty International delegate was received by Colonel Nikolay Kolev, acting Prosecutor of the Bulgarian Armed Forces, who said that the investigation in this case, as well as in all other cases brought to his attention, had been completed, but that he could not give copies of the investigation reports or of the autopsy reports because they are considered classified information.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions in his 1996 Annual Report³⁶ stated that the cases of Angel Angelov, who was shot dead on 20 March 1995 by a police officer in Nova Zagora, and Lyubcho Sofiev Terziev, who died in police custody on 6 August 1994 in Kazanluk, had been referred to the Bulgarian Government. The Special Rapporteur regretted that no reply had been received from the government and expressed concern about reports indicating that persons belonging to the Roma minority are the main victims of police violence, in particular of violations of the right to life. He called on the government to take measures to prevent the occurrence of such violations, to investigate the allegations, and to provide victims with appropriate compensation.

Amnesty International's Recommendations

Amnesty International calls on the Bulgarian Government to comply with the following recommendations, demonstrating unambiguously its commitment to implementing Bulgaria's obligations under human rights treaties and other international human rights instruments. Many of these recommendations were made in September 1994 but have yet to be implemented. In particular and with a view to eradicating torture and other ill-treatment by police, the organization makes the following recommendations:

34 ³⁴See News Service *Bulgaria: Amnesty International condemns excessive use of force by police officers* (AI Index EUR 15/07/95)

35 See “Torture and Death in Suspicious Circumstances of Zahari Aleksandrov Stefanov” *Bulgaria: Turning a blind eye to racism* (AI Index: EUR 15/04/94) of September 1994

36 ³⁶UN Doc E/CN.4/1996/4
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- to establish an independent commission which fully satisfies internationally recognized principles.³⁷ This commission should be empowered to conduct a full and impartial inquiry into all factors which facilitate shootings and torture and ill-treatment of detainees by law enforcement officers and to recommend preventive measures. Members of the commission should be chosen on the basis of their known impartiality, independence and competence. 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. The Bulgarian Government's response should also be made public. The commission should reconvene within a reasonable period to review steps taken by the authorities to implement measures aimed at eradicating torture and ill-treatment.
- to establish police complaint boards at county level. These boards should consist of people of acknowledged independence and probity, from a representative cross section of the community, who are not members of the police force. They should be afforded all necessary powers to monitor police activities and conduct investigations into complaints against police officers, in accordance with international minimum standards for commissions of inquiry, including cases where complaints have been filed with the competent prosecutor. The boards should at a minimum be given the power to: decide whether a case should be concluded or if an apology should be issued; recommend to appropriate authorities that adequate compensation be paid to the victim; and recommend whether criminal or disciplinary proceedings should be brought against the perpetrator.
- to publish regular, uniform and comprehensive statistics on shootings, deaths in custody and complaints of torture and ill-treatment by law enforcement officers. These figures should include information on: the number of incidents of shootings and deaths in custody, the number of complaints of ill-treatment made against law enforcement officers over a specified period of time, the steps taken in response to each report of shooting and death in custody as well as complaint of ill-treatment and the outcome of any criminal and disciplinary investigations conducted against law enforcement officers found responsible.
- to investigate promptly, impartially and thoroughly all allegations of police ill-treatment and to make public the findings of such investigations as soon as the reports are completed. These reports should thoroughly describe all the collected evidence and its assessment by the prosecuting authorities. All reports of forensic experts, which were made in the course of the investigation, should also be available to public scrutiny.
- to bring to justice those responsible.
- to ensure that the prosecutors exercise their legal competence to initiate investigations *ex officio* of all credible reports of torture or ill-treatment or whenever a person brought before them alleges torture or ill-treatment.
- to ensure that the 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 the complainant directly if the results of the preliminary inquiry demonstrate that the complaint should be dismissed. If allegations of the complainant are credible it should be left to

³⁷UN Principles relating to the status of national institutions adopted by the General Assembly on 20 December 1993 (Resolution 48/134).

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a court to assess the veracity of conflicting or contradictory testimony.

- to amend the Penal Procedure Code to permit a judicial review of the prosecutor's decisions following an investigation.
- to ensure that any detainee requesting or requiring medical assistance at a place of detention is provided with adequate medical treatment immediately.
- to ensure that the complainant and witnesses are protected from all forms of ill-treatment and intimidation as a consequence of his or her complaint or any evidence given.
- to provide fair and adequate compensation to victims of torture and other ill-treatment or their families.
- to organize effective training programs for all police officers aiming to ensure that they are given a thorough understanding of national and international human rights standards. These particularly include the following UN documents:
 - The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and
 - The Code of Conduct for Law Enforcement Officials and the Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials.

Appendix 1: Deaths in suspicious circumstances

Mitko Angelov and Yordan Angelov

On 14 August 1993 Mitko Angelov, aged 19, Yordan Angelov, aged 20, and Kamen Chervarov, aged 22, attempted to escape from the Kremikovtsi correctional institution for young offenders near Botunets. Initially it was reported that in the course of their escape the three prisoners had disarmed and killed one of the guards. Subsequently sources in the Military Prosecutor's office disclosed that an investigation

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would also verify whether the prison guard had been killed by gunfire from other police officers who were pursuing the three prisoners. After they were captured the prisoners were taken to the Sofia prison hospital where Mitko Angelov and Yordan Angelov died from injuries. An autopsy reportedly did not establish any wounds caused by firearms and it was probable that the injuries resulting in death had been caused by beating. The third captured prisoner, Kamen Chervarov, was at the time in a critical condition in the “*Pirogov*” hospital. According to an article published in *Standart* of 17 August 1993, when prisoners are hospitalized, “the prison and hospital administrations communicate directly” so that the patients’ names are not entered in the official register and there is no report of their injuries. The only information about the prisoners that was disclosed to the journalists at the time by the Ministry of Justice is that they had been recidivists.

On 6 October 1993 Amnesty International wrote to Petar Kornazhev, then Minister of Justice, expressing concern about the incident and requesting a copy of the report of the investigation started by the Military Prosecutor of Sofia against the officers who pursued and apprehended the escaped prisoners. At the time of the publication of this report no reply had been received.

Iliya Gherghinov

On 9 February 1995 in Gradets, Sliven region, at around 6pm, Zhivka Daneva Gherghinova and her son, Dimitar Mishkov Gherghinov, saw Iliya Dimitrov Gherghinov, a Rom, lying on the ground in the street close to their house, with his hands in handcuffs. A police officer³⁸ who appeared to be under the influence of alcohol, was standing over him with a piece of wood around 120 centimetres long in his hand. When the officer saw Zhivka he dropped the wood and she managed to throw it into a yard. The officer then retrieved the wood, took Iliya Gherghinov by the handcuffs and dragged him along the street for around 15 metres. He beat him repeatedly all over the body. The beating reportedly continued in the Gradets police station.

The following day Iliya Gherghinov was found dead, lying on the ground next to a restaurant. His hands were still in handcuffs. The death certificate reportedly indicated hypothermia as the cause of death. However, in the morgue Iliya Gherghinov's body was dressed by his brother and relatives who later claimed that Iliya's right leg was broken, that there was a large wound on the right side of the head above the temple, that his genitals had been crushed, and that there were many bruises all over the body as well as cigarette burns on his hands.

According to Radka Hristova Gherghinova, Iliya's wife, an investigation into her husband's death was immediately initiated. However, she was told by the investigators: "No case will be filed in the next five years". The officer who was involved in ill-treatment reportedly visited Radka Gherghinova and offered her money, which she refused. He also reportedly threatened to kill Zhivka Gherghinova should she testify against him.

Assen Ivanov

On 11 April 1995, 17-year-old Assen Ivanov and two other Roma were arrested near Petrich on suspicion of raping a 21-year-old student from Sofia. According to a police report, after they allegedly committed

³⁸His identity is known to Amnesty International.

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the crime the three men hid in the river Struma for several hours. Police officers who apprehended them took them to the police station in Petrich and then to Sandanski. The following day Assen Ivanov was taken to the hospital where he died. The police reported that the cause of death had been “galloping pneumonia”. However the victim’s relatives claimed that he had died as a result of beating. They spoke with medical experts who excluded the possibility of such accelerated development of pneumonia. An investigation into Assen Ivanov’s death was reportedly initiated by Colonel Ivan Zashev, Chief of the Regional Directorate of Internal Affairs. No information on this investigation was made public at the time of the publication of this report.

According to an article published in *168 chasa* on 17 April 1995, experts of the Forensic Medicine Department in Sofia established that death resulted from a fracture at left temple and an injury to the brain.

Iliyan Veselinov Nikolov

On 24 August 1995 at around 2pm, 20-year-old Iliyan Veselinov Nikolov who had been in pretrial detention for nine months, died in Stara Zagora prison. The following day the prison director stated that Nikolov died of acute peritonitis in a cell which he shared with six other inmates. An investigation was initiated and an autopsy was performed in the Forensic Medicine Department of the Stara Zagora Military Hospital.

Iliyan Nikolov had been arrested together with his brother Ivan on 26 October 1994 on suspicion of two thefts.³⁹ Ivan Nikolov was released shortly afterwards, reportedly with bruises on his body from beating and an “apology” for the mistake. Margareta Nikolova, Iliyan’s mother, was allowed to visit Iliyan for the first time four months after the arrest. She later received notes from him in which he claimed to have been subjected to brutal beatings in the lock-up of the investigation service. However, she could not reveal the name of the police officer involved because “he had unambiguously threatened our family. We heard from different sources that our daughter would be abducted or that my husband would be run over”.⁴⁰

An investigator who was leading the inquiry was reported to have claimed that there was no evidence of violence and that Iliyan Nikolov had already been dead from peritonitis when his inmates called for assistance. Prison guards reportedly claimed that the victim refused to take food for two or three days prior to his death and that he had complained about his condition but refused to seek medical assistance. However, there was no information on measures taken by the prison authorities to provide him with adequate medical treatment if this had been the case.

Unidentified Rom apprehended by border guards

According to an article published in *Standart* on 31 October 1995, a 35-year-old man, whose identity had not been established, was arrested on an unspecified date by the border guards at Popovo post, near Petrich. The man, who was a Rom, reportedly died in detention as a result of ill-treatment. The guards however claimed that the man had jumped from a moving vehicle in which he had been detained. The

³⁹The investigation had not been completed at the time of his death.

⁴⁰See *Standart* 17 of September 1995.

scene of the crime had reportedly been examined by Colonel Kiril Gogev, Sofia Military Prosecutor.

Angel Zubchinov

On the morning of 30 January 1996, in Razgrad, 17-year-old Angel Zubchinov was brought from the police lock-up to the hospital where he died. According to a police report he had been detained the previous night in a state of inebriation at a parking lot close to two cars which were involved in a traffic accident. Four hours after the arrest his health gravely deteriorated. An autopsy reportedly established that his death had resulted from a brain haemorrhage following a blow to the head. An investigation was initiated to determine how these injuries had been inflicted.

A press release from the Regional Directorate of Internal Affairs reportedly rejected claims that Angel Zubchinov had been beaten and stated that the injury was sustained prior to the arrest. There was no information however, why the detainee had not been given adequate medical treatment if this had been the case.

Appendix 2: Shootings, Torture and Ill-treatment Cases

Yanko Khristov Yanev

On 2 September 1994 in Asenovgrad, Yanko Khristov Yanev, a 24-year-old fourth-year-student of the Technical University, was severely beaten by police officers. Yanev was travelling to Plovdiv when he and Georgi Grozev and Dimitar Borisov stopped for coffee in Asenovgrad. Shortly after they arrived in the *Tekila* bar, five plainclothes and three uniformed police officers came to their table and asked to check their identity documents. Then without any apparent reason the officers started to beat them. They were then handcuffed and taken to the police station where the beating continued. Yanev was hit on the head and neck and was kicked on the chest, legs and in the stomach. This beating lasted for over an hour. After the beating he was taken to a hospital where the doctor reportedly stated that he was in good health. Yanev and his friends were then released and told to leave the town. He was taken to Kurdzhali where he was admitted into the intensive care unit of the regional hospital. On 4 September his spleen was removed in an operation.

On 12 September 1994 Yanko Yanev filed a complaint with the Regional Prosecutor in Asenovgrad. An enclosed detailed medical certificate described serious multiple traumas all over his body and signs of massive internal bleeding.

At the time of publication of this report, the Plovdiv County Prosecutor had not replied to the complaint although subsequently petitions had been sent to the President of the Republic and to the Chief Prosecutor of Bulgaria.

Valentin Petkov Simeonov

On 18 December 1994 at around 8,30pm in the Burgas Prison Valentin Petkov Simeonov was reportedly beaten by two guards.⁴¹ One of the blows struck him in the groin making him lose consciousness. The

⁴¹Their identity is known to Amnesty International.

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next day he was examined by the prison doctor and he spoke to the prison psychologist. On 20 December he was admitted into the prison infirmary with inflammation and swelling of the left testicle and treated there until 3 January 1995.

Mariya Vangelova Simeonova visited her son on 1 January 1995. He told her to send for his lawyer who filed a complaint about the ill-treatment with the local prosecutor. On 14 March 1995 the prosecutor dismissed the complaint because the investigation did not establish that any criminal act had taken place. Describing the injury for which Valentin Simeonov had been treated, the prosecutor stated that it was not possible to establish what had caused the inflammation. "Time has irreversibly passed, the injury has healed and forensic medical expert examination is impossible." The complaint was dismissed although the prosecutor never questioned Valentin Simeonov or the two suspected perpetrators. The prosecutor's decision refers only to their written statements addressed to the prison director.

The medical documentation in Simeonov's file, however, reveals that a physician who supervises the prison infirmary, Dr Stanyo Stanev, reported on 29 December 1994 to the Prison Director what Valentin Simeonov had told the prison psychologist about the beating in the admission room. The prison physician, Dr Khristo Todorov, issued a medical certificate on 6 January 1995 in which he stated that a surgeon who was consulted in this case on 30 December 1994 (a day following the visit of Dr Stanev) confirmed the diagnosis and prescribed appropriate treatment. The investigating prosecutor did not question why appropriate treatment had not been administered promptly or a medical forensic examination was not conducted at the time.

Life in Burgas Prison continued to be difficult for Valentin Simeonov who was harassed and threatened by the guards about whom he had complained. On 10 April 1995 his lawyer asked for a transfer to a different prison. After a month had passed and no replies had been received, another complaint was sent to the Chief Prosecutor's Office. On 6 June 1995 the County Prosecutor of Yambol rejected the request for transfer stating that: "There is no danger for the detainee to be beaten again or in any other way ill-treated". Harassment of Valentin Simeonov however, continued. He was reportedly sent to an isolation cell for two weeks as punishment for using his own coffee machine. He had not violated other disciplinary rules before and other prisoners he knew were not punished for the same offence.

Ill-treatment and shooting of Roma in Rakitovo

On 31 January and 2 February 1995, riot police officers from Plovdiv carried out raids in the Roma neighbourhood to apprehend people who were engaging in illegal logging in the area. In the course of the police actions, Mincho Vladimirov Iliev, Vassil Borisov Vassilev, Assen Metodiev Todorov and Khristo Iliev Iliev were shot, tens of people were reportedly beaten and a number of houses were damaged. These incidents were documented by representatives of Human Rights Project.⁴²

In one such incident on 31 January 1995 at about 5 pm three police officers and one forest guard came to the house of Angel Georgiev Slavchev. Four adults were taken outside and beaten by police officers after they claimed not to know the owner of the timber lying by the side of the house. Police officers reportedly broke the windows, placing at risk of injury the children who were inside.

⁴²*Annual Report of the Human Rights Project (January - December 1995)* published in Sofia in January 1996.
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On 2 February 1995, at around 3pm, Mincho Iliev and three other men went to the centre of the Roma neighbourhood to check accounts that police were beating people indiscriminately. On their way they met six police officers and a forest guard who reportedly beat and kicked them. As the Roma tried to run away two police officers fired their guns hitting Mincho Iliev in the back.

The Human Rights Project urged the Directorate of the National Police to initiate an investigation into the reported excessive use of force by police officers. No reply had been received at the time of the publication of this report.

Vasil Vasilev

On 10 March 1995 at around 9pm, in Stara Zagora, Vasil Vasilev, a 19-year-old soldier on leave, went to a cafe with Miroslav Ivanov and Stoyko Osmanliev. Later they drove to a disco. Their car was stopped by a police patrol, reportedly alerted to a car theft. The officers handcuffed the three men and started to beat and kick them. One officer, who was later described as short and bald, took Vasil Vasilev to the side and allegedly repeatedly kicked him as he tried to explain that he was not a thief. Another officer slapped him on the face making him fall to the ground. The first officer who was wearing boots then started to jump all over his body "You are hurting me and tearing me to pieces", Vasil managed to say. "Shut up or I will kill you", the officer allegedly replied.

Half an hour later the three men were taken to the Second Police Precinct in Stara Zagora where Vasilev, who was feeling faint, was ordered to do push-ups. His friends were ordered to squat until their legs were numb. At around 1.30am Vasilev collapsed and started to vomit. He was taken to the emergency medical treatment unit. Although he was diagnosed with perforated appendix he was taken back to the cell. Between 3 and 6am, civilian and military police discussed which hospital he should be taken to. Finally he was admitted to the Stara Zagora Military Hospital in critical condition with ruptured gallic canals, perforated duodenum and acute appendicitis as well as other severe injuries. He underwent two operations.

On 15 March 1995 disciplinary procedures were initiated to determine whether the police officers had used excessive force. Major Nikola Markov reportedly stated that the five police officers involved in the ill-treatment of Vasil Vasilev denied all allegations. Disciplinary proceedings were reportedly stopped following Vasil Vasilev's complaint to the military prosecutor. There is no other information about the prosecution's decision in this case.

Desislav Pavlov

Twenty-one-year-old Desislav Pavlov was arrested on 16 March 1995 in Sofia, taken to the Second Police Precinct and severely beaten on the lower back. A medical forensic certificate described massive bruising on the buttocks, with lesions on the left one and abrasions on the right one. A complaint has been filed with the Sofia County Prosecutor in file number 2269/95. At the time of the publication of this report, Pavlov's lawyer had no information about the prosecutor's actions or decisions in the case.

Girgina Dimova Toteva

On 5 April 1995, at around 8,30am, 67-year-old Girgina Dimova Toteva was taken by three police officers

to the station in Sevlievo to be questioned about a neighbour's complaint. She was taken for questioning to the *izolator* - a cage-like cell used for arraignment.⁴³ The officers reportedly asked her to sign a statement admitting to assaulting her neighbour the previous day. When Girgina Toteva refused, a police officer⁴⁴ allegedly slapped her face, hit her on the chest and the back, and kicked her. Several times she was taken to wash the bleeding from her nose and was then reportedly made to wash the sink. Finally a blow made her fall under the table and she lost consciousness. She reports hearing another officer who was holding her saying: "She is breathing. The old hag is still alive."

Girgina Toteva then signed a statement which was prepared for her, and was released. The police refused to call a taxi for her and she barely managed to reach a bench outside the police station. A boy helped her to get into a private car which took her to the hospital. She had suffered concussion and was admitted to hospital several times for extensive treatment. She lodged a complaint about the beating the day after the incident. She reported that she found it hard to believe that she had been tortured by police officers since her son-in-law is on the Sofia police force himself. After she filed her complaint the two officers involved filed a criminal complaint against Girgina Toteva for assault. Following her release from hospital she was interrogated at home, still recovering in bed, about the alleged assault she had committed. Both complaints were given to the same prosecutor who did not investigate her complaint at all. Only after an indictment against Girgina Toteva had been issued was her complaint sent for a preliminary inquiry. In September 1995 she was brought to trial for causing slight bodily injury to a police officer. During the first hearing all the circumstances of the incident came to light and the judge suspended the trial and ordered an investigation into her complaint.

Dimitar Stankov Stankov

On 5 May 1995 in Sliven, Dimitar Stankov Stankov, a 12-year-old Rom, was arrested while attending classes in the First Primary School. The previous day, during the physical education class, a pair of jeans, 410 leva and a wristwatch had been stolen. One of the pupils reportedly told vice-principal Penkov that Dimitar had committed the theft, having seen him on one occasion trying to open up the classroom with his house key (classrooms are kept locked between periods; the gymnasium is also locked when not in use). Although it was established that this key could not open any of the doors, vice-principal Penkov called the police, who took Dimitar to the regional police station without notifying his parents. In room P 226 Dimitar Stankov was reportedly slapped, kicked and beaten with a rubber truncheon during the interrogation. He was asked to confess to the theft. Finally he signed a statement naming Naiden Predanov, another pupil, as his accomplice. He was then released but did not tell his parents about the incident, thinking that the police would not summon him again.

On 8 May after the first morning class, Dimitar Stankov was again taken for interrogation by police officers. This time a woman was present during the questioning and the boy was told that she would send him to a reform school. Naiden Predanov and his father were also present at this interrogation. Between 3.30 and 4pm the police called Dimitar's parents to tell them that their son was being questioned. While he was waiting in the corridor, a plainclothes police officer came up to Dimitar Stankov and slapped him on the face. After his parents arrived Dimitar told them that he had been forced to sign a false confession

⁴³The same lawyer, who conveyed this report to Amnesty International, knows of similar cases in which witnesses have been allegedly intimidated.

⁴⁴The officer's identity is known to Amnesty International.
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and that he had been beaten by police officers. They immediately requested an inquiry and for the responsible officers to be identified. However, they were reportedly told to take their son and leave, as the theft investigation was over.

Iliya Assenov Lambov

On 29 May 1995, at around 11am, the local police officer in Brestovitsa, Plovdiv region, went into the home of Iliya Assenov Lambov, a Rom. He told Milko Lambov, Iliya's brother who opened the door, that the purpose of the visit was to check the identification documents of the residents. Milko Lambov then questioned the objectives of such an operation and was soon involved in an argument with the policeman. The officer left the house and returned shortly afterwards, accompanied by several other police officers. They forced their way into the house and when they found Iliya Lambov started to beat him all over his body, punching and kicking him. Ghinka Lambova, Iliya's wife, tried to intervene but was kicked in the stomach. One officer reportedly held their 9-year-old daughter Ana and slapped her several times. Iliya Lambov was then taken to the basement of the house where the beating continued. He was taken to the mayor's office where he was again beaten in the corridor. Afterwards, Iliya Lambov was taken to the Regional Police Department in Stamboliyski where he was forced to sign a document stating that he had drunk 700 grams of alcohol. He was detained for 15 days on charges of hooliganism.

According to a forensic medical certificate, Iliya Lambov was examined on 1 June 1995 in Plovdiv. He had a large bruise on his right eye and numerous bruises on his back. He also had lesions on his chest, right elbow, right thigh and left knee. The specialist concluded that these injuries resulted from blows with a hard object and were consistent with Iliya Lambov's allegations of ill-treatment.

Ivan Vasilev Ivanov

On 4 October 1995 between 9.30 and 10am Ivan Vasilev Ivanov, a Rom, was working at his petrol station in Slivo Pole, Ruse region, when a group of seven or eight racketeers cut off his electricity supply and took away the generator. He went to call his father in the village of Kosharna, 13 kilometres away, but before they could call the police some of the racketeers returned to the petrol station and Ivan Vasilev Ivanov got into a fight with three of them. They left the station when Ivanov went to his office to get a rifle.

At 11.40am two police cars came to the station with around 10 officers, some in plain clothes. One racketeer who was involved in the fight was among this group, and after approaching Ivan Vasilev Ivanov he allegedly punched him on the chin. Then one of the officers reportedly shouted: "Kill him right away". They put handcuffs on his hands held behind his back, made him face towards the wall and then kicked and cursed him. A petrol station attendant was also handcuffed. The police ordered Ivanov to kneel and continued to kick him all over his body. His head was reportedly hit against the edge of the pavement. When Ivanov's mother came to the station, her son told her in Romany to call Slivo Pole police. The officers then told Ivan to hand over his rifle which they placed next to his head. "Would you like to die", someone allegedly said. "We will not kill you now. Another time, when you are on the move." They then threatened to set the station on fire. Police Chief Krstev and the Sliven Pole police patrol came and released Ivanov.

On the same day 36-year-old Ivanov was examined by a forensic medicine expert in Ruse who described

in a certificate the following injuries: a swelling and bruising on the left side of the chin, two bruises on the right side of the abdomen, lacerations on the back of the wrists seven to eight centimetres wide, swellings at the base of third and fourth finger of the left hand. The Human Rights Project filed a complaint about the incident to the Directorate of the National Police. They replied that no offence had been committed by the police who in the course of the incident had not resorted to excessive force.

Gancho Stefanov

On 20 October 1995, in Elenino, Stara Zagora region, two plainclothes police officers came to Gancho Stefanov's home searching for 13-year-old girl who had been abducted. In the course of the search Stefanov was hit with a hard object on the head and had to be taken to hospital with grave injuries. Gancho Stefanov, a 39-year-old Rom, complained about the beating and an investigation into the incident has reportedly been initiated to question tens of witnesses to the incident. A major and a lieutenant of the Unit to Combat Organized Crime⁴⁵ have reportedly been subjected to an internal police investigation but they were not suspended from duty.

Margarita Kostadinova

On 26 October 1995 in Vratse, four police officers of the Regional Police Directorate came to Margarita Kostadinova's house and without presenting a warrant carried out a search. They reportedly took her receipts for the purchase of a TV set and a video-cassette recorder. Margarita Kostadinova was then handcuffed and taken to the police station. She was questioned about a person from whom she had purchased various goods. She complained at the police station about the illegal search, and the following day five police officers came to her house and allegedly caused considerable disorder. When she protested, one of the officers⁴⁶ attacked her, hitting her with his fists on her chest and her stomach.

Stoyan Apostolov and Angel Dichev

Stoyan Apostolov, 21 years old, and Angel Dichev, 25 years old, work in a lighting fixtures shop in Sofia, on Tsar Simeon Street number 132. On 5 December 1995 at around 2.30pm when Stoyan went out to buy a sandwich, he saw on the opposite street corner five or six police officers. Three had caught an Arab and were punching and kicking him. The victim tried to cover his head to protect himself. Another couple of officers were beating another Arab, who was lying on the ground, further down the Tsar Simeon street in front of a pizzeria. Several shops in this street are owned by Middle-Eastern businessmen. Meanwhile Angel was serving a client when three police officers burst in wearing balaclavas, black uniforms and flak jackets bearing the inscription "police" and armed with Kalashnikovs. A uniformed police officer stayed outside guarding the door. The client was ordered to leave the shop and Angel was questioned about a box that "a fat man with red trousers" allegedly left there. When he responded that he knew nothing about such a parcel, the officers punched and slapped him. He was then kicked to the floor and hit with rifle butts. This beating lasted around five minutes.

When Stoyan returned, the police officer guarding the shop took him by the shirt and pushed him inside.

⁴⁵Whose identity was not disclosed in the report.

⁴⁶The officer's identity is known to Amnesty International.

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“We shall ask you only once” a masked officer told him, and proceeded to question him about the box. They then slapped him, cutting his lip and bruising his face. He was pushed with a gun against a wall, making him fall to the floor, and kicked in the chest three or four times. As he was being searched for weapons, police officers shouted that he and Angel should keep their eyes to the ground and not look up.

In the meantime the client reported the incident to the shop’s management nearby. Borislav Ivanov Dosev and Dilyan Georgiev Dimitrov, two of the firm’s managers, then went to the shop where they were also slapped and hit. One officer took a cup of coffee and poured it over Dilyan and Angel. The officers then left the store instructing everyone present that they were not to leave the premises in the next hour or to make any telephone calls.

Marieta Georgieva, another employee who witnessed the incident through the shop-window, called the emergency police number. When she said that some masked gunmen with “police” inscribed on their jackets were beating her colleagues, an official on the other end of the line replied: “Yes, this is how we work, this is what we do.” Maria Georgieva was then advised to file a complaint with the regional police directorate.

Stoyan Apostolov and Angel Dichev were examined by a forensic medical expert the same day. Angel Dichev had sustained a swelling and haematoma on the right cheekbone, a swelling and haematoma and a lesion of the right lower jaw, bruising to the lower lip, swelling and bruising on the left arm. Stoyan Apostolov’s injuries were described as a swelling and haematoma on the lower lip.

The masked officers were later identified later as belonging to the Red Berets. During the raid they did not search the shop or the storeroom for the suspected box. Amnesty International was told that officers of the Red Berets have on several occasions raided shops owned by foreign businessmen on the same street. The businessmen reportedly did not lodge any complaints with the authorities.

Dimitur Velev

On 16 December 1995, Dimitur Velev, a Rom, from the village of Krupnik, Simitli municipality, was arrested on a warrant, although he had not been summoned to the police station nor had he been in hiding. At around 2am, in the Simitli police station, two police officers punched him, beat him with truncheons and kicked him all over the body. According to the medical forensic certificate issued by Dr Kamen Avramov on 19 December 1995, Dimitar Velev suffered traumas and a broken right arm and has traces of truncheon marks on his back. He was arrested for participating in a fight in the Roma neighbourhood and remained in detention despite his injuries, and despite the fact the he reportedly had a clean criminal record.

S. P.

On 15 January 1996, at around 2am, S. P., who does not wish to have his identity disclosed, entered the toilets of the Central Railway Station in Sofia. He was followed by a young uniformed police officer who took out his handgun and pressing it to his head said: “You are a homosexual and if I see you again wandering around the station I will blow your head off.” He then allegedly hit S.P. hard in the abdomen, making him fall to the floor. The beating stopped when another man entered the toilet and the police officer left. S.P. did not complain to the authorities about the incident. Ivan Panov, a representative of *GD*

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Info, a local organization working on AIDS, told Amnesty International that other similar cases have been reported in the past.⁴⁷

Kamen Chaushev

On an undisclosed date in January 1996, according to a report issued by the Stara Zagora Regional Directorate for Internal Affairs, three men dressed in police uniforms, presenting themselves as officers of the Sofia Directorate for Internal Affairs, abducted and beat 23-year-old Kamen Chaushev who was in preventive detention in Kazanluk. The police officers from Sofia took the detainee from his cell and drove him to his native village, Hadzhidimitrovo, where they searched his house. According to Chaushev's mother, at the time he was handcuffed but in good health. Several hours later, following severe beating Kamen Chaushev was returned to Kazanluk to the officer on duty. Major Spirov, Deputy Chief of Kazanluk Police, heard about the visit of his colleagues the next day and initiated an investigation. In the meantime Kamen Chaushev was transferred to Plovdiv jail.

Velislav Dobrev

On 1 February 1996 two police officers stopped the car of Georgi Georgiev for a routine check. Velislav Dobrev and another passenger were also in the car. One police officer then informed Georgiev that he was on the wanted list and reportedly asked for 4000 leva to "arrange the matter". Georgi Georgiev refused the offer, and when Velislav Dobrev intervened in his support he was allegedly beaten by the police officer⁴⁸, who asked his colleague to give him a cartridge for his gun. After a further beating, the three men were taken to the police station. They were reportedly refused medical treatment and not permitted to contact their families. Several hours later they were released. Dr Stefan Tsvetanov who examined Velislav Dobrev in the Pleven hospital, reportedly stated that the blows to his head could have been fatal.

Pleven Regional Directorate of Internal Affairs has issued a statement that the incident will be investigated and that no offences by their officers will be tolerated.

Ahmed Mustafov

According to a report published in *Standart* of 8 February 1996, 48-year-old Ahmed Mustafov from the village of Bratovo, Trgovishte region, was arrested on an unspecified date by three officers who allegedly beat him with fists and truncheons in the Regional Police Directorate lock-up. When he refused to sign a "confession" they threatened him by putting a gun to his head. Mustafov still refused and was released without charges. Together with his brother, Mustafov was suspected of using without permission the village school telephone to call Turkey. He complained to the prosecutor and submitted a medical certificate describing the injuries that he had suffered.

Shooting Incidents Involving Red Beret Officers

⁴⁷He also told Amnesty International that homosexuals in Bulgaria have also been attacked by ultra-nationalist youth and skinhead groups. In one such incident in the evening of 4 September 1995, seven or eight skinhead youths attacked a newly opened gay bar on Venelin Street in Sofia, beating people indiscriminately and vandalizing the facilities.

⁴⁸Whose identity is known to Amnesty International.

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On 6 May 1995, Krasimir and Toni Georgiev, soldiers on a week-end leave, went to a bar in Nevestino, Kyusatendil region, to meet a friend called Manol⁴⁹. At around midnight three men, later identified as members of the Special Unit for Combatting Terrorism (the Red Berets), came in an “Opel” all-terrain vehicle and called Manol to come outside. Shortly afterwards Krasimir Georgiev also went outside and saw the three men beating his friend. When he tried to intervene he was shot in the leg. As a result of another shot Toni Georgiev, who had also come outside, was grazed on the head. According to a press release of the Ministry of the Internal Affairs, officers of the Red Berets intervened in a pub brawl and had to fire warning shots; an incidental bullet injured Krasimir Georgiev in the leg.⁵⁰

According to a report of the Vratsa Regional Department of Internal Affairs on 8 January 1996, in “*Dzhordzhov klub*” discotheque in Byala Slatina, eight masked officers of the Red Berets, Unit 72620 from Sofia, injured a woman after firing their guns. Initially the Ministry of the Interior refused to comment on this report.

Red Beret officers led by Lieutenant Georgi Andonov, came into the club with their guns drawn and ready to shoot, and ordered all clients to lie on the floor. Two shots were fired at the ceiling but one of the bullets ricocheted and seriously injured Ivka Hinova, a student, who was taken to hospital. This police action was organized following an incident in which two guards working in the club beat Chief Sergeant Genadi Tonchev, also a Red Beret officer. The officer had been celebrating Christmas in the club where he was involved in a scuffle with the guards in the course of which he drew his gun. The guards overpowered him and reportedly took 5,000 leva as compensation for damage he had caused. During the raid he and his fellow officers did not find the guards. Half an hour later a patrol of the Vratsa police intervened and arrested the officers from Sofia. They were reportedly questioned before being released by the local military prosecutor.

An article published in *Standart* on 9 January 1996 quotes Colonel Krasimir Petrov, commander of the Special Unit, who stated that he had personally authorized the raid. According to a report made by his officers, the eight men came to the club in Byala Slatina in a minibus and a car. When two officers attempted to check if there was a free table, two guards at the entrance stopped them and a scuffle ensued. One of the guards hit an officer and his colleagues came to his defence. After leaving the club they heard two shots. They then returned to Sofia. Colonel Petrov claimed to have personally checked the guns and the cartridges of the officers and to have established that none of them had been used. On 5 February a new commander of the Special Unit was appointed by the Minister of the Interior. The same day Colonel Krasimir Petrov was appointed Director of the Sofia Department of Internal Affairs.

Appendix 3: Some cases of shootings by law enforcement officers which are under investigation by the authorities

On 5 September 1994, in the “*Emil Markov*” quarter of Sofia, Sergeant Nikolai Lipoev from the third police precinct stopped 18-year-old Peter Stoyanov who was walking with a friend. The officer, who was

⁴⁹Last name not given.

⁵⁰See *Standart* of 8 May 1995.

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reportedly under the influence of alcohol, asked Stoyanov if he had a dog. He then fired his gun which had already been pointed at the boy. The bullet only grazed Stoyanov's neck and he managed to run away. Sergeant Lipoev was restrained by a group of youths. According to a report published in *Kontinent* on 23 January 1996, the sergeant continued to work in same precinct for several months. Initially, he was charged with careless use of firearms. On 22 January 1995, the Sofia Military Court began proceedings against him under Article 116, point 6 and 10 of the Penal Code for attempted murder.⁵¹

On 24 December 1995, shortly after midnight, on the intersection of boulevards *Al. Stamboliyski* and *Tsar Samuil* in Sofia, Sergeant Borislav Yankov, an officer of the Sofia Police Special Department, shot three students⁵². They had been in a pizza restaurant with a dozen friends when one of their company left without paying the bill. The three men then started running after this person. They were seen by the Sergeant Yankov who claims to have heard a female voice calling for help and he therefore fired his gun at the three young men. One was shot in the head and was in critical condition. Another was shot through the lung, the third in the thigh. It was reported that the police officer was later tested for alcohol and received a medical certificate for bruises he had suffered when he was allegedly attacked by the students, although it was not explained when this attack had taken place..

At around 10pm on an unspecified day in October 1995, Bozhidar Todorov, a regional police inspector in Ruse, shot 31-year-old Lyudmil Ninov in front of the "*Byalata Kushta*" restaurant. Ninov died shortly afterwards from injuries to the chest and liver. More bullets fired by Todorov were found in the walls of a nearby house. The lives of at least two people who live inside this house had been placed at risk. Todorov and Ninov had been drinking together when they got into a fight. The shots were fired after the two men left the restaurant together.

On an unspecified date in December 1995, close to *Mineralni bani* in Haskovo, 18-year-old-Nazum Lyatif was shot in the head by a police officer whose identity was not reported. Lyatif and three other men were observed jumping over a wall. A police officer reportedly called on them to present their identity documents and then started to pursue Lyatif Nazum. Reportedly the officer was forced to use his gun after Lyatif, who was unarmed, attacked him. Nazum Lyatif died instantly from the shot to the head.

On 29 November 1995, at around 2.20pm in Sofia, at the intersection of *Bulgariya* and *Dimitur Nestorov* boulevards, 17-year-old Rosen Angelov was shot in the chest by a plainclothes officer who is reportedly employed in the lock-up of the National Investigation Service. According to a police report, Angelov and two other boys got into a fight while riding on a bus. The officer ordered the driver to stop and all four got out. The officer alleged that he was then attacked and that he took out his gun to defend himself. After Angelov reportedly tried to grab the gun, the officer fired a shot at his chest.

On the evening of 24 February 1996, in a bar in *Mladost* quarter of Sofia, Sergeant Lyubomir Zaikin shot a man whose identity was not reported and who was taken to hospital in a critical condition. After reportedly drinking a considerable amount of alcohol, Zaikin took out his gun and started to shoot at

⁵¹These provisions penalize murder committed "with generally dangerous means and in a hooligan manner" and prescribe punishment of 15 to 20 years' imprisonment, life imprisonment or the death penalty.

⁵²The names of the men are not given in the reports of the incident.

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customers. Following the incident he was arrested. The military prosecutor is investigating the case.

On the evening of 5 February 1996, in Sofia on Boulevard *Vaptsarov*, following a traffic accident in which his car had been involved, Captain Lyubomir Nachev from the Central Service for Combatting Organized Crime, shot at Milena Dukova, the owner of the other car. The captain was disciplined with a written reprimand for six months and his gun was taken away. There was no indication, however, that he would be investigated for this act by the military prosecutor. The case received wide publicity because one of the passengers with Milena Dukova had been Ventseslav Dimitrov, a Member of the Bulgarian Parliament.