



OPEN LETTER

25 September 2012

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Bulgaria: the perpetrators of the killing of Mihail Stoyanov must be brought to justice

Prosecutor Dragomir Yanchev
Sofia City Prosecutor's Office
2 Vitosha Boulevard, 1061
Sofia
Bulgaria

Sofia, 25 September 2012

Dear Prosecutor

The Bulgarian Helsinki Committee and Amnesty International are writing this letter to you to express deep concerns with respect to the legal proceedings in the case of Mihail Stoyanov's killing, which occurred four years ago, on 30 September 2008, in Borisova Garden, in Sofia.

In early 2010, two suspects were arrested. They were initially held in custody and later under house arrest until April 2012 when they were both released on bail as the maximum pre-trial detention period permissible under domestic law had elapsed. According to the information available to us, the investigation established that Mihail was targeted because his killers thought he was gay. Three witnesses testified that they were in Borisova Garden the night of the killing and that they watched the two suspects killing Mihail. They were all part of a group who claimed to be cleansing the park of gays and who attacked other men in the same park only because of their perceived sexual orientation.

The Bulgarian Helsinki Committee and Amnesty International are deeply concerned that the procedure is currently at a standstill. Although the investigation was completed on 28 May 2012, it has not been followed up to date.

The two organizations are calling on you as Prosecutor in charge of the case to promptly draw conclusions from the results of the investigation. If sufficient evidence has been collected against the suspects, we are calling on you to issue an indictment

against them so that they can be tried in proceedings abiding by international standards. If not, we are calling on you to re-open the investigation so that those responsible for the killing can be brought to justice.

The Bulgarian Helsinki Committee and Amnesty International hope that you will take all the necessary steps to ensure that the alleged perpetrators of Mihail Stoyanov's killing are brought to justice without any further delays. We also reiterate that authorities have the duty to take all reasonable steps to unmask any discriminatory motive, such as the real or perceived sexual orientation or gender identity of the victim, on the basis of which a crime can be perpetrated. Whenever the investigation establishes credible evidence of the discriminatory motive, the latter should be duly taken into account in the prosecution phase and adequately reflected in the sentence should the suspects be found guilty.

Please note that this letter will be made public on 27 September 2012.

Sincerely,

Krassimir Kanev
Chairperson of the Bulgarian Helsinki Committee
Bulgarian Helsinki Committee

David Diaz-Jogeix
Deputy Director
Europe and Central Asia Programme
Amnesty International