



Covering events from January - December 2000

## BULGARIA

### Republic of Bulgaria

**Head of state:** Petar Stoyanov

**Head of government:** Ivan Kostov

**Capital:** Sofia

**Population:** 8.2 million

**Official language:** Bulgarian

**Death penalty:** abolitionist for all crimes

**2000 treaty ratifications:** Optional Protocol to the UN Women's Convention



There were numerous reports of ill-treatment and torture by law enforcement officials. Members of the Romani community, who suffered widespread discrimination, were frequently the target of such human rights violations, which were committed with virtual impunity. Law enforcement officials continued to use firearms in circumstances prohibited by international standards, resulting in deaths and injuries. Conditions in some institutions for mentally handicapped children amounted to cruel, inhuman or degrading treatment. Restrictions on the right to freedom of expression continued to be imposed.

### Torture/ill-treatment

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Ill-treatment and torture by the police continued to be widespread. Most incidents occurred during police investigations into complaints, when criminal suspects were apprehended or within the first few hours of custody.

- In January a police officer beat Gencho Tonchev, a local businessman, and his son Tihomir in Dimitrovgrad police station. Gencho Tonchev suffered two broken ribs.
- In March, a group of armed border police and immigration officers boarded the ship *Olga J.* which had been impounded and held in Burgas harbour for two years. The officers beat nine seamen from Ghana with truncheons and kicked them.

### Investigations

The authorities did not provide AI with reports of investigations into cases of torture and ill-treatment, casting doubt on their conduct.

- The authorities have still not made public the autopsy report on Zaharie Aleksandrov Stefanov, who died in detention in suspicious circumstances in June 1993.

### **Impunity**

Changes to the Penal Procedure Code came into force at the beginning of 2000 which included the possibility of judicial review of refusals by prosecutors to initiate investigations, and an open court process for termination of criminal investigations by prosecutors.

- The European Court of Human Rights ruled in May that Bulgaria had violated the European Convention on Human Rights in the case of Anya Velikova. Anya Velikova's husband, Slavcho Tsonchev, died of internal bleeding after being beaten in police detention in Pleven on 25 September 1994, 12 hours after his arrest on suspicion of theft. In December 1994 the Pleven military prosecutor decided not to indict any police officers. The European Court found that the Bulgarian authorities had violated the right to life, and that they had failed to provide Anya Velikova with an effective judicial remedy by failing to conduct an effective investigation.

### **Discrimination against Roma**

Incidents of police brutality against Roma were reported against a background of extreme poverty for many Romani communities, as well as rising social tensions frequently incited by racist discrimination. In the village of Mechka near Pleven, the murder in early April of an ethnic Bulgarian man prompted a campaign by ethnic Bulgarian villagers to expel all the Romani inhabitants. The village mayor instituted a ban on Roma being served in village shops or grazing their animals on village land. Police officers acted to prevent threatened acts of violence, yet they were reported to be randomly detaining several Romani men each day for 24-hour periods. In September, in the village of Bukovets, Vidin region, a group of around 20 villagers severely beat four young Romani men who were suspected of stealing corn.

- Tsvetalin Perov, a 16-year-old Romani boy, sustained severe burns in Vidin police headquarters in April. The boy, who suffers from epilepsy and learning difficulties, was well known to the police. He alleged that he was beaten unconscious by a police officer and, when the pain of the fire brought him round, the same officer was standing over him. Police officers claimed that Tsvetalin Perov set himself alight with a cigarette lighter, but no cigarette lighter was found at the scene and his clothes disappeared before they could be forensically examined. The severity of the burns makes it likely that an accelerant such as petrol or lighter fuel had been used.

### **Use of firearms by police**

No attempts were made to reform the Law on National Police which permits the use of firearms in circumstances prohibited by international standards. Investigations into police shootings were usually terminated as a result of police actions being deemed lawful. The authorities failed to provide information on investigations into most of the cases previously raised by AI.

- In July in Sofia a police patrol arrested 19-year-old Traicho Dimitrov Lyubomirov in a friend's house. He was reportedly handcuffed and taken away. Several hours later his body was taken to the morgue with a bullet wound to his head. A police source reportedly claimed that the young Rom had been apprehended while attempting to steal a car, that he had attacked a police officer and tried to take away his gun, and that the officer had fired the gun inadvertently.
- In May Atanas Djambazov, a 14-year-old Romani boy, climbed into a wine factory in Sliven with three friends in order to steal wooden pallets for firewood. A police office guarding the factory shot Atanas Djambazov twice as he tried to climb back over the wall. He was hit in the face and the right arm, and collapsed. The police officer allegedly failed to help him or to report the incident. Atanas Djambazov's friends took him home and he was hospitalized.

### **Conditions in homes for handicapped children**

Virtually all the handicapped children in permanent care in state institutions, who numbered at least 2,200, lived in conditions of extreme neglect. They were frequently deprived of food and basic care, as well as lacking attention to medical and educational needs. Such conditions amount to cruel, inhuman or degrading treatment. Research conducted by the Bulgarian Helsinki Committee, a local human rights organization, revealed that the state budget for these institutions was so inadequate that the children could only be fed with the help of charitable donations. The conditions in the home for handicapped children in Fakia, in the Burgas region, were described by both its administrator and independent monitors as life-threatening. In August, three children died of dysentery in the home for handicapped children in Medven. An inquiry by independent monitors established serious deficiencies in hygiene, administration and medical services.

### **Restrictions on freedom of expression**

In March the National Assembly amended the Penal Code and abolished imprisonment for defamation, although it increased the fines available as punishment and maintained special protection for public officials. AI had urged the authorities to amend the Penal Code, after numerous prosecutions of journalists for criticizing public officials. Other provisions of the Penal Code continued to be used to detain people exercising their right to freedom of expression.

- In July, in Pleven, police detained Alexander Kandjov, a local political activist, for four days. He had collected signatures on a petition calling for the resignation of the Minister of Justice, and describing him as "the top idiot of the judiciary". Alexander Kandjov was charged with aggravated hooliganism. His trial opened but had not concluded by the end of 2000.

### **Forcible exile**

In January, six foreign nationals, who were reportedly Islamic clerics, were expelled from the country for preaching without a licence, under a legal provision which had been pronounced invalid by the Constitutional Court in 1992. In August the authorities deported to Jordan Ahmad Naim Mohammed Musa, a director of an Islamic charity, for endangering "the security and the interests of the country". Ahmad Musa had spent most of the past 16 years in Bulgaria, and his wife and three children all have Bulgarian citizenship. AI considered that Ahmed Musa was

forcibly exiled, apparently because of his religious beliefs, in violation of international standards.

### **International organizations**

In January the Council of Europe's Parliamentary Assembly closed the procedure monitoring Bulgaria's fulfilment of the commitments it made upon joining the Council of Europe. However, rapporteurs noted as an outstanding concern "continuing police brutality, particularly as regards Roma". They also urged the government to take a number of steps including the provision of better guarantees for the independence of the judiciary and the media. They called for special attention to be given to the recruitment policy, training and motivation of police officers, codes of conduct, psychological counselling of field officers and their awareness of human rights issues.

### **AI country reports**

- Bulgaria: The shooting of Atanas Djambazov, a 14-year-old Roma boy (AI Index: [EUR 15/001/2000](#));
  - Bulgaria: Tsvetalin Perov, a 16-year-old Roma boy severely burned in police detention (AI Index: [EUR 15/003/2000](#))
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