

# BULGARIA

## INCREASING VIOLENCE AGAINST ROMA IN BULGARIA

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## INTRODUCTION

Racism and racially motivated violence against the Roma (Gypsy) minority in Bulgaria has escalated dramatically over the last four years. This violence takes several forms, ranging from police torture to mob violence against Roma. Human Rights Watch/Helsinki has received numerous credible reports of routine police torture, beatings and mistreatment of Roma. In April 1993, Human Rights Watch/Helsinki (then Helsinki Watch) reported that:

Growing ethnic hatred and deteriorating economic conditions have contributed to an increasingly desperate situation for many Gypsies in Bulgaria. One reflection of these problems is the growing police brutality toward Gypsies.<sup>1</sup>

All of the Gypsy leaders who met with Helsinki Watch reported a deterioration in relations between the Gypsy community and law enforcement officials. Vassil Chaprazov, a Gypsy leader, reported that "there are many cases of physical abuse by police against Gypsies. . . Krassimir Kanev agreed, "There are tens, even hundreds, of incidents where police beat Gypsies as a matter of routine. Such incidents are especially common when Gypsies come out of bars or restaurants. It seems like beating such people has become a sport for some police officers."<sup>2</sup>

In addition to the many cases of police brutality and mistreatment of Roma, during the last two years there have also been violent attacks against Roma by guards employed by private security firms. These security firms must be licensed by the Ministry of the Interior in order to operate and to possess guns, but they are subject to the jurisdiction of the civilian prosecutors and courts. Nevertheless, these security firms tend to have close contacts within the local police departments, which have failed to investigate allegations regarding their abusive conduct toward Roma.

There has also been a disturbing escalation in mob violence by villagers against their Roma neighbors. In many of these cases, the police fail to intervene to protect Roma from physical injury and loss of property. Local officials are also often implicated in the violence. It is very rare that those who perpetrate acts of mob violence against Roma, or the police and local officials who tolerate or acquiesce in such violence, are subject to criminal prosecution.

Roma have their historical roots in India. Scholars believe that Roma reached the Balkans in the thirteenth century, or even earlier. A document from 1378 shows that Roma already were present in Bulgaria at that time. Roma are commonly known as Gypsies, which is a corruption of "Egyptian," and may have been given to Roma by outsiders who were confused about their origin. The term "Gypsy" or "Roma" encompasses dozens of different groups and practices. In just the northeastern region of Bulgaria, a 1955 source listed nineteen different Roma tribes, using as distinctive criteria religion, occupation, and whether they were nomadic or sedentary. Today most Roma in Bulgaria are sedentary, which may be explained by the Bulgarian government's successful campaign in the 1950s to ban travelling.

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<sup>1</sup> HRW/Helsinki, "Bulgaria: Police Violence Against Gypsies," *A Human Rights Watch Short Report*, vol. 5, no. 5, April 2, 1993, p. 13.

<sup>2</sup> *Ibid.* p. 10

The Roma population in Bulgaria is substantial, but impossible to estimate with precision. Nevertheless, the Roma minority can be conservatively estimated to be at least 500,000.<sup>3</sup> Roma can be found in every city and village in Bulgaria. They usually live in separate quarters or districts, often on the outskirts of cities and villages. Part of the Roma population speaks Bulgarian and part speaks Turkish.<sup>4</sup>

Over the last few years, the economic situation in Bulgaria has deteriorated in the course of market-oriented economic reforms. As HRW/Helsinki reported in 1993:

Although all Bulgarians are suffering as a result of the many firings and factory closings that have occurred in the last three years, Gypsies bear a disproportionate burden as they are often the first to be fired.<sup>5</sup>

Experts estimate that the Roma population currently has an unemployment rate of approximately 64 percent, varying somewhat from community to community, and that the seasonal unemployment rate for Roma is anywhere from 80 to 90 percent. In comparison, the unemployment rate for Bulgaria as a whole is 16-17 percent.

Roma who are unemployed rely upon state assistance for their very survival. Unfortunately, many towns and villages are now facing financial crisis and often do not have the funds necessary to make monthly welfare payments. In several of the villages where Roma were accused by local villagers of theft, the Roma were unemployed and had not received their monthly assistance for several months.

Although there is credible evidence of widespread and systematic police misconduct and police brutality toward Roma, HRW/Helsinki has no information that any police officers have ever been disciplined or prosecuted for their misconduct and brutality against Roma. In Bulgaria, the police have been able to commit crimes against Roma with absolute impunity. Roma have filed complaints and have attempted to obtain a legal remedy for the violence. However, local prosecutors frequently appear to ignore the substantial evidence of abuse and opt not to bring charges against the police. What is more, when local villagers are involved in the violence, the police and local investigators rarely are able or willing to identify the perpetrators.

HRW/Helsinki is deeply disturbed by the Bulgarian state's failure to enforce the penal code in a prompt and non-discriminatory manner against perpetrators of violence against Roma. This failure jeopardizes the safety of Roma in Bulgaria and has set a dangerous precedent for the rule of law. What is more, the fact that much of the abuse is committed by the police and groups closely associated with the police sends a clear message that the state will not protect Roma. It is unlikely, under such circumstances, that Roma will have confidence in their ability to obtain equal protection of the law and an adequate remedy for crimes committed against them.

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<sup>3</sup> According to the last census, which was conducted in December 1992, there are 313,000 Roma in Bulgaria. The difference between the census figure and the higher estimates of experts is due, at least in part, to the fact that many Roma (especially Muslim Roma) identified themselves as Turks, and that some identified themselves as Bulgarians.

<sup>4</sup>See Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria* (New York: Human Rights Watch, 1991).

<sup>5</sup> Helsinki Watch, "Police Violence Against Gypsies," p. 2

The Bulgarian state through its failure to enforce the law to protect Roma, has acquiesced in the violence; in so far as its agents - the police- have been directly responsible for the abuse, the state itself bears direct responsibility for ill-treatment, arson and murder. A sense of impunity has been created that increases the likelihood that such acts of violence will continue to occur and even escalate in frequency. The Human Rights Project, a non-governmental human rights organization that investigates cases of violence against Roma and provides legal defense for the victims of such violence, reported that:

In none of the cases have the victims received justice. We reached the conclusion that the escalation of ethnic violence is stimulated, to a certain extent, by the fact that the system of criminal justice in our country generates discriminatory effects. In many cases, prosecutors refuse to try people who have committed obvious criminal offenses, especially if the latter are policemen. As far as the individuals are concerned, they have very limited procedural opportunity to seek a remedy as private persons, especially when the offenders are law enforcement officials.

...  
No matter whether the police use excessive force or act as passive witnesses when other groups maltreat Gypsies, they promote the escalation of ethnic tension in Bulgaria. The most recent outcome of this escalation is outright ethnic intolerance, reaching the refusal to live in the same town . . .<sup>6</sup>

## RECOMMENDATIONS

Over the last four years, HRW/Helsinki, along with Bulgarian and other international human rights and minority rights organizations, has repeatedly raised concerns about the prosecution of cases of mob violence against the Roma minority with the Bulgarian government. We have repeatedly called on the Bulgarian government to ensure that its law enforcement officials, investigative bodies and judiciary deal forcefully with cases of mob violence against Roma and do not apply the law in a discriminatory manner on the basis of ethnic origin or race. This has, however, not been the case.

Based on the findings of this report, HRW/Helsinki again calls on the Bulgarian government to fulfill its obligations under international law and specifically to:

- Guarantee the security of all persons from violence or bodily harm, whether inflicted by government officials or by any individual or group.
- Establish a commission of experts to investigate the conduct of law enforcement officials in responding to and protecting against violent attacks against the Roma minority. Make public the results of such an investigation.
- If there is evidence that individual police officers were responsible for violations of the law, take appropriate measures, including criminal prosecution.

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<sup>6</sup> "Ethnically Motivated Violence Against the Roma People in Bulgaria," Statement of the press conference held by the Human Rights Project, April 15, 1994

- Establish a citizens review board, including representatives from Bulgarian human rights organizations and Roma organizations, to receive and investigate allegations of police misconduct or brutality.
- Conduct a study on the extent to which race or ethnic identity is a primary factor in the types of crimes for which individuals are charged and the types of sentences that are imposed. Make public the results of this study and adopt new policies to address any discrimination that is identified.
- Order the Ministry of the Interior to require that all police officers wear name tags and identification numbers or, if they are operating in plain clothes, that they be required to show such identification to persons who are being detained at the time of detention.
- Require that each police department keep a log of each detention, the time it took place and its duration, the names of the police officers who made the arrest and the names of all police officials who were present during the interrogation.
- Establish a high level commission of inquiry into police abuse and torture, into police complaint procedures and police discipline.

HRW/Helsinki now believes, however, that it is time for a more active role by international bodies to ensure that the necessary steps are taken by the Bulgarian government to protect Roma from mob and police violence and to guarantee that the victims of such violence are able to obtain an adequate remedy. HRW/Helsinki welcomes the joint effort by the Council of Europe and the CSCE to address the specific problems faced by Roma at the recent CSCE Human Dimension Seminar on "Roma in the CSCE Region." We also welcome the High Commissioner for National Minorities' suggestion that inter-governmental organizations communicate, coordinate and cooperate regarding ways to resolve these problems.

HRW/Helsinki believes that in the case of Bulgaria, there is more than sufficient evidence that the political will does not exist, at either the national or local level, to combat racial violence against Roma and to afford the victims of such violence a prompt and adequate remedy. The cases documented in this report present a clear contrast to the Bulgarian government's professed commitment to halting racist police and mob violence and dealing with the investigation and remedy of these cases in a non-discriminatory manner.

We therefore call on the CSCE and the Council of Europe to initiate a dialogue with the Bulgaria government and to insist that the Bulgarian government take concrete steps to address the concerns outlined in this report. Specifically, HRW/Helsinki calls on the CSCE and the Council of Europe to:

- Make a formal request that the Bulgarian government submit a report on a regular basis on the specific steps it has taken to train police to anticipate and prevent racially motivated violence and to respond to the violence when it is already in progress.
- Make a formal request that the Bulgarian government submit a report on a regular basis on the specific steps it has taken to improve police and prosecutorial methods for investigating and prosecuting cases of racially motivated violence.
- Ask the Bulgarian government to provide information on a regular basis on the status of the prosecution of each case where a Roma community has been attacked, including specific information on the number of persons who have been interviewed, the sections of the penal code under which the

investigation is being conducted or the charges have been brought, the number of suspects under investigation, the number of arrests that have been made and/or persons who have been charged, and the expected duration of the investigation.

- Request that the Bulgarian prosecutor general and chief of the national police issue directives to their staff making clear that they are to respond with thoroughness and promptness to all cases involving violent attacks against minorities and that disciplinary measures and/or criminal sanctions will be taken against any prosecutor or police officer who is proven to have enforced the law in a discriminatory manner.
- Ask the Bulgarian government to investigate allegations of police torture and ill-treatment of individuals in custody, and to take disciplinary and/or criminal measures against those police officers found to be responsible for violations of the law. Make public the findings of the investigation.
- Ask the Bulgarian government to review its procedures for filing complaints against police officers for torture or mistreatment. Guarantee that any individual who wishes to make a complaint against a police official will be protected from harassment or further ill-treatment for doing so.
- Ask the Bulgarian government to conduct an investigation into the response of the police, investigatory and prosecutorial bodies to the attacks against the Roma minority that have occurred since 1990 and to make public the findings of that investigation.
- Organize and coordinate a series of training and educational seminars for representatives of the Bulgarian police and prosecutorial bodies on the experiences of other European countries in prosecuting and preventing racially motivated crimes.
- Appoint a commission of European experts to meet at regular intervals with Bulgarian authorities to monitor and improve methods of combatting racially motivated crimes.

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This report documents cases of police brutality and mob violence against Roma that have occurred since 1993. In addition, it reviews the status of the investigation of cases that were reported in previous HRW/Helsinki reports. This report is based on interviews conducted by Human Rights Watch/Helsinki representatives during a mission to Bulgaria in May 1994.<sup>7</sup> HRW/Helsinki representatives met with Roma victims of violent attacks, Roma leaders and Bulgarian human rights groups. HRW/Helsinki representatives also held meetings with national and local government officials. HRW/Helsinki tried to meet with local police and regional ministry of the interior representatives, but was unable to do so. HRW/Helsinki relied on a variety of reports prepared by Bulgarian organizations, including those of the Human Rights Project and the Bulgarian Lawyers for Human Rights.

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<sup>7</sup> The mission was carried out by Holly Cartner, deputy director of HRW/Helsinki. HRW/Helsinki would like to thank all those who assisted in the research mission to Bulgaria, as well as those who provided information for the report. Special thanks to Nikolai Gouguinski, project officer of the Human Rights Project, for his invaluable assistance. HRW/Helsinki would also like to thank Dimitar and Mikhail Gueorguiev, Savelina Danova and Rumyan Russinov from the Human Rights Project.

## POLICE BRUTALITY AGAINST ROMA

HRW/Helsinki has received a substantial number of reports of routine police brutality toward Roma. The evidence presented in this section indicates, not only a pattern of police torture, mistreatment and humiliation of Roma, but also a disturbing failure of the local investigatory and prosecutorial bodies to promptly and thoroughly investigate cases where Roma allege police misconduct. HRW/Helsinki believes that the police conduct and the state's failure to punish such conduct is motivated largely by anti-Roma prejudice.

### **Novi Pazar (April 5, 1992)**

On April 5, 1992, police conducted a raid of the Roma neighborhood in Novi Pazar. The raid was conducted between 3 a.m. and 5 a.m. Over fifty Roma were arrested. The Human Rights Project reported that:

Policemen, wearing balaclavas [masks], invaded Gypsy houses, breaking doors and windows, and harassing people who were still in their beds. The policemen beat indiscriminately men, women and children. The whole operation took place in the dark, [with the inhabitants of the houses] being prevented from switching on the lights. Women were brutally humiliated. By the time the operation was over, the people in the Roma neighborhood had not understood that this was a police action.<sup>8</sup>

Most of the Roma interviewed by HRW/Helsinki reported mistreatment and physical abuse by the police who conducted the raid. For example, Risa Husein Hasan, a forty-five-year-old man, reported to HRW/Helsinki that:

It was around 4 a.m. when I heard the door being kicked in. The first person to enter the house was masked. I could only see his eyes. He told us to put our hands up and pointed a gun at me and my wife. I had been sleeping and did not know what happened. I got up thinking that they were thieves. When I asked, they said they were the police, but they did not show us any identification or a prosecutor's warrant . . . They went into my son's room and immediately began beating him and asking him if he had any guns. Then they arrested him and took him away.<sup>9</sup>

Assen Marinov Ivanov told HRW/Helsinki that:

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<sup>8</sup> Dimitrina Petrova, *Violations of the Rights of Gypsies in Bulgaria* (Sofia: Report of the Human Rights Project, 1994), p. 11.

<sup>9</sup> HRW/Helsinki interview with Risa Husein Hasan, Novi Pazar, June 3, 1993

I was alone in my house with my wife. At about 3:30 a.m. two people came to the house. One was masked and one wasn't. The one who was not masked was the local policeman. They broke the door and entered without knocking. My wife was not dressed. They dragged both of us from bed and began beating me. They were asking about my son. When they saw my son was not in the house, they left.<sup>10</sup>

Similarly, Krassimira Tihomirova Angelova, a twenty-nine-year-old woman, reported that:

Between 3 and 4 a.m., somebody broke the window of the door. A masked man entered with a machine gun. He was in [camouflage] uniform. There were also three men who were masked and two in civilian clothes. We were sleeping at the time. As we woke, the man with the gun approached my husband. He pointed the gun at my husband's chest and told him to stand up . . . My husband was protesting that they had entered the house that way in the middle of the night, but the police kicked my husband . . . I can't sleep at night since they came.<sup>11</sup>

Lili Atanasova Ivanova, a twenty-year-old woman, also told HRW/Helsinki that:

The men who broke into our house were calling us names and insulting us for being Gypsies . . . They conducted a search and the masked man hit my father-in-law in the chest. They also insulted him. Then they beat him with a club on the back and kicked him once in the thigh.<sup>12</sup>

There is also some doubt about whether the police raid was conducted with a legal warrant. None of the Roma interviewed had been shown a written warrant. One of the Roma leaders from Novi Pazar also told HRW/Helsinki that he had contacted the regional prosecutor the next day to determine whether a warrant had been issued:

At first she said no. Then she said that she had issued an oral warrant for after 6 a.m. When I said that the police had conducted the raid between 3 and 4 a.m., she said that I was lying and that the police had arrived after 6 a.m.<sup>13</sup>

Many of the Roma interviewed by HRW/Helsinki reported that they were afraid to make complaints with the police about their treatment and that they had no confidence that they would be treated fairly by the prosecutor's office. For example, when asked why she had not filed a complaint with the police, Krassimira Tihomirova Angelova told HRW/Helsinki that:

It wouldn't make sense for me to file a complaint because the prosecutor will only defend the police. My neighbors tried, but the prosecutor said that they were lying. They don't believe that the police would do something like that.

Similarly, a Roma man who did not want to give his name, told HRW/Helsinki that:

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<sup>10</sup> HRW/Helsinki interview with Assen Marinov Ivanov, Novi Pazar, June 3, 1993.

<sup>11</sup> HRW/Helsinki interview with Krassimira Tihomirova Angelova, Novi Pazar, June 3, 1993.

<sup>12</sup> HRW/Helsinki interview with Lili Atanasova Ivanova, Novi Pazar, June 3, 1993.

<sup>13</sup> HRW/Helsinki interview, Novi Pazar, June 3, 1993

I would not complain to the prosecutor's office. If we do, they start up criminal investigations against many of us. If the leaders encourage us to prepare complaints, they are threatened.<sup>14</sup>

Fifty-three Roma who were arrested during the raid in Novi Pazar were tried and convicted for theft in February 1994. The conviction was not appealed. The public was denied access to the trial. A request by the Human Rights Project to attend the trial was never considered. HRW/Helsinki has no information that an investigation was conducted into allegations of police brutality during the raid.

### **Dubovo (June 3, 1992)**

On June 3, 1993, Zakhari Alexandrov Stefanov, an ethnic Turk married to a Roma woman and living in the Roma neighborhood in Dubovo, was arrested by police at the train station in Dubovo near the town of Kazanluk. Eyewitnesses report that Zakhari was beaten with a club and punched by sergeant Stefan Popov, the arresting officer. Stefanov was then taken to the mayor's office in Dubovo.

Zakhari's mother-in-law, Tina Petkova Milanova, was later called to the mayor's office by sergeant Popov and told to go get some personal belongings for Zakhari. When she returned to the mayor's office, Ms. Milanova heard Zakhari crying out in pain. She reported to the Human Rights Project that:

[S]he heard Zakhari crying in Stefan Popov's room. She rushed in and saw four policemen, who were beating Zakhari with clubs. Zakhari had a red blindfold on his eyes. . . For almost an hour Tina Milanova was standing outside the door, listening to her son-in-law's moans of suffering. Later he was taken out of the room, his feet swollen from the beating. He wasn't able to put on his shoes. The same evening he was taken to the Regional Police Office in Kazanluk.<sup>15</sup>

The next day Zakhari was taken to his home by sergeant Popov and several other policemen. His wife, Zoya Kirilova Petrova reported that he was made to identify items in the house that he had allegedly stolen. He was also taken to a neighbor's house and forced to identify allegedly stolen items there. During the time that Zakhari was at home, the police reportedly continued to beat him. He was then taken back to the mayor's office in Dubovo.

A witness working there said that after a new interrogation Zakhari was hung on a tree outside and beaten with clubs. Later he and two other suspects, one of whom was Marko Dobrev, were loaded in the trunk of a police car and were driven to the police office in Kazanluk.<sup>16</sup>

According to reports in the local newspapers, the next day Zakhari "committed suicide" by jumping from a window in one of the interrogation rooms on the third floor of the police station in Kazanluk. His family was not informed of his death by the police, but learned of it from the relative of another detainee who had been at the same police station. The family was never provided with a death certificate indicating the cause of death. No autopsy was performed on the body.

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<sup>14</sup> HRW/Helsinki interview, Novi Pazar, June 3, 1993.

<sup>15</sup> *Violations of the Rights of Gypsies*, p. 13.

<sup>16</sup> *Ibid*

Zoya Kirilova Petrova, with the assistance of the Human Rights Project, filed a complaint with the regional military prosecutor in Plovdiv in July 1993 demanding a full investigation into the circumstances of Zakhari's death. However, the regional military prosecutor in Plovdiv failed to respond to her complaint within the prescribed time. Between July 1993 and September 1994, Zoya was never contacted by the prosecutor's office to give a statement, nor was she informed at anytime about the status of the investigation.

In March 1994, Zoya, through her lawyer Ilko Dimitrov, filed a protest with the chief military prosecutor's office in Sofia regarding the regional military prosecutor's failure to investigate the case properly. In response to this complaint, Zoya was again asked to describe the circumstances of her husband's death and to state her demands. In April, in response to a letter from the Human Rights Project, the chief military prosecutor informed them that the investigation was being conducted at the regional prosecutor's office in Kazanluk. However, when representatives of the Human Rights Project subsequently contacted the regional prosecutor, they were informed that the investigation had been returned to the chief military prosecutor's office in Sofia and that the investigation would soon be completed.<sup>17</sup> Nevertheless, at the time this report went to press, the investigation had not been completed.

Prior to the Zakhari Alexandrov Stefanov case, the Human Rights Project had notified the national police in Sofia of numerous reports that sergeant Popov had harassed and mistreated the Roma in Dubovo.

We had presented to the Chief of the National Police and the Ministry of the Interior a detailed description of several cases of ill-treatment and use of physical force against Gypsies by sergeant Popov. In all of the cases the victims were medically certified. A long time passed until we received an oral message that the check, conducted by the Ministry of the Interior, did not confirm our [information]. We think that the check was not impartial, because the Gypsies from the village were never interviewed.<sup>18</sup>

HRW/Helsinki representatives scheduled a meeting with the police chief of Kazanluk, Lieutenant-colonel Nikolov, who is responsible for the town of Dobovo, but on the day of the meetings, the police refused to meet with HRW/Helsinki representatives.

#### **Update on Pazardzhik (June 29, 1992)**

In a report issued in April 1993, HRW/Helsinki reported that:

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<sup>17</sup> Human Rights Project, "Report on the Progress of the Human Rights Project," Sofia, July 1-September 30, 1994.

<sup>18</sup> *Violations of the Rights of Gypsies*, p. 14

On June 29, 1992, police surrounded a Gypsy neighborhood in Pazardzhik, a town located 120 kilometers east of Sofia. The police violently attacked members of the Gypsy community and conducted abusive home searches, damaged Gypsies' property and confiscated money and property. Many individuals suffered serious injuries, as well as significant property damage, as a result of the police conduct. At the request of President Zhelyu Zhelev, the Ministry of Interior began an investigation into allegations of police misconduct in Pazardzhik. Nevertheless, over eight months after the investigation began, the commission's findings have not been made public and Helsinki Watch has no information that individual police officers have been disciplined for their participation in the raid.<sup>19</sup>

As HRW/Helsinki discussed in 1993, the Human Rights Project had a great deal of difficult finding a Roma victim who was willing to file a complaint against the police in Pazardzhik. Most of the victims were too afraid to pursue their legal remedies. However, the Human Rights Project was able to find one victim, Kiril Yordanov, who had been beaten by the police and was willing to file a complaint. Initially, the military prosecutor did not respond to Yordanov's complaint. Finally, on July 20, 1993, after much pressure from the Human Rights Project, the Plovdiv military prosecutor issued a decision not to open an investigation against the police. The Plovdiv military prosecutor's decision acknowledged that the police had beaten Yordanov during the violence in Pazardzhik, but refused to open an official investigation because he had not been able to identify the specific perpetrators. The decision states:

The medical certificate indicates that during the transportation and while in his home, Yordanov was hit with clubs. It was not determined which of the officers beat him. Yordanov himself, because of the early morning hour and the helmets [that the police were wearing] could not identify the police. As it was not found who caused the bruises over the body of Yordanov . . . I have decided not to begin an investigation in order to find out the identity of the officers from the regional police department, the county department of internal affairs and the military police who caused light bodily injury to Yordanov (physical pain and suffering) under Article 131, Par. 2 of the Penal Code.<sup>20</sup>

The local military prosecutor's decision was appealed to the chief military prosecutor in Sofia who, on October 21, 1993, issued a decision confirming the local prosecutor's decision. However, the chief military prosecutor also admitted "that a crime against the plaintiff had been committed by unidentified policemen in their official capacity, and there was a recommendation to start a civil procedure."<sup>21</sup> He stated:

The inquest found out that undoubtedly there is evidence of unmotivated beating of the complainant, who was found at home. The inquest also determined that the complainant is not able to recognize the persons who caused him light bodily injury, because [the police] were wearing protective helmets during the operation. These facts, as well as the long period of time that has passed since the operation, makes a reliable recognition impossible.<sup>22</sup>

Ilko Dimitrov, a lawyer for the Human Rights Project, filed a civil complaint on behalf of the victim against the Ministry of the Interior in January 1994. The first court hearing in the case was held on July 14,

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<sup>19</sup> HRW/Helsinki, "Bulgaria: Police Violence Against Gypsies," vol. 5, no. 5, April 2, 1993, p. 1.

<sup>20</sup> Decision by the military prosecutor's office in Plovdiv in the case of Kiril Yosifov Yordanov, July 20, 1993.

<sup>21</sup> *Violations of the Rights of Gypsies*, p. 5.

<sup>22</sup> Decision of prosecutor Kolev of the Chief prosecutor's office, Sofia, October 21, 1993

1994, at which time the court made several procedural rulings. However, the court did not yet rule on the issue of whether the defendant in the case should be the Ministry of the Interior, as argued by the Human Rights Project, or the regional department of the Ministry of the Interior, as argued by the Ministry of the Interior. The court did rule that evidence submitted by the Human Rights Project was admissible and that the Project could call two witnesses at the next trial date scheduled for November 7, 1994.

HRW/Helsinki, along with the Human Rights Project and Amnesty International, called on the Ministry of the Interior in Bulgaria to conduct a thorough investigation into the events in Pazardzhik, and especially into the numerous allegations of police misconduct and brutality, and to make public the findings of that investigation. In January 1993, the Human Rights Project was informed that the investigation had been completed and a report had been prepared:

[W]e were informed by the chief secretary of the Interior Ministry, General Bogatsevski, that the report about Pazardzhik was ready but couldn't be made public because it contained classified data. According to this secretary, the general conclusion of the military prosecution after examining all the testimonies was that the police had abided by the law... As a result of our insistence, a new internal investigation had been ordered by the interior minister. Unfortunately, this second investigation also cynically concluded that the police had acted appropriately on June 29, 1992.<sup>23</sup>

#### **Update on the case of Anton Stefanov (September 19, 1992)**

Anton Stefanov, a fourteen-year-old Rom, was detained by a plain-clothed policeman on September 19, 1992 in the town of Shumen. The policeman claimed that he had caught Anton gambling. He took Anton into the local bus station where, according to the boy, he was hit over and over and kicked by the policeman. Anton's parents, Stefan Ivanov and Fidanka Yordanov, tried to go into the room where their son was being held. At this point, two uniformed policemen arrived and began beating Anton and his father. The policemen also reportedly shouted racial slurs.

Anton and his father were handcuffed and taken to the local police station. At the station Anton was reportedly handcuffed to the radiator, where he was kept for over two hours. He was then released and not formally charged with a crime. A medical examination of Anton two days later confirmed that he had injuries to the head, back, chest and right armpit that were caused by blows from a club.

Anton's parents filed a complaint with the regional representative of the Ministry of the Interior, which decided that the police had not used excessive force and that Anton had been beaten "by his father." Similarly, on March 24, 1993, the district military prosecutor in Varna refused to initiate an investigation into the police conduct in the case. This decision was confirmed by the chief military prosecutor.

The Human Rights Project decided that all domestic remedies had been exhausted in the case and that the case should be submitted to the European court for human rights in Strasbourg. A complaint was admitted on behalf of Anton Stefanov to the court in March 1994 and is currently pending.

#### **The Case of Khristo Khristov (March 24, 1993)**

On March 24, 1993, the police in the town of Stara Zagora saw three Roma who were allegedly trying to steal copper wire. Two of the men ran away, but Khristo Khristov was caught by the police. The police reportedly beat Khristo severely and kicked him repeatedly. The police then put Khristo in the truck of the car and took him to the Roma neighborhood.

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<sup>23</sup> *Violations of the Rights of Gypsies*, pp. 5-6

The Human Rights Project reported that:

In what appears to have been a demonstration of force intended to frighten the Roma community, the heavily armed policemen shouted racist insults at the family and the neighbors who had come out in the street. A policeman opened the luggage carrier of one of the cars where Khristov was lying doubled up. The police officer then pulled him by a belt which was tied around Khristov's neck.<sup>24</sup>

Khristo was identified by his parents and was then taken to the police station where he was held overnight. When he was released the next morning, he was unable to stand on his feet due to the beatings he had received during the night. In the evening after his release, his condition deteriorated and he was hospitalized. Representatives from the Human Rights Project visited Khristo the next day and reported that:

His body bore signs of torture. Seven ribs were broken, which had led to pneumothorax. One of the lungs had been in a state of collapse at the moment of hospitalization. We documented a massive under-skin hemorrhage on the right side of his waist continuing toward his back. There was a deep red scar on his neck. Two days later, an urgent surgical intervention became necessary. Part of the lung and the right kidney were taken out.<sup>25</sup>

Representatives from the regional Ministry of the Interior reportedly tried to interfere with efforts by the Human Rights Project to gather information on the case and to conduct an investigation. Hospital staff were reportedly instructed not to provide details about the case. Khristo also reported that he was warned by a Ministry of the Interior representative not to speak to human rights representatives.

Due to the direct intervention of the Human Rights Project, the Minister of the Interior ordered the director of the national police to investigate the case. An investigation was carried out by a four member commission of the national police. A report was issued on June 11, 1993, stating that:

[P]hysical force against Khristo was exercised only once - at the moment of his capture- and that this was caused by his resistance.

The report denies that Khristo was detained in the regional police station and spent the night there. It claims that he was released at midnight and was called the next morning at 9:00 o'clock to be interviewed by an investigator about the charge against him [for attempted theft]. According to the report, Khristo left the police healthy and in good condition. And most absurd of all, the fact that during the surgical intervention the right kidney had been removed was denied; instead, the report claimed that Khristo never had a right kidney and that the surgeon only established this lack of an organ during the operation.<sup>26</sup>

Ilko Dimitrov, the attorney for the victim, filed a complaint with the military prosecutors' office in Stara Zagora. After a preliminary inquiry, an official investigation was begun (File No. VII - 42/93). The case is still pending.

**Muglizh (June 23, 1993)**

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<sup>24</sup> *Violations of the Rights of Gypsies*, p. 9.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*, p. 10

Nine Roma went to pick cherries in a public orchard near the town of Stara Zagora on June 23, 1993. They apparently did not know that the permission they had had to pick in the orchard had been withdrawn by the cooperative. Two policemen who had been hired by the cooperative as security guards saw the nine Roma just as they were beginning to pick in the orchard and checked their identity papers and allowed them to continue to pick.<sup>27</sup> However, the two police guards later returned to the orchard with six additional guards and two sergeants from the regional police in Stara Zagora.

They started to beat the men indiscriminately with truncheons, fists and boots. Then they handcuffed Slavi Atanasov Minchev and took the keys to his car. After searching the car they found a bread knife in the bag of Milko Raikov Kolev. They also found 870 leva which belonged to Slavi Minchev. The nine Roma were then taken to the office of one of the armed guards, the one who was reportedly in charge of this action. The nine men were told to stand with their hands above their heads. They were beaten again with truncheons and fists. Slavi Atanasov Minchev, Denko Anguelov Atanasov and Milko Raikov Kolev, in particular, were subject to severe beating. Guns were placed next to their heads to keep them from crying out in pain... Denko Anguelov Atanasov was forced to sign a statement that he sustained bodily contusions after a fall from a cherry tree.<sup>28</sup>

On June 25, 1993, three of the victims, Slavi Atanasov Minchev, Denko Anguelov Atanasov and Milko Raikov Kolev, were examined by a medical expert at the military health institute in Stara Zagora. The medical certificates that were issued after the examination confirmed the injuries and indicated that the injuries were the result of "blows from hard objects." The three victims filed complaints against the police guards in July 1993 and were notified shortly thereafter that a preliminary investigation was underway. However, neither the victims, nor the Human Rights Project, which has requested information on the status of the investigation on two occasions, has received a response.

There were also ethnic Bulgarians picking cherries in the orchard who were apparently unaware that they were no longer permitted to do so. However, the ethnic Bulgarians were not harassed or beaten by the police guards.

#### **Pazardzhik (August 4, 1994)<sup>29</sup>**

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<sup>27</sup> These privately-hired police guards, referred to as "departmental police," are subordinate to the enterprises that pay their salaries, as well as to the local police department of which they are a part. They, as well as all other police officers in Bulgaria, were subject to the jurisdiction of the military prosecutors and courts until January 1, 1994, when the Law for the National Police entered into force (The Law for the National Police, adopted on December 15, 1993; published in the *Official Gazette* on December 28, 1993). On January 1, 1994, the police were demilitarized and are now subject to the jurisdiction of the ordinary civilian courts.

<sup>28</sup> *Violations of the Rights of Gypsies*, pp. 15-16.

<sup>29</sup> This section is based on information provided by Nikolai Gouguinski of the Human Rights Project, Sofia, facsimile dated October 1994.

On August 4, 1994, the police carried out a large-scale raid in the Roma neighborhood in the town of Pazardzhik. During this raid fifteen Roma suspected of various crimes were arrested. It appears that, unlike the attack in the same neighborhood in 1992, the police did obtain and show both search and arrest warrants prior to the raid.<sup>30</sup> However, in this raid, as in the raid in 1992, the police brutalized innocent victims and intentionally damaged Roma property. What is more, one Roma who was arrested during the raid died while in detention.

Alexander Assenov Nedialkov reported to the Human Rights Project that, at about 4 a.m. on August 4, 1994, a dozen armed policemen wearing masks and helmets broke down the door and the windows to his house and rushed in. They immediately began to beat Alexander. Then they dragged him naked out into the yard and continued to beat him there. Some of the policemen who remained in the house to conduct a search reportedly threatened to "shoot dead" Alexander's wife if she screamed. The police confiscated money, golden rings and the tourist passports of Alexander and his wife without giving them any receipt, in violation of Bulgarian law.

Alexander was then thrown into the trunk of a car with no registration number and taken to the regional police department in Pazardzhik. He was then taken out of the trunk and beaten for approximately fifteen minutes. Later that day the police released Alexander saying that they had detained him by mistake. Alexander later obtained a medical certificate that established that he had open wounds on his head, sores on his face and forehead, severe bruises on his shoulder, buttocks and legs.

Filka Todorova Todorova reported that policemen broke into her house at approximately 6 a.m. They destroyed doors, windows and various household items. Filka's sixteen-year-old grandson, Valentin Assenov Minev, who was in the house with her at the time, was hit several times by the policemen with the butts of their submachine guns. They tried to force him to admit that his name was Yosko, a person they were looking for. Filka's sixty-six-year-old husband was kicked in the chest by one of the policemen and knocked to the ground. Three policemen rushed in and fell on the bed where the two granddaughters, seventeen-year-old Filka Yosifova Cholakova, and fifteen-year-old Veneta Assenov Mineva, were sleeping. The girls reported to the Human Rights Project that the policemen treated them in a humiliating manner, making them lie down and stand up several times.

Lyubcho Terziev, who was arrested during the raid, died two days later. It is unclear at this time whether he died in the Kazanluk police station or in the police station in Pazardzhik. According to the official death certificate, which was issued by a forensic doctor in the Stara Zagora district hospital, his death was the result of "cardiovascular insufficiency." However, witnesses at the funeral and who had an opportunity to see the body prior to burial reported that there was evidence that Lyubcho had been beaten on the head and that there were burn marks on his genitals. The scars on Lyubcho's body were documented by a journalist and a picture was published in the weekly newspaper *168 Hours*.

## **MOB VIOLENCE AND THE POLICE FAILURE TO PROTECT ROMA**

During the last year, a disturbing new form of violence - mob violence by villagers against their Roma neighbors - has occurred. Unlike in neighboring Romania, prior to 1993, mob violence against Roma had been rare in Bulgaria. However, over the last year, HRW/Helsinki has received several reports of large groups of villagers who have joined to violently attack Roma and their property. In addition, in one case, a private security firm carried out a "punitive action" against a Roma neighborhood. In that case, a Roma man was murdered.

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<sup>30</sup> See above for details of a similar raid in Pazardzhik in 1992

Such attacks have allegedly been openly tolerated or even organized by local governmental officials. Law enforcement forces who were called to the scene of the violence reportedly stood by, watched the violence and refused to make any effort to stop the crowds or to protect the Roma who were under attack. In these cases, as in the other cases discussed in this report, state representatives have not acknowledged having identified the perpetrators of the violence and have taken no steps to punish law enforcement officials who failed to carry out their duties.

### **Cherganovo (October 17, 1993)**

At about 10:30 a.m. on October 17, 1993, Anguelina Anguelova and her husband Nikolai Angelov saw two ethnic Bulgarians fighting with a Roma cowherder and intervened to try to prevent the fight from escalating further. Anguelina Anguelova told HRW/Helsinki that:

I saw the clash in the field around 10:30 a.m. and went with my husband to see. When I approached I saw Ivan Bonev and his son beating the Gypsy cowherder. When they saw me they stopped and came toward us . . . He wanted to hit my husband, probably because he thought we were coming to help the boy. The son said that he was going to evict all the Gypsies from the neighborhood, but about that time the cowherder hit the son and they fought for a long time. Then the cowherder hit Ivan Bonev from behind and he fell down. I helped Ivan Bonev to the car and took him to the hospital.<sup>31</sup>

Shortly after the fight, the church bells rang and a large group of villagers gathered in the center of the village. According to the Human Rights Project, "most of [the villagers] were armed with spades, axes, pickaxes etc. One Bulgarian reportedly was chasing Gypsy children with a motor cutting machine." The villagers went to an area where Roma live and destroyed or damaged four Roma homes. Stephan Assenov Atanasov, whose house was damaged during the attack, told HRW/Helsinki that:

About thirty people invaded my house. They destroyed the windows. All the windows in the house were broken. The doors were damaged. They destroyed my property and ruined the chimneys of the house.<sup>32</sup>

Similarly, Anguelina Anguelova reported that:

I was on my way home from the hospital when I heard the bells ringing and I thought that the man had died . . . All of a sudden I saw the crowd moving toward the Gypsy quarters. They went to the first house and started throwing bricks and wood at his house. Then they went to the second house and I couldn't see anymore . . . Then they went to a third house and I could see this very clearly. The villagers destroyed chimneys, windows, television sets, everything was being thrown through the windows. Seven or eight men were destroying things. Many others were standing around looking.<sup>33</sup>

The mayor of Cherganovo, Khristo Kusev, told HRW/Helsinki that he was in his office when he heard the bells ring and that he called the police. He was unsure of the time, but guessed that it must have been after 10:30 or 11 a.m. The police did not respond immediately to the call. Mayor Kusev told HRW/Helsinki that :

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<sup>31</sup> HRW/Helsinki interview with Anguelina Anguelova, Cherganovo, May 6, 1994.

<sup>32</sup> HRW/Helsinki interview with Stephan Assenov Atanasov, Cherganovo, May 6, 1994.

<sup>33</sup> Anguelova interview

The police didn't come immediately because there was a murder in another village. Approximately an hour after I called them, they arrived. There were approximately ten policemen at that point.<sup>34</sup>

However, according to the Roma whose houses were destroyed by the villagers, the police did nothing to protect them or their property. Stephan Assenov Atanasov reported that:

Bulgarians went into my mother's house, my house and another house. They began to destroy everything. The police were just looking on. Some of the police came into the house, but they did not try to stop anyone. One of the police said to me that they could not stop anyone because they were only forty and the villagers were 400.<sup>35</sup>

Ms. Anguelova also observed the police who were doing nothing to stop the violence:

I couldn't see the police cars, but I saw uniformed policemen and they were just sitting at a neighboring house. When I saw them they were sitting or standing around together at one house, while the next one was being destroyed . . . When the crowd moved, the police followed. But they were just watching. They weren't doing anything.<sup>36</sup>

A HRW/Helsinki representative asked Mayor Kusev about the role played by the police during the events and what specific efforts the police had made to stop the violence. The mayor acknowledged that the police had been armed with guns, but that they did not have the guns drawn at any time and that they did not shoot into the air.<sup>37</sup> However, the Mayor then refused to discuss the role of the police further.

HRW/Helsinki also received reports, which we were not able to verify, that the mayor of Cherganova was not only present during the violence, but went with the perpetrators to celebrate following the attack. Roma who were present in the village at the time reported that they saw the mayor go to the local pub with some of the perpetrators.

Late in the evening on October 17, a group of approximately fifteen ethnic Bulgarians attacked the home of Anguelina Anguelova and her husband, apparently under the mistaken impression that they had caused the fight that morning. Anguelina Anguelova told HRW/Helsinki what happened:

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<sup>34</sup> HRW/Helsinki interview with Khristo Kusev, Cherganova, May 6, 1994.

<sup>35</sup> Atanasov interview.

<sup>36</sup> Anguelova interview.

<sup>37</sup> Kusev interview

I dream every night about what happened. I have two dogs that started barking about 11 p.m. Then they broke down the gate and came into the yard. They divided into three groups - two were at the windows and one group at the door. They were shouting at my husband to stand up because they wanted to kill him. They kept calling us Gypsies while they destroyed the windows. Then they pushed in the door and entered the house. They grabbed me by the hair and pulled me outside. They started beating my husband and took him outside, too. . . They continued to beat us in the yard and then one of them [Ventseslav] asked where they should take us and suggested that they take me to the river and rape me. I said I was pregnant (it was a lie) and it probably saved me.<sup>38</sup>

At about this time, a police car drove by and one of the police intervened, insisting that Anguelina and her husband get in the police car. This policeman drove the two to the mayor's office. According to the Human Rights Project:

Several other policemen who were present in front of the mayor's office paid no attention to the appeals of Nikolai and Anguelina for protection against the raging Bulgarians, who, while someone was trying to find the keys to the building, again hit Nikolai. Some of the policemen even made offensive remarks about the ethnicity of the two victims.<sup>39</sup>

Anguelina and her husband were kept at the mayor's office for over an hour:

After a conversation, Anguelina and Nikolai were sent back home without any security measures, regardless of the fact that during their stay with the mayor some of the violators were waiting outside the building, shouting threats.<sup>40</sup>

When Anguelina and Nikolai returned to their home, they saw a large group of ethnic Bulgarian men entering their house. Instead of confronting the crowd, they hid at their neighbor's house. From there they could see as the men broke furniture, stole their property and set fire to bales of hay that were stacked in the courtyard. The group stayed in the house drinking until around 6 a.m. the next morning. The mayor was among the crowd.

The next day all sixteen families of Roma who had lived in the village fled to friends and family living in neighboring areas. By May 1994, only half of the families had returned. The rest of the Roma families had returned to the village by October 1994.

The Bulgarian Lawyers for Human Rights prepared a complaint on behalf of Anguelina Anguelova and her husband, as well as the other Roma victims in the case. The lawyers filed a request with the chief prosecutor's office in Sofia that the case

[B]e considered independently in Sofia instead of Stara Zagora for reasons of the biased resentful atmosphere in the Stara Zagora region. Despite this request, the official report was

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<sup>38</sup> Anguelova interview.

<sup>39</sup> *Violations of the Rights of Gypsies*, p. 19.

<sup>40</sup> *Ibid.*

sent for preliminary inquiry to the Stara Zagora district prosecutor's office in early April 1994.<sup>41</sup>

### **Glushnik (November 3, 1993)**

On November 3, 1993, a group of about forty Roma from Topolchane, a village near Sliven, went to a private vineyard to gather grapes in the neighboring village of Glushnik. Four private guards caught about twenty of the Roma around 12 midnight and detained them. One of the four guards was an off-duty regional policeman. According to Todorka Simeonova Ilieva:

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<sup>41</sup> *Annual Report of the Bulgarian Lawyers for Human Rights, April 1993-April 1994*, p. 9

One of the guards went to the police station while the other three kept us there. They had guns. We stayed in the vineyard until 1 a.m., until the police came back with the guard . . . The police told us and the guards to go to the cooperative in Glushnik and unload the grapes and then we should go home. Then the police left.<sup>42</sup>

During the time that the Roma were waiting in the vineyard with the guards, they were joined by a group of approximately ten villagers who arrived armed with weapons. After the on-duty police left, the volunteer guards and the villagers took the Roma back to Glushnik and locked them all in a pigsty where they stayed the rest of the night.

Ms. Ilieva told HRW/Helsinki what happened next:

In the morning at about 7:30 a.m., the church bell started ringing. Shortly after that, they opened the door and I saw many people, most of them were with wooden sticks. They pulled one person [out of the pigsty] and started beating him. We saw how they beat Petar and we started to cry. Then he escaped from them, along with four other men. The Bulgarians got very angry at this and entered the pigsty shouting "Dirty Gypsies, we are going to kill you." Then they pulled us out of the pigsty and tied us in a line to the fence [where horses are tied]. Then they beat us, even the children, with wooden sticks. . . They also threatened to take the men somewhere and take the women in the pigsty and rape them.<sup>43</sup>

Petar Iliev Dimitrov was also among the Roma locked in the pigsty. He told HRW/Helsinki that:

I heard the bells ringing. At about 7 a.m. the villagers opened the door [to the pigsty]. The one who opened the door hit my wife on the shoulder and she fell down. My child started crying. The man then went over to my child and slapped him. He hit my wife with a wooden stick and pulled me out. I was hit in the back with a stick. I fell down and someone else hit me on the head. I had a fracture. By this point those still in the pigsty were shouting and crying. The Bulgarians left me for a moment and I managed to run to a nearby field where I fainted.<sup>44</sup>

At approximately 12 p.m., three policemen from Sliven arrived and at that point the beatings stopped. The police also ordered that the Roma be untied. The police then interrogated the Roma about stealing the grapes and issued fines to many of them. They were then released. None of the ethnic Bulgarians were questioned or charged for the violence.

Eyewitnesses reported that the mayor of Glushnik, Todor Ivanov Todorov, had participated in the violence. One eyewitness told HRW/Helsinki that:

The mayor was around during the beatings. He did not beat us, but did not object to us being beaten. He cursed us as "dirty Gypsies" and said "we are going to make soap out of you."

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<sup>42</sup> HRW/Helsinki interview with Todorka Simeonova Ilieva, Stara Zagora, May 6, 1994.

<sup>43</sup> *Ibid.*

<sup>44</sup> HRW/Helsinki interview with Petar Iliev Dimitrov, Stara Zagora, May 6, 1994

The Human Rights Project worked with the Bulgarian Lawyers for Human Rights to file a civil complaint on behalf of Todorka Ilieva against the mayor and one other alleged perpetrator. The first date for the hearing (Case No. 168/94) was scheduled for July 6, 1994. However, the witnesses had not been subpoenaed by that date, making it necessary for the hearing to be rescheduled for November 10, 1994.<sup>45</sup>

The local prosecutor also ordered a preliminary investigation (File No. 1751/94) of the case. The victims were then interviewed by the policeman who had been present during the events. Unfortunately, many of the victims, including Todorka Ilieva, told the policeman that they had not been beaten. HRW/Helsinki is concerned that the Roma interviewed may have renounced their initial statements under duress or fear of retaliation by the police.

### **Burgas (December 1993)**

During the month of December 1993, the Roma neighborhood of Pobeda in Burgas was attacked on several occasions. In each of the attacks, the perpetrators wore masks and threw molotov cocktails. On January 10, 1994, six Roma houses were set on fire. During that attack, a Roma teenager was also severely beaten and had to be hospitalized for two weeks. What is more, Katya Atanasova Stoyanova, a four-year-old child, was badly burned in the fire.<sup>46</sup>

The Human Rights Project sent a letter to the regional prosecutor's office on April 7, 1994, requesting information on whether an investigation had been started and, if so, on its status. HRW/Helsinki also requested information on the case from the chief military prosecutor of Bulgaria. There was no response to either request.

### **Malorad (December 14, 1993)**

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<sup>45</sup> Based on information provided by Zdravka Kalaydjieva, Project Manager for the Bulgarian Lawyers for Human Rights, October 1994.

<sup>46</sup> *Violations of the Rights of Gypsies*, pp. 25-26

At about 8 p.m. on December 14, 1993, a Roma neighborhood in the village of Malorad was attacked by a group of so-called "wrestlers."<sup>47</sup> HRW/Helsinki interviewed many of the Roma who were eyewitnesses to the violence. Lida Miladinova Mikhailova reported that:

At 8 p.m. I went into the yard to gather the laundry and I saw people shooting in the air and breaking windows of the house across the street . . . Then they came to our house. Six persons kicked in the fence, entered the yard and came in. My husband was standing on the porch and they started beating him with wooden sticks. Some of them entered the house and broke windows . . . All of the windows were broken and some of the furniture. All that they said was "If any Gypsy steals even one egg from a Bulgarian, we will kill him."<sup>48</sup>

Another Roma man who wished to remain anonymous told HRW/Helsinki that:

It was about 8:15 p.m. when my house was attacked. All of a sudden about twenty people came into the house. The door was not locked. . . They asked for me by name. They were specifically looking for me. . . All of the furniture was broken. All windows and doors, the bed, everything was destroyed. Both [my wife and my daughter] were hit once. Then my wife laid over my daughter to protect her. She was hit again several times. They took me out of the house. They were armed with three automatic guns. Some were shouting "kill him. Shoot him." They started beating me with wooden sticks. I can't remember how long they beat me, but then they put me in the trunk of the car. I was kept in the trunk for about thirty minutes. During this time the car was driving from one house to the next. Then they opened the trunk about two kilometers out of the village. They told me to get out and go home.<sup>49</sup>

Damiana Triphonova witnessed the attack on her neighbor:

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<sup>47</sup> Groups that are sometimes referred to as "wrestlers" are legally-registered associations that may be privately hired as security guards. These associations must be licensed by the Ministry of the Interior in order to operate as private guards and to possess guns. They are subject to the jurisdiction of the ordinary civilian courts. The name is derived from the fact that many of these security firms are made up of former members of state-sponsored sports clubs that were disbanded after 1989, and most commonly of wrestling clubs. Over the last several years, as the crime rate has escalated in Bulgaria, private enterprises have increasingly hired these private security guards to protect their property. Private guards have been implicated in several attacks on Roma over the last year. As with the police, however, these guards have faced neither disciplinary action nor criminal prosecution for their abuses.

<sup>48</sup> HRW/Helsinki interview with Lida Miladinova Mikhailova, Malorad, May 5, 1994.

<sup>49</sup> HRW/Helsinki interview, Malorad, May 5, 1994

It was around 8 p.m. I looked through the window and saw a dozen or so people running after my neighbor. Three times he fell down. They were beating him. He tried to run away, but they kept beating him. All that time they were shooting in the air. . . . Later, they came to our house. They began beating my husband with wooden sticks. I was able to pull my husband back into the house after a few minutes. . . . I saw four cars altogether. The registration numbers were covered. Two cars were just ordinary. One was a jeep and one was a Russian jeep.<sup>50</sup>

After the "wrestlers" had attacked several houses, they headed for the home of Toshko Khristov. They destroyed furniture, damaged windows and beat members of the Khristov family. Then the "wrestlers" shot and killed Tsvetan Toshkov Khristov, Toshko Khristov's son. Toshko Khristov reported to HRW/Helsinki that:

We were watching television at around 8 p.m. I and my wife, my son and his wife and three children, were sitting downstairs. Kamen Borisov, a friend of my son, was also visiting with us. All of a sudden we heard a lot of noise and someone at the door to the room. My son opened the door and there were already many people waiting in the hall of the house.<sup>51</sup>

Galina Borissova Khristova told HRW/Helsinki that:

It was sometime after 8 p.m. when the people came. There were many people, maybe as many as twenty or twenty-five. The house was surrounded. The windows were broken from the outside. Then someone looked into the room where we were watching television. He asked if Sassi was here. I said yes. Then he broke the window and the other people started to come in. My husband [Tsvetan Toshkov Khristov] opened the door. He didn't know that people were already waiting in the hall. He tried to go out and they shot him. Three shots. I grabbed the children on the bed. Those who jumped through the window started beating my mother-in-law. They broke the stove. They hit two of the children. One was knocked over. Then they took my father-in-law into the courtyard.<sup>52</sup>

HRW/Helsinki received many reports alleging that the mayor of Malorad, Valo Garvanski, had organized the violence by asking the "wrestlers" to attack the Roma neighborhood in Malorad. The mayor admitted to HRW/Helsinki that, several days before the violence, he had been visited by a group of wrestlers, but denied that there was any discussion about an attack on the Roma community or that he had invited them to deliver "a warning."

The wrestlers came here and proposed a contract to protect the village and sought money from us for protection. They told me how much they wanted and I said that it was too much.

There was no specific discussion about what they would do, only that they would guard and protect the village. It was to prevent further crimes, but not for revenge . . . Shortly after the violence [against the Roma] there were no crimes, but now crimes are increasing again.<sup>53</sup>

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<sup>50</sup> HRW/Helsinki interview with Damiana Triphonova, Malorad, May 5, 1994.

<sup>51</sup> HRW/Helsinki interview with Toshko Khristov, Malorad, May 5, 1994.

<sup>52</sup> HRW/Helsinki interview with Galina Borissova Khristova, Malorad, May 5, 1994.

<sup>53</sup> HRW/Helsinki interview with Valo Garvanski, Malorad, May 5, 1994.

Although the mayor denied having initiated the violence, Ivan Batzarov, chief of the national police, told HRW/Helsinki that:

[In Malorad] a security guard firm was asked by the mayor to make a punitive action in the Gypsy neighborhood.<sup>54</sup>

Despite the fact that the dramatic crimes in Malorad were witnessed by many villagers, the prosecutor's office and the police report that they have not been able to identify the perpetrators. Although many of the Roma eyewitnesses and victims report that they are able to identify some of the perpetrators, they are afraid to do so for fear of further violence. Instead of taking steps to reassure the Roma in Malorad that they will be protected if another attack should occur, the police and investigating bodies responsible for the case have reportedly threatened and intimidated those Roma who might be willing to identify the perpetrators.

The Human Rights Project reported that:

Silvia Simeonova, 21, and Anelia Dimitrova, 22, told us that a few days after the pogrom, Major Ivanov, an investigator from Byala Slatina, said in the neighborhood that the investigation knows the names of all sixteen participants in the attack. He even warned the Gypsies that everything which they say to the investigation or to outsiders will be communicated straight to the perpetrators. Some of the Gypsies told us that they know the names of participants, but they were afraid to tell them both to us and to the investigation. The Gypsies are convinced that the pogrom was carried out with the knowledge of the police and even with its active cooperation.<sup>55</sup>

Ilko Dimitrov, a lawyer representing the Khristov family on behalf of the Human Rights Project, told HRW/Helsinki that he was not surprised by the outcome of the investigation:

The investigator told me that no one is able or wants to identify the perpetrators. The Gypsies also told me that they know, but will not tell the investigator. The investigator relies on this fact and is not very interested in pursuing the investigation . . . The investigation was not done in a professional manner. He did not order a ballistics test of the two guns that were found. No effort to determine who owned the guns or whether the gun was used to shoot Tsvetan Khristov. No effort to take the bullet from the body of the victim. . . The [private security firm] that was involved was identified, but not the individuals who participated in the attack. Many of the members of that firm are former police officers and they have good contacts with the police. But that is not the reason the case was closed, it was because the victims were Gypsies.<sup>56</sup>

The family of Tsvetan Toskov Khristov decided to give up its efforts to force the prosecution to identify the perpetrators. Even if they were able to successfully appeal the prosecutor's decision to close the

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<sup>54</sup> HRW/Helsinki interview with Ivan Batzarov, May 7, 1994.

<sup>55</sup> *Violations of the Rights of Gypsies*, P. 25.

<sup>56</sup> HRW/Helsinki interview with Ilko Dimitrov, Sofia, May 7, 1994.

case, the reopened investigation would be conducted by the same investigative department. This fact disturbed the family most and gave them no hope that the case would ever be handled fairly.

Kamen Borisov, who had been an eyewitness to the shooting of Tsvetan Toskov Khristov, reported to the Human Rights Project that:

Investigator Vitan Gueorguiev from the Vratsa branch of the Ministry of Internal Affairs forced him to pretend that he had not seen anything, and in order to frighten him was beating the chair with his truncheon while talking.<sup>57</sup>

### **Dolno Belotintsi (February 25, 1994)**

On February 25, 1994, a Roma soldier from a neighboring town left his barracks and went to the town of Dolno Belotintsi, where he robbed and then murdered Parvan Gheraskov, a seventy-year-old ethnic Bulgarian. The murderer was arrested about three hours later. That evening a group of ethnic Bulgarian villagers attacked the homes of Roma living in the village, rounded up many of the Roma and beat some of them. The Roma were then forced to march to the next town. Fildana Vassilieva Metodieva told HRW/Helsinki that:

I returned from work at about 6 p.m. and went to my house. On the way a neighbor told me, "You will be burned. Trucks will come and destroy your homes." I went on home, had dinner and went to bed. Everything was quiet. Then about 11 p.m. a crowd of Bulgarians came to the neighborhood and started kicking the doors and the windows of many houses in the area. They were shouting for my husband to go outside and said "We are going to kill you." I tried to keep the door closed when they started to break it down . . . Then they succeeded in opening the door and forced us to go out of the house. I tried to go back in the house with my pregnant [daughter-in-law] and then I was hit with a truncheon two or three times on the back. Another villager poked me with a pitchfork to force me to go with them. We were taken to the center of the town and made to stand in rows.<sup>58</sup>

Miron Simeonov Metodiev, Fildana's husband, also reported that:

At about 11:15 p.m. a large group of people came to the house with sticks. They were knocking on the door and shouting. My wife started holding the door, but one person knocked in the door and told us to get out. Another was standing at the window with a gun threatening us. We went out and my wife was hit several times with a truncheon. Then they took us to the center of the village where we were surrounded by Bulgarians.<sup>59</sup>

Once a group of Roma had been rounded up and gathered in the village square, they were forced to march to the next town. Nadhezhda Ivanova Strahilova told HRW/Helsinki that:

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<sup>57</sup> *Violations of the Rights of Gypsies*, p. 23.

<sup>58</sup> HRW/Helsinki interview with Fildana Vassilieva Metodieva, Montana, May 4, 1994.

<sup>59</sup> HRW/Helsinki interview with Miron Simeonov Metodiev, Dolno Belotintsi, May 4, 1994

About 12 a.m. my sister came to tell me that we should run away because Bulgarians were gathering us and beating us. I didn't believe her because there was no reason for them to beat us. Then about 12:40 p.m., my brother came and told me the same thing. About five minutes later a crowd came to my house and started throwing big rocks on the roof. One rock hit my son in the eye. We went out of the house and saw about fifty or so people who took us to the center of town. We were made to line up in rows. There were about thirty of us there. They put a knife to the throat of one of my sons and threatened us. Then they made us walk to Nikolovo, about four kilometers away.<sup>60</sup>

Similarly, Ivan Stoilov Todorov reported that:

We were forced to go to the center. All in all we were about thirty people lined up in rows. We were forced to march to Nikolovo. After we got there, the Bulgarians gradually left. We made a fire and stayed because we were afraid to go back to our homes. After several hours, the police and mayor came. They did not say much, but asked ironically why we were taking a walk in the middle of the night.<sup>61</sup>

The next morning, most of the Roma fled to other villages in the area and many of them had not returned to their homes when HRW/Helsinki representatives visited Dolno Belotintsi in May 1994. On February 26, Miron Simeonov Metodiev's house was set on fire and destroyed. The homes of several other Roma were also destroyed during the two days of violence.<sup>62</sup> In May 1994, when HRW/Helsinki visited Miron Metodiev and Fildana Metodieva, they were still living in the public toilet in Montana where Fildana works.

On February 27, after the funeral of Parvan Gheraskov, a rally was held in the village center. The local mayor, Ghencho Petrov Kolov, was reportedly one of the organizers of the rally and was the first to give a speech. His speech and those of the other ethnic Bulgarian villagers threatened the Roma living in the village. Many of the participants reportedly cried "Death to the Gypsies." Mikhal Velichkov told HRW/Helsinki that:

After the funeral, a Bulgarian meeting was held. A group of Bulgarians gathered in the center and the mayor was with them. We all went home because we were afraid to be out. After the rally, a crowd went around in the village, breaking windows and throwing stones. They came to my house with shovels and axes. They destroyed everything.<sup>63</sup>

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<sup>60</sup> HRW/Helsinki interview with Nadhezhda Ivanova Strahilova, Dolno Belotintsi, May 4, 1994.

<sup>61</sup> HRW/Helsinki interview with Ivan Stoilov Todorov, Dolno Belotintsi, May 4, 1994.

<sup>62</sup> The Human Rights Project reported that "Among the people whose houses have been damaged beyond repair are: Zlatka Krumova, Petran Spassova, Kamen Milchev, Vesslin Kamenov, Velichko Mikhailov, Blaga Ilieva, Nenko Velichkov, Mikhail Velichkov and Robia Mikhailova." *Violations of the Rights of Gypsies*, p. 27.

<sup>63</sup> HRW/Helsinki interview with Mikhal Velichkov, Dolno Belotintsi, May 4, 1994

There are currently three investigations being conducted in the village: for the murder of the Bulgarian Parvan Gheraskov, for the beating of four Bulgarians by a group of ethnic Bulgarians and Roma during the two days of violence, and one for the arson of Miron Simeonov Methodiev's house. According to Mayor Ghencho Kolov Petrov, there is no investigation of the attack on Roma homes on February 25 and the mass kidnapping and forced-march that occurred thereafter. However, the mayor did tell HRW/Helsinki that "my information is that the investigators have the identity of the Bulgarians who forced the Gypsies to march."<sup>64</sup> He also acknowledged that the villagers sent a letter to the president of Bulgaria, Zhelyu Zhelev, after the rally on February 27, calling for the reinstitution of the death penalty and asking Gypsies to "throw away their inherited inclination to commit crimes" and demanding that all Roma be required to get the permission of the local authorities before allowing guests to stay in their houses.

On May 28, 1994, the county prosecutor's office decided to stop the investigation of the arson of Miron Simeonov Metodiev's house because it was unable to identify the perpetrators. The decision was appealed by lawyers for the Human Rights Project, who asked that new witnesses that they had identified and who could provide additional information regarding the arson be heard. On October 11, 1994, the appeal was also denied by the chief prosecutor's office.

During this period, Miron and his family have been repeatedly harassed by ethnic Bulgarian villagers in the town who have warned Miron to stop his legal action. The Human Rights Project sent a letter to the regional police department in Montana on May 11, 1994, asking that Miron and his family receive protection. The police, however, told Miron that they did not have time to deal with his problem. On the numerous occasions when Miron has asked the police for protection, he has received the same answer.<sup>65</sup>

On April 12, 1994, the Human Rights Project asked the authorities to "start a prosecution against the mayor of the village of Dolno Belotintsi and another four participants in the pogrom, for instigation of racial hatred. We are trying to make use of an existent provision in the Penal Code (Article 162 (1)), which would create a precedent, since this text is never used."<sup>66</sup> The Human Rights Project has received no response to its complaint.

### **Pleven (March 26, 1994)**

The Human Rights Project reported that:

On March 26, 1994, at about 9 p.m., a group of about fifty skinheads attacked the Gypsy houses at Zheleznichar Street in Pleven.

The attackers were armed with stones, sticks, bottles with inflammatory liquid and hand-made bombs. Some of them wore socks over their heads. The violators were cursing and crying "We are going to burn you alive", and "We don't want you in this neighborhood any more." The house of Zakharka Koleva, a Gypsy woman from the same neighborhood, was set on fire. The roof of the house and the furniture were burned. According to the victims, the police officers, who came late, not only didn't help them, but also participated in the beatings.

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<sup>64</sup> HRW/Helsinki interview with mayor Ghencho Kolov Petrov, Dolno Belotintsi, May 4, 1994.

<sup>65</sup> "Report on the Progress of the Human Rights Project, July 1-September 30."

<sup>66</sup> "Report on the Progress of the Human Rights Project," p 3

The pogroms continued during the next couple of days. On March 28, at 8:30 p.m., the same gang of skinheads, armed with incendiary liquid bottles, self-made explosives and torches attacked the houses of the Gypsies Milka Koleva Marinova, Bisser Roussanov Nikolov and Velichka Kirilova Koleva. Whole rooms were destroyed, the furniture was burned and the windows were broken. As usual the attackers cried racist slurs. An hour later the attack was stopped by the police. None of the violators was arrested, although many of them were identified by the local people.<sup>67</sup>

Numerous other attacks on Roma have occurred in Pleven since the events in March. There has been significant property damage to several Roma houses and individual Roma have also received physical injuries. The investigation into this case is apparently still pending. In June the Human Rights Project requested information regarding the status of the investigation, but did not receive a response.

## CONCLUSIONS

Many Roma in Bulgaria are tortured, brutally beaten and routinely mistreated by the very people who have the duty to protect them - the Bulgarian police. All of these police officers, whether paid by taxpayers or private enterprises, are subject to the jurisdiction of the national police and the Bulgarian Ministry of the Interior. Furthermore, police, as well as all other citizens, are subject to the penal code. Thus, the failure to aggressively investigate and punish policemen who commit such abuses can only be viewed as direct governmental acquiescence in the violence.

What is more, the recent phenomenon of mob violence against Roma by ordinary Bulgarian villagers is especially disturbing because it followed, and most likely was caused by, the Bulgarian state's failure to take concrete steps to eradicate abuse by police officers and to ensure protection and adequate legal remedies for Roma victims. The message to ethnic Bulgarians has been clear: when the victims of violence are Roma, there is complete impunity for the perpetrators. The Bulgarian state will look the other way.

The widespread police brutality against Roma, as well as the violence by other Bulgarian citizens against the Roma minority, is all the more reprehensible because it is tolerated, acquiesced in and, by its very silence even encouraged, by Bulgarian government representatives. An environment has been created in Bulgaria in which it is acceptable for anyone, whether a private citizen or a representative of the state, to commit crimes against Roma. This is a dangerous precedent for the rule of law in Bulgaria and, if concrete steps are not taken by the government to correct this situation, increases the likelihood that such violence will continue and even increase in the years to come.

## LEGAL STANDARDS

International law prohibits states from discriminating on the basis of ethnic or national identity:

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<sup>67</sup> *Ibid.*, p. 4

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>68</sup>

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

- (a) Each State Party undertakes to engage in no act or practice of racial discrimination . . .
- (b) Each State Party undertakes not to sponsor, defend or support racial discrimination . . .
- (c) Each State Party shall take effective measures to review governmental, national and local policies and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists . . .<sup>69</sup>

Bulgaria has international obligations to protect all inhabitants from violence, including a specific obligation to protect minorities from violence due to racial or ethnic identity:

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone without distinction as to race, color, or national origin, to equality before the law, notably in the enjoyment of . . .

- b. The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group, or institution . . .<sup>70</sup>

The participating States . . . commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property . . .<sup>71</sup>

Torture<sup>72</sup> is prohibited by international law:

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<sup>68</sup> International Covenant on Civil and Political Rights (ICCPR), 1966, Article 26, signed by Bulgaria on October 8, 1966, and ratified on September 21, 1970.

<sup>69</sup> United Nations International Convention on the Elimination of All Forms of Racial Discrimination, 1966, Article 2, signed by Bulgaria on June 1, 1966, and ratified on August 8, 1966.

<sup>70</sup> *Ibid.*, Article 5. See also the ICCPR, Articles 2 and 9.

<sup>71</sup> Document of the Copenhagen Meeting on the Conference on the Human Dimension of the CSCE (1990), Paragraph 40.2, agreed to by Bulgaria on June 29, 1990. Although the CSCE documents do not have the binding force of a treaty, Bulgaria has made a solemn commitment to abide by the standards set out therein.

<sup>72</sup> Torture is defined as "any act by which severe pain or suffering, whether physical or mental, is intentionally

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inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Doc. A/Res/39/46 (1984), adopted December 10, 1984, entered into force June 26, 1987.

Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.<sup>73</sup>

Where there is evidence of torture, states are obligated to investigate such allegations and that complainants are able to obtain a fair and impartial determination of their case:

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.<sup>74</sup>

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.<sup>75</sup>

The Bulgarian constitution incorporates these international obligations into domestic law:

Any international instruments which have been ratified by the constitutionally established procedure, promulgated and come into force with respect to the Republic of Bulgaria, shall be considered part of the domestic legislation of the country. They shall supersede any domestic legislation stipulating otherwise.<sup>76</sup>

Similarly, these fundamental rights are recognized in the Bulgarian constitution:

All persons are born free and equal in dignity and rights. All citizens shall be equal before the law. There shall be not privileges or restriction of rights on the grounds of race, nationality, ethnic self-identity . . .<sup>77</sup>

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<sup>73</sup> *Ibid.*, Article 2.

<sup>74</sup> *Ibid.*, Article 12.

<sup>75</sup> *Ibid.*, Article 13.

<sup>76</sup> Constitution of the Republic of Bulgaria, July 12, 1991, Article 5(4).

<sup>77</sup> *Ibid.* Article 6

No one shall be subjected to torture or to cruel, inhuman or degrading treatment, or to forcible assimilation.<sup>78</sup>

Everyone shall be entitled to personal freedom and inviolability.<sup>79</sup>

The home shall be inviolable.<sup>80</sup>

When fundamental rights are violated, the state is obligated to provide an effective remedy.

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.<sup>81</sup>

States Parties assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.<sup>82</sup>

The conduct of police officers is prescribed by international standards:

Law enforcement officials shall at all times fulfill the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.<sup>83</sup>

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.<sup>84</sup>

International standards also state that:

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<sup>78</sup> *Ibid.*, Article 29(1).

<sup>79</sup> *Ibid.*, Article 30.

<sup>80</sup> *Ibid.*, Article 31(1).

<sup>81</sup> Universal Declaration of Human Rights, Article 8. See also ICCPR, Article 3.

<sup>82</sup> Convention on the Elimination of Discrimination, Article 6. See also ICCPR, Article 26.

<sup>83</sup> United Nations Code of Conduct for Law Enforcement Officials, Article 1. This document and the UN Code of Conduct and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, cited at footnote 100, are not treaties and, therefore, their obligations are not legally binding. However, they do constitute authoritative interpretations and explanations of more general standards that are themselves binding, either because they are found in treaty law or because they are customary international law.

<sup>84</sup> *Ibid.* Article 2.

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment . . .<sup>85</sup>

The government has a responsibility to guarantee that police officers have the proper training and equipment to fulfill their obligations. Specifically, the government has an obligation to make clear to police officers which means may be used to prevent the commission of a crime, and the circumstances under which particular means are appropriate. In an effort to avoid the use of lethal force:

Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations . . . [I]t should also be possible for law enforcement officials to be equipped with self-defensive equipment such as shields, helmets, bulletproof vests and bullet-proof means of transportation, in order to decrease the need to use weapons of any kind.<sup>86</sup>

Government should make human rights and civil rights training a part of any police training program:

In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights, especially in the investigative process, to alternatives to the use of force and firearms, including the peaceful settlement of conflicts, the understanding of crowd behavior, and the methods of persuasion, negotiation and mediation, as well as to technical means, with a view to limiting the use of force and firearms. Law enforcement agencies should review their training programs and operational procedures in the light of particular incidents.<sup>87</sup>

In cases where allegations are made of police misconduct, it is the duty of the responsible authorities to conduct an investigation and carry out the appropriate disciplinary measures.

Every law enforcement agency . . . should be held to the duty of disciplining itself . . . and the actions of law enforcement officials should be responsive to public scrutiny.<sup>88</sup>

International law prohibits states from discriminating on the basis of ethnic or national identity, and requires states to take positive measures to prevent discrimination on these grounds:

All are equal before the law and are entitled without any discrimination to equal protection of the law. (Universal Declaration of Human Rights (1948), Article 7.)

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as

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<sup>85</sup> *Ibid.*, Article 5.

<sup>86</sup> United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principle 2.

<sup>87</sup> *Ibid.*, Principle 20.

<sup>88</sup> Preamble to the United Nations Code of Conduct for Law Enforcement Officials

race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. (International Covenant on Civil and Political Rights, Article 26.)

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 31.)

The participating States...commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 40.2.)

Bulgaria has agreed to take additional measures to promote mutual understanding and tolerance:

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law. (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 36.)

The participating States [will]...take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information.... (Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, Paragraph 40.3.)

International law allows states to take special measures (i.e., "affirmative action"), for a limited period of time, to ensure members of all ethnic groups the equal enjoyment and exercise of human rights and fundamental freedoms:

Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved. (International Convention on the Elimination of All Forms of Racial Discrimination (1969), Article 1.)

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#### ***Human Rights Watch/Helsinki (formerly Helsinki Watch)***

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and

among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Holly Cartner, deputy director; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Anne Kuper, Ivan Lupis and Alexander Petrov are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.