

BULGARIA

Recent reports of unlawful use of firearms by law enforcement officials

Introduction

Unlawful use of firearms is a long-standing human rights problem in Bulgaria. In November 1995 Amnesty International expressed its concern to the Minister of the Interior about five incidents in which police shot people in circumstances which are prohibited by principles 4 and 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials¹. In June 1996 the organization published a report which described in detail three incidents in which six people were shot by police in disputed circumstances². Because the number of similar reports indicated that police shootings are frequent and widespread, Amnesty International urged the Bulgarian authorities to introduce well-defined rules for the use of firearms by law enforcement officials, consistent with internationally recognized principles, and to improve education and training of police officers.

In October 1997 Amnesty International's report, *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials* (AI Index: EUR 15/12/97) documented 10 incidents of police shootings in which four people were killed and nine injured. The organization repeatedly urged the Bulgarian Government to revise Article 42, point (1) 4, of the Bulgarian Law on National Police of 1993 so that it is consistent with internationally recognized principles on the use of firearms. It also recommended that Bulgarian authorities ensure that impartial and thorough investigations are conducted immediately into all shootings incidents, and that they regularly publicize statistics on police shootings.

In the last 12-month period Amnesty International has received with similar regularity new reports of police shootings³. Although no official statistics on such cases have been published, according to reports which appeared in the Bulgarian press or from local human rights organizations, **in the period from January to November 1998 at least eight people were killed** by law enforcement officers in disputed circumstances. The most recent incident took place on 23 October 1998 on "Petolachkata", a road intersection on the outskirts of Sliven. Staniela Nikolova Bugova, a 16-year-old girl who was a passenger in the back seat of a car which was stopped for a police inspection, was shot in the head by a police officer with an

¹See *Bulgaria: Amnesty International condemns excessive use of force by police officers* (AI Index: EUR 15/07/95) of 29 November 1995.

²See *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/07/96) published in June 1996.

³See *Bulgaria: New reports of unlawful use of firearms by law enforcement officials* (AI Index: EUR 15/05/98), published in February 1998, and *Bulgaria: New cases of shootings, death in suspicious circumstances, torture and ill-treatment* published in *AI Concerns in Europe: January - June 1998* (AI Index: EUR 01/02/98), in September 1998.

assault rifle. The officer responsible for this killing was subsequently charged with manslaughter under Article 122, paragraph 2, of the Penal Code. Colonel Slavcho Bosilkov, the Director of National Police, who recommended that a number of superior officers in Sliven should be disciplined, reportedly stated that two factors which contributed to this tragic incident were: poor organization of the police action and the fact that the new Law on National Police gives too much authority to the regional police commanders⁴. An inquiry reportedly established that the weapon used did not have its safety lock in place. It was also reported that Bogomil Bonev, the Minister of the Interior, considered that the police action (organized to spot-check vehicles on the road) should have been supervised by an inspector and that the two sergeants should not have been instructed to act independently.

Amnesty International is concerned that the Bulgarian authorities have apparently failed adequately to address the problem of police shootings. In spite of the organization's appeals that Article 42 of the Bulgarian Law on National Police should be made consistent with the UN Basic Principles 4 and 9, on 17 December 1997 the National Assembly adopted a new law on the police retaining in Article 80 similar provisions on the use of firearms. The apparent deficiencies in regulations concerning the use of firearms is illustrated by an order of the Minister of the Interior, which was issued several days after the killing of Staniela Nikolova Bugova. It prohibits police officers from using long-barrelled weapons without a specific approval of the national police director.

Senior Bulgarian officials demonstrated a more appropriate attitude to this serious human rights issue at a meeting organized on 31 October 1998 by the Ministry of the Interior for directors of all national and regional police services. Minister Bonev reportedly stated that: "Every shooting by a police officers, even if only a warning shot into the air, will be considered as an extraordinary incident. It is high time that the police should smarten up and stop shooting at anything and everything". He also announced new procedures concerning registration of complaints about police violence, which should now to be passed on to the Ministry of the Interior. In the past, complaints filed with the regional departments were sent on to the ministry only in exceptional cases. Now the ministry is to regularly compile statistics on the number of complaints received. This, together with other indicators, will influence the assessment of the

⁴See "????????? ?????????????? ?? ?????? ?? ??????" (The Petolachkata officer pretended to be Rambo) published in ?????? ???? ("Daily Labour", a Bulgarian national newspaper) on 30 October 1998. It was later reported that the officer responsible for the killing was authorized by his superior to use the Kalashnikov because he was concerned about his safety while carrying out the road inspection on the evening in question.

performance of the department concerned. It was also reported that the minister criticized poor control exercised by the national services over their officers in regional departments⁵.

On 25 November 1998, in the wake of the shooting of Staniela Nikolova Bugova, Minister Bonev accepted the resignations of three high-ranking officials, including that of Slavcho Bosilkov, the Director of National Police.

Amnesty International's concerns and recent shooting incidents

Amnesty International is concerned that the use of firearms by police officers in disputed circumstances is a long-standing problem which the Bulgarian authorities have consistently failed effectively to address and that investigations into such incidents are frequently not thorough and impartial.

Amnesty International is also concerned that certain provisions of Article 80 of the Law on the National Police which regulate the use of firearms are at variance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which lay down essential criteria justifying the use of firearms:

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

"Principle 9 - Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

In Amnesty International's opinion the use of firearms in the cases described below is at variance with internationally recognized principles.

⁵See "????????? ? ? ?????? ????? ??????" (The police will shoot as a last resort) published in ?????? ????? ("Daily Labour", a Bulgarian national newspaper) on 1 November 1998.

The case of Stefan Stefanov

According to an article published in ?????????? (“Continent”, a Bulgarian daily newspaper) on 31 December 1997 at around 1pm in “Zora” neighbourhood of Stara Zagora, 17-year-old Stefan Stefanov was shot in the head by Senior Sergeant Ch. Ch. The young man later died in hospital from injuries suffered in the shooting. No information was given about the motives for the shooting or whether an investigation has been initiated.

The case of Tsvetan Kovachev

According to the Human Rights Project, a local non-governmental organization, and reports in the Bulgarian press, on 30 January 1998 at around 10am in Kostinbrod, a town just outside Sofia, police officers shot and killed Tsvetan Kovachev, an 18-year-old Rom, while attempting to arrest another man who was wanted for murder. The police had organized an operation to apprehend Krastyo Karamfilov, who was reportedly suspected of a murder and was in hiding with relatives in Kostinbrod. Tsvetan Kovachev was staying in the same house, which was surrounded by around 20 police officers on the morning of the incident. When Krastyo Karamfilov and Tsvetan Kovachev attempted to run away, the police officers reportedly ordered them to stop and fired warning shots, before shooting at the two men.

Tsvetan Kovachev was reportedly shot in the head, above the right temple, from a distance of five or six metres. He died in hospital later that day. An investigation into the shooting of Tsvetan Kovachev has reportedly been initiated by the Sofia District Military Prosecution. No information was available on whether the police officer responsible for the shooting had been suspended from duty.

Immediately after the shooting, 13-year-old Snezhka D., who was in the house at the time of the police action, was reportedly violently held by a police officer who asked her to hand over a gun, presumably the suspect’s weapon. When she said that she did not know anything about the gun the officer reportedly said that he would also shoot her if she refused to tell him the truth. The girl was then taken to the police station where she was held and questioned in a cage-like holding cell for about an hour. One of the officers reportedly threw a mallet at her, but missed. She later said “Had they not released me yesterday, I tell you...I would have died of fear”.

Ionel Vlad

According to a report published on 4 March 1998 in ??????? ????? (“Daily Labour”, a Bulgarian national newspaper), on an unspecified date at around 1.50pm, at the *Domuz dere* border crossing, close to Gotse Delchev, the police stopped a car driven by Lyuben Mladenov. Yusein Kombashev and Nicoleta Alina Vlad, a Romanian national, were riding in the car as passengers. The border guards reportedly established that Mladenov was using his wife’s passport to take the Romanian woman across the border. The driver then refused to open the boot of the car for inspection, took back the passports and turned the car around driving back towards Petrelik. After reportedly firing warning shots, the border guards shot at the car. The commanding officer

than pursued them, apprehending them 200 metres north of the village. When the boot of the car was checked they found Ionel Vlad, a 25-years-old Romanian national, who had been injured in the head by a bullet, and 17-year-old Florentina Motoc. Ionel Vlad was taken to the Gotse Delchev hospital where he reportedly died from loss of blood.

The case of Itso Suleymanov

On 14 March 1998 at around 4am, in Sofia, police officers of the First Regional Police Directorate (RPD) observed four men around a telephone cable shaft which had been broken into the previous day. After police reinforcements arrived, they surrounded the men and ordered them to stand still. Three of the men obeyed the order, but Itso Suleymanov reportedly started to run, throwing to the ground an officer who tried to stop him. Officer P. L. fired two warning shots and then shot at Itso Suleymanov, who was apprehended by a police patrol. He was taken to hospital with three injuries to the buttocks and the back.

Lyuben Dimitrov

On 7 May 1998 at around 9.25pm in Varna, a senior officer of the Ministry of the Interior shot and killed 25-year-old Lyuben Dimitrov, who reportedly attempted to drive away in the Ministry's unmarked service vehicle, parked outside a restaurant. The officer, who was reportedly on an official trip, observed two young men standing next to the car. Lyuben Dimitrov allegedly managed to open the car and drive off in it. The officer reportedly shot at Lyuben Dimitrov, making him lose control and run into an electric pole at a near-by intersection. He was reportedly hit by a bullet in the left shoulder blade and died instantaneously. An autopsy reportedly established that the bullet had passed close to the heart and had ruptured a lung. There is no information about the results of any inquiry into the shooting.

The case of Khristo Tanev

On 24 August 1998 at around 3.30pm in Pleven prison, a guard shot Khristo Tanev, a 45-year-old detainee who was attempting an escape, killing him. Having dug through a wall of their cell on the fourth floor of the prison block, Khristo Tanev, Stanislav Stanchev and Lyudmil Ivanov, who were unarmed, entered the prison reading room. They reportedly used a plastic picklock to open several doors until they managed to leave the building. A ladder made from the window frame of their cell was then placed against the prison wall. When Khristo Tanev and Stanislav Stanchev began to climb the ladder a guard, who was on the near-by watch-tower, reportedly ordered them several times to return to the court yard. He then allegedly fired several warning shots from his assault rifle and shot at Khristo Tanev hitting him in the chest and making him fall on the other side of the wall. Stanislav Stanchev who succeeded in climbing over the wall was apprehended by prison guards 200 metres from the prison. The initial inquiry into the attempted escape reportedly established that the guard had acted in accordance with his instructions.

The case of Marin Vlaev and Tihomir Todorov Tashev

On 27 August 1998 at around 3am, on the road between Dobrich and Batova, police officers from Varna were carrying out an action to apprehend a criminal suspect. They had surrounded the place where a ransom for a kidnapped businessman was to be deposited. After they had arrested Tihomir Todorov Tashev, suspected of this crime, the police observed an approaching car, a taxi from Dobrich. The officers reportedly attempted to signal the driver to stop. They then shot at Marin Vlaev, 31-year-old taxi driver, hitting him twice in the head and once in the chest, which reportedly resulted in his instantaneous death. During the shooting Tihomir Todorov Tashev reportedly began to run away and was shot in the back. According to Marin Vlaev's family, at the time of the incident he was on a call to collect a customer in Prilep, a village in the vicinity of Batova.

Reply of the Bulgarian authorities concerning Amnesty International's report *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials*⁶

In April 1998 Amnesty International received from the Bulgarian Ministry of Foreign Affairs information about investigations into cases raised by the organization in its report.

Concerning the case of **Ivan Todorov**, it was reported that an investigation into the shooting had been initiated by Sofia Military Prosecutor under file number XIX-27/96.

The investigation into the shooting of 16-year-old **Simcho Milenkov** established that he was injured in the neck and the waist by bullets which had been fired by the suspected police officer. However, Plovdiv Military Prosecutor closed a preliminary inquiry into the shooting having established that the police officer involved in the incident had properly used his firearm "and that the injury suffered by Simcho Milenkov resulted from causes which were beyond his [the officer's] influence".

Regarding the case of **Chavdar Dimitrov** it was reportedly not possible to establish whether he had been riding the stolen bicycle at the time of the shooting or had been injured by a ricocheted bullet. On 26 August 1996, Sofia Military Prosecutor decided not to initiate a preliminary inquiry into the shooting incident, having established that the officer involved acted "in defence of his interest and property" and that "the injuries suffered [a bullet injury in the left leg] were less significant than the damage caused [theft of a bicycle], and if the slight bodily injury was inflicted on an incidental bystander it was caused unintentionally."

⁶ See *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials* AI Index: EUR 15/12/97. The report was published in October 1997.

The information received regarding the killing of **Stefan Georgiev Svishchovliev** was the same as that received from the Bulgarian authorities in June 1997⁷. Following an investigation (file number I-37/97) the Plovdiv Military Prosecutor concluded that the two police officers involved had acted lawfully. No reasoning is given on how the killing of an unarmed criminal suspect, who was running to avoid apprehension and not endangering anyone's life, can be considered a lawful act.

Similarly no reasoning was given for the decision of the same military prosecutor to close the investigation into the shooting of **Elenov Karamanov**. In both cases it appeared that the investigations were focused on the reported criminal offence committed by the victims. The evidence to support these allegations is presented as if to justify the conduct of the police officers, who apparently may resort to any means, including firearms, to apprehend criminal suspects.

Concerning the case of **Petyo Borisov Hristov** (his case is described in the report as "name unknown # 1"), there was no information about any inquiry into the shooting. The only information presented concerned an investigation into the reported theft committed by the victim.

Separate investigations into the case of **Ivan Blagov** (described in the report as Nikolay S.) and **Dimitar Yankov Karailiev** (his case is described in the report as "name unknown # 2") established that the use of dummy bullets did not cause physical injury to the victims and that the conduct of the police officers involved had been legally justified.

Sofia Military Prosecutor opened an investigation into the shooting of **Aleksandar Yordanov, Georgi Grigorov and Daniel Yordanov**. The officer responsible for the shootings was disciplined with "reprobation" for a period of one year.

The Ministry of Foreign Affairs' report contained no information about the shooting and killing of **Kancho Angelov and Kiril Petkov**. According to information received from the Human Rights Project, on 8 April 1997, the Pleven Military Prosecutor decided to close the investigation without charging anyone involved in the shooting. On appeal, the Military Prosecutor of Bulgaria twice confirmed this non-indictment decision in decrees dated 11 June 1997 and 19 November 1997, respectively.

⁷ Ibid, p.3.

The case of Angel Bozhov - update⁸

On 13 July 1998 the Sofia Military Appellate Court confirmed the convictions of Chief Sergeant Georgi Vasilev who was sentenced to one year, six months' imprisonment suspended for a three-year period for manslaughter. The first instance decision adopted in May also ruled that he should pay 6,000,000 leva (US\$ 3,500) to the family of Angel Bozhov, who was shot in Sofia on 10 December 1997. The appellate court raised this sum to 18,000,000 leva.

Amnesty International's Recommendations

Amnesty International considers the use of firearms to apprehend unarmed suspects who did not threaten the lives of police officers or others, and who were not involved in particularly serious crimes posing great threat to life, to be in contravention of UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Therefore, Amnesty International urges the authorities to bring Article 80, paragraph 1, of the Law on National Police, adopted in December 1997, in line with these internationally recognized standards.

Amnesty International again urges the Bulgarian authorities to comply with its recommendations published in *Bulgaria: Growing incidence of unlawful use of firearms by law enforcement officials*. The organization appeals to the authorities to ensure that impartial and thorough investigations are conducted immediately into all shootings by law enforcement officials resulting in death or injury, and to instruct law enforcement agencies to give the investigating and prosecuting authorities their full cooperation in order to establish the facts of every case, and bring any law enforcement officers suspected of inappropriate use of firearms to justice. Amnesty International furthermore recommends to the Bulgarian authorities that police and other law enforcement officials should be provided with clear regulations and that effective training programs be initiated on the use of firearms which will ensure that relevant international standards are observed and adhered to. Finally, Amnesty International urges the Bulgarian authorities to make public regular statistics on police shootings.

⁸See Bulgaria: New reports of unlawful use of firearms by law enforcement officials (AI Index: EUR 15/05/98) of 6 February 1998.