

# **BULGARIA**

## **Growing incidence of unlawful use of firearms by law enforcement officials**

### **Introduction**

Amnesty International is concerned about the rising number of reported police shootings in Bulgaria. Judging from the information available about the circumstances in which these shootings took place, the organization considers the use of firearms not justified in many cases and in contravention of guidelines provided by international standards. Some of these cases, from the period from May 1996 to September 1997, are documented below.

Amnesty International has expressed concern to the Bulgarian authorities about these human rights violations on several occasions. In June 1996 the organization published a 31-page report, *Bulgaria: Shootings, deaths in custody, torture and ill-treatment* (AI Index: EUR 15/08/96), which described in detail three incidents in which six people were shot. However, while the authorities recently have to some extent responded to subsequent cases of police shootings raised by the organization, Amnesty International is not satisfied that they are taking appropriate measures to deal with the problem. In several cases, to Amnesty International's knowledge, no judicial investigations have been launched, as is prescribed explicitly by international standards.

In addition, Amnesty International is concerned that certain provisions in the Bulgarian Law on the National Police which regulate the use of firearms<sup>1</sup> are at variance with the United Nations (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,

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<sup>1</sup>The relevant text of this law is quoted under "Conclusions and recommendations" on page 7 of this paper.

intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

## **Background - Individual cases**

### ***Ivan Todorov***

According to a report in the daily newspaper *Standart* of 2 June 1996, on 31 May 1996 at around 11pm, in Sofia in a park behind *Tsentrálnata banya* (central baths), a plainclothes police officer of the Sofia Directorate of Internal Affairs shot Ivan Todorov in the back. Ivan Todorov had been drinking in a cafe with a friend, who is a Rom, when the officer asked to check his passport. After the officer failed to return the passport, Ivan Todorov demanded to see the officer's official identification card. The officer reportedly took the two men outside and began to beat Ivan Todorov, who then tried to run away. The officer shot twice from his handgun at Ivan Todorov, hitting him in the buttocks and the right shoulder blade. Nevertheless, Ivan Todorov managed to stop a taxi to take him to the *Pirogov* hospital. On the way the taxi was overtaken by a police patrol. Ivan Todorov was taken out of the taxi, handcuffed and driven to the hospital by the police. Following the shooting, the Ministry of the Interior reportedly issued a statement that Ivan Todorov had severely beaten the police officer who then shot at him in self-defence.

### ***Kancho Angelov and Kiril Petkov***

According to reports by a Bulgarian non-governmental organization working on behalf of Roma rights, the Human Rights Project, Kancho Angelov and Kiril Petkov, two unarmed soldiers both of Roma origin, were shot and killed on 19 July 1996 by Major G of the military police. According to the relatives of Kancho Angelov, the two soldiers had left their unit without permission and gone to their home village of Lesura in Montana region<sup>3</sup>. On the day of the incident four military police officers came to the office of the mayor of Lesura and informed the mayor's secretary that they had come to arrest the two soldiers. Major G, who was armed with a Kalashnikov submachine-gun, and the three other officers then surrounded the Angelovs' house. When Major G saw Kancho Angelov and Kiril Petkov leave the house and run into a neighbours' yard, he reportedly shouted: "Fucking Gypsies, we will kill you all!". From a distance of seven to eight metres he then fired about 20 bullets at the two soldiers. According to one witness, whose identity is known to Amnesty International, the Major continued to shoot at Kiril

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<sup>2</sup>The full name of the police officer is known to Amnesty International

<sup>3</sup>There are frequent reports of police brutality against Roma in the Montana region, which has a large Roma population, see *Bulgaria, Reported ill-treatment of Roma in the Montana region* (AI Index : EUR 15/09/97).

Petkov after he had fallen to the ground. Kancho Angelov was killed instantly, while Kiril Petkov died on the way to the hospital. A number of other people were present at the scene of the shooting and their lives had also been placed at risk. Amnesty International is aware that an investigation into the killings was initiated by the Montana military prosecutor but Major G has reportedly not been suspended from duty, pending the investigation.

### **Simcho Milenkov**

On 20 July 1996 *Standart* reported that Simcho Milenkov, a Roma minor, was shot and seriously injured by police in July 1996 (exact date unspecified) in the Roma neighbourhood in Plovdiv. The police were apparently looking for members of a gang implicated in several robberies, and shot at Simcho Milenkov after he failed to obey their order to stop and continued to run across the roofs of houses. He was taken to hospital with life-threatening injuries.

Amnesty International raised this case, together with several other shooting incidents, in correspondence with the Bulgarian authorities in February 1997. In June 1997 the Director of the Human Rights Department in the Bulgarian Foreign Ministry sent a reply to Amnesty International via the Bulgarian Embassy in London, in which more information was given on some cases, including the shooting of Simcho Milenkov. According to this letter, Simcho Milenkov started to throw stones at the police officers and did not obey their orders to stop. Major K<sup>4</sup> of the Third Regional Police Department in Plovdiv then fired several bullets at him. The Regional Military Prosecutor started an investigation into the shooting, but this was discontinued for lack of evidence that an offence had been committed.

### **Chavdar Dimitrov**

On 17 August 1996 *Standart* reported that Chavdar Dimitrov had been shot and injured in Sofia the previous day. An officer of the Sofia Directorate of Internal Affairs, T<sup>5</sup>, was attacked by two men while riding his bicycle on the sidewalk. The men took his bicycle and ran away. The officer then shot at the attackers and hit Chavdar Dimitrov, a bystander. Chavdar Dimitrov was later taken to the *Pirogov* hospital for medical treatment.

### **Stefan Georgiev Svishchovliev**

An article published on 30 December 1996 in *Standart* stated that, on an unspecified date, a police patrol in Plovdiv was dispatched to investigate an incident in a shop where the security alarm had been set off. In the vicinity of the shop, the officers observed two men carrying sacks

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<sup>4</sup>The full name of the officer is known to Amnesty International.

<sup>5</sup>The full name of the officer is known to Amnesty International.

and asked to inspect them, after which the men started to run. The officers fired after them, shooting one of the men who continued running and managed to escape. The injured man was later found dead in a yard where he apparently tried to hide and died from blood loss.

A reply from the Bulgarian authorities which Amnesty International obtained in June 1997 (see above) stated that on 28 December 1996, at around 9.30am, in the yard of Kiril i Metodiy Street No. 24 in Plovdiv, a dead man whose identity could not be established was found. He had died from acute blood loss as a result of a shot wound in the back. An investigation into the shooting was opened by the District Investigational Service under file number 1545/96. Meanwhile it emerged that earlier that same day, at 5.45am, the alarm went off in the "Kronus" shop and a police patrol went out to investigate. When they arrived at the scene they saw two men, one of whom held clothes and shoes in his hands which he dropped when he saw the police coming. The two men ran into a neighbouring street followed by the police officers who reportedly warned them and fired warning shots in the air. The men continued to run and then one police officer fired a shot in the direction of Kiril i Metodiy Street into which the men had disappeared. Later the identity of the dead man was established as 24-year-old Stefan Georgiev Svishchovliev, and the police searched his house and found goods that had been stolen from the same shop 10 days earlier. The District Military Prosecutor has not initiated any proceedings against the police officers as their conduct was not considered to have been unlawful.

### ***Elin Elenov Karamanov***

According to a report by the Human Rights Project, on 2 February 1997, at 11.20am, Elin Elenov Karamanov, a 29-year-old Rom, was shot dead by a traffic police officer. A few days after the shooting incident the Human Rights Project interviewed DA, the wife of the victim and OZ<sup>6</sup>, his friend who had been with him before the shooting. According to OZ, Elin Elenov Karamanov and he had been looking for scrap iron in the Maritsa river and after a while got cold and lit a fire on the river bank. While the two men were standing by the fire OZ noticed a police officer on a bridge about 30 metres away. OZ then ran away, leaving his friend behind. OZ later said to the Human Rights Project's representatives that he had not heard any shots while he was running away. Elin Elenov Karamanov's wife stated that at around 9pm on 2 February she went to the VIth Regional Police Department (police station) in order to ask about her husband's whereabouts. Some police officers there wrote down her husband's name and promised to start a search for him. When she came back the next morning, 3 February, she was told that the previous day a man had been killed but that he had not yet been identified. She then went to the morgue, where she identified the man as her husband. According to the post mortem, Elin Elenov Karamanov had been killed by a gunshot in the head, behind the right ear. A judicial investigation into the case has reportedly been initiated.

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<sup>6</sup>In order to protect their identity, the full names of the witnesses have been withheld by Amnesty International.

### **Name unknown #1**

According to the daily newspaper *Trud* of 13 March 1997, a police officer in Pleven shot and injured a 24-year-old man. The police officer apparently tried to apprehend the man, who had broken into the "Altay" shop in the Storgoziya neighbourhood in Pleven and stole confectioneries to the value of 7,000 leva (= US\$4.50). The police officer blocked the suspect's way but nevertheless he managed to escape. The officer then shot at him, injuring him in the left leg. The suspect was then taken to Pleven Orthopaedic Hospital.

### **Nikolay S**

According to *Standart* of 20 May 1997, on 19 May at 2am, 16-year-old Nikolay S from Ivaylo village was shot and wounded by Sergeant P<sup>7</sup> from the Pazardzhik motorised police brigade. The police had stopped Nikolay S who was driving his motorbike and asked him to identify himself. When Nikolay S tried to escape on his motorbike, Sergeant P shot and wounded him in the right thigh. According to an officer of the Pazardzhik police command, the case is under investigation by the local military prosecutor.

### **Name unknown #2**

According to *Standart* of 10 June 1997, on 8 June 1997 at around 3pm, a 14-year-old boy was shot by Sergeant S<sup>8</sup> from the Velingrad police. The police officer apparently saw the boy trying to steal food from a shop and fired a dummy bullet at him. The boy was afterwards taken to the Velingrad hospital for medical treatment. Doctors at the hospital said that his injuries were not life-threatening. The local military prosecutor has started an investigation in order to establish whether the use of firearms in this case was lawful.

### **Aleksandar Yordanov, Georgi Grigorov and Daniel Yordanov**

On 22 August 1997 *Standart* reported that on 20 August, at around 3.30pm, 14-year-old Aleksandar Yordanov, 15-year-old Georgi Grigorov and 19-year-old Daniel Yordanov were shot and injured by Sergeant S<sup>9</sup> from the Sofia traffic police in the Hladilnika neighbourhood in Sofia. The three boys, together with some friends, were apparently on their way to the local swimming pool when one of them started throwing stones at a broken street light. Soon the others joined in. At this point, Sergeant S, who lives in the vicinity and who was returning home with his

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<sup>7</sup> The full name of the police officer was not given in the report.

<sup>8</sup> The full name of the police officer was not given in the report.

<sup>9</sup>The full name of the police officer is known to Amnesty International.

family, passed by and saw the boys throwing stones. According to Daniel Yordanov, S drew his Wartburg hunting gun, which was loaded with shotgun pellets and, without giving any warning, started firing at the boys. Daniel Yordanov was hit in the right leg, while Aleksandar Yordanov was hit in the right arm and one of the pellets broke his rib and bruised his lung. The third victim, Georgi Grigorov was hit in the right thigh. The other boys managed to run off and take cover in some flats nearby. A neighbour called an ambulance which took the three injured boys to the *Pirogov* hospital. An internal police investigation is apparently being carried out into the shooting.

*Standart* of 27 August reported that Sergeant S has been suspended from duty and is currently under investigation for intentionally causing bodily harm.

## **Conclusions and recommendations**

The 10 cases of police shootings described above were selected from reports received on an almost daily basis by Amnesty International. Most of them were either published in the Bulgarian media or reported by local human rights organizations. Given the number of reported cases which occurred within a period of only one and a half years, Amnesty International is concerned that the incidence of this type of police shootings in Bulgaria appears to be very high indeed.

Amnesty International recognizes the great problems the Bulgarian Government must face while trying to tackle the country's rising crime rate and the difficulties Bulgarian police officers must at times encounter in making split-second decisions in complex circumstances. In addition, the organization appreciates that it has not had access to all facts regarding the circumstances of these incidents. However, in all of the cases described above, it is questionable whether the lives of law enforcement officials or others were endangered and whether all possible non-violent means had been applied to deal with the situation. At the time they were shot most of the victims were fleeing the scenes of minor crimes and with the exception of one, who was allegedly throwing stones at the police, none of them was armed. Amnesty International is also disturbed at the relatively high number of victims of Roma origin in shooting incidents, and the fact that police shootings appear to take place frequently in Roma neighbourhoods. Several shootings took place in situations where there was a high risk that bystanders could be hit - indeed one of the victims in this report was a man who happened to be passing by the scene of an attempted arrest.

Amnesty International welcomes the fact that the Bulgarian Government has recently replied to concerns expressed by the organization regarding the unlawful use of firearms by police officers. However, on the basis of the information provided in that reply, Amnesty International is not satisfied that investigations into the incidents discussed have been thorough and impartial. Moreover, the organization regrets not having received the Bulgarian Government's response to concerns expressed by Amnesty International about police shootings

previously. Amnesty International therefore once more urges the Bulgarian authorities to conduct impartial and thorough investigations into all reports of police shootings, as is explicitly laid down in international standards such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials:

"Principle 22 - Government and law enforcement agencies shall establish effective review procedures for all incidents [where firearms were used by law enforcement officials causing injury or death] ... Governments and law enforcement agencies shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control."

Amnesty International believes that the results of judicial investigations into the conduct of law enforcement officials, as well as the findings and recommendations of internal police investigations, wherever there are allegations of human rights violations, should be made available to the public. In the case of lethal police shootings, this would be in line with the United Nations Economic and Social Council Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions<sup>10</sup>, which also apply to situations where death results from "excessive or illegal use of force by a public official ..." (Principle 1). Principle 17 states, in part:

" A written report shall be made within a reasonable period of time on the methods and findings of such investigations. This report shall be made public immediately and shall include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and on applicable law. The report shall also describe in detail events that were found to have occurred and the evidence upon which such findings were based, and list the names of witnesses who testified, with the exception of those whose identities have been withheld for their own protection ..."

Furthermore, Amnesty International requests the Bulgarian authorities to provide the organization with statistics on the number of all police shootings which have been investigated by military prosecutors and with the results of these investigations. The organization believes that the publication of regular statistical data on police shootings would increase the accountability of law enforcement agencies and public awareness of policy and practice as regards the use of lethal force.

In addition, Amnesty International is concerned that certain provisions in Bulgarian legislation are used to justify the use of firearms in circumstances where the organization

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<sup>10</sup>Resolution 1989/65 adopted on 24 May 1989.

believes it to be inappropriate. Article 42 of the Bulgarian Law on National Police (as published in the State Gazette, No. 109, 28 December 1993) states the following:

" (1) Police officers can use firearms as a last resort:

1. In case of an armed attack or if threatened with firearms;
2. While liberating hostages and kidnapped persons;
3. In self-defence;
4. While arresting a person who is in the process of committing or who has committed a crime of a general nature and who is attempting to escape, after giving a warning"<sup>11</sup>

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 the above cited internationally recognized standards. Therefore, Amnesty International urges the authorities to bring point (1) 4 of Article 42 of the Law on National Police in line with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

**Amnesty International urges the Bulgarian 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 police 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 such as the ones cited above are observed and adhered to.**

**Amnesty International urges the Bulgarian authorities to revise Article 42, point (1) 4 of the Bulgarian Law on National Police of 1993, so that it is consistent with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.**

**Finally, Amnesty International urges the Bulgarian authorities to publicize regular statistics on police shootings.**

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<sup>11</sup>Unauthorized translation.