

*European Roma Rights Center*

# Profession: Prisoner

*Roma in Detention in Bulgaria*

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*They again send me a Gypsy sentenced to serve a year and a half effectively in prison for having stolen something small, like a rotten barn door, when a non-Gypsy who steals a brand new luxurious car gets away with a six month prison term, and even that term is suspended.*

Lieutenant-Colonel Karparov,  
Director of Plovdiv Prison and former judge  
June 1997

## 1. INTRODUCTION

In early 1997, the *Bulgarian Helsinki Committee* was granted permission to enter all of the prisons in Bulgaria and interview inmates. Over the period April–August 1997, human rights researchers visited prisons throughout Bulgaria and conducted interviews with inmates there. As a result, a body of interview material that significantly broadens existing knowledge of human rights abuses against Roma in places of detention in Bulgaria was made available to the *European Roma Rights Center*.

Existing knowledge of human rights abuses in places of detention in Bulgaria had previously been derived from testimony by victims following their release, or from news of suspicious deaths in custody. Information provided by released prisoners, however, should be weighed with a view to the limitations it carries, because victims who are no longer in detention are in a considerably different situation than those presently detained. These limitations include the growing deficit of clear recollections with the passage of time and other factors related to the less direct nature of such evidence. Information provided by people inside the prison cell is especially credible, insofar as such persons have chosen to recount their experiences despite fear of retaliation.

Testimony by detainees in Bulgaria both substantiates what was already known about the depth and breadth of the problem of abuse in custody and provides new insights.

There are different kinds of places in Bulgaria in which a person might be held in detention by decision of public authority. A distinction between criminal and administrative detention exists, although there are establishments which are considered, by law, places for administrative detention, but are in fact places where people are detained for criminal offences.<sup>1</sup> The following list classifies the places in which Bulgarian public authorities might confine people for different reasons:

Under Criminal Procedure:

- Police stations -- for up to 24 hours;
- Detention facilities of the National Investigation Service;
- Prisons of various types, including military prisons.

Under Administrative Procedure:

- Places for “administrative” detention under the competence of the Ministry of Interior according to the “Decree for Combating the Petty Hooliganism” -- up to 15 days detention allowed;
- Labour Education Schools for juvenile offenders established by the “Juvenile Delinquency Act” under the authority of the Ministry of Education;
- Places for the detention of foreigners illegally residing in Bulgaria under the “Law for Residing of Foreigners in Bulgaria”;
- Psychiatric hospitals and other clinics for involuntary confinement of certain categories of patients according to Article 36 of the “Public Health Act”;
- Places for detention in the military as a means of disciplinary punishment under Article 282 of the “Law on National Defence”.

<sup>1</sup> Places for “administrative” detention of the Ministry of Interior for up to 15 days under the “Decree for Combating Petty Hooliganism” and the Labour Education Schools, (detention places for juvenile offenders) are examples of the latter. See Bulgarian Helsinki Committee, “Labor Education Schools and the Rights of Juveniles in Bulgaria” *Obektiv*, Special Issue, 1996; Human Rights Watch/Children’s Rights Project, *Children of Bulgaria: Police Violence and Arbitrary Confinement*, September 1996; Bulgarian Helsinki Committee, “Human Rights as a Test for Democracy and a Challenge to the Government in Bulgaria”, Memorandum, May 29, 1997, *Obektiv*, February–May 1997.

Additionally, it is known to the *ERRC* that local authorities also use entirely unsanctioned locations, such as mayors’ offices, for detention and/or interrogation. For the purposes of this report, only places of detention established by laws governing criminal procedure will be taken into account.

The laws related to places of detention in Bulgaria are outdated and insufficient. Only five pieces of legislation regulating the situation of people who are deprived of their liberty under criminal procedure are published officially: the Law on the Ministry of Interior, the Law on the Execution of Sentences; Rules for the Implementation of the Law on the Execution of Sentences; Decree No. 12 of the Ministry of Justice on the Situation of Charged and Indicted in the Places of Detention; and Regulation No. 2 of the Ministries of Internal Affairs and Health on Medical Services in Places of Detention. In addition to these four pieces of legislation, there are internal regulations pertaining to other places of detention, but an atmosphere of secrecy and a lack of transparency hinders a systematic overview of them.

The existing published laws, meanwhile, include provisions which are not applied because they were adopted before the new Constitution of July 1991 entered into force and are in contradiction with it.<sup>2</sup> Other provisions are ignored because they are self-evidently no longer applicable in post-Communist Bulgaria.<sup>3</sup>

Judicial authorities in Bulgaria are responsible for conducting preliminary investigation. These authorities include prosecutors, investigators and judges. Prosecutors and investigators are the prime actors during preliminary investigation. In addition, prosecutors are also vested with authority of general oversight of law enforcement bodies. This includes, among other things, oversight of places of detention. According to the Constitution and the Law on the Ministry of Interior, police can detain criminal suspects and several other categories of people (vagrants, violators of public order, illegally resident foreigners, etc.) for no longer than

<sup>2</sup> One of the first decisions of the Constitutional Court in Bulgaria ruled that laws adopted before the new Constitution entered into force should not be enforced if law-enforcement officials deem their provisions unconstitutional. (See “Reshenie ot 29 dekemvri, 1991”, *Resheniya i opredeleniya na konstitutsionniya sud 1991–1992*, Sofia: Bulgarska akademya na naukite, 1993 (in Bulgarian).

<sup>3</sup> For example, Article 21 of the Law on Execution of Sentences contains a passage in which the Komsomol, Fatherland Front and other groups which no longer exist are supposed to officially take part in the composition of the Scientific Methods Council of the Prison Administration.

24 hours. Within this period of time, police should decide whether to refer a suspect to investigative authorities. These have an additional 24 hours to request a detention order from a prosecutor.<sup>4</sup> Criminal suspects are then transferred to the detention facilities of the National Investigation Service. According to the latest amendments of the Criminal Code from August 1997, within a maximum of three days, these individuals should be charged or released. At the same time, prosecutors should decide whether the suspect should remain in custody. If detention on remand is ordered, the detainee is usually held in the detention facilities of the National Investigation Service, generally until indictment.<sup>5</sup> After indictment, detainees are transferred to prison, where they await trial. As a result of legal loopholes and poor co-ordination between police, investigation and prosecution however, this route is very often disturbed by numerous delays.

Finally, convicted prisoners serve sentences in prison or in one of three kinds of Labour Correctional Hostel (LCH)— open, semi-open or closed. There are thirteen prisons, including one for juveniles (Correctional Hostel Boychinovtzi) and one exclusively for women (in Sliven).<sup>6</sup> The basic laws regulating these are The Law on Execution of Sentences and the Rules and Regulations of the Law on Execution of Sentences. Each prison has its own internal rules, but these are not public documents. There are seven closed hostels, eight semi-open hostels, and nine open hostels in Bulgaria.<sup>7</sup> The information for this report was collected mainly in prisons, but some interviews were carried out in Labour Correctional Hostels as well.

<sup>4</sup> Article 15, paragraph 2 of the Bulgarian Criminal Procedure Code stipulates that, “No one shall be held in custody for more than 24 hours without a warrant from the court or prosecutor.” See Nakazatelen kodeks, Nakazatelen protsesualen kodeks. Posledna aktualizatsiya. Sofia: Nova zvezda, 1997 (in Bulgarian).

<sup>5</sup> The detention facilities of the National Investigation Service are regulated by the 1994 directive “Rules for the Isolation of Detainees under Arrest in the National Investigation Service”. This is not a public document.

<sup>6</sup> There are, additionally, military prisons, which are regulated by a decree of the Council of Ministers, but these fall outside the purview of this report.

<sup>7</sup> Detailed regulation of the different types of Labour Correctional Hostel, including the type of prisoner who should be sent there, is provided for in the Rules for the Implementation of the Law on the Execution of Sentences.

Three categories of people are housed in Bulgaria’s prisons: inmates convicted of crimes who are serving their sentences, persons detained on remand who are awaiting trial, and persons who are on trial or at various stages of the appeal procedure. Article 221 of the Bulgarian Criminal Procedure Code provides that after a recommendation of indictment, the investigator immediately sends the case under investigation to a prosecutor. In addition, the detainee is frequently escorted from the investigation detention facility to prison, where he is put in a cell block for remand prisoners. These are cell blocks for persons awaiting trial and persons presently standing trial. In addition, prisons often act as investigative detention facilities with respect to persons whose sentences have not entered into force.<sup>8</sup>

This report is structured as follows: following a discussion of the history of Roma in Bulgaria and their relation to the societies, governments and states which have existed on the territory of the present-day Bulgaria, the contemporary problem of abuse of Roma by the police, which is closely related to the matter of this report, is discussed in brief. The three chapters comprising the body of the report address the situation of Roma in police detention, in the facilities of the National Investigation Service, and in the prison system. Finally, the report addresses the failure of Bulgarian authorities to sanction abuse of prisoners by state powers.

The names of inmates, as well as of prison officials against whom allegations have been made, have been withheld and systematically coded using a cryptographic method. Certain personal details of the inmates have also been withheld. The *ERRC* is prepared to release all pertinent information, if the interests of justice so require, within the context of formal legal proceedings.

The *ERRC* notes that this report is not on the human rights situation of Roma in Bulgaria. Not only have issues such as discrimination in the areas of education, health care, employment, and social welfare been left untouched, but so have issues often viewed as grave enough to warrant prominence in human rights publications, such as ethnically-motivated community violence or violence and killings by public guards. These are all issues of serious concern in Bulgaria. Indeed, the issue of police violence has been addressed here only insofar as it relates to abuses in detention; abuse by errant police officers engaging in entrepreneurial

<sup>8</sup> There are a number of instances in which persons may have been sentenced, remain in custody, but have not yet begun serving their sentence.

violence is also not the subject of this report. Many (though certainly not all) of these abuses have gained international attention in other publications.<sup>9</sup>

This report is, additionally, not a systematic comparison of the situation of Roma and non-Roma in Bulgarian places of detention. In instances in which the *ERRC* claims differential treatment of Roma, these claims are based on estimates and general impressions, and not on systematic comparative research.

The sole focus of this report is abuse of Roma in places of detention in Bulgaria. Nevertheless, the provision of substantive detail from this previously concealed corner of Bulgarian reality should have an illuminating effect on the general position of Roma in Bulgaria, and the dire human rights situation they presently face there.

<sup>9</sup> For more comprehensive information on human rights abuses against Roma in Bulgaria, see the following international sources: Amnesty International, *Bulgaria: Growing Incidence of Unlawful Use of Firearms by Law-Enforcement Officials*, October 1997; Amnesty International, *Bulgaria: Reported Ill-Treatment of Roma in the Montana Region*, September, 1997; Amnesty International, *Bulgaria: Shootings, Deaths in Custody, Torture and Ill-Treatment*, June 1996; Amnesty International, *Bulgaria: Turning a Blind Eye to Racism*, September 1994; Amnesty International, *Bulgaria: Torture and Ill-Treatment of Roma*, May 1993; Helsinki Watch, *Destroying Ethnic Identity: The Gypsies of Bulgaria*, June 1991; Human Rights Watch/Children's Rights Project, *Children of Bulgaria: Police Violence and Arbitrary Confinement*, September 1996; Human Rights Watch/Helsinki, *Bulgaria: Increasing Violence against Roma in Bulgaria*, November 1994; Human Rights Watch/Helsinki, *Bulgaria: Police Violence Against Gypsies*, April 2, 1993. See also the following domestic sources: the annual reports of *The Human Rights Project*, Sofia, 1993, 1994, 1995, 1996; and Petrova, Dimitrina, *Violations of the Rights of Gypsies in Bulgaria*, Report of the Human Rights Project, Sofia, 1994. Information about the human rights situation of Roma in Bulgaria appears regularly in the last four years in the periodicals of the *Bulgarian Helsinki Committee* (*Obektiv*, a monthly newsletter), *the Human Rights Project (Roma Rights in Focus*, a quarterly newsletter) and the *European Roma Rights Center (Roma Rights*, a quarterly newsletter). With regard to Bulgaria, the UN Special Rapporteur on Torture observed, in his report of January 10, 1997, "The Special Rapporteur is concerned by the frequency of allegations of torture or ill-treatment, sometimes followed by death, of persons in police custody. The rarity of any disciplinary measures and of investigations leading to criminal prosecutions, as well as the virtual absence of successful prosecutions of those responsible, can only lead to a climate of impunity." (UN document E/CN.4/1997/7).

## 2. ROMA IN BULGARIA: OVERVIEW

Roma arrived on the territory of today's Bulgaria from the East, during a migration which scholars now agree began in India.<sup>10</sup> Although no precise data exists on the subject, it would be safe to say that by the 13th or 14th century, a large number of Roma were living in the Balkans. This number grew as Roma arrived in the Balkans with the Ottoman conquerors. Roma from Wallachia and Moldova, escaping slavery in those principalities came to the Bulgarian lands during the 17th and 18th centuries.<sup>11</sup> In the Balkans, as in other places in which they settled, the life of Roma was a constant endeavour to maintain the balance between the assertion of their ethnic identity and lifestyle and the demands of the wider society. Roma often accepted the religion of their neighbours-- Christianity when they lived among Christians or Islam when among Muslims.

The situation of Roma in the Balkans differed from that of Roma in western Europe.<sup>12</sup> During Ottoman rule, subject peoples were divided between the faithful-- Muslims-- and the *raya* (non-Muslims). *Raya* had a different status from Muslims, especially in the area of taxation.<sup>13</sup> However, Muslim Roma were also treated as *raya* and were not afforded the tax status equal to that of other, non-Roma Muslims. Thus, the entire ethnic group was *raya*-- a heathen, subject people. Unlike in neighbouring Wallachia, however, Roma in the Bulgarian lands were not reduced to slavery, and unlike in western Europe, they were not systematically persecuted.<sup>14</sup> Most of the Roma settled during the Ottoman centuries, but smaller groups continued to travel until decades after World War II.

<sup>10</sup> See especially Fraser, Angus, *The Gypsies*, Oxford: Blackwell, 1992, esp. pp.10–44.

<sup>11</sup> Marushiakova, Elena and Popov, Vesselin, *Gypsies (Roma) in Bulgaria*, Frankfurt am Main: Lang, 1997, pp.18–19, 23.

<sup>12</sup> See Kenrick, Donald and Puxon, Grattan, *The Destiny of Europe's Gypsies*, Chatto: Heinemann, 1972, pp.42–56. See also Kenrick and Puxon, *Gypsies under the Swastika*, Gypsy Research Centre, Univ. of Hertfordshire Press, 1995.

<sup>13</sup> See Kinross, John Patrick Douglas Balfour, Baron, *The Ottoman Centuries*, New York: Morrow Quill, 1977; and Lewis, Bernard, *The Emergence of Modern Turkey*, New York: Alfred A. Knopf, Inc., 1984.

<sup>14</sup> On medieval treatment of Roma in eastern and western Europe, see Acton, Thomas, "Categorising Irish Travellers", in McCann, ed., *Irish Travellers*, University of Hertfordshire Press, 1995. There were cases in which Roma in the Ottoman Empire were sold into slavery for failing to pay the required taxes to the state. See Marushiakova and Popov, *op.cit.*, p.22.

Following the end of Ottoman rule and the formation of an independent Bulgaria in 1879, a significant number of Roma found themselves within the boundaries of the new state. During the period 1879 to 1944, the percentage of Roma within the general population ranged, according to official census data, between 2% and 3%. During the early period of the modern Bulgarian state, most Roma in Bulgaria were Muslims, but subsequently a gradual, steady process of christianisation followed. The occupations pursued by Roma were quite diverse, but were often exclusively “Roma professions”. These included tin-smithing, trough making, basket-weaving, bear-taming, fortune telling and music. Settled Roma contributed to the formation of the industrial working class. The variety of occupations, religions, ways of life (settled or nomadic) and family structures, contributed to the formation of the Roma community in Bulgaria as an exceptionally diverse group, with a variety of internal group divisions.<sup>15</sup>

As in other European countries, Roma in Bulgaria are at the bottom of the social hierarchy. They have always been the object of various unofficial discriminatory practices, and occasionally of official discrimination. For example, for a short period of time at the beginning of the 20th century, nomadic people were deprived of the right to vote. During the second world war, when Bulgaria was an ally of Nazi Germany, Roma, along with Jews, were victims of racist laws similar to those in Nazi Germany and were forbidden to marry ethnic Bulgarians.<sup>16</sup>

The establishment of the communist regime after the second world war affected Roma in Bulgaria in a rather complicated way. Authorities sought to raise the standard of living of Roma by offering jobs and housing, and improving the education of the group. In almost all cities, construction projects were started and in some areas Roma achieved a considerable level of integration into the wider community. On the other hand, they faced serious attacks on their ethnic identity and lifestyle. In 1958 the government banned nomadic life and from the early 1960s this policy was pursued with rigour. Roma were treated as a social group, rather than an ethnic one, and all manifestations of their specific culture or lifestyle, as well as all organizations and publications were banned one-by-one, even those which had previously been officially endorsed.

<sup>15</sup> On the composition of the Roma minority in Bulgaria, see Marushiakova and Popov, *op. cit.*, p.77.

<sup>16</sup> Roma were forbidden to marry ethnic Bulgarians under Article 24 of Decree No. 129, August 29, 1942.

During communism, large groups of Muslim Roma were subjected to name-changing campaigns. Perhaps the most serious assault on Muslim Roma was not aimed directly at them, but was a side effect of efforts by the communist government to assimilate the considerable Turkish population in Bulgaria. Bulgarian authorities have been active this century in efforts to force Muslims (including Türks, Pomaks<sup>17</sup> and Roma) to change their names to Bulgarian ones. Some Bulgarian governments have made this official policy. Measures during periods of activist governments have included forced name-change and subsequent forced change of personal identification cards, featuring the new name. The most recent and intense efforts of the Bulgarian government in this area came in 1984/1985 during the so-called “Revival Process”, after which no Muslim names remained in the country. Episodes of shooting, ill-treatment and death as a result of psychological abuse were documented during the “Revival Process”.<sup>18</sup> In 1989, 350,000 Türks, including an unknown number of Muslim or assimilated Turkish Roma, emigrated to Turkey, although 100,000 came back within one year. After 1989, Muslims, including Roma, were encouraged to adopt their Muslim names once again, and many Muslim Roma did so.

In December 1992, the Bulgarian government conducted a census of the population. Three of the questions referred to ethnic group, religion and mother tongue. Respondents were supposed to answer the first two questions by stating their ethnic and religious identity. Respondents were also asked to name their mother tongue from a list of possible mother tongues which included the option “Gypsy” (*tsiganski*). According to the results of the census, 313,396 Bulgarian citizens, or 3.7% of the general population, identified themselves as Roma by ethnicity and 310,425 stated that “Gypsy” was their mother tongue.<sup>19</sup> Of those who identified themselves as Roma by ethnicity, some 52% live in cities, mostly in large Romani or predominantly Romani neighbourhoods, while most of the rest live in villages, also mostly in Romani neighbourhoods.

<sup>17</sup> The Pomaks are Bulgarian-speaking Muslims living predominantly in the Rila-Rhodope mountains in southern Bulgaria. Many of them, however, reject the name “Pomak” as derogatory.

<sup>18</sup> See Radenkov, Radoslav, “The Turkish Minority in Bulgaria”, *East European Reporter* (London), Vol. 3, No. 4, Spring 1989. “Radenkov” is a pseudonym for Deyan Kyuranov, Dimitrina Petrova and Krassimir Kanev. See also Karpat, Kemal H., *The Türks of Bulgaria: The History, Culture and Political Fate of a Minority*, Istanbul: The Isis Press, 1990; Simsir, Bilal N., *The Türks of Bulgaria (1878–1985)*, London: K. Rustem and Brother, 1988.

<sup>19</sup> *Rezultati ot prebrovavaneto na naselenieto*, Tom. I, Demografski kharakteristiki, Sofia, Publikatsia na Natsionalniya Statisticheski Institut, 1994, p.106, 112. In Bulgarian.

There are, however, serious reasons to believe that these official census figures under-represent the true number of Roma in Bulgarian society. Some Roma identified themselves as Turks and a possibly much greater number told census-takers that they were Bulgarians. Roma who live in cities outside the urban ghettos were particularly prone to register themselves as something else. Since 1992 there have been several reevaluations of the census data. Experts put the real number of Roma between 600,000 and 800,000.<sup>20</sup> This represents 7%–9.4% of the general population. There is, in any case, little doubt that Bulgaria has, as a share of the general population, one of the largest Roma minorities in the world.<sup>21</sup> It also has one of the largest shares of Roma who identify as such when asked to state their identity.

The fall of communism brought restoration of most of the civil and political rights of Roma. One important exception was the ban on the formation of parties along ethnic and religious lines under the Law for the Political Parties of April 1990. This law was used to prohibit the registration as a party of the first national Roma organization, the Democratic Roma Union, in November 1990. This limitation of political rights was then reaffirmed in the 1991 Bulgarian Constitution, Article 11(4) of which provides, “There shall be no political parties on ethnic, racial or religious lines, nor parties which seek the violent usurpation of state power.”<sup>22</sup> Nevertheless Roma were allowed to express their identity, to form citizen’s associations and to celebrate cultural events. Several newspapers devoted to Roma issues began publishing at the beginning of the democratic changes. Some modest efforts were made to introduce the Romani language in schools as an optional subject. The bigger problem of discrimination, however, remained. This became evident everywhere: in education, housing, employment, health care, the military, the criminal justice system and in treatment by other citizens. In the cities, Roma were fired from the jobs they had previously occupied. Many agricultural workers lost their jobs on the socialist cooperative farms. At the same time, Roma were totally excluded from the process of land restitution, since they had not owned land prior to socialist land collectivisation.

<sup>20</sup> Tomova, Ilona, *The Gypsies in the Transition Period*, Sofia, International Center for Minority Studies and Intercultural Relations, 1995, p.13; Marushiakova and Popov, *op.cit.*, p.44.

<sup>21</sup> See also Kenrick, Donald and Puxon, Grattan, *Roma: Europe’s Gypsies*, Minority Rights Group Report, 1988.

<sup>22</sup> Constitution of the Republic of Bulgaria. Official translation. In: Council of Europe, *The Rebirth of Democracy: Twelve Constitutions of Central and Eastern Europe*, Strasbourg: Council of Europe Press, 1995, p.14.

Both the census data and the results of four surveys of representative samples of the Roma population<sup>23</sup> present a rather bleak picture of the social status of Roma. In 1992, 83% of the Roma in Bulgaria had completed only elementary or primary school (up to eighth grade), a figure which is high in comparison with Roma in many other countries of the region, but compares poorly with the educational performance of other Bulgarians. 8.5% of Roma in Bulgaria were illiterate in 1992. In the same year, 34% of the Roma had less than five square metres of space in which to live and another 35% only had between six and ten square metres of living space. In 1994, 76% of working-age Roma were unemployed and in some regions this figure reached 90%. In addition, 44% of Roma then surveyed reported that they had a chronically ill family member and 13% reported some form of disability.<sup>24</sup>

Sociological surveys conducted in Bulgaria reveal a significant degree of prejudice toward Roma. These attitudes have proved enduring: 84% of the Bulgarians in 1994 and 84% in 1997 agreed that “Roma are lazy and irresponsible.” 85% of Bulgarians in 1994 and 80% in 1997 agreed that “Roma cannot be trusted or relied upon.” 59% of the Bulgarians in 1994 and 68% in 1997 minded living in the same neighbourhood with Roma, and 28% in 1994 and 40% in 1997 even minded living in the same country with Roma. When asked whether they would vote for a competent and credible candidate of the party for which they usually vote if he or she were Roma, 66% of Bulgarians surveyed in 1997 said “no”. According to the 1997 survey, only 28% of Bulgarians reported that they have ever visited the house of a Rom and 15% reported that they had a Romani friend. 72% said they would mind having a Rom as a friend as a matter of principle.<sup>25</sup>

<sup>23</sup> These surveys were conducted in 1992, 1993, 1994 and 1997. The results with regard to the social status of Roma were reported in: Gheorghiev, Zhivko; Grekova, Maya; Kanev, Krassimir; Tomova, Ilona, “Nyakoi rezultati ot izsledvaneto ‘Etnokulturnata situatsiya v Bulgaria – 1992’”, *Sotsiologicheski pregled*, No. 3, 1993; International Center for Minority Studies and Intercultural Relations, *Relations of Compatibility and Incompatibility between Christians and Muslims in Bulgaria*, Sofia, 1995; Tomova, *op.cit.* Some of the results for 1997 are published for the first time in this report with the kind permission of the International Center for Minority Studies and Intercultural Relations, Sofia.

<sup>24</sup> Tomova, *op.cit.*, p.48.

<sup>25</sup> See Kanev, Krassimir, “Dynamics of Inter-ethnic Tensions in Bulgaria and the Balkans”, *Balkan Forum*, Vol.4, No.2 (15), June 1996, pp.213–252. Similar, and in some countries even worse were the attitudes toward Roma in the other Balkan states, as reported in several surveys conducted at the same time in Albania, Greece, Macedonia and Romania and presented in Kanev’s publication.



The role of the media in perpetuating popular sentiments about Roma is ambiguous. On the one hand, since 1992 there has been increasing awareness in the Bulgarian media of the real social position of Roma and the need to address their situation fairly. There are more and more reports which mention poverty, neglect and discrimination as a determining factor in the lives of Roma. Several non-governmental organisations actively take part in the public debate and try to make their voices heard on all of the issues related to the situation of Roma. Despite this debate, there has been, to date, little discussion in Bulgarian society of the causes of the present social and economic status of Roma, and the existence of widespread ethnic discrimination against them has never been acknowledged officially.<sup>26</sup>

The dominant tendency in the media still is, however, to enhance or even promote negative public attitudes towards Roma. This tendency is most pronounced in the print press. The most emblematic stereotypes fostered daily by the Bulgarian press include:

- Roma are lazy and irresponsible; they are unable to pursue long-term objectives;
- Roma are bad parents; they abuse their wives and abandon their children;
- Roma have low morality; they are brothel-keepers, prostitutes and drug dealers;
- Roma are a criminal group; they are murderers, burglars, rapists and thieves.<sup>27</sup>

<sup>26</sup> A report of the government of Bulgaria to the Committee on the Elimination of Racial Discrimination, dated June 26, 1996, approached the problem without addressing it in full: “40. There have been a number of conflicts between individuals on ethnic or religious grounds. [...] Persons of the Roma ethnic group have [...] been subjected to assault. In 1994, a number of raids were carried out in Roma neighbourhoods. The most serious one took place in February and involved the Roma neighbourhood in the village of Dolno Belotintzi. The reason was that a Roma military serviceman, just drafted and deserting his unit, had committed a murder. The villagers became infuriated and repeatedly assaulted some twenty Roma families. Roma houses were destroyed. Old people and children were treated roughly. A house was gutted by fire. 41. Most recently, at the end of 1995 and the beginning of 1996, a group of young people committed xenophobic assaults on persons of different ethnic and national origin. The National Police Bureau reported that skinheads had mugged two senior diplomats of the Embassy of the People’s Republic of China in Sofia. According to the police, such groups remain unorganized. Nevertheless, the police continued to keep them under surveillance.” CERD/C/299/Add.7. Other publications by the government have attempted to explain discrimination against Roma by reference to their way-of-life. A booklet published recently by the Bulgarian Ministry of Foreign Affairs states: “In a society undergoing transition to democracy and market economy there are economic and social problems that influence most seriously persons of Gypsy origin, mainly because of some specific way of living and culture.” Ministry of Foreign Affairs of Bulgaria, *Situation of Roma in Bulgaria*, Sofia, February 1997.

<sup>27</sup> See the following articles by Anguelova, Kamelia, “Ethnic and Religious Minorities in the Bulgarian Mainstream Press”, *Balkan Neighbors*, No.5, 1997; “Counting the Demons”, *Obektiv*, Newsletter of the Bulgarian Helsinki Committee, February–May, 1997; “On the Problem of Ethnic Minorities:

The press, however, has not been alone in the promotion of anti-Roma sentiment. According to one very popular opinion, a Romani person commits every third crime in Bulgaria. The origin of this opinion is the Bulgarian authorities; in August 1992, the then Director of the National Police and later Minister of the Interior, Victor Mihailov, presented a report to the Regional Directors of Internal Affairs in which he claimed that for crimes in which the police have established the identity of the perpetrator, 37.5% are Roma.<sup>28</sup> According to this report, Roma make up 34.7% of murderers, 31.9% of rapists and 42.2% of burglars in Bulgaria. These figures were subsequently widely cited in the media and similar statistics were published thereafter.

From 1993, the annual publications of the Bulgarian National Institute of Statistics, “Crime and Sentenced Persons” give a detailed account of all sentenced people by ethnicity and by type of crime. The total number of Roma (both adult and juvenile) sentenced for crimes in the years 1993, 1994 and 1995 is 4565. Statistics for 1996 are not yet available. An attempt to evaluate the percentage of Roma in crime by comparing rates of conviction of Roma versus convictions overall in cases of crimes against person and crimes against property obtains the following results:<sup>29</sup>

Year	Percentage of Roma		
	in total crime	in crimes against person	in crimes against property
1993	6.8%	3.3%	14.6%
1994	14.4%	8.0%	19.4%
1995	20.2%	11.7%	26.2%

(In)Equality in the Media” and “Of Calamity and Havoc”, *Obektiv*, September 1996–January 1997; “The Bulgarian Press Overstates Violence in Roma Families”, *Obektiv*, July 1996; and “Romophobia in the Media”, *Focus*, Newsletter of the Human Rights Project, March–April 1996.

<sup>28</sup> *Sastoyanie i tendentsii v razvitiето na tsiganskata prestupnost v Bulgaria*, Report by Viktor Mihailov, Director of the National Police, Sofia, 04.08.1992 (in Bulgarian). There is no indication in the report, nor in the official Bulgarian statistics on crime what method was used to determine the ethnicity of the perpetrator.

<sup>29</sup> Here and below the figures are derived from the publication of the National Institute of Statistics, *Prestupleniya i osudeni litsa*, Sofia: Natsionalen Statisticheski Institut, 1994, 1995, 1996 (in Bulgarian). Figures here do not include juvenile convicts.

Although the rise in crimes committed by Roma relative to the rest of the population is clear, the figures are very far from the “one third of the criminals are Roma” notion promoted earlier by the police. There is no reason to believe that the share of Roma who are sentenced is less than the share of Roma perpetrators i.e. that Roma perpetrators are caught and sentenced less than perpetrators from other groups in Bulgaria. On the contrary, crimes in which Roma are involved are less sophisticated and easier to reveal, investigate and punish compared to crimes typically perpetrated by members of other groups.

Most observers of Bulgarian society agree that although corruption by public officials, white collar crime and extortion are rife, these crimes go under-reported and under-punished. The percentage of Roma perpetrators would fall drastically if the real rate of crime was adequately represented in official statistics, since Roma are nearly absent as a group in all of the areas of society in which one finds white collar crime. Probably acknowledging this, the police now maintain that not every third, but every fifth perpetrator of a crime is Roma.<sup>30</sup> The *ERRC* believes that a real statistical picture of Roma participation in crime in Bulgaria is not yet in existence.

The catastrophe that struck the Bulgarian economy in mid-1996 exacerbated both the real situation of Roma in Bulgaria and the link in the public imagination between Roma and crime. In early 1997, the Bulgarian press began to report instances of Romani children starving to death and food riots by crowds of hungry Roma were recorded around the country, e.g. in the central Bulgarian towns of Pazardzhik and Plovdiv, and the village of Rakovski near Plovdiv.

Simultaneously, over the last five years, the wider public has developed a thirst for large disciplinary actions by the police to combat crime. Information about mass police raids which, according to statements made by responsible officials, were meant to strike a blow at serious crime, became increasingly frequent in the press and electronic media. One such raid took place in February 1997 in the Romani neighbourhood of Iztok in Pazardzhik, evidently in retaliation for an incident of looting for food. According to the Sofia-based non-governmental organisation the *Human Rights Project*, during the operation, policemen attacked and beat approximately sixty Roma with truncheons, raided houses, broke win-

<sup>30</sup> Zarkova, Anna, “Kradem, za da yadem: opasnata filosofia na razboinitsite”, *Trud*, July 10, 1997.

dows and destroyed furniture. Another raid took place on October 14, 1997, in the Hristo Botev neighbourhood of Sofia. During the event, drunk police officers allegedly stormed three cafés in the Roma neighbourhood and beat approximately a dozen of Roma.

The “war against crime” in Bulgaria is not dominated by Roma-related offensives. The most publicised cases of spectacular raids in 1997 include the police action which led to the detention of the allegedly law-breaking rich Turkish businessman, Roko, from the southern town of Kurdjali; the so called “Komar” operation involving mass checks and confiscation of expensive stolen vehicles; and the epidemic police checks on bars along the southern part of the country’s coastline. Roma crime, however, remains a constant theme in the media. A specific sensational style of journalistic writing involving farcical black humour, and sickening details of cruelty and degradation allegedly caused by Roma has become typical of the Bulgarian print media in the 1990’s.

### 3. RECENTLY DOCUMENTED ABUSE OF ROMA BY THE POLICE

Allegations of police ill-treatment of Roma are widespread. During the first half of 1997, 528 cases of abuse by police officers were reported<sup>31</sup> and it can be assumed that a high number of the victims are Roma. Police have insulted, beaten, tortured and shot Roma in public, during arrest procedure and in detention. Although this report is not about police abuse *per se*, police abuse and abuse in detention are closely related, and therefore a brief overview of recently reported human rights violations of Roma by the police is worthwhile here. The following chronology is not exhaustive.

On July 10, 1997, at around 8:00 p.m., three Romani sisters-- 14-year-old A.I., 11-year-old S.I., and 10-year-old N.I., were allegedly maltreated by police officers from the Regional Police Department of Elhovo, district Yambol. The girls were at a playground near a block of flats in Elhovo. According to testimony by the girls, one police car containing two officers stopped at the playground and one of the police officers emerged brandishing a gun and threatening to kill anybody who attempted to run away. The same officer allegedly forced the children to crawl on the ground while he insulted their ethnic origins. One of the girls, A.I., fainted. Her sister told the policemen that A.I. is epileptic. The policemen then started slapping A.I. in the face. S.I. told the *Human Rights Project* that one of the policemen hit her on the right leg and on the back with a truncheon. The girls were then taken to the Elhovo Police Department. There they were threatened by the police officers in order to make them confess to various thefts. The parents of the three girls were not informed by the police that their children had been detained. The girls were released around 10:00 p.m. Forensic certificates acquired thereafter by the parents of the three girls indicate that they had been caused suffering and pain. The parents of the victims filed a complaint with the Military Prosecutor of Sliven immediately after the incident. As of December 1997 there had been no response to their complaint.

An article appearing in the Bulgarian daily *Trud* on June 22, 1997, entitled "Sergeant Tears Off Detainee's Ear", describes the case of a 25-year-old Rom named Seryozha Dimitrov

<sup>31</sup> Petrova, Ralitsa, "Tri politseiski gafa na den", *24 Chasa*, 13 July, 1997.

who was mutilated in detention. After Mr Dimitrov complained of a bad headache in the investigative detention facility in Blagoevgrad and asked for a painkiller, the sergeant on duty assaulted him and tore off his left ear.

According to the *Human Rights Project*, on June 12, 1997, at about 10:00 p.m., 50-year-old Mr Ilmi Akifov was taken to the mayor's office of the village Lyatno, district Varna, by the mayor of the village and two policemen. Mr Akifov was accused of the theft of a refrigerator. He refused to confess to the theft, claimed that his son had bought the refrigerator, and suggested that his son should be interrogated. According to Mr Akifov, one employee of the mayor's office then took a truncheon from a policeman present and struck him several times with it. As a result of the blows, Mr Akifov lost consciousness. His forensic certificate indicates haemorrhages on the face and a laceration wound on his back. The victim filed a complaint with the Regional Prosecutor's Office of Novi Pazar in June 1997. As of September 1997, the prosecutor's office had not responded.

On June 8, the Bulgarian daily *Noshten Trud* reported that, following a quarrel over who should use a public telephone first, a police officer shot and wounded a 20-year-old Romani man named Stefan Olimpiev.

*Amnesty International* reported that on May 16, 1997, a Romani woman named Yordanka Borisova, suspected of petty theft, was beaten by police both outside and inside the police station in the town of Lom. Another Romani woman told *Amnesty* that she had been beaten on April 14 in the town of Vulcherdrun; 50-year-old Mrs. Darina Naidenova Pacheva reported that she was beaten on her hands and on the soles of her feet by police who were questioning her in connection with the theft of some hens. One officer also allegedly pulled her hair, hit her once on the shoulders and head, and told her, "I will get all you Gypsies."

According to the *Human Rights Project (HRP)*, at approximately 9:00 p.m. on May 16, 1997, Mr Rossen Anguelov and two other Roma were picking grass on the outskirts of the village Vehtovo, district Shumen, when they were stopped by policemen from the local police, brought to the mayor's office of Vehtovo and beaten. Mr Anguelov told representatives of *HRP* that he was handcuffed and brought into the mayor's office, where the mayor of the village, who was allegedly drunk, beat him, first alone, and then in the presence of the police officers. As a result of the beating, Mr Anguelov suffered bruising and internal bleeding, and one of his teeth was knocked out.

The Bulgarian daily *Standart* reported on May 14, 1997, that a sergeant from the regional police department in the town of Assenovgrad had shot and killed a 32-year-old Romani man named Kolyo Todorov while he was trying to escape from police custody. Mr Todorov had been detained in connection with a theft.

The *Human Rights Project* reported that on May 3, 1997, 16-year-old Plamen Dimitrov Borisov from the village of Cherni Vrukh, who had been accused of stealing a sheep, was summoned by a local police officer to the mayor's office of the village. According to Mr Borisov, the police officer inflicted several blows upon him and kicked him. The victim filed a written complaint at the respective police department and to the *HRP*. The latter subsequently called the attention of the Directorate of National Police to the incidents. The police responded that there had been no abuse on the part of the police officers and that the complaints of the Roma were unjustified.

In another case, *Amnesty International* reported that Roma digging for scrap iron at an abandoned tile factory in the village of Yakimovo in the Montana District on March 29, 1997, were allegedly set upon by a police officer, who first fired into the air and then beat Mr Yordan Kirilov on the head with his gun. A local doctor allegedly told Mr Kirilov, "You don't need a certificate because you won't be able to do anything with it."

According to the *Human Rights Project*, in January 1996, the 17-year-old Rom Angel Zabchikov died in the District Police Station in Razgrad. Mr Zabchikov's family was informed that he had fallen while running to escape apprehension by police, had hit his head on a sharp object and had broken his skull. The skull fracture resulted in Mr Zabchikov's death immediately after he had been taken to the police station. During the investigation, the police changed their version of events and reported that Mr Zabchikov, who had been drunk, had been taken to the District Police Station in Razgrad. According to the new police version, at around 4:30 a.m. the police officer on duty, seeing that Mr Zabchikov's condition had gravely deteriorated, called a doctor. At 5:20 a.m., on the way to the hospital, Mr Zabchikov died. According to the police, he had "a pathologically thin skull" which had caused the fracture and his subsequent death. According to this version, the fracture had occurred several hours before the arrest and was therefore unrelated to the police treatment of Mr Zabchikov. During preparations for the funeral, Mr Zabchikov's parents discovered that apart from the skull fracture, there were numerous other bruises and haemorrhages all over their son's body-- on his back, right hand, right thigh and face. There were also handcuff marks on his wrists and his clothes had shoe marks on them.

Police officers evidently resort to physical violence as a matter of course because they see their role as surrogate investigators who are justified in using force in the "quest for truth". For example, a 28-year-old Romani man named Dimitar Milanov Yankov, who works as a street-sweeper in Sofia reported on August 25, 1997:

Early this morning we were emptying dustbins in the centre of Sofia. A drunken man, together with a policeman, approached us, pointed to us and said that we had beaten him and stolen his passport and 20,000 Leva [approximately 20 German Marks]. The policeman took us to the 2nd District Police Station and handcuffed us. The sergeant, whose name is Y., kept asking us where the stolen money was and then all of a sudden he started punching us. My colleague, Tzvetan, sustained heavy bruising and swelling in his left eye. Shortly afterwards, the drunken man withdrew his accusations and asked to go. The sergeant and the head of the police station apologised and let us go.<sup>32</sup>

In addition to violence, Roma who have been detained and released report a number of procedural violations by the police. For example, Roma frequently inform non-governmental organisations that they have been deprived of their liberty for more than the 24-hour period allowed. Also, Roma are often not allowed access to legal counsel, although they are entitled to this under Article 30(3) of the Bulgarian Constitution and Article 71(4) of the Law on the Ministry of Interior from the moment of detention.<sup>33</sup>

<sup>32</sup> *Bulgarian Helsinki Committee* interview with Dimitar Milanov Yankov, August 25, 1997, Sofia.

<sup>33</sup> The Bulgarian Constitution and legislation guarantee the right to counsel from the moment of detention or accusation of a crime. In most cases, however, this right is effective only when the defendant retains and pays the lawyer on his/her own. The scope of the obligations of the state is very limited. Article 70 of the Criminal Procedure Code provides for obligatory defence during pre-trial investigation to only certain categories of defendants-- minors, physically and mentally disabled persons, individuals accused of crimes for which the penalty is ten or more years imprisonment, defendants who do not know Bulgarian, for criminal proceedings *in absentia*, and for those defendants whose interests conflict with those of co-defendants. For all these, but only these groups, the relevant judicial authorities are under obligation to appoint defence counsel. This is quite insufficient, however, to cover the cases of all defendants who are in need of legal assistance. The poor are disproportionately affected. Thus the requirements of Article 6, paragraph 3c of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), to which Bulgaria has been a party since September 1992, are not satisfied. In many cases Romani defendants, including the majority of those detained on remand, participate in criminal proceedings without a lawyer.

As a result of frequent press reports of unlawful acts by law enforcement officials, on July 12, 1997, the Chief Secretary of the Ministry of the Interior, General Bozhidar Popov, declared that if unspecified “planned measures” for the improvement of the discipline of police officers did not bring about the desired effect within 40 days, there would be dismissals and resignations in the Ministry of Interior. To date, dismissals have not taken place, despite the fact that there has been little change in the conduct of law enforcement officials.

#### **4. ROMA IN PLACES OF DETENTION IN BULGARIA**

A significant hindrance to reporting human rights violations against Roma by authorities such as police and prison officials is lack of access by independent bodies to places of detention. Abuse of Roma by authorities within the criminal justice system has to date been documented by interviewing witnesses of abuse by police in public, detainees after they have been released, as well as witnesses in cases in which the victim died. There has been a dearth of reporting by either journalists or monitoring organisations of abuses of which the source of information is persons in detention at the time of the interview. It is the aim of this report to provide testimony of this type.

##### **4.1. ABUSE OF ROMA IN POLICE DETENTION FACILITIES**

Police stations in Bulgaria are closed institutions to which very little access to organisations or individuals outside the police system is afforded. Access by independent human rights organisations to police establishments is not generally permitted. As a result, there is very little first-hand observation of what happens to detainees during their first several hours in police detention. To date, much of the documentation concerning abuse in places of detention has been gathered from testimony and medical protocols of individuals who were detained and then released. Interviews with Roma who are presently in prison now provide a more complete picture of the treatment of Roma during the first few hours of detention in police facilities.

Bobovdol Prison was visited on May 8, 1997. Several of the interviews with prisoners revealed gross human rights violations in police custody. One of the prisoners, a Rom charged with robbery, reported the following:

During the summer of 1996, I was detained in the 4th District Police Station in Sofia, where they beat me really badly with truncheons. They kicked and punched me too. I lost consciousness from the beating. They took me to the Pirogov Emergency Hospital with four broken ribs and ruptured testicles. Then they took me to the hospital of the Ministry of the Interior for treat-

ment. I was given medical certificates from both places, but the investigating officers of the 4th District Investigation Service, which is in the same building as the 4th District Police<sup>34</sup> took them from me later. After spending three months in the police station, I asked to be examined again so that I would have a document for the beating. They gave me new medical certificates, but they were not the same as the first ones and they did not represent my condition immediately after I was beaten.<sup>35</sup>

Another Rom from the same prison reported the following incident:

Before they brought me here, masked policemen came to my home in Blagoevgrad one morning. They told me that I had to go with them for some kind of check. Then they took me to a forest near town and beat me to make me confess to a crime. They put handcuffs on my feet and took me to a well. One of the policemen told me, "Gypsy, if you don't confess, this is where we'll shoot you!" They hit me all over my body and forced my head under water. Later, in the investigative detention building in Blagoevgrad, they continued to beat me and the investigating magistrates (*sledovатели*) laughed and made fun of me when I told them that the confessions I'd made were not true, and that they had made me say everything after half drowning me in a well. I spent almost nine months there, after which they sent me to this prison.<sup>36</sup>

<sup>34</sup> Until the end of 1994, the National Investigation Service was under the jurisdiction of the Ministry of the Interior. The police and investigation service were located in the same building and the two bodies worked together. In the beginning of 1995, the two institutions were separated. The police is now an executive branch body under the Ministry of the Interior, while the investigation is part of the judiciary and is accountable to the Supreme Judicial Council. Following its visits to the police and investigation services, however, the delegation of the Council of Europe's Committee for Prevention of Torture (CPT) concluded that, "...the *de facto* separation of the two institutions-- in terms of both practice and attitudes-- was still far from complete." *Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* from 26 March to 7 April 1995 and Responses of the Bulgarian Government, Strasbourg: Council of Europe, 6 March 1997, paragraph 15.

<sup>35</sup> Interview material from file #BU8-BO12, 8 May, 1997, Bobovdol.

<sup>36</sup> Interview material from file #BU8-BO14, 8 May, 1997, Bobovdol.

Another detainee in Bobovdol Prison, a Romani man Mr G.K.K.,<sup>37</sup> was detained in September 1995 at the police station in the town of Sandanski. He reported that for the entire period between 7 a.m. and 4 p.m., half a dozen men, including district police officer Sergeant I., had sworn at him and beaten him. They allegedly used a variety of implements including truncheons, clothes hangers and pipes to injure him. The police officers insisted that he make a full confession to a rape. Periodically, police officers allegedly entered the room to take part in the beating while others went out to rest. Mr G.K.K. asked for a doctor, but although he was covered in bruises, the doctor did not help him and would not issue a medical certificate, allegedly because he did not want to assist a Gypsy suspect. The Regional Prosecutor in Sandanski personally told him, "Gypsy, you are going to rot in the cells!" Mr G.K.K. believes that the police and investigation staff mistreated him because of an infamous case in 1995 in which several Roma were accused of the gang rape of a Sofia journalist. According to Mr G.K.K., now all Roma from the south-western part of Bulgaria who are suspected of similar crimes fall victim to police brutality and subsequent biased and unfair trials.<sup>38</sup>

Another Romani detainee in Bobovdol also reported ill-treatment and blackmail:

In December 1996, I was arrested after a police raid in Fakulteta [a predominantly Roma neighbourhood in Sofia]. Seven policemen from the 3rd District Police Station headed by Officer G.J. burst into my house. My wife, daughter and mother were at home with me. They started beating me in front of all of them. They hit my mother when she asked what was going on. Then they took me to the police station where investigating magistrate L. charged me with robbery. Four days later, when my mother came to visit me, they told her to give them 5000 German Marks if she wanted them to let me go. She told me about this demand ten days later, during another visit. I told her not to pay, and afterwards three officers with truncheons and the investigating magistrate beat me again and demanded that I pay to be released.<sup>39</sup>

<sup>37</sup> Here and below initials of persons are cryptograms.

<sup>38</sup> Interview material from file #BU8-BO21, 8 May, 1997, Bobovdol.

<sup>39</sup> Interview material from file #BU8-BO18, 8 May, 1997, Bobovdol.

One of the inmates in Burgas Prison described how he had allegedly been beaten for a considerable length of time in a police station in the town of Aytos:

Four police officers beat me for two-and-a-half hours while I was detained in a police station. They wanted me to confess to a theft I hadn't committed. They broke my jaw and several of my ribs. I was offered medical help, but they didn't give me a medical certificate and I was afraid to ask for one.<sup>40</sup>

Another Rom in the same cell reported:

I'm 22, but they know me well in the police station. While I was free, Police Officer K. visited me many times in my home to check up on me. They have held me in custody for three or four days at a time many times in the 3rd District Police Station in Burgas, and in the police stations in other places. Last time, they beat me for half an hour with chairs and chair legs while I was handcuffed to the staircase. Usually they keep you for several days in the police station after the beating, until the bruises disappear.<sup>41</sup>

Again in Burgas Prison, a Rom named Mr H.O.G. reported that one night at around midnight, in early 1997, he was visited by police officers in his home and then taken to the police station in the city. He was accused of stealing alcohol and then kicked and beaten with truncheons by several policemen who demanded that he confess to the crime.

One of the interviewed Roma from Cell Block 10 in Vratza Prison also reported ethnically motivated ill-treatment:

In January 1997 I was detained by Officer B.T. and another uniformed officer. First, they put me in a police car and started it up. As we drove, they beat me and insulted me and called me "Gypsy". Then they took me to a building in the Transport Police Unit and locked me in a cell. There they beat me again with truncheons, punched me, kicked me and shouted insults at

<sup>40</sup> Interview material from file #BU8-BU27, 10 April, 1997, Burgas.

<sup>41</sup> Interview material from file #BU8-BU25, 14 August, 1997, Burgas.

me. The beating left marks on my back and my eye was bruised. They didn't give me any food-- I was starved for three days.<sup>42</sup>

An injured Romani man in Cell Block XI for remand prisoners at the Central Sofia Prison reported that he had been held in detention in the police station. While there, he was shot by an officer:

On July 18, 1996, I was detained in the police station in the town of P. They held me for three days without telling me the reason for my detention. I couldn't cope with this and I quarrelled with one of the police officers. He shot me in the right foot. Since then, despite the treatment, my leg has not got any better. I've written many petitions to them to change my status and release me so I can have an operation at my own expense, but they've always turned me down and I am afraid I will remain an invalid.<sup>43</sup>

A Rom from the Karlovo area, currently in the Labour Correctional Hostel (LCH) Kremikovtzi affiliated with the Central Sofia Prison, reported the following:

I was detained in 1996 and Sergeant G.G., a regional police officer in the village of Rozino, beat me severely with an iron rod. After the incident I filed a complaint with the Karlovo Regional Prosecutor, but I found out that the sergeant denied he had beaten me. Because I had complained, the sergeant came to see me afterwards and threatened that after I did my time and returned home I wasn't going to have a quiet day in my life. I am afraid that the harassment will continue and I don't want to go back home after I serve my sentence.<sup>44</sup>

Romani inmate Mr A.A. in Lovech Prison, visited in March 1997, reported that violence had been used against him while he was held in custody in the police station in the town of Troyan in the spring of 1996. Police allegedly handcuffed him to a radiator, a routine method of immobilising detainees in Bulgarian police stations, and beat him for two hours

<sup>42</sup> Interview material from file #BU8-VR05, 16 July, 1997, Vratza.

<sup>43</sup> Interview material from file #BU8-SC15, 3 July, 1997, Sofia.

<sup>44</sup> Interview material from file #BU8-KR22, 11 July, 1997, LRH Kremikovtzi, Sofia.

with a rough piece of wood, approximately one metre long, as well as with a belt. The policemen tried to coerce him into confessing to the theft of an electric engine. After being beaten for two days and losing consciousness twice, he finally confessed “in order to stay alive.”<sup>45</sup>

From March 26 to April 7, 1995, Bulgaria was visited by a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). On the subject of police detention facilities the delegation concluded that, “...criminal suspects deprived of their liberty by the police in Bulgaria run a significant risk of being ill-treated at the time of their apprehension and/or while in police custody, and [...] on occasion resort may be had to severe ill-treatment/torture.”<sup>46</sup> Research of the conditions in police detention facilities carried out in Spring and Summer 1997 indicates that conditions observed in 1995 remain. Bulgarian authorities have, to date, not acted sufficiently to address the problem of torture and ill-treatment in police detention.

#### 4.2. ABUSE OF ROMA IN INVESTIGATION DETENTION FACILITIES

Should a prosecutor order detention on remand, detained persons are transferred to the cells of the National Investigation Service (NIS). The aim of detention on remand is to facilitate preliminary investigation. Detention ensures convenience in interrogation, minimises the possibilities for the destruction of evidence and prevents flight by the suspect. Investigative cells are located within the building of the NIS to afford investigating magistrates maximum access to the suspect.

Despite numerous applications by human rights activists for admission to the premises of investigation facilities, thus far no one has been granted access to observe investigation procedure. Here again, all abuse that has been documented to date has been based on testimony provided by individuals who have been detained in the cells of the investigation organs, but have subsequently been released.

<sup>45</sup> Interview material from file #BU8-LO62, March 16, 1997, Lovech.

<sup>46</sup> Report to the Bulgarian Government on the Visit to Bulgaria Carried Out by the CPT, *op.cit.*, paragraph 27.

As a result of permission by Bulgarian prison authorities, independent monitors were given access to prison inmates. These provided testimony about abuse to which they had been subjected prior to being transferred to prison, while still in the centres operated by the National Investigation Service. Abuses described by prison inmates which took place during the time they spent in investigative detention included physical abuse, failure to provide legal counsel, corruption by investigating officials, inordinately long periods of stay in investigative detention, lack of access to proper medical treatment and inhuman conditions. Testimony also suggests that Roma are subjected to more intense abuse, and that police and investigating authorities in general regard them as inherently predisposed to crime.

In marked contrast with the conclusion of the delegation of the CPT that, “...the delegation heard very few allegations of ill-treatment by the custodial staff of the National Investigation Service,”<sup>47</sup> independent research conducted in spring 1997 found that ill-treatment in detention, coupled with conditions in detention centres, poses a particularly serious problem in Bulgarian investigation establishments. Further, Roma are systematically treated differently by law enforcement officials and the investigation services due to the widespread conviction that, for Roma as an ethnic group, crime is a way of life.

Finally, the *ERRC* believes that Roma are more often detained on remand than non-Roma when charged with the same offence. Discrimination by authorities accounts for much of this.

Under a 1995 amendment to Article 152(3) of the Bulgarian Criminal Procedure Code, individuals already suspected or previously convicted of another crime should be placed in investigative detention. This amendment has led to a considerable increase in the number of detained Roma, since offences commonly committed by Roma are usually minor, but are often repeated. With the new amendments to the Bulgarian Criminal Procedure Code which entered into force at the beginning of August 1997, the aforementioned amendment was repealed. Many Roma suspected of being repeat offenders are still in detention on remand, however, because the new provisions do not grant automatic release. Moreover, two months later, on October 21, a new amendment was adopted providing that the August 1997 amendments be applied only to future detainees.

<sup>47</sup> *Ibid.*, paragraph 23.



During a visit to Burgas Prison, a Romani inmate named K.J.J. described the following incident:

I come from the village of Z., near Yambol. I was detained in April 1997 for the theft of three horses. I told them I had bought the horses for 300,000 Leva [approximately 300 German Marks] and butchered them. While the police were taking me in, they hit me with the butts of their guns in the back and on my kidneys. When we arrived in Yambol, they brought me into the investigative detention building. There they kept me handcuffed and four men beat me again for fifteen or twenty minutes. Investigating Magistrate L. threatened me with words I will never forget: “Bloody Gypsy, this is where you are going to die.” They held me for three months in investigation detention in Yambol.<sup>48</sup>

Mr G.I.G., a 38-year-old Romani man in Cell Block XI for remand prisoners at the Central Sofia Prison, reported that in January 1996 he was arrested and charged with theft under Article 196 of the Penal Code. He was taken to the detention facility of the National Investigation Service at Razvigor Street in Sofia. He was not provided with a lawyer during the preliminary investigation although he asked for one, and was subjected to repeated ill-treatment. At the time of the interview, Mr G.I.G., in obvious pain and using crutches to get around, reported that his leg had been broken in three or four places during the beatings, although he could not recall how because he had been almost unconscious. He was unable to go to the lavatory without the help of another person. He reported that his condition was deteriorating and that he had lost hope of his leg ever improving, because when he asked for an operation, the doctor wanted a sum far beyond his means.<sup>49</sup>

In Cell Block VIII of Pazardzhik Prison, visited on August 20, 1997, a Rom in his mid-thirties, Mr G.1., from a village near Sliven, living with his family in Stara Zagora, described how he had been subjected to prolonged torture in investigation detention. Stara Zagora is typical of arrangements in which police and investigation are located in the same building and work together. From the interview quoted below it is difficult to tell which institution was responsible for the abuses reported here:

<sup>48</sup> Interview material from file #BU8-BU04, 10 April, 1997, Burgas.

<sup>49</sup> Interview material from file #BU8-CS13, 3 July, 1997, Sofia.

I was detained at the beginning of 1996 for the theft of a calf. I was taken to the investigative cells in Stara Zagora. My case was taken up by Investigating Magistrate I.L., who had other officers force me to confess to thefts committed a month earlier. Four men beat me. They forced me to stand with my hands raised in the air, facing the wall. Each one hit me with something different. One of them used an eight or ten kilogram bronze-coloured weight. He hit me hard with it on my ribs and the sides of the back. The second one hit me with a hose with a hard rod inside, the third with a truncheon, and the fourth with a piece of wood. They hit me on my back and on the soles of my feet. Afterwards, they threw a long, twisted scarf around my neck. Two men, standing on either side of me with one foot each against my arms for leverage, started pulling the scarf, strangling me. They pulled until I lost consciousness. I regained consciousness again after they slapped me in the face several times and splashed me with water. I was terrified and I decided to confess to what I knew they wanted to hear from me-- where the stolen cows were. I thought of a plausible version that satisfied them, although I had not stolen anything. The investigating magistrate, who had been watching listlessly the whole time, instructed the others: “Take him downstairs. We’ll stick matches under his nails in the afternoon.” They didn’t do this though, and the following morning I was released.<sup>50</sup>

To date there have been no reported instances of investigating magistrates deploying match-stick torture on detainees, but the presence of this method of torment in the vocabulary of the custodial staff is noteworthy. According to Mr. G.1, he suffered for months afterwards from the injuries he sustained during the beating. He reported that his inner organs, including his lungs, hurt from the repeated outer blows. Another Romani inmate, Mr G.2., in Pazardzhik Prison, reported the following in connection with his stay in the investigation detention facility:

In September 1996, I was beaten with an eighty-centimetre-long truncheon. The police wanted me to confess to stealing cattle. While Investigating Magistrate V.I. was questioning me, an officer who was standing behind me delivered light, but repeated blows to a single spot.<sup>51</sup>

<sup>50</sup> Interview material from file #BU8-PA23, 20 August, 1997, Pazardzhik.

<sup>51</sup> Interview material from file #BU8-PA31, 20 August, 1997, Pazardzhik.

According to Mr G.2., this new method of torture is being administered ever more frequently in the investigation detention establishments. Although the blows themselves are delivered with the same force, they inflict steadily increasing pain.

Mr S.F., a Rom in his mid-twenties serving a sentence in Pazardzhik Prison, reported that in October 1996 investigating magistrates had beaten him every day over a twenty-day period in the investigation detention establishment in Nova Zagora. They had beaten him with a truncheon on his back and the soles of his feet in order to make him confess to the theft of calf skin. They only stopped beating him when he started spitting blood.

In the same prison, another Romani man told researchers:

On August 28, 1996, I was detained on the orders of Investigating Magistrate Bachvarov. In the investigation detention facility in Sliven, Investigating Magistrate K. and his colleagues swore at me and threatened that if I didn't confess to the thefts, I would suffer. Investigating Magistrate K. hit me with intense force on the head with a rifle butt. This tore apart the skin above my eyebrow and I felt faint. I was so afraid that I jumped out of the open window. As a result of the fall from the second floor, I broke my ankle. Immediately after the fall I was taken back to the same room, and the beating continued. I suffered three broken ribs, a swollen eye, a skull fracture and many bruises. I had a distinct bruise in the shape of a shoe on my back for weeks after, as well as a cluster of other bruises from where they kicked me and stepped on me. When Bachvarov came to the prison and saw me, he said he was sorry he had left me to the officers.<sup>52</sup>

A Romani man in his mid-thirties, Mr I.H.B. from M.K., near Plovdiv, reported that he had been accused of stealing and detained in the investigation detention facility in Pazardzhik, where he was tortured in order to force him to confess to the crime. Investigating Magistrate B. and his colleagues allegedly beat him repeatedly with truncheons. He asked for a lawyer during questioning, but this request was refused. The investigating magistrates did not enter the defendant's request for counsel in the protocol. Mr I.H.B., however, was suspected of a crime that carried with

<sup>52</sup> Interview material from file #BU8-PA38, 20 August, 1997, Pazardzhik.

it a possible ten-year sentence, so the preliminary investigation authorities were under obligation to provide him with a lawyer during questioning, even had he not explicitly asked for one.<sup>53</sup>

A Rom from the town of Dupnitsa, near Blagoevgrad, held in Bobovdol Prison, described the following:

Last month I was called by Prosecutor J., the man who had originally ordered my detention. He told me that my case had been sent to the Chief Prosecutor's Office. I asked him how long I was going to remain in prison and the prosecutor suggested that one of my relatives should come to bribe me out: "Send somebody over to me, and things may change," he told me. I told him outright that I didn't have any money. He just laughed in my face, and told me: "My friend, you're in deep trouble."<sup>54</sup>

Romani inmates also report inordinately long periods of stay in detention on remand.<sup>55</sup> Roma detained on remand in Bulgaria may expect investigations to last several months, and sometimes over a year. This is true even in cases of lesser factual and legal complexity. Apart from the small percentage of serious crimes carrying penalties of at least fifteen years, offences of which Roma are commonly accused, such as theft of livestock or small amounts of money should not present great difficulties to investigating magistrates and should be completed easily within the time limits laid down by law.<sup>56</sup> On May 16, 1997, a visit to the Plovdiv

<sup>53</sup> Article 70, paragraph 3 of the Bulgarian Criminal Procedure Code states, "The participation of a counsel for the defense in penal proceedings is mandatory when the case is for an offense punishable by death, life imprisonment or deprivation of freedom for at least ten years." See: Nakazatelen kodeks. Nakazatelno – protsesualen kodeks. Posledna aktualizatsiya. Sofia: Nova Zvezda, 1997, p.172.

<sup>54</sup> Interview material from file #BU8-BO19, 8 May, 1997, Bobovdol.

<sup>55</sup> Since August 12, 1997, under Article 152, paragraph 3 of the Bulgarian Criminal Procedure Code, maximum terms for detention on remand may be no longer than one year, and two years for crimes punishable by death, life imprisonment, or at least fifteen years of deprivation of freedom. Previously, the maximum length of an investigation was nine months, but this could be renewed by a prosecutor.

<sup>56</sup> Article 222 of the Bulgarian Criminal Procedure Code stipulates that investigators have two months to complete investigation and refer a case to the prosecutor. They may apply for an extension of up to six months and, in exceptional cases, up to nine months to complete the investigation. Prosecutors may and often do return cases to investigators for further investigation. The time frame then begins anew, with investigators expected to complete their work within two, six or nine months.

Regional Investigation Service was carried out by human rights monitors. According to its director Colonel Kumanov, there has been a recent increase in crime and many new cases have been filed. He stated that a single investigating magistrate may take on fifteen or twenty cases at once. According to Colonel Kumanov, this leads to delay in the investigation.

The *ERRC* believes that the length of preliminary investigation of Roma, often lasting for years, amounts to inhuman and degrading treatment.

Further, conditions in the investigation detention sites are often not fit for human beings. Former detainees report living conditions characterised by exceptionally limited space, lack of adequate hygiene conditions, as well as the total absence of natural light and proper ventilation in the cells. After visits to investigation detention facilities in Bulgaria, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concluded that the conditions in them “Almost without exception [...] could fairly be described as inhuman and degrading.”<sup>57</sup> The detention conditions of the 3rd District Investigation Service in Sofia were described as “atrocious”. The CPT recommended to move away from the practice of “[...] holding persons subject to preliminary investigation under conditions practically identical to those of a police station [...]”. One possible approach would be for all persons detained by the NIS [National Investigation Service] for preliminary investigation to be accommodated on prison premises.”<sup>58</sup> This recommendation was made because NIS detention facilities were deemed inappropriate for longer stays owing to the fact that many of the rights of the detainees, including the right to outdoor exercise, to correspondence, to receive parcels, and to visits, were considerably limited in comparison with the rights of detainees whose sentences had entered into force.

Poor conditions are very likely the cause of some of the episodes of unrest which have occurred recently in Bulgaria. On July 3, 1997, for example, the daily *Democratzia* reported that a riot had broken out in the investigation detention facility in Vratza. According to *Democratzia*:

The detainees’ shouts and banging could be heard throughout the whole street. [...] The prisoners demanded a meeting with a prosecutor [...]

<sup>57</sup> Report to the Bulgarian Government on the Visit to Bulgaria Carried Out by the CPT, *op.cit.*, paragraph 61.

<sup>58</sup> *Ibid*, paragraph 64.

Although investigators, the prosecutor’s office and the police have not given any information about the incident to the media, many have speculated that the cause of the riot was the inhuman conditions in Vratza investigation detention facility.

Medical provision for suspects detained on remand are another area of concern. According to *ERRC* information, Roma victims during detention in police and investigation facilities are not regularly informed about their right to access to medical help. They are not informed that they should request that a medical certificate be issued after excessive use of force by investigation officials. This is a necessary precondition to obtaining redress through the courts. Moreover, many persons interviewed complained that when such medical examinations are carried out, protocols issued often do not properly document the physical injuries sustained, or else may provide medical conclusions which defend the perpetrators of the beating. This is especially true when examinations are conducted by the hospital of the Ministry of the Interior. There are widespread allegations that the Ministry of Interior doctors who are asked to issue forensic certificates by the police and investigation service are biased, and often work in complicity with the latter.

Detention in the investigation facilities should have the sole aim of facilitating the conduct of investigation activities. The director of the Plovdiv Regional Investigation Service has voiced the opinion that the Bulgarian Criminal Procedure Code Article 91(1) stipulation that, “The charge and the sentence shall not be grounded solely in the defendant’s confession,” should prevent the ill-treatment of detainees in investigative detention facilities.<sup>59</sup> Both police detention facilities, where the officials take on the function of conducting investigation, and the investigative detention facilities, are infamous among prison inmates as places where they were forced to confess to everything demanded. Romani prisoners who have been detained in the investigation detention facilities call the investigative process a “meat-grinder” where they were subjected to gross violations of their fundamental human rights.

#### 4.3. PRISONS: OVER-REPRESENTATION OF ROMA

Once they arrive in prison, Roma join many other Roma who are either awaiting trial, whose sentence has not yet gone into effect, or who are already serving sentences. It is also

<sup>59</sup> Interview material from file #BU8-PLO65, 19 March, 1997, Plovdiv.

likely that they will join a cycle of repeat incarceration, receiving ever higher sentences for relatively minor infractions and thereby joining a world of professional prisoners.

Although no official statistics are available, the impression conveyed during visits to Bulgarian prisons is that Roma are more over-represented among prisoners serving sentences than they are among prisoners awaiting trial. In the cells for prisoners serving time for repeat offences, often over 90% of the inmates are Roma. While popular opinion holds that Roma are over-represented in Bulgarian prisons because they are criminals, interviews conducted with inmates indicate that two other factors play a significant role in sending large numbers of Roma to prison. First of all, Roma are sentenced more often because the Bulgarian judicial system tends to hand out stiff sentences to repeat offenders, even if a crime is relatively socially benign. Secondly, there are allegations of discriminatory tendencies in the Bulgarian criminal justice system. That is, Roma are sentenced, and given longer prison terms because they are Roma.

Estimates concerning the number of Roma in prisons provided to us by the various prison administrations are strikingly uniform. In Burgas Prison, an estimated 60% of the total number of prisoners are Roma; in the prison in Bobovdol, over 50%; in Pleven Prison, over 60%; in the Central Sofia Prison about 60%; and in Varna, 60%. In Vratza Prison, the acting director, Major Gavrilov, estimated that the percentage of Roma in cell blocks for remand prisoners was about 60%, and in cell blocks for convicted persons, approximately 92% or 93%.<sup>60</sup>

Visits to different prison blocks confirmed Major Gavrilov's estimates that the average percentage of Roma is considerably larger in cell blocks for convicted prisoners than it is in cell blocks for remand prisoners. In the women's prison in Sliven, visited in May 1997, the director, Major Petrova, reported that over half of the sentenced prisoners identify themselves as Roma. In addition, those identifying themselves as Turks include a large number of assimilated Muslim Roma. Major Petrova stated that the reason for the large number of Roma in the prison was the extremely harsh material conditions in which Roma live. However, she also alleged that for the majority of Roma, crime is a way of life.

<sup>60</sup> Prisoners' ethnicity can be found in the records kept in the prison archives; for those who have identified themselves as Roma, nationality is defined as "Bulgarian-- Gypsy". The specification is made according to the prisoners' self-identification. Roma who have not identified themselves as such are usually registered as "Bulgarians" or "Turks". Prison experts state that the procedure is often arbitrary. It can also be an indication of ethnicity in prison files when "Gypsy" is filled in the space on the form for languages spoken by the prisoner.

One reason for the over-representation of Roma is recidivism: the majority of sentenced Romani prisoners have already served one or more sentences. The percentage of Roma in cell blocks for sentenced repeat offenders is even higher than in blocks for sentenced non-recidivists.<sup>61</sup> Very frequently, in recidivist blocks accommodating eighty or ninety people each, there are only a few non-Roma. In certain prisons these cell blocks are known as "Gypsy blocks". In the overcrowded recidivist cell blocks, those who have been sentenced several times for minor offences are more frequently Roma than non-Roma.

However, the high number of Roma in prison for relatively minor offenses is attributed by many to overzealousness and racism on the part of Bulgarian magistrates. The director of Plovdiv Prison, Lieutenant-Colonel Karparov, a former judge, told human rights researchers:

They again send me a Gypsy sentenced to serve a year and a half effectively in prison for having stolen something small, like a rotten barn door, when a non-Gypsy bandit who steals a brand new luxurious car gets away with a six month prison term and even that term is suspended.<sup>62</sup>

Similarly, a Rom from Cell Block II in Pleven Prison stated: "Our sentences are harsh because we are Gypsies. Once the court sees us, they give us long terms in prison. They gave me a year and a half for the theft of 200 kilograms of iron which I wanted to sell for scrap." He explained that he was given a long sentence in part because he is Roma, and in part because he had a prior criminal record: "They record us as recidivists and it's true, it's not my first time-- I did three years in LCH [Labour Correctional Hostel] Atlant in Troyan before now, again for a minor theft. When it's a second time, they give out long sentences no matter what the crime."<sup>63</sup>

The Rom Mr U.D. from Pavlikeni also complained about an unfair sentence which had been given to him in late 1995. He was given a three-and-a-half year sentence for stealing 850 Leva (approximately 20 German Marks). According to him, the prosecutor's office and the courts do not like minorities.

<sup>61</sup> Under the Law on the Execution of Sentences, convicted and remand prisoners should be separated.

<sup>62</sup> Interview material from file #BU8-PLO30, 12 June, 1997, Plovdiv.

<sup>63</sup> Interview material from file #BU8-PLE04, 19 June, 1997, Pleven.

Finally, the different judicial criteria applied to Roma and non-Roma accused or convicted of criminal offences are directly connected to their chances of obtaining a lawyer. Roma, disproportionately affected by the economic crisis in the country, often find affording a lawyer nearly impossible. It is precisely for this reason that prisoners and prison directors alike believe that prisons have turned into shelters housing mainly the socially disadvantaged, while serious non-Roma offenders remain at large.

However, racism is still the main factor for the high level of incarceration of Roma. Court bias in weighing the claims of Roma is allegedly endemic. Neli Kutsikova, President of the Sofia District Court declared on national television in Spring 1996 that, “When Roma testify in court, even if judges try to do their best and be objective, sometimes they are prejudiced because Roma are known as compulsive liars.”

#### 4.3.1. Physical Abuse of Roma in Prisons

Roma in Bulgarian prisons report physical abuse by prison guards and other officials. This problem is especially pronounced in Burgas Prison, but was present in varying degrees in all of the prisons visited. The maintenance of order and discipline in Bulgarian prisons is achieved by resort to a mixture of lawful and unlawful means. Under Article 84 of the Law on the Execution of Sentences (LES), the law governing prison administration in Bulgaria, “The prison director can order that increased preventive measures be imposed on prisoners who are violent, terrorise the other prisoners or physically resist penitentiary staff. Such measures shall be stopped as soon as the cause of their imposition ends.” Article 110 of the Regulations for Application of the Law on the Execution of Sentences specifies, “As provided by Article 84 of LES, resort can be made to handcuffs, truncheons, strait jackets and safe chemical substances permitted by the Ministry of Health.”<sup>64</sup> A truncheon hangs from the belt of every guard.<sup>65</sup> Confidential talks with prisoners revealed that guards beat them with truncheons,

<sup>64</sup> Unofficial translation by *ERRC*.

<sup>65</sup> In Bulgaria, the truncheon can be used only in circumstances strictly defined by law. Under Article 88, paragraph 1 of the Regulations for the Organisation of Prison Security and the Rights of Prison Guards, February 1997, the truncheon can only be used as an ultimate measure and after warning. According to Article 88, paragraph 2, it is forbidden to use a truncheon on the head or face except against armed resistance and in self-defence.

kick them, punch them, and hit them with practically any nearby object which can inflict physical pain, such as wooden planks or automobile antennas.

During talks with prisoners in Burgas Prison, which was visited by human rights researchers several times during 1997, prisoners reported severe ill-treatment by guards and other officials. Resort to physical violence is a routine practice for punishing a large variety of petty infractions, such as taking bread out of the dining hall, keeping food in lockers, improperly made beds, or coughing in the presence of an officer. The guards in Burgas Prison pride themselves on the fact that, in their view, the prison is probably the only one in the country where “prison regulations are observed and strict discipline maintained.”<sup>66</sup> In the several cells visited in Burgas, almost all of the inmates reported that they had at one time or another been beaten by guards.

Inmate F.D., a Wallachian Rom, reported that of all the guard shifts, only one is “not violent.” Everybody in the cell reported that only a few guards are “relaxed”, while the rest are known as “karate men” and, according to Mr J.J., a Rom in his sixties, some guards are “accomplished hooligans”. In one cell, a Rom reported:

Once one of my buttons was open when we were all lined up. That was a good enough reason for the sergeants to attack me and hit me about twelve times on my head with their fists and a cell key. The keys are big and heavy, so they use them pretty frequently for beating us. They also kicked me. Sergeant G. beat me the most.<sup>67</sup>

Another Rom in the same cell reported that he had also been victim of a beating:

One guard took me out into the central hall because I had been joking with one of my colleagues. There, eight men started beating me simultaneously with truncheons and punches. Sergeant J. hit the hardest and swore the most.<sup>68</sup>

<sup>66</sup> Interview material from file #BU8-BU61, 11 April, 1997, Burgas.

<sup>67</sup> Interview material from file #BU8-BU33, 11 April, 1997, Burgas.

<sup>68</sup> Interview material from file #BU8-BU28, 11 April, 1997, Burgas.

The victim's cell-mates confirmed that after this incident they had to take care of him for a week. Prisoners in Burgas report that when guards begin beating a prisoner, others generally hasten to join in. One Rom in Burgas Prison also described the beating he had been subjected to:

During outdoor time, I went to get some water. That was why I was beaten by several sergeants. F.H. was among them. They used a rubber hose, truncheons and their fists. After that my groin swelled up so badly that I went to the doctor. He told me I would need an operation. I didn't have one though.<sup>69</sup>

Another Rom in Burgas Prison reported the following:

Sergeant A. called me over during outdoor time. He said he had been watching me for some time. I don't know what he thought he saw, but he had no reason to beat me. Then several guards started beating me with truncheons and kicking me in the chest and groin. It hurt so much I fell to the ground but they yelled "Get up, Gypsy!" and went on beating me for five more minutes. When I came back to my cell, my cell-mates told me you could hear my screams throughout the whole prison.<sup>70</sup>

One Rom, also in Burgas Prison, reported that one guard constantly beat him in order to punish him further for the crime for which he had been sentenced:

Whenever Sergeant E. sees me, he beats me because I committed a murder. He keeps repeating that I am alive and my victim is dead, therefore he must beat me. One of the beatings ruptured my eardrum and one of my eyes bled. He also throws bottles at me. When I went to the doctor, he told me that since I killed a man, I'd leave prison dead. I keep writing applications to be moved to another prison, but there hasn't been any answer.<sup>71</sup>

<sup>69</sup> Interview material from file #BU8-BU29, 11 April, 1997, Burgas.

<sup>70</sup> Interview material from file #BU8-BU26, 11 April, 1997, Burgas.

<sup>71</sup> Interview material from file #BU8-BU24, 11 April, 1997, Burgas. Transfer from one prison to another is ordered by the Chief Directorate of Prisons with the written consent of the prison director.

Several inmates in Burgas Prison reported that their cell-mate, a Romani man of extremely slender build, Mr L.K.L., had been brutally beaten by six sergeants. Mr L.K.L. confirmed the beating but would not provide details. Again in the same cell, several inmates reported that Sergeant A. had broken the jaw of a Rom, Mr J.G.J., by hitting him in the face with his truncheon. At the time of the visit, Sergeant A. no longer worked in Burgas prison.

A Rom from a different cell in Burgas Prison reported:

Recently, I was falsely accused of having said something insulting in line. For this I was beaten for about twenty minutes by four sergeants with Sergeant A. in the lead. They kicked me, hit me with their truncheons and punched me. One of the blows hit me near my ear and ruptured my eardrum. After the beating, apart from the great pain and loss of hearing, my cell-mates tell me that when I have a cigarette, smoke comes out of my ear.<sup>72</sup>

Ill-treatment was reported as a problem by prisoners in other prisons as well. During a visit to Pleven Prison, a Romani inmate reported:

Sergeant J.S. beat me in the dining hall. He hit me with a truncheon three times, and then another sergeant started beating me too. They kept hitting me with their truncheons and kicking me. Afterwards they didn't let me keep my uneaten food in the locker. During the next few days, every time the sergeant saw me, he'd kick me in the legs.<sup>73</sup>

Another Romani inmate in Pleven Prison, Mr U.D. from Pavlikeni, reported that several months before the visit of human rights researchers, he had informed the prosecutor's office that he had been beaten by guards, but at the time of the visit he had still not received an answer. Mr U.D. believes that his complaint was simply ignored.

According to inmates in the prison for minors in Boychinovtzi, Roma are subjected to hate speech, mocking, beatings and kickings by guards. They also report that they are regularly

<sup>72</sup> Interview material from file #BU8-BU32, 11 April, 1997, Burgas.

<sup>73</sup> Interview material from file #BU8-PLE03, 19 June, 1997, Pleven.

subjected to individual or collective harassment like push-ups, parade drills and so forth, all carried out under commands taken from army jargon.

In Boychinovtzi Prison, a teenage Rom, D.E.R., reported that several weeks earlier he had been beaten by several sergeants with rubber truncheons, punches and kicks, because he had gone for a medical check-up in the prison hospital. At the time of the visit, he had been in the establishment for eight months. Although he was not feeling well at the time of the visit, he was afraid to seek medical help.

In a cell for sentenced recidivists in Plovdiv Prison, one of the inmates reported:

Because I had been in the lavatory for too long, they locked me in it on purpose. When they unlocked the door, one of the sergeants hit my arm with a rubber truncheon. My arm swelled up after that. Later on they put me in a disciplinary cell and they also shaved my head because they found a heating element for boiling water in my cell.<sup>74</sup>

Mr H.M.J. from the same cell reported that he had been beaten by the guards, but refused to give any details concerning the incident or the names of the perpetrators. One Romani inmate in Block XI for remand prisoners in Sofia Prison reported:

When I was taken to the court hearing, Sergeant H.'s wife, who also works in the prison, overheard me talking in Romanes [the Romani language] with some friends. After coming back from court, she told her husband that when she had reproached me for speaking in Romanes, I had threatened her. After that, Sergeant H. and several other guards beat me with truncheons and kicked me. Every time he hit me, Sergeant H. asked me, "Who hit you?" He wanted to let me know that nobody would confirm the beating and there would be no use making any sort of complaint. Since then, whenever Sergeant H. is on shift, I never go to the dining hall to eat because the guards are always insulting me about my being a Gypsy and waiting for me

<sup>74</sup> Interview material from file #BU8-PLO08, 19 March, 1997, Plovdiv.

to answer back. They know that when my honour is wounded, I can't just stand there. They know I'll react, and that will give them a reason to start beating me.<sup>75</sup>

During a visit to Lovech Prison in March 1997, when the prisoners were first asked if they had been victims of beatings, the answers were negative until some of them plucked up the courage to report, confidentially, cases ranging from several blows to brutal beatings resulting in loss of consciousness. Interviews with inmates revealed that the reasons for ill-treatment were usually trivial infractions of the prison internal regulations.

Mr J.J.H., a Romani inmate in Lovech Prison reported, for example, that a week before the visit guards had beat him with truncheons, punched him in the face and kicked him for giving a piece of meat to a relative in the visiting hall. He showed scars on his buttocks-- blue and red spotted weals-- which were consistent with his allegations. Another Rom from Block II, a person of extremely slender build, reported:

They beat me like a dog. Sergeant K.A.H. hit me the most. He always beats the most. Then they told me I'd got *volvulus*<sup>76</sup> and had to be operated on.<sup>77</sup>

According to Mr L.E.L. and Mr M.M. who witnessed the beating, the victim's screams could be heard throughout the entire prison.

Mr P.O.H. in Lovech reported that at the beginning of March 1997, he had called out of his window to a friend in the yard. For this infraction, guards beat and kicked him for approximately half an hour.<sup>78</sup>

One of the Roma in the Labour Correctional Hostel Atlant at Lovech Prison reported:

<sup>75</sup> Interview material from file #BU8-SO20, 3 July, 1997, Sofia.

<sup>76</sup> Knotted intestines.

<sup>77</sup> Interview material from file #BU8-LO39, 12 March, 1997, Lovech.

<sup>78</sup> Interview material from file #BU8-LO67, 12 March, 1997, Lovech.

A month ago Sergeant T. hit me twice on the head with a truncheon and called me “Gypsy”. The reason he gave was that I had looked at him disrespectfully. After that my head swelled up and I had to go to a doctor.<sup>79</sup>

Mr R.I., in the same prison, reported that he had been beaten by Sergeant K.A.H. with kicks, punches and a truncheon. Everybody in the cell confirmed that afterwards his back had been covered in bruises. Another Rom reported:

In July 1996 we had a quarrel in the dining hall. Then four of the guards suddenly jumped at me and started hitting me with their fists. While they were beating me, they kept calling me “fez”<sup>80</sup> and hit me on the legs so I’d fall down. I lost consciousness for some minutes during the beating.<sup>81</sup>

Mr G.H.E. reported that at the beginning of February, Sergeant G. had beaten him with a truncheon and kicked him because he had taken a slice of bread from the dining hall. “Often, he starts beating without warning. He just looks for some reason or other and starts beating-- even an open button is a good enough reason for him,” said Mr G.H.E. Despite the fact that inmates are allowed to keep food received in parcels in their cells, many other beatings were motivated solely by the fact that inmates had taken bread from the dining halls to their cells. Inmates who take bread out of the dining halls are, in general, those who have not managed to eat it there.

According to information from several prisoners in the Lovech Prison, many of them suspect that one of the deaths in the prison was the result of physical abuse by prison guards. On March 18, 1996, a Romani man from Sevlievo, near Gabrovo, named Mr G.E.H., also known as “Brush”, died shortly after guards beat him during custodial duty. According to one inmate, guards had overheard him talking to another inmate and had beaten him as punishment.

<sup>79</sup> Interview material from file #BU8-LO16, 13 March, 1997, Lovech.

<sup>80</sup> Reference here is to the Muslim religion of the interviewee.

<sup>81</sup> Interview material from file #BU8-LO17, 12 March, 1997, Lovech.

One inmate, Mr K.H.S., reported that he had been punished together with Mr G.E.H. because they had played cards. They had to clean the so-called “wheel”-- the hall on the prison’s ground floor. Mr G.E.H., who was an asthma patient, had said he was not feeling well and asked to be allowed to go to his cell for medicine. The guard allegedly refused and Mr G.E.H. fell to the floor shortly afterwards. Mr K.H.S. told one of the sergeants that Mr G.E.H. needed medical help. The doctor came two hours later, by which time Mr G.E.H. had already died. A witness to the incident, Mr H.M.S., reported:

I was with Brush when they let him die. He was feeling bad and wanted his breathing aid. The sergeants didn’t do anything. Then finally they let one inmate go and get it, but it was already too late.<sup>82</sup>

The same inmate told human rights researchers that two days previously Mr G.E.H. had been in the tuberculosis ward and that guards had beaten him there. One inmate stated that Mr G.E.H. was beaten by guards only several minutes before he died. Medical certificate No. 261, dated May 20, 1996, in the Book for Executed Death Sentences and Deceased in Lovech Prison states that the cause of Mr G.E.H.’s death was: “Blocking of the upper respiratory organs with foreign bodies-- food.”

Instances of death in prison increased considerably in 1996 in comparison with previous years. In 1990 there were five recorded cases, one case in 1991, four in 1992, six in 1993, nine in 1994, four in 1995, and fourteen in 1996. It is not known how many of these were Roma. Considering the inmates’ average age, which is low, the high mortality rate in Bulgarian prisons is cause for serious concern.

The check in the Book for Staff Sanctions<sup>83</sup> revealed that Sergeant K.A.H., who was accused by many inmates of beatings, was sanctioned in 1996 for excessive use of force; in 1997, four staff members were sanctioned, two for offences related to the same incident. In connection with inquiries concerning the frequent complaints regarding Sergeant K.A.H., the prison’s chief guard reported that the former was one of the guards who most stringently upheld prison rules. When asked what constituted a “bad guard”, supervisors described

<sup>82</sup> Interview material from file #BU8-LO41, 12 March, 1997, Lovech.

<sup>83</sup> *Kniga za nakazaniia na sluzhitelite.*



guards who did not beat prisoners. Conversely, the primary management criterion for a “good guard” was readiness to use physical force. At the mention of several officers who, according to prisoners, frequently resorted to excessive use of force, the chief guard and deputy director responsible for the regime stated that they were among their best guards.<sup>84</sup>

#### 4.3.2. The Special Problem of Disciplinary Cells

Roma and prison officials report that prison officials often skip mild forms of disciplinary action when Roma break prison rules, because mild forms of punishment are widely held not to be effective with Roma prisoners. Prison officials are therefore less likely to impose such punishments as deprivation of the right to correspondence, denial of visits and withholding of parcels, all set down in the Law on the Execution of Sentences as milder forms of punishment, preferring to use more severe sanctions straight away when the inmate in question is a Rom. One of the strictest forms of punishment, and one about which numerous Romani inmates gave testimony, is the so-called “disciplinary cell”.<sup>85</sup>

Under Bulgarian law, prisoners may be placed in disciplinary cells by the prison or LCH director, as well as the head of the Central Prison Administration, the national authority supervising prisons, for any breach of law or internal prison rules. Although Article 77 of the Law on the Execution of Sentences states that the punishment should be proportional with the character and gravity of the offence, in practice authorities have wide discretion for assigning terms in disciplinary confinement since what constitutes a grave offence remains undefined by the law. Appeal of decisions to place prisoners in disciplinary confinement is possible via administrative procedure. The first instance is the chief of the prison, second instance is the chief of the Central Prison Administration.

In the period February 1–March 10, 1997, twenty-five inmates of Lovech Prison were punished with “disciplinary cell without the right to work” for periods ranging from 10

<sup>84</sup> Interview material from file #BU8–LO69, 12 March, 1997, Lovech.

<sup>85</sup> Article 76 of the Law on the Execution of Sentences provides for eleven different types of punishment for breaches by prisoners of law or prison rules. These range from “notification” (1) and “reprimand” (2) to deprivation of home leave for up to one month (11). “Disciplinary cells for up to fourteen days with deprivation of the right to work” and “Disciplinary cells with the right to go to work” are among the most severe punishments.

to 14 days. The visit to one of the disciplinary cells with three prisoners, two of whom were Roma, revealed that instead of glass, the window was covered with a piece of tin with holes in it. Despite sunny weather outside, it was almost completely dark inside and the temperature was about the same as outside-- a little over 0° Celsius. There was no heater in the cell. There were no beds in the cell observed. The sleeping places are very close to one another and they filled up the whole cell, which measured just 2.5 metres x 3 metres. The cement floor was raised some 30 centimetres above the level of the corridor floor and covered with planks. Even though a cold wind was blowing in from the improvised window at the time of the visit, a heavy, acrid, unpleasant smell could be sensed even before going near the cell.

In some prisons, an extra set of bars is set inside the cell approximately half a metre from the outer ones in order to cut prisoners in disciplinary confinement off entirely from access to the corridor. One of the punished men in the disciplinary cell in Lovech, a Rom named Mr G.G. reported that he suffered from heart disease and high blood pressure and that he had not had the obligatory medical check-up before being put in the disciplinary cell. He was serving a seven-day punishment for owning a hand-made heating element for boiling water. His cell-mate, serving a fourteen-day punishment for gambling, complained of scabies and stated that they receive no medical attention whatsoever.

In one disciplinary cell in Burgas Prison, the Romani prisoner Mr K.H. was serving a combined punishment of fourteen plus ten days.<sup>86</sup> He had been sent to a disciplinary cell for fighting with a cellmate. The officer on duty informed investigators that the punishment would be served with a three-day interruption after the twentieth day in the disciplinary cell, after which the remaining four days would be served. The visit of investigators to the disciplinary cell revealed that the window was missing its glass and a blanket was being used to replace it. The window had evidently been broken several months earlier and had not yet been restored at the time of the visit. Therefore, during the winter months, the cell had been used in this condition, with the window broken. The cell lacked a heater and mattress.

<sup>86</sup> According to the Law on the Execution of Sentences, the maximum term available to prison directors as punishment is fourteen days in disciplinary confinement. Article 106 of the Regulations for Applying the Law on the Execution of Sentences states that in cases in which punishment exceeds twenty days isolation in a disciplinary cell-- i.e., where a prisoner is serving more than one term in disciplinary confinement--, the terms must be interrupted after the twentieth day.

According to the officer on duty, disciplinary cells in the prison are never supplied with mattresses and prisoners sleep on wooden planks. This is in blatant contravention of the commitment made by the Bulgarian government to the European Committee for the Prevention of Torture in 1995 to guarantee that mattresses be put in the disciplinary cells. One of the neighbouring disciplinary cells was empty, there was a pane in the window and a heater. When human rights investigators inquired why the punished Rom, K.H., had not been moved to the empty cell, the officer on duty replied that even if the conditions were inadequate, the punishment had to be served where it was begun and moving was not allowed.<sup>87</sup>

Romani inmates also report that terms in disciplinary cells are frequently imposed following physical abuse. An inmate who identified himself as a Wallachian Rom explained the process as follows:

When the sergeants beat somebody, they force him to write an explanation for the incident so that the guards can write a report excusing the beating. The guards dictate to the prisoner what they want him to write. The prisoner is then usually punished by being put in a disciplinary cell.<sup>88</sup>

When asked to comment on the choice of punishment by prison authorities, other inmates in the cell answered similarly: “They beat you first, then they punish you with the disciplinary cell.”

The threat of the disciplinary cell acts as a kind of sword of Damocles which guards constantly hold over the heads of the inmates in the service of petty forms of humiliation and abuse. One of the inmates in Pleven prison, who asked to remain anonymous, reported that arguments with officers almost always ended with bargaining. The sergeant would say: “If you don’t want me to send you to the disciplinary cell, give me two packs of cigarettes, ” or “This will cost you 5000 Leva...” or “What do I get out of this?” Inmates generally prefer to give the little they have rather than be put in a disciplinary cell.

<sup>87</sup> Interview material from file #BU8–BU68, 11 April, 1997, Burgas.

<sup>88</sup> Interview material from file #BU8–BU42, 11 April, 1997, Burgas.

#### 4.3.3. Overcrowding, Malnutrition, Poor Material Conditions and Inadequate Medical Services

Overcrowding in prison cells is one of the most serious problems in some Bulgarian prisons; it renders inmate relations significantly worse and causes animosity between cell blocks with differing conditions. Rule 15 of the European Prison Rules, which stipulates that prisoners should be ensured “adequate living space”, is thus violated. In certain prisons, such as the one in Bobovdol, overcrowding is at its highest in cell blocks for remand recidivists. Frequently cells measuring ten square metres, such as the ones in Pleven Prison, accommodate as many as eight or nine people.

Roma are not found in all cells in Pleven Prison, but are most often accommodated in larger cells, with ten or more Roma per cell. Roma are much more likely to be accommodated in overcrowded cells than non-Roma. Inmates in one cell in Pleven Prison which is inhabited by nineteen inmates, only four of whom were ethnic Bulgarians, reported that “...distinction is made in prison between blacks and whites.”

In prisons like Lovech and Pleven, cells for sentenced recidivists-- a disproportionate number of whom are Roma-- are overcrowded. The cells in the old building of Lovech Prison were not originally designed for more than eight prisoners, but certain cells were found to accommodate up to fourteen or fifteen inmates. In cells fitted with these three-level bunk beds, the upper bed stands no more than 70 centimetres from the ceiling. Almost every prison possesses cells with three-level bunk beds. A typical case of overcrowding was observed in Cell Block IV for sentenced recidivists in Lovech. Here, twenty-four inmates are accommodated in an area measuring not more than twenty-five square metres. In Labour Correctional Hostel Atlant in Troyan, up to thirty prisoners were accommodated in a single fifteen metre by seven metre dormitory room. In one of the cells visited, two Romani inmates, Mr H.I. and Mr D.U., share one bed because of lack of mattresses. In the same cell, almost all of the thirty inmates are Roma.

In some cases, overcrowding exacerbates other problems. A Romani inmate named Mr U.H.G. from Bobovdol Prison reported that there is a high level of hostility in the prison toward persons from Sofia, due to a recent influx of inmates from the capital and the already overcrowded situation of the prison. This has led to beatings of inmates from Sofia by prisoners from the area around Bobovdol. The latter express the belief that people from Sofia

are the enemy. Mr U.H.G. stated that since Roma were already treated worse than other Bobovdol inmates, he badly wanted to be transferred to Sofia Prison because, “We Roma from Sofia are getting the treatment here.”<sup>89</sup>

Malnutrition is also a serious problem in Bulgarian prisons and here again, Roma are disproportionately affected. Prisoners testify that in the period between the deep winter months and June 1997, when Pleven Prison was visited, food consisted mainly of diluted cabbage meals, thin soups and 400 grams of bread daily. This is not enough to nourish an adult human being. In many of the prisons visited, Romani inmates were visibly emaciated.

Some Roma report that they are given less food than non-Roma. A Romani youth serving a sentence in the Correctional Hostel Boychinovtzi, said, “When they give out food, they give us less because we’re Gypsies.”<sup>90</sup>

Many prisoners receive packages from family and friends which contain food and in this way are able to maintain a healthy diet. In some prisons, most non-Romani inmates live only on what they receive in parcels. These prisoners often refuse to eat prison food. According to information from prison administration, however, very few Romani inmates receive parcels.

Minors who do not get enough to eat have to steal food from the lockers of those who receive food during visits. In one of the dormitories visited, several Roma minors reported that they eat baked wheat grains acquired in the fields where they work to make up for the insufficient meals they receive.

The deputy director for agricultural activities in Pleven Prison and the housekeeper in the same institution reported that 200–300 kilograms of meat, supplied by the prison farm, are distributed to inmates every week. Regulations for calories and weight of the different types of food that every inmate is supposed to get daily were shown. However, a Romani inmate in the same prison, Mr J.D.D., reported that he had lost eighteen kilograms of weight in six months. During the same period, he claimed that meat had been given out only four times.

<sup>89</sup> Interview material from file #BU8–BO43, 8 May, 1997, Bobovdol.

<sup>90</sup> Interview material from file #BU8–BY01, 28 March, 1997, Boychinovtzi.

The general appearance of many of the prisoners, who seem to be on the brink of starvation, lends credibility to their claims.

Heat, water and electricity are also in short supply. The prisons’ poor financial state contributes to an inability to pay electricity and water bills, as well as to provide central heating during winter. All prisons visited provide only several hours of electricity, water and central heating per day. In some prisons, one toilet facility is shared by the inhabitants of a whole floor-- sometimes up to two hundred inmates. In such wards, maintenance of an acceptable level of personal hygiene is close to impossible. Although inmates are theoretically allowed access to bathing facilities once a week, in every visited prison with the exception of the one in Sliven, prisoners reported that they had access to bathrooms and hot water only once a month. In Burgas Prison, inmates reported that they have access to shower facilities once every three months.

Inmates in Burgas are given a small piece of soap every three months. In certain prisons, like the one in Varna, many inmates report that they are not given sheets upon admission into prison, and that those sheets in circulation are almost never washed.

Hunger coupled with overcrowding and poor sanitary conditions in Bulgarian prisons breeds a wide spectrum of disease, among them life-threatening illnesses such as tuberculosis. Prison establishments in Bulgaria employ a doctor, a nurse and a dentist. In Bobovdol Prison, over eight hundred prisoners are in the care of a single nurse. In some prisons, consultants on specific medical issues are hired on a case-by-case basis. According to all inmates interviewed, treatment generally consists of aspirin. Only when an inmate’s condition becomes serious does actual treatment begin. Prison doctors report that because of the aggravated financial situation, they bring minimal quantities of only the most frequently used medicines and are not well supplied with many necessary medicines and materials.

In each prison visited, there were several cases of tuberculosis. Because of a lack of funds, in some prisons it is impossible to supply the mobile fluorograph necessary to make proper diagnoses. At every reported case of tuberculosis, the ill person should be isolated from the healthy. This, however, does not presently happen in Bulgarian prisons because of the recent increase in the number of cases and the lack of empty cells. The joint accommodation of healthy and ill persons creates a high probability of an epidemic. The inability to conduct normal treatment should require that prison officials interrupt the sentence. This is often done only when the patient’s condition has become irreversible, however. There have been

cases in which individuals have died immediately following release from prison. According to prisoners in Pleven Prison, the prison administration's only concern is that death does not occur on the prison premises. Sentences are only interrupted for treatment when the prisoner is on the brink of death. Given the present conditions in Bulgarian prisons and the lack of an adequate response by prison officials to the presence of the disease, conditions for a major epidemic are presently in place.

Finally, some inmates do not receive proper medical attention because of the doctors' practice of having them physically abused. In Burgas Prison, several inmates reported that when they expressed their discontent about the work of the doctor, he picked up the telephone receiver, called the guards, and told them that he had been sworn at. After the beating that followed, those who had dared protest did not seek medical help anymore.

Solving the problems of overcrowding, malnutrition, poor material conditions and inadequate medical services is contingent on the political will of the Bulgarian government to provide an appropriate budget for the prison system. Leading penitentiary officials complain bitterly that most proposals to bring the budget of prisons up to appropriate levels are systematically rejected or ignored by responsible governmental officials.

#### **4.3.4. Work, Education, Outdoor Time, Visiting, Correspondence, and the Right to Private Space**

Prison regime allows for a number of prisoners' rights designed to alleviate the psychological burden of deprivation of liberty and, in some cases, facilitate reintegration into the wider society following release. Provisions for such rights as work, outdoor time, visits by family and friends, and the decoration of one's living space are at present subjected to a range of illegal limitations in Bulgarian prisons.

According to the Law on the Execution of Sentences, there are four types of regime in prison: light, general, strict and very strict. The regime under which a sentence is to be served is determined by the court passing the sentence. The same prison may house prisoners sentenced to different regimes. General, strict and very strict regimes prevailed in the visited establishments. Because of insufficient space in prisons, it is not always possible to accommodate inmates with different regimes separately.

The imposed type of regime determines the type of treatment of inmates with regard to the sum of money they have the right to use, the time they spend in a locked cell, the number and frequency of parcels they are allowed to receive and the places where they can work. Investigators documented no infringements on the right of inmates to correspondence.<sup>91</sup>

Most prison halls display the time when cells are unlocked. The schedules in the Burgas, Varna, Pleven, and Pazardzhik Prisons coincided with those stated by inmates. According to Bulgarian prison regulations, all inmates should be placed in cells that are locked during the night. Under the Rules for the Implementation of the Law on the Execution of Sentences, only prisoners put under strict and very strict regimes can be locked in their cells during the day and this should be determined on a case-by-case basis. In contravention of these rules, however, it is very common to lock the cells of all prisoners during the day, even those prisoners serving sentences on a general regime, who should normally not be locked up at all during the day.

Work in places of detention contributes to reducing the negative effects of the time spent behind bars. Cases of refusal to work are very rare, since according to Article 41, paragraph 3 of the Bulgarian Penal Code, two working days count as three non-working days served in prison. Prior to the political changes in 1989 almost all inmates worked, but the percentage of those working has fallen drastically in recent years. In Lovech Prison, for example, not more than 10% out of the total number of inmates work. Until 1993, the employment rate of inmates in Bobovdol Prison was 100%. Work consisted mainly of mining work near town, but gradually the prisoners were replaced by non-inmates and currently only half a dozen prisoners work in the mines. Approximately fifteen people work in the woods, and ten people perform agricultural tasks. This last number is directly related to the mining; much of the surrounding land has been destroyed by poisonous mine tailings. The number of inmates working is not more than fifty or sixty people out of a total of approximately nine hundred. The prison area is limited and there is no possibility to build workshops. According to the prison director, Major Oresharski, the prison's agricultural facilities are completely destroyed.

<sup>91</sup> According to Article 37, paragraph 1 of the Rules and Regulations of the Law on the Execution of Sentences, "Prisoners have the right to correspond and there is no limit on the number of letters they can send or receive." Paragraph 2 states, "When the content of the letter is such that it should not be delivered for reasons of security, regime, or educational purposes, the head of the cell block (*otriad*) informs the prisoner and places the letter in his/her file." Unofficial translation.

Although in some prisons a larger number of the inmates work, working is considered a privilege for only a few chosen prisoners. In the entire prison system not more than 20–30% of inmates work, and the percentage of Roma who receive prison employment is much lower.

There is no single categorical criterion for the recruitment of the workers. According to inmates from different cells in the Pleven Prison, cell block directors sometimes tell them that they may not work because they have only a short time remaining until the end of the prison term. On other occasions, the explanation is quite the opposite-- inmates are told they have a long time left to serve, so they may not work. Roma who are badly educated are frequently denied work. In Pleven Prison, Roma reported that the director selected those who could pay for it. During a visit to the third and fourth working cell blocks, inmates reported the following:

Prisoners who have visits are allowed to work, because they can pay for the reduction of their sentences, but poorer prisoners have to serve the full sentence because we can't pay for work. We Roma can't pay to get a job here because we have no money.<sup>92</sup>

Prisoners in Cell Block VI in Pleven Prison also reported that one has to pay in order to be allocated work.

Inmates have the right to education. In marked contrast to the right to work, this is wildly unpopular, due largely, it seems, to the tendency of prison officials to link schooling to punishment. According to statements made by the prison management, between 10% and 30% of the inmates, mainly Roma, are illiterate. Some of them have never attended school. In the women's prison in Sliven, according to the administration officers, one-third of the sentenced women are illiterate. Because of the presence of a school and hired teachers in Labour Correctional Hostel (LCH) Kremikovtzi, the director uses punishments and threats to force the Roma to attend school. This largely inspires backlash reactions, whereby the pride of the inmate concerned can only be maintained if they manage to avoid this forced schooling. One Rom in Cell Block II in LCH Kremikovtzi explained:

<sup>92</sup> Interview material from file #BU8-PL54, 19 June, 1997, Pleven.

We're all Roma in this block. Nobody goes to school voluntarily. I said I wouldn't go and they punished me with isolation in a disciplinary cell for seven days, and changed my regime from general to strict. Why should I go there?<sup>93</sup>

In marked contrast to work, schooling reduces sentences far more slowly. Eight hours of school count as one working day, but the daily number of schooling hours is extremely low. This means that it can take as many as four days of schooling to equal one working day.

The Correctional Hostel in Boychinovtzi, which in practice is a prison for minors,<sup>94</sup> accommodates 150 boys over the age of 14, half of whom are Roma. Eleven students attend first grade, fourteen attend the second and third grades, and seventeen attend the fourth grade. If newcomers are under 16 years of age, enrolment is automatic, since education is compulsory in Bulgaria until the age of 16. The headmaster of the school, Mr Markov, reported that a specialised supplementary school grade for students from first to fourth grades has been created in order to accommodate the needs of illiterate children, most of whom are Roma.

Besides the educational establishment, there is a one-year vocational and technical school in Boychinovtzi. It includes courses in metalworking, turnery, carpentry, and wickerwork. The instruction is carried out in workshops, supplied with the necessary machinery and equipment.

Inmates are provided with outdoor time. Under Article 33 of the Law on the Execution of Sentences, inmates have a right to be outside for at least one hour per day. According to Article 48 of the Regulations for Internal Order in Prisons and Labour Correctional Hostels of a Closed Regime, "Outdoor stay shall be conducted while moving and in columns." Inmates consider that the fact that they are made to do walking exercises during outdoor time amounts to degrading treatment. In April 1996 in Lovech Prison, inmates

<sup>93</sup> Interview material from file #BU8-SO47, 11 July, 1997, LCH Kremikovtzi.

<sup>94</sup> Minors between 14 and 18 years of age are criminally liable under Bulgarian law, but are treated more favourably by the criminal justice system and are housed separately. LCH Boychinovtzi is the only prison for boys. Girls are kept in the women's prison in Sliven, where there is a separate ward for teenage girls.

began a hunger strike protesting this use of “the square”, the slang term for outdoor time. Inmates refused to go by the scenario of ten minutes “smoking” and ten minutes “walking” with their hands behind their backs. The strike was terminated on the third day after military units with dogs entered the prison. The initiators of the strike-- around eight people-- were placed in disciplinary cells. According to some of the strikers, approximately 60% of the inmates were afterwards placed on a strict regime, lost the right to walk in the corridors, and had to stay in permanently locked cells.

The right to decorate cells according to inmates’ desires-- with pictures, family photos, bookshelves, calendars, etc.-- is regulated by Article 29 of the Rules for Order in Prisons and Labour Correctional Hostels (LCH) of a Closed Regime. This stipulates that, “The decoration of the dormitories and corridors shall be specified by the prison or LCH administration.” The provision thus leaves open the possibility for arbitrary decisions from the prison administration regarding what to allow for decoration and in which cells. Visits to the different cells revealed a marked difference in the interior. Some Romani inmates suggested that it was necessary to bribe prison administrators in order to decorate; since the financial means of prisoners from different cells are not the same, cells are decorated accordingly. Cells populated mainly by Roma are bare-walled, of unsightly appearance, fitted with three-level bunk beds, and without television. Romani inmates in one of the cells in LCH Atlant in Troyan reported that their shelf had been taken down from the wall. In another cell housing ethnic Bulgarians, the shelf had not been taken down, and it was explained that it had been kept because there was a plant on it. In the cells in Bobovdol Prison, inmates were limited to placing only a mirror on their lockers and, possibly, small photos, but not calendars and shelves. In other prisons like the ones in Burgas and Lovech, nothing could be seen in the cells apart from the prison furnishings.

The prisoners’ right to visits from family and friends is frequently violated because of the provision of Article 33, paragraph 1b of the Law on the Execution of Sentences, which stipulates: “Conversation during visits shall be conducted in Bulgarian. If the sentenced person or his visitors do not speak Bulgarian, the administration offers an interpreter at the expense of the former [i.e., the inmate or his or her family].” Roma from different cells in Lovech Prison and LCH Atlant, where an estimated 90–95% of the inmates are Roma, complained that during visits, elderly parents who do not speak Bulgarian are effectively prohibited from speaking. If they have not brought an interpreter, or cannot afford one, conversations cannot take place.

Six or seven visits can take place simultaneously in one visiting hall. A wire screen and two metres divide inmates from visitors. Romani inmates report that it is often practically impossible to hold a normal conversation as everybody tries to out-shout everybody else.

#### 4.3.5. Prison Psychology

Prisoners who have spent long periods of time in prison become socialised to life there and are frequently no longer capable of life in society outside prison. Some individuals embedded in prison psychology and subjected to regular and prolonged abuse of their basic human rights begin to mutilate themselves, attempt suicide, and despair entirely. Investigation into the situation of Roma prisoners in Bulgaria revealed all of these phenomena at disturbing levels. In most prisons, the position of psychiatrist remains vacant due to limited prison budgets.

Many prisoners are no longer comfortable outside prison. In two prison establishments visited, inmates reported that while on home leave they either spent the night at the police station and returned to prison the next day, or were brought back by policemen because they had been picked up for vagrancy.

Self-mutilation is widespread, especially among the Roma prisoners. The swallowing of so-called “stars”-- needles tied together in a certain way in order to stick in the oesophagus-- and other metal objects, as well as demonstrative suicide attempts were documented. According to Dr Liliiov of LCH Kremikovtsi, episodes of self-mutilation and suicide in prison come in waves. Copycat behaviour is often recorded if a prisoner is released or hospitalised, and some of the episodes are forms of protest. The most common form of protest, however, is the hunger strike. Hunger strikes are rarely taken seriously by prison officials. Under Article 86 of the Law on the Execution of Sentences, prisoners may be force-fed if their life is in danger.

In one of the visited cells in Plovdiv Prison, the Roma prisoner Mr J.H.T. reported that quite recently he had swallowed two spoons and six nails as a form of protest after his request to move to another cell had been turned down. The prison governor was informed about the case and told us there is no need for an operation since Mr J.H.T. was not in any pain, he didn’t have any swellings and he did not display the “hard stomach” symptom. The victim had been put on a potato diet and was waiting to excrete what he had swallowed.

The governor stated that if there were complications, however, he would undergo an operation.

A group of prisoners in Bobovdol reported that one case of self-mutilation had taken place during their outdoor time in late April 1997. A Romani prisoner named Traycho had injected petrol into his arm, according to some, and saliva and scrapings from his teeth according to others. They testified that he resorted to this after being beaten by the officer in charge of his cell block. Everyone was unanimous in claiming that the said “block officer” treated the prisoners in the cell block very badly and they demanded his dismissal. The victim’s arm subsequently had to be amputated.

Roma inmates also report a number of phobias stemming from physical abuse. According to inmates in Bobovdol, fear of confrontations with the guard staff forces the prisoners not to make use of their right to access to the corridors, toilet facilities and the dining hall. Victims of the guard beatings in the same prison reported that guards enter the cell at all hours and treat them savagely. Inmates reported that one of their cellmates, a Romani man named Mr D.O.H., has tuberculosis and spits blood, but is afraid to seek medical help because of the guards.

In some of the cells in Burgas prison, inmates reported cases in which prisoners had hung themselves after perpetual physical and mental harassment. Two suicides mentioned specifically were those of Romani men named Hristo Krastev Hristov and Andrei Rumenov Angelov.

## 5. CONCLUSION: INADEQUATE JUDICIAL RESPONSE TO ABUSE BY AUTHORITIES

Article 29 of the Bulgarian Constitution prohibits torture and other cruel, inhuman or degrading treatment or punishment.<sup>95</sup> Bulgaria is a party to the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Convention Against Torture and the European Convention for the Prevention of Torture. All these international instruments prohibiting torture are part of the internal legislation of the country and, according to Article 5, paragraph 4 of the Constitution, take precedence over domestic legislation when this is in contradiction with international law. The Bulgarian Penal Code has a number of provisions punishing torture or ill-treatment by public officials more severely than similar acts perpetrated by ordinary people.<sup>96</sup> In addition, Bulgaria has a Law on the liability of the state for damages caused to citizens by state officials, including law enforcement officials.

These legal possibilities have been made use of several times in recent years to defend Roma rights. In December 1995, the District Court in Pazardzhik ordered the Ministry of the Interior to pay damages to a Romani man, Mr Kiril Yosifov Yordanov, because police officers had beaten him and resorted to other unlawful means of coercion. This was the first time an individual successfully sued and achieved remedy for the damages caused by police misconduct. Two police officers were also convicted in 1996 of the ill-treatment of two Romani minors in the town of Dunavtsi, near Vidin.<sup>97</sup> On September 26, 1997, a military court in the northern Bulgarian town of Pleven convicted two police officers for the murder

<sup>95</sup> Article 29, paragraph 1 of the Constitution of the Republic of Bulgaria states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or to forcible assimilation.” Constitution of the Republic of Bulgaria, *op.cit.*, p.19.

<sup>96</sup> Article 116, paragraph 2, punishes intentional murder by public officials and members of the police with fifteen to twenty years imprisonment, life imprisonment, or capital punishment. These sentences are considerably higher than the ten to twenty years provided by the basic text of the Penal Code article on intentional murder, Article 115. Article 131, paragraph 2 provides harsher punishments for causing bodily harm by public authorities and law enforcement officials.

<sup>97</sup> See Human Rights Project, *Annual Report 1996*, Sofia, 1997.

of a Romani man in a police station in the nearby town of Nikopol which had taken place nearly three years previously.<sup>98</sup>

Aside from isolated convictions, however, judicial response to abuses by law enforcement authorities against Roma in Bulgaria has, to date, been insufficient. Convictions of police officers, investigating magistrates, or prison guards either do not take place or, when they do, sentences are inadequate. Most often, prosecutorial authorities deny that they have received complaints. There are widespread allegations that if complaints are made orally or are sent by mail, prosecutors simply deny that they have ever been made. This is especially common when Roma are victims of abuse.

However, even when written complaints are filed in person by Roma victims, prosecutors often refuse to open investigation. On February 4, 1997, for example, 35-year-old Ilian Mihailov from the village of Stambolovo, Lovech district, sold two car windows at a flea market with his friends. He was arrested on suspicion that the windows were stolen, taken to the police station and beaten. Later the same day he was released because it was proven that he was the owner of the car windows. On March 28 he filed a complaint at the military prosecutor's office in Pleven, concerning the ill-treatment to which he had been subjected by the police. On May 3, the military prosecutor issued a decree declining to open investigation.

Similarly, according to information from the *Human Rights Project*, at the beginning of June 1997, a Romani man, Mr Danail Nedkov Mladenov from Vulcherdrun, near Montana, was visited in his home by Magistrate Emil Zhenkin and a uniformed policeman. He was then taken to the regional police station to explain the circumstances surrounding the theft of some livestock. He was released the same day because of a lack of sufficient evidence. The following day he was again visited by two policemen who took him to the police station where he was allegedly severely beaten over a period of one hour by the Sergeants M.M. and L.Y. They tried to coerce him into confessing his participation in the theft of several goats and a pig. The policemen ordered Mr Mladenov to take his shoes off and to kneel on a chair, after which they allegedly beat his feet with a hose. Afterwards they instructed him to turn his hands up and started striking his palms. Throughout the beating, the police officers insulted Mr Mladenov's ethnic origins and threatened him, saying such things as "Filthy Gypsy, I'll kill you!" After the

<sup>98</sup> See *Roma Rights*, newsletter of the European Roma Rights Center, Autumn 1997, p.12.

beating, Mr Mladenov was allegedly coerced into signing a protocol confessing his complicity in the offence. He filed a complaint at the military prosecutor's office in Pleven on October 14. Investigation was refused on October 20.

Another case of the failure to investigate police abuse of Roma concerns a Romani man named Tseko Tsekov. On August 27, 1996, a police officer shot and wounded Mr Tsekov during pursuit of his horse-drawn cart. He filed a complaint shortly thereafter with a lawyer, and on September 23, 1996, the Pleven Military Prosecutor's Office refused to open investigation. This was appealed, and on December 2, 1996, the General Military Prosecutor's Office in Sofia upheld the decision of the Pleven office. A second appeal was lodged at the general prosecutor's office on December 9, 1996 and on December 10 it was refused.<sup>99</sup>

When judicial authorities have responded to allegations of police abuse against Roma and brought errant officers to trial, often sentences are inadequate. On July 25, 1997, a criminal court in the central Bulgarian city of Stara Zagora convicted a sergeant of the Ministry of Interior for the manslaughter of a 41-year-old Romani man named Mehmed Hoxhov in 1995. On July 25, 1995, at around 10:30 p.m., the defendant, who lived approximately one hundred metres from the Roma neighbourhood in Stara Zagora, emptied the cartridge of his pistol by shooting in the direction of the Roma neighborhood. One of the bullets hit Mr Hoxhov, who was on his way home, in the head. He died shortly thereafter. The police sergeant was charged with negligent murder with a firearm under Article 122(2) of the Bulgarian Criminal Code, which under Bulgarian law carries a penalty of up to three years imprisonment. He was also separately charged with the crime of hooliganism under Penal Code Article 325. The criminal court convicted the defendant of murder, but acquitted him of the hooliganism charges. The court sentenced the police officer to twenty-one months imprisonment and 2.1 million Bulgarian Leva (approximately 2,100 German Marks) in civil damages. The court suspended the prison sentence.

A similarly inadequate sentence was handed down by a military court in the city of Pleven on September 26, 1997. The case concerned events which had taken place on November 15, 1994, when a Romani man named Khristo Ivanov Nikolov was taken to the police for questioning in connection with a theft. During interrogation, two police officers beat him

<sup>99</sup> See Human Rights Project, *Annual Report 1996*, Sofia, 1997.



with their fists and a wooden board and kicked him. The victim died at or on the way to the hospital. The prosecution originally qualified the murder as intentional, as well as cruel and unusual (Article 116(2) and (6) of the Bulgarian Penal Code), charges which, if sustained by the court, would have brought a punishment of 15 to 20 years imprisonment. The court however decided that the perpetrators had not acted with the intention of causing death, but rather only to cause bodily injuries. As a result, the court applied another text of the Penal Code, Article 124, which provides for a punishment of 2 to 8 years in prison. The court then sentenced both defendants to 4.5 years in prison and ordered them to pay damages to the victim's family in the amount of 1,000,000 Bulgarian Leva [approximately 1000 German Marks] each. The *Human Rights Project* is appealing the decision on behalf of the victim, as is the prosecution. Both argue that the murder should be qualified as intentional.

In September 1997, the European Commission on Human Rights referred the case of *Assenov and others v. Bulgaria* to the European Court of Human Rights. In reviewing the Assenov case, which concerns a Rom who was allegedly beaten in police custody in the eastern Bulgarian town of Shumen, the Commission has held that there is not enough evidence to conclude that Mr Assenov was in fact ill-treated by the police. However, it has also decided that Mr Assenov's allegations that he was beaten were not properly investigated by the Bulgarian authorities and that the Bulgarian authorities violated Mr Assenov's rights under Article 13 (lack of effective remedy) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Commission similarly found violations of Mr Assenov's due process rights under Article 5(1), 5(3) and 5(4) of the ECHR. Additionally, Bulgaria may be found by the Commission to be in violation of Article 25, which protects the right to file a complaint at the Commission. Mr Assenov was repeatedly harassed by unknown callers, and was at one point arrested as he prepared his complaint to the Commission.

Much of the reason for this systematic failure to provide redress for official violence is structural; victims of violence by the police cannot participate meaningfully in the prosecution of a case. Private prosecution of abusive police officers is impossible and decisions by prosecutors not to prosecute are not subject to judicial review.<sup>100</sup> The absence of counsel for

<sup>100</sup> Private prosecution is possible only in a number of strictly delineated cases, such as slander, some petty crimes, and some intra-familial crimes. On the lack of judicial review of the acts of the procuracy, see Petrova, Dimitrina, "Political and Legal Limitations to the Development of Public Interest Law in Post-Communist Societies", *The Parker School Journal of East European Law*, Columbia University, 1996/ Vol. 3 No. 4-5.

victims and lack of judicial oversight of prosecutorial non-indictment decisions constitute built-in obstacles to achieving redress in cases of official abuse.<sup>101</sup> The paucity of Romani police officers, prosecutors or judges exacerbates this problem.

While prosecution of police has, to date, been inadequate, the *ERRC* has no knowledge of any action whatsoever in prosecuting abuse by prison officials in Bulgaria. Procedures for filing complaints range from insecure or downright dangerous to non-existent. As persons whose rights are already curtailed and who are living in places where oversight is extremely limited, Roma in Bulgarian prisons find themselves totally exposed to the whim of prison officials. Where treatment by prison officials is relatively benign, this is the result of the predisposition of prison officials and not of a systematic regulation of their behaviour. Where prison officials are not positively predisposed, Roma prisoners find themselves in a veritable living hell.

<sup>101</sup> See Ekimdjiev, Mihail, "Pravoto na svoboda i lichna neprikosnovenost po chl.5 ot Evropeyskata konventsia po pravata na choveka i neobhodimostta ot radikalna promyana na nakazatelno-protsesualniya kodeks", *Prava na Choveka*, No 2, 1997; Kalaidjieva, Zdravka, "Polozhenieto na zadurzhanite v Bulgaria", *Prava na Choveka*, No 1, 1997 (in Bulgarian). See also Bulgarian Helsinki Committee, "Human Rights as a Test for Democracy and a Challenge to the Government in Bulgaria", Memorandum of the *Obektiv*, February-May 1997.

## 6. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE BULGARIAN GOVERNMENT

The *ERRC* strongly urges the Bulgarian government to adopt all of the following policies:

1. Take steps to investigate promptly all cases of ill-treatment and torture in places of detention. Particular attention should be drawn to the cases in which there is evidence that these practices are motivated by the race or ethnicity of the victims. Those responsible should be brought to justice.
2. Guarantee immediate access to a lawyer from the moment of detention and throughout the preliminary investigation for all persons detained. For those detainees who have no sufficient means to pay for legal assistance, counsel should be provided by the government free of charge, as required by Article 6(3)(c) of the European Convention on Human Rights.
3. Guarantee access to medical examination for all detainees by a qualified doctor from the moment of detention. A written report of the doctor should be given to the detainee or to his/her lawyer or a member of the family.
4. Introduce measures to ensure the full implementation of Article 6 of the UN Convention on the Elimination of All Forms of Racial Discrimination, guaranteeing the right to effective protection and remedies in cases of racially motivated offences.
5. Amend legislation to provide for effective remedies-- including recovery of damages and prosecution of responsible officials-- for abuses of the length of detention on remand. Ensure that a control mechanism exists to sanction differential treatment of Roma on an ethnic bases when making decisions of detention.
6. Establish a more effective system of official supervision of places of detention. Ensure that prosecutors fulfil their duties under Article 119(6) of the Law on the Judiciary, i.e. regularly visit places of detention, investigate alleged violations of the law and take appro-

priate steps to redress them. In addition, a special civilian review board should be established and empowered at the municipal level to receive and investigate any reports of torture or ill-treatment and visit all places of detention. Roma should be adequately represented on such a body.

7. Establish an independent body such as a parliamentary commission or ombudsman mandated to screen police, investigative and penitentiary practices for overt and covert racial discrimination, and to ensure that any discrimination perpetrated by members of the police force, the National Investigation Service or the penitentiary establishments be treated with the severity necessary to emphasise the gravity of such offences.
8. Take immediate concrete steps to alleviate prison overcrowding. Make sure that Roma prisoners are not treated differently in this respect on ground of their ethnicity.
9. Cease the practice of keeping prisoners on a general regime locked in their cells during the day.
10. Ensure that sufficient funds are provided in order to create and maintain living conditions in compliance with the internationally accepted minimum standards in all places of detention. Provide prisoners with adequate medical care and psychological counseling.
11. Provide work and vocational training for prisoners.
12. Abolish provisions requiring that prisoners pay for translators in order to hold conversations in languages other than Bulgarian during visits.

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## 8. APPENDICES

### APPENDIX 1. LETTER OF PRISONER X<sup>102</sup> FROM THE PAZARDZHIK PRISON TO THE BULGARIAN HELSINKI COMMITTEE

To: The Bulgarian Helsinki Committee, Sofia  
Date: 20 July 1997

I went to the village of Verinsko to gather mushrooms, and that same day I found a mare tied to a tree with some string. After that I went to the neighbourhood and told L.N. that I'd found a mare in the wood, and we went back to get it, after which we drove to Samokov and sold it for 1,200 Leva. We confess to stealing the mare.

Then, on January 15 or 17, 1991 I was with a woman whom I do not want to name or say what our relationship was. When we entered the schoolyard, there were no horses in it. About an hour later, we left-- I took her to the back entrance and I left through the main entrance so that the neighbours wouldn't see I was with a woman, because I am married with six children, and then a patrol car from the regional police station in Ikhtiman stopped me and searched me. After that they told me to get in the car and drove me to the police station, and after severe beating made me confess that I was guilty of stealing two horses. I absolutely deny having committed such a crime and do not admit to being guilty.

They blame me for a robbery committed about 1 a.m. on the street next to the Dimitar Milchev factory, which has no street lights. What I'd like to know is how can they possibly recognise me in the dark, maybe by the scent of my perfume? Or my tie? In fact, I had bought a leather jacket for 300 Leva from a flea market in Sofia and I am sorry they don't give receipts there, so that you could see them. I was severely beaten in order to confess that I had committed this robbery and the previous theft of the two horses. I do not plead guilty either to stealing the horses, or for this robbery. Just because I confessed to stealing the mare in Verinsko does not mean that I should be the scapegoat for other offences I did not commit.

<sup>102</sup> The *ERRC* withholds the name of the author.

When you consider that I have six children and my wife does not work and all of the above, I ask the court to repeal my sentence and to try me only for what I have done.

They made me make confessions with beatings and violence!

I had a medical certificate, but they took it from me in Sofia and destroyed it. But I did not plead guilty and this is why they gave me 10 years and 6 months in prison.

I ask for your assistance.

X [full name spelled out in original] from cell block Y [cell block specified in original], Pazardzhik

### APPENDIX 2. COMPLAINT BY PRISONER A<sup>103</sup> TO THE BULGARIAN HELSINKI COMMITTEE

To: The Chairman of the Bulgarian Helsinki Committee, Sofia

#### COMPLAINT

from A.  
[cell block and cell number spelled out in original and withheld by the *ERRC*]  
Bobovdol Prison

Bobovdol Prison, 17 September 1997

Mr. Chairman,

With the present complaint I would like to inform you about the atrocities committed against me during conducting of the investigation, and the disrespect for my human rights.

On [date spelled out in original], 1997, I was apprehended in my home and taken to the regional police station in Dupnitsa for a "check", where I was severely beaten by Officer S.

<sup>103</sup> The *ERRC* withholds the name of the author.

[name withheld by the *ERRC*], because I didn't want to confirm his accusation that I had committed a robbery. He delivered repeated blows with a rubber truncheon to force me to confirm the accusation.

During questioning I did not get angry or insult the officer who kept calling me a "filthy Gypsy bastard", "garbage-man" and other insults while delivering the blows. As a result of the severe insults and beating, and because I was mentally broken down, and due to the intolerable pain, I was forced to sign the prepared protocol and was taken down to the detention cell where I spent twenty days before the bruises had healed. In spite of my numerous requests, during these twenty days I was not given any medical help. On the twentieth day of my detention, I was taken to Investigating Magistrate P. [name withheld by the *ERRC*], who smiled when he saw me and said that from then on I was going to be in his care and there would be no more violence. I believed him and told him about all the atrocities I had endured from the moment of my detention. I also told him that my rights had not been read to me up to that moment and that I wanted to hire a lawyer. He said it wasn't necessary to hire a lawyer, because this was a minor case and "we were going to settle it between ourselves." I asked Investigating Magistrate P. to arrange a "confrontation" with the man who had slandered me, but he said it wasn't necessary because I was going to "confess"-- "everybody confessed" before him, all the more so since he could "arrange" 30 years of imprisonment for me. He asked me if I was ready to "confess everything", and I told him I had nothing to confess. He called somebody on the phone and asked if they had a spare rubber truncheon. I don't know what they said, but he didn't seem satisfied with the answer. A couple of minutes later, a colleague of his came in and gave him a rubber-coated metal rod and innocently asked: "Will this do?" Investigating Magistrate P. smiled and said that it was exactly what he had been looking for. Right after his colleague left the room, the investigating magistrate locked the door and started hitting me with the iron rod and forcing me to confess to an offence I had not committed.

With every blow, the rod gave way and bent, and he straightened it so that he could deliver more blows. After a dozen blows he left it and took a shank from some kind of tool out of his desk, probably an axe, and said that what was coming would help me refresh my memory. I told him his actions violated my human rights and that I wanted to see a lawyer immediately. He pointed at the shank and said, "This is your lawyer, I'll show you what your rights are," after which he started delivering indiscriminate blows with tremendous cruelty. I got scared that the blows on my head would kill me and started signing every sheet of paper he handed me, even blank ones.

After satisfying his sadistic impulses and "earning" his daily wage, he took me down to the detention cell where I remained for another twenty days before being taken to the Bobovdol Prison, from where I am writing to you now.

With this letter I ask for your assistance to be returned for a new investigation with another investigating magistrate and have my lawful right to a lawyer respected.

I hereby sign in confirmation to the truthfulness of the above-stated.

Respectfully yours,

[signed; name withheld by the *ERRC*]

The Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Almost everywhere, their fundamental civil rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, administrative and other services is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion. The *European Roma Rights Center* is an international public interest law organisation which monitors the human rights situation of Roma and provides legal defence in cases of human rights abuse.

The *European Roma Rights Center* is governed by an international Board of Directors, which is chaired by András Bíró (Hungary) and includes Isabel Fonseca (UK), Nicolae Gheorghe (Romania), Deborah Harding (USA), Rudko Kawczyński (Germany), Khristo Kyuchukov (Bulgaria), Lord Lester of Herne Hill QC (UK), Edgar Morin (France), and Ina Zoon (Czech Republic/Spain).

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