



NEWS REPORT

Date: 24 March 2010
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Title: Supreme Court refusal to recognize anti-Roma prosecutorial prejudice
Country: Bulgaria
Context
Issue at stake: Criminal justice/ hate speech
Ground of discrimination: race/ethnic origin (Roma)
Source: national Supreme Court decision (civil case No 1796/2008)
Field: other

Content

Decision of the court: The Supreme Court of Cassation refused to acknowledge that manifest anti-Roma written statements by a prosecutor in his decree (in prosecutorial case file 460/ 2003 of the Razgrad Prosecutor's Office) terminating an investigation into the death of a Roma man constituted discrimination. The court overruled the findings of both the court of trial and the court of appeal which had held that the Prosecutor's Office was liable for race discrimination under the UN Convention for the Elimination of All Forms of Racial Discrimination. The statements challenged included: "... persons of Gypsy origin ... in view of the psychology of this population [violations of safety instructions] were a mass, everyday phenomenon from the start. Since everybody strove to ... earn more money, it was impossible to restrain them, and forays and infractions were ubiquitous; moreover, the actors were constantly changing, responding to rumours that money was to be made ... [the victim] himself caused the land slide ... aiming to earn more money". However, the Supreme Court considered that those were no "ethnic based appraisals". It held that instead those were "comments on the conduct of a certain group of people defined as predominantly (but not exclusively) of Gypsy origin".