

# Open letter to Tsetska Tsacheva, Minister of Justice of Bulgaria

**Cc:** Boiko Borissiov, Prime Minister of Bulgaria

July 17, 2018

**From:** Bulgarian Diaspora and Friends (BDF), UK

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Dear Minister Tsacheva,

We are addressing you in your capacity as head of the Ministry of Justice and in the hope that you would use your authority to advance a cause we believe will benefit individuals, the Bulgarian society at large and the reputation of Bulgaria as a member of the modern European family of countries.

At the core of our request is the concept of rehabilitation. We will speak about an individual and an organization as their case lies at the center of a legal concept that guides the growing tendency in the EU justice system. Rehabilitation as a main objective is recognized by the EU Justice and Home Affairs Council, which you chaired this year (January – June, 2018) within the Bulgarian presidency of the Council of Europe. Rehabilitation is also a guiding principle for the EU Judicial Network, in which you were involved in a leadership position within the same period and mandate.

The case in question: Jock Palfreeman, age 31, Australian national, currently an inmate in Sofia Prison, found guilty of murder through a highly controversial trial, sentenced to 20 years imprisonment. These details, we are sure, are well known to you, so we mention them here simply as background information. We are aware of the long-term problems in Bulgarian prisons, and we acknowledge your courage to undertake the leadership of the Ministry of Justice responsible for the prison system. We believe you are doing your best to improve and advance that system.

At the same time, Jock Palfreeman, a foreign prisoner, continues to be in a substandard penal unit, part of a system often described as collapsed and unfit for purpose, ridden by corruption, and highly resistant to change. However, in the midst of what would have been almost non-survivable environment for most people, Palfreeman has used his prison time to a highly productive end, and for benefit of others – in essence fulfilling a public duty. He established the non-government organisation Bulgarian Prisoners Association, which under his leadership has become an effective instrument in educating and promoting prisoners' rights.

Minister Tsacheva, you are probably wondering why we are writing to you about an organization that might be considered by some an adversary of the state. The reason is that we believe (perhaps naively, but genuinely) that the Minister of Justice could contribute to what essentially is one of the ambitions of the Bulgarian criminal justice systems, and a goal for the EU justice system, which overlays somehow the activity of the organization led by Palfreeman. Yes, we are talking about one of the end goals of punishment - rehabilitation. The Bulgarian government just signed in May 2018 a multi-million euro contract with the Norwegian Financial Mechanism precisely for the advancement of rehabilitation, through the construction of a large prisoners' education center.



"Bulgaria is in Europe", cartoon by Tignous in article titled "Midnight Express in Sofia", Charlie Hebdo, 2010.



"Bai Ganyo murders his creator", illustration by Ilia Beshkov, 1947.

In addition to the importance of legal theory, in practical terms – Bulgarian prison has long been known nationally and internationally as a place merely designed for retribution, isolation and humiliation. A place to break a person, but not to make a future law-abiding citizen. A place of terror that is only mitigated by bribery. A place that completes the curve of a vicious circle: crime, sentencing, imprisonment, crime, sentencing, imprisonment, crime – over and over, to huge expense of the legal and criminal justice systems, incurring extortionate societal cost in the process.

Rehabilitation is the only way to break the cycle – where through education and finding purpose in life a former prisoner can re-enter society as an individual aware of their own self-worth rather than a broken down human wreck with little regard for their and anybody else's existence. In that respect, as much as some people would obviously loath to be made aware of this, the organisation chaired by Palfreeman fulfils a vital, long-reaching purpose that ultimately would bring clear social benefits. Any person who leaves prison as a more educated, more qualified and more aware citizen, leaves it better equipped for life afterwards. Rehabilitation is the key to fitting back in. Of generally fitting in, and breaking the predictably destructive trajectory of re-offending, re-sentencing, re-imprisonment.

Jock Palfreeman has paid a price for his activity in securing prisoners' rights – he has been beaten by guards, his privileges have been suspended, he has been sanctioned and reprimanded by the prison authorities. He continues to be a target for the prison administration in their quest to limit the legitimate scope of the organisation. We believe an intervention by the Minister whose mandate includes the governance of the penal administration system will bring about elimination of this oppressive and obstructive environment and a more modern approach in dealing with these issues.

Jock Palfreeman's case has received national and international attention and has generated many reactions. One of the most graphic coverage belongs to Charlie Hebdo, the French newspaper famed for its uncompromising satirical stance on topical issues. A cartoon drawn in 2010 by Tignous, one of the cartoonists later murdered in the attack on the newspaper in 2015, depicts menacing troll-like, thug figure with contorted facial features, with a sign that reads "Bulgaria is in Europe". The caricature accompanies the Charlie Hebdo article on the case of Jock Palfreeman, titled "Midnight Express in Sofia" – a dark reference to the 1978 film telling the real-life story of a young American prisoner enduring years of horrific abuse in a barbarian Turkish prison. Look closely at this frightening image – there is something eerily familiar there. Something reminiscent of Beshkov's most famous work "Bai Ganyo murders his creator" (1947), referring to Aleko's destiny in 1897. Same thug figure, same feeling of menace and ugliness, same deep sarcasm, despite the geographical amplitude and the decades elapsed between the creation of the two images.

In many ways Bulgaria has managed to make a break from its past tragedies. The country has achieved much in recent years as part of the European community. Bulgarian students and workers abroad succeed in promoting a fresh, modern vision of the country as a force for good on the Balkans and Eastern Europe. We believe the reform of the justice system will contribute tremendously to consolidation of this image, and we put our trust in your abilities and good will to facilitate this process – beginning with stopping Deputy Minister Prodanov from directly attacking Jock Palfreeman and the Bulgarian Prisoner's Association, and moving on to establish a fair and fear-free environment for their activities.