



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF KOFFI v. BULGARIA

(Application no. 95/24)

JUDGMENT

Art 3 (substantive) • Positive obligations • Violent assault on the applicant, in which he sustained serious injuries, by several football fans walking through the city centre after a match • Legislative and regulatory framework appeared to encompass the acts complained of • Domestic authorities' plan of operations drawn up before the football match sufficiently thorough to serve as a basis capable of providing effective protection of the general public • Adequate assessment of risk • Imminent threats emanating from particular group of fans not apparent to police before the assault was perpetrated • Special diligence obligation not triggered • Higher level of preventive operational response *vis-à-vis* the particular group of fans in advance of the incident not called for on the basis of the information available at the time

Art 3 (procedural) • Ineffective investigation into the assault which was not capable of leading to the establishment of the facts or a determination of the identity of persons responsible

Art 14 (+ Art 3) • Discrimination • Domestic authorities' failure to make specific efforts to investigate any potential racist motive behind the assault

Prepared by the Registry. Does not bind the Court.

STRASBOURG

17 February 2026

FINAL

17/05/2026

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Koffi v. Bulgaria,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis, *President*,

Peeter Roosma,

Lətif Hüseynov,

Darian Pavli,

Diana Kovatcheva,

Úna Ní Raifeartaigh,

Canòlic Mingorance Cairat, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the application (no. 95/24) against the Republic of Bulgaria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a British national, Mr Leon François d’Assises Koffi (“the applicant”), on 14 December 2023;

the decision to give notice to the Bulgarian Government (“the Government”) of the complaints concerning the alleged non-compliance by the authorities with their obligations to effectively respond to a racially motivated act of violence against the applicant by private parties, under Articles 3 and 14 of the Convention;

the parties’ observations;

noting that the British Government did not make use of their right under Article 36 § 1 of the Convention to intervene in the proceedings;

Having deliberated in private on 25 November 2025 and 20 January 2026,

Delivers the following judgment, which was adopted on the last-mentioned date:

INTRODUCTION

1. The application concerns the authorities’ alleged failure to (i) effectively investigate the perpetrators (several unidentified individuals) of an assault on the applicant which was allegedly prompted by racist motives and which caused serious injury, and (ii) put in place adequate operational measures with a view to preventing the assault.

THE FACTS

2. The applicant was born in 1970 and lives in Sheffield. He was represented by Ms A. Kachaunova, a lawyer practising in Sofia.

3. The Government were represented by their Agent, Ms M. Dimitrova, of the Ministry of Justice.

4. The facts of the case may be summarised as follows.

5. On 29 September 2018 teams from the two biggest football clubs in Bulgaria, CSKA Sofia and PFC Levski Sofia, played a match at the National Stadium in Sofia.

6. The National Stadium is located in the central part of town; its official address is 38 Evlogi and Hristo Georgievi Boulevard. That boulevard crosses (at an almost perpendicular angle) General Parensov Street, on which – at a distance of around 600 metres from the boulevard, and in immediate proximity both to 6 September Street and the headquarters building of the Ministry of the Interior – the applicant was assaulted (see paragraphs 26-33 below).

7. Events such as the football match in question are, as a matter of practice, broadly publicised in advance in order to prompt people to take measures for their own safety and to avoid the area in proximity to the stadium.

8. In order to prevent violence at and around major sporting events held in Sofia, the standard practice of the authorities is to divide the centre of the city into two areas during such events. The respective fans of opposing teams are allowed to reach the stadium and to exit and walk away from it through the different areas. This is done in order to prevent clashes between supporters of different teams. The Sofia police force assigns a significant number of police officers to the organisation of such events and engages officers from other towns as well.

I. THE AUTHORITIES' PLAN OF OPERATIONS

9. In preparation for the football match of 29 September 2018, the police authorities drew up a plan of operations. It was dated 28 September 2018, contained 39 pages and was approved by the head of the Sofia Directorate of Internal Affairs.

10. The plan comprised information about the authorities' plans and expectations regarding the football match scheduled to take place the following day. Those included an estimate that around 25,000 spectators would attend the event. The plan also stated that the stadium would be split into four distinct sectors – two of which would be assigned to fans supporting one of the teams, and two to fans supporting the other team. It listed the different streets in the city (both in the vicinity of the stadium and further away from it) designated as corridors for the movement of fans to and from the stadium on the day; it also specified that no mixing of the two groups of supporters would be allowed. The area where the events complained of subsequently unfolded (see paragraphs 26-33 below) was designated for Levski supporters.

11. The plan stated that officers involved in ensuring security for the event would gradually occupy their posts from 11 a.m. onwards. External security

arrangements in respect of the stadium were to be in place by 2 p.m., and internal security arrangements were to be ready by 2.30 p.m.

12. The plan specified that the level of risk associated with the event was estimated as one that posed a “high degree of public danger”.

13. The plan provided that a Temporary Operations Headquarters Committee (*временен оперативен щаб*) would be set up with the overall aim of maintaining public order and preventing the commission of crimes before, during and after the football match. That committee would comprise three named high-level officers (who would be in command of operations) and a further 20 named officers. It would be the responsibility of the officers in command to ensure the operational management of onsite law-enforcement forces and police resources.

14. A total of 1,867 officers were to be engaged as security forces in respect of the event.

15. The plan listed the preparations that were to be made. Those included: a meeting with the stadium’s management to discuss the list of the specific measures that it had to undertake with a view to ensuring the smooth running of the event; issuing instructions to the commercial establishments in the vicinity of the stadium not to sell alcohol; providing information to the media about the security arrangements put in place for the event; carrying out reconnaissance of the stadium with a view to setting up barriers and entry points; and sending letters to the Chief Secretary of the Ministry of the Interior with a view to involving in the security arrangements for the football match law-enforcement forces from different police directorates, as well as officers from the fire-safety and civil-protection authorities and the Mayor’s Office.

16. For the purposes of security arrangements for the football match, the plan divided Sofia into 18 operational zones. It specified: the number of police officers to be deployed in each zone and their deployment within each zone (listing the names of the respective streets); the time at which officers were to take up their posts; and the names of the officer(s) responsible for policing each respective zone.

17. Some of the police teams deployed were to be armed with gas-spraying devices and firearms capable of firing rubber bullets; others were to carry shields, helmets and batons.

18. It was also planned to set up mobile police units capable of reacting swiftly if incidents arose. Their tasks were to observe and monitor the areas assigned to them and “upon noticing any big groups of fans [that seemed] inclined to commit hooligan-inspired acts, to immediately report via radio the location of those groups and the direction of their movement”.

19. At the end of the match, the police were to escort the crowds leaving the stadium. Reserve contingents of officers (the number of officers comprising each contingent was indicated) were to be formed and located at specifically identified points.

20. The plan also listed a number of areas in the city that had been identified (on the basis of operational information and related analysis) as potential “conflict points”. The area where the events complained of subsequently unfolded (see paragraphs 26-33 below), including the Sveti Sedmochislenitsi Church, was indicated as a likely conflict area.

21. A specialised water-cannon machine was to be placed in front of the Turkish embassy on Vasil Levski boulevard, as would be 20 police officers. A further ten police officers were to be positioned around the Patriarch Evtimii statue. Both the Turkish embassy and the Patriarch Evtimii statue are located in the area between the National Stadium and the Ministry of the Interior building.

22. Moreover, five officers were to be deployed along each of eight different streets in the area, within sight of Vasil Levski Boulevard (which in turn lay almost parallel to and between Evlogi and Hristo Georgievi Boulevard and 6 September Street). The exact names of the streets where officers were to be located were listed, and those included General Parensov Street (where the assault on the applicant would take place). In addition, officers were to be placed at several intersections in the area, including the intersection between Vasil Levski Boulevard and General Parensov Street.

23. The plan was that groups of two to three officers would be stationed at the small park in front of Sveti Sedmochislenitsi Church and on 6 September Street with the task of keeping apart the fans of the two different teams and preventing conflict and breaches of public order. They were to be carrying shields, helmets and batons.

24. Teams of officers were to be formed and given the task of gathering operational intelligence over the whole city, prior to, during and after the football match. In particular, it was planned that four teams of two officers each would move around the area of Vasil Levski Boulevard and Graf Ignatiev Street. Three more teams (each comprised of the same number of officers) would cover the area between Vitosha Boulevard, Tsar Osvoboditel Boulevard, Rakovski Street and Graf Ignatiev Street. The teams would have to be vigilant in respect of particularly large groups of fans and, upon spotting such groups, would report their movements to their respective team leader. The teams’ tasks would also include the prevention of offences and disturbance to public order, the detection of individuals or groups likely to assault migrants, and the diffusing of potential conflict. All additional tasks that might arise were to be coordinated and resolved by the respective team leader.

25. The plan also provided that special attention was to be paid to a number of locations identified as vulnerable and key. Those included Vasil Levski Boulevard and the other main corridors for movement of fans. Officers would have to be ready to organise themselves into mobile teams and to react, upon instruction, if an incident arose – including in neighbouring zones.

26. The gathering places of fans and the routes used by them for getting to and leaving the stadium were to be accorded particular attention. After the end of the match officers were to take up positions at public transport stops, as well as at train and coach stations. Fans who gathered together to walk in groups would be escorted by officers.

II. THE ASSAULT ON THE APPLICANT

27. On the evening of 29 September 2018, shortly after 7.30 p.m., the applicant and two of his acquaintances, A. and S., were walking on General Parensov Street in the immediate vicinity of the Ministry of the Interior building. They were moving from 6 September Street in the direction of Vasil Levski Boulevard (see paragraph 22 above), on the side of the small park in front of the Sveti Sedmochislenitsi Church. At that time the football match had already finished and fans were walking out of the stadium.

28. The applicant and his companions noted that a large group of men were walking towards them. The men were moving along General Parensov Street from the direction of Vasil Levski Boulevard. The police had organised corridors via which the football fans could leave the stadium and move through the area around it, and the group that the applicant came across had been directed towards this particular corridor.

29. At 7:45:11 p.m. (as subsequently established on the basis of CCTV footage collected from the area in the course the investigation) several men from the crowd started chasing after the applicant and his friends. A. and S. ran towards the church. The applicant turned around in order to run in the opposite direction. A man came out from the crowd. He had very short hair and was dressed in a dark sweatshirt, lighter trousers and black trainers. He approached the applicant and kicked him.

30. At 7:45:20 p.m. the applicant – who fell to the ground, was surrounded by a group of people who started kicking him. At 7:45:32 p.m. another man knelt next to the applicant and immediately after that a third man, dressed in a black t-shirt with an inscription in white lettering, kicked him. At 7:45:55 p.m. a few other persons approached the applicant, apparently with the intention of helping him.

31. At 7:47:00 p.m. police officers, who had been driving after the group of Levski fans in a police van, arrived at the scene.

32. The group of fans was large: according to the applicant, as well as A. and S., it comprised around 40 to 70 people in it (see paragraphs 54 and 67 below); according to the police officers who were interviewed subsequently, it comprised around 150-200 people (see paragraphs 53, 77 and 79 below).

33. Having noticed some agitation in the group, the police officers stopped the van and got off. Some of the fans pointed to the applicant, who was lying on the street, where a young man was trying to open his mouth. The applicant took a breath and regained consciousness.

34. There is no information that the police officers actually saw the applicant, his friends or the perpetrators before the assault. The whole incident lasted less than two minutes. The officers called an ambulance, which arrived at around 8.10 p.m.

35. The applicant went through several medical procedures in hospital that night.

36. A forensic medical report drawn up subsequently for the purposes of the investigation indicated that he had sustained the following traumatic injuries: concussion; a contusion on the left frontal area of the head; an abrasion and haematoma in the area of the left cheekbone; an open contusion wound on the left side of the lower lip; open contusions on the upper and lower eyelids of the left eye; a fracture of the ascending left-side branch of the lower jaw; the loss of the two front teeth; and the loosening of the left-side incisor. The above-noted injuries had been sustained as a result of blows with blunt objects and could have been caused in the manner indicated in the witness statements.

37. On 10 October 2018 the applicant underwent reconstructive surgery to his lower jaw. He left the country in November 2018, apparently for the United Kingdom.

III. THE INITIAL STAGE OF THE INVESTIGATION: FROM THE INCIDENT UNTIL THE FIRST SUSPENSION OF THE PROCEEDINGS

38. An investigation was opened on the following day – 30 September 2018 – into the offence of causing moderate bodily harm (Article 129 §§ 1 and 2 of the Criminal Code) – namely “a broken jaw [and] fractured teeth, without which chewing and talking is hampered”.

A. Interviews of the applicant and his companions

1. Interviews of the applicant

39. The investigation opened with the carrying out of the first investigative measure – an interview of the applicant as a witness. He stated that on the evening of 29 September 2018 at around 8 p.m. he had been walking with his friends A. and S. on a street whose name he did not know; however, he remembered that it had been undergoing roadworks. At some point he had seen a crowd of people dressed in black and wearing black hats with an inscription in white lettering. A. and S. had run away but someone from the crowd had managed to kick him in the head; he had then fallen to the ground. After that many other people had started kicking him in the head. He had heard them making monkey-like noises, signalling to him they considered him to be a monkey. He had thought that he would die.

40. The next thing the applicant remembered was how – after he had regained consciousness – he had seen police officers, as well as A. and S., around him. A. and S. had accompanied him to a hospital.

41. The person who had kicked him had been wearing a black mask, a grey jacket and a black T-shirt underneath. He had been the only person wearing grey – all the others had been in black. He had also been wearing black gloves. He had been around 170 cm tall with an athletic build. The other people who had kicked him had been between 20 and 40 years of age. Given that they had not been wearing masks, he was able to give a description of them; however, he was not certain he would be able to recognise them.

42. In a subsequent interview on 26 October 2018, the applicant stated that as he and his friends had been walking along a street that had been undergoing roadworks, they had passed by a stationary police patrol car in which two officers wearing uniforms had been sitting. He, A. and S. had continued for about 100 metres after the car and had then turned right. Then he had seen a big group of men numbering around 50 to 75 around 100 metres ahead of them. Three or four men had been walking ahead of the group and had looked like the leaders. The people behind had all been dressed in black, and had been walking in lines, as if marching. Because of that and of the police car parked nearby, he had thought the men were all police personnel involved in some kind of training exercise. He had asked A. and S. whether the men were police, but A. and S. had gone quiet and had exchanged words in Arabic with each other – a language the applicant did not understand.

43. The group had started marching directly towards the applicant. A man had stood right in front of the applicant with folded arms and hands in fists. The man had been young (around 20 years old), white, slightly taller than the applicant himself (who was 160 cm in height), and had been wearing a dark-grey mask – through which only his eyes (light in colour) had been visible. He had been dressed all in grey and had been wearing grey mittens. He had been wearing sports shoes and he had been somewhat corpulent (since his body had shaken under his clothes with his movements). The applicant had taken up a similar stance, preparing to defend himself.

44. Although the attention of the applicant had been primarily occupied by the man described above, he had noticed another – tall – man pass behind him. He had not taken a good look at him as he had been looking at the man in the mask. He had thought of running away and had turned around in order to take the road along which he had come and where he had seen the police patrol car. All of a sudden, the tall man had jumped and kicked the applicant on the right side of his face. The applicant had lost control and had fallen to the ground. The tall man had then kicked the applicant with a military-style leather boot on which there had been some kind of metal attachment, which the applicant had felt on his face. The applicant had felt piercing pain, and had then perceived a strong light. He had had the feeling of falling asleep, and had been no longer able to see anything, but had continued hearing what

seemed to him to be monkey-like noises. Before passing out he had felt himself being kicked – sometimes in the body but mostly in the head. He remembered that none of his teeth had been dislodged by the initial kick in the face.

45. When the applicant had regained consciousness, he had felt blood in his mouth and had been unable to open his left eye; his lips had been swollen and he had felt that he was missing teeth. At that point, he had been unable to remember his name or in which country he was and what had happened. When he had seen police officers around him, he had initially become frightened and had attempted to escape, thinking the assault on him was still ongoing. He had later understood that the officers were trying to help him.

46. The applicant had drifted in and out of consciousness, so his memories of that period were not clear. He had been turned away by some hospitals, and had then been taken by taxi by his friends A. and S. to the main hospital, where he had been admitted as an inpatient. He had continued to feel very strong pain. He had remained for quite a few days in the hospital, where his jaw had been operated on and an implant placed in the right side of his face, next to his ear.

47. The applicant had thought the group of men who had assaulted him looked like an army, as nothing about them had remotely reminded him of football. The man who had kicked him first had been around 180 cm tall with white skin, had been well-built, and had been about 30 years old, but as he had been unable to see him well, he could not be sure about that description.

48. At the time of his interview the applicant had not yet consulted a dentist, and did not know how much tooth implants would cost him; in any case, he did not have any money (including money to buy food that did not need to be chewed).

49. Both before the assault on him and afterwards, the applicant had seen the same man several times standing outside of his home, usually smoking and looking at him in a hostile manner. The man had had a tattoo on his right calf, in red, yellow and green colours. The tattoo had resembled the anarchist sign and had looked something like a football. The man had had tattoos on his other leg and arms, as well as on his body – as could be seen when his T-shirt had lifted.

50. Earlier on the same day that the interview took place (26 October 2018), the applicant had seen the same man (with the tattoos described above), accompanied by another man. They had been standing looking arrogantly at him, as if they wanted to say something. The applicant and a friend had walked near to where the two men had been standing. The men had not done anything but the applicant had felt afraid for his life. The applicant estimated the height of the man with the tattoos at about 180-190 cm; the man had had light brown, short hair, a moustache and possibly a light beard, and had had a muscular physique. The other man had

been about 160 cm tall, dark-haired and “friendly-looking”. The applicant would be able to recognise both men if he ever saw them again.

51. The applicant stated that he was not leaving his home unaccompanied, was not riding on public transport, and was afraid to go out alone.

52. After giving interviews to the media, he had come across many people who had treated him badly. One person had refused to sell him cigarettes; another had thrown him out of a shop that sold spectacles. Someone had set up a Facebook group called “@LEONKOFFIMONKEY” (*sic*).

2. Interview of A.

53. On 9 October 2018 A. and S. (see paragraph 27 above) were interviewed.

54. According to A., he and his friend S. had been in each other’s company on the evening of 29 September 2018, when the applicant had rung him to suggest that they all meet up. A. and S. had agreed and had met the applicant shortly after 7.30 p.m. next to a branch of McDonald’s across from the main courthouse. They had decided to go to S.’s apartment, which was not far away. They had walked along Vitosha Boulevard, continued onto a street that had been undergoing roadworks and turned left next to a small park situated in front of Sveti Sedmochislenitsi Church. When they had reached the Ministry of the Interior building, they had turned right and had started walking along General Parensov Street, where he had seen a group of men. A. stated that there had been “many of them – around 40 or 50”. All had been dressed in black clothes with an inscription in white lettering. The group had been at a distance of around 50 metres from A. and his companions.

55. The men had been walking “normally” towards A., S. and the applicant, but when they had drawn closer they had started running towards them. One of the men in the group – without saying a word – had kicked the right side of the applicant’s face. He had watched the applicant fall to the ground face down; then men had gathered around the applicant.

56. A. had run down General Parensov Street and had turned left at the end of it, around the Ministry of the Interior building. S. had run too, but had turned right, towards the church. Neither A. nor S. had suffered physically at the hands of the group of men, even though some of them had chased A.

57. About two or three minutes later A. had rung S. and had suggested that they go back to the applicant, since A. had thought that the applicant might die. That telephone call had taken place at 7.48 p.m.

58. A. and S. had returned to the scene of the assault and had seen police officers there. The applicant had been lying on his left side. He had been surrounded by blood; two of his teeth had been lying on the pavement. The applicant had been conscious but disoriented and had repeatedly asked A. what had happened and where he was.

59. About 40 minutes later an ambulance had arrived. A. and S. had accompanied the applicant in it. Staff at the first hospital to which the

applicant had been taken had cleaned his swollen eye and had told him he was fine and free to leave. A. and S. had accompanied him to another hospital, where he had been admitted as an inpatient.

60. When A. had first seen the men in the group he had thought that they were police officers, since they had all been dressed in black. The man who had kicked the applicant in the face had been about 180 cm tall, had looked between 20 and 30 years old, had had a trimmed beard (chestnut brown) in colour and had been wearing a baseball cap and a black long-sleeve T-shirt with an inscription in white lettering. A. stated that he would be able to recognise him if he saw him again.

61. A. was certain that the applicant had been assaulted because of the colour of his skin, which was black. He had felt that “something might happen as the men in the group had been looking at them threateningly”. A. had not personally heard any noises such as those indicated by the applicant, but had learned subsequently from the applicant that, while he had been on the ground and the men had been kicking him, they had been making monkey-like noises.

3. Interview of S.

62. According to S. (see paragraph 53 above), he had been out with his friend A. on the evening of 29 September 2018 when he and A. had met the applicant at around 7.30 p.m. next to a McDonald’s branch on Vitosha Boulevard. S. had invited them to accompany him to his flat, which was right next to the Turkish embassy, so that he could cook for them. The information that S. provided in his statement about the route they had taken corresponded to that provided by A. (see paragraph 54 above).

63. S. and A. had run ahead while the applicant had tried to run in the direction from which he had been walking. When S. had looked back he had seen a man kick the applicant with his right leg on the right side of his face. The man had been around 185 cm tall, burly and white, and had looked to be aged between 20 and 30. He had had a well-trimmed beard (dark in colour) and had been dressed in a black T-shirt with long sleeves and an inscription in white lettering. S. said that he would be able to recognise the man if he saw him again.

64. S. stated that he had not seen the applicant fall. Two boys aged around 17 or 18 had tried to block his way, but had not succeeded. S. would be able to recognise one of them (who had been blond, with light, “sparkling” eyes and very white skin) if he saw him again. S. had run, turning right towards the church. He had been very frightened. He had waited behind something like a fence with a piece of scrap metal in his hands (which he had picked up off the ground, in case anyone had followed him).

65. According to S. the assault on the applicant had definitely been on racial grounds, namely he had been attacked because of the colour of his skin.

66. S. submitted that at 7.48 p.m. A. had rung him to suggest that they both return to the scene of the incident in order to check on the applicant.

Upon going back, S. had found A. next to the applicant. There had been many police officers there too – at least fifteen of them.

67. The rest of the information that S. provided in his statement corresponded to that provided by A. (see paragraphs 58-60 above).

B. Interviews of police officers

1. Officer P.G.

68. On 24 October 2018, P.G., a police officer, was interviewed as a witness. According to his statement, he had been on duty between 11 a.m. and 11 p.m. on 29 September 2018, taking part in the security arrangements put in place in connection with the football match between CSKA-Sofia and PFC Levski Sofia that day. At around 7.30 p.m., together with six other colleagues, he had been in a police van escorting a group of around 200 Levski fans who had been leaving the stadium after the game and moving away from it along General Parensov Street.

69. Officer P.G. stated that the group had comprised “among the more passionate” fans; almost all of them had been dressed in dark clothes, and some had been wearing baseball caps. The police van had followed the group to the corner of General Parensov Street and 6 September Street. While the van had been following behind the group on General Parensov Street, in the immediate vicinity of the Ministry of the Interior building, P.G. had seen the group of fans become agitated and some of its members begin moving in the opposite direction to that in which the group had been heading.

70. The van had stopped immediately and Officer P.G. had been the first officer to step out of it. People from the group had begun gesticulating at the officers, calling on them to come and see what had happened. The officers had walked through the group. Officer P.G. had seen a group of people gathered on the pavement across, trying to help a person who was lying on the ground on his side. That person had been unconscious. Someone had been trying to help him by attempting to open his mouth to facilitate his breathing; as a result, the injured person had managed to take a breath and had regained consciousness.

71. Officer P.G. submitted that the people who had been helping the victim had stood up while the officers had been administering first aid to the victim; they had then left the scene before the officers could establish their identities.

72. When the injured person had lifted his head from the pavement, Officer P.G. had noticed a large swelling on his left eye; he had also been missing two front teeth, which the officers had later found on the pavement. There had also been bloodstains on the asphalt. The injured person had been visibly disoriented. Officer P.G. had not spoken to him, but the injured person had been a foreigner whose identity had later been established as that of the applicant.

73. Officer P.G. stated that police officers had called for an ambulance without delay, via the Duty Office of the Sofia Directorate of Internal Affairs (*Дежурен център на СДВР*). The ambulance had arrived at about 8.10 p.m.

74. The identity of two individuals, A. and S., had been established on the spot; they had turned out to be friends of the applicant who had been accompanying him. They had left the scene in the ambulance together with the applicant.

75. P.G. noted that there was a police post near the place where the applicant had been lying – specifically, towards the entry to the parking area of the Ministry of the Interior building.

2. *Officer N.Sh.*

76. On 25 October 2018, N.Sh. – the police officer who had been driving the above-mentioned van (see paragraph 68 above) – was interviewed as a witness. The information provided in his statement (which contained slightly less detail than that provided by Officer P.G.) corresponded to the account given by Officer P.G. It included the statement indicated in paragraph 71 above. Officer N.Sh. specified that the left cheek bone of the applicant had been swollen and the skin on it torn. There had also been blood on the applicant and on the ground around him. He spoke English and French, but incoherently. Some of his teeth had been kicked out and the attending doctor had collected two teeth from the ground.

77. According to Officer N.Sh., the police van in which he had been sitting at the time of the incident in question had been moving behind the group. The group had been made up of about 150-200 individuals.

78. Officer N.Sh. noted that near to the scene of the incident there was a police post.

3. *Officers B.B., Z.D. and A.M.*

79. On 1 November 2018 officers B.B., Z.D. and A.M. – all of whom had been in the van described in paragraph 68 above – were interviewed as witnesses. Their statements corresponded to the accounts provided by officers P.G. and N.Sh.

80. All three officers specified that they had reported the incident to the Duty Operations Office (*ОДЦ/Оперативен дежурен център*) and had called an ambulance.

4. *Officer B.A.*

81. In a letter of 6 November 2018, replying to a written request for information (regarding the officers who had been on guard duty (*наряд*) in the area around the Ministry of the Interior building, on General Parensov Street and 6 September Street between 7.00 p.m. and 8.00 p.m. on the day of the incident) from the Sofia Directorate of Internal Affairs of 25 October

2018, an officer from the gendarmerie directorate in the national police provided information (namely, the names, rank and units to which they were attached). According to that information, Officers I.K., I.A. and B.A. had been on guard duty between 7 p.m. and 8 p.m. in the area of the Ministry of the Interior building, on General Parensov Street and 6 September Street.

82. On 23 November 2018 Officer B.A. was interviewed as a witness.

83. According to his statement, he had been on duty between 8 a.m. and 8 p.m. on 29 September 2018 (together with two of his colleagues – officers I.A. and I.K.). The duty that had been assigned to him had been to stand next to the Ministry of the Interior building; between 1 p.m. and 8 p.m. that day, he had been posted at the barrier on General Parensov Street (on the side of the small park in front of Sveti Sedmochislenitsi Church).

84. He stated that there had been a football match on that day between CSKA Sofia and PFC Levski Sofia. After the game had ended many fans had left the stadium and moved along General Parensov Street. At about 7.40 p.m. or 7.45 p.m. two boys from the group of fans had been visibly concerned about something and had started shouting. They had been calling for help, shouting that a person had fallen down and that it looked as though he had hit his head on the ground. Officer B.A. had told them to calm down and that he was going to call an ambulance.

85. Officer B.A. had immediately reported to the officer on duty by telephone what had happened and had not left his post.

86. He had not personally seen where the applicant was and had not known who he was or what had happened.

87. Officer B.A. stated that two police vans had been following behind the main group of fans. Officers from the van had asked him what had happened and he had told them what he had been told by the people who had been calling for help. He did not know what had happened after that as his shift had ended at 8 p.m. and he had been replaced in his post by a colleague.

88. Officer B.A. specified that only he had been on duty outside the Ministry of the Interior building during the incident. Officers I.A. and I.K. had both been inside the Ministry of the Interior building.

89. He had learned from his colleagues that an ambulance had subsequently arrived. He had remained under the impression that the applicant was one of the fans and had only later learned from news reports that he was a British citizen.

C. Other investigative measures

90. On 5 October 2018 the applicant's lawyer asked that the applicant be allowed to join the pre-trial criminal proceedings as a civil party in his quality of a victim. She also requested that the CCTV footage from the nearby building be included in the case file. On 12 October 2018 the prosecutor ordered that this be done.

91. On 25 October 2018 the investigating officer requested from the authorities a copy of the plan of operations drawn up for the event (see paragraphs 9-26 above) and information regarding the police officers who had been on duty on the day of the applicant's assault.

92. By 21 November 2018 the investigator had: interviewed the applicant; ordered a detailed expert medical report and requested medical documentation in respect of the applicant; obtained and added to the case file the CCTV footage from the cameras on the Ministry of the Interior building and on a nearby bank; ordered a report on that footage; and interviewed witnesses.

93. On 11 February 2019 a police officer who had watched the CCTV footage (see paragraph 29 above) said that he recognised one of the leaders of the group – a certain G. The police interviewed G. on 14 May 2019. He denied participating in the assault or seeing who had done it. He refused to participate in person in an identification parade.

94. On 14 February 2019 an expert submitted a report on the CCTV footage. The report concluded that owing to poor light conditions the faces of the perpetrators could not be identified.

95. On 21 May 2019 the investigating officer conducted a photo identification procedure featuring G. and three other individuals. S. was invited to identify the person, from among the ones whose pictures were shown to him, to whom S.'s earlier statements related (see paragraphs 62-67 above) and to explain the basis on which he had recognised him. S. stated that he did not recognise anyone among the photographs shown to him. S. was interviewed again on the same date. The interviewing officer enquired after A.'s whereabouts, but S. said that he did not know where A. was.

96. On 28 May 2019 the investigating officer presented the collected evidence to the applicant's lawyer. The lawyer requested that two individuals be interviewed, namely: a certain S.A. (a former football player of Serbian origin who had played for a well-known Bulgarian football club), because he had published racist comments on Facebook regarding the applicant and had claimed involvement in the attack on him; and another individual (someone bearing the nickname "Uporit" (meaning "tenacious"), who had posted a comment in the online newspaper *Dnevnik* under an article about the assault. The latter had stated, in particular: "I walked down Parensov Street a few minutes after the attack. The black man was sitting on the sidewalk with [a] smashed face, and a few cops were scratching their heads next to him. I passed by again half an hour later and saw the same situation – the man was STILL sitting on the sidewalk and the cops were STILL scratching their heads. What an effective police force we have!" The lawyer indicated that enough elements showed that the violence against the applicant had been motivated by racist considerations and the assault should be investigated under the offence criminalised in Article 162 § 2 of the Criminal Code, namely inflicting violence with racist motives (see paragraph 126 below).

97. The investigating officer tried to locate S.A. It appeared that he had left the country on 21 May 2019. On 21 November 2019 he was declared wanted by the police. He was located subsequently and interviewed on 23 June 2020. He stated that the Facebook profile in question was fake, that as a former football player he had become a victim of fake profiles, that he had never been racist and that he had never made comments such as that referred in paragraph 96 above.

98. On 29 October 2019 the applicant's lawyer lodged another request for further investigative action with the investigating authorities. She stated that soon after the events in question the applicant had become Facebook friends with a certain V.H. They had even exchanged friendly messages on Facebook's messaging service Messenger. The applicant had later found out that V.H. had posted a photograph of himself with three other men – two of whom the applicant had recognised as his attackers. The lawyer submitted a CD containing a copy of the photograph in question and requested that those persons be interviewed. The lawyer also emphasised that V.H. had published fascist content dating back to 2015-2016, such as pictures of Adolf Hitler.

99. The four individuals referred to in paragraph 98 above were located by the authorities and interviewed on 25 November 2019. All of them denied participating in the assault. The first one stated that he was not a Levski fan; the second stated that he had never been interested in football; the third asserted that he was a Levski fan but had not attended the game in question (and most probably at that time had been in North Macedonia working in construction); and the fourth (V.H.) insisted that he was a supporter of CSKA – the club Levski had been playing on the day in question).

100. On 23 June 2020 the authorities presented the material in the case file to the applicant's lawyer, who reiterated her request that the person who had posted a comment under the article in the online newspaper *Dnevnik* be identified. The authorities did not follow up on that request.

IV. FIRST SUSPENSION OF THE INVESTIGATION

101. On 29 July 2020 the Sofia District Prosecutor suspended the investigation on the grounds that the perpetrator had not been identified. He noted that neither the applicant nor his friends could have given a detailed description of the perpetrator because of the significant commotion surrounding the incident and the involvement of many individuals. The prosecutor also modified the offence that was being investigated to a more serious one, namely the causing of moderate bodily harm out of hooligan-inspired motives (an offence under Article 131 § 1 (12) of the Criminal Code – see paragraph 127 below). Noting that the offence had not been perpetrated for personal vengeance or another personal motive, the prosecutor found that the assault had been carried out of hooligan-inspired motives “in demonstration of impunity and full disrespect of societal rules and norms”.

The prosecutor instructed the investigating authorities to report back to him every four months on the search for the perpetrator.

102. Following an appeal lodged by the applicant, on 11 September 2020 the Sofia District Court quashed the prosecutor's decision of 29 July 2020 as having been taken prematurely. The court ruled that the investigation had been conducted with adequate speed, that a number of pieces of evidence had been collected and that the established facts had been correctly interpreted. Nevertheless, it found that the investigation was incomplete, and instructed the prosecutor to: conduct a photo identification procedure (with the participation of A. and S.) of the four potential suspects indicated by the applicant's lawyer; establish whether the Facebook profile of S.A. was indeed fake (by requesting information from Facebook); and consider interviewing the applicant again. The court's decision noted that the investigation had been initially opened and conducted under Article 129 §§ 1 and 2 of the Criminal Code, but that the offence under investigation had later been modified by the prosecutor to that under Article 131 § 1(12) of the Criminal Code, namely causing moderate bodily harm out of hooligan motivation.

V. SUBSEQUENT INVESTIGATIVE MEASURES

103. On 6 January 2021 the police searched for S. and found that he had left the country on 8 May 2020 and had not returned. Moreover, his residence permit had expired on 20 March 2020.

104. On 11 January 2021 the investigating officer requested the Chief Directorate for Combatting Organised Crime (GDBOP) to check the Facebook profile of S.A. In a response of 29 January 2021 the GDBOP informed the officer that the Facebook profile in question had been deleted.

105. On 14 May 2021 A. was interviewed again (see paragraphs 53-61 above). The authorities also conducted a photo identification procedure involving the four potential suspects (see paragraph 98 above), but A. recognised none of them. On the same day the investigating officer instructed the border police to deliver a summons to S. in the event that he were ever to return to the country.

106. On 16 July 2021 the material in the case file was presented to the applicant's lawyer. She raised the following concerns: the GDBOP had not diligently verified the person behind the Facebook account of S.A. and no action had been taken regarding the request for the person who had posted a comment under the article in the online newspaper *Dnevnik* to be interviewed.

107. On 27 July 2021 the prosecutor refused the requests lodged by the applicant's lawyer. He stated, *inter alia*, that it was pointless to interview the applicant and to ask him to participate in a photo identification procedure, because the applicant had already stated that it would be difficult for him to recognise his attacker. Moreover, he had already seen a picture of the four suspects and this could compromise his ability to genuinely identify those

particular individuals. Furthermore, S.A.’s deleted Facebook profile did not constitute relevant evidence. Lastly, the lawyer’s request for the person who had posted a comment in the online newspaper *Dnevnik* to be interviewed was not to be allowed, because he had not been an eyewitness to the events but had merely stated that he had passed by the scene of the crime after the attack had ended.

108. On 10 September 2021 the prosecutor instructed the police to search for S. On 2 November 2021 S. was declared wanted by the police.

109. On 9 November 2021 the material in the case file was presented to the applicant’s lawyer.

VI. SECOND SUSPENSION OF THE INVESTIGATION

110. On 8 December 2021 the Sofia District Prosecutor again suspended the investigation in order to search for S. The decision stated that the investigation had been opened and conducted into the offence under Article 129 §§ 1 and 2 of the Criminal Code; it did not mention that the offence had been modified (see paragraph 101 above).

111. Upon the applicant’s appeal, by a decision of 30 December 2021 the Sofia District Court quashed the prosecutor’s decision of 8 December 2021. The court noted several shortcomings in the proceedings, made the following observations and gave the following instructions: firstly, the prosecutor’s decision suspending the investigation had not been reasoned, so it was impossible to understand what circumstances the prosecutor had found established and on the basis of what evidence; secondly, the prosecutor’s decision was contradictory in respect of the reason for the suspension; thirdly, the authorities had made insufficient efforts to find S.; fourthly, the authorities needed to interview the applicant anew; fifthly, the authorities needed to establish who had created the allegedly fake profile of S.A.; and lastly, the authorities needed to find the person who had commented under the above-mentioned article in the online newspaper *Dnevnik*. The court’s decision noted that the investigation had been opened and conducted into the offence under Article 129 §§ 1 and 2 of the Criminal Code; it did not mention that the offence had been modified (see paragraph 101 above).

112. On 16 March 2022 the prosecutor instructed the police to comply with the court’s instructions.

VII. INVESTIGATIVE STEPS TAKEN AFTER THE SECOND SUSPENSION OF THE INVESTIGATION

113. On 18 May 2022 the investigating officer requested the GDBOP to conduct a more in-depth check into the deleted Facebook profile – including by contacting the company that owned the platform. In a response of 8 June 2022, the GDBOP explained that such information could only be sought on

the basis of an agreement between the United States and Bulgaria and, in any event, only if the said profile had not been deleted. On 13 June and 8 September 2022 the investigating officer requested information from the online newspaper *Dnevnik* regarding the person who had posted the above-mentioned comment (see paragraph 96 above).

114. The applicant's lawyer wrote to the district prosecutor and the Prosecutor General in February 2023, enquiring whether the court's instructions to the prosecution had been complied with and also about the time-frame of their expected completion. On 30 March 2023 the Office of the Supreme Prosecution of Cassation sent a reply on half a page. The letter indicated that, while no grounds for imposing disciplinary sanctions on the supervising prosecutors had been established, it has been recommended to examine whether there were grounds for seeking disciplinary sanctions in respect of the investigating police officers since the investigation had been ineffective at times.

115. On 3 November 2022 the prosecutor again instructed the investigating officer to summon the applicant in order to clarify contradictions in his statements and to participate in the identification of individuals. He also instructed the investigating officer to find S. and to establish the identity of the person who had posted a comment under the article in the online *Dnevnik* newspaper. On 5 April 2023 he reiterated those instructions.

116. On 12 April 2023 the police sent a letter to the State Agency for National Security ("DANS") to establish the identity of the person who had used the fake profile of S.A. On 26 June 2023 DANS replied that this was outside its scope of authority because it did not concern national security. On 15 September 2023 the chief editor of *Dnevnik* informed the police that she could not submit the requested information concerning the person who had posted the comment in question, because it constituted personal data and was therefore protected. On 19 October 2023 the prosecutor requested the Sofia District Court to allow access to the relevant communications data in order for the person to be identified. The request was refused by the court by a decision of 23 October 2023 on the grounds that the deadline for such a request (six months) had expired. In a letter of 18 March 2024 the chief editor informed the police that *Dnevnik* did not have the requested data.

117. The time-limit for completing the investigation was extended numerous times by decisions of the prosecutor.

118. On 26 March 2024 the file was presented to the applicant's lawyer.

119. On 11 April 2024 the proceedings were suspended on the grounds that, despite all efforts, the perpetrator had not been established. The decision noted that the investigation had been conducted into the offence under Article 131 § 1(12) of the Criminal Code. The case material was sent to the police, who were instructed to provide information to the prosecutor regarding the continued search for the perpetrator every six months.

120. The applicant and his representative only learned of the suspension of the proceedings in April 2024 from the Government's observations to the Court (since they had not been informed of it in any other manner).

VIII. CLAIM FOR DAMAGES

121. In October 2023 the applicant's lawyer lodged a claim for damages against the State authorities under section 2(b) of the State and Municipalities Responsibility for Damage Act, seeking compensation for damage caused by the excessive length of the criminal proceedings. In a judgment of 6 June 2024 the Sofia District Court allowed the claim in part and awarded compensation in the amount of 3,000 Bulgarian leva (around 1,500 euros (EUR)). The applicant appealed, arguing that that amount was too low. In mid-October 2025 those proceedings were pending.

RELEVANT LEGAL FRAMEWORK

122. In 2004 the Securing of Public Order at Sports Events Act was adopted (*Закон за опазване на обществения ред при спортни мероприятия* – hereafter “the Sports Events Act”). In the explanatory memorandum to the bill it was pointed out that levels of aggression and violence during sports events had increased. The draft law (which was based on a number of Council of Europe and European Union documents) was specifically aimed at ensuring more thorough protection of life and limb within the context of sports events.

123. The national legislation deals with the issue of football violence in a two-fold manner: an administrative-penalty procedure (which is provided in the Sports Events Act) and the general criminal procedure (which applies when the offence is of such gravity that it merits criminal prosecution).

124. On 3 July 2016 Bulgaria signed the Convention on Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events. It was ratified on 10 December 2019 and came into force on 1 February 2020.

125. Several ordinances and specialised instructions deal with the organisation and security of sports events in order to ensure safety and to prevent violence. These are: the Ordinance on the Security of the Sports Facilities and the Measures against Violence and the Bad Behaviour of the Spectators before, during and after the Sports Events (revoked in 2019); the Ordinance on Championships and Football Tournaments within the system of the Bulgarian Football Union for the 2018/2019 season (which was issued by the Bulgarian Football Union); Instruction no. 81213-988 of 12 December 2014 on ensuring public order in the organisation of events (issued by the Minister of the Interior); and Methodical Instructions on police security and safety measures during sports events (approved by Order no. 81213-128 of

24 January 2017). A special directorate (a part of the National Police Chief Directorate) is responsible for coordinating the security of sports events.

126. Article 162 § 2 of the Criminal Code criminalised racially, nationally or ethnically motivated violence in the following terms at the relevant time:

“Any person who uses violence against another or damages his property on account of his nationality, race, religion or political convictions shall be punished by up to four years’ imprisonment and a fine ranging from five thousand to ten thousand levs, as well as by public reprimand.”

127. The offence of causing moderate bodily harm (Article 129 § 2 of the Criminal Code) is punishable by imprisonment of up to six years (Article 129 § 1 of the Criminal Code). Article 131 § 1 (12) of the Criminal Code has provided since 2013 that causing moderate bodily harm from hooligan-inspired, racist or xenophobic motives is punishable by between two to ten years imprisonment.

128. Section 49 of the 1951 Obligations and Contracts Act provides that a person who has entrusted another with carrying out a task is liable for the damage caused by that other person in the course of or in connection with the performance of that task. Liability under that provision – as, indeed, under all provisions governing tort – is premised upon the wrongfulness of the conduct complained of (decision no. 567 of 24 November 1997 in Case No 775/1996, Supreme Court, five-member Chamber). Under section 110 of the Obligations and Contracts Act, the limitation period for tort claims is five years.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF THE CONVENTION

129. The applicant complained that (1) the authorities had failed to put in place adequate regulations and operational measures with a view to preventing the assault on him, and (2) the authorities had not effectively investigated that assault, which had caused him serious suffering and had been prompted by racist motives. The above-noted failings had been in breach of Article 3 of the Convention, which reads as follows:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

A. Admissibility

130. The Government submitted that the applicant had failed to exhaust the available domestic remedies, since he had not lodged a tort claim under section 49 of the Contracts and Obligations Act (see paragraph 128 above) with the domestic civil courts seeking compensation for the State’s failure to

meet its positive and procedural obligations under Article 3 and under Article 14 in conjunction with Article 3. The applicant stated that, since he had been a victim of a hate crime, the only effective remedy was the conducting of criminal proceedings capable of identifying the perpetrators, bringing them to justice and unmasking any underlying discriminatory motive.

131. As regards the possibility of lodging a claim for damages in relation to the alleged failure of the State to comply with its positive and procedural obligations under Article 3, the Court finds as follows. It has already ruled that lodging a tort claim against the very individuals who caused alleged ill-treatment in cases of assault in circumstances comparable to those in the present case would not fulfil the State's procedural obligations under Article 3 in case of assault (see *Abdu v. Bulgaria*, no. 26827/08, § 51, 11 March 2014). Consequently, since a claim for damages (as suggested by the Government) might have led to the payment of compensation but would not have led to the prosecution of those responsible, the Court finds that it was not a remedy that the applicant was required to pursue for the purpose of Article 35 § 1 of the Convention.

132. The Government, in their reply to the submission by the applicant and his claim for just satisfaction, added in passing another point which, given its nature, might be taken as an additional objection of non-exhaustion of domestic remedies. Specifically, the Government stated that the applicant could appeal against the prosecutor's suspension order. However, the Court reiterates that, under Rule 55 of the Rules of Court, any plea of inadmissibility must be raised by the respondent Contracting Party, in so far as the nature of the objection and the circumstances so allow, in its written or oral observations on the admissibility of the application. Any omission by the Government to do so may lead the Court to conclude that they are estopped from raising those objections at a later stage in the proceedings (see *Khlaifia and Others v. Italy* [GC], no. 16483/12, §§ 51-54, 15 December 2016). The Court notes that the Government have not explained why, in the present case, their objection concerning an additional non-exhaustion was not raised in their initial written observations on the admissibility of the application. Nor have they provided any explanation for the delay in raising their objection. Moreover, the Court discerns no exceptional circumstances which might have exempted the Government from their obligation to raise the objection in a timely manner (see *Khlaifia and Others*, cited above, §§ 52 and 53). It follows that the Government are estopped from raising this objection.

133. The Court further notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. *The applicant's submissions*

134. The applicant noted that a legislative and regulatory framework aimed at combatting football-related violence or sport-related hooliganism had been introduced in Bulgaria; however, he argued that that framework had been ineffective and had not served to actually prevent the occurrence of any such violence or hooliganism.

135. On the one hand, he argued, criminal-law provisions applied only once a crime had been committed; as a result their dissuasive effect was rather low. On the other hand, the Sports Events Act was not applicable to the provision of public-security measures outside the venue of a sporting event; as a result, it was the police who were responsible for ensuring public safety and applying preventive measures to that effect.

136. In the instant case, only six police officers in a van had been following (and in effect observing) a crowd of about 200 fans, who had been dressed in similar clothing (all bearing the same distinctive mark) and singing chants. Despite the fact that the incident had taken place in front of the Ministry of the Interior building, there had been no other police officers on that street at the time in question. Although the authorities had properly evaluated the level of risk, their implementation of the planned security measures had been inadequate. As a result, despite the relatively large number of police officers deployed in order to ensure security in relation to the match, the preventive measures had been insufficient to mitigate the risks surrounding that event.

137. In particular, there was no information as to whether the authorities had consulted the national register of sports hooligans before the event and whether they had sought to identify persons from that register for the purpose of effectively policing the CSKA-Levski match. It is not known whether the officers in the van were wearing special protection gear and if they were equipped to react to a violent crowd.

138. Moreover, the overall plan of the Ministry seemed to have been a ready-made plan that could well have been copied and pasted from that pertaining to any other similar event, as many parts of it had been rather general and not specific to the CSKA-Levski match. It was striking that the plan had not noted that the main street near the incident – Graf Ignatiev Street – had been closed for repairs at the time in question, and that the fans were to be escorted along a smaller street – General Parensov Street – instead. In any case, notwithstanding the provisions of the plan, the CCTV footage showed that the group of fans had been walking along without any officers next to them.

139. The above-mentioned observations indicated that the preventive measures taken by the authorities had been superficial. The implementation of the planned security measures had been such that the large group of fans

had been allowed to move around unsupervised. That in turn indicated that the authorities had failed to ensure public safety and had contributed to the racially-motivated assault of which the applicant had been a victim.

140. Furthermore, the investigation had been ineffective: many steps had been taken too late – others not at all. The domestic courts had twice quashed decisions to suspend the investigation, finding that the prosecution had put itself in the position of not being able to identify the perpetrators. The police had gathered no data concerning any of the fans who had been present at the time of the assault on the applicant, and had instead identified only his acquaintances A. and S. No members of the fan club had been questioned and the person who had been recognised by one of the officers on the CCTV footage had only been asked whether he had attended the match, but not where he had been at the time of the events.

2. The Government's submissions

141. The Government submitted that the authorities had adopted the necessary regulatory framework, taken adequate operational measures, and conducted an effective investigation capable of identifying and prosecuting the perpetrators.

142. In particular, in terms of the legal framework, following years of recurring problems with football gangs, violence against spectators and police officers and street riots, Parliament had enacted in 2004 the Securing of Public Order at Sports Events Acts (see paragraph 122 above). Contrary to the applicant's submission, that Act specifically provided that the authorities had to ensure safety in the broader area around stadiums, and the Act applied to hooligan-inspired actions (other than those classified as criminal offences – to which criminal legislation applied) committed on the way to or back from sport events.

143. Moreover, Bulgaria had been one of the first countries to sign the Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events (on 3 July 2016). It had come into force on 1 February 2020 (see paragraph 124 above).

144. In addition, the authorities had issued several ordinances and specialised instructions regarding the organisation of and the provision of security at sports events in order to ensure safety and to prevent violence (see paragraph 125 above). There was a special directorate (a part of the National Police Chief Directorate) that was responsible for coordinating security at sports events.

145. As regards operational measures needed to protect victims (or potential victims) of ill-treatment, the authorities had drawn up a plan of operations in respect of the CSKA v. Levski football game (see paragraphs 9 to 24 above) that had been clear, thorough and detailed. They had deployed a large number of police officers and had instructed them on their role and places of deployment before, during and after the event. They had ensured

the provision of special routes for the respective supporters of both teams and had planned the deployment of police groups at various spots – especially in the most dangerous locations.

146. The group of fans that had assaulted the applicant had been directed towards Parensov Street, since the main street – Graf Ignatiev Street – had been undergoing repairs. That group had been escorted by police officers who had been carrying weapons and had been prepared to react in the event of clashes. The planning and organisation of the event had been aimed at preventing crowds from roaming the streets and at ensuring that fans would approach and leave the stadium in smaller groups and under police monitoring.

147. The appearance of the applicant and his friends at the time in question (when the most vigorous supporters had been leaving the area) had been sudden and unexpected. It did not appear that any of the police officers had noticed them marching towards the crowd; if they had, they would have ensured their protection. The incident had lasted for approximately two minutes.

148. There had indeed been a risk of the applicant – a black foreigner who had suddenly found himself in the middle of a crowd of football fans – suffering ill-treatment.

149. Unfortunately, bearing in mind that it had been late in the evening (and therefore already dark), the authorities could not have reacted more rapidly than they had. It was also noteworthy that, despite prior media coverage of the football game, the applicant and his friends had not known about it; it followed that they could not have decided to avoid the area or at least to await the departure of the football supporters. Not every risk of ill-treatment imposed a duty on the authorities (under the Convention) to take measures to prevent such a risk from materialising. However, once the police officers had noticed the commotion in the crowd they had reacted immediately.

150. In terms of the investigation, the applicant had become a victim of a violent assault of extreme football supporters in circumstances that had objectively made the task of investigating the incident difficult. The clash between the crowd and the applicant and his two companions had happened when it had already been dark; lots of people had been present at the scene of the crime, and it had been almost impossible for the police to chase after the potential perpetrators, given that the events had unfolded in the course of a couple of minutes and the police officers had been trying to offer first aid to the applicant (and potentially to ensure his protection).

151. The authorities had acted promptly by interviewing the applicant, his two friends and the police officers who had been at the scene. They had also looked at the CCTV footage that had captured the offence and had ordered expert reports in respect of it. They had interviewed a suspect, G., who had been identified in the video recordings by a police officer. However, an

eyewitness had not recognised him, and the suspect himself had not made any confession. Furthermore, the applicant had singled out four more suspects who had also been interviewed and had taken part in a photo identification procedure – to no avail. It had not appeared justified for the authorities to undertake any other measures against those four individuals.

152. The Government noted that the authorities had afforded the applicant and his lawyer access to the case file. The applicant’s lawyer had been given the opportunity to submit evidence.

153. Moreover, the authorities had interviewed S.A., who had given no indication that he had participated in the event in question. In fact, it did not appear credible that a former football player from another team (and who was, what is more, a foreigner) would have been among the ranks of the most extreme Levski fans on the night of a big football match with CSKA. The authorities had also attempted to retrieve information regarding the above-mentioned Facebook profile, but their efforts had proved futile as the profile had been deleted. Indeed, the authorities had been tardy in their efforts to establish the identity of the person who had commented under the above-mentioned *Dnevnik* article, and had eventually been unable to establish that person’s identity. However, as reiterated by the prosecutor, that person had not been an eyewitness to the event in question and would not in any manner have been able to contribute to the establishment of the facts of the case. Accordingly, the authorities had not been obliged to establish his identity and to interview him.

154. Lastly, the Government submitted that the authorities had been conducting an investigation under conditions in which they had not had access to both the applicant and one of the eyewitnesses, as both had been abroad. The applicant, who had been traumatised by the events, had been interviewed twice in the initial stages of the investigation, but was left in peace after he had left the country. However, the investigation had been impeded by his absence from Bulgaria and by the absence of a key witness. As for S. – the authorities had been constantly making attempts to establish his whereabouts, but to no avail.

3. *The Court’s assessment*

(a) **General principles**

155. The Court reiterates that the obligation on High Contracting Parties under Article 1 of the Convention to secure to everyone within their respective jurisdictions the rights and freedoms defined in the Convention, taken in conjunction with Article 3, requires States to take measures designed to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment – including ill-treatment administered by private individuals (see, among many other authorities, *Z and Others v. the United Kingdom* [GC], no. 29392/95, § 73, ECHR 2001-V; *O’Keeffe*

v. Ireland [GC], no. 35810/09, § 144, ECHR 2014 (extracts); and *Burlya and Others v. Ukraine*, no. 3289/10, § 124, 6 November 2018).

156. According to the Court’s case-law, authorities’ positive obligations under Article 3 of the Convention comprise: firstly, an obligation to put in place a legislative and regulatory framework of protection; secondly (under certain well-defined circumstances) an obligation to take operational measures to protect specific individuals against a risk of treatment contrary to that provision; and, thirdly, an obligation to carry out an effective investigation into arguable claims that such treatment has been inflicted. Generally speaking, the first two aspects of these positive obligations are classified as “substantive”, while the third aspect corresponds to the State’s positive “procedural” obligation (see *X and Others v. Bulgaria* [GC], no. 22457/16, § 178, 2 February 2021).

(i) *The positive obligation to put in place an appropriate legislative and regulatory framework*

157. In terms of the substantive positive obligation of the States, this obligation necessitates the establishment of a framework to shield individuals adequately from breaches of their physical and psychological integrity – particularly, in the most serious cases, through the enactment of criminal-law provisions and their effective application in practice (*ibid.*, § 179).

(ii) *The positive obligation to take operational protective measures*

158. Furthermore, as with Article 2 of the Convention, Article 3 may, in certain circumstances, require a State to take operational measures to protect victims, or potential victims, of ill-treatment (*ibid.*). The obligation to take operational measures may apply not only to situations concerning the requirement of personal protection of one or more individuals identifiable in advance as the potential target of a criminal act, but also in cases in which the victim could not be identified before the offence had been perpetrated (see, albeit in the context of Article 2, *Kayak v. Turkey*, no. 60444/08, § 55, 10 July 2012; *Tagayeva and Others v. Russia*, nos. 26562/07 and 6 others, § 482, 13 April 2017, with further references cited therein; and *Kotilainen and Others v. Finland*, no. 62439/12, § 70, 17 September 2020). The Court has drawn a distinction between the two above-noted types of situation. In the latter situation, what is at stake is not whether the authorities’ responsibility could be engaged for having failed to protect specifically the victim in question; rather, it is about ensuring that the authorities have afforded general protection to society (see *Kayak*, cited above, § 55). The Court has thus held that the obligation to afford general protection against potentially lethal acts shall be engaged in respect of the danger emanating from a person with a

history of violence (see *Bljakaj and Others v. Croatia*, no. 74448/12, § 121, 18 September 2014).

159. This does not mean, however, that a positive obligation to prevent all potential violence can be inferred from this provision (see, *Kayak*, cited above, § 54 with a further reference). Moreover, such a positive obligation to protect is to be interpreted in such a way as not to impose an excessive burden on the authorities – bearing in mind, in particular, the unpredictability of human conduct and the operational choices that must be made in terms of priorities and resources (see *Burlya*, cited above, § 124).

160. For a positive obligation to arise, it must in any event be established that the authorities failed to take measures within the scope of their powers that, judged reasonably, might have been expected to avoid the risk of potentially lethal acts being committed (see, among other authorities, *Kotilainen*, cited above, § 73 with a further reference). However, the Court must be cautious about revisiting events with the wisdom of hindsight. This means that a given case in which a real and immediate risk materialised must be assessed from the point of view of what was known to the competent authorities at the relevant time (see, albeit within the context of Article 2, *Kurt v. Austria* [GC], no. 62903/15, § 160, 15 June 2021).

(iii) *The procedural obligation to carry out an effective investigation*

161. In terms of procedural obligations, the obligation to conduct an effective official investigation to establish the facts of the case and identify and, if appropriate, punish those responsible cannot be considered to be limited solely to cases of ill-treatment by State agents (see *X and Others v. Bulgaria*, cited above, § 184). The authorities must act of their own motion once the matter has come to their attention (see *Members of the Gldani Congregation of Jehovah's Witnesses and Others v. Georgia*, no. 71156/01, § 97, 3 May 2007).

162. In order to be effective, the investigation must firstly be adequate (see *Mustafa Tunç and Fecire Tunç v. Turkey* [GC], no. 24014/05, § 172, 14 April 2015) and sufficiently thorough (see *X and Others v. Bulgaria*, cited above, § 185). That is, it must be capable of leading to the establishment of the facts and the identification and, if appropriate, punishment of those responsible (see *Armani Da Silva v. the United Kingdom* [GC], no. 5878/08, § 233, 30 March 2016). The obligation to conduct an effective investigation is an obligation not of result but of means: the authorities must take the reasonable measures available to them to secure evidence concerning the incident at issue, including, *inter alia*, eyewitness testimony and forensic evidence (see *Mustafa Tunç and Fecire Tunç*, cited above, § 173; *Tagayeva and Others*, cited above, § 511, and *Gulyan v. Armenia*, no. 11244/12, § 82, 20 September 2018). What steps are to be considered reasonable would depend on the circumstances of the case, but within the context of any violent crime an examination of the crime scene and preservation of forensic

evidence would constitute one of the basic requirements of an effective investigation (*ibid.*).

163. The authorities must always make a serious attempt to find out what happened and should not rely on hasty or ill-founded conclusions to close their investigation (see, among other authorities, *Bouyid v. Belgium* [GC], no. 23380/09, § 123, ECHR 2015). Any deficiency in the investigation that undermines its ability to establish the facts or the identity of the persons responsible will risk falling foul of this standard (see *Bati and Others v. Turkey*, nos. 33097/96 and 57834/00, § 134, ECHR 2004-IV (extracts), and *Bouyid*, cited above, § 120). The parameters considered essential for the effectiveness of an investigation (see *Mustafa Tunç and Fecire Tunç*, cited above, § 225) are inter-related, so none of them, taken separately, amounts to an end in itself; they are criteria which, taken jointly, enable the degree of effectiveness of the investigation to be assessed (*ibid.*).

164. When investigating violent incidents such as acts of ill-treatment, State authorities have a duty to take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events at hand (see *Abdu*, cited above, § 44). The respondent State's obligation to investigate possible racist overtones to a violent act is an obligation to use its best endeavours and is not absolute. The authorities must do what is reasonable in the circumstances to collect and secure the evidence, explore all practical means of discovering the truth and deliver fully reasoned, impartial and objective decisions, without omitting suspicious facts that may be indicative of racially motivated violence (see, *mutatis mutandis*, *Nachova and Others v. Bulgaria* [GC], nos. 43577/98 and 43579/98, § 160, ECHR 2005-VII). Treating violence and brutality with a discriminatory intent on an equal footing with cases that have no such overtones would be to turn a blind eye to the specific nature of acts that are particularly destructive of fundamental rights (see *Identoba and Others v. Georgia*, no. 73235/12, § 67, 12 May 2015).

(b) Application of these principles to the present case

165. The Court observes that the applicant was a victim of a violent assault by several individuals, as a result of which he sustained serious injuries that caused him physical damage (see paragraph 36 above), lasting pain and enduring fear (see paragraphs 51 and 154 above). His complaints are therefore sufficiently serious as to fall within the scope of Article 3 of the Convention.

166. The Court will examine whether the respondent State complied with its obligations under that provision.

(i) The positive obligation to put in place an appropriate legislative and regulatory framework

167. In terms of the relevant legislative and regulatory framework, the Court notes that the authorities had issued a number of instruments concerning the organisation and security of sports events. Those had been put in place for the purpose of ensuring safety and preventing violence, and of affording protection to life and limb within the context of sports events (see paragraphs 122-125 above).

168. In addition, the violence that the applicant suffered was outlawed under the Bulgarian Criminal Code, was classified as a “serious offence” and carried a term of imprisonment of up to six years (see paragraph 127 above). The Criminal Code laid down a heavier punishment – namely, imprisonment for between two and ten years – in the event that the harm inflicted was found to have been prompted by hooligan-inspired, racist or xenophobic motives (*ibid.*); the prosecutor found that the offence in question had indeed been prompted by hooligan-inspired motives (see paragraph 101 above). Further, Article 162 § 2 of the Criminal Code criminalised racially, nationally or ethnically motivated violence, providing for imprisonment of up to four years (see paragraph 126 above).

169. The legislative and regulatory framework put in place by the authorities therefore appears to encompass the acts complained of by the applicant in the present case.

(ii) The positive obligation to take operational protective measures

170. It is thus necessary for the Court to examine whether the authorities took the adequate operational measures that were required of them under Article 3 of the Convention.

171. The Court observes that, in the run up to the football match of 29 September 2018, the authorities did not remain passive. Preliminary consultations appear to have taken place between the police and representatives of the two teams, as well as a briefing in which the police (together with other officials responsible for ensuring public safety in relation to the football match) participated. Thereafter, a comprehensive plan of operations was drawn up, which comprised information in respect of the authorities’ goals regarding (i) the organisation and supervision of security, and (ii) ensuring public safety, before, during and after the event. The plan provided the deployment of a large overall number of officers; it clearly indicated exactly where they would be deployed, their chain of command and their tasks. While it cannot be concluded that the plan (as set out by the authorities) was sufficient to cover any and all situations that might have arisen by way of eliminating all risk of violence associated with the event, the related positive obligation under Article 3 does not include an obligation to prevent all potential violence that might occur at any point in time within the

jurisdiction of a State (see paragraph 159 above). With reference to the elements covered by the plan, and the manner in which they had been developed, the Court finds that the plan was sufficiently thorough to serve as a basis capable of providing effective protection of the general public in relation to the football match in question.

172. The Court further finds that, within the context of a match between Bulgaria's two biggest national football clubs (see paragraph 5 above), the assessment of the nature and level of risk constitutes (similarly to States' obligations under Article 2) an integral part of the duty to take preventive operational measures where the presence of a risk so requires (compare, albeit within the context of Article 2, *Kurt*, cited above, § 159). Thus, an examination of the State's compliance with its duty to take preventive operational measures comprises an analysis of both the adequacy of the assessment of risk conducted by the domestic authorities and, where a relevant risk triggering the duty to act was or ought to have been identified, the adequacy of the preventive measures taken (*ibid.*).

173. The authorities classified the risk associated with the event as constituting a "high danger to public order" (see paragraph 12 above). That conclusion was apparently reached following an analysis of the situations relating to previous matches between the two clubs and of the associated incidents that had occurred in the past. The Court considers that the gathering of a large number of potentially aggressive fans – who were known to the authorities as a demographic set that was in principle prone to hooliganism, to violence against spectators and police alike and to street riots (see paragraph 142 above) – entailed a high level of inherent risk to life and limb, and to people's physical and psychological integrity. Accordingly, the Court finds that, by carrying out an analysis on the basis of earlier experience in similar settings, the authorities performed an adequate assessment of the risk.

174. The Court observes that according to the plan of operations in place, a number of police officers had been planned to be stationed near the scene of the incident (see paragraphs 22 and 23 above). Furthermore, it had been arranged for mobile units to be ready to react in the event that incidents arose (see paragraph 18 above). Those units had been tasked, *inter alia*, with immediately reporting via radio the location of large groups of fans and the direction of their movement. In the event that groups of fans formed up, those were to be escorted by officers. Under the plan, special attention was to be paid to a number of locations identified as vulnerable, key or conflict areas; those locations included the area of the incident (see 20 above). The teams were to be ready to form up "mobile reserve contingents" and to react, upon instruction, if an incident arose – including in neighbouring zones.

175. As is apparent from the facts of the case, the large group of fans in this case (around 150-200 people according to the police officers interviewed) was effectively being followed by a police van carrying seven officers (including the officer who was driving the vehicle).

176. Other officers, who appear to have been assigned to the area in connection with the football match (as described in the plan outlined above), were either absent or took no action that was reported. Indeed, the officer on duty outside the police building stated that two other officers on duty with him that evening had both been inside the Ministry of the Interior building (see paragraph 88 above) at their assigned posts, and he did not report on any other police presence. The statements of (i) that officer that two police vans had been following behind the group (see paragraph 87 above), and (ii) S. that at least fifteen officers had been standing next to the applicant when S. had returned after the assault (see paragraph 66 above) do not appear to be supported by any evidence: in particular, the Government made no such assertion, and nor did the investigation file contain information corroborating such assertions.

177. A temporary operations headquarters committee appears to have been set up for the purposes of managing the deployed police officers during the event (see paragraph 13 above). It has not been suggested that the headquarters committee was in any way involved before the assault, once the large group of fans had formed and had started moving outside the stadium – either through effecting a rapid response or through directing resources, securing constant feedback, or evaluating any threats and coordinating actions aimed at their containment. It does not appear that any of the deployed teams, which had been armed with rubber-bullet guns and gas-spraying devices, in accordance with the plan of operations (see paragraph 17 above), were directed towards the group of fans in question, in order to prevent incidents occurring (or take action if the need arose).

178. In sum, it has not been shown that the planned operational measures were fully implemented in accordance with the authorities' own plan of operations. Nor does it appear that the authorities pursued additional measures in view of the fact that a sizeable group of fans had formed and had been moving through the city, that the officers escorting it from behind had no sufficient visibility and that there was apparently no police presence capable of monitoring the sides and front of the group.

179. Notwithstanding the above, the Court considers that the situation it is faced with should be examined in the context of the specific circumstances of this case, bearing in mind what had been known to the authorities prior to the incident. It observes that the plan of operations concerned as many as 18 different zones and officers were to be spread – for the purposes of preventing and containing violence and other anti-social conduct – across a significant territory covering a major part of the city, where the potential for conflict erupting had been thought to be highly elevated. That included the spot where the assault took place. It has not been argued, and there is no reason to assume, that in effect a large number of officers had not been deployed across the city for the purposes outlined above.

180. The Court accepts that incidents might admittedly happen anywhere within the area covered by the authorities, at any point in time and that they may be set off by individuals in a random fashion or triggered by factors that are not possible to anticipate. Indeed, the applicant's walking through the area in question at that very point in time, and his coming across the big group of fans which happened to include individuals who violently assaulted him once they had come across him, could not have been known or expected in advance, bearing in mind the unpredictability of human conduct.

181. Furthermore, on the basis of all the elements in the file the Court finds that imminent threats emanating from that particular group of fans had not become apparent to the police before the assault was perpetrated on the applicant (contrast *Kotilainen and Others*, cited above, § 85). Therefore, the special diligence obligation incumbent on the authorities in situations, in which they had been alerted to facts that give rise to concrete suspicions about particularly high level of risk to life (see *Kotilainen and Others*, cited above, § 85), was not triggered in the present case. This conclusion is reached in view of the absence of specific elements in the file pointing to imminent danger from the group, or some of its members, having been brought to the knowledge of the police prior to the assault (compare, *mutatis mutandis*, *Osman v. United Kingdom*, no. 23452/94, § 121, 28 October 1998), notwithstanding the high level of risk which the authorities had identified as applying generally to the sport event on that particular day and to big groups of fans in particular. The Court reiterates in this connection that events must not be revisited with the wisdom of hindsight (see paragraph 160 above; see also, *mutatis mutandis*, *Ribcheva and Others v. Bulgaria*, nos. 37801/16 and 2 others, § 179, 30 March 2021). Accordingly, it finds that a higher level of preventive operational response of the authorities – vis-à-vis this particular group of fans in advance of the incident – cannot be said to have been called for on the basis of the information available to the police at the time.

182. It follows that there has been no violation of the substantive limb of Article 3.

(iii) *The procedural obligation to carry out an effective investigation*

183. Turning to the investigation conducted by the authorities into the attack on the applicant, the Court will examine below some key aspects of that investigation, which it considers to have been crucial for its effectiveness.

184. An investigation into the assault of the applicant was indeed opened without delay – namely on the following day (see paragraph 38 above).

185. However, on the very day of the assault and in its immediate aftermath, when the police officers had arrived at the scene of the crime and had discovered the applicant lying on the ground, bloodied, visibly injured and drifting in and out of consciousness, the police failed to even attempt to comply with their fundamental duty to act to secure evidence concerning the incident (see paragraph 162 above). The Court reiterates that the preservation

of forensic evidence constitutes one of the basic requirements of an effective investigation (compare *Tagayeva and Others*, cited above, § 511).

186. Thus, it has not been suggested that the officers tried to contain the crowd of fans present at the scene (which probably included the perpetrators) – for example, by ordering that no one leave, calling for immediate reinforcements, and coordinating on air with the temporary operations headquarters committee so that the area could be potentially cordoned off by law-enforcement forces sent in support. While the officers from the police van, and the officer stationed on duty in the immediate vicinity of the assault, apparently reported the incident to a duty operations centre (see paragraphs 79, 85 and 73 above), there is no information about any specific measures being undertaken as a result. Ensuring that eyewitnesses did not leave (so that they could be questioned) and endeavouring to collect any relevant material traces as evidence in relation to the attack by looking for the possible perpetrators at the time and on the spot, appears to constitute an immediate course of action called for by the circumstances. As can be seen from the facts and the submissions of the Government, this was not what happened. The Court considers that, while it had been justified for some officers to guard the applicant against further violence and to provide him with first aid as needed, there is no information to indicate any rapid reinforcement teams arrived (or were even dispatched) to secure the area, or that efforts in that direction were pursued.

187. The Court considers that the above omission was so serious that it resulted in a failure to secure and collect evidence, which in turn jeopardised the potential effectiveness of the subsequent investigation (compare, *mutatis mutandis*, *Tagayeva and Others*, cited above, § 516, where the Court concluded that the failure to properly secure, collect and record evidence had caused irreparable harm to the investigation's ability to carry out a thorough, objective and impartial analysis of all elements and had thus constituted a serious breach of the requirements of an effective investigation; see also, *mutatis mutandis*, *O.R. and L.R. v. the Republic of Moldova*, no. 24129/11, § 63, 30 October 2018).

188. The Court further observes that despite a prompt initial reaction on the part of the investigating authorities (see paragraphs 38-39 above), the subsequent steps pursued were carried out with unexplained delays. The people who had been accompanying the applicant at the time of the assault were only interviewed ten days later (see paragraph 53 above), and it took around a whole month after the assault for most (but not all) of the police officers who had been on the van following the group to be interviewed (see paragraphs 66-77 above). Similarly, only after almost a month had passed following the incident did the authorities seek to obtain a copy of the plan of operations drawn up by the police for the event (see paragraphs 9 to 26 above) and information regarding the police officers on duty (see paragraph 91 above). It took a further three weeks to interview the officer who had been

stationed in front of the Ministry of the Interior building at the time of the assault (see paragraph 82 above).

189. While CCTV footage from the buildings surrounding the incident had been collected by the end of November 2018 and in February 2019 an officer had recognised one of the leaders of the group who had assaulted the applicant, it took the authorities three months to interview that individual (G.) (see paragraph 93 above). Furthermore, had the officers on the van been equipped with body cameras, they might have been in a position to collect clearer footage (to that collected from the CCTV cameras, see on that point paragraph 94 above) of the fans in the group, so that some of them could have been identified and subsequently interviewed. As it can be seen from the facts, five and a half years after it had been opened, the investigation was still pending and no one had been charged (see paragraphs 118-119 above). Also, given that the applicant, A. and S. had been interviewed twice, their absence from Bulgarian territory as of certain points in time cannot be said to have impeded the investigation.

190. Moreover, on two occasions a domestic court found that the investigation had been incomplete, and identified a number of concrete shortcomings (see paragraphs 102 and 111 above).

191. Furthermore, it does not appear that the authorities made a purposeful effort to specifically investigate any potential racist overtones that may have been at the origin of the assault on the applicant (compare *Abdu*, cited above, § 50). The applicant's lawyer had explicitly pointed out that the attack appeared racially motivated, referring to statements made by the applicant's companions who had witnessed the assault on him (see paragraphs 61, 65 and 96 above). While only the statements of the individuals interviewed by the authorities in the context of the investigation have been submitted to the Court, and so it is not clear whether those statements were made in response to specific questions relating to potential motives behind the attack, even assuming that such questions were asked by the authorities, in the numerous requests for prolongation of the time-limit of the investigation, reports and decisions drawn up during the investigation neither the investigating officers nor the prosecutor referred to the need to look into the question whether the violence against the applicant had been motivated by racist considerations. The investigation had initially been opened into the offence of causing moderate bodily harm (see paragraph 38 above). While the prosecutor modified the offence under investigation to a more serious one (see paragraph 101 above), that happened almost two years after the proceedings had been opened. Importantly too, the explicitly stated reason for that modification was not suspected racist motives behind the assault but a hooligan motivation (*ibid.*). Even though the applicable domestic legal provision was one and the same in both cases (see paragraph 127 above), no specific efforts appear to have been put towards unmasking any potential racist motive behind the assault on the applicant.

192. On the basis of the above-noted considerations, the Court concludes that there has been a breach of Article 3 of the Convention, since the investigation was not capable of leading to the establishment of the facts and a determination of the identity of the persons responsible and was therefore not effective (see paragraph 163 above; also compare, *mutatis mutandis*, *Tagayeva and Others*, cited above, § 539, with further reference). While other elements of the investigation have been called into question by the applicant (see paragraph 140 above), the Court does not need to examine them separately, in view of the above-noted conclusion. This conclusion applies equally to the Government's comment that the applicant could appeal against the latest suspension of the investigation (see paragraph 132 above), if that comment were to be examined not as an objection of non-exhaustion but as an argument that the applicant could contribute to reviving the investigation and thus to its effectiveness.

193. There has accordingly been a violation of the procedural limb of Article 3 of the Convention.

II. ALLEGED VIOLATION OF ARTICLE 14 IN CONJUNCTION WITH ARTICLE 3 OF THE CONVENTION

194. The applicant complained that the authorities had not taken all reasonable steps to investigate any possible racist motivation behind the assault on the applicant, in breach of Article 14 in conjunction with Article 3 of the Convention. Article 14 reads as follows:

“The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

A. Admissibility

195. The Government argued that the applicant had failed to exhaust domestic remedies, since he had not lodged a civil claim (under either the Protection Against Discrimination Act or the Contracts and Obligations Act) seeking compensation against the Prosecutor's Office for any alleged discrimination against him.

196. The applicant reiterated his complaint.

197. The Court finds that the complaint under Article 14 is inherently linked to the complaint under Article 3 concerning an allegedly ineffective investigation. Since, in respect of the complaint under Article 3, the Court has held that a civil claim was not a remedy that the applicant was required to pursue for the purpose of Article 35 § 1 of the Convention (see paragraph 131 above), it finds that this conclusion applies equally to his complaint under Article 14.

198. It further notes that this complaint is neither manifestly ill-founded nor inadmissible on any other of the grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

199. The applicant claimed in essence that the authorities had entirely ignored the high likelihood that the offence against him had been committed because of the colour of his skin. The Government submitted that the authorities on no occasion had made any comment, undertaken any action or allowed any omission which could imply that they were prejudiced towards the applicant or that they refused, intentionally or unintentionally, to consider the potential racist motives in the assault.

200. The Court reiterates that Article 14 has no independent existence, but plays an important role by complementing the other provisions of the Convention and the Protocols, since it protects individuals placed in similar situations from any discrimination in the enjoyment of the rights set forth in those other provisions. Where a substantive Article of the Convention has been invoked both on its own and together with Article 14, and a separate breach has been found of the substantive Article, it is not generally necessary for the Court to also consider the case under Article 14 – although the position is otherwise if a clear inequality of treatment in the enjoyment of the right in question is a fundamental aspect of the case (see, for example, *Chassagnou and Others v. France* [GC], nos. 25088/94 and 2 others, § 89, ECHR 1999-III).

201. The Court notes that at the heart of the applicant's complaint under Article 14 of the Convention lies the failure of the authorities to effectively investigate the assault against him, specifically as regards the alleged racist motivation behind the attack. In view of its findings in paragraph 191 above, namely that no specific efforts were made to investigate whether discriminatory motivation may have played a role in the assault, the Court concludes that there has been a violation of Article 14 of the Convention taken in conjunction with Article 3 in its procedural aspect (see, albeit in the context of Article 14 of the Convention taken in conjunction with Article 2, *Nachova and Others*, cited above, §§ 161 and 168, and *Angelova and Iliev v. Bulgaria*, no. 55523/00, §§ 115 and 117, 26 July 2007; compare also, *mutatis mutandis*, *Šečić v. Croatia*, no. 40116/02, §§ 66-70, 31 May 2007; *Turan Cakir v. Belgium*, no. 44256/06, §§ 77-79 and 81-82, 10 March 2009 and *Boacă and Others v. Romania*, no. 40355/11, §§ 105 and 109, 12 January 2016).

III. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

202. Lastly, the applicant complained that he had not had an effective remedy available in respect of his complaints under Articles 3 and 14, in breach of Article 13 of the Convention, which reads as follows:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

203. The Court finds that this complaint is closely linked to that examined above under Article 3 and must therefore likewise be declared admissible. Nevertheless, having regard to its finding in paragraph 193 above, the Court considers that it is not necessary to examine the merits of this complaint under Article 13 separately.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

204. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

205. The applicant claimed 100,000 euros (EUR) in respect of non-pecuniary damage. He did not make a claim in respect of pecuniary damage.

206. The Government invited the Court to decide on an equitable basis in the event that it found a violation of the Convention. They pointed out that the applicant would be awarded some money at the domestic level against the State as compensation for the excessive length of the investigation and urged the Court to take this into account.

207. The Court observes that the non-pecuniary damage sustained by the applicant would not be adequately compensated for by the mere finding of a breach of the Convention (see *Identoba and Others*, cited above, § 110). Having regard to the relevant circumstances of the case, the Court finds it appropriate to award the applicant EUR 18,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

208. The applicant also claimed EUR 5,800 for the costs and expenses incurred before the Court.

209. The Government submitted that both the number of hours and the hourly fees claimed were excessive and invited the Court to lower them at its own discretion.

210. According to the Court's case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. The rate charged by the applicant's representative for her work in respect of the proceedings before the Court, namely EUR 100 per hour, was the same as that charged and accepted as reasonable in three earlier cases against Bulgaria (see *Y and Others v. Bulgaria*, no. 9077/18, § 144, 22 March 2022; *Budinova and Chaprazov v. Bulgaria*, no. 12567/13, §§ 104 and 108, 16 February 2021; and *Behar and Gutman v. Bulgaria*, no. 29335/13, §§ 115 and 120, 16 February 2021). It can thus be viewed as reasonable. By contrast, in the light of the degree of difficulty of the issues raised by the case, the number of hours claimed appears somewhat excessive (compare *Y and Others v. Bulgaria*, cited above, § 144). The applicant is accordingly to be awarded EUR 4,500, plus any tax that may be chargeable to him, in respect of legal fees. As requested by the applicant's representative, this amount is to be paid directly into the bank account of the Bulgarian Helsinki Committee

FOR THESE REASONS, THE COURT

1. *Declares*, unanimously, the application admissible;
2. *Holds*, by 4 votes to 3, that there has been no violation of the substantive limb of Article 3 of the Convention;
3. *Holds*, unanimously, that there has been a violation of the procedural limb of Article 3 of the Convention;
4. *Holds*, unanimously, that there has been a violation of Article 14 of the Convention taken in conjunction with Article 3 in its procedural aspect;
5. *Holds*, unanimously, that there is no need to examine separately the merits of the complaint under Article 13 in conjunction with Article 3 of the Convention;
6. *Holds*, unanimously,
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final, in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 18,500 (eighteen thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

- (ii) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses, to be paid directly into the bank account of the Bulgarian Helsinki Committee;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period, plus three percentage points;
7. *Dismisses*, unanimously, the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 17 February 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško
Registrar

Ioannis Ktistakis
President

In accordance with Article 45 § 2 of the Convention and Rule 74 § 2 of the Rules of Court, the following separate opinions are annexed to this judgment:

- (a) Concurring opinion of Judge Pavli;
- (b) Joint dissenting opinion of Judges Hüseyinov, Kovatcheva and Ní Raifeartaigh.

CONCURRING OPINION OF JUDGE PAVLI

1. I have voted with the majority in finding no violation of the substantive limb of Article 3 in this case, while fully endorsing the unanimous holding of a procedural violation of the same provision. I am writing separately to elaborate on some aspects of the State’s substantive duties, including those of foreseeability and “general protection to society”, as applicable to the context of policing of mass gatherings.

2. The present case involved a vicious racist attack on the applicant by part of a group of football fans who were being directed by the police along a designated exit route, through the centre of Sophia, in the aftermath of a football match. The incident was the result of a chance encounter, as the applicant and his friends happened to be walking down the same narrow street towards the large group of fans, who were being followed by a police van with limited visibility.

3. There is nothing to suggest that the applicant could or should have been identified beforehand as a specific possible target of third-party violence (as opposed to, for example, identifiable fans of the opposing teams). Owing, at least in part, to the shortcomings of the national investigation into the events, the actual perpetrators of the assault were never identified. What we know is that they were a handful of violent individuals leading the group down the street, while other members of the group came to the applicant’s rescue after the attack. Therefore, it is not possible to treat the group as a whole as the source of the threat. By the same token, the case cannot be treated – as far as the application of the *Osman* test is concerned – as one involving a risk to the life or limb of a specific individual at the hands of one or more identified individuals.

4. The above circumstances place the case under a separate strand of *Osman* case-law, whereby the Court must consider whether the respondent State had a duty to afford “general protection to society” from the acts of particularly dangerous individuals. In other words, whether it ought to have been foreseeable to the authorities that a particular individual posed serious risks to the lives or physical integrity of others, even though no particular target was identifiable at the relevant time. The doctrine was first endorsed by the Grand Chamber in the case of *Mastromatteo v. Italy*, ([GC], no. 37703/97, § 69, 24 October 2002), which identified a duty “to afford general protection to society *against the potential acts of one or of several persons serving a prison sentence for a violent crime...*” (emphasis added).

5. Since then, the *Mastromatteo* rationale has been applied to attacks by other dangerous individuals, such as “a person with a history of [domestic] violence” who assaulted his former wife and her lawyer (see *Bljakaj and Others v. Croatia*, no. 74448/12, 18 September 2014) and a school shooter who, shortly before the attack, had come into contact with the police, who had failed to revoke his gun license (see *Kotilainen and Others v. Finland*,

no. 62439/12, 17 September 2020). The crucial consideration in such situations is whether a future assault on unidentified third parties ought to have been foreseeable to the authorities on the basis of the (overall or specific) dangerousness of an identified person. In some specific contexts, e.g. those involving attacks against schoolchildren within educational establishments, the Court has arguably set a special level of due diligence for the sake of protecting minors (see *Kayak v. Turkey*, no. 60444/08, 10 July 2012; see also, *mutatis mutandis*, *Biba v. Albania*, no. 24228/18, 7 May 2024)¹.

6. Lastly, in *Tagayeva and Others v. Russia* (no. 26562/07, § 482, 13 April 2017), the doctrine of affording “general protection to society” was extended – without any further qualification – to the loss of life that had resulted from a mass terrorist attack against hundreds of schoolchildren and parents, in a geographical context marked by recurring attacks by organised armed groups. However, this was a fairly exceptional set of circumstances and it would be difficult, and indeed imprudent, in my view, to extend the *Tagayeva* rationale to ordinary law-enforcement scenarios.

7. How, then, are the above standards to be applied to the facts in the present case? In the absence of any information about the identity of the individual perpetrators, it is not possible to apply the standard *Mastromatteo* approach in this case. While it is safe to assume that the applicant’s attackers acted out of racist animus, having had no other apparent reason to assault him, we do not know who they were, whether they had a history of racist violence and, crucially, whether any such history *had been known to the authorities* prior to the events. While it is, unfortunately, not uncommon to find racist attitudes within certain groups of sports fans, as already noted, the group as a whole cannot be treated as the source of the racist threat in this case. Nor has the applicant made a convincing case that a significant risk of racist attacks ought to have been foreseeable to the authorities before the match in question. The primary concern for the police was to keep the fans of the opposing teams at a safe distance from each other and to prevent any other customary “triggers” of violence after the match.

8. It is on this basis that I have voted for finding no violation of the substantive limb of Article 3. When it comes to the policing of mass gatherings, the Court should not interpret the doctrine of affording “general protection to society” in such a way that it not only imposes an impossible burden on law enforcement, but also subjects the States Parties to a form of strict liability for failing to prevent random acts of mob violence. Foreseeability has its limits, even with the best preparation, and the *Osman* preventive duties are by nature obligations of conduct, not of result. Lastly, grounding an *Osman* violation on the mere fact that national law enforcement failed to scrupulously follow some aspects of its own planning – as the

¹ I will not refer here to the case law concerning risks to life from natural disasters or other environmental factors, which involve different kinds of foreseeability from those related to the (un)predictability of human behaviour.

applicant is arguably inviting the Court to do – would run the risk of turning the Court into a “Monday morning” micro-manager of crowd policing, with the comfortable benefit of hindsight.

9. At the same time, the duty to carry out an effective investigation after the fact remains of fundamental importance, both as a matter of respect for the rights of the individual victim and as a tool of deterrence against future violations of core Convention rights. In this respect, it is evident that the applicant was the victim of a deplorable racist attack and that the national investigation thereof fell far short of the Convention standards.

JOINT DISSENTING OPINION OF JUDGES HÜSEYNOV,
KOVATCHEVA AND NÍ RAIFEARTAIGH

1. We respectfully dissent from the conclusion that there has been no violation of the substantive limb of Article 3 of the Convention. In our opinion, the Bulgarian authorities failed to comply with their positive obligation to take adequate operational measures, as required of them under Article 3 of the Convention, in the specific circumstances of the present case.

2. According to the Court’s established case-law, for this positive obligation to arise it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk of ill-treatment of an identified individual from the criminal acts of the third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk (see *X and Others v. Bulgaria* [GC], no. 22457/16, § 183, 2 February 2021). This obligation also applies in cases in which the victim could not be identified before the offence had been perpetrated (see the Court’s case-law cited in paragraph 158 of the judgment). These are cases where the State authorities are obliged to afford general protection to society from persons who have been found or are reasonably believed to represent a real and imminent danger to the public.

3. This was precisely the situation in the present case. In the context of a match between Bulgaria’s two biggest national football clubs, the authorities classified the risk associated with the event as posing a “high degree of public danger” (see paragraph 12 of the judgment). They had clearly foreseen the risk, as indicated by the detailed plan of operations they had elaborated and the setting-up of a temporary operations headquarters committee. The majority also admit that the gathering of a large number of potentially aggressive fans – who were known to the authorities as a demographic set that was in principle prone to hooliganism, to violence against spectators and police alike and to street riots – entailed a high level of inherent risk to life and limb, and to people’s physical and psychological integrity (see paragraph 173 of the judgment).

4. The risk encompassed not only the possible ill-treatment of a specific person, or even of a rival football supporter, but also of any person who might be encountered by violent members of a crowd and perceived by them as “different” from themselves. Given the authorities’ acknowledged prior experience in similar situations, it cannot be said that an outburst of violent behaviour was so unpredictable as to fall outside the range of reasonably foreseeable events.

5. The Court has emphasised that it is not necessary to show that “but for” the State omission the ill-treatment would not have happened. A failure to take reasonably available measures which could have had a real prospect of altering the outcome or mitigating the harm is sufficient to engage the responsibility of the State (see *O’Keeffe v. Ireland* [GC], no. 35810/09, § 149, ECHR 2014 (extracts)).

6. We acknowledge that a thorough plan of operations had been drawn up by the authorities. The plan had identified a number of locations as vulnerable, key or conflict areas (one of them being the specific street on which the incident took place), and had provided for a number of police officers to be stationed at or near the scene of the incident, in addition to mobile groups of police officers in the area, ready to react. However, the authorities failed to convincingly demonstrate that the plan as envisaged was adequately implemented in fact. It appears that there was but a single police officer stationed in a fixed position outdoors on the street in question, while a van containing other officers followed behind a group of men, which included those ultimately responsible for assaulting the applicant. The police in the trailing van obviously had no visibility of the street ahead of the group and there was apparently no adequate police presence capable of monitoring the sides or front of the group. It is not known what kind of communication took place between the officers in the van and other police officers. Of course, since the events unfolded in such a very short space of time, one cannot know for certain whether the outcome might not ultimately have been different had more than one police officer been stationed on the street in front of the group. That is not the point, however. In our view, the stationing of more than a single police officer on a street which had been identified as a high-risk location on this particular evening could at least have had a real prospect of altering the outcome or mitigating the harm.

7. Moreover, it was not suggested that the temporary operations headquarters committee that had been set up to manage the deployed police officers during the event was in any way involved before the assault, once the large group of fans had formed and started moving outside the stadium – either through effecting a rapid response or through directing resources, securing constant feedback, or evaluating any threats and coordinating actions aimed at their containment. Nor does it appear that any of the deployed teams – which had been armed with rubber-bullet guns and gas-spraying devices, in accordance with the plan of operations – were directed towards the group of fans in question, in order to prevent incidents from occurring (or take action if the need arose).

8. Taken together, the evidence available to the Court leads us to conclude that the practical arrangements on the ground – in response to the exigencies of the situation and in implementing the plan of operations – were incompatible with the Convention requirement to take adequate steps to prevent reasonably foreseeable harm.

9. Accordingly, in our view, there has been a violation of the substantive limb of Article 3 of the Convention.