

TRANSCRIPT of PROCEEDINGS

Sofia, 02 July 2009

SOFIA CITY COURT, PENAL DIVISION, 12th session of court, in an open sitting of the court on the second of July two thousand and nine, in the following composition:

President judge: **GEORGY KOLEV**

Member-judge: **SILVIA TSEPOVA**

Jury: **NATALIA IDAKIEVA**

PETKO ZLATANOV

PETKO KANCHEV

QUESTIONED THE DEFENDANT JOCK PALFREEMAN GAVE THE FOLLOWING STATEMENT:

- I left the bar with Lindsey and Tony, because we were looking for Graham. We didn't have enough credit in the phone, so we had to recharge it. Lindsey bought a voucher with which we had to recharge Tony's phone. Then some of Tony's friends ran away and said that we should go away too because an aggressive group was approaching. But we didn't want to leave because we thought that Graham was still out there. I, Lindsey and Tony went and hid behind something like a wall at Happy Bar. Tony's back was turned towards the approaching group and Lindsey was looking over his shoulder. I too watched the group coming from the underground.

Then I heard them shouting and hitting someone, close to the kiosk at the corner. I asked Tony if they were attacking someone, but he wasn't interested because he was busy with the phone. Then I saw one of them crossing the street, running, and moving away, and the other ran down towards the underground. The group started chasing him and then I got up and went to the corner of the street still on the side of "Happy" to see if he had escaped.

They caught up with him, pushed him to the ground and as soon as they did that, I crossed the street. The group had spread between the kiosk and the underground. I went there between the group and the kiosk and the group had spread. When I arrived, most of them were there too and were beating the man on the ground. I went around them. Most of them were on one side.

I pushed 2 or 3 of them in order to get in. I kneeled, took him by the shoulder to check if he would react and asked him in Bulgarian if he were okay. He didn't answer. His eyes were closed. I

stood up, pushed aside the boy that was closest to me. At first they were shocked, then they started coming at me. I was between them and the man on the ground. I took out the knife, raised it in the air high above my head and with my left hand I gestured them to pull back and shouted in Bulgarian “go back, go back”. They started to retreat. Some of them tried to come close to me, but one of the friends from the group would grab his friends and would pull them aside.

We were walking and there was some distance between us. I moved slower than them, step by step. When there was enough distance between me and them, I went back to the man on the ground to check up on him. And then all, not all, some of the group, when I had my back turned to them, came at me. I turned around quickly, waved the knife from left to right and said ‘go back’. Then he began to retreat, and the whole group came and surrounded me and were trying to kick me, to punch me. Then they threw stones, white tiles. All of them were throwing at me. Most of them I blocked with my left arm, raised in front of my face. I held the knife in the air and every time someone would come to attack me, I would wave the knife from left to right but not to hurt them, only to scare them. I was constantly going in circles, because every time I had my back against someone, they would attack me. Then someone hit me, I fell on the ground, leaned on my elbow. They began kicking me, punching me. Then the police came. That is my truth.

TO QUESTIONS by the PROSECUTOR I answer as follows:

- The first time I saw the man when he was next to the kiosk together with the group. Some of the boys from the group grabbed him and shook him and swore at him, yelling at him. I was closest to him when I kneeled on the ground and touched him. There was no contact between the knife and the injured person.

I arrived in Bulgaria because I had a 7-day Christmas holiday. We don’t have snow and I wanted a snowy, white Christmas. I have friends in Samokov. I wanted to come back and see them. I think I arrived on 22nd before Christmas. I was staying at Graham’s house. I put the knife in my pocket before I left Graham’s house the same evening. I took it because many times before while walking in Bulgaria, I had been attacked by groups of people for no reason. This happened once in the Rhodope mountains, about 20 men attacked me and my friend and they stabbed him in the leg. They said that where they were – the Rhodopes, and where we were, no gypsies were allowed.

I finished high school. I enrolled in university. I didn’t graduate, but I attended. I worked on construction sites, then in childcare centres. After that I travelled around Europe and I worked in most of the countries where I stayed. Then I signed up for the British Army in September. My training started in November, then I came here on holiday.

TO QUESTIONS by attorney TSEKOV I answer as follows:

The knife I took from Graham’s house was on the kitchen table. It was Graham’s, he bought it. I wanted to buy a spray, but it was sold out and he bought a knife.

Then, when my friend was stabbed in the Rhodopes, I and my friends, who are present right now in the court room, we had my friend on my motorbike and we ran away from them. We put him on the

motorbike and drove him to Borovets hotel and afterwards, I and he stayed in the hotel and the next day I took him to Samokov, because he was to be at work on Monday.

When the police arrived, they had just beaten me. I can't remember what happened after I was hit on the head. When the police came, the men were still trying to attack me and to throw rocks at me. I concentrated and tried to prevent them from hitting me on the head. One of the boys from the group ran towards me and I realized that the man who was holding me won't stop him to get to me and that's why I tried to pull back and then, when he failed to hit me, 3 or 4 of them started spitting at me. So I don't know what happened with the other people.

The last memory I have about the boy that was lying was when I came back to him and when they attacked me from behind, that's the last thing I remember about the boy who was lying on the ground.

When I enrolled in the army I had a training – first-aid, chemical and nuclear attacks, radioactive attacks, gas attacks, shooting, discipline, marching, uniforms, weapon maintenance, push-ups. Man-to-man fighting and knife fighting were not included. Knives were prohibited on the base.

I wasn't close to the group when I was at "Happy", most of the group were on the other side of the road. When the conflict began, I could as well let them beat the man on the ground. I stayed because there were 20 people beating one on the ground. I wasn't attacked by all the 20 people, there wasn't enough space. They attacked me by taking turns, they were kind of circling. The ones behind me threw rocks, those in front of me were trying to kick or punch me. The distance between me and them was about half a metre and when they tried to punch or kick me, I waved the knife from left to right.

/the defendant makes horizontal movements with the knife, both ways/

No one from the group was stabbed with my knife. When the police came, I saw blood on the knife and said – 'oh shit, where was I stabbed'. Because when I was on the ground I saw that the knife was at about a metre from me and some of the men came and tried to pick it up. The people who were bodyguards were pushing and stopping them, preventing them from taking the knife. While I was defending myself, I can't remember if the knife was the whole time with me, because I was distracted. When I was on my stomach, the knife wasn't on me and the people were fighting around me and spitting at me, still trying to attack me.

I was lying face down. My chin was on the ground, the boys were fighting with the bodyguards in order to keep on attacking me, so I wanted to make sure.... then I placed my hands under my chin in case they pass through the security, so that I can push them and run away. From this position lying down, I could see what was going on around me. The fighting kept on going, incessantly. They managed to penetrate the security and when they were caught and pulled aside, they would lean and spit. Those that were spitting, most of them were in front of me. Two were behind me and to my left side. When I was face down, my chin propped on my hands, I moved my head and could see behind me. If you want I can show you. I could see behind me.

I remember that when I was on the ground, it was very strange, because one of the security men had a bat in his left hand, and most people use their right hand. What I noticed was that they were

wearing boots. As far as I can remember, there were 4 or 5 of them. All lasted until the police came. I had left my watch at home and I don't know how long it all lasted.

When they were throwing rocks at me, there were about 3 metres away from me. They aimed at my head. I wasn't hit on the head, because I blocked the hits with my left arm. My left arm still gives me trouble, the nerve was injured from the hit on the elbow. The doctor told me it would heal for a week or two, but I still have it. I can't feel these 2 fingers. I don't know what my injuries were, I don't know how they are called, but there was blood. There was blood on my elbow and it trickled down the arm. I haven't done martial arts.

TO QUESTIONS by attorney KANCHEV I answer as follows:

When I first saw the group, they were singing and jumping around. Some of them behaved normally, others were jumping and shouting and singing. There were people leaving the place, who were friends of Tony's and said that we all should get away quickly, because this group was approaching and they looked drunk and aggressive. They said that this behavior was typical of football hooligans. Tony had been attacked before many times by hooligans like these and said that we should go away but Lindsey wanted us to find Graham.

The boy whom I was trying to help was closer to the underground than to the kiosk or the MH. He ran from the corner towards the kiosk, down the street, moving away from me. He was approaching the entrance of the subway to the underground. All those who were there chased him. They were many. When I approached the man that was attacked by the group, the knife was in my pocket. Yes, I remember the first time I was forced to take the knife out, it was after the group had stopped and advanced on me. I took the knife out and held it above my head. After I had retreated and pulled back from them, they came from behind, started kicking me and began throwing rocks. About 10 seconds maybe. While I was waving the knife, I was turning around the whole time, because they had me surrounded and when my back was turned against one of them, then I was attacked. Then I would turn around to this man, would wave the knife, the man would jump back and then I would immediately have to turn around again, because I was being attacked from behind, the same way someone else and this continued. The only moment they stopped doing that was when one of them would come to me and they would make way for him, they would lunge forward and pick up the tiles and raise them above their heads and throw them this way using both hands. I can't remember how many times I was hit, but it was a lot. I can't remember. My arm was the only obstacle for the stone tiles.

TO QUESTIONS by PAULFREEMAN I answer as follows:

When I was pushed to the ground, I felt... the best way to describe it is like when you step on the front brake of the motorbike, when it is pressed too hard and when you jump from the seat, at that moment everything's over. Just everything's finished, my life is finished. This is the body's reaction to the fear of death. I don't know, I just thought I was dead.

TO QUESTIONS by the PROSECUTOR I answer as follows:

I watched the group coming out of the underground before heading towards them, when I was on the side of "Happy". I don't know how long I watched it. There were others, there were many people around. Tony didn't try to stop me before I went. He was busy with his phone.

TO QUESTIONS asked by attorney KANCHEV I answer as follows:

The police officers punched me. The police officers in the car handcuffed me, my hands on my back. They hit my right arm, my chest with a bat.

Att. KANCHEV: On the grounds of art. 284 from the CPC, please show to the defendant the knife, taken as evidence in order to verify if this is the knife.

The defendant: Yes, this is the knife.