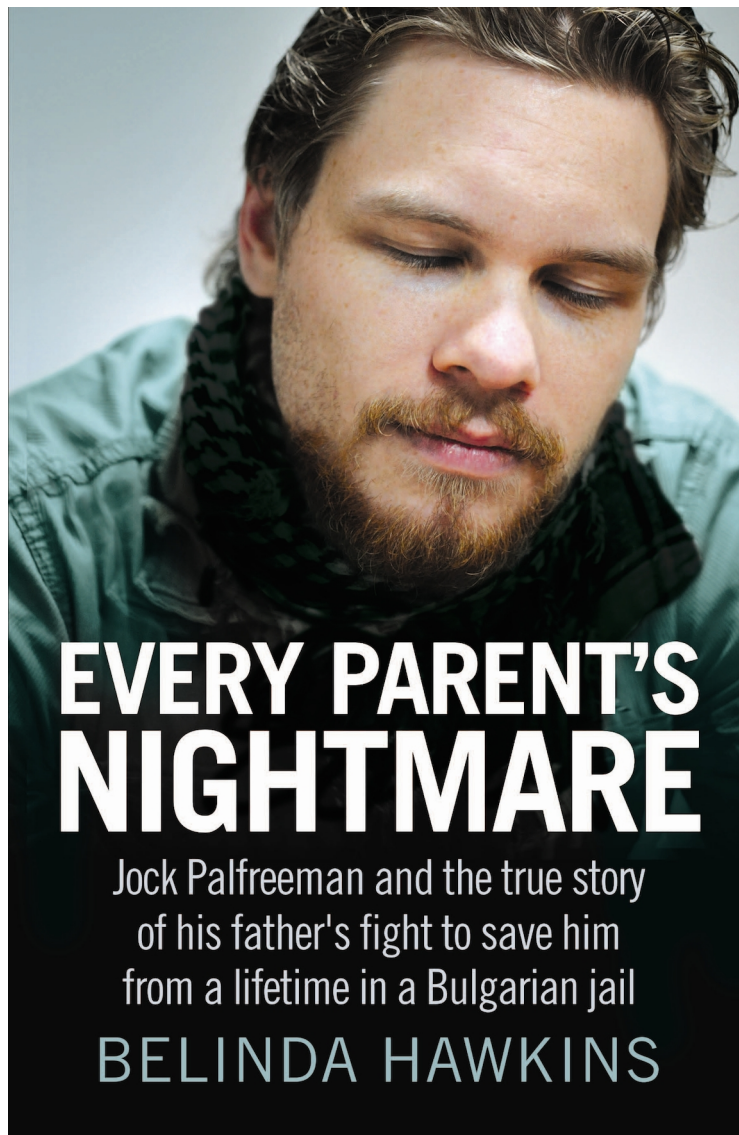


# Every Parent's Nightmare



## A Study Guide

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(Version date: 14 July 2014)

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*Every Parent's Nightmare* by Belinda Hawkins  
Jock Palfreeman's Story  
(Allen & Unwin, 2013, updated and reprinted, 2014)

*\*\* It is recommended that before undertaking this case study, students watch Australian Story 'Conviction', Parts 1 and 2.*

Part 1: <http://www.abc.net.au/austory/specials/conviction/default.htm>

Part 2: <http://www.abc.net.au/austory/specials/convictiontwo/default.htm>

*Every Parent's Nightmare*, written by Belinda Hawkins, is a riveting story of two middle-class families, on different sides of the world, who have both 'lost' a son in tragic circumstances. It is a tale full of twists and turns: from the inadequacy of the police investigation; to the lack of integrity of the prosecution; to the failure of vital evidence being used and crucial witnesses being called in court; to a lack of independence of the court itself.

This story of Dr Simon Palfreeman's long and ultimately futile quest for his son, Jock, to receive justice reminds us of the perils of travelling to countries with culture norms and criminal justice systems that are different from those in Australia. Had Jock Palfreeman's crime occurred in Australia, the outcome of the criminal prosecution would likely have been very different. Indeed there is a real possibility that Jock Palfreeman is indeed innocent, as he proclaims, or at least not guilty of such a serious crime, and has been imprisoned for a crime he did not commit.

## **Introduction**

Found guilty of 'murder with hooliganism' and 'attempted murder' in 2009, Jock Palfreeman has served 6½ years of a 20-year prison sentence in a Bulgarian prison.

He was charged in December 2007 after he got involved in a melee with a group of at least 12 young Bulgarian young men. The incident took place in St Nedelya Square, which is situated in the heart of the Bulgarian capital, Sofia. Two of the Bulgarians were stabbed in that fight – one fatally (Andrei Monov), the other sustained a superficial slash wound (Antoan Zahariev).

Aged 21, Jock Palfreeman had been drinking moderately and was carrying a knife (which was legal in Bulgaria). According to Jock Palfreeman, the Bulgarians were attacking a Roma (Gypsy man) and he ran to help the Roma. It was only when the attack turned on him that he pulled out the knife and began waving it around. Jock Palfreeman told the police investigator he was acting in defence of another (the Roma) and then of himself. The prosecution argued that Jock Palfreeman attacked the group unprovoked, motivated by his radical political beliefs and a cold-blooded desire to commit murder..

A lengthy trial process ensued, adversely affected by all the hallmarks of the Bulgarian criminal justice system - undue influence, incompetence and a lack of rigour and fairness in the investigation and trial processes and procedures. In addition to being imprisoned for his crimes, Jock Palfreeman was also ordered to pay 450,000 leva (about A\$375,000 at that time) in victim compensation. This was seen as a very large amount by local standards and currently remains unpaid.

Jock Palfreeman has exhausted all appeal mechanisms available to him in Bulgaria. It is unlikely that any appeal to the European Court of Human Rights would be successful due to an inability to demonstrate a lack of due process within the Bulgarian criminal justice system. The trial processes and procedures in place at that time, unfair as they may have been, were followed. The difficulty is that the existing processes themselves need to be reformed to entrench procedures protecting the human rights of accused persons to fair and just criminal trials.

In July 2013, the Bulgarian government refused a joint request, made by Simon Palfreeman and the Australian government, under international prisoner transfer agreements, for Jock Palfreeman to be transferred to an Australian prison to serve the remainder of his sentence. It would seem that for the foreseeable future, Jock Palfreeman will remain in Sofia Central Prison.

The prosecution of this intriguing case in Bulgaria raises some fundamental legal issues including:

- the importance of embedding procedures which are fair and just within criminal justice processes and of observing those procedures; and
- the protection and enforcement of key human rights within criminal justice processes.

## **Jock Palfreeman and his father, Simon**

This compelling book looks in detail at the chronology of Jock Palfreeman's case. Whilst it objectively considers the tragic loss suffered by both the Palfreeman and Monov families, the focus is on the failure of the Bulgarian criminal justice system to provide Jock Palfreeman with a fair and just trial.

Hawkins describes Jock Palfreeman as a '*larger than life*' character, who is charismatic, argumentative, passionate and engaged with the world around him. He had developed a strong sense of social justice from a young age, most likely influenced by his schooling within the Jesuit Catholic School of Riverview and his own family. Jock Palfreeman's personality traits of a '*compulsion to help the underdog*' and a '*propensity to intervene*' compelled him to act when he saw a Roma being attacked in St Nedelya Square, in the capital of Sofia, on that fateful night. Acting impulsively on his sense of justice has led to Jock Palfreeman, and his family, paying a heavy price for his ethical beliefs.

In contrast to Jock, his father, Simon Palfreeman, is a quiet man who has worked tirelessly in his efforts to ensure his son receives justice. Trained as a doctor, Dr Palfreeman is a pathologist by profession. Hawkins describes him as an introverted, private and studious person, who has struggled to come to terms with his own quiet personality and reservations about becoming the chief crusader and champion for his son.

Sharing a common sensibility towards issues of social justice with his son, through necessity, Simon has become a hero to Jock, who could never have imagined that his father could become the outspoken crusader, championing on his behalf. Through the process of travelling

to Bulgaria over 30 times to support Jock, Simon has come to admire his son for having the courage to act on his strong sense of social justice and ethics.

Simon initially believed that the investigation and trial procedures and processes of the Bulgarian criminal justice system would be fair and rigorous, ensuring that the truth about whatever had occurred that night would prevail. This belief was most likely based on his understanding of how the Australian criminal justice system operates and the various protections it affords to accused persons, however flawed that process has been in some notable cases such as that of Lindy Chamberlain.

As the trial progressed, it became apparent to Simon that his faith in the system of justice in Bulgaria was unfounded. Hawkins describes Simon's changing views - *'All my life I've believed in the system. And I think in Australia you can more or less do that. And here I am for the first time faced with a system that I don't have confidence in.'* The key hallmarks of many judicial proceedings in Bulgaria - undue influence, lack of independence and integrity - all proved to be applicable to this case and ultimately, insurmountable.

## **Bulgaria – Key Facts**

Culturally, politically and economically, Bulgaria is a very different country to Australia. This case draws attention to some of the key challenges currently being experienced in post-communist Bulgaria, as it grapples with the transition from a communist country with a restricted economy to a democratic country with a market economy.

Located in the eastern Balkans, Bulgaria became a close ally of the Soviet Union after World War II. For 45 years it was communist state. While its legal system was based on the Continental model it absorbed features of the Soviet code. During the 1990's, the country was wracked by political instability and strikes. Although a certain level of stability has now been achieved, economic reform and challenges still exist with income and living standards remaining low.

Bulgaria has experienced a high level of football hooliganism. Attacks on minority groups like Roma/Gypsies are common. At the time Jock Palfreeman was arrested it was common for Bulgarians to carry knives to use for cutting up food as well as self-defence. Also, at the time of Jock Palfreeman's arrest, there was an undercurrent of resentment towards foreigners who were drawn to Sofia for cheap drugs and alcohol. Indeed the early Bulgarian media reports of the incident in St Nedelya Square accused Jock Palfreeman of being a drunk and drug crazed monster, intent on ruining Bulgarian culture.

Although the Communist Party relinquished power shortly after the Berlin Wall came down in 1989, some key hangovers remain from Bulgaria's Soviet era, such as organised crime, cronyism, corruption and the use of subtle influence and political pressure by key groups and people to achieve their desired judicial outcomes. The young man who died in the St Nedelya Square incident was the only child of a well-connected family. Arguably influence played a role in Jock Palfreeman's trial.

Bulgaria joined both the European Union and the Council of Europe in 2007, with strict membership entry requirements being set reflecting concerns about corruption and organised crime.

The Council of Europe is an organisation with a strong focus on protecting human rights, with each member being a party to the *European Convention on Human Rights*. Under Arts 32-4, each state consents to the jurisdiction of the European Court of Human Rights to hear inter-state and individual complaints.

By 2010, little progress towards fulfilling these requirements had been made, with the EU calling for the Bulgarian government to take urgent action with respect to these two issues. It is against this cultural, political and judicial backdrop that Jock Palfreeman was brought to trial.

The 2013 *US State Department's Annual Report into Bulgaria's Human Rights* highlighted:

- societal mistreatment and general prejudice against marginalised Roma or Gypsies;
- the pervasive judicial and government corruption, lack of accountability and inefficiency, with long delays being experienced in judicial proceedings;
- public confidence in the judiciary remained '*extremely low because of the perception that magistrates were susceptible to political pressure and rendered unequal justice*'; and
- over- crowded and under-resourced prisons (including Sofia Central Prison where Jock Palfreeman is currently serving his term in the foreigners' section).

These concerns about the human rights abuses occurring in Bulgaria are echoed in **Amnesty's Human Rights 2013 Annual Report for Bulgaria**. Alleged human rights abuses reported to Amnesty include:

- discrimination against Roma (forced evictions);
- homophobic public discourse and acts of violence;
- the torture and ill-treatment of detained prisoners (inadequate sanitation, medical facilities and degrading treatment); and
- refugees and asylum-seekers (experience problems in accessing international protection).

It is evident that Bulgaria faces many key challenges, including economic hardship, racism (particularly against minority groups), organised crime and cronyism. It is within this melting pot of issues that Jock Palfreeman attempted to access justice and the protection of his fundamental human rights.

## Timeline of Events

*Also see Table 1: Summary of Timeline of Key Events*

*The Morning of 28 December 2007*

There are conflicting accounts about what occurred early in the morning of December 28, 2007 in St Nedelya Square in Sofia. What is clear is that there was a melee involving a group of young Bulgarian men and Jock Palfreeman, resulting in two men being stabbed, one of whom



died (Andrei Monov). Jock Palfreeman was detained by police and subsequently charged and convicted of a crime. Hawkins methodically chronicles Jock Palfreeman's movements up to that melee.

In 2006, as an idealistic nineteen-year old Jock Palfreeman left Australia on an extended gap-year to be spent exploring Europe. Arguably he had little realisation that not all countries operate by the same rules as Australia does. After arriving in Bulgaria in May 2006, Jock Palfreeman quickly made friends with Grayham Saunders, an English builder who was renovating a house in Samokov, a small town 35 miles outside the capital.

While staying with Grayham and helping him to repair his house, Jock Palfreeman befriended locals his age, bought a motorcycle, fell in love and picked up harvesting work between travels across the countryside. During this time, Jock Palfreeman witnessed numerous acts of violence involving Bulgarian skinheads and Roma people. After intervening in some incidents to assist Roma, and being assaulted himself, Jock Palfreeman started carrying pepper spray as a form of defence.

In early 2007, Jock Palfreeman left Bulgaria to return to Britain (his aunt Geri lived in Bath) and lived in a squat near Grayham Saunders in Bristol, doing volunteer work in food and bicycle co-operatives and attempting to keep drug dealers out of the squat. With his British visa soon running out and wanting to stay in Europe longer, Jock Palfreeman joined the British Army in November 2007. For some this decision seemed at odds with some of his socialistic ideologies. The aptitude tests conducted by the army revealed that Jock Palfreeman was capable of doing almost anything in the army.

Instead of spending Christmas with this Aunt Geri Palfreeman as planned, Jock made a last minute decision to visit his Bulgarian friends with Grayham Saunders. He attempted to purchase some pepper spray on arrival in Samokov but failed to find any. Being in the countryside, rather than the capital, Jock Palfreeman felt safe without it.

On 27 December 2007, Grayham Saunders suggested a night out in Sofia. Reluctantly, Jock Palfreeman agreed – *'cities mean hassles and Jock had seen enough violence in Bulgaria to want to steer clear of it'* [page 7]. After leaving the house without any proof of his identity (which could be demanded by authorities at any time), Jock Palfreeman returned to the house quickly to grab it. Seeing Grayham Saunders' butterfly knife lying next to his army ID on the kitchen table, he made a split second decision to grab both items and stuff them into this pocket. Although the knife had a 12.3cm long blade, in Bulgaria it was legal to carry it and butterfly knives of the kind Jock Palfreeman took with him that night were readily available in tourist shops at that time.

After spending some time in the Rock Bar in central Sofia, Jock Palfreeman and his friends, Tony and Lindsay, left just after 1am on 28 December and walked towards St Nedelya Square in search of a kiosk on the southwest corner at which Tony could buy mobile phone credit. Grayham Saunders had left the bar slightly earlier.

Hawkins writes that soon after Jock Palfreeman's group reached the kiosk *'fifteen or twenty young men came out of the metro underpass diagonally opposite, at the north-east corner of the*

*square. They were shouting and throwing their fists in the air. As Tony was buying the credit, one of his friends ran by and warned them that the group of loud youths who were heading their way might be football hooligans. Jock knew that he and Tony would stand out, as they were English speaking and had odd haircuts. Not wanting trouble, he immediately ran across the road to get away from the square and the other two followed. The trio still hoped to meet up with Grayham, who might well be nearby, so they ducked behind a wall of pot plants outside a restaurant called the Happy Bar and Grill ... Jock crouched down but was watching the gang, the last of whose members had almost reached the kiosk opposite. Some had already crossed the road and were passing by the three friends. Suddenly the noise changed. Now Jock could hear shouting. He stood up to see what was going on. Seconds later, he made a decision that would change his life.'* [page 9]

According to Hawkins, a nearby traffic surveillance camera recording, made around 1am that morning, shows two young men starting an altercation with what some members of Andrei Monov's group told police was a Roma man. Hawkins's reading of the witness statements suggests that one of the two youths starting the fight was Andrei Monov. Very soon afterwards, he is joined by at least 10 other youths, who independent witnesses say all participated in bashing the victim. Not long afterwards, a lone figure can be seen rushing across the square to aid the Roma. According to Hawkins, that person was almost certainly Jock Palfreeman.

It seems probable that Jock Palfreeman acted with the best of intentions. He asserts that he intervened in the group's attack on the Roma to defend the man. Palfreeman admits that he brandished the knife he was carrying in an attempt to scare off the attackers. According to Jock Palfreeman, the knife failed to scare away the youths who continued to attack him. At some point the Roma disappeared, leaving the young Australian alone. After having rocks and blocks of concrete hurled at him, causing him to fall and hit his head, Jock Palfreeman has no memory of the ensuing scuffle or of stabbing anyone.

According to the prosecution, Jock Palfreeman fabricated the story about the Roma in an attempt to draw attention away from the fact that he was a dangerous sociopath, looking for people to murder. It alleged that, without provocation, Jock Palfreeman attacked Andrei Monov and his friends, intending to commit cold-blooded murder.

Andrei Monov died that night. He was a twenty-year old law student, the only child of a politically well-connected Bulgarian couple. Another man, nineteen – year old Antoan Zahariev, was also stabbed and injured. Andrei Monov's mother was a notary, his father a psychologist who worked for the government and was a prominent media spokesman on youth violence.

Several key politicians attended Andrei's funeral: Chavdar Georgiev, a former legal adviser to the Bulgarian president, Mihael Mikov, who would soon be the country's interior minister, and Lazar Gruev, the head of Bulgaria's highest court of appeal. The legal and political connections of the deceased victim could well have played a critical part in complicating Jock Palfreeman's ability to access a fair and impartial trial in a country already renown for corruption.

The Australian was quickly arrested and detained by police following the stabbings. He claims that he received a beating by police whilst detained in the van immediately after this arrest. A lengthy court case ensued in which vital potential evidence went missing; witnesses, who were friends of the victim, contradicted themselves and the defence team had no capacity to contest their testimony.

## **The Investigation Process**

During the investigation there were many anomalies, which subsequently impacted on the fairness of the trial. The primary issues were inconsistent witness statements, the quality of the forensic evidence, and the failure of police to secure critical evidence and the role of the media in reporting the crime.

It is possible that these issues were then further complicated by the political connections and influence of the victim's family, reducing the likelihood of a thorough and impartial police investigation. Hawkins highlights the uncooperative nature of both the police investigators and the prosecutor when dealing with Jock Palfreeman's defence team. In Australia, the court would not have tolerated this behaviour.

Interestingly, in Bulgaria the roles of the police and prosecutor are far more entwined than they are in Australia (where they are two distinct and independent processes, each with their own financial resources). In contrast, Bulgarian police and prosecutors work closely together. Police frequently are so central to the investigation of the crime that they form a view on what the outcome of a trial should be and influence the prosecutor.

Additionally, the prosecutors are adjoined with government policy. In the days and months after his arrest the father of the dead young man, police investigators and the prosecutor were quoted in Bulgarian media reports as describing Jock Palfreeman as a vicious murderer, a monster and a butcher. This could well have increased pressure was on the trial court to reach a guilty verdict.

### *a. Witness Statements*

Some of Andrei Monov's group gave police attending the scene in the early hours of 28 December 2007 an account of what had happened. Hawkins reveals that one of the police situation reports stated that some of Andrei's group said they had been fighting with Roma and a foreigner intervened to help the Roma. Bizarrely, that report was not cited in the police investigator's or the prosecutor's report. The police officer was not asked to appear before court.

In the hours and weeks after Jock Palfreeman was arrested Andrei's group and a number of independent witnesses gave formal witness statements to the police investigators. Again some members of Andrei Monov's group referred to an altercation with Roma. Others seemed to refute this, making fascinating reading. Notwithstanding the conflicting versions of events relayed to the police investigators, it remains a fact that there were some witnesses who had



told police, shortly after the incident occurred, that a Roma had been attacked, someone came to assist and that that person had now been charged.

Hawkins describes what a young man Emil (who was a part of Monov's group) told police that night: *'As they crossed the square the youths had broken up into smaller groups, walking at different speeds. Emil said that he was one of the slower ones. He was about ten metres from the pedestrian lights near the intersection of Maria Louisa and Stamboliyski boulevards when he became aware that something was happening behind him, at the northern end of the square. Emil told the investigator that there was some kind of altercation in front of Bulbank but that he could not follow between whom it was taking place. He continued: "At precisely that moment a man of around 25 years, who was about 180 centimetres tall with closely cropped hair on the side and more hair on top of the head, he crossed Stamboliyski running towards us. Emil did not explain how he was at the southern end of the square one minute and at the northern end the next. He went to: "He started shouting in broken but understandable Bulgarian, with an English accent, Ne ataka! Mahai se! [Don't attack! Go away!]* and stuff like that. It wasn't clear exactly to whom he was shouting.' [page 22]

This version of events is then supported by subsequent testimony at court from police officer Asen Stoychev, which Hawkins summarises as follows: *'He recalled that Lindsay was behaving 'inadequately' and seemed to be in shock. But under questioning, Stoychev went much further than in his original statement. Now he said that at the scene he picked up two very different versions of what had transpired. One version came from the friend holding Andrei's head who told him that they had been 'walking' when suddenly someone with a knife had 'come at them'. Other group members told Stoychev that the group had an 'altercation' with people from 'the minority' and the defendant had tried to stop it, after which they attacked him and he had 'defended himself'. The officer added that passers-by and security guards from the Sheraton had told him the same thing.'* [page 198]

A security guard at the Sheraton Hotel, Viktor Georgiev, and a car park attendant, Lyubomir Tomov, were both situated very close to where the incident occurred. They did not know either Jock Palfreeman or Andrei or their friends and so can be considered to be independent. These crucial and objective witnesses supported Jock Palfreeman's version of events that he only brandished the knife after being attacked. They had given police statements to this effect but sloppy errors caused long delays in subpoenaing them to give evidence at trial which caused the defence great distress, increasing its concern that the police investigation was at best sloppy and at worse affected by undue influence from the victim's family.

Interestingly, the police who arrived first at St Nedelya Square and took the witness statements were not called as witnesses at the trial. Only those police who subsequently took over the investigation were asked to appear.

During the trial, each time Jock Palfreeman's defence lawyer attempted to read aloud the original police statements given by a witness, the judges accepted objections made by the prosecutor and civil claimants. The defence was not allowed to ask witnesses about their previous inconsistent statements, and so no attempt could be made to attack their reliability as credible and believable witnesses. In an Australian trial, when evidence given at trial by

witnesses differs significantly from a previous statement they have given, that previous statement can be used to discredit the reliability of the witness.

It is clear from the witness evidence obtained that there were at least two versions from people central to the action that night about what occurred. There is, at the very least, reasonable doubt about whether Jock Palfreeman committed pre-meditated murder or merely acted in self-defence. It would seem that the police investigators quickly sided with the version of events as described by the members of Monov's group and this coloured their efforts in properly investigating the crime. They did not seriously consider any other alternative feasible explanations. Jock Palfreeman claimed he was waving the knife around him in a bid to keep away attackers coming at him from all angles. It is possible that Andrei ran into the path of the knife while running at Jock Palfreeman.

This was then further compounded by the trial court's reluctance to consider an alternative version of events despite evidence supporting it: namely that under sustained attack, Jock Palfreeman panicked and subsequently acted in self-defence. Instead, the court accepted a less plausible sequence of events in which Jock Palfreeman attacked a large group without provocation, demonstrating a cold-blooded intent to murder.

In an analysis of Hawkins's book, Julian Burnside QC argued that such inconsistencies in witness statements in an Australian trial would create a reasonable doubt about what occurred and result in an acquittal.

*b. Failure to secure critical evidence*

In Hawkins' view, the most interesting evidence is not the forensic evidence (which does raise a lot of questions but provides no answer) but rather the CCTV material. Bizarrely, in the days just after this crime occurred, CCTV footage obtained from a camera outside a government building (the Ministry of Health), which may have clarified what occurred in the crime (and possibly supported Jock Palfreeman's defence), disappeared.

In the original trial, the judge was told that the hard drive containing the CCTV footage was damaged due to an electrical fault but interestingly, he never ordered for it to be tested independently to confirm that it was indeed faulty. Hawkins writes that '*At the end of September 2009 the defence asked the court to press the Ministry of Health for access to its surveillance computer system. The court was advised that the Ministry of Health had thrown it out when it introduced a new system.*' [pages 292-293]. Police did not secure potentially critical evidence in support of the defence. This could have been due to the inadequacy of their investigative procedures. The defence feared the influential Monov parents or people close to them might have been responsible for this 'disappearance'.

At the very end of Hawkins' investigation and after the trial court's finding of guilt, she got access to the traffic and metro CCTV recordings of the St Nedelya Square area, which the defence had been given very little access to during the trial. Cross referencing what witnesses and Jock Palfreeman had told police and court with the hazy, blurry footage, Hawkins was able to piece together an overall sequence of events that night. This is when Hawkins began to feel that she was finally getting to the bottom of what occurred that fateful night.

### c. *Role of Media*

Jock Palfreeman was charged with the crime of 'murder with hooliganism'. The charge was a hangover from Bulgaria's close ties with the Soviet Union during 45 years of communist rule. It was aimed at describing people who are sociopaths, intent on killing as many people as possible. In Australia, the charge would have been manslaughter (due to the absence of any intention to commit murder).

Interestingly, after the court proceedings were over, the Chief Investigating Officer, Tanya Alakusheva told Hawkins that the '*charge of hooliganism had not been her recommendation. According to her, the killing had been an accident and she felt for both Jock and Andrei.*' [pages 300-301]

During both the period of investigation and the trial, the Bulgarian media portrayed Jock Palfreeman as a monster. This might well have influenced the judges in the three courts. Australian and Bulgarian media reports formed part of the court file on which the judges relied to form their judgements. It is clear from an interview given by the trial judge to Hawkins, that his impression of Jock Palfreeman's character was shaped by an Australian media report of an allegation made by two Sydney teenagers.

Hawkins outlines the media's description of Jock Palfreeman as '*the kind of dissolute foreigner many believed came to Bulgaria to have a good time on the cheap, with no regard for the country or its people ... the Australian in the public mind was of a homeless, drugged-up, foreign commando who went out with strippers and has slaughtered a student in a calculated attack. There was worse to come.*'

Of relevance in shaping the Bulgarian public's opinion about Jock Palfreeman's trial was an article published by the Australian *Daily Telegraph* on 2 January 2008 in which two young men claimed that Jock Palfreeman was responsible for the stabbing of them at a party in Chatswood on 30 December 2004.

Hawkins quotes the *Daily Telegraph* article in her summary of it: '*Both men were knifed three times in the vicious assault – with the wounds missing vital organs by millimetres. 'It just hurts to know he has done it to someone else, I was a millimetre away from dying,' Matt, who was too afraid to have his last name published, said yesterday.*' The story was picked up around the world, including, of course, in Bulgaria. It would play a key role in shaping public opinion about the Palfreeman case.' [page 86].

Despite NSW Police records showing that Jock Palfreeman was not charged with any offences in the incident described and Interpol records showing that he had no priors in any country he had visited including Australia, the Bulgarian prosecution tried to submit the article as evidence that Jock Palfreeman had committed a similar crime before and so could more readily be regarded as a hooligan or homicidal maniac. Although the bail court dismissed that

article as evidence, it formed part of the court file and continues to be raised in media reporting of the Jock Palfreeman case in both Australia and Bulgaria.

#### *d. Forensic Evidence*

Through the process of writing the book, it becomes evident to Hawkins that the world of forensic science in Bulgaria was riddled with huge amounts of internal conflict. For example, during the trial the forensic pathologist, Associate Professor Stanislav Hristov, who was in charge of Andrei Monov's autopsy, was charged with stealing and selling body parts as a part of a wider scandal involving Bulgaria, France and the United States as well as other members of Eastern Europe.

In interviews with Hawkins, Bulgarian forensic expert, Associate Professor Maria Grozeva, has bravely challenged the validity of key evidence relied on in Jock Palfreeman's trial. Professor Grozeva carried out the forensic examinations of Jock Palfreeman and Zahariev but did not perform Monov's autopsy. She did, however, read the autopsy results in order to assist her with her examinations. She suspected early on in her investigation of the crime that the knife which Jock Palfreeman always carried with him, a 12.3cm single-edged and bladed butterfly knife, was different from the double edged knife which the victim's stab wound suggested was used. Andrei Monov's blood was found on the blade of the knife that Jock Palfreeman had carried, but there was no sign of Antoan Zahariev's blood on it. Neither Jock Palfreeman's fingerprints nor his DNA could be found on the knife. Although Monov died from a fatal stab wound in the upper chest area, there were no splatters of Monov's blood on Jock Palfreeman's clothes. Grozeva told Hawkins that she would have expected to find blood on the sleeve of Jock Palfreeman's right arm if he had in fact inflicted the fatal blow.

The forensic doctor who was in charge of the autopsy and who gave evidence to the court, Associate Professor Hristov told the court that the nature of Andrei's wound demonstrated that it was the result of a strong thrusting action. The defence refuted this claiming that accepted forensic pathology text books stated that the impact of a knife on a body could not be described in terms of the strength of the blow but rather was the result of the impact two moving forces, that of the victim's body and that of the person with the knife.

What is critical thing about all of the expert forensic evidence placed before the Bulgarian court in Jock Palfreeman's trial is that it was inconclusive. In Australian courts, the uncertainty between experts about the knife used to inflict the wound would work in the defence's favour.

Whilst minor, it is interesting to note that Monov's friends provided testimony that Andrei had not been drinking significantly that night and that his judgment would not have been impacted by alcohol. The autopsy report contradicts this, finding a blood alcohol reading of 0.29, which is close to fatal. This evidence could well have been used to support the assertion that Monov fell onto Jock Palfreeman's knife in the melee rather than being a victim of a pre-meditated attack.

Following the court's acceptance of evidence that the stabbing had occurred as a result of significant force being used, Julian Burnside QC is of the view that the court consequently reasoned that it must have been wilful and deliberate.

The court was not open to the possibility that Monov stumbled onto the knife in a drunken stupor or that he ran into its path in his pursuit of Jock Palfreeman.

In addition to the above factors complicating the integrity of the police investigation of this case, it is interesting to note that the police also made little, if any, attempt to locate the Roma whom Jock Palfreeman and witnesses claimed he had tried to help. Unsurprisingly, given the treatment of Roma minorities in Bulgaria and the high profile nature of the case, that person has not come forward.

Overall, the investigation process was incomplete and incompetently executed. The police failed to adequately secure the crime scene (which would have enabled a proper forensic examination to subsequently occur). They also did not search any of the boys involved in Monov's group for weapons. The police investigation lacked the rigour generally evident in the Australian criminal justice process. This rigour serves to ensure that the truth surrounding the commission of crimes becomes evident before the court and justice can be achieved.

## **Trial Process**

Many fundamental safeguards embedded in the Australian criminal justice system protecting the rights of the accused are clearly lacking in the Bulgarian criminal trial process. The Bulgarian courts are far more involved in the trial process, as it is based on the inquisitorial, rather than the adversarial, system. Table 2 below compares the Bulgarian and Australian criminal justice systems in further detail.

Many anomalies during the trial raised serious concerns about the fairness and impartiality of the proceedings. It was plagued by delays and concerns about the validity of evidence and testimony presented, with the trial judge seemingly interpreting evidence in the most unfavourable manner to the defence.

Although Bulgaria is now a member of the European Union, the European Commission continues to monitor cases including this one, has an ongoing grave concern about how justice is meted out here.

Pursuant to both the *European Convention of Human Rights* and the *International Covenant on Civil and Political Rights*, to which Bulgaria is a party, Jock Palfreeman should have been guaranteed an impartial tribunal and the presumption of innocence. Both of these basic human rights seem to have been denied in this case, with Julian Burnside QC describing the trial as 'demonstrably unfair'. The Bulgarian legal system is an inquisitorial one in which a civil case can be heard simultaneously with a criminal trial. The Andrei Monov's parents claimed compensatory damages for the loss of their only child. Antoan Zahariev also claimed damages for his physical injury.



This judicial feature enabled the Zahariev and the Monov's family to have far more input and control over the proceedings than would ever occur in Australia. For example, they were able to block the admission of conflicting witness testimony crucial to supporting Jock Palfreeman's defence, as well as vet evidence being tendered.

As outlined above, serious doubts were raised about the veracity of the forensic pathologist who performed the autopsy. Soon after the trial started, he was arrested for allegedly illegally extracting and selling body parts via his private company. Additionally, on the way to give evidence at Jock Palfreeman's trial, he was arrested again for drink driving. Notwithstanding that he was now charged with two serious offences, he was still permitted to give expert evidence at Jock Palfreeman's trial, which was critical to the prosecution case. Requests by the defence for a second opinion, made both at the initial trial and the appeal, were refused.

Concerns also existed about the integrity of the prosecutor, Parvoleta Nikova. Her preparation of the case was sloppy. She adopted a far less rigorous approach to evaluating and assessing evidence needed by the court in order to ascertain the truth about what occurred. Nikova's focus seems to have been on enforcing government policy: to punish murderous hooligans, such as Jock Palfreeman.

The fact that independent witnesses confirmed that rocks and concrete blocks had been thrown at Jock Palfreeman was unfairly dismissed by the prosecution as a defensive reaction after the stabbings. Subsequent to the original trial, the police raided the prosecutor's apartment, arresting her former lover for allegedly being involved in organised crime. She attempted to intervene in the arrest, raising questions about her suitability to act as a prosecutor in judicial proceedings.

The impartiality of the initial trial judge was also an issue in this case, with the obstacles of corruption and political favour in Bulgaria being seemingly insurmountable. For example, key evidence, in the form of independent psychologist reports confirming that Jock Palfreeman was not a homicidal maniac, was ignored by the court in favour of an assessment by the victim's father. Not long after Judge Georgi Kolev found Jock Palfreeman guilty in December 2009, he was promoted to one of the two highest courts in Bulgaria.

## **Case Outcome**

Jock Palfreeman was found guilty of murder with hooliganism and attempted murder. He was sentenced to 20 years with a minimum of ten. He was also ordered to pay 450,000 leva (about A\$375,000 at that time) in victim compensation as well as court costs. This was considered to be a large amount by local standards. It is unlikely that Jock Palfreeman will be allowed to leave prison, even if he serves the 20 years sentence, until the civil compensation awarded has been paid in full.

Julian Burnside QC is of the view that in an Australia court, Jock Palfreeman would have been acquitted, as a jury could not have been satisfied beyond a reasonable doubt that Jock Palfreeman was guilty of the crime.

## Appeal

Jock Palfreeman appealed against his conviction and sentence in October 2010.

His defence team asserted that the findings of the City Court were illogical and that inconsistencies during the original trial included:

- The prosecutor's failure to consider or investigate an alternative version of events (such as that alleged by Jock Palfreeman);
- Witnesses were allowed to contradict uncontested what they had said in their original police witness statements including police officers.
- The crime scene was not secured;
- Key witness testimony was inconsistent;
- Crucial CCTV footage was not secured;
- No effort was made to prevent collusion among witnesses; and
- Forensic evidence was not sufficiently examined.

The prosecution and civil claimants argue that the sentence is too lenient.

In 2011, during the appeal, Sydney barrister, Jonathan Cohen, contacted the Bulgarian Embassy in Canberra, claiming that Jock Palfreeman had brutally assaulted him in 2006. Cohen asked that the *'Bulgarian Court of Appeal uphold the sentence and offering to provide more information about the assault on him.'* [pages 266-267].

Details of the allegations made by Cohen were forwarded to the prosecutor in Jock Palfreeman's case. Notwithstanding that it was quickly proven that Jock Palfreeman was out of Australia at the time of the alleged attack, this report was included in the court file before the appeal judges. Ultimately, Jock Palfreeman's appeal was rejected and his original sentence of 20 years imprisonment was confirmed.

Hawkins states that *'the appeal judges dismissed Jock's claim that he acted in self-defence and to defend another person. They found that his actions were those of an attacker, not a rescuer, as evidenced by his use of a knife, his targeting of vital organs and the fact that his victims were stabbed 'laterally' and 'in the back', with great force and speed. They concluded that Jock had intended to kill Andrei and the only reason that Antoan Zahariev and others survived was that they had managed to escape. The judges did not accept that the absence of Antoan Zahariev's DNA and of Jock's fingerprints on the knife cast doubt on his culpability. Because of the wounds on the victims and the tears in their clothing matched the size of the knife, they argued, both wounds and rips must have been caused by that knife.'* [page 281]

The appeal judges accepted that some of Monov's group did fight with a Roma and that members of that group were reliable witnesses, notwithstanding the discrepancies in their testimonies.

In contrast, they found that Viktor Georgiev, the Sheraton security guard, was an unreliable witness for the simple reason that his version of events contradicted what many of Andrei Monov's cohort had testified, notwithstanding his independence.

In response to allegations made by Jock Palfreeman's defence team of procedural bias by the police, the appeal court was dismissive, stating that *'the court was not responsible for problems with the investigation. They did not reflect on whether such problems should weigh in Jock's favour; it simply was not their problem. They found that under the law at that time, the trial court was obliged to disallow examination of police witness statements.'* [pages 282-283]

As Bulgaria is a member of the European Union, Jock Palfreeman has a right to a fair trial under *Art 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms*. If he believes that he was not awarded this right, he is able to apply to the European Court of Human Rights (ECHR), which has exclusive jurisdiction to address specific allegations of human rights violations, notably failures related to due process rights. Before having a right to appeal to the ECHR, Jock Palfreeman must exhaust all local remedies (which he has now done).

The ECHR cannot review evidence submitted at trial. Nor can it enforce its finding on any failure of process on the relevant country, in this case Bulgaria. In this sense it is not a fourth court. However the ECHR has made many findings against Bulgaria in other cases. In those instances it is up to Bulgaria to decide whether it addresses the problems located by the ECHR. Jock Palfreeman's prospect of success before the ECHR is limited because he needs to be able to show that breaches of due process occurred.

### **What if this case had occurred in Australia?**

In the opinion of Nicholas Cowdery, AM QC, former DPP of NSW, had Jock Palfreeman's crime occurred in NSW, he would most likely have been charged with (or at least ultimately convicted of) manslaughter at worst, by virtue of using excessive force in defending himself (and possibly the Roma youth). He would not have been charged with (or at least convicted of) murder, due to the absence of proof of any intention to kill or to cause grievous bodily harm or evidence of any reckless indifference to human life: Indeed, he might have been acquitted if the evidence had emerged favourably and it could be shown that Andrei Monov may have run onto the knife without a positive move by Jock Palfreeman. In Bulgaria, the charge was an aggravated form of murder.

Jock Palfreeman intervened, initially, in the defence of another/the Roma and then subsequently defended himself when the group turned the attack onto him. Under NSW law, reasonable force can be used to defend either yourself or another without criminal consequence. However, self-defence is not a complete defence if death is caused and the force used was excessive – then murder is reduced to manslaughter. The question of the reasonableness of the use of force in Australia is for a jury to determine, but in Bulgaria, it is for the judge to decide.

Interestingly, there was evidence that Jock Palfreeman had consumed alcohol on that fateful night, enough to impair his judgment (he had a blood alcohol reading of 0.01 per cent, double the legal driving limit in Australia). He also admitted that he was carrying a knife. However, there were numerous problems with the evidence relied on by the prosecution. Crucial evidence, such as the CCTV footage from the Ministry of Health, should have been placed

before the court. Witness statements by the Sheraton security guards, who were direct eye witnesses, should not have been casually dismissed by the court.

Other issues included the lack of court rigour, prejudice and the un-cooperative nature of the investigators and prosecutors. If nothing else, the conflicting testimony of forensic experts about the type of knife used to inflict the wound on Monov would have been sufficient to have raised a reasonable doubt for any jury that it was possible that Jock Palfreeman's version of events was plausible.

## **Request for Prisoner Transfer**

Bulgaria's prison system is notorious for its tough conditions. Whilst being detained in Sofia Central Prison, Jock Palfreeman has endured appalling prison conditions, including: being sent to solitary confinement in freezing temperatures; heating food with razor blades re-worked into an element which can be inserted directly into the mains; and during a tuberculosis outbreak in the prison, being asked to complete a blood test without the assurance of a clean needle. He is also far from family and friends.

Australian nationals imprisoned abroad, such as Jock Palfreeman, present a complex legal and political issue for the Australian government. Essentially, when travelling to a foreign jurisdiction, a person submits themselves to the laws and legal processes of that country, which may in fact be very different from those used in Australia. If they commit a crime, the foreign national will be detained and dealt with according to the laws of the jurisdiction in which the incident occurred.

Clearly, public pressure is placed on the Australian government to do something to assist Australian nationals detained overseas (particularly if penalties apply which are not available in Australia, such as the death penalty). Whilst diplomatic pressure can be exerted and a limited amount of consular assistance can be offered, there are real constraints, due to state sovereignty, on the extent to which the Australian government can intervene in the judicial processes of other countries.

Unlike cases involving the detention of Australians in Indonesia (a country with whom Australia has strong diplomatic and economic relations), the detention and prosecution of Jock Palfreeman presented real challenges for the Australian government, at least initially, in offering assistance to Jock Palfreeman, due to an absence of any embassy or consular office in Bulgaria. Australia's economic and political ties with Bulgaria are not strong, arguably reducing the political leverage available to the Australian government to use in order to ensure Jock Palfreeman received justice.

An application for the transfer of Jock Palfreeman to Australia under Article 3 of the *European Convention on the Transfer of Sentenced Persons*, to which both Australia and Bulgaria are signatories, failed in July 2013. The transfer of prisoners under the Convention is seen as an exercise of the fundamental human right - the right to family life. This right is guaranteed by international human rights law, including Article 8 of the *European Convention on Human Rights*.

International standards, including the *European Prison Rules* and the *UN Standard Minimum Rules for the Treatment of Prisoners*, require that prisoners be placed near their close relatives and their families, so that they are able to maintain contacts as closely as possible. This aids in the rehabilitation of the prisoner.

The prosecutor advised that the application failed due to Jock Palfreeman having only served 5.5 years of his sentence (at the time of the application) and poor behaviour whilst in prison (including involvement in unionising prisoners and advocating for better prison conditions by going on hunger strikes).

The ***Bulgaria Helsinki Committee***, Bulgaria's leading human rights group, condemned the decision, with BHC president Krassimir Kanev telling Hawkins that 'To me the refusal looks as a vindictive action from the chief prosecutor, which has nothing to do with the rule of law. If the chief prosecutor submitted to pressure from the family, from a member of the parliament [Hristo Monov], that is very disturbing. That is certainly undue influence.' On 9 May 2013, Mr Monov (then a candidate for parliament) was quoted in *Bulgaria Today*, a daily newspaper, that if elected 'I will do my best so that the agreement [relating to prisoner transfer] with Australia will not be signed and Palfreeman will not be moved there and then pardoned.'

The Australian government will in due course mount a further request to have Jock Palfreeman transferred to Australia. Before it does, the matter of how to pay the compensation amount now estimated to have increased with interest to almost \$800,000 (Aust) has to be worked out.

Jock Palfreeman seems to have discovered a new outlet for his innate sense of social justice - campaigning on behalf of other prisoners about their appalling conditions and inhumane treatment. Advocating for prisoner's rights, he has formed an official Bulgarian Prisoners' Rehabilitation Association, the first of its kind. Whilst these activities will not win him any friends amongst prison authorities, it is a purpose providing him with reasons to look to a brighter future.

## Conclusion

Hawkins' book makes for enthralling reading, as it could so easily involve anyone of a number of Australian's who we know are travelling the world in their gap year. The book's title, *Every Parent's Nightmare*, really is a very apt description of the tragedies suffered by both the Palfreeman and Monov families that fateful night in December 2007.

It remains to be seen what reforms, if any, will be made to the Bulgarian criminal justice system to ensure fair and impartial trials for accused people. This would seem to be one of many challenges, which the country must grapple with as it continues the difficult transition from a communist state to a market economy.



Table 1: Timeline of Key Events

Date	Event
2006	19 year old Jock Palfreeman leaves Sydney to travel and work abroad; he spends some time in Samokov, a small town north of the Bulgarian capital, Sofia.
Early 2007	Jock Palfreeman returns to Britain (where his Aunt Geri lives) and enlists in the army.
December 2007	As a spur-of-the moment thing, Jock Palfreeman returns to Bulgaria to spend Christmas with friends in Samokov.
28 December 2007	Jock Palfreeman heads to Sofia with friends for a night out; whilst walking through central Sofia, an incident occurs in which 1 man (Andrei Monov) subsequently dies and another is injured (Antoan Zahariev). Jock Palfreeman alleges that he ran to the defence of a Roma who was being attacked by a group of 15-20soccer hooligans; Jock Palfreeman admits that he pulls a knife during the incident. Other witnesses allege that Jock Palfreeman attacked them, without provocation and with the intent to kill. Jock Palfreeman is detained and questioned by police.
21May 2008	Jock Palfreeman’s murder trial in Sofia City Court commences.
2 December 2009	Jock Palfreeman is found guilty by the judge of ‘murder with hooliganism’ and ‘attempted murder’. He is sentenced to 20 years imprisonment, to be served in the foreigners’ section of the notoriously rundown and overcrowded Sofia Central Prison.
22 October 2010-19 January 2011	Jock Palfreeman’s appeal begins and is heard by 3 judges. The prosecutor asserts that the original decision is ‘correct and justified’. Jock Palfreeman’s defence allege that the original decision was ‘illogical’ due to a number of inconsistencies in the trial process.
21 February 2011	The Appeal Court upholds that original decision.
27 July 2011	The Supreme Court of Cassation (the ultimate Bulgarian appeal court) confirms the 20 year prison sentence and the civil claimants are awarded 450,000 leva (A\$300,000).

Table 2: Criminal Justice Systems Compared – Bulgaria and Australia

Legal Process	Bulgaria	Australia
<i>Type of Legal System</i>	Inquisitorial	Adversarial based on common law
<i>Investigation Process</i> <ul style="list-style-type: none"> <li>○ Charging of Offence</li> <li>○ Collection of evidence</li> </ul>	<ul style="list-style-type: none"> <li>○ Less independence between police, the criminal investigation process and the prosecutors</li> <li>○ Police and prosecutors identify with each other and police frequently form a view on what they consider the outcome of the trial should be</li> </ul>	<ul style="list-style-type: none"> <li>○ Impartial investigation by police, who serve a distinct and separate part of the criminal justice process and have their own funding and resources</li> </ul>
<i>Trial Process</i> <ul style="list-style-type: none"> <li>○ Calling witnesses</li> <li>○ Impartial judgement</li> <li>○ Admission of evidence</li> </ul>	<ul style="list-style-type: none"> <li>○ Juries are not used</li> <li>○ The prosecutors are adjoined with government policy enforcement, with both the media and government calling Jock Palfreeman a ‘murderous hooligan’ and inferring that if the court doesn’t lock him up, it would be a failure of government policy</li> <li>○ Less rigour in terms of the preparation of the prosecutor’s case (i.e. considering the viability of alternative versions of events and alterations in witness testimony)</li> </ul>	<ul style="list-style-type: none"> <li>○ Conducted by Director of Public Prosecutions, who is separate and independent from the police and have their own funding and resources</li> <li>○ A number of safeguards are in place to ensure that the trial is fair and that the court is able to ascertain the truth of what occurred</li> </ul>
<i>Decision</i>	<ul style="list-style-type: none"> <li>○ Determined initially by 1 judge and 3 assessors</li> <li>○ Courts are much more involved in the proceedings and are not completely independent of the prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>○ Determined by jury/judge, who must be convinced of guilt beyond reasonable doubt</li> <li>○ Court acts as a neutral umpire acting dispassionately on the strength of the evidence submitted at trial (it does not gather its own evidence)</li> <li>○ Court operates impartially and free of government interference (due to the Separation of Powers embedded in the Australian Constitution)</li> </ul>

<b>Legal Process</b>	<b>Bulgaria</b>	<b>Australia</b>
<i>Type of Legal System</i>	Inquisitorial	Adversarial based on common law
<i>Sentencing &amp; Punishment</i>	Determined by Judge – Palfreeman sentenced to 20 years imprisonment	Determined by Judge and had Jock Palfreeman been found guilty of manslaughter by a jury, the maximum sentence likely to have been imposed would have been around 4 or 5 years, with only a few years non-parole due to lack of previous convictions and motivation for offence (Jock Palfreeman alleged he acted in self-defence)
<i>Appeal Process</i>	Not exhaustive or as thorough as in Australia as did not consider or review the inconsistencies which occurred during the investigation process, as raised by the defence on appeal	More rigorous to ensure that the truth of what occurred is uncovered.

## Syllabus links

### *Preliminary Course*

- Core Part 1: The Legal System
- Core Part 3: Law in Practice

### *HSC Course*

- Core Part 2: Human Rights

## Every Parent's Nightmare by Belinda Hawkins

*Student Activities by Natasha Isbel & Wayne Gleeson*

### I. Preliminary Course – Themes and Challenges

1. Identify which themes and challenges from *The legal system* and *Law and practice* sections of the Preliminary Course are applicable to the Jock Palfreeman case. Explain how the circumstances of this case fit into the identified Themes and Challenges.

### II. Preliminary Course – Part I: The legal system

1. Explain how the Jock Palfreeman case is reflective of the following basic legal concepts:
  - customs, rules and law
  - values and ethics
  - the nature of justice: equality, fairness and access
  - procedural fairness (principles of natural justice)
  - rule of law
2. If the circumstances of this case had occurred in Australia:
  - a. Outline the key protections included within the Australian court processes which would have been applicable; and
  - b. Assess whether the outcome of the trial would have been different to the outcome of the Bulgarian court process and justify why (using Legislation, Cases, Media, Documents, Instruments [LCMDI] to add depth to your judgment).
3. In the Australian legal system, the separation of powers is an important and vital aspect to ensure justice. How does the Jock Palfreeman case demonstrate this?
4. Explain the concept of state sovereignty. Explain how the Jock Palfreeman case is an excellent example (whether a good example or not) of this important international legal concept.
5. Which international instruments are relevant to this case?
6. Explain the impact, if any, which international laws have had on this case.
7. How does the Jock Palfreeman case highlight the differences in common law and civil law systems? How could this be seen as an important aspect in the outcome of the case?



### III. Preliminary Course – Part III: The law in practice

The Jock Palfreeman case is a perfect study for the Law in practice section of the preliminary course. It is one of the few case studies that fits perfectly into *“The Issues that involve an ... or Australian citizen(s) in another jurisdiction, focusing on the mechanisms for achieving justice and the responsiveness of the legal system when attempts are made to achieve justice”*.

1. Compare and contrast the effectiveness of the Australian and Bulgarian legal systems in achieving justice.
2. Describe the fundamental legal principles protecting the rights of accused in the Australian criminal justice system. How are they missing in the Jock Palfreeman case?
3. What impact did the media, both in Bulgaria and Australia; have on the outcome of the Jock Palfreeman case?
4. What non-legal measures are available for Jock Palfreeman and his family to use in an attempt to access justice?

## HSC Course

### Human Rights

1. Which international human rights conventions are relevant to this case?
2. Which non-legal mechanisms have been relevant in the Jock Palfreeman case? Assess the impact of their involvement on the outcome of the case.
3. Investigate Bulgaria's human rights record. You may wish to look at the Amnesty International website ([www.amnesty.org/en/region/bulgaria/report-2012](http://www.amnesty.org/en/region/bulgaria/report-2012)).
4. Why was the Australian government's request for Jock Palfreeman's prisoner transfer to Australia refused?
5. Now that all legal responses to the case have been exhausted, what non-legal measures can be used to achieve justice?
6. Consider the Theme and Challenge of "*the changing understanding of the relationship between state sovereignty and human rights*". Explain how the Jock Palfreeman case is a clear example of this statement.
7. There can be an inherent risk in intervening in the lives of others and especially in the '*good Samaritan principle*'. This is what got Jock Palfreeman into trouble. Discuss the ethical issue of "*is the impulse to run and assist others a good impulse*"?
5. What was the role of the media (both Bulgarian and Australian) in the trial in Bulgaria? How did these reports influence the outcome of the trial?

## **Additional Resources**

- Amnesty International 'Bulgarian migrants 'living in fear' after xenophobic attacks', 12 November 2013:  
<http://www.amnesty.org/en/news/bulgaria-migrants-living-fear-after-xenophobic-attacks-2013-11-12>
- Booktopia: Interview with Belinda Hawkins:  
<https://www.youtube.com/watch?v=M2o-tfkumhs>
- The US State Department Bulgaria 2013 Human Rights Annual Report:  
<http://www.state.gov/documents/organization/220473.pdf>
- Australian Story: 'Conviction' Parts 1 and 2  
*Part 1:* <http://www.abc.net.au/austory/specials/conviction/default.htm>  
*Part 2:* <http://www.abc.net.au/austory/specials/convictiontwo/default.htm>
- Amnesty International 2013 Annual Human Rights Report for Bulgaria -  
<http://www.amnesty.org/en/region/bulgaria/report-2013>
- The Daily Telegraph 'Jock Palfreeman Timeline', 28 July 2011:  
<http://www.dailytelegraph.com.au/jock-palfreeman-timeline/story-e6freuy9-1226103166267>
- Julian Burnside QC on the Palfreeman Case – an address at the Palfreeman forum in Melbourne 27 October 2013:  
<http://everyparentsnightmare.com/julian-burnside-qc-on-the-palfreeman-case/>
- Justice for Jock  
<http://www.freejock.com/>