

ROMANIA

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Head of state: Ion Iliescu

Head of government: Adrian Năstase

Death penalty: abolitionist for all crimes

International Criminal Court: ratified

There were numerous reports of police torture and ill-treatment. At least seven men died in suspicious circumstances. Police resorted to firearms in circumstances which are prohibited by international standards. Many of the victims were Roma. Excessive restrictions on the right to freedom of expression remained in spite of a revision of the Penal Code. Conditions in prisons were sometimes inhuman and degrading and there were reports of ill-treatment of detainees.

Background

Romania made slow progress in bringing its national legislation into line with international human rights standards. In May a Committee of the Council of Europe recommended that dialogue with Romania on its fulfilment of commitments to the organization should be concluded, after the government informed the Committee that it had fulfilled all outstanding concerns, including amending certain provisions of the Penal Code. In fact, the government amended the Penal Code by adopting an emergency ordinance a week after the Committee meeting. Even then, this long delayed revision did not abolish all excessive restrictions on the right to freedom of expression in line with the European Convention on Human Rights. In October President Ion Iliescu returned the amendments to Parliament.

In June Parliament established a committee to draft proposals for constitutional reform which would strengthen the functioning of state institutions. Areas requiring improvement included excessive legislation by ordinance, and inadequate safeguards to ensure the independence of the judiciary from government influence.

In August the government appointed a board of directors for the Council for Combating Discrimination, none of whom came from vulnerable minority groups or non-governmental organizations.

Romania succumbed to pressure from the USA to sign an agreement not to surrender or transfer US citizens to the International Criminal Court.

Torture and ill-treatment

The number of reported incidents of police beatings, some of which amounted to torture, remained high. At least seven men died in custody in suspicious circumstances.

In most cases victims were beaten and ill-treated by police officers who wanted to extract "confessions". If they failed to obtain a "confession", police officers frequently attempted to justify the use of force by charging the victims with assault or

defamation. In a number of cases victims were not provided with adequate medical assistance or protected from beatings by other detainees.

✉ In March, 32-year-old Mihai Iorga was arrested to serve a prison sentence because he had not paid a fine. He was taken into the Ploiești police lock-up and placed in a cell where he was beaten by another detainee, reportedly at the instigation of police officers. The following day he was taken to a hospital for treatment, then placed in a different cell where he was again beaten. The officers on duty then reportedly took Mihai Iorga out of the cell and beat him further. He went into a coma and died four days later in hospital. The police authorities initially stated that Mihai Iorga died because of an "alcoholic coma", then that he had been beaten by other detainees. The Military Prosecutor of Ploiești completed a preliminary investigation against the police officers and medical staff of the police lock-up in the unusually short time of two weeks. He decided that there were no grounds to initiate a criminal investigation against any of the suspected police officers.

There were reports that minors were ill-treated, usually while being questioned at a police station without their parents or representatives of a child welfare agency present. Charges against suspected officers were brought only in exceptional cases.

✉ In June an officer from Hidiș municipality was charged with ill-treating 13-year-old F.P. in July 2001. The boy, who was suspected of petty theft, was taken by two officers to the police station where he was reportedly stripped naked and handcuffed with his hands behind his knees. He was then allegedly suspended from an iron bar between two tables and beaten with a truncheon. The officer had previously been convicted of "abusive conduct" and fined in connection with an earlier case.

In October the European Commission in its annual report on Romania's progress towards accession to the European Union stated that "there has been no noticeable reduction in cases of excessive violence being used by police officers (in particular against the Roma community)". The Commission also noted that "successful prosecutions against police officers are rare and internal police investigations have frequently been inconclusive". The Commission urged the government to make public the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Romania in 1999, which assessed how far CPT recommendations to prevent torture and ill-treatment had been implemented.

The Roma

Many of the victims of torture and ill-treatment were of Romani ethnic background. Police ill-treatment was frequently accompanied by verbal racist abuse. Although such incidents were numerous, few official complaints were lodged. In one reported case, the mother of a 14-year-old boy who was beaten by two gendarmes did not file a complaint after a local official arranged to have her fine cancelled. She was fined for disturbing the peace after she shouted at the gendarmes to stop beating her son.

In April, Nelu Bălăsoiu, who was 18 years old, 17-year-old D.D. and 15-year-old M.C. were arrested in Tîrgu Cărbuneşti. The three Romani youths were reportedly apprehended with a stolen car tyre and beaten repeatedly by officers in the police lock-up. On 14 May they were transferred to Târgu Jiu prison. Men detained in the same cell as Nelu Bălăsoiu told representatives of APADOR-CH (the Romanian Helsinki Committee) that he had swellings on his legs and head and had vomited and passed blood. Apparently he was seen by a member of the prison medical staff on 28 and 29 May but was only sent to hospital on 3 June. He was referred on to the Jilava Penitentiary Hospital, where he died on 5 June. An investigation was reportedly started into his death and the allegations of torture of D.D. and M.C.

In April the European Commission against Racism and Intolerance (ECRI) made public its second report on Romania and expressed concern about persistent and widespread problems "as regards police attitudes and behaviour towards members of the Roma/Gypsy community". ECRI urged the authorities to review the functioning of the judicial system in order to ascertain the extent of discrimination in the administration of justice. It also recommended implementation of further measures to combat discriminatory practices on the part of the police. ECRI appealed for the setting up of an independent investigatory mechanism to look into reports of police abuses, with power to take action where appropriate.

Unlawful use of firearms by the police

At least three people were shot dead and several others were injured by police officers in circumstances which breached international human rights standards. A new law on the organization and functioning of the police which came into force in May failed to revise provisions which allow police officers to shoot at suspects avoiding arrest who are not posing a threat to life. No official statistics were available on the number of incidents in which police officers resorted to firearms and there was no information about investigations into cases which resulted in death or injury. In only one case was the perpetrator convicted. In February the Supreme Court of Romania sentenced Sergeant Major Ion Nicolae to 18 months' imprisonment for killing Tudor Palcu in May 1996. However, the same court failed to complete the trial, begun in March 2000, of an officer charged with killing Andrei Frumuşanu and Aurica Crăiniceanu in September 1991.

Freedom of expression

The revision of the Penal Code failed to amend the provisions of two articles of the Penal Code which placed excessive restrictions on the right to freedom of expression: Article 168 "Communication of false news" and Article 236 "Defamation of a state or nation".

Ovidiu Cristian Iane was detained for three days in January under Article 168. Together with Mugur Ciuvica, he was subsequently placed under investigation for distributing via the Internet a report entitled *Armageddon II*, which alleged that the Prime Minister was involved in corrupt business affairs.

The revised Penal Code maintained imprisonment as a punishment for insult, libel and defamation of a public official, under Articles 205, 206 and 239. According to the non-governmental organization Media Monitoring Agency "Academia Catavencu", there were more than 400 cases pending against journalists who had written critically of public figures or local authorities. Most involved charges of insult or libel.

Some journalists were subjected to harassment and intimidation. In one case a journalist who wrote about the illicit dealings of a businessman supported by the ruling Social Democratic Party was threatened with blackmail and subsequently a videotape embarrassing to the journalist was broadcast by a Bucharest television station.

Other restrictions on the right to freedom of expression were imposed by economic pressure exerted at a regional level where local politicians controlled or were closely linked to the locally based media.

Prison conditions

Overcrowding, poor living conditions, lack of activities and inadequate medical services were reported from many prisons.

In June, Ploieşti remand prison held 1,136 detainees in 760 beds, although the official capacity was 574. The overcrowding was particularly bad in the ward for minors and repeat offenders where, on average, two to three detainees shared a bed. At least one incident of prison guards beating minors was reported.

In July, in Târgu Jiu prison, there were 1,251 people accommodated in 892 beds with 500 beds as the registered capacity. Heat and lack of air was exacerbated because the windows were covered with panels in some of the rooms.

In October, in Codlea prison there were 1,291 men although its official capacity was 640. Prisoners held in solitary confinement were denied the right to read and their mattress and sheets were taken out of the cell from 6am to 10pm.

AI country reports/visits

Reports

- Romania: Deaths in custody in suspicious circumstances (AI Index: EUR 39/002/2002)
- Romania: Ill-treatment of children (AI Index: EUR 39/005/2002)