

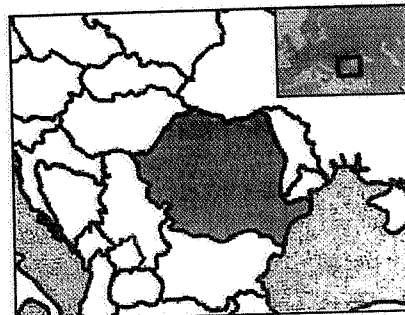
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Amnesty International

Romania

Covering events from January - December 2003

There were numerous reports of police torture and ill-treatment. At least one man died in suspicious circumstances. Police resorted to firearms in circumstances prohibited by international standards. Many of the victims were Roma. Conditions in prisons were sometimes inhuman and degrading, and there were reports of ill-treatment of detainees.



Romania

Background

Widespread corruption, affecting all aspects of society, undermined the government's ability to promote respect for basic rights and improve the economy. Relatively few public officials were held to account, politically or criminally, for alleged abuse of power. Most people saw no improvement in their living standard, particularly their access to vital services such as health care and social support benefits.

In a report published in November, the European Union (EU) made clear that Romania could not accede to the EU before it consolidated its economy and implemented judicial and administrative reforms.

A constitutional revision came into force following a referendum in October. The way the referendum was conducted was criticized by independent observers and the main opposition parties who also claimed that there were indications that less than the required 50 per cent of the electorate had voted. The amendments to the Constitution were aimed at making the legislative process more effective and the judiciary more independent. However, the adopted revisions may not be sufficient to guarantee that the legislative process is more open to public scrutiny or that the judiciary is less susceptible to influence by the Ministry of Justice.

Trafficking of women and children for sexual exploitation remained a serious problem. The Law for Combating Trafficking adopted in 2001 did not lead to any noticeable improvement in the situation. In the reported cases, law enforcement officers failed to take effective action to protect victims.

Torture and ill-treatment

Numerous reported incidents of ill-treatment by law enforcement officials, which in some cases amounted to torture, indicated that the authorities had not made any progress in this area. At least one case resulted in death.

- In October in Bucharest, 20-year-old Marian Predică, who was held in pre-trial detention in Rahova penitentiary, was taken unconscious to a hospital where he died five days later of a brain haemorrhage. An autopsy concluded that the primary cause of death had been a head injury resulting from violence three or four days prior to the hospitalization. An authoritative medical expert stated that Marian Predică would probably not have died had he been promptly treated. Shortly before he died, Marian Predică had reportedly been beaten by officers of the penitentiary intervention unit.

In May, Mircea Iustian, Chairman of the Senate Committee for Human Rights, wrote to the Chief Military

ROMANIA

Head of state:

Ion Iliescu

Head of government:

Adrian Năstase

Death penalty:

abolitionist for all crimes

UN Women's Convention and its Optional Protocol:

ratified

Further information

Romania: Further deaths in custody in suspicious circumstances

(AI Index: EUR 39/003/2003)

Romania: Further reports of unlawful use of firearms by law enforcement officials

(AI Index: EUR 39/006/2003)

Concerns in Europe and Central Asia, January-June 2003: Romania

(AI Index: EUR 01/016/2003)

All AI documents on Romania

Prosecutors asking for information about cases of deaths in detention described in *Amnesty International Report 2003*. It was not known whether he received a response. However, information received by AI from the government indicated that the authorities had yet again failed to make progress in ensuring that investigations into reported incidents were independent and impartial as required by international law. Only one case resulted in a prosecution and conviction – two officers were found responsible for the death of Dumitru Grigoraş in July 2001. In fact, the government appeared to be taking measures that would make investigations even less transparent. In August an order of the Ministry of Justice and the Ministry of Health regarding investigations into deaths in penitentiaries stipulated that "conclusions concerning the provision of services and medical treatment are a state secret".

As in the past, the majority of victims of reported police ill-treatment were suspected of a petty offence or happened to be present at a scene of a police action. Some were people with a mental disability. In other reported cases women suffered sexual violence, including rape.

- In August, a 45-year-old woman from the municipality of Laslea complained that she had been raped by the chief of a local police station after he had come to her house to investigate a neighbour's complaint. Although she obtained a forensic medical certificate the same day she was unable to file her complaint with the County Police Inspectorate until four days later. A police commission established to investigate the case reportedly questioned the victim and the suspected perpetrator face to face and persuaded the victim to withdraw her complaint in consideration for the officer's family.

Roma were frequently targeted for police ill-treatment, apparently to intimidate all members of their marginalized communities. Some victims were afraid to make statements to non-governmental organizations or to file complaints because of fear of further harassment. Some Roma were ill-treated by police-licensed private security guards.

- In November, in Petrosani, 41-year-old Olga David, a Romani woman, died from injuries reportedly suffered 10 days earlier when she was severely beaten by three security guards at a coal mine. Together with her 12-year-old niece, Olga David had been collecting coal to heat her home, a single room without electricity or running water.

Children were also victims of police ill-treatment. In January the UN Committee on the Rights of the Child expressed concern at the number of allegations of children being ill-treated and tortured and the lack of effective investigations into such incidents by an independent authority. The Committee recommended that Romania "take immediate measures to stop police violence against all children and challenge the prevailing culture of impunity for such acts".

- In October in Urlaţi, around 20 masked officers came to search the house of Ion Catrinescu whose eldest son had allegedly stolen some corn. After the officers broke into her courtyard they hit Niculina Catrinescu in the chest with a gun making her fall to the ground, then kicked her all over her body. They also assaulted her sons, 17-year-old Cristian and 14-year-old Bujor Julian. Ion Catrinescu, who was holding their 16-month-old daughter, was beaten and shot at close range in the right foot, causing a serious injury.

Some patterns of police ill-treatment were confirmed in April by the Council of Europe's Committee for the Prevention of Torture (CPT) report concerning its second visit to Romania in early 1999. The CPT received many allegations of physical ill-treatment, some of them extremely serious, from men, including minors, and some women. The assaults took place during interrogation and were aimed at forcing confessions. Detainees were subjected to slaps, punches, kicks, truncheon blows, beatings to the soles of the feet while the victim was kneeling on a chair or suspended from a bar, and beatings with a stick to the body while rolled in a carpet. The CPT returned to Romania in each of the following three years but the government had yet to allow the publication of these reports.

A positive change to the Penal Procedure Code reduced the period the prosecutor can hold a suspect from 30 to three days. Significant improvements with respect to pre-trial detention also came into force or were due to in January 2004, including the right to remain silent. These changes were prompted by a European Court of Human Rights judgment delivered in June.

Unlawful use of firearms by the police

The authorities continued to fail to address effectively the use of firearms by law enforcement officers in circumstances that breach international standards. Investigations into almost all of the reported incidents were not impartial, independent and thorough. No official statistics were available, but dozens of people suffered injuries in reported incidents.

- In April, in Iaşi, two police officers in plain clothes shot and injured 24-year-old Leonard Drugu and 32-year-old Aurel Gândac, both Roma, who were in the company of three minors. All five were reportedly suspected of a theft from a car. None of the suspects was armed or seriously threatened

the lives of the officers or anyone else. The victims told the Resource Centre for Roma Communities, a local human rights organization, that the police officers had not ordered them to halt, nor told them their identity nor fired a warning shot, as the officers claimed. Leonard Drugu was hit in the left leg and Aurel Gândac in the back. After falling to the ground Leonard Drugu was handcuffed and reportedly kicked and beaten by the officers who then took him to hospital. Aurel Gândac was taken to hospital by his wife in a taxi. They were reportedly prevented from entering it by about 50 masked officers who also reportedly beat two Romani women trying to enter the hospital. A doctor eventually took Aurel Gândac into the building. The minors involved in the incident, Florin Lăcustă and Florin Drugu, both aged 13, and Nelu Hristache, aged 12, were taken into custody and reportedly beaten and threatened with guns.

Prison conditions

Poor living conditions, serious overcrowding and lack of activities in some prisons amounted to inhuman and degrading treatment. Medical services throughout the penitentiary system were poor and often inadequate. Detainees allowed to receive medical treatment in hospitals were frequently handcuffed to the bed even though they were under guard. Detainees with physical or mental disabilities faced particular difficulties. In one prison hospital, handcuffs were used to restrain patients with mental health problems. In some prisons detainees were not allowed to speak to their lawyers in private; other

