
amnesty international

PUBLIC



AI Index: EUR 39/25/98

Action Ref.: EERAN 1/98

Date: 22 June 1998

ROMANIA

NEW ALLEGATIONS OF ILL-TREATMENT OF PRISONERS IN JILAVA PENITENTIARY

Amnesty International's concern:

Amnesty International has received another testimony about the ill-treatment of prisoners in Jilava Penitentiary in Bucharest during the police intervention on 23 February 1997, which followed a week-long peaceful protest by the detainees¹. Amnesty International continues to be concerned that, if confirmed, this action would represent a violation of Romania's international treaty obligations, including Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

New allegations:

A representative of APADOR-CH (the Romanian Helsinki Committee) recently spoke to Amet Metin, a detainee in Jilava Penitentiary. The following is based on his testimony:

¹ See *Romania: Alleged ill-treatment of prisoners in Jilava Penitentiary* (AI Index: EUR 39/02/98), published in January 1998.

The first phase of police repression began in the evening, ten minutes after a TV broadcast announced that the prisoners had renounced their demands. Around 20 masked guards entered room 70 in Section 6 where Amet Metin was detained at the time and ordered the prisoners: "On your bellies" (to lie on the floor face down). The guards then allegedly beat the prisoners. Shortly afterwards Amet Metin, D.U. and I. P.² were taken out of the room and forced to pass through a corridor which was lined on both sides with masked guards who beat them with batons. They were then taken to the courtyard where around 60 other detainees were surrounded by the masked guards. They were then ordered to collect broken pieces of glass and other scraps off the ground while the guards indiscriminately beat them. The following morning (24 February 1997) at around 6am Amet Metin was taken to a very small cell in the reception area for new prisoners. Two other detainees, one of whom was F.B., were also in the cell. They were forced to lie face down on the concrete floor and were beaten. Later in the morning some of those who were subjected to beatings had the hair on their heads shaved off and were then forced to march to the courtyard on their hands and knees. At around 10am Amet Metin was examined by a doctor. The medical register failed to record that Amet Metin suffered head and leg injuries as a result of the beatings (these injuries were observed by a recently released prisoner³ who saw Amet Metin when he was transferred to room number 504 in Section 5). Nor did the medical register record that he had a ruptured abdominal muscle (this injury is still visible in the form of a large swelling on the left side of the abdomen). The injuries of the majority of those who were reportedly subjected to a brutal treatment throughout the night were not recorded on the medical register.

Amet Metin claimed that for three weeks after the brutal suppression of the protest on the night of 23 February 1997 many detainees continued to be taken out to be beaten on an almost daily basis. Prison authorities also "confiscated" many belongings of the detainees without issuing any receipts.

Amet Metin is one of the relatively few who have filed a complaint about the ill-treatment with the military prosecutor. He was summoned three times to give a statement and was interviewed once by a colonel from the prosecutor's office. However, he has still not received any response concerning his complaint.

Like other detainees who have filed complaints, Amet Metin claimed that the medical treatment which he received for injuries allegedly suffered as a result of ill-treatment was inadequate. He was reportedly only given some pills and an "ointment for back-aches". On 27 March he gave his first statement to the Military Prosecutor. Immediately afterwards he was put on "restrictive regime"⁴ and transferred to "an extremely small cell". He then intentionally swallowed two spoons and so was taken to a hospital for an operation. He stayed in the penitentiary hospital for six months and on his return to the penitentiary was again placed on "restrictive regime".

² The identities of the two detainees are known to Amnesty International.

³ This prisoner wishes to remain anonymous until a new investigation is ordered with assurances that it will be conducted thoroughly and impartially.

⁴For more information on this disciplinary measure see Amnesty International's concerns about Law number 23/1996 Concerning the Execution of Sanctions on page 4 of *Romania: A Summary of human rights concerns* (AI Index: EUR 39/06/98)

Amet Metin confirmed that George Nastase Bobancu, another detainee whose complaint about ill-treatment has been brought to Amnesty International's attention, was beaten in November 1997 by a group of detainees who shared his room. The beating, which appears to have been instigated by the prison authorities, took place a day after Bobancu spoke to a representative of APADOR-CH concerning the February 1997 events. As a result of this beating Bobancu was hospitalized for four weeks for injuries to both legs.

Like many other detainees who were victims of beatings in February 1997, Amet Metin lives in fear that he will be further harassed as a punishment for making his complaint public. This fear is particularly based on the fact that Colonel Olteanu, who allegedly participated in the operation to break the prisoners' protest, has been transferred from the Penitentiary Hospital to the Penitentiary where he is in charge of security.

Amnesty International's recommendations:

Amnesty International urges the Romanian authorities to reopen the investigation into the events of 23 February 1997 in Jilava Penitentiary, and to ensure that the investigation is thorough and impartial, that the findings are made public and that anyone found guilty of ill-treating prisoners is brought to justice.

Amnesty International also urges that any officer accused of ill-treating prisoners is suspended until the investigation is completed, and that detainees who file complaints of ill-treatment are not punished for doing so, in accordance with Article 13 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which states: "Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given".

Amnesty International also urges the Romanian authorities to ensure that detainees receive adequate medical attention for any injuries they sustain, as required by Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment⁵.

⁵"A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge."