

# ROMANIA



## THE SOCIALIST REPUBLIC OF ROMANIA IN OUTLINE

Romania lies in southeast Europe; it is bounded by the USSR, Hungary, Yugoslavia, Bulgaria and by the Black Sea. The total area is 237,500 square kilometres, and its population (July 1978) 21,855,000. A census of 5 January 1977 recorded 47.5 per cent of the population as urban. According to official statistics, often regarded as conservative, ethnic minorities account for 11.9 per cent of the population, the two largest groups being the Hungarians (7.9 per cent) and the Germans (1.66 per cent). Bucharest, the capital, has a population of 1,820,829 (1977). Of the churches, the Romanian Orthodox has the largest following, with a membership of approximately 17 million. The 14 officially recognized religious denominations in Romania are under state supervision. There are a number of denominations which have been denied recognition and legal status by the state, and therefore function outside the law.

The present head of state is Nicolae Ceausescu, who has been General Secretary of the Romanian Communist Party since 1965, President of the State Council (head of state) since 1967 and President of the Republic since 1974.

Under the 1965 Constitution, Romania is declared to be a "socialist republic" whose national economy is "based on the socialist ownership of the means of production". Political power is held by the Romanian Communist Party, which dominates the popular front organization, the Front of Democracy and Socialist Unity (FDSU). Romania's political, economic, administrative and judicial institutions are highly centralized.

Since World War II, Romania's economy, formerly based on agriculture, has undergone intensive modernization. It is now predominantly industrial (the industrial sector accounts for over 60 per cent of the national income) with emphasis on heavy industry: petroleum and natural gas, mining, metallurgy, mechanical engineering, chemicals and timber processing. The standard of living, however, remains one of the lowest in Eastern Europe. Romania is a member of the Council of Mutual Economic Assistance (CMEA). The country's principal trading partner is the Soviet Union but it has resisted demands for the subordination of its economic development to the interests of an integrated economic system within the CMEA and has sought to expand trade with developing nations and with the West, where the Federal Republic of Germany (FRG) is its chief trading partner. In February 1980 Romania signed an individual agreement with the European Economic Community (EEC) to set up a joint committee to develop and monitor bilateral economic relations.

Romania has been a member of the Warsaw Pact since 1955, but since the mid-1960s it has taken an independent stand on certain foreign policy issues, and has cultivated relations with the People's Republic of China and with Western countries, including France, the FRG and the United States of America. It is the only member of the Warsaw Pact to continue diplomatic relations with both Egypt and Israel. Romania has been a member of the United Nations since 1955.

## *The Socialist Republic of Romania*

### 1. Introduction

Amnesty International is concerned about a number of human rights issues in the Socialist Republic of Romania (SRR), in particular the following:

- a) the existence of laws which specifically prescribe imprisonment and other penalties for the non-violent exercise of certain human rights;
- b) the penalization of Romanian citizens who attempt to exercise internationally recognized human rights in a non-violent manner, by means of i) imprisonment, ii) confinement in psychiatric institutions, iii) forced labour (the last, officially termed "corrective labour without deprivation of liberty", being an alternative to imprisonment);
- c) the inadequacy of legal safeguards for those arrested and the abuse of legal provisions concerning house searches, pre-trial detention, and trial procedure;
- d) cruel, inhuman and degrading conditions of imprisonment, including maltreatment of political prisoners;
- e) the retention of the death penalty.

### 2. The Constitutional and Political Context

#### *The Constitutional Context*

The present constitution of 1965 (as amended in March 1974) supercedes those of 1948 and 1952. Under its provisions, supreme authority is vested in the Grand National Assembly, composed of 349 deputies elected by universal suffrage for five years from a list of candidates nominated by the Front of Democracy and Socialist Unity (FDSU). The Assembly holds sessions twice a year and between sessions its legislative authority is delegated to its permanent body, the State Council, which it elects from its own membership. The Assembly elects also the Council of Ministers, the highest state administrative body, and the President of the Republic (an office created in 1974) who is also President of the State Council (head of state). The Assembly is constitutionally the sole legislative body of the SRR; it elects the Supreme Court and Procurator General and regulates the organization of the courts and the Procurator's Office.

The present Head of State, President of the State Council (since 1967) Nicolae Ceausescu, is also General Secretary of the Romanian Communist Party (since 1965) and President of the Republic (since 1974). Among other major offices he holds is that of Supreme Commander of the Armed Forces and President of the Defence Council.

Romania is divided into 39 counties (plus the city of Bucharest), which are

subdivided into towns and communes. Elected People's Councils function at county, town and commune level, under the leadership of the local Communist Party leader.

The Romanian Communist Party is the sole political party in the country; it is described by the 1965 constitution as "the leading political force of the whole of society". Supreme party authority is nominally vested in the party Congress, which convenes every five years (most recently in November 1979) to establish policy guidelines and to elect the Central Committee and other leading party bodies. In practice the Congress' chief function is to ratify decisions made by top party bodies of which the most powerful is the ten-member Permanent Bureau, chaired by President Ceausescu.

The 1965 Constitution guarantees Romanian citizens a number of human rights but also explicitly places certain restrictions on the exercise of these rights. For instance, freedom of speech, of the press, of reunion, assembly and demonstration are guaranteed under Article 28, but Article 29 declares that these freedoms "cannot be used for purposes hostile to the socialist system and to the interests of the working people".

Article 30 guarantees freedom of conscience and religion; it specifies however that schools are separate from the church and that no religious instruction may be given in teaching establishments except in special schools for training of church functionaries. The right to spread religious beliefs is not guaranteed.

Articles 31 and 32 guarantee inviolability of person and home. Article 33 provides for privacy of correspondence and telephone conversations. The Constitution does not guarantee the right to freedom of movement or residence and makes military service compulsory. Article 18 guarantees the right to work (although not choice of work), while Article 5 describes work as a "duty of honour".

The definition of what constitutes purposes "hostile to the socialist system" is so general, both in the constitution and in a number of other laws' provisions, that, in practice, all the above rights may be denied to a citizen who attempts to exercise them, even non-violently, in ways that do not fall within the often narrow limits laid down by state and party policy.

#### *International legal instruments*

Romania has ratified the United Nations' International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (1966) and is a signatory of the Final Act of the Conference on Security and Cooperation in Europe (1975). It has in addition ratified the Convention on the Political Rights of Women (1952) and the International Convention on the Elimination of All Forms of Racial Discrimination (1963). It is party to International Labour Organisation (ILO) Conventions number 29 concerning Forced Labour (1930), number 87 concerning Freedom of Association and Protection of the Right to Organize (1940) and number 90 concerning the Right to Organize and Collective Bargaining (1949). In July 1978 Romania submitted a report on its implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee of the United Nations, in accordance with Article 40 of that Covenant.

#### *The political context*

The Romanian nation-state, formed in 1859 through the union of the two principalities of Moldavia and Wallachia under Turkish suzerainty, achieved independence through the Berlin Treaty of 1878. The end of World War I and the dismemberment of the Austro-Hungarian Empire saw Romania's territory more than doubled by the acquisition of Bessarabia, Transylvania and the Bukovina. Pro-Axis from 1940 to 1944 when it joined the Allied side, Romania lost North Bukovina and Bessarabia to the Soviet Union and South Dobrudja to Bulgaria in World War II.

In March 1945 a pro-Soviet National Democratic Front government was set up, headed by Dr Petru Groza, leader of the Ploughmen's Front Party, a left-wing peasant organization. Following elections held in 1946, the majority of government posts went to communists. In December 1947 King Michael of Romania abdicated under communist pressure and parliament proclaimed the establishment of a People's Republic (renamed a Socialist Republic in 1965). In 1948, the Republic's first constitution was adopted and nationalization of industrial and financial institutions began, shortly to be followed by the start of forced collectivization of agriculture.

The next six years saw the mass imprisonment and repression of the government's opponents and alleged opponents. During this period the communists gained full control. In 1952, following a purge of the Romanian Workers' Party (since 1965 the Romanian Communist Party), Gheorghiu-Dej took over its leadership and became head of state.

Despite a further wave of repression in the late 1950s and early 1960s, Gheorghiu-Dej, appealing to Romanian nationalist sentiment, won considerable popular support for the policy initiated in the early 1960s of increased independence from the Soviet Union in economic, military and foreign affairs accompanied by rapid industrialization. This policy has been pursued to the present day by his successor to state and Communist Party leadership, Nicolae Ceausescu.

Despite official criticism of "errors" committed under Gheorghiu-Dej and amnesties in 1976 and 1977 affecting 28,000 people (mainly juvenile offenders or people arrested or sentenced for leaving or attempting to leave the country illegally), serious human rights violations have continued in Romania. While the number of those sentenced to long terms of imprisonment on overtly political charges, such as "anti-state propaganda", appear to have fallen in recent years, dissenters are nonetheless penalized in many different ways, both legal and extra-legal. These include not only prolonged police surveillance, harassment, intimidation, vilification, loss of jobs or demotion, but also confinement in psychiatric institutions, forced labour, deportation and imprisonment, often on what Amnesty International believes to be false charges of offences such as "parasitism", "disturbance of public order", "homosexual relations" and "embezzlement".

In recent years many Romanians have tried to emigrate, despite the considerable official obstacles to doing so. On the other hand, the government has sometimes encouraged, or even compelled, human rights activists to emigrate,

in particular those who have persisted in their dissident activity in spite of repression or intimidation.

Since Romania's ratification in 1974 of the International Covenant on Civil and Political Rights and the signing in 1975 of the Final Act of the Conference on Security and Cooperation in Europe (the Helsinki agreement), there have been attempts within the country to create a human rights movement, similar to those in several other countries of Eastern Europe, based on the demand that the government fulfil its obligations under the Covenants and grant its citizens their rights guaranteed by law and constitution. Whenever an attempt to create such a movement has been made, the Romanian authorities have sought to isolate the leaders and to intimidate and disperse their supporters. This has been facilitated by the strict censorship which has ensured that most Romanian citizens can obtain information about human rights movements only by word of mouth or via foreign broadcasting stations.

The following is a brief account of official action against people and groups who have spoken up on behalf of human rights in recent years. In all these instances, Amnesty International has interceded on behalf of those who have suffered imprisonment or confinement to psychiatric institutions on account of their non-violent exercise of their human rights.

In January 1977, the Romanian writer Paul Goma wrote a letter (later published outside Romania) to the Charter 77 signatories in Czechoslovakia, expressing solidarity with their movement. The following month he appealed to the 35 signatories of the Helsinki agreement in an open letter drawing attention to the violation of human rights in Romania and demanded that the Romanian Government respect its undertakings in this field. His appeal was subsequently signed by well over 200 Romanian citizens, despite a campaign of intimidation and vilification against both him and other early signatories by the Romanian authorities.

In April 1977, Paul Goma was arrested; many signatories were detained for short periods and repeatedly interrogated; a number were confined to psychiatric hospitals or ordered to do forced labour. In May 1977, following much international publicity about his case, Paul Goma was released, but after persistent official harassment, he left Romania in November 1977.

Before World War II there were some 60 recognized active religious denominations in Romania. In 1948 the "Law on Religious Confessions" enacted by State Decree 177/1948 gave official recognition to only 14 of these denominations and put them under the close supervision of the State Department of Religious Affairs. This has at times led to conflict within the churches, some of whose members have felt that their official leaders have accepted too easily, or even connived at, state interference in religious affairs.

In March 1977 six prominent Protestant pastors and lay people signed an appeal protesting against official persecution of and discrimination against religious believers. In particular they stated that active believers were barred from holding responsible public posts, that their children were discriminated against at school and university and that prayer meetings held in believers' homes were repeatedly interrupted by the police who imposed fines on participants. The signatories of this appeal were arrested early in April,

interrogated for up to 12 hours and brutally beaten.

In May 1978 a number of Protestant believers (predominantly Baptists) formed a movement called "The Romanian Christian Committee for the Defence of Freedom of Religion and Conscience" (ALRC); in July 1978 they sent an appeal signed by 27 members to the Romanian authorities requesting recognition of a number of religious denominations declared illegal since 1948 (in particular the Greek Catholic Church (Uniate), the Reformed Seventh Day Adventists and the Romanian Orthodox evangelical movement—"The Lord's Army"). In addition they called for freedom of worship, an end to state interference in church affairs, the right to propagate their beliefs in the media and religious instruction in schools. Shortly afterwards, a number of the signatories were detained for interrogation and beaten. Nine of the founder members of the Committee were expelled from the official Baptist Union in September 1978 on the grounds that they had formed "an illegal group" and not conformed with Baptist doctrine. In October 1978 three members of the group (Petru Cocirteu, Ionel Prejban and Nicolae Radoi from Caransebes) were sentenced to 17, 12 and eight months' imprisonment respectively on charges of causing a public disturbance. They denied these charges and witnesses claimed that they had in fact been attacked by the police.

Since then a number of ALRC founder members have been persuaded (some by means of threats) to emigrate (including Pastor Pavel Nicolescu, ALRC representative); others (including Ludovic Osvath, Dimitrie Ianculovici, Nicolae Traian Bogdan) have been sentenced to terms of imprisonment of up to six months or to a year's forced labour on charges of "parasitism" or have been repeatedly detained for interrogation and intimidation.

In the summer and autumn of 1977 Karoly Kiraly, a member of the Hungarian minority who was an official in the Romanian Communist Party and until 1975 a member of its Central Committee, sent three letters to high-ranking Communist Party members in which he claimed that the Hungarian minority in Romania was being forcibly assimilated and was discriminated against in the fields of culture, education and employment. His protest was reportedly supported by Ion Gheorghe Maurer, a former Prime Minister of Romania, and seven prominent officials who were members of the Hungarian minority.

In February 1978 Karoly Kiraly was arrested in Tirgu Mures after copies of his letter had appeared in foreign newspapers and had begun to circulate amongst members of the Hungarian minority. Police afterwards conducted widespread searches for copies of his letter in the homes of members of the Hungarian minority. He and his family were shortly afterwards forced to move to Caransebes where they were kept under constant police surveillance. Although subsequently permitted to return to Tirgu Mures, Karoly Kiraly is said to be still under surveillance. Amnesty International learnt that in 1979 he was refused permission to travel abroad for medical treatment, even though he was apparently ill.

Early in August 1977, miners in the Jiu valley went on strike in support of a petition requesting that a recently introduced government pension scheme be withdrawn and that certain additional workers' benefits be provided and safety

standards set. According to reports from a number of sources, up to four thousand strikers were later dismissed from their jobs, many of them being transferred to other mines. Those who had played a prominent part in the strike, in particular a twenty-member delegation that went to Bucharest to request an audience with the Communist Party Central Committee, were arrested on their return and sent without trial to work in other districts where they were demoted and put under police surveillance. Government officials have denied there was a strike, although they admitted there were "problems" in August 1977 in the Jiu valley. They have also denied that leading strikers were forcibly resettled. Unofficially, however, it has been admitted that "a handful" of strikers were "banished". There are no formal provisions for "banishment" under Romanian law; however, in practice, it would appear that Decree 24/1976, which enables state bodies to allocate people to centres of production, can be used in effect to "banish" individuals. It is interesting, therefore, that Article 201 of the amended Law No. 5/1971 on "Identification Papers of Romanian Citizens and the Procedure for Change of Domicile and Residence" states that "for persons who are assigned or transferred to work for an undetermined period in another locality, where they are guaranteed housing, according to law, and where they live together with their families, the militia will put into effect a change of domicile to that area". According to Amnesty International's information, the miners thus "banished" have been assigned low-standard housing, described as "barracks". Furthermore, according to several sources, two strike leaders (engineers Ioan Dobre and Jurca) died shortly after the strike in circumstances that were never satisfactorily investigated by the police. Romanian officials have denied that Ioan Dobre died and have stated that he is studying at home.

In February 1979 a group of intellectuals and workers from Bucharest and Turnu Severin announced the foundation of a "Free Trade Union of Romanian Workers" (SLOMR). In their manifesto they drew attention to increased unemployment and to the forced retirement of dissenters on false psychiatric grounds. They called for improved working conditions and higher safety standards, an end to unpaid compulsory overtime and the abolition of special privileges for Communist Party members. This manifesto won support from workers in a number of major Romanian cities, including, allegedly, that of a previously clandestine union of "workers, peasants and soldiers" claiming over a thousand members from Mures county.

On 6 March, two days after the SLOMR declaration was broadcast on a foreign radio station, the telephones of the movement's two representatives, Dr Cana, a medical practitioner, and Gheorghe Brasoveanu, an economist, were cut off; and in the next few days a number of members were detained by the police. Dr Cana and Gheorghe Brasoveanu were arrested on 10 March 1979, reportedly after their relatives had been persuaded to sign declarations that they were insane, under threat that the alternative to confinement in a psychiatric institution would be a long term of imprisonment. Dr Cana and Gheorghe Brasoveanu are said to have been confined to Jilava Prison Psychiatric Hospital shortly afterwards. Dr Cana was subsequently sentenced to seven years' imprisonment (reduced to five and a half years on appeal). Nicolae Dascalu, a

SLOMR member who had announced that a number of Bucharest citizens had decided to apply to join Amnesty International, was sentenced to 18 months' imprisonment (reduced on appeal to 10 months) under Article 94 of the amended 1974 Press Law for having disseminated information abroad without legal authorization. A number of other members were sentenced to terms of imprisonment of up to six months on charges of "parasitism"—some of them have since been given passports to leave the country. Another SLOMR member, Eugen Onescu, was confined to psychiatric hospital (the Kula annexe of the Dr Marinescu Hospital in Bucharest) for three weeks.

Father Calciu, a Romanian Orthodox priest and professor at the Orthodox Theological Seminary in Bucharest, an acquaintance of Gheorghe Brasoveanu, was also arrested on 10 March 1979 and sentenced to 10 years' imprisonment. The Romanian authorities have since publicized the fact that he had been a political prisoner for 15 years (1949–1964) and have claimed that he had been a member of the Romanian fascist movement, the Iron Guard, even though he was only 13 in 1940. No evidence has ever been produced, however, to indicate that the grounds for Father Calciu's arrest and conviction in 1979 were his propagation of fascist ideology.

### 3. Legal Situation

#### (i) *The judiciary and the police*

Justice in Romania is administered by local courts, county courts (the Bucharest sectional courts and the municipal court have the status of local and county courts respectively) and the Supreme Court. Military courts which try military offenders are also competent in certain circumstances to try civilians: a number of people accused of "anti-state propaganda" or "fraudulent crossing of the frontier" are reported to have been tried by military courts. A number of minor offences including work and family disputes are tried by workers' judicial councils, composed of lay judges. The benches of local and county courts are composed of lay and professional judges who, like local and county state prosecuting authorities, are elected by People's Councils—local government bodies. The Supreme Court, whose members are all professional judges, is elected by the Grand National Assembly, which elects the Procurator General also. The Procurator's Office supervises the prosecution authorities and the courts, and ensures the observance of the law by official bodies and citizens alike as well as the "defence of the socialist order".

In December 1977 the Romanian press published a series of proposals adopted by a national conference of the Romanian Communist Party on the improvement of the "legislation of the Socialist Republic of Romania, the activity of Organs of Justice and of the Ministry of the Interior and on new measures to develop socialist democracy". These proposals included expanding the competence of workers' judicial councils, removing from the penal code "certain less socially dangerous offences", to be punished instead by "disciplinary, administrative or other measures" imposed "by leading bodies or units" (presumably local Communist Party bodies and People's Councils) and increasing the Procurator's powers at the criminal investigation stage.

The police consist of two bodies: the *militie*, responsible for normal policing functions, and the *securitate*, the political police, organized on military lines, responsible for the security of the state. State, party and *securitate* organs work in close, if not always harmonious, collaboration, as was revealed in a remarkable statement by Mr Ceausescu at a meeting of Bucharest party activists on 15-18 July 1967 at which he reportedly announced a reform of the *securitate*, on the grounds that it had abused its powers and achieved independent power beyond the control of the party. On this occasion he promised that in future "no citizen can be arrested without a proper case against him and also no activist or party member can be arrested without the approval of the party organs".

*(ii) Legislation under which prisoners of conscience may be imprisoned or ordered to do forced labour*

The current penal code was promulgated in 1969, since when it has been modified a number of times. Perhaps the most important change (in the context of this paper) has been the provision of an alternative to imprisonment (at the judge's discretion) in the form of "corrective labour without loss of liberty". This penalty was introduced by Law Number 3 in 1973 for crimes punishable by not more than two years' imprisonment (three years' imprisonment since 1977). Romanian legislators stress the humanitarian and educational aspects of "corrective labour". It should, however, be noted that this penalty entails serious restrictions on freedom of movement, as well as a reduction of salary and loss of holidays. A new penal code has been pending since 1977. In addition to the provisions of the penal code there are a number of state decrees including Decree 12/1965, Decree 153/1970, Decrees 24 and 25/1976 and the Press Law of 1974 (amended 1977) which have been used to punish dissenters.

The current penal code contains certain articles which explicitly restrict the exercise of internationally recognized human rights. For example, Article 166 makes "Propaganda against the Socialist State" punishable by five to 15 years' imprisonment. Since 1975 Amnesty International has learnt of a number of cases in which people charged under this article were not sentenced to imprisonment but were forcibly confined to psychiatric hospitals.

Article 245 makes "fraudulent crossing of national boundaries" punishable by six months' to three years' imprisonment. The right of people to leave their own country is severely restricted in Romania. Amnesty International regularly learns of cases of individuals who, having been refused official permission to emigrate or travel abroad, have tried to leave Romania illegally and been sentenced under this article. Among such cases recently taken up by Amnesty International is that of Florin Preda, a 27-year-old telegrapher from Bucharest. In May 1979 he crossed the border into Yugoslavia, reached the United Nations High Commission for Refugees offices in Belgrade but was then handed over to the Yugoslav police and sent back to Romania, where in September 1979 he was sentenced to two years' imprisonment.

*Ordinary criminal charges commonly brought against dissenters*

In recent years there has been a tendency to sentence people who have tried to exercise their human rights in ways not approved by the authorities on what Amnesty International believes to be false criminal, rather than overtly political,

charges.

For example, Article 200 of the penal code makes "sexual relations between persons of the same sex" punishable by one to five years' imprisonment. Amnesty International knows of a number of cases of people charged under this article where there are strong reasons to believe that the charge was unfounded and/or politically motivated. This view is supported by the repeated claims by individuals detained by the state security police that during interrogation they had been threatened with charges of homosexual acts. A case in point is that of Gheorghe Rusu, an economist from Tirgoviste, who in 1977 applied to emigrate to France in order to join his wife and child there. In March 1978 two plainclothes police officers came to his house claiming to be members of a government emigration commission and requested him to accompany them to Bucharest in order to complete the necessary emigration formalities. On arrival in Bucharest, Gheorghe Rusu was informed that he had been arrested on charges of homosexual acts. He was held in preventive detention for six months, in the course of which he was sent to Jilava Prison Hospital with fractured ribs after being attacked by other prisoners (allegedly at the instigation of officials). On 22 September 1978 he was acquitted by the Bucharest court of Sector 6 for lack of evidence. The Procurator's office of Sector 6 however appealed against the court's decision and he was later sentenced to three years' imprisonment at the appeal hearing.

Article 321 of the penal code makes "outrages against morality and disturbance of the public peace" punishable by three months' to two years' imprisonment and up to five years for "seriously disturbing public peace". Those who take part in unauthorized demonstrations are liable to be charged under this article.

In September 1978, Nicolae Jeleu and Paul Chiracu barricaded themselves together with their families into the Chiracu flat in Bucharest after their applications to emigrate had been refused. Posters on their windows announced that they had gone on hunger-strike in order to be allowed to emigrate. Two days later they were arrested; Nicolae Jeleu and Paul Chiracu were sentenced to two years' and to three and a half years' imprisonment respectively on charges of "seriously disturbing the public peace".

Decree 153/1970 deals with "establishing and punishing violations of the code of social behaviour, order and public peace". A high proportion of the cases which have come to Amnesty International's attention in recent years have been those of individuals sentenced under this decree which provides for up to six-month prison sentences or fines for a range of "anti-social" or "parasitical" acts, many of which are defined in very general terms, for instance, "The creation, support or membership of groups which demonstrate a parasitic or anarchistic way of life by their behaviour, contrary to the basic rules of decent conduct, and which are alien to the principles of socialist communal life". The key feature of this decree is that it provides for a *summary* and basically *administrative* procedure by which these penalties may be imposed, which is subject only to limited judicial supervision. The role of the (single) judge is not to assess the facts in the case—which have been "established" in a formal report by the administrative authorities or the militia—but to ascertain whether the

proper procedure has been followed and whether the facts—as established in the report—support the contention that an offence has been committed. This procedure does not permit the right of legal defence for the accused. Reports received by Amnesty International show that this procedure has frequently been used to penalize:

1. Romanian citizens who are involuntarily unemployed through having been dismissed from their jobs as a reprisal for having applied to emigrate;
2. religious dissenters who have held private prayer meetings in their homes or who have attempted to hold religious services at times or places not officially authorized by authorities;
3. signatories to appeals drawing attention to violations of human rights in Romania.

Decree 24/1976 deals with "the recruitment and allocation of manpower", and Decree 25/1976 deals with "the assignment of able-bodied persons to useful employment". Under these decrees all able-bodied people who have reached the age of 16 years and are not having any form of education or training and are unemployed are required to register so as to be given employment, and otherwise fined; anyone refusing to take a job may be obliged by a final and enforceable court order to work for a year on a specific work site, which need not necessarily be near where the person lives. Compliance with the court order is to be enforced by the police authorities. The International Labour Organisation (ILO) in its 1979 survey on the Abolition of Forced Labour has noted the incompatibility of these decrees with the 1930 and 1957 Conventions on Forced Labour and the Abolition of Forced Labour. Romanian authorities have stated that under the constitution, every citizen has the right as well as the duty to work. They have claimed also that there is no legal means of forcing anyone to work who refuses to do so. It is Amnesty International's view that the above decrees effectively provide a legal sanction against people declining to work, moreover that these decrees have on occasions been applied in such a way as to penalize people who have not refused to work, but sought to exercise their human rights in ways disapproved of by the authorities.

Cases taken up by Amnesty International include those of seven individuals who in the summer of 1977 wrote to a representative of a foreign government criticizing human rights violations in Romania. They were dismissed from their jobs and the same day ordered by a court to a year's forced labour on the Black Sea-Danube canal under Decree 25/1976. Here they were kept under surveillance and obliged to report at intervals to the police. Following international publicity, they were later released and given passports to leave Romania.

In January 1979, Ludovic Osvath, a Hungarian Baptist from Zalau, was dismissed from the job he had been doing for the past 14 years after he had repeatedly protested against his expulsion from the official Baptist Union for his membership of the ALRC. In June 1979, after making further protests, he was ordered to a year's forced labour on a construction site in Zalau.

### *Conscientious objection*

Military service is compulsory under the constitution, and there are no legal provisions recognizing the right to refuse to serve in the armed forces on grounds of conscience. Article 348 of the penal code makes evading military service punishable by from six months' to five years' imprisonment or from three to 10 years' imprisonment in wartime. Romanian authorities have stated that members of certain religious denominations are in practice allowed to perform non-combatant administrative military service.

At the time of writing, Amnesty International has taken up the cases of four members of the unofficial Reformed Seventh Day Adventist Church who have been sentenced, on charges of insubordination, to terms of imprisonment varying from three to four years for conscientiously objecting to military service on Saturdays.

### *(iii) Legal/administrative procedures*

#### *a) Custody and pre-trial detention*

The period spent in police custody can last 24 hours, after which it must be replaced by arrest (Articles 143 and 144 of the Code of Criminal Procedure). Arrest pending trial can be ordered only by the Procurator or the judiciary. According to a statement by the Romanian Government to the United Nations Human Rights Committee in July 1979, people may be held in pre-trial detention for up to a month, but the Procurator or judiciary may extend this by four further month-long periods. In a number of cases known to Amnesty International, this five-month period has been exceeded. Amnesty International has also received reports of arrests carried out without a warrant by plain-clothes state security police. The prosecuting authorities may prohibit a person held in preventive detention from contacting his or her defence counsel for 60 days. In practice, some prisoners of conscience have reported that they were denied contact with their defence counsel or were not permitted to engage a lawyer of their choice but instead forced to accept the services of a state-appointed lawyer.

Under Romanian law, the extraction of confessions by force from the accused is a punishable offence. However, Amnesty International has repeatedly heard of people being savagely beaten with fists, leather belts or truncheons while in preventive detention or being physically or psychologically maltreated in other ways in order to get them to make self-incriminating statements. The organization has received several reports about people being severely ill-treated in the Calea Rahovei detention centre and in state security headquarters in Beldiman Street in Bucharest. One prisoner was allegedly beaten unconscious while being compelled to drink methylated spirits by means of a funnel forced down down his throat; another was deprived of sleep for four days and nights in order to extract a confession from him. A number of people who have been repeatedly arrested and held in custody for short periods have reported that they were threatened by state security police with "a car accident" or confinement in a psychiatric institution.

#### *b) Conduct of trials*

Article 290 of the Criminal Procedure Code states that trials are to be public,

unless this would be "prejudicial to the interests of the State, socialist morality or the dignity or private life of a person", in which case the court may, at the request of the Procurator or of the parties or of its own accord, announce that the whole or any part of the proceedings will be held *in camera*. Amnesty International believes this provision is open to abuse. The organization has received reports of political trials held *in camera*, and of trials in which the accused or their defence counsel were prevented by the judge from fully presenting their cases. There have also been numerous complaints by people charged under Decree 153/1970 (see above, page 9) which permits summary trial in some cases reportedly lasting no more than 15 minutes.

Political trials are only very rarely reported by the Romanian news media and the general public has almost no opportunity of getting to know about the details of such cases, except through foreign broadcasts.

#### *c) Release procedure*

When half a sentence has been served, its duration is subject to review. Prisoners whose work and conduct have satisfied the prison authorities are eligible for remission of up to a third of their sentence. Under the Romanian Constitution, the Grand National Assembly and the State Council are empowered to grant amnesties. Pardon (in individual cases) may be granted by the President of the Republic.

### **4. Confinement of Prisoners of Conscience in Psychiatric Institutions**

#### *Legislation and legal procedures for commitment and release*

Romanian law provides for a criminal and a civil procedure whereby people defined as mentally ill may be committed to psychiatric hospital. Dissenters have been forcibly confined to psychiatric hospitals under both of these procedures for the non-violent exercise of their human rights rather than for genuine medical reasons.

*Article 114 of the penal code* stipulates that: "If the offender is mentally ill or is a drug addict and his condition represents a social danger, he may be interned in a specialized medical institution until his recovery. This measure can also be provisionally applied during penal proceedings or trial". Certain prisoners of conscience known to Amnesty International who have been confined to psychiatric hospitals under Article 114 of the penal code have been charged with non-violent political offences, usually "anti-state propaganda" or having attempted to leave the country without official permission.

*Decree 12/1965 (civil procedure)* states that "dangerously mentally ill" people may be forcibly confined to psychiatric hospital or, alternatively, ordered to undergo psychiatric treatment—free of charge—as outpatients. "Dangerously mentally ill persons" are defined as those who "endanger their own or other persons' lives, health or physical well-being or who may be about to commit grave acts proscribed under penal laws" or who "repeatedly and seriously disrupt the normal living and working conditions of other people". The decision to confine a person to psychiatric hospital is taken by a civil court on the basis of medical diagnosis and recommendation.

Article 4 of Decree 12/1965 also provides for "provisional confinement as a

measure preceding confinement for medical treatment on the basis of a decision by the procurator and, in urgent cases, by health agencies". The decision whether to release someone from compulsory psychiatric confinement is taken by the court, on the basis of psychiatrists' recommendations.

Amnesty International knows of various prisoners of conscience who were already confined to psychiatric hospital before their cases came to court, on the grounds that they were "about to" commit "grave crimes"—although as far as Amnesty International knows, none of them had a violent record. In many cases political considerations rather than medical criteria have been the basis for psychiatrists' recommendations to a court, and for the court's decision. Psychiatric examination has reportedly consisted largely of interrogation about the individual's attitude to socialism, political leaders and work in a socialist society. On the basis of such an examination, dissenters have commonly been diagnosed as suffering from "paranoia", "schizophrenia" and "oligophrenia". To be released, prisoners of conscience have often had to make statements renouncing their political views and in a number of cases have been obliged to sign statements undertaking not to disclose details of their treatment.

Prisoners of conscience confined to psychiatric hospital under Decree 12/1965 are normally committed to ordinary psychiatric hospitals, which are administered by the health authorities. The forcibly committed inmates are not permitted to leave. Those charged with an offence under the penal code have been sent to the psychiatric wards of hospitals in prisons, for example to Jilava Prison psychiatric ward, or to special psychiatric hospitals for the incurably mentally ill and for mentally ill criminals, such as the Dr Petru Groza Hospital in Bihor, which resembles a maximum security prison.

Prisoners of conscience have reported being made to take large doses of drugs, often sedatives, usually plegomazin, mazeptil, haloperidol, droperidol, meprobamate and phenobarbital. These have produced apathy, given them headaches and caused psycho-motoric disturbances, circulatory, blood, stomach and liver disorders, Parkinson's syndrome and acute depression. Patients who have protested about confinement or their treatment in hospital have reportedly been beaten by hospital staff, denied normal food rations, outdoor exercise for periods of up to several months and contact with their families. Amnesty International has heard that prisoners of conscience have also been given electric shock treatment (ECT).

Prisoners of conscience have normally been separated from each other and put in rooms with the genuinely mentally ill. In addition they have reported generally getting poor food and often being kept in extremely insanitary conditions, which in some cases have caused hospital epidemics. Prisoners who have not had the money with which to obtain favours from hospital staff have suffered particularly harsh treatment.

When released from psychiatric confinement, prisoners of conscience have in many cases been forced to retire, or allowed only to perform manual labour. Under Article 113 of the penal code and under the provisions of Decree 12/1965, they are also frequently obliged to report regularly to psychiatric hospital for "treatment". Hospitals where prisoners of conscience are known to have been confined include Jilava Prison Hospital, the Dr Petru Groza Hospital, the



Dr Marinescu Number 9 Hospital in Bucharest, and hospitals in Poiana Mare, Sighetul Marmatiei, Bistrita, Gataia, Urlati, Cimpina Voila and Constanta.

The following are some of the 40 cases reported to Amnesty International of people who have been forcibly confined to psychiatric hospital for their non-violent exercise of their human rights.

In March 1975, Janos Török, a textile worker from Cluj and a Communist Party member, criticized the election system for representatives to the National Assembly at a Party meeting at his place of work. He was immediately arrested by state security officers and is reported to have been severely beaten during prolonged interrogation. He was subsequently confined to the Dr Petru Groza Hospital, as dangerously insane, where he was forcibly injected with heavy doses of plegomazin. On 3 March 1978, he was released on condition that his wife agree to sign a document making her her husband's legal guardian on the grounds of his alleged mental ill-health. Since then he has been under house arrest in Cluj and may leave his home only once a month when he has to report to a psychiatric clinic.

In 1969, Vasile Paraschiv, an employee at a petrochemical plant in Ploiesti, was confined to the psychiatric hospital of Urlati after he had criticized work conditions in Romania and protested at the harassment he had suffered as a result. He immediately went on hunger strike and was released after five days. During 1976, he was confined to the psychiatric hospital of Voila Cimpina for three weeks, where he was diagnosed as suffering from psychopathic paranoia and persecution complex after he had appealed to Communist Party authorities complaining about injustices at work. In February 1977 he signed Paul Goma's human rights appeal and was threatened with further psychiatric confinement. At the end of 1977, he was given a passport and travelled to France, where he publicized his treatment and underwent an independent psychiatric examination which confirmed that he was not mentally ill. Later that year he returned to Romania. In February 1979 he was arrested in Bucharest where he went to announce his support for an unofficial "Free Trade Union of Romanian Workers". He was reportedly beaten, accused of being a member of "Al Fatah", and subsequently released. Since then he has not corresponded or communicated with friends and relatives abroad, and it is feared that he may once again have been forcibly confined.

Between 1972 and 1977 Gheorghe Brasoveanu was confined to psychiatric hospital four times for periods lasting several months, after criticizing the nature of church-state relations and violations of human rights in Romania. In February 1979, he founded the "Free Trade Union of Romanian Workers" together with Dr Ionel Cana and a group of workers and intellectuals from Turnu Severin and Bucharest. On 10 March 1979, both men were arrested and were later reported to have been confined to the psychiatric section of Jilava Prison Hospital. In June 1979 Dr Cana was sentenced to seven years' imprisonment (reduced to five and a half on appeal). (See page 6.)

Since 1978 Amnesty International has learned of a number of instances of people who have publicly demonstrated or gone on hunger-strike in support of their demand to emigrate being confined to psychiatric hospital under

Decree 12/1965 for as long as six weeks. Such cases have included those of Eugen Onescu, Cristian Liutiev, Gheorghe Vasiliu and Mircea Camil Panaitescu from Bucharest, Liviu Manta from Medias, Dumitru Muresan from Bistrita Nasaud, Daniela Bezdeanu from Ploiesti and Ion Ionescu from Resita. Eugen Onescu, before being sent to psychiatric hospital, was visited at home by doctors from the Dr Marinescu Hospital. They forcibly injected him for what they called "psychiatric symptoms". These injections caused him severe muscular pains and headaches for several days afterwards. The Romanian authorities have denied that psychiatry is abused in the country for political ends and have supplied Amnesty International with details on some of the cases cited by the organization which, in some instances, conflict with information obtained by Amnesty International elsewhere. However the evidence available from a number of reliable sources is such that Amnesty International is forced to conclude that there has been persistent abuse of psychiatry in Romania.

#### 5. Number of Prisoners

It is not possible to estimate reliably how many prisoners of conscience are serving sentences of imprisonment, forced labour or are confined to psychiatric hospitals in Romania. Official statistics on imprisonment generally are not available; moreover, Romanian law does not recognize political prisoners as a distinct category. Arrests, detention and convictions in political cases are only very rarely announced publicly. Strict censorship of private correspondence and telephone conversations effectively restricts the communication of information on such matters; and often reprisals have been taken against those who have spoken out about them. Amnesty International therefore believes that the number of prisoners under adoption or investigation by the organization represents only a fraction of the prisoners of conscience in Romania.

#### 6. Location of Prisons

During the past decade the majority of prisoners of conscience known to Amnesty International have served their sentences in the prisons of Timisoara, Gherla, Aiud, Galati, Constanta, Poarta Alba, Rahova, Jilava and Vacaresti (the last was closed in 1973). Since the amnesties of 1976 and 1977 (affecting some 28,000 people) political prisoners adopted by Amnesty International have not, as far as the organization knows, been detained in the notoriously harsh underground prison of Jilava, although some have spent periods in Jilava Prison Hospital, including its psychiatric section. A number of prisoners of conscience have been held for interrogation in the state security detention centre in Calea Rahovei, Bucharest.

#### 7. Prison Conditions

Prison conditions in Romania as described by former prisoners are inadequate and fall well below the United Nations Standard Minimum Rules for the Treatment of Prisoners. It would appear that conditions in Aiud and Timisoara prisons are particularly poor.

**Accommodation**

Political prisoners are not recognized as a separate category and share cells with common criminals. In some prisons it has been the practice to separate those sentenced for attempting to leave the country illegally from other prisoners. Cells vary greatly in size, from large rooms accommodating over 50 people in tiered bunks, to small cells containing three or four prisoners. Inmates have reported severe overcrowding, insanitary conditions, poor ventilation and inadequate heating (sometimes by means of small insufficiently fuelled brick stoves).

**Work**

Article 56 of the penal code states that male prisoners under 60 and female prisoners under 55 are required to work. Prisoners who are older than this may choose whether or not to work. Former prisoners have complained of long working hours (up to 10 hours daily, including Saturdays), high norms and very low pay. Some prisons have their own workshops (as at Gherla which produces furniture and basket-work); Timisoara Prison sends convicts out to work, mainly on building sites, or, in the case of women, to local canneries. It has been reported that guards have often beaten prisoners who have failed to achieve their work norms.

**Exercise and Health**

Fifteen minutes' exercise a day appears to be the rule, although at Gherla the exercise period is longer and prisoners may engage in sporting activities. A generally poor and inadequate diet, extremely deficient in meat, fresh vegetables and fruit, combined with long working hours and often insanitary conditions place a heavy burden on the prisoners' health. It appears that they are often obliged to seek medical attention from doctors among their fellow-prisoners rather than from prison medical staff, who give most of their attention to prison personnel. Seriously ill inmates are frequently sent to Jilava Prison Hospital.

**Contact with families**

Prisoners are subjected to a variety of regimes. The most favourable includes the right to send a card to their families and to receive from them a letter, a five-kilogram parcel and a 15-minute visit once a month.

**Punishments**

Punishments include deprivation of visits, letters and parcels from relatives, solitary confinement (for up to 15 days) and strict isolation (for up to 10 days--which can be extended, with the approval of the prison director and doctor, to 20 days).

**Maltreatment**

Former prisoners report that the maximum permissible isolation period has in some instances been exceeded, that prisoners placed in strict isolation have been deprived of beds and obliged to sleep on a concrete floor with only a blanket for covering, and have received food only every other day. There have also been reports of prisoners being chained by the hands and feet to the cell wall or floor for as long as 10 days. Prisoners of conscience, particularly

religious prisoners, have been beaten by guards and by other prisoners, at the instigation of the prison authorities. Amnesty International has received information indicating that a number of political prisoners have been savagely beaten during pre-trial detention, and that the state security police, who are known to enlist the services of boxers from the Bucharest Dynamo sports club, are particularly notorious in this respect.

**8. Released Prisoners**

Reports received by Amnesty International suggest that a number of prisoners of conscience are in poor health when released, as a result of the privations and hardships of prison life. They are likely to find great difficulty in getting the jobs for which they are qualified, and so may be forced to do menial, poorly paid work. Those who remain unemployed may be assigned to work which is not of their choosing, far from home. Some prisoners have been obliged on release to report regularly to the local police, and in the case of prisoners of conscience released from psychiatric hospitals, to report regularly to a psychiatric clinic for treatment. In addition, former prisoners of conscience have complained of harassment and continued police surveillance.

**9. Death Penalty**

Under the 1969 penal code 28 crimes carry a discretionary death sentence, with an alternative penalty of 15 to 20 years' imprisonment. Offences against territorial integrity and national sovereignty, state security and national defence as well as treason, espionage, particularly serious cases of homicide, serious forms of embezzlement and misuse of public property and hijacking aircraft with very grave consequences are all punishable by death. According to a submission by the Romanian Government to the United Nations Human Rights Committee in July 1978, no one has been executed solely for offences against state property since 1963. The death penalty cannot be imposed on people under 18 when the offence was committed, on a pregnant woman or on the mother of a child under three when the offence was committed or judgment pronounced. It is reported that the number of offences punishable by death in the pending penal code has been considerably reduced, and that this penalty will be used only in exceptional cases and as an alternative in cases of homicide, treason, espionage and hijacking aircraft (when this has particularly serious consequences). Reportedly it will no longer be used for economic offences.

**10. Other Violations of Human Rights**

In addition to being punished by imprisonment, forced labour or confinement in psychiatric institutions, known dissenters are liable to suffer a number of extrajudicial forms of repression, including demotion at work and dismissal from work. Dismissal is often the fate of those who have applied or said they want to emigrate, and of citizens with responsible jobs in education, industry, medicine and administration who decline to swear an oath to serve their country and to devote themselves to the achievement of the policies of the Communist

Party and the State. Such people may subsequently be further punished for "parasitism".

Young men who apply to emigrate or travel abroad are liable to find themselves drafted into special military units which perform heavy manual labour. The children of dissenters or of parents whose political or social origin is regarded as undesirable by the authorities may suffer educational discrimination, in particular at university level.

Other forms of harassment and persecution include police surveillance, repeated threatening telephone calls, mail interception, telephone tapping or even physical assault in the street by unknown people. Repeated short-term detention for interrogation during which the victim may be beaten or threatened is also frequently reported. Applicants to emigrate to join spouses abroad have been subjected to pressure to start divorce proceedings.

#### 11. Action by Amnesty International

- 1) At the time of writing, Amnesty International groups have worked on behalf of 61 adopted prisoners of conscience and nine investigation cases. Groups have continuously publicized the cases of prisoners of conscience in Romania and have appealed to the Romanian authorities for their release.
- 2) In the autumn of 1978 Amnesty International launched an international campaign against human rights violations in Romania and published detailed information documenting its concerns.
- 3) In February 1979 an Amnesty International delegation visited Romania at the invitation of the Romanian Association for International Law and International Relations. The delegates met the President of the Romanian Association for International Law and International Relations, the Deputy Minister of Justice, the Deputy Procurator General and a number of high officials from the Ministries of Justice, the Interior and Health. There were also meetings with religious leaders, trade union officials and official representatives of the Hungarian and German minorities. During these talks, the delegation explained how Amnesty International functions and discussed its concerns in Romania. Following the visit, Amnesty International submitted a memorandum to the Romanian Government summarizing these talks and drawing attention to further cases of prisoners of conscience adopted since the delegation's visit. The organization has also requested a second mission to investigate in particular the abuse of psychiatry in the country. At the time of writing, the Romanian authorities had not yet responded.
- 4) In September 1979 Amnesty International raised the issue of abuse of psychiatry in Romania in an oral statement to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities.
- 5) In 1974 Amnesty International appealed against the death sentence imposed on Richard Szattinger who was charged with industrial espionage. In 1975 his sentence was commuted to 18 years' imprisonment and in 1977 he was released. In September 1976 Amnesty International appealed

against death sentences passed on Nicolae Ilies and Bogdan Iordanescu, both charged with economic espionage. In November 1976 these sentences were commuted to life imprisonment.

These papers are intended to summarize available information on political imprisonment, torture and the death penalty in a single country or territory governed by a specific political authority. They are designed to be concise and factual and are written primarily for reference purposes.

Since Amnesty International is limited by its statute to act only in specific human rights situations, reference is made to the political, economic and social situation in each country *only where this had direct relevance to particular human rights problems*. The information contained in each paper is accurate at the time of publication.

**AMNESTY INTERNATIONAL** is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed "*prisoners of conscience*".
- It advocates *fair and early trials* for all *political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

**AMNESTY INTERNATIONAL** acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

**AMNESTY INTERNATIONAL** has over 2,000 adoption groups and national sections in 39 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 86 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

**AMNESTY INTERNATIONAL** has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

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