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EXTERNAL

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ROMANIA

Alleged torture of 10 year old boy by police

Amnesty International's concerns:

Amnesty International (AI) is concerned that a 10 year-old boy, Costica (not his real name), has been reportedly tortured by police officers in Basarabi, a town in the east of Romania. If confirmed, this would represent a violation of Romania's international treaty obligations including Article 7 of the International Covenant on Civil and Political Rights, Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms and the UN Convention on the Rights of the Child, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Background:

According to reports received by Amnesty International, at around 10pm on 25 June 1997, in Basarabi, 14 kilometres from Constanța, 10-year-old Costică was apprehended by two policemen in a kiosk which he had entered through a hole in the roof. The owner of the kiosk, who arrived shortly before the police and established that two ice-creams were missing, allegedly pulled the boy by the ears, reprimanding him for the break-in. The police patrol took Costică, on suspicion that he was also implicated in a number of other burglaries in the neighbourhood, to five or six addresses, asking people if they recognized the boy. When he was asked for his home address, Costică gave the name of the street but omitted to say that he lived in Constanța. He was then taken to a street with the same name in Basarabi. After Costică failed to recognize his home the officers became angry. They questioned him about other people who were involved in the break-in and stopped the car at a bridge and held him by his head and legs suspended over the railing, threatening to drop him. Costică was then taken to the police station where in the course of an interrogation he was told to take off his underpants and bend over with his head reaching his knees. He was beaten with a truncheon and punched and kicked. Later a sheet of paper was put on the palms of both hands which were then repeatedly struck with a truncheon. Costică claims that the three officers who took part in the beating were Sergeant R¹, an officer who drove the police vehicle, and a public guard. Two women who wore gendarme or guard uniforms were present during a part of the beating. Sergeant R reportedly threatened Costică with his gun and also threatened to subject him to *rotisor* (a well-known torture

¹ The full names of the police officers are known to Amnesty International

method where the detainee, whose hands and feet are tied, is suspended on a pole between two chairs and then beaten, causing the body to swing). After the beating he was asked for his home telephone number and he was taken into a bare room with a concrete bed.

Costică's mother spent the afternoon and evening searching for her son. She had checked the hospitals and the municipal police before giving his photograph to the local newspaper to be published on the following day with an article on his disappearance. At 3.30am she received a telephone call informing her that her son was at Basarabi police station. When she arrived at the station an hour later and saw that her son's hands were swollen and that there was an injury on the top of his head, Costică's mother asked for an explanation and to speak to the commander. However, she was not allowed to wait in the station for the commander to arrive in the morning. The full extent of Costică's injuries became apparent only after he arrived home and was undressed, revealing countless weals on his buttocks and thighs. At 7am he was taken to a forensic medical expert who issued a certificate describing in detail injuries that the boy had suffered all over his body.

Photograph of Costică taken following ill-treatment.

He was also photographed the same morning before his mother took him to Basarabi Police Station where he told Commander Mitocaru Vasile how he had been beaten.

On 27 June 1997 Costică was admitted to the Constanța County Hospital where he was treated for three days. A neurologist advised a full examination of the boy's head injuries. This only took place on 20 August when it was established that he had suffered "a generalized swelling of the brain". The same month a psychiatric examination was also carried out after the boy started suffering from facial ticks, vertigo attacks and manifestations of personality disorders.

On 4 July 1997 Costică's mother filed a complaint with the Constanța Military Prosecutor about the torture of her son. An investigation is in progress. She had not been aware of any criminal proceedings against her son until in September she received a document from the public prosecutor informing her that an investigation for theft had been suspended because Costică is a minor below the age of 14 and criminally not liable under Romanian law.

Amnesty International's recommendations:

As a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania is bound to initiate a prompt and impartial investigation whenever an individual has alleged that torture or other ill-treatment has occurred or, even if no complaint has been made, there are reasonable grounds to believe that such ill-treatment has occurred. Also as a party to the European Convention on the Rights of the Child, Romania is bound to protect children from torture and inhuman treatment. Amnesty International urges the Romanian authorities to ensure that the investigation into the reported torture of Costică is carried out promptly, impartially and thoroughly, that the findings are made public and that any law enforcement officer who is found responsible for violating human rights is brought to justice. Amnesty International also urges the Romanian authorities to ensure that all police officers receive adequate training with emphasis on human rights.