

UA 13/99

Health concern/Prisoner of conscience

19 January 1999

ROMANIACornel Sabou, journalist

Journalist Cornel Sabou has been sentenced to 10 months' imprisonment for libelling a judge. He is on hunger strike in protest. Amnesty International is concerned that the harsh sentence violates his right to freedom of expression.

In April 1997, Cornel Sabou and Dan Pârc_lab reported in the newspaper *Ziua Nord-Vest* (Days of the North West) that a group of people from the village of M_nâu, in Baia Mare county, claimed that the mother of the President of the local court had dishonestly obtained property from them. The President filed a libel complaint against Cornel Sabou and Dan Pârc_lab, in her own court, under Article 206 of the Romanian Penal Code. At the first hearing, which was scheduled unusually quickly, within 10 days of the complaint being filed, Cornel Sabou and Dan Pârc_lab asked for a postponement to allow them time to hire a lawyer. Before granting this motion the court heard the testimony of the complainant. Afterwards the complainant asked the court to transfer the case to a court in N_s_ud. On 15 December 1997 this court sentenced Cornel Sabou to 10 months' imprisonment and fined Dan Pârc_lab 500,000 lei (US\$57), and awarded the complainant damages of 30,000,000 lei. On 3 April 1998, the Bistri_a-N_s_ud court rejected the journalists' appeal. In July they wrote to the Minister of Justice and the General Prosecutor of Romania urging them to file an extraordinary appeal to annul their conviction.

On 20 August 1998 Cornel Sabou was arrested and taken to Baia Mare penitentiary to serve his sentence. He was released on 12 October 1998 following a court decision that the execution of his sentence should be suspended for three months for family reasons (the birth of his third child). Cornel Sabou requested another suspension of his sentence on the grounds that he is receiving medical treatment for tuberculosis. The court reportedly rejected this request because treatment for tuberculosis is available in the Jilava prison hospital. Cornel Sabou could therefore be reimprisoned at any time. Should he be reimprisoned he will be considered a prisoner of conscience and Amnesty International will call for his immediate and unconditional release.

In 1997, the International Committee of the Red Cross and the World Health Organization warned that TB had become a major health hazard for prisoners. The threat was, they said, compounded by the spread of HIV in prisons, which increases the risk of death from TB, and by the development of drug-resistant, often incurable, forms of the disease. They urged the implementation of effective TB control as a matter of urgency.

Cornel Sabou went into hospital on 15 January 1999 for treatment for tuberculosis. At the same time he began a hunger strike, refusing to take food or water. He is protesting against the persecution to which he has been subjected for exercising his right to freedom of expression.

BACKGROUND INFORMATION

Article 206 of the Romanian Penal Code forbids "public affirmation or imputation of a specific act to a person which, if real, would expose that person to a penal, administrative or disciplinary sanction or to the public contempt". Such acts are punishable by imprisonment of three months to one year, or by a fine.

Amnesty International believes that imprisonment for criticism of public officials can lead to infringements of the right to freedom of expression protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), as well as Article 10 of the European Convention on Human Rights and Fundamental Freedoms (ECHR). Romania has ratified these international human rights standards and is obliged to uphold them. A public official who believes he or she has been defamed can resort to civil actions which anyone can resort to protect their reputation. However, such actions should not be used to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of state authorities.

RECOMMENDED ACTION: Please send faxes/express/airmail letters in English, French, Spanish, German or your own language:

- urging the Romanian authorities to reconsider the case of Cornel Sabou and to ensure that he is not reimprisoned;
- appealing to the Romanian authorities to amend the Penal Code in order to ensure that its provisions are consistent with international human rights standards.

APPEALS TO:

President
 D-lui Emil Constantinescu
 Excelen_ei Sale
 Pre_edintele României
 Palatul Cotroceni
 Bd. Geniului 1
 76238 Bucure_ti
 Romania
Fax: +40 1 411 31 31 or 410 42 50
e-mail: guv@kappa.ro
Salutation: Dear President

Prosecutor General
 Dr Mircea Criste
 Procuror General al României
 Bd. Unirii Nr 2-4
 76105 Bucure_ti
 Romania
Fax: + 40 1 410 54 35
Salutation: Dear Prosecutor General

COPIES TO:

Minister of Justice
 D-lui Valeriu Stoica
 Ministru al Justi_iei
 Bd. M. Kog_lniceanu 33
 70602 Bucure_ti
 Romania
Tel: + 40 1 315 53 89
Salutation: Dear Minister

Foreign Minister
 D-lui Andrei Ple_u
 Ministru Afacerilor Externe

Aleea Modrogan 14
71274 Bucure_ti
Romania

Fax: + 40 1 230 79 61

Salutation: Dear Minister

and to diplomatic representatives of Romania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 2 March 1999.