

EXTERNAL (for general distribution)

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Legal concern/Fear of ill-treatment

22 April 1993

ROMANIA:

Mirel Ciprian Cucu, 17

Milorad Muta_cu, 22

Amnesty International has recently learned and is concerned that Mirel Ciprian Cucu and Milorad Muta_cu have been arrested and charged solely for their homosexuality. The organization is further concerned that Milorad Muta_cu, who is still in detention pending trial, may be subjected to torture or ill-treatment.

Mirel Ciprian Cucu and Milorad Muta_cu were arrested on 22 January 1993 in Sînnicolau Mare, near Timi_oara, and placed in preventive detention. Mirel Ciprian Cucu has been charged under Article 200 paragraph 1 of the Romanian Penal Code and faces a possible prison sentence of one to five years for "having sexual relations with a person of the same sex". He was released after two months' detention and is now awaiting trial. Milorad Muta_cu has been charged under the same article, paragraph 2, for homosexual relations with a minor and faces a possible prison sentence of two to seven years. He is being held in preventive detention pending trial.

Mirel Ciprian Cucu reportedly met Milorad Muta_cu in late November 1992 through an advertisement he had placed in the newspaper Publitim, asking to meet someone interested in "long-term friendship". The two men lived together in Timi_oara in the apartment of Milorad's family. On 5 January 1993 they moved to a room in Sînnicolau Mare where they were arrested on 22 January 1993.

An article in the official police newspaper, Tim-polis, described the reason for the arrests exclusively in terms of the two men having had consensual sexual relations in private in a relationship which, without distinguishing between the ages of the two young men, was described as representing a danger to society. To this end the police newspaper vilified the younger man in particular as a "social danger" for initiating the relationship, while characterizing the two as "youths out of the control of society". Tim-polis while publicizing the case also implied that homosexual behaviour was a form of mental illness and disregarded the reputations or well-being of the two men, by publishing the names, photographs and addresses of the two even before formal charges were brought against them. There is no evidence that elements of coercion or exploitation were present in the relationship, both men have been treated as adults in terms of police procedure and preventive detention. Romanian law punishes sexual relations between men at any age, although a heterosexual relationship between people of the same ages would be lawful.

Amnesty International has recently received reports that homosexual men or persons suspected of being homosexual have been tortured or ill-treated in Romanian police stations and prisons and has asked the authorities to

investigate these allegations.

Amnesty International considers Milorad Muta_cu to be a prisoner of conscience and is calling for his immediate release. Should Mirel Ciprian Cucu be tried and again imprisoned he, too, would be considered a prisoner of conscience. There is further concern that, pending release, Milorad Muta_cu may be at risk from ill-treatment by police officers.

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BACKGROUND INFORMATION

Article 200 paragraph 1 of the Romanian Penal Code states that "sexual intercourse between persons of the same sex is punishable by one to five years' imprisonment". In July 1992 representatives of Amnesty International were told by Romanian authorities that no one had been prosecuted for this offence since the fall of the Ceaucescu regime in December 1989 and that the proposed reform of the Penal Code will abolish this crime. Amnesty International urged the Romanian Minister of Justice, Petre Ninosu, to ensure that the proposed reform of the Romanian Penal Code will not permit the imprisonment of people solely because of their homosexuality.

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

- expressing concern that Mirel Ciprian Cucu and Milorad Muta_cu have been arrested and charged solely for their homosexuality;
- requesting the immediate release of Milorad Muta_cu and that the charges against both of them be dropped;
- seeking assurances that Milorad Muta_cu is not being ill-treated in custody;
- pointing out that both men would be prisoners of conscience if convicted and sentenced to imprisonment solely because of their consensual relations in private, which are the basis of the charges;
- urging the authorities to ensure that the planned reform of the Penal Code removes provisions in Article 200 by which people can be imprisoned solely by reason of their homosexuality.

APPEALS TO

1. President:

D-lui Ion Iliescu
Pre_edintele României
Pia_a Victoriei
Bucure_ti, Romania

**Telegrams: Presendinte Iliescu,
Bucure_ti, Romania**

Faxes: + 401 312 11 79

Salutation: Dear President

D-lui Petre Ninosu
Ministru al Justi_iei
B-dul M Kog_lniceanu 33
Bucure_ti Sector 5
Romania

**Telegrams: Ministru Petre Ninosu,
Bucure_ti Sector 5, Romania**

Faxes: + 401 613 12 19

Salutation: Dear Minister

2. Minister of Justice:

3. General Prosecutor:

D-lui Manea Dragulin Vasile
Procuror General al României
B-dul Unirii Nr 2-4
Bucure_ti Sector 5, Romania

**Telegrams: Procuror General Dragulin
Vasile, Bucure_ti Sector 5,
Romania**

Faxes: + 401 781 62 85

Salutation: Dear General Prosecutor

4. Minister of Foreign Affairs:

D-lui Teodor Viorel Melescanu
Ministru Afacerilor Externe
Pia_a Victoriei
Bucure_ti, Romania

**Telegrams: Ministru Melescanu,
Bucure_ti, Romania**

Faxes: + 401 312 75 89

Salutation: Dear Minister

SEND COPIES OF YOUR APPEALS TO: diplomatic representatives of Romania accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Please check with the International Secretariat, or your section office, if sending appeals after 3 June 1993.