

ROMANIA

The alleged ill-treatment of D nu IORDACHE, Daniel Neculai DEDIU, and Costic NAZĂRU

AMNESTY INTERNATIONAL'S CONCERN:

Amnesty International is concerned about new reports of cases of torture and ill-treatment by police officers in Romania. Amnesty International urges the Romanian authorities to investigate these reports promptly, impartially and thoroughly, to publish the results of these investigations and to bring to justice any police officers who are thought to be responsible for violating human rights.

BACKGROUND:

According to information received by Amnesty International, on 3 February 1997, at about 6am, two police officers¹ carried out a search of the house of the Iordache family in Bucharest. The officers did not present a search warrant nor did they ask for the family's written consent. After an hour, the police took D_nu_ Iordache to the Section 14 Police Station for questioning. He was released two days later, on 5 February, although the police are authorized to keep a suspect in detention for 24 hours only. On the same day D_nu_ Iordache was treated in the Emergency Hospital for a broken jaw and contusions to the chest. A forensic medical certificate issued to D_nu_ Iordache on 6 February described these injuries and stated that they required 50 to 55 days of medical treatment. D_nu_ Iordache claims that he was beaten by many police officers in the police station and that his jaw broke after he was hit with a club.

On 19 February 1997 police officers came again to the Iordache family home and conducted another search without a warrant. They then rearrested D_nu_ Iordache, who is presently in preventive detention in Bucharest prison, reportedly under investigation for theft. In April D_nu_ Iordache filed a complaint about the police ill-treatment with the Bucharest Military Prosecutor.

In a separate case, Amnesty International received reports that on 7 February 1997 Daniel Neculai Dediu, a 26-year-old man, was held in detention for 24 hours in Ungureni police station in Bac_u county (northeast Romania). He claims that the local police chief and his deputy² beat him severely in order to force him to confess to breaking into a village bar. The officers reportedly beat and kicked Daniel Neculai Dediu in the abdomen, and then hit him with truncheons on the back. When Daniel Neculai Dediu refused to confess to the burglary, the police chief hit him with a wooden chair until it broke. Later he hit the detainee on the back with a metal chair. Daniel

¹ The names of these police officers are known to Amnesty International.

² The names of both policemen are known to Amnesty International.

Neculai Dediu then wrote a statement, which was dictated to him, in which he "confessed" to the charge and

to threatening with an axe a police officer who came to apprehend him. A medical certificate issued to Daniel Neculai Dediu on 10 February describes four large bruises on both sides of the chest, bruising of the right arm, extensive bruising on the back and lesions on the left knee. Daniel Neculai Dediu filed a written complaint with the local military prosecutor.

A third incident reported to Amnesty International took place on 13 May 1997 in Brîila in eastern Romania. On that day, at around 10am, in a café at Baldovineşti Avenue number 19, a man who was later identified as a police officer reportedly offered to "sell" Costic Nazăru, the 63-year-old café-owner, dispensations from paying fines. Costic Nazăru refused because he believed that he was being set up following several false accusations that he had bought and sold merchandise in violation of his license to operate a small café. At around 12am, three police officers in plain clothes came to the café where they were joined by two officers, also in plain clothes, who had earlier pretended to be customers. They presented themselves as police officers but refused to show their badges. After an officer reportedly hit Costic Nazăru, causing him to fall to the ground, he was dragged to a police car. The officers accused Costic Nazăru of buying stolen goods and organizing illegal gambling in his café.

Costic Nazăru was then taken to the police station on Galaşii Street, to a room in the basement, where he was allegedly beaten on the nape of the neck and on the head. The officers demanded that he should write a statement confessing to the crimes they accused him of. Costic Nazăru's request to speak to a lawyer was refused. He was detained for three hours and then released without being charged with any criminal offence. Two days later he was examined by a forensic medical expert who established that there was bruising on the neck, the left shoulder, the left arm and the left side of the chest, injuries which required three to five days of medical treatment.

After making a complaint to the municipal police, Costic Nazăru was summoned to the police station to identify the police officers implicated in the incident. He identified three officers straight away and a fourth later on³. On 9 June 1997 Costic Nazăru returned to the police station together with some witnesses who were in the café at the time of the incident. One of the police officers whom he had identified as being involved in his ill-treatment reportedly threatened to beat the witnesses unless they changed their statements.

Costic Nazăru has also filed a complaint about the alleged ill-treatment with the Ploieşti Military Prosecutor.

Amnesty International is concerned that, if confirmed, these three reports of ill-treatment would represent a violation of Romania's international treaty obligations. These include Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for 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.

As a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), Romania is bound to initiate a

³The names of all these officers are known to Amnesty International.

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. Amnesty International urges the Romanian authorities to ensure that the investigations into the alleged torture and other ill-treatment of Danu_ Iordache, Daniel Neculai Dediu and Costic_ Nazâru are thorough and impartial, that the findings are made public, and that anyone thought to be responsible for human rights violations is brought to justice.

In addition Amnesty International is concerned that the alleged harassment of witnesses in the case of Costic_ Nazâru would be in violation of Article 13 of the Convention against Torture, which obliges Romania to take measures which would 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 therefore requests the Romanian authorities to provide the organization with information on the steps taken by Romanian authorities to protect the complainant and the witnesses in this specific instance.

Furthermore, Amnesty International urges the authorities to devise and implement effective training for police officers with special attention given to human rights issues, and which will emphasize the strict criteria allowing for the use of force by police officers as laid down in international standards such as the United Nations Code of Conduct for Law Enforcement Officials.