

ROMANIA

Update to Amnesty International's concerns

BACKGROUND

Presidential and parliamentary elections in September and October 1992 resulted in the re-election of President Ion Iliescu and the return to power of the Democratic National Salvation Front (DNFS), with 28% of the vote for the Senate and over 27% for the Chamber of Deputies giving it a mandate to form a government. Prime Minister Nicolae V_c_roi's government is maintained in power by the parliamentary support of smaller left-wing and right-wing, nationalist parties. The main feature of the new government's economic policy appears to be a more guarded approach in the transformation to a market economy of state-managed industry and services. However, the difficulties in controlling rising inflation and unemployment are contributing, throughout the country, to a growing popular discontent.

Although the vast majority of the population are ethnic Romanian (89.4% according to the 1992 census) inter-ethnic relations are becoming an increasingly important issue. Romania has an ethnic Hungarian population of 1,620,000, mostly living in Transylvania, in the northwest of the country. In December 1989, the persecution of a Hungarian Reformed Church priest in Timi_oara, Bishop Laszlo Tokes, was denounced by Romanians of all ethnic origins. The ensuing demonstrations led to the overthrow of President Ceau_escu and major political changes in Romania. However, the lifting of restrictions on political rights and freedoms allowed the creation of organizations which promote nationalistic and xenophobic policies. As a result, inter-communal tension has been rising in Transylvania, particularly after the violent attacks by ethnic Romanian villagers against ethnic Hungarians in Tirgu Mure_ in March 1990.

The smaller parties supporting the Government of Prime Minister Nicolae V_c_roi openly incite national intolerance. Some of these parties, such as the Party of Romanian National Unity (PUNR), supported by DNSF sympathizers, also made significant gains in the local elections, held in February 1992, particularly in some parts of the ethnically heterogeneous region of Transylvania. They have encouraged ethnic hatred, accusing the ethnic-Hungarian community of irredentism and opposition leaders of being Hungarian "agents".

Soon after he was elected mayor of Cluj-Napoca, Gheorghe Funar introduced restrictions on "public demonstrations within the confines of the city", including the organization of international meetings. He also decreed that street signs and all publicly posted signs and announcements should be in the Romanian language only, dismissed the

headmaster of the Brassai Samuel High school, Kelemen Attila Balint, and ordered the eviction of the Hungarian student association from state-owned premises.

As PUNR presidential candidate, Funar based his campaign on attacking the ethnic-Hungarian community with statements such as: "We have to be on our guard all the time. These barbarians from Asia have been here for 1,000 years but are still not civilized and are capable of any form of treachery." In the September 1992 presidential elections he came third, receiving 1.6 million votes, almost 10% of the electorate.

The Government's apparent lack of will to reduce inter-ethnic tension is demonstrated by the appointments in March 1993 of ethnic-Romanian prefects for Harghita and Covasna counties, with a majority ethnic-Hungarian population. This measure was described by the Hungarian Democratic Union of Romania (UDMR) as an example of continuing discrimination against the minority.

The atmosphere of national intolerance has also affected other ethnic minorities, particularly the Roma community. Although the latest census sets the Roma community in Romania at around 450,000 it is widely believed that the actual number is closer to 2,000,000, making it the largest Roma community in Europe. A recent survey carried out by a team from Bucharest University supports the general impression of the Roma community's desperate social and economic conditions, which reflect a long history of racial prejudice and neglect for the needs of this community not only in Romania but throughout the region. This independent study indicates that 80% of Roma have no vocational training and that only 23% of the community are employed. Only 50% of the Roma children attend schools regularly. Racial prejudice and a higher incidence of crime committed by members of the Roma community have also contributed to a rising number of violent attacks against Roma. Around 40 such assaults in various parts of the country were recorded recently and reported in March 1993 by the Aven Amentza Foundation, a non-governmental Roma organization. There is no available data on how many of the perpetrators of such attacks have been identified by the authorities and prosecuted. Most such assaults on Roma are carried out by other ordinary Romanian citizens, who are in some cases even joined by Roma from a different social group. However, Amnesty International has also received reports of incidents where members of the Roma community, apparently because of their ethnic background, were subjected to torture and ill-treatment by police officers and has called on the Romanian Government to fully investigate these cases.

Legislative reforms in Romania are still high on the Parliament's agenda. This task is particularly important in view of Romania's aspirations to join the Council of Europe and to become a Party to the European Convention for the Protection of Fundamental Freedoms and Human Rights. A new Law on Reorganization of the Judiciary (Law Number 92/1992) will come into force in July 1993. Although it will bring the Procuratura, the office of the public prosecutor, under the supervision of the Ministry of Justice, certain legal provisions

will render the Minister's orders ineffective. Orders will not be issued directly to subordinate prosecutors but through the Prosecutor General, who is not legally obliged to enforce them. In addition, there are still no provisions for inquests to be conducted by an examining magistrate. The retention in the new Law of military courts in the judicial system, competent to try all members of the armed forces for all crimes, is widely viewed as a legal anachronism and might even be incompatible with the Romanian Constitution which prohibits the establishment of extraordinary courts. There are also concerns about this Law's criteria for the appointment and grading of judges which might influence their competence and independence.

The Penal Code and Code of Penal Procedure, as in most other Central and East European countries, have not yet been radically reformed. Although some articles have been abolished since December 1989, the Romanian Penal Code under Article 200 paragraph 1 still punishes anyone "who has sexual relations with a person of the same sex" with 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 Ceau_escu 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.

The process of reform in the judiciary and the police force, according to independent assessments, has been inadequate. Most of the judges in Romania worked in the same post before the changes effected in December 1989. Their training and experience are insufficient for an independent judiciary. Court rulings, even at the highest instance, often reflect practices incompatible with international standards for fair trials. Amnesty International has received reports of cases where the courts in Romania have used as evidence confessions of the accused, although they were later retracted as having been induced by torture. The organization has recently addressed the Romanian authorities in one such case where a person has been condemned to a long prison sentence on the basis of a confession reportedly obtained under torture.

Amnesty International also continues to receive reports alleging that police officers resort to torture and ill-treatment of detainees, often in order to force them to confess. In other instances their use of firearms is frequently not in accordance with appropriate international standards, but relatively few cases are fully investigated or brought to trial.

The Romanian Government has still not clarified some of cases brought to its attention by Amnesty International. The organization is still concerned with the fate of Viorel Horia, a 15-year-old schoolboy whose whereabouts remain unknown following his reported arrest on 13 June 1990 in Bucharest. Amnesty International also continues to

appeal to the Romanian authorities to fully investigate the shooting of Andrei Frumu_anu and Aurica Cr_iniceanu during the demonstrations in Bucharest in September 1991.

ALLEGED TORTURE AND ILL-TREATMENT OF ROMA IN PIA_A RAHOVA

On 3 July 1992 soldiers of the military police unit UM 02180 allegedly tortured and otherwise ill-treated members of the Roma community in Pia_a Rahova, in Bucharest.

According to information received by Amnesty International, Sergeant-Major Gheorghe Nastase belonging to military police unit UM 02180, based in Rahova, and George Br_nescu, a Rom, resident of the same suburb of Bucharest spent the evening of 1 July drinking together. Following a dispute they had a fight and at around 11.30pm Gheorghe Nastase was taken to hospital. Reportedly this incident was investigated on the same evening as well as on the morning of 2 July by a team from the Ministry of Interior and a group of soldiers from UM 02180.

On 3 July 1992 at around 3.30pm, between 40 and 50 soldiers of the same military police unit reportedly came to the market at Pia_a Rahova. They wore camouflage uniforms and black head masks and were armed with rubber truncheons, nunchakus (weapons used in martial arts), chair legs and pick-axes. According to statements received by Amnesty International the soldiers split into three groups and attacked indiscriminately Roma people who were at the market. Mircea Gheorghe was allegedly hit with a stick on the head which made him lose consciousness. The soldiers continued to beat him, despite the bleeding from his head. The Institute of Legal Medicine of Bucharest stated three hours later that Gheorghe Mircea had suffered a 4cm long lesion on his head above the right temple and multiple, large contusions on the right shoulder, chest, thigh and calf. Ion Constantin received blows with a rubber truncheon on the head above his right eye and the back of the neck. Maria Mircea was hit on the back and the right arm. Ani_oara Duman was selling cigarettes and various other articles when she and her child were attacked and beaten. When some of the soldiers reached _tefan Marcu, who had a stand at the market, they allegedly beat him, threw onto the ground all objects that were on sale and scattered in the air his money, around 40,000 lei. Another group of soldiers entered the "Minodora" restaurant, broke some furniture and threatened the people inside that the next time they would come to destroy their homes.

An independent journalist who arrived on the scene of the attack soon after it started, reported that 13 people were injured in this apparently unprovoked attack. Another report received by Amnesty International alleged that two traffic police officers and a unit of the Ministry of Interior, stationed at the time in Pia_a Rahova did not intervene to protect the victims of this incident.

In October 1992, Amnesty International called on the Romanian Government to initiate an independent, impartial inquiry into the alleged torture and ill-treatment of Roma in Pia_a Rahova, to make public its findings and to bring to justice all those found responsible. According to the Romanian authorities the 40 soldiers who participated in the alleged attack acted without the knowledge of their superiors and after drill hours. The investigation has not been completed because of "difficulties in hearing the witnesses and because the promised support from representatives of the Roma organization 'The Society of the Young Generation of Romas' has not been forthcoming". Amnesty International has learned from the representatives of the Roma organization referred to and the lawyer representing two of the victims of the Pia_a Rahova attack that they have not been called to participate in the official investigation and that no criminal proceedings have been initiated against any of the alleged perpetrators of this incident.

IMPRISONMENT ON GROUND OF HOMOSEXUALITY

The case of Milorad Muta_cu and Mirel Ciprian Cucu

Mirel Ciprian Cucu and Milorad Muta_cu were arrested on 22 January 1993 in Sinnicolau Mare, near Timi_oara, and placed in preventive detention. Mirel Ciprian Cucu was charged under Article 200 paragraph 1 of the Romanian Penal Code and faced 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. Milorad Muta_cu was charged under the same article, paragraph 2, for homosexual relations with a minor and faced a possible prison sentence of two to seven years. In April, Amnesty International called for the immediate release of Milorad Muta_cu from prison. Timi_oara court released Milorad Muta_cu on 12 May 1993. Mirel Ciprian Cucu and Milorad Muta_cu were tried by the County Court of Timi_oara on 9 June 1993. They received suspended sentences of one and two years' imprisonment respectively.

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 Sinnicolau 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.

ALLEGED TORTURE AND ILL-TREATMENT BY POLICE

The case of _tefan Tasnadi

On 22 August 1992 _tefan Tasnadi, an ethnic Hungarian from Sic commune, county Cluj, had an argument with a police officer (a sergeant from the commune) at the "Presso" restaurant in Sic, after the police officer, who was under the influence of alcohol, had allegedly spoken offensively to _tefan Tasnadi's girlfriend.

Three days later, at 5am on 25 August, the sergeant, accompanied by another police officer, reportedly followed Tasnadi in a car as he was walking home. Having refused their order to get into the car, _tefan Tasnadi was allegedly forced to do so, whereupon they allegedly beat him with a rubber truncheon and a loaded weapon on the way to the police station in the town of Gherla in Cluj county. When they arrived at the police station _tefan Tasnadi was handed over to two other police officers, who allegedly beat him about the face, neck and hands with truncheons and their fists.

_tefan Tasnadi was then taken back to the police station in Sic, where he was allegedly handcuffed to a bed for about an hour. He was reportedly fined 10,000 lei (an average monthly salary) for disturbing the peace.

According to a medical certificate issued to Tasnadi, he received wounds requiring five to six days' medical attention as a result of the alleged ill-treatment.

On the advice of his solicitor, _tefan Tasnadi made an official complaint regarding his alleged ill-treatment in custody to the Military Procurator's Office, but to date Amnesty International is unaware of any investigation of the officers allegedly responsible for the ill-treatment.

The case of Mihai and Petric _Potera_

At the end of February 1993, Petric_Potera_, a 14-year-old boy, was arrested when the police officers were unable to find his father, Mihai Potera_, whom they suspected of theft. He was taken to the police station in Pa_cani, where he was allegedly kicked to induce him to admit his father's guilt. Following Petric_Potera_' refusal to comply with their demands, the police officers searched Mihai Potera_' parental home in the village of Tudora-Boto_ani. Reportedly the police officers found nothing incriminating but they arrested Mihai Potera_ and took him to the police station in Pa_cani, where allegedly they beat him savagely for five days. According to the report Mihai Potera_ eventually confessed to the alleged theft in order to save himself from further beatings. After his release from custody he was examined by a forensic expert in Bucharest and later admitted to the St Spiridon Hospital in Ia_i for medical care.

The Military Prosecutor of Ia_i is reportedly investigating this incident but Amnesty International has not yet been informed of its findings.

The case of Andrei T_nase Zanopol

On Sunday 27 June 1993, at around 8.15pm, Andrei Zanopol was stopped by two non-commissioned police officers close to where he lives in Mazepa, a city quarter in Gala_i. Zanopol asked to see their official cards because they were in plain clothes. They replied that they had an order to take him to the police station. An arrest warrant could not be presented because it was at the police station. Reportedly, Andrei Zanopol was then tied with wire to an iron bar at the entrance to the building "Block G3 - Mazepa 1" and the two officers started to beat him. They kicked him in the groin and hit him all over the body. Camelia Zanopol, Andrei's wife, after hearing from neighbours about the beating, went outside and tried to intervene. By this time some people from the neighbourhood had gathered at the scene of the beating. Soon after more police officers arrived in a van and Andrei Zanopol was taken to the police station where he states the beating continued. For five days after his arrest the local prosecutor refused Zanopol access to his lawyer. On 1 July 1993 his lawyer was finally allowed to see him and he reported after this meeting that Zanopol's testicles were swollen and that one arm appeared to be in a cast. There were signs of beating all over the body and on his face. Zanopol had received medical treatment from a doctor who refused to give him a certificate describing his injuries.

Andrei Zanopol was reportedly charged with "traffic of influence" under Article 257 of the Penal Code, a crime punishable with one to five years' imprisonment. A woman had reportedly filed a complaint that in 1991 she gave 35,500 lei to Andrei Zanopol to help her get an apartment in Gala_i. Allegedly he then took her to an empty apartment saying that it was hers. She was later told she had to move out. The crime with which he was charged can be committed only by a person performing some professional or official function. Zanopol at the time was an official of the metalworkers union.

In July Andrei Zanopol was released from detention and reportedly all charges against him have been dropped.

The case of Costel Covalciuc

Amnesty International is concerned that Costel Covciuc was allegedly tortured by police officers and that he died in suspicious circumstances while in police custody.

On 29 June 1993 at around 7.30pm Costel Covalciuc, a 35-year-old labourer from Dorohoi, was arrested by two police officers at his home for allegedly threatening his wife and mother-in-law with a knife during a quarrel. On 30 June, after a summary court hearing under Law number 61/91, Costel Covalciuc was sentenced to three months' imprisonment. The next day, his appeal for re-examination of the case was rejected in the same court, this time in the presence of the local prosecutor and a defence lawyer, appointed by the court.

On 4 July 1993 word reached his family that Costel Covalciuc had died that morning and that his body was in the hospital morgue. Several members of the family who went to the morgue before the autopsy told representatives of the Romanian Helsinki Committee that the body of the deceased "was barefoot in sandals, his shirt open, with blood-smearred hands, unbuttoned trousers, and many bruises on the body, throat and temples". The description of these injuries is consistent with the statements made by a nurse who saw the body when it was brought to the hospital and a patient who observed the body before it was taken to the morgue.

Several days later, Calina H_{ngale}, who was detained in the same police station from 2 to 4 July, told Viorica Covalciuc, Costel's wife, and Maria Dascalachi that while in detention she heard a man crying: "Don't kill me! I've got six growing children!" (Costel Covalciuc was father of six children.)

According to the report made by the Dorohoi police, during the night between 3 and 4 July, Costel Covalciuc complained of abdominal pains. After he started to vomit blood, on the morning of 4 July, a doctor was called to examine Costel in his detention cell. Dr Eugen Gavrilu came to the police station between 9am and 9.15am to find Costel Covalciuc in a state of shock. He could not determine the cause of haemorrhage and recommended that the prisoner should immediately be taken to the hospital.

Costel Covalciuc was taken in a police car to the Dorohoi hospital at 11am. Two nurses who came to the car with a stretcher found the body already cold and a doctor subsequently came to determine that the patient had deceased.

After the autopsy, performed on 5 July 1993, Constantin Covalciuc, Costel's father, was given a form completed by coroner Busca which stated that Costel Covalciuc's death was

of a "non-violent" type and that it was caused by "an acute cardio-vascular insufficiency" (a heart attack). The autopsy reportedly also noted that the death resulted from "miocard ebilica, a degenerative cardiac disease due to chronic alcohol abuse and vascular dystrophy." Dr Bucsa reportedly suspected that arterial (heart) spasms could have been produced due to abstinence syndromes.

Costel Covalciuc's medical records at the local hospital (where he registered for the first time in 1985) show that in the period 1990 to 1993 he had a clean bill of health at the annual check-ups.

The Military Prosecutor of Iași, who investigated the death of Costel Covalciuc concluded that the victim was not subjected to ill-treatment in detention and that external lesions on the body of the deceased could have resulted from "compression".

ALLEGED ILL-TREATMENT OF HOMOSEXUALS

Amnesty International has recently also 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

The case of Doru Marian Beldie

Doru Marian Beldie was arrested in Bucharest on 16 June 1992, a month after his 19th birthday. He was taken to the 17th District police station where he was reportedly beaten with truncheons on the palms of the hands and soles of the feet for several hours in order to force him to sign a confession.

He was charged under Article 200 paragraph 2 of the Romanian Penal Code for homosexual relations with a minor. He had no previous criminal record and at the time of his arrest he was studying in a technical school to be a mechanic. He is currently serving a four years' and six months' prison sentence in Jilava prison in Bucharest.

The case of Marcel Brosca

Marcel Brosca, a 20-year-old student, was arrested on 7 March 1992 in Tecuci. After spending the night in the railway station waiting-room he was reportedly woken by four policemen accompanied by a 17-year-old boy. Pointing to Marcel the policemen asked the boy if this was the man they had been looking for and the boy responded affirmatively.

Marcel Brosca was then taken to the police office in the railway station where reportedly he was beaten for three or four hours. He was allegedly pulled by the hair; the sides and the back of his head were beaten against the table and the wall until blood poured

over his face; his arms were twisted; and he was beaten on the soles of his feet with truncheons.

During the first two hours of the interrogation he was not given any idea of what he was charged with. Eventually one of the police officers reportedly read a statement of the victim, a minor, who allegedly was forced to perform oral sex on a stranger, whom he identified as Marcel Brosca. After this Marcel Brosca was allegedly beaten again in order to force him to confess to this crime. Finally he consented and the police reportedly dictated what he had to write down in his declaration. He was convicted under Article 200 paragraphs 1 and 2 and sentenced by the County Court in Gala_i to five years' imprisonment. He is serving his sentence in the prison in Gala_i.

The case of Ienel S

Ienel S, aged 21, was arrested on 29 October 1990 in the village of Corod, Gala_i County, where he was attending a wedding. According to reports received by Amnesty International at around 2am, he reportedly left the festivities to go back to the house where he was staying. He was followed by a 24-year-old man (who had been reportedly previously arrested for homosexual acts and released in 1988 and is suspected of being a police informer). This person allegedly proposed that Ienel go with him to a garden or into the park. Ienel asked the man to come back with him to the house where he was staying. The man refused, insisting that they go some place outside. At around 6am Ienel was woken by police officers who took him to the village police station.

He was accused of having forced the other man to have oral sex with him. This was supported by the testimony of an eye-witness, a cousin of the alleged victim, who claimed to have seen the entire scene through a window of the house.

Ienel S was reportedly beaten by police officers from 7am to 8pm. They beat him with wooden sticks on the torso and on the back, as well as on the hands and feet in order to force him to confess to the crime. After signing a confession he was reportedly taken in semi-conscious state to a doctor to be examined. Without a proper examination the doctor signed a certificate which made no mention of his injuries.

According to the information received by Amnesty International Ienel S is scrawny and extremely weak-looking and has severely impaired vision. It seems unlikely that Ienel S used force in connection with the sexual acts for which he was charged.

Ienel S was convicted under Article 200 paragraphs 1 and 2 and sentenced to four years' imprisonment. He is now in Gala_i prison and will soon be eligible for parole.

According to the Romanian authorities Ienel S was charged with abduction of a minor under Article 189 paragraph 2 and homosexual relations with a minor under Article 200 paragraph 2 of the Penal Code. An official inquiry did not corroborate allegations of Ienel's ill-treatment in prison while serving his sentence. However, Amnesty International had urged the authorities to fully and impartially investigate allegations of Ienel's torture in the police station immediately after his arrest in Corod. No allegations were made concerning his treatment in the Gala_i Penitentiary.

FAIR TRIAL CONCERN

The case of Viorel Baci

Viorel Baci was reimprisoned on 8 February 1993 in the Penitenciarul Boto_ani following the decision of the Supreme Court of Romania to reject an extraordinary appeal filed on his behalf by the General Prosecutor. Amnesty International considers Viorel Baci may be a prisoner of conscience who was prosecuted and convicted on false charges because of his father's religious beliefs. The organization is also concerned that allegedly Viorel Baci was tortured by police officers until he confessed to the crimes with which he was charged.

Viorel Baci was arrested on 24 October 1988 and tried in Jude_ean Suceava Court on 27 September 1989 on charges of murder, rape, robbery, battery and bodily injury. He was sentenced to 17 years' imprisonment. Ruling on his appeal the Supreme Court of Romania, on 23 April 1990, quashed the part of the sentence pertaining to the crimes of battery and bodily injury and reduced the punishment to 10 years' imprisonment. Considering that the charges against Viorel Baci were groundless and essentially illegal, the General Prosecutor filed on 8 January 1992 an extraordinary appeal against the Supreme Court decision and suspended further execution of the prison sentence. Viorel Baci was released from prison on 17 January 1992. However, on 6 April 1992, the Supreme Court of Romania rejected as unfounded the extraordinary appeal and Viorel Baci was reimprisoned on 8 February 1993.

According to reports received by Amnesty International Viorel Baci was falsely charged because of his father's activities as a member of the Jehovah's Witnesses religious group. Under the former government of Nicolae Ceau_escu which was overthrown in December 1989, members of such evangelical sects were often severely harassed and in some cases imprisoned, sometimes on false charges. Ioan Baci, Viorel's father, had reportedly been under pressure from local authorities since 1969 to give up his religious belief. Their home had been searched for religious literature and other printed materials considered dangerous as anti-communist propaganda. Their farm property had been intentionally damaged and there had been attempts at larceny. He was frequently called to

the local police station and asked to provide information about the religious assemblies in which he participated and sources which supplied him with "religious propaganda".

Local authorities had also questioned Viorel Baciú, on several occasions prior to his arrest, about his father's activities. Although not a member of this religious group Viorel Baciú shares their beliefs. Viorel Baciú had no previous criminal record.

Following the murder of Petru Halmaga on 23 October 1988 Viorel Baciú was summoned to the police station in Dumbr_veni. He denied having any knowledge of the crime. During this interrogation one of the police officers reportedly told him: "You are Ioan Baciú's son, a Jehovah's Witness". He was subsequently arrested and taken to the police station in Suceava where he was reportedly tortured and otherwise ill-treated in order to force him to confess to the crimes with which he was charged. The alleged rape of Ana Pádure_ and battery and robbery of her husband Zamfir Pádure_, committed on 13 October 1988, had not been reported to the police until 27 October 1988, after Baciú's arrest.

Describing the torture and other ill-treatment to which Viorel Baciú had been subjected, a witness who shared a cell with him in Boto_ani Prison reported:

"The boy is young and strong, but I think that some people want him exterminated. In the way he's tortured and ill-treated, he won't last long. I saw him with his hands crushed, flowing with blood, bound in chains and beaten, many days in a row."

One of the methods used to torture Viorel Baciú is referred to as *rotisor*: the body is suspended by the legs with the hands tied and the victim is beaten over the entire body, especially the genital organs and nails. The body is then lowered and the victim is beaten on the soles of the feet and around the toes.

From 6 to 12 December 1988 Viorel Baciú was treated in the Jilava prison hospital, reportedly for coughing and spitting blood and other injuries sustained during the investigation.

He met his defence attorney Radu Ursu for the first time on 14 February 1989. In the presence of the investigating prosecutor, as well as during the trial, he retracted his confession which he said was obtained under duress. On 14 March 1989 Viorel Baciú wrote to the Military Prosecutor calling for an investigation into his torture in the Suceava police station.

Amnesty International has received other reports alleging that the police in Suceava at that time frequently tortured and ill-treated people who were in detention. The organization has been calling on the Romanian authorities since July 1991 to investigate these reports and

to bring to justice those responsible. However, it has not been informed whether such inquiries have taken place. Reportedly all the officers, except for one person now retired, who were allegedly responsible for the torture and ill-treatment of Viorel Baciú and other prisoners are still in their posts. Their identity is known to the Romanian authorities.

The Supreme Court of Romania, in its decision rejecting the extraordinary appeal, reviewed the investigation and the judicial proceedings in the Jude_ean Suceava Court. The Supreme Court of Romania stated that the confession of Viorel Baciú, although subsequently retracted, should nevertheless be taken into consideration because "the declarations had been given in front of the prosecutor as well as at the reconstruction of the crime in the presence of three disinterested witnesses, which excluded the possibility of the use of force against the accused by the police officers".

Furthermore, according to the Supreme Court, the confession has been corroborated by other evidence and testimony of an eye-witness. In the opinion of the Court, although it is evident from medical certificates that the eye-witness suffers from oligophrenia (an archaic term for mental retardation), "the first instance court had justifiably relied on his testimony since it is corroborated by the confession of the accused".

In July 1992, Marin Li_, Assistant General Prosecutor, who made the extraordinary appeal on behalf of Viorel Baciú, told a representative of Amnesty International that his investigation into this case had revealed no evidence to support the charges on which Viorel Baciú was convicted.

Investigations of allegations of torture and ill-treatment of detainees are within the competence of the Military Prosecutor of Romania. In July 1993 the Military Prosecutor of Romania, General Popa Cherecheanu, told a representative of Amnesty International that the investigation into the torture of Viorel Baciú had been completed and that allegations of coercion during his interrogation had not been corroborated by evidence. Such a conclusion was based on the fact that no medical records were presented that Viorel Baciú had suffered any injuries. The Jilava Prison Hospital, where Baciú was treated in December 1988 and January 1989, according to the Military Prosecutor, did not have such records. During the same meeting Assistant General Prosecutor Marin Li_a reiterated that his investigation could not produce any evidence to support the charges against Viorel Baciú.

RESTRICTIONS ON FREEDOM OF SPEECH

Amnesty International was concerned about two separate cases in which the peaceful exercise of the right to freedom of expression might have led to the imprisonment of those concerned.

The case of Sorin _i_ei

Sorin _i_ei was present at the central square in Gala_i on 18 September 1992 when a group of around 100 people peacefully protested alongside an election campaign rally of President Ion Iliescu's supporters. He has denied that he participated in either group or that he was warned by a police officer that his conduct was inappropriate or in violation of any law. On 21 September he was summoned to the Gala_i Police Department where he was served with a *proces verbal* accusing him of disturbing the rally and refusing to leave when ordered by the police, offences contained in Article 26, paragraphs i and k of Law number 60/91. For both offences he was fined the legal maximum of 100,000 lei. Sorin _i_ei refused to sign the *proces verbal*. On 11 November 1992, during a court hearing set to replace the unpaid fine with a prison term, Sorin _i_ei contested the validity of the *proces verbal*. He was sentenced on 14 December 1992 to 333 days' imprisonment. Following an appeal his case was returned to the Gala_i court for a retrial. In July the Gala_i court stopped all proceedings against Sorin _i_ei on grounds that the witness for the prosecution could not be summoned because he was unknown at the given address.

The case of Mihaela Nicolae

On 4 June 1992, in Cluj-Napoca, Mihaela Nicolae participated in a peaceful demonstration organized on the occasion of President Ion Iliescu's visit to the city. She was summoned by the local police authorities on 30 June to sign a *proces verbal* in which she was accused of shouting insulting slogans against the President and fined 5,000 lei. Mihaela Nicolae denied that she had shouted "obscene" slogans and refused to sign the *proces verbal* or pay the fine. She was summoned to appear in court in Cluj-Napoca. On 14 May 1993 the court upheld the appeal of Mihaela Nicolae and repealed the fine.

In March 1993, Amnesty International had written to the Romanian Government expressing its concern and pointing out that should Mihaela Nicolae and Sorin Ti_ei be imprisoned Amnesty International would consider them to be prisoners of conscience.