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ROMANIA

ALLEGED ILL-TREATMENT OF ALEXANDRU ILOAIEI BY A POLICE OFFICER

Amnesty International's concerns:

Amnesty International is concerned about the alleged ill-treatment of Alexandru Iloaiei by a police officer in Țândărei, 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 and Article 3 of the European Convention on 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. Amnesty International is particularly concerned that the police officer involved in this case had previously been found guilty of ill-treatment.

Background:

On 30 April 1998, at around 11pm in Țândărei, Alexandru, his wife Florica Iloaiei, Marian Stanciu and Ionelia Predu went to the "*Gambrinus*" restaurant to play billiards. Lieutenant Major M.¹, who allegedly appeared to be drunk, asked them to leave the billiard table. When they refused the officer reportedly threatened them: "I can arrange that you do". A few minutes later Sergeant Major T. allegedly approached Alexandru Iloaiei from behind and hit him on the head, making him fall to the ground semi-conscious. The police officer, who was in the company of public guard V. and Lieutenant Major M., then reportedly slapped Marian Stanciu on the face.

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

Alexandru and Florica Iloaiei, Marina Stanciu and Ionelia Predu subsequently went to the police station to file a complaint and to the local hospital where Alexandru Iloaiei was admitted for treatment of “injuries to the head and concussion”. On 3 May 1998 he was transferred to the County Hospital in Slobozia where he was treated for the same injuries until his release on 18 May 1998. During his stay in hospital Alexandru was reportedly repeatedly visited by police officers, including the commander of the Țândărei Police, advising him to “come to an understanding with Sergeant Major T.”. Similar suggestions were made by police officers to Florica Iloaiei. These officers frequently referred to another case which took place in Țândărei in 1995 when Viorel Constantin was beaten in a bar by Sergeant Major T. and a group of other police officers (see *Romania: Update to May 1995 Report*, AI Index: EUR 39/19/95). The offending officers had subsequently been brought to court and punished with an “administrative fine”.²

Two days after his release from hospital Alexandru Iloaiei went to the Slobozia forensic-medical laboratory to be examined. He received a certificate stating that the injury required “two to three days of treatment unless there are complications”³. Forensic medical certificates are frequently the only grounds on which prosecutors base their decisions concerning complaints involving injuries⁴. In this case the forensic-medical certificate, which contradicts documents of the hospitals where Alexandru Iloaiei had received treatment, is apparently aimed at diminishing the degree of responsibility of the police officer suspected of ill-treatment.

Amnesty International is concerned about the role of retrospective evaluations of injured detainees’ medical needs in the assessment of official culpability for ill-treatment, particularly when these evaluations are made by forensic rather than clinical doctors after a period of hospital treatment⁵. Compounding this concern is the direct link between this evaluation and the subsequent liability of the accused officers.

Alexandru Iloaiei has filed a complaint about the ill-treatment with the Military Section of the General Prosecutor’s Office in Bucharest.

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, impartial and thorough 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.

² Because this is not considered a criminal sanction they continued to work in the police force.

³ Slobozia forensic-medical laboratory certificate number 436 of 26 May 1998.

⁴ In addition to observations about the victims injuries this certificate states the number of days of medical treatment required for recovery. Several provisions of the Romanian Penal Code, concerning assault and bodily injuries, base the severity of the offence on the severity of the injury, which in turn is defined by the number of days of medical treatment required for recovery.

⁵ Forensic doctors have a key role in documenting injuries and determining the likely cause of such injuries. However, in this case, the forensic doctor has made a clinical evaluation of the victim’s treatment needs.

Amnesty International urges the Romanian authorities to ensure that a prompt, impartial and thorough investigation is carried out into the alleged ill-treatment of Alexandru Iloaiei by police officers, that the findings are made public and that any law enforcement officer who is found responsible for violating human rights is brought to justice.