

ROMANIA

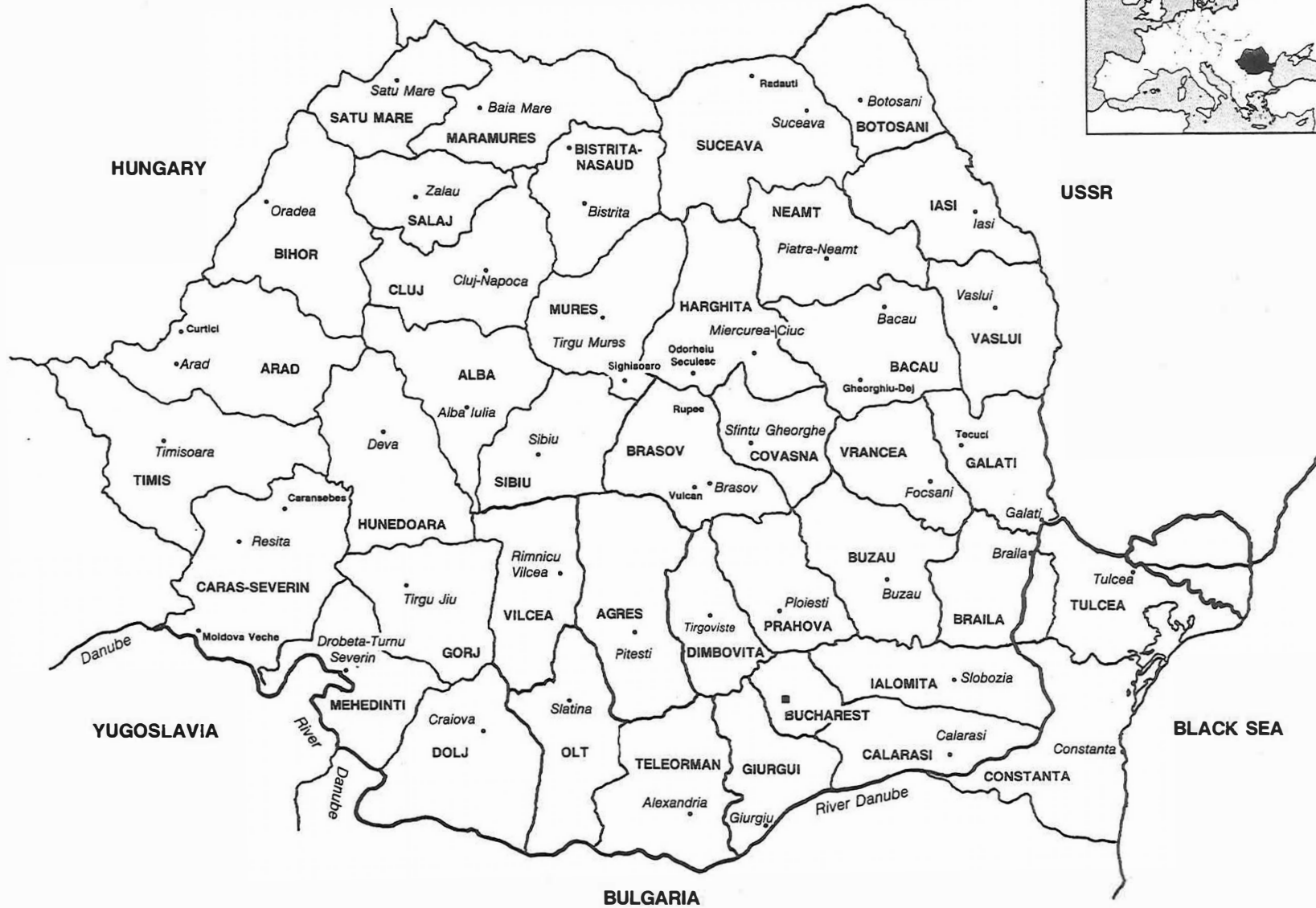
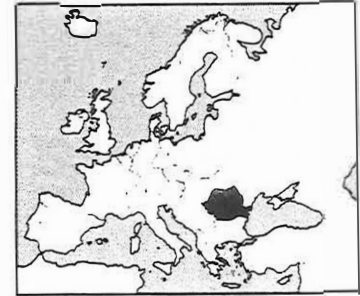
HUMAN RIGHTS VIOLATIONS IN THE EIGHTIES



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MAP OF THE SOCIALIST REPUBLIC OF ROMANIA



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1. Amnesty International's concerns

This report documents the persistent pattern of human rights abuse in Romania in the 1980s, a period in which the authorities have imprisoned their critics and jailed hundreds of other men and women for wanting to exercise their rights to leave the country. Some prisoners of conscience have been tortured or beaten and jailed for years after unfair trials, while other critics of the government have been put under house arrest, have lost their jobs and then being charged with "parasitism", or being attacked in the street by thugs believed to be acting for the authorities. Some of the organization's concerns are illustrated by the following cases:

* A 56-year-old building worker makes a speech and distributes leaflets criticizing President Ceausescu - he is sentenced to nine years' imprisonment for "propaganda against the socialist state"...

* A teacher complains to a foreign radio station that he was unfairly dismissed from his job - he later dies in prison while serving an eight-year sentence for "disparaging the central organs of the party and the state"...

* A 50-year-old electrician is arrested after driving through the centre of Bucharest displaying a picture of President Ceausescu and the words "We don't want you, hangman" - he is sentenced to 10 years' imprisonment...

* A father is denied permission to take his epileptic seven-year-old son abroad for medical treatment - and receives an eight-month jail sentence for trying to do so illegally...

* A 28-year-old Baptist is reportedly tortured to force him to reveal the source of religious literature found in his home...

* a 30-year-old teacher is imprisoned for "parasitism" after being refused employment because of his political views...

In cases such as these and others, the Romanian authorities have violated internationally recognized human rights, in particular the right to freedom of expression, the right to leave one's country, the right to fair trial and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Amnesty International has received many allegations of prisoners of conscience and other political prisoners being ill-treated during pre-trial detention in order to coerce them into making confessions. In some instances political prisoners are reported to have been tortured, including by being beaten on the soles of the feet, being kicked and being beaten with rubber truncheons. Two prisoners are reported to have died after torture. After one death, in 1985, the prisoner's family was allowed only a brief view of the body before it was cremated. Relatives said they saw bloodstains on his shirt and injuries to the dead man's left temple - but the authorities claimed he died of "heart failure".

Political detainees have often been denied access to lawyers before trial and indictments have sometimes been given to prisoners and their lawyers only minutes before the proceedings started. In one case the authorities refused to disclose full details of the charges against the prisoner or to allow his lawyer into court for the final hearing.

Emigration is severely restricted and the many would-be emigrants face job-loss, harassment and in some cases imprisonment for applying to go abroad. People caught trying to leave the country illegally face up to three years in jail and Amnesty International has noted an increase in the number of people jailed for this reason in recent years - a number have been adopted as prisoners of conscience. The organization has also received reports of people being killed by border guards as they tried to leave illegally.

At the same time as the authorities have been imprisoning hundreds of people for trying to leave Romania, other prominent dissenters who have wanted to stay have been forced by the authorities to emigrate. For instance, a member of the ethnic Hungarian minority in Transylvania is reported to have been told by police in January 1986 that "it would be better" if he left the country as the authorities were "unable to guarantee his security".

Religious activity is closely controlled by the Department of Religious Cults. During the 1980s Amnesty International received numerous reports of people being imprisoned for their religious activities, with most cases involving members of Protestant evangelical sects. However, the organization has received no reports of arrests on religious grounds since the amnesty announced by President Ceausescu in June 1986.

The use of the death penalty in Romania remains a serious concern. In 1983 at least 13 death sentences were imposed, five of them on people convicted of stealing meat and another two on people convicted of theft of public property "with particularly serious consequences" - none of these seven cases involved loss of life. Amnesty International did not know if any of these 13 sentences were carried out. To the organization's knowledge no death sentences have been reported in the Romanian press since 1984.

The pattern of human rights violations has persisted in spite of amnesties granted by President Ceausescu in 1981, 1984 and 1986. Although Amnesty International knows of dozens of prisoners of conscience in Romania, this is only a fraction of the total - discovering the true figure has been impossible because of censorship and an atmosphere of fear and suspicion in the country. In summary, Amnesty International's concerns in Romania include the following:

- the arrest and imprisonment of people for non-violently exercising internationally recognized human rights, in particular the right to freedom of expression and the right to leave one's own country;
- the existence of laws which prescribe imprisonment for the non-violent exercise of human rights;
- allegations of torture and other cruel, inhuman or degrading treatment of political detainees;

- departure from international standards on arrest, investigation and trial procedures;
- the use of the death penalty.

2. Background

2.1 Romania in outline

The Socialist Republic of Romania is in southeast Europe; it is bounded by the Soviet Union, Hungary, Yugoslavia, Bulgaria and the Black Sea. Its total area is 237,500 square kilometres and its total population 22,687,373 (1 January 1985), some 48 per cent of which is urban. There are 22 ethnic minorities in Romania (officially referred to as "cohabitating nationalities"), the largest of them being the Hungarian (numbering 1.7 to 2.0 million) and the German (approximately 250 thousand). The seat of government, Bucharest, has a population of about two million. There are 14 officially recognized religious denominations, all under state supervision, the largest of which is the Romanian Orthodox Church which includes more than 80 per cent of the total number of religious believers, or some 17 million members. The second largest church in Romania is the Roman Catholic Church which, although its membership comprises about 8 per cent of all religious believers, has not yet been officially recognized. The Roman Catholic Church has not, however, been actually proscribed, as have a number of other denominations, including the Romanian Uniate Church and the Lord's Army (an evangelical revivalist movement).

The present head of state is Nicolae Ceausescu, who has been General Secretary of the Romanian Communist Party since 1965, President of the State Council (head of state) since 1967 and President of the Republic since 1974.

The supreme state body is The Grand National Assembly which alone may promulgate the Constitution and which usually meets twice a year. Deputies to this body are elected by all Romanian citizens who are over eighteen. According to the 1965 constitution "the right to nominate candidates [for election to] the Grand National Assembly is vested in the Socialist Democracy and Unity Front" (FDUS), an umbrella organization which combines "all the mass and public organizations". The Grand National Assembly elects, from among its members, the State Council which, among other things, sets up ministries and other central government bodies.

Under the 1965 constitution, as amended in 1986, Romania is described as a "unitary state" and a "socialist republic" whose national economy is "based on the socialist ownership of the means of production". Political power is held by the Romanian Communist Party, which dominates the FDUS. According to Article 3 of the constitution, "in the Socialist Republic of Romania, the leading political force of society as a whole is the Romanian Communist Party". Romania's political, economic, and judicial institutions are highly centralized.

Justice in Romania is administered by local courts, county courts (the Bucharest sectional courts and the municipal court have the status of local and county courts respectively) and the Supreme Court. Military courts which try

military offenders are also competent, in certain circumstances, to try civilians: a number of people accused of "anti-state propaganda" or "fraudulent crossing of the frontier" are reported to have been tried by these courts. Certain minor offences, including work and family disputes, are tried by workers' judicial councils, composed of lay judges. The benches of local and county courts are composed of lay and professional judges who, like local and county state prosecuting authorities, are elected by People's Councils - local government bodies. The Supreme Court, whose members are all professional judges, is elected by the Grand National Assembly, which also elects the Procurator General. The Procurator's Office supervises the prosecution authorities and the courts and ensures that both official bodies and citizens keep the law and maintain the "defence of the socialist order".

Since the Second World War Romania's economy, formerly based on agriculture, has been intensively modernized. It is now predominantly industrial (the industrial sector accounts for over 60 per cent of the national income), the emphasis being on heavy industry: petroleum and natural gas, mining, metallurgy, mechanical engineering, chemicals and timber processing. The standard of living, however, remains one of the lowest in Eastern Europe. Romania is a member of the Council of Mutual Economic Assistance (CMEA). The country's principal trading partner is the Soviet Union, but it has resisted demands for its economic development to be subordinated to the interests of an integrated economic system within the CMEA and has sought to expand trade with developing nations and with the West, where the Federal Republic of Germany (FRG) is its chief trading partner. In February 1980 Romania signed an individual agreement with the European Economic Community to set up a joint committee to develop and monitor bilateral economic relations.

Romania has been a member of the Warsaw Pact since 1955, but since the mid-1960s has taken an autonomous stand on certain foreign policy issues and has cultivated relations with the People's Republic of China and Western countries, including France, the FRG and the USA. It is the only member of the Warsaw Pact to continue diplomatic relations with both Egypt and Israel, and Romania has been a member of the United Nations (UN) since 1955.

2.2 The political context and political imprisonment up to 1980

The Romanian nation-state, formed in 1859 through the union of the two principalities of Moldavia and Wallachia under Turkish suzerainty, achieved independence through the Berlin Treaty of 1878. The end of the First World War and the dismemberment of the Austro-Hungarian Empire saw Romania's territory more than doubled by the acquisition of Bessarabia, Transylvania and the Bukovina. Pro-Axis from 1940 to 1944, when it joined the Allies, Romania lost North Bukovina and Bessarabia to the Soviet Union and South Dobrudja to Bulgaria in the Second World War.

In March 1945 a pro-Soviet National Democratic Front government was set up, headed by Dr Petru Groza, leader of the Ploughmen's Front Party, a left-wing peasant organization. Following elections in 1946, most government posts went to the communists. In December 1947 King Michael of Romania abdicated under communist pressure and parliament announced the establishment of a People's Republic (renamed a Socialist Republic in 1965). In 1948 the Republic's first constitution was adopted and nationalization of industrial and financial

institutions began, shortly to be followed by the initiation of forced collectivization of agriculture.

The next six years saw the mass imprisonment and repression of government opponents and alleged opponents. During this period the communists gained full control. In 1952, following a purge of the Romanian Worker's Party (since 1965 the Romanian Communist Party), Gheorghe Gheorghiu-Dej assumed the leadership and became head of state. Despite a further wave of repression in the late 1950s and early 1960s Gheorghe Gheorghiu-Dej, appealing to Romanian nationalist sentiment, won considerable popular support for the policy initiated in the early 1960s of increased independence of the Soviet Union in economic, military and foreign affairs, accompanied by rapid industrialization. This policy has been pursued to the present day by his successor to state and Communist Party leadership, Nicolae Ceausescu.

Despite official criticism of "errors" committed under Gheorghiu-Dej and amnesties in 1976 and 1977 affecting 28,000 people (mainly juvenile offenders or people arrested or sentenced for leaving or attempting to leave the country illegally), serious human rights violations continued. Although the number of those given long prison sentences on overtly political charges, such as "anti-state propaganda", appeared to decline, dissenters were nonetheless penalized in many different ways, both legal and extra-legal. They faced not only prolonged police surveillance, harassment, intimidation, vilification, and dismissal or demotion but also confinement in psychiatric institutions, forced labour, deportation and imprisonment, often on what Amnesty International believed to be false charges, such as "parasitism", "breach of the peace of public order", "homosexual relations" and "embezzlement".

Many Romanians tried to emigrate, despite the considerable official obstacles to doing so. Others attempted to leave the country without official permission and were imprisoned for up to three years for "fraudulent crossing of national boundaries". On the other hand, the government sometimes encouraged, or even compelled, human rights activists to emigrate, particularly those who persisted in their dissident activity in spite of repression or intimidation.

Since Romania's ratification in 1974 of the International Covenant on Civil and Political Rights (ICCPR) and the signing in 1975 of the Final Act of the Conference on Security and Cooperation in Europe (the Helsinki agreement) there have been attempts to create a human rights movement similar to those in several other East European countries, based on the demand that the government fulfil its obligations under the covenants and respect citizens' legally and constitutionally guaranteed rights. Whenever there has been any attempt to create such a movement the Romanian authorities have tried to isolate the leaders and intimidate and disperse their supporters. This has been facilitated by strict censorship, which has ensured that most Romanian citizens can obtain information about human rights movements only by word of mouth or via foreign broadcasting stations.

In January 1977 the Romanian writer Paul Goma wrote a letter (later published outside Romania) to the Charter 77 signatories in Czechoslovakia, expressing solidarity with their movement. Next month he sent an appeal in an open letter to the governments of the 35 states which had signed the Helsinki Final Act, drawing attention to the violation of human rights in Romania, and required the Romanian Government to respect its undertakings in this field. The

appeal was subsequently signed by well over 200 Romanian citizens, despite a campaign of intimidation and vilification by the Romanian authorities against both him and other early signatories.

In April 1977 Paul Goma was arrested; many signatories were detained for short periods and repeatedly interrogated - a number being confined to psychiatric hospitals or ordered to do forced labour. In May 1977, following much international publicity about his case, Paul Goma was released. After persistent official harassment he left Romania in November 1977.

Before the Second World War there were some 60 active religious denominations in Romania. In 1948 the "Law on Religious Confessions" enacted by State Decree 177/1948 gave official recognition to only 14 of these denominations which are under the close supervision of the Department of Religious Cults. This has at times led to conflict within the churches, some of whose members have felt that their official leaders have accepted too easily, or even connived at, state interference in religious affairs.

In March 1977 six prominent Protestant pastors and laity signed an appeal protesting against official persecution of and discrimination against religious believers. In particular they stated that active believers were barred from holding responsible public posts, that their children were discriminated against at school and university and that prayer meetings held in believers' homes were repeatedly interrupted by the police who imposed fines on participants. The signatories of this appeal were arrested early in April, interrogated for up to 12 hours and brutally beaten.

In May 1978 a number of Protestant believers (mainly Baptists) formed a movement called "The Romanian Christian Committee for the Defence of Freedom of Religion and Conscience" (ALRC). In July 1978 they sent an appeal, signed by 27 members to the Romanian authorities for recognition of a number of religious denominations declared illegal since 1948 (in particular the Greek Catholic Church (Uniate), the Reformed Seventh Day Adventists and the Romanian Orthodox evangelical movement - "The Lord's Army"). They called for freedom of worship, an end to state interference in church affairs, the right to propagate their beliefs in the media and religious instruction in schools. Shortly afterwards a number of the signatories were detained for interrogation and beaten. Nine of the Committee's founder-members were expelled from the official Baptist Union in September 1978 on the grounds that they had formed "an illegal group" and not conformed with Baptist doctrine. In October 1978 three members of the group (Petru Cocirteu, Ionel Prejban and Nicolae Radoi from Caransebes) were sentenced to 17, 12 and eight months' imprisonment respectively on charges of causing a public disturbance. They denied these charges and witnesses asserted that they had in fact been attacked by the police.

Afterwards a number of ALRC founder members were persuaded (some by means of threats) to emigrate. They included Pastor Pavel Nicolescu, an ALRC representative. Others, including Ludovic Osvath, Dimitrie Ianculovici and Nicolae Traian Bogdan, were sentenced to up to six months' imprisonment or to a year's forced labour on charges of "parasitism", or else were repeatedly detained for interrogation and intimidation.

In the summer of autumn of 1977 Karoly Kiraly, a member of the Hungarian minority who was an official in the Romanian Communist Party and, until 1975, a

member of its Central Committee, sent three letters to high-ranking Communist Party members in which he claimed that the Hungarian minority in Romania was being forcibly assimilated and was discriminated against in the fields of culture, education and employment. His protest was reportedly supported by Ion Gheorghe Maurer, a former Prime Minister of Romania, and seven prominent officials belonging to the Hungarian minority.

In February 1978 Karoly Kiraly was arrested in Tirgu Mures after copies of his letter had appeared in foreign newspapers and had begun to circulate among members of the Hungarian minority. Afterwards the police conducted widespread searches for copies of his letter in the homes of members of the Hungarian minority. He and his family were shortly afterwards forced to move to Caransebes where they were kept under constant police surveillance. They were later allowed to return to Tirgu Mures.

Early in August 1977 miners in the Jiu valley went on strike in support of a petition for a recently introduced government pension scheme to be withdrawn and for certain additional workers' benefits to be provided and safety standards set. According to a number of sources, up to four thousand strikers were later dismissed from their jobs, many of them being transferred to other mines. Those who had played a prominent part in the strike, in particular a 20-member delegation who went to Bucharest to request an audience with the Communist Party Central Committee, were arrested on their return and sent without trial to work in other districts where they were demoted and put under police surveillance.

Government officials denied that there had been a strike, although they admitted that there had been "problems" in August 1977 in the Jiu valley. They also denied that leading strikers had been forcibly resettled. Unofficially, however, it was admitted that "a handful" of strikers had been "banished", although there are no provisions for "banishment" in Romanian law. Furthermore, according to several sources, two strike leaders (engineers Ioan Dobre and Jurca) died shortly after the strike in circumstances that were never satisfactorily investigated by the police. Romanian officials denied that Ioan Dobre had died and stated that he was studying at home.

In February 1979 a group of intellectuals and workers from Bucharest and Dobreta-Turnu Severin announced the foundation of a "Free Trade Union of Romanian Workers" (SLOMR). In their manifesto they drew attention to increased unemployment and to the forced retirement of dissenters on false psychiatric grounds. They called for improved working conditions and higher safety standards, an end to unpaid compulsory overtime and the abolition of special privileges for Communist Party members. This manifesto won support from workers in a number of major Romanian cities, including, apparently, that of a previously clandestine union of "workers, peasants and soldiers" comprising over a thousand members in Mures county.

On 6 March, two days after the SLOMR declaration was broadcast on a foreign radio station, the telephones of the movement's two representatives, Dr Ionel Cana, a medical practitioner, and Gheorghe Brasoveanu, an economist, were cut off, and during the next few days a number of members were detained by the police. Dr Cana and Gheorghe Brasoveanu were arrested on 10 March and later sentenced to seven years' and five and a half years' imprisonment respectively (reduced to five and a half, and three and a half years on appeal). Both men were released in 1980 but were kept under constant police surveillance. Gheorghe

Brasoveanu was allowed to leave Romania in 1986. Nicolae Dascalu, another SLOMR member, was sentenced to 18 months' imprisonment [reduced on appeal to 10 months], under Article 94 of the amended 1974 Press Law, for having spread information abroad without official permission. He left Romania in March 1981. A number of other members were sentenced to up to six months' imprisonment on charges of "parasitism", some of whom have since been given passports to leave the country. Another SLOMR member, Eugen Onescu, was confined to a psychiatric hospital (the Kula annexe of the Dr Marinescu Hospital in Bucharest) for three weeks.

Father Gheorghe Calciu-Dumitreasa - a Romanian Orthodox priest, professor at the Orthodox Theological Seminary in Bucharest and an acquaintance of Gheorghe Brasoveanu's - was arrested on 10 March 1979. He was sentenced to 10 years' imprisonment for "propagating fascist ideology" after having preached sermons critical of the authorities. The Romanian authorities publicized the fact that he had been a political prisoner for 15 years (1949 to 1964) and claimed that he belonged to the Romanian fascist movement, the Iron Guard. Amnesty International knows of no evidence to indicate that the grounds for his imprisonment in 1979 were his propagation of fascist ideology and believes that the real reason was his criticism of the authorities. He was eventually released, following widespread international pressure, in August 1984 and left Romania in August 1985 (see chapter 6).

In the 1970s Amnesty International learned of a number of people forcibly confined in psychiatric hospitals after having criticized the authorities or after having demonstrated publicly in support of their demands to emigrate. Between 1972 and 1977 Gheorghe Brasoveanu (see above) was confined to psychiatric hospital four times, each time for as long as several months, after criticizing the nature of church-state relations and protesting about violations of human rights in Romania.

In 1969 Vasile Paraschiv, an employee at a petrochemical plant in Ploiesti, was confined to the Urlati psychiatric hospital after he had criticized work conditions in Romania and protested about his consequent harassment. He immediately went on hunger-strike and was released. In 1976 he was confined to the Voila Cimpina psychiatric hospital for three weeks, where he was diagnosed as suffering from psychopathic paranoia and a persecution complex after he had appealed to Communist Party authorities about injustices at work. In 1977 he signed Paul Goma's human rights appeal and was threatened with further psychiatric confinement. At the end of 1977 he was given a passport and went to France where he underwent an independent psychiatric examination which confirmed that he was not mentally ill.

3. Prisoners of conscience

3.1 Amnesties

In the 1980s there has been a pattern of periodic amnesties for certain offences, including attempts to leave the country without official permission. These amnesties in 1981, 1984 and 1986, have all been of similar scope.

On 2 June 1986 the Buletinul Oficial (Romania's legal gazette) published the text of an amnesty which had been decreed the same day by Nicolae Ceausescu, President of Romania. Under its terms:

- amnesty was granted in cases where the criminal code or special laws prescribed up to three years' imprisonment;
- full pardons were granted to people serving sentences of up to five years' imprisonment.

(According to the Romanian criminal code, "the effect of a pardon is to set aside, in whole or in part, the serving of the penalty or to commute the penalty to a more lenient one", whereas "amnesty", in addition to setting aside the serving of the penalty, also sets aside other consequences of a conviction.)

The amnesty also partially pardoned people sentenced to between five and ten years' imprisonment. Those who had received sentences of between five and eight years' imprisonment had their sentences cut by one third; and those who had received sentences of between eight and 10 years by a fifth.

The amnesty included people sentenced to correctional labour (in which they are obliged to work for reduced wages, without loss of liberty, either at their normal work-places or elsewhere.)

Excluded from all the above provisions were recidivists and people sentenced for murder and other violent crimes which had caused death, robbery, illegal abortion, rape, "crimes against social property with serious or particularly serious consequences", the giving or receiving of bribes, intimidation, the use of force and escaping from prison.

While welcoming the release of many prisoners of conscience under these amnesties and the reduction of sentences of other prisoners of conscience, Amnesty International notes that the amnesties were invariably followed by the continued arrest and imprisonment of people who had non-violently exercised their fundamental rights. And some prisoners of conscience who apparently should have benefited from the amnesties did not do so for reasons which are not clear. So although certain prisoners of conscience have been released under the amnesties the pattern of human rights violations persists, except for the fact that following the latest amnesty of June 1986 there have been, as far as Amnesty International knows, no cases of imprisonment for religious activity (see below).

3.2 Freedom of expression

3.2.1 International and domestic guarantees

International obligations

On 9 December 1974 Romania ratified the International Covenant on Civil and Political Rights (ICCPR), Article 19(2) of which states:

"Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Section 3 of Article 19 states that the exercise of this right may be subject to certain restrictions but only those necessary "for the respect of the rights or reputations of others" or "for the protection of national security or of public order (ordre public), or of public health or morals".

Domestic provisions

The right to freedom of expression is set out in Article 28 of the Romanian constitution which states that "Freedom of speech, of the press, of assembly, of meeting, and of demonstration is guaranteed to the citizens of the Socialist Republic of Romania". These rights are limited, however, by Article 29 according to which:

"Freedom of speech, of the press, of association, of meeting and of demonstration cannot be used for purposes against the socialist system and the interest of the workers."

Any association of a fascist or anti-democratic character is prohibited. Participation in such associations and propaganda of a fascist or anti-democratic character are punished by law."

In 1979 the Romanian Government representative told the Human Rights Committee (an international body set up under the provisions of the ICCPR to monitor compliance with it) that the phrases "purposes against the socialist system" and "[against] the interests of the workers" were defined in Article 69 of the 1974 press code (amended in 1978). This article states:

"Freedom of the press cannot be used for purposes which are contrary to the socialist system, the legal order established by the Constitution and the other laws, contrary to the rights and interests of physical and juridical persons and to socialist morality.

In protecting the interests of society and individuals against the misuse of the right to publish in the press, the publication and distribution in the press of the following materials is prohibited. Materials which:

- a) are contrary to the Constitution of the Socialist Republic of Romania;
- b) contain attacks against the socialist system, the principles of the domestic and foreign policy of the Romanian Communist Party and of the Socialist Republic of Romania;
- c) slander the party/state leadership;
- d) impart secret information, data or documents defined as such by law;
- e) include false or alarmist information and commentaries which threaten or disturb public order or endanger the security of the

- state;
- f) lead to non-observance of the state's laws or deeds which constitute infractions;
 - g) propagate fascist, obscurantist and anti-humanitarian ideas, make chauvinistic propaganda and stir up racial or national hatred, incite violence or harm national feelings;
 - h) are harmful to good manners or encourage people not to respect the norms of social ethics and coexistence;
 - i) supply information about legal issues that are being resolved and anticipate the decisions that will be made by the judicial organs;
 - j) include untrue facts or information that could harm the legitimate interests, dignity, honour or reputation of any individual or his social or professional prestige or enable the insulting, slandering or threatening of any individual.

3.2.2 Imprisonment

Despite the assurance given by the Romanian Government to the United Nations Human Rights Committee in January 1986, in its second periodic report on the implementation of the ICCPR, that "there are no political prisoners in the Socialist Republic of Romania under any form of deprivation of freedom", people who make statements or who in other ways express opinions critical of the authorities, especially of President Ceausescu personally, face imprisonment, often under Article 166 of the criminal code dealing with "Propaganda against the Socialist State". According to Article 166:

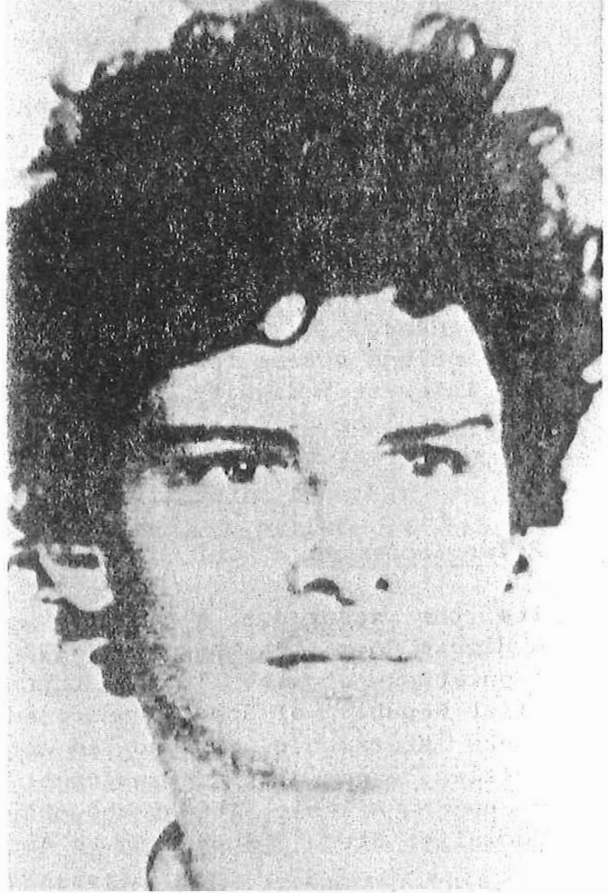
- "(1) Propaganda of a fascist nature made in public, by any means, shall subject the offender to the penalty of five to fifteen years' imprisonment and the prohibition of the exercise of certain rights.
- (2) Propaganda or the undertaking of any action in order to change the socialist order, or from which danger to the security of the State may result, is punishable by five to fifteen years' imprisonment and prohibition of the exercise of certain rights."

Dragos Oloieru, a 58-year-old former teacher, was arrested on 4 December 1981 in Radauti, Suceava county, and sentenced on 13 January 1982 by the Iasi Military Court to eight years' imprisonment under Article 166(2). The sentence was confirmed on appeal on 8 February 1982.

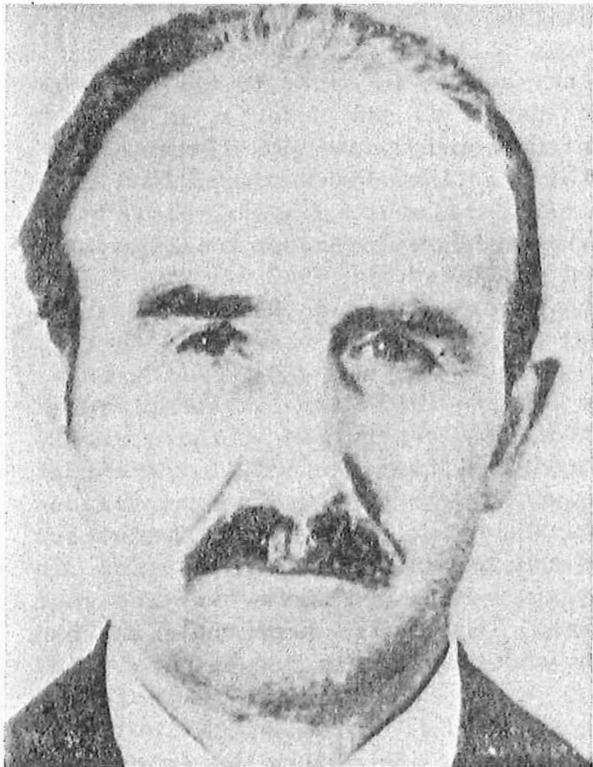
He had served a previous sentence from 1959 to 1965 on political charges. In 1980 he was dismissed from his work at a transport enterprise. Considering he had been unjustly dismissed, he sought redress from the local and central authorities. His petitions were, reportedly, ignored. He then wrote to various international humanitarian organizations and in November 1981 one of his letters was broadcast by a foreign radio station. The charges stated at his trial in 1982 were based on these letters, in which he had complained about the treatment he claimed to have received from state officials. The court found that he had "disparaged the central organs of the party and the state and thus the social order of the country".



Father Calciu (see page 24)



Radu Filipescu (see page 12)



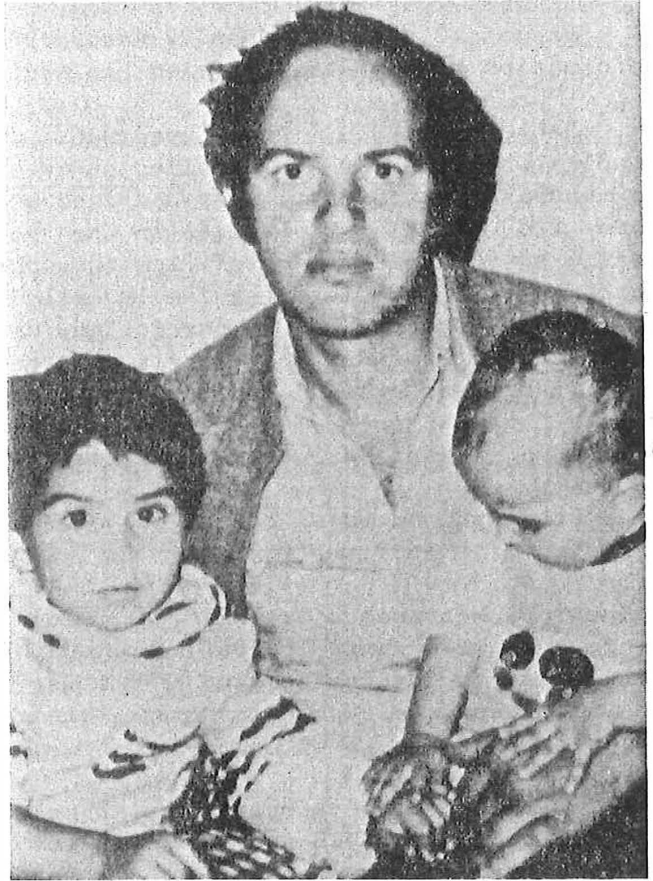
Bela Pal (see page 13)



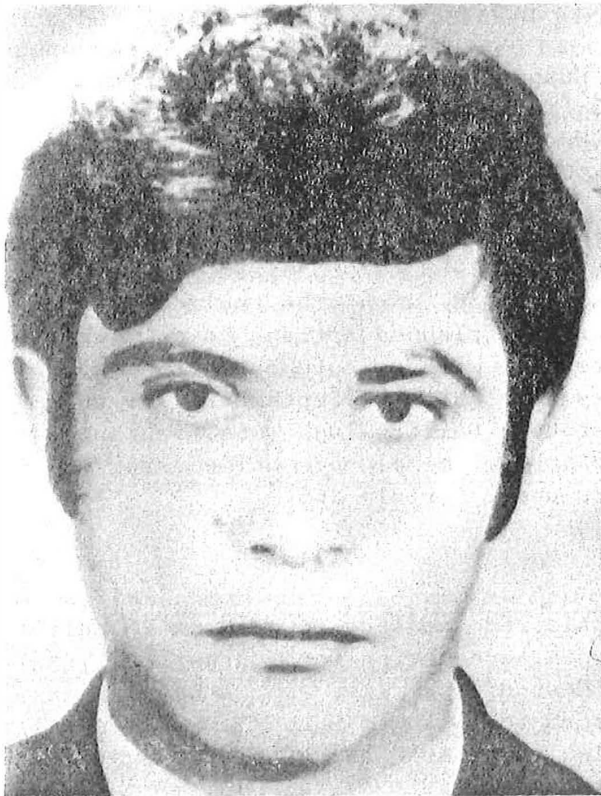
Gheorghe-Emil Ursu (see page 23)



Aurel Florea (see page 26)



Constantin Sfatcu (see page 16)



Dorel Catarama (see page 15)



Emil Mocanu (see page 21)

Dragos Oloieru died on 22 March 1985. According to Amnesty International's information he was still serving his sentence in Aiud prison.

Radu Filipescu, then aged 26, was working for the Pipera Electronics Complex when, in May 1983, police arrested him as he was distributing leaflets to houses in the city. They searched his home and found printing equipment and about 2,000 leaflets. Earlier in the year he had made a large number of leaflets and posted many of them through the letter boxes of blocks of flats in Bucharest. The leaflets reportedly called on the citizens of Bucharest to gather in Palace Square on a particular day and demand the replacement of Nicolae Ceausescu as President of Romania and leader of the ruling Romanian Communist Party. He was tried by the Bucharest military court in September and found guilty under Article 166(2). He was sentenced to 10 years' imprisonment. Following widespread international publicity he was released on 18 April 1986.

Other prisoners of conscience currently held under Article 166 at the time of writing include the following:

- Gheorghe Nastasescu, aged 56, a building worker from Iasi, sentenced to nine years' imprisonment in 1982 reportedly because he made a speech and handed out leaflets from the scaffolding of a house in Lipscani street in Bucharest calling on the populace to demonstrate their dissatisfaction with the policies and leadership of President Ceausescu;

- Ion Bugan, aged about 50, an electrician from Tecuci in Galati county, arrested in March 1983 and sentenced to 10 years' imprisonment after having driven through the centre of Bucharest displaying a picture of President Ceausescu under which he had written the caption "Nu te vrem calaule" (we don't want you, hangman);

- Francisc Barabas, aged 40, a member of the Hungarian minority, sentenced to six years' imprisonment in November 1983 (raised to seven years on appeal), reportedly for distributing leaflets in Hungarian denigrating President Ceausescu in Miercurea-Ciuc;

- Dumitru Iuga, aged 40, an electrician from Bucharest. According to Amnesty International's information, in the summer of 1983 he organized a group of students and young workers who were dissatisfied with the policies and leadership of President Ceausescu. They reportedly planned actions to publicize their dissatisfaction but were arrested before they were able to carry them out. Amnesty International understands that they were tried in September 1983 on a charge of "propaganda against the socialist state". Dumitru Iuga was sentenced to 10 years' imprisonment under Article 166 of the criminal code while seven co-defendants (names unknown) each got five years under Article 166.

Ethnic Hungarian prisoners of conscience

According to official statistics (often considered conservative) the ethnic Hungarians are the largest minority in Romania, accounting for 7.7 per cent of the population (or some 1.7 million people). Most of them live in Transylvania and the Banat. Amnesty International has heard that ethnic Hungarians who non-violently protest about alleged discrimination against the ethnic Hungarian minority face harassment and in some cases imprisonment.

Three members of the ethnic Hungarian minority from Miercurea-Ciuc, Laszlo Buzas (an economist working in a tractor factory), Erno Borbely (a high-school history and philosophy teacher and Katalin Biro (an architect) were all reportedly arrested in November 1982 in connection with the publication of an unofficial Hungarian language journal Ellenpontok (Counterpoints) and sending abroad the text of unofficial leaflets. These leaflets, distributed in the autumn of 1982, were allegedly hostile to the Hungarian minority and three people of Romanian nationality were arrested in connection with their distribution and reportedly freed after admitting having produced them. Laszlo Buzas, Erno Borbely and Katalin Biro had all reportedly expressed their conviction that the leaflets had been produced in cooperation with members of the Romanian security services. They were tried in 1983 and reportedly sentenced to six years' imprisonment (suspended in the case of Katalin Biro) under Article 166 of the Romanian criminal code ("propaganda against the socialist state"). Both Laszlo Buzas and Erno Borbely were adopted by Amnesty International as prisoners of conscience. To Amnesty International's knowledge, both were still in detention at the time of writing despite the terms of the 1984 and 1986 amnesties (see above).

Another ethnic Hungarian prisoner of conscience who apparently did not benefit from these amnesties was Adalbert (Bela) Pal, a former schoolteacher from Harghita county. He was sentenced in August 1983 to six years' imprisonment, also under Article 166, after complaining of corruption within the ruling Romanian Communist Party and protesting about lack of opportunity for ethnic Hungarians to be educated in Hungarian.

Adalbert Pal had Huntington's Chorea, which was diagnosed before his arrest, and his health had deteriorated seriously during detention. Between May and October 1986 his wife was refused permission to visit him. He was released on 21 December 1986 but was reportedly kept under close supervision at home.

Other ethnic Hungarians detained in recent years for protesting about alleged discrimination against the ethnic Hungarian minority include Andras Tokes, Laszlo Tokes and Erzsebet Gorgely, all from Tirgu Mures. They were arrested in May 1985 after distributing leaflets calling on ethnic Hungarians who had suffered harassment or discrimination to complain to the appropriate legal authorities. In July three more ethnic Hungarians - Miklos Kuhn, Jozsef Felmeri and Istvan Papp - were arrested on similar charges. All six were released within a few weeks of their arrest without, to Amnesty International's knowledge, charges being pressed.

3.3 Freedom of religion and conscience

3.3.1 International and domestic guarantees

International obligations

Articles 18(1) and (2) of the ICCPR (ratified by Romania on 9 December 1974) state:

- "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."

Section 3 of Article 18 states that freedom of religion may be subject to certain limitations, but only such as are necessary "to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

The UN Declaration on Religious Intolerance was adopted by consensus (in which Romania participated) by the UN General Assembly on 25 November 1981. Article VI includes the following provisions:

"... the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms:

- a) to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes ...
- c) to make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;
- d) to write, issue and disseminate relevant publications in these areas ...".

Domestic legal provisions

The right to freedom of religious belief is set out in Article 30 of the Romanian constitution, which states: "the freedom of belief is guaranteed to all citizens of the Socialist Republic of Romania. Anybody is free to share or not to share a religious belief. The freedom to follow a religious cult is guaranteed. The religious cults are organized and operate freely. The manner of organization and operation of the religious cults is regulated by law."

Decree No. 117/1948 (issued 3 August 1948) which regulates religious communities, includes the following provisions:

"The state guarantees freedom of conscience and religion throughout the entire area of the Socialist Republic of Romania."

This freedom is, however, limited by another clause according to which:

"Anyone can belong to any religion or adhere to any belief, provided that their practice does not stand in contradiction to the Constitution, to public security and order and to good morals."

Before the Second World War there were more than 60 religious denominations in Romania, but after Decree 177/1948 had been issued this number dropped to 14 and they were placed under the control of the Department of Religious Cults. The second largest denomination, the Roman Catholic Church, was not one of the 14 and owing to the inability of the Romanian state and the Vatican to agree on the Roman Catholic Church's charter, the church still lacks legal status in Romania. However, it has not been specifically outlawed as have the Romanian Uniate Church (dissolved by government decree on 1 December 1948), which is thought to have about a million and a half adherents, and the Lord's Army (an evangelical revival movement dissolved through Article 15 of Decree 177/1948) believed to have about 400 thousand.

3.3.2 Imprisonment up to the amnesty of June 1986

At the time of writing Amnesty International knows of no people imprisoned on account of their religious activity. Before the latest amnesty in June 1986 the organization was aware of many such cases, most often involving members of Protestant evangelical sects. However this practice appears to have ceased and Amnesty International welcomes this change. People previously imprisoned on account of their religious activity included Cornel Mich, Levi Nicola and Ilie Docu, all members of the Brethren Church in Bucharest who were sentenced in September 1985 to from 10 months' to a year's "corrective labour" for distributing and possessing Bibles and other Christian literature.

Other previous cases included those of people convicted of crimes seemingly unconnected with religious activity - for instance "embezzlement" - but where Amnesty International believed that the real reasons for their imprisonment was directly related to their religious activity. For example Dorel Catarama, a prominent Seventh Day Adventist aged 33 from Bacau county, was sentenced in August 1982 to 10 years' imprisonment and forced to pay a large sum of money to his former employers after being convicted of embezzlement and illegal possession of foreign currency. He was found guilty almost entirely on the basis of statements which he had allegedly signed under duress and which he later retracted. The only evidence produced to show that he was in possession of illegal foreign currency was a cheque for \$3,000 sent by a Chicago bank on 27 April 1982, when he was already in custody, which was returned to the same bank on 11 June through official channels. Amnesty International received allegations that the police had previously told Dorel Catarama's family that to procure his release they should raise this sum, which they did with the help of Seventh Day Adventist communities in the USA. Amnesty International received copies of two signed affidavits from companies from which he was accused of embezzling money stating that he had no debts with them and that they had no complaints against him. On appeal his sentence was increased to 14 years' imprisonment and at a retrial on 25 October 1984 it was increased to 15 and a half years' imprisonment. However his sentence was later reduced again to 14 years. The major inconsistencies between the charges brought against him and the evidence produced led Amnesty International to believe that the real reason for his imprisonment was his religious activities as a Seventh Day Adventist and his father's and brother's refusal to return to Romania after a visit to the USA in February 1982. Amnesty International adopted him as a prisoner of conscience. He was released on 27 or 28 May 1986, 10 years before the expiry of his sentence.

Another such case was that of Constantin Sfatcu, an active member of the Baptist Church of Iasi, who was arrested on 19 April 1985 while driving a car belonging to Iosif Mocan (his church pastor) in which there was a quantity of Bibles. After his arrest the police searched his home and those of his mother Maria Sfatcu and his brother Dr Teodor Sfatcu, also an active Baptist. Several items were reportedly confiscated during these searches and Pastor Mocan was detained by the police for questioning but later released. According to Amnesty International's information, Pastor Mocan was put under pressure by the police during the questioning to sign a statement that Constantin Sfatcu had stolen his car. However he reportedly refused to sign such a statement. Amnesty International also received allegations that the police attempted to implicate Teodor Sfatcu in the charges by trying to show that he was also in the car with Constantin Sfatcu on 19 April, although according to Amnesty International's information he was not.

According to further allegations received by Amnesty International, Constantin Sfatcu was ill-treated while in pre-trial detention and the marks of beatings were readily visible on his body.

On 23 July 1985 Constantin Sfatcu appeared before Iasi Court. He was found guilty of attempting to murder the policeman who had arrested him and sentenced to seven and a half years' imprisonment. Amnesty International was informed that the charge of attempted murder was unfounded and that the real reason for his imprisonment was his religious activity.

He had faced criminal charges before. In 1979 he had been accused of stealing a gas cylinder and in 1982 of driving into a child with his car without stopping. On a more recent occasion (exact date unknown) he was reportedly accused of involvement in another similar 'hit and run' accident. On each occasion the charges, which the family insist were completely unfounded, were withdrawn.

On 26 September 1985, at an appeal hearing the charge of attempted murder was changed to "aggravated bodily harm" and the sentence reduced to four and a half years' imprisonment. As a result of a further appeal heard by the Supreme Court in his absence the sentence was reduced to one year. The hearing reportedly took place on 19 April 1986 and he was released the same day.

3.4 "Parasitism"

Individuals have also been imprisoned under decree 153/1970 for exercising their human rights non-violently on charges of "parasitical" or "anarchic" conduct. This provides for summary trial without the right to legal defence and prescribes sentences of up to six months' imprisonment or "corrective labour without deprivation of liberty". This decree has been used against people involuntarily unemployed on account of the authorities' refusal to employ them, often because of having applied to emigrate or because of their political activity. For example, Florin Rusu, a 30-year-old teacher, was reportedly arrested in June 1986 and sentenced to four months' imprisonment for "parasitism". He had previously served a similar sentence for "parasitism" in 1984. On both occasions he had reportedly been refused employment by the authorities, the sole employer, on account of his political activities for the

National Peasant Party - one of Romania's leading political parties before being proscribed by the authorities in 1948.

Among other provisions the decree defines as parasitical conduct "... the launching or forming of groups which by their behaviour show that they have a parasitical or anarchist view of life running counter to elementary rules of decent behaviour and to whom the principles of socialist coexistence are alien; as well as supporting such groups in any way or joining one of them." In the past this loosely worded provision has been used to penalize groups of religious dissenters. Virgil Gadea, Corneliu Refec, Ovidiu Podborschi and Petru Marianec, for example, were all members of the Baptist Church. Virgil Gadea and Corneliu Refec (from Caransebes) and Ovidiu Podborschi (from Timisoara) also belonged to an unofficial "Organization Committee of the Young Baptists Union". In March 1983 this committee announced that if it were impossible to found a youth organization under the auspices of the official Romanian Baptists Union, they would found one independently. These individuals were among seven Baptists from the towns of Timisoara, Curtici and Caransebes named in a petition to the Romanian Baptists Union dated 2 March 1983 who urged church representatives to press for the re-establishment of the "Young Baptists Union", which was dissolved in 1950. The initiators of the petition reportedly explained their motives as the need for young Baptists to take a united stand against various forms of state repression including unfavourable discrimination in education and employment, regular house-searches, interrogation by the police and, in the case of believers caught distributing religious literature, arrest, torture and imprisonment.

According to reports, in March 1983 all the signatories of this petition were detained for questioning by the security police and threatened with imprisonment if they continued with their demands. On 10 August 1983 a group of Baptists held a public demonstration, carrying posters calling for the government to end its repression of Christians and start a dialogue with them. They were arrested, questioned and then released. The above four men were reportedly re-arrested on 15 August and transferred to Caransebes, where they were tried and sentenced the same day under Decree 153 to four months' imprisonment. At their appeal hearing on 16 August their sentences were increased to six months' imprisonment.

3.5 Freedom of movement

Despite Article 12 of the ICCPR which states "everyone shall be free to leave any country including his own", the right to leave Romania is severely restricted. Although a number of Romanian citizens do emigrate legally, this appears to be related to USA Government policy which allows Romania favourable trading terms as a Most Favoured Nation but makes this conditional on its emigration policy. Although the Romanian authorities do not publish statistics on emigration, according to western sources 21,200 people officially emigrated in 1984. Many of these - 14,831 in 1984 for instance - are members of the ethnic German minority, which constitutes approximately 1.5 percent of the total population, mostly living in Transylvania. These ethnic Germans are permitted to emigrate to the FRG allegedly in exchange for an unofficial payment of up to 10,000 DM per person by the FRG authorities. (An article in Der Spiegel on 21 October 1985 further stated that the rate was 6,000 DM for a pensioner and up to 4,000 DM per child.) A similar unofficial arrangement is reportedly undertaken

by the Israeli authorities for members of the small Jewish minority. In many cases would-be emigrants are also allegedly obliged to make similar unofficial payments to the authorities before being permitted to emigrate.

However, Amnesty International knows of many cases in which individuals who have been repeatedly refused permission to emigrate and who have suffered harassment, loss of jobs or demotion and, in certain cases, imprisonment in connection with their emigration applications. Eugene Ciobanu, for example, was arrested on 6 September 1985 after demonstrating outside the US Embassy in Bucharest over the continued refusal by the Romanian authorities to permit him and his wife to emigrate. He was later released but both he and his wife were dismissed from their jobs. Another earlier case was that of Ion Olteanu, a 35-year-old railway worker from Dobreta-Turnu Severin, who was arrested in September 1983. Shortly after he had applied to emigrate to the USA in August 1983 he received a call-up order obliging him to work on the Danube - Black Sea Canal. According to reports, he refused to sign it, believing that it had been issued to prevent him from emigrating, and then refused to appear before the military prosecutor. The police then threatened to assault him and his wife. His wife sent letters of complaint to a number of officials and tried to send a telegram to the Military Procurator General, which the local post office refused to dispatch. On 19 September 1983 the police broke into his flat, beat him severely and arrested him. He finally got permission to emigrate to the USA in February 1986.

Those who attempt, or make preparations to cross the border without official permission face prosecution under Article 245 of the criminal code, which states:

"Entering or leaving the country by fraudulently crossing the border is punishable by six months' to three years' imprisonment. Attempt to fraudulently leave the country is penalized. The procurement of means or instruments, or the taking of certain measures which manifest a person's intention to fraudulently cross the border are also considered as attempt."

Amnesty International notes that the number of such cases brought to its attention has increased in recent years. In most of the cases in which the organization has known why people have attempted to leave Romania without permission, the reason has been political or other conscientiously held beliefs. If such people are imprisoned - as they almost invariably are - Amnesty International considers them to be prisoners of conscience.

Others are imprisoned under Article 245 merely because the authorities suspect that they are planning to leave the country illegally. Ilie Savu, a mechanic living in Bucharest aged 34, was arrested on 26 July 1985 together with his 11-year-old son near the town of Dobreta-Turnu Severin on the Romanian-Yugoslav border. Reportedly, Ilie Savu, who was born in Dobreta-Turnu Severin, was visiting friends and relatives in and near the town that day, accompanied by his son and mother. According to reports, towards the end of the day he and his son were visiting friends in a village near Dobreta-Turnu Severin, having arranged with his mother to meet her at the Dobreta-Turnu Severin station in order to catch the last train back to Bucharest that evening. They did not arrive. It was later learned that at about 10 pm they had been stopped by a military patrol on their way to the station and that they had been arrested on

suspicion that they were planning to cross the border illegally into Yugoslavia. Ilie Savu's son was released a week later. On 1 October Ilie Savu himself was sentenced by a Bucharest court to one a year and a half's imprisonment under Article 245 for attempting to "fraudulently cross the national border". A further two years and eight months from a previous sentence for a similar offence (which had been suspended for three years when he was released in November 1984 under the terms of an amnesty decreed in August that year) ran consecutively, making a total of four years two months' imprisonment.

An indication of the number of people prosecuted under Article 245 is the following list of those due to be tried by Timis county court (where illegal border crossers are usually tried) for a single day - 8 December 1986.

Against	Dossier Nr.	Articles of the Criminal Code
1. Hutiu Ioan and others	2834/1986	245
2. Suciu Ioan-Gheorghe and others	2828/1986	245
3. Cupea Nutu and others	2838/1986	245, 323
4. Chelariu Dumitru	2840/1986	20, 245
5. Igna Ioan and others	2833/1986	245
6. Szabo Paol Tiberiu	2850/1986	20, 245
7. Isoaie Florian	2863/1986	20, 245
8. Viclea Adrian and others	2856/1986	20, 245 and decree 210/1960
9. Dumitrascu Gheorghe	2851/1986	20, 245
10. Cimpean Ioan	2839/1986	20, 245
11. Redoi Ioan and others	2829/1986	245

(Article 323 deals with "association for the purpose of committing offences" and Article 20 defines "attempt" to commit an offence. Cases 1, 2, 3, 5, 8, and 11 involve groups of people who attempted to leave the country illegally.)

Amnesty International also receives reports of people being killed by border guards while attempting to leave the country illegally. On 29 May 1987 Lionte Gheorghe, aged 28, illegally crossed the border near the point where Romania meets both Hungary and Yugoslavia. He reportedly crossed into Yugoslavia and then into Hungary where he was shot dead by a Romanian border guard who had followed him. On 19 September 1986 Virgil Sporea, a 28-year-old electrician died while trying, with another person (name unknown) to swim across the Danube river to Yugoslavia. Although the official cause of death was reportedly drowning, he allegedly died from head injuries after being run down by a border guard patrol boat.

Nicolaie Gheorghe, born in 1950, and Alfred Jozsef Schmidt (age unknown), both from the town of Moldava Veche on the Romanian/Yugoslav border, attempted on the night of 6/7 October 1986 to cross the border illegally together with Alfred Schmidt's nephew, Walter (last name unknown). Alfred Schmidt was arrested while his nephew Walter was reportedly killed by border guards in unknown circumstances. Relatives have no further information about Nicolaie Gheorghe, and his subsequent fate is not yet known. Alfred Schmidt was sentenced by Timis County Court to two years' imprisonment, reduced to eight months, under Article 245. He was adopted by Amnesty International as a prisoner of conscience.

Despite the constant surveillance of the border with Yugoslavia, many Romanian citizens do succeed in crossing illegally into Yugoslavia where they contact the Office of the United Nations High Commissioner for Refugees (UNHCR) in Belgrade. However, in some individual cases, would-be emigrants are returned to the Romanian authorities before they can contact the UNHCR - for instance Nicolae Malan (aged 50 years old and married with two children, from Oradea in Bihor country). Nicolae Malan had reportedly suffered officially inspired harassment because of his religious beliefs in the five years preceding his arrest. Amnesty International does not know what his religion is. (In the past it has heard of a number of religious believers of various faiths being imprisoned because of their religious activities who, before arrest, together with their families, faced officially inspired harassment.) Because of this harassment he made a number of requests to the authorities to be allowed to leave Romania, but these requests were refused. Finally, he attempted to leave the country without permission. Having crossed the border into Yugoslavia he was arrested by the Yugoslav police and sent back to Romania in August 1985. In late 1985 he was sentenced to fifteen months' imprisonment by a Romanian court for illegally crossing the border.

Amnesty International has heard of other cases in which the Romanian authorities have applied for the extradition on ordinary criminal charges of people who have left the country. These charges however are subsequently dropped. A case in point is Aurel David (born on 5 September 1943 and married with two children) who lived in Timisoara. He attempted together with two acquaintances in mid-October 1985 to leave Romania for Austria via Yugoslavia. He was arrested by the Yugoslav police and sentenced to 15 days' imprisonment in Yugoslavia, which appears to be the standard practice of the Yugoslav authorities regarding unofficial border crossers. The Romanian authorities claimed that he had to appear before a court in Romania to face ordinary criminal charges. However, after his extradition on 1 November he had to face only charges under Article 245 of the criminal code. He was tried on 16 December by a court in Timisoara and sentenced to one year's imprisonment under Article 245.

Amnesty International also knows of Romanian citizens who have been permitted to travel to other East European Warsaw Pact countries, but who have been apprehended while attempting to cross into non-Warsaw Pact countries without the necessary authorization. They too have been tried and imprisoned under Article 245 on their return to Romania. Otto Schaller, a Romanian citizen, born on 1 January 1948 and married with two children, was arrested on 20 September 1985 for trying to cross illegally from Hungary into Yugoslavia together with his seven-year-old son. He was released by the Hungarian authorities and returned to Romania where he was detained. He was tried sometime in December 1985 and sentenced to eight months' imprisonment under Article 245. His son reportedly suffered from fits since birth, and the family were informed that the only treatment for his condition was in the Federal Republic of Germany or possibly Austria. Otto Schaller had applied for a visa for himself and his son to go to the FRG but all his requests had been refused by the Romanian authorities, so he had attempted to take his son to the FRG without official permission. He was adopted by Amnesty International as a prisoner of conscience.

3.6 Psychiatric confinement

Although in the period up to 1980 Amnesty International knew of many cases of prisoners of conscience who were forcibly confined in psychiatric institutions for exercising their rights non-violently rather than for genuine medical reasons (see 2.2.), this practice appears to have become far less frequent. However, Amnesty International does still, on occasion, receive reports of the detention of people in psychiatric hospitals for exercising their right to freedom of expression. Amnesty International was informed that Aurelia Nistor (married name Aurelia Medoia but now divorced and believed to be using her original name), a 47-year-old psychiatrist working at the hospital of Vulcan in Brasov county, was arrested in 1982 reportedly after refusing to sign documents which would have resulted in psychiatric internment of people who, she believed, were being committed to psychiatric institutions because of their political opinions or because they had criticized the authorities. She had also reportedly applied to emigrate to the USA.

She was reportedly tried by a military court, but Amnesty International does not yet have any further information about her trial or possible imprisonment. The organization has further been informed that neither her relatives in the USA nor those still living in Romania have any information on her whereabouts or legal position since her arrest in 1982. Amnesty International has been seeking information about her legal status but at the time of writing has received no reply from the Romanian authorities. However, Amnesty International is informed that an official of the Romanian Embassy in the USA informed a US Senator that Aurelia Nistor had been resident in the USA since December 1984. The Romanian embassy subsequently informed the US State Department that the person in question was now named Aurelia Popa. However, subsequent investigation by the State Department casts doubts as to whether Aurelia Popa is the same person as Aurelia Nistor and Amnesty International is still seeking information on her whereabouts and legal status.

4. Torture, ill-treatment and deaths in custody

4.1 Torture and ill-treatment

Amnesty International has received many allegations that prisoners of conscience and other political prisoners have been ill-treated, especially in pre-trial detention. The organization has received some allegations of the torture of political prisoners.

Prisoner of conscience Emil Mocanu was allegedly tortured after his arrest on 6 September 1984 by, among other things, being suspended by his wrists and beaten on the soles of his feet by the Securitate (the Romanian security police) in an attempt to force him to divulge the source of religious literature found by the Securitate during a search of his home. His brother Gigi Mocanu was arrested in May 1986 on charges of possessing foreign currency although Amnesty International believed that the real reason for his arrest may have been because he had made a cassette recording of events concerning the detention of his brother Emil. Gigi Mocanu was allegedly tortured by beatings on the soles of his feet with iron bars.

Allegations that during investigation proceedings prisoners of conscience have been slapped, beaten or threatened with the use of force in order to extort confessions from them are common. During this period they are often held incommunicado or given only minimal access to family or defence counsel. For example, Klaus Wagner, a member of the Brethren Church from Sighisoara, was reportedly arrested with two others in October 1981 after the authorities had discovered and confiscated a large number of Bibles on a ship which docked at Dobreta-Turnu Severin. He was charged with helping to smuggle these Bibles into Romania and distributing them. During his pre-trial detention, Klaus Wagner was allegedly severely beaten by police officials and had to be confined to hospital for intensive care. It was also alleged that during investigation proceedings neither he nor his two co-defendants had access to defence counsel.

In November 1982 Amnesty International appealed to the Romanian authorities on behalf of several members of Romania's Hungarian minority from Cluj-Napoca and Oradea who were arrested after they had published a memorandum claiming that the minority was the object of an official policy of assimilation. They were alleged to have been ill-treated following their arrest and to have been threatened with charges of treason. Among these people was Karoly Toth, who was arrested at his home in Oradea on 7 November 1982. Amnesty International received allegations that during the following four days police officials who conducted his interrogation kicked him, knocked his head against a wall and beat him with a rubber truncheon on his head, neck and back. On 11 November he was released. However, marks of the beating he had received were allegedly still visible two weeks afterwards.

Father Gheorghe Calciu-Dumitreasa, an Orthodox priest imprisoned for "propaganda against the socialist state" in 1979, has described his treatment while in pre-trial detention in a recent open letter:

"In the time when I was under investigation the two investigators, the Security Police Colonel and the Colonel-Procurator ... did nothing for a period of some days other than insult me and my family - living and dead - in the most degrading way possible. This was the time when the Security police had decided - in advance - that I was to be condemned to death ... After three days of investigation, in which I had answered no questions, the Commander of the Security Police came into the office and ordered that I be subjected to continuous investigation - "non-stop" to use their expression. This lasted 48 hours."

In May 1985 Janos Csilik, a 29-year-old Roman Catholic priest from Oradea was allegedly ill-treated during interrogations in an attempt to make him give information about members of his congregation. Amnesty International was informed that as a result he needed hospital treatment for wounds to his hands.

Amnesty International has also received reports of ill-treatment of political prisoners after being sentenced. An account received by Amnesty International of Calea Rahovei prison in Bucharest, written by a former prisoner of conscience imprisoned there in July 1982 after his trial, alleges that for punishment prisoners were placed in solitary confinement for periods of up to 15 days and shackled with hand-cuffs and leg-irons to a ring fixed into a concrete pyramid approximately 40 centimetres high in such a way that it was only

possible for them to squat.

Former prisoners of conscience have also claimed that political prisoners were subject to ill-treatment from prison guards and by ordinary criminal prisoners instigated by the prison authorities.

4.2 Deaths in custody

Amnesty International knows of two political detainees who in recent years died due, it is alleged, to ill-treatment following arrest.

In May 1984 the organization received reports that Geza Palfi, a Roman Catholic priest from Odorheiu Secuiesc and a member of the Hungarian ethnic minority from Transylvania, had been arrested after preaching a sermon on Christmas Day 1983 protesting at that day being designated an ordinary working day. Reportedly he was beaten so badly by the police while in custody that he was taken to Tirgu Mures hospital in a critical condition and subsequently died of liver failure, officially diagnosed as cancer of the liver.

The other case was that of Gheorghe-Emil Ursu, a 60-year-old civil engineer from Bucharest, who was arrested on 21 September 1985. He had reportedly been under continuous investigation since 3 January after making critical remarks about government policy and President Ceausescu personally. Following a search of his office a large number of his personal diaries covering a 40-year period were taken by the authorities, who allegedly attempted to induce him to implicate people mentioned in these diaries in an anti-government conspiracy. On 26 October his wife was informed by the authorities that he was ill in custody and on 19 November she was told that he had died of heart failure. Gheorghe-Emil Ursu was cremated on 23 November. Relatives were only allowed a very brief view of the body on 22 November and reportedly observed blood stains on the shirt and injuries to the left temple. Amnesty International received allegations that he had been severely ill-treated in custody and that this had caused his death. On 5 December Amnesty International wrote to the authorities expressing its concern at the death and calling for a full and impartial investigation into the circumstances surrounding it. The organization did not receive a reply and to its knowledge no such investigation was carried out.

5. Arrest and trial proceedings

Amnesty International has received a number of allegations from former prisoners of conscience that the legal procedures followed with respect to investigation, trial and imprisonment of non-violent political prisoners neither conform to international norms nor are in line with Romania's own domestic provisions.

Former prisoners of conscience have alleged they were denied access to a lawyer or that they were not allowed to be represented by a lawyer of their own choice - rights which are provided for in Article 171 of the Romanian Criminal Code of Criminal Procedure. One former prisoner of conscience describes his experience over lawyers as follows:

"[Three weeks after my arrest] I was accused in the presence of a state appointed lawyer, with whom I had previously not had even a

minute of conversation, by the procurator on the basis of Article 323 ... I was forced to sign a proces-verbal (a written statement) accepting this fact and indicating my agreement that I be accused on the basis of this article [Two months after arrest] I saw for the first time a lawyer appointed by my family. I was allowed to speak with him for five minutes ..."

Others have alleged that they were denied any form of communication with their families until the trial and that lawyers appointed by the family of the prisoner were only able to see the indictment a few minutes before the beginning of the trial. This latter allegation, if true, would constitute a breach of Article 264 of the Romanian Code of Criminal Procedure which states that 24 hours after the indictment has been drawn up it should be presented, together with an unspecified number of copies, to the accused, who - according to Article 171 of the Code of Criminal Procedure - would be able to present it to the defending lawyer. Amnesty International has also received reports that defence lawyers have been prevented from fully presenting their cases.

Article 290 of the Romanian Code of Criminal Procedure states that trials are to be public unless this would be "prejudicial to the interests of the state, socialist morality or the dignity or private life of a person." Amnesty International believes this provision is open to abuse, and it has received reports of political trials held in camera or with attendance restricted to the immediate family when such a restriction has been unjustified.

Bela Pal, a member of the Hungarian ethnic minority arrested in May 1983, was arrested at his home but, reportedly, his wife was not informed of his whereabouts for two months and neither she nor the defence lawyers were allowed to see the indictment. According to reports received by Amnesty International, full details of the charges were not given at the trial nor at the initial appeal hearing. At the third and final hearing, when his original sentence of six years was confirmed, his defence lawyer was reportedly refused access to the courtroom despite Article 31 of the constitution and Article 6 of the Code of Criminal Procedure which guarantee the right to defence counsel.

6. House arrest, harassment and forced emigration

People who are critical of the authorities or who apply to emigrate face demotion or loss of their jobs, harassment and, as detailed above, in cases imprisonment. People critical of the authorities also face repeated interrogation and other forms of police pressure. Similar measures have been imposed on released prisoners of conscience. Father Gheorghe Calciu-Dumitreasa was sentenced to 10 years' imprisonment in 1979 for propagating "fascist ideology" after having preached sermons critical of the authorities. He was released on 20 August 1984 following widespread international pressure but was then subjected to severe restrictions; among other things he was at first forbidden to leave a small village near the Bulgarian border; later he was not allowed to leave Bucharest. Amnesty International considered the restrictions so severe that they amounted to imprisonment and he was re-adopted as a prisoner of conscience.

In a letter which appeared outside Romania in June 1985 Father Calciu gave details of the measures to which the authorities, in addition to those described

above, had taken in order to isolate him. He wrote:

"For months, there have been three militiamen stationed day and night in the entrance hall of the block where we live, another three at one end of the street, and another three at the other end. They check anyone who comes into the entrance hall and accompany them to the flat they wish to visit; if [they say] they are coming to our home their names are recorded in a register, and, with the exception of relatives and some very close friends, they are forbidden to come up. Three Securitate cars, each with two or three police in them, are stationed day and night near our building, and when we go out into town - even for bread or milk - at least six of them come with us, shoulder to shoulder, so that we don't exchange a word with anyone. People who innocently greet us have their identities checked, and are threatened and forbidden to have any contact with us."

Father Calciu also stated that his and his family's utter uncertainty left him no alternative but to apply to emigrate and on 5 August 1985 he was allowed to leave Romania.

Another example of such police pressure was that applied to Ion Puiu from Bucharest, an active member of the National Peasant party (NPP), one of Romania's leading political parties before being banned by the communist government in 1948. During the mass imprisonment and repression of the government's political opponents - real or alleged - which followed the Communist Party's coming to power in 1946 (see 2.2.) he was arrested and sentenced to 20 years' imprisonment of which he served 17 years.

On 28 February 1985 he wrote a letter to Nicolae Ceausescu, the President of Romania, saying he intended to stand as NPP candidate for the election district No. 1 of the agricultural sector of Ilfov in the general election to the Romanian parliament, the Grand National Assembly (GNA), which was to be held on 17 March 1985. In the letter he protested about the continuing monopoly of political power by the Romanian Communist Party (RCP) and the fact that all candidates for the GNA were appointed by the RCP. He also enclosed the NPP political program which, among other points, called for: the liberation of the GNA from the tutelage of the RCP; free and independent trade unions; the return of land which had been forcibly taken from the peasants during the collectivization campaigns which began soon after the RCP gained power in 1946; and complete freedom of religious expression and practice. He explained that his choice of electoral district was made because it included both the municipality of Jilava where he had once worked and the prison of Jilava where he had served five of his seventeen years' imprisonment.

The existence and contents of his letter quickly became known both inside and outside Romania and in early April 1986 all contact with him from outside Romania ceased and his whereabouts were unknown until mid-1986 despite Amnesty International's repeated requests to the Romanian authorities for information on his legal position and whereabouts. The organization later learned that he had been detained for a short period and fined.

On 20 October 1986 he wrote an open letter affirming his support for a joint declaration on the anniversary of the Hungarian Revolution of 1956 which was signed by 122 people from Hungary, the German Democratic Republic,

Czechoslovakia and Poland. In this letter he stated that his and his daughter's home were under constant police surveillance. Following his publicized support for the declaration he underwent repeated lengthy interrogation by the police, sometimes apparently at night, and was allegedly beaten while in police custody. He was also reportedly attacked by unknown assailants in the street.

Amnesty International has received reports of similar physical attacks by unknown assailants on people known for their opposition to the authorities or who pursue activities the authorities disapprove of. The organization has received allegations that such attacks by "unknown assailants" are sometimes in fact instigated by the authorities. Aurel Florea, a 34-year-old Pentecostalist from Rupea near Brasov was attacked and savagely beaten by "unknown assailants" at least four times between 1984 and 1986. The attacks began immediately after he had been fined 1,000 Lei (about two weeks' average pay) for "attempting to attract proselytes to join the Baptist religious sect". Amnesty International has received allegations that the authorities instigated these attacks so as to dissuade him from his evangelical activities. He was reportedly further summoned by the police and threatened after he took steps to obtain official medical certificates. These medical certificates (copies of which are in AI's possession) describe the injuries received as having been "caused by blows by a hard object".

Amnesty International has also received reports that people who criticize the authorities have been pressured by the authorities into emigrating. Geza Szocs, a member of the ethnic Hungarian minority from Cluj-Napoca in Transylvania, was reportedly summoned by the police on 14 January 1986 and told that "it would be better" if he left the country as the authorities were "unable to guarantee his security". He had been arrested in November 1982 and allegedly beaten by police officials while in detention in connection with an unofficial Hungarian language publication Ellenpontok (Counterpoints) of which he was an editor. He had sent an open letter in the Summer of 1985 to the Conference on Security and Cooperation in Europe Meeting of Experts on Human Rights, which was held in Ottawa, Canada, in which he had alleged there was an official policy of forced assimilation of the Hungarian minority. A similar case was that of Father Alexandru Pop, an Orthodox priest from Arad. In March 1986 he sent an open letter to Radio Free Europe (RFE) - a radio station which broadcasts programmes in Romanian to Romania, among other countries, from Munich, FRG - in which he called for an end to religious oppression in Romania. The letter further stated: "I am aware of everything that will follow. It is possible that after an investigation or house search, drugs, foreign currency or other objects might be "found" which could lead to my imprisonment and conviction. It is possible that I might be put in a psychiatric clinic and declared insane. In Romania anything is possible." In a subsequent letter to RFE he stated that he had been expelled from the Romanian priesthood but claimed that due to public support the authorities had not dared to arrest him. Amnesty International is informed that he was then pressured into emigrating.

7. The death penalty

Under the 1969 penal code 28 crimes carry a discretionary death sentence, with an alternative penalty of 15 to 20 years' imprisonment. Offences against territorial integrity and national sovereignty, state security and national defence as well as treason, espionage, particularly serious cases of homicide,

serious forms of embezzlement and misuse of public property and hijacking aircraft with very grave consequences are all punishable by death. The death penalty cannot be imposed on people who were under 18 when the offence was committed, on a pregnant woman, or on the mother of a child who was under three when the offence was committed or judgment pronounced.

According to information provided by the Romanian Government to the United Nations Secretariat (UN Doc. E/1980/9, page 18) during the five years from 1974 to 1978 22 death sentences were imposed and 16 executions were carried out. In this information the Romanian authorities indicated that each of these cases involved crimes against the person. Amnesty International, however, learned of death sentences imposed during this period for offences other than those against the person: Bucharest Radio (home service) reported on 27 August 1976 that the Bucharest Territorial Military Court had sentenced Nicolae Ilies and Bogdan Jordanescu to death for treason and divulging state economic secrets and that the sentences had been confirmed on appeal to the Supreme Court. It was later reported that these sentences had been commuted in November 1976.

In April 1979 a Romanian representative, responding to questions by members of the Human Rights Committee concerning Romania's report on its implementation of the International Covenant on Civil and Political Rights, is reported to have stated that "during the past 15 years it [the death penalty] had not been applied in a single case involving an offence against state property ... The scope of the death penalty had been considerably reduced in new Romanian legislation being drafted. The penalty would be applied exclusively as an exceptional measure and as an alternative in cases of homicide, treason, espionage and aerial piracy having particularly serious consequences" (UN Doc. CCPR/C/SR.140, page 12, para 48).

Despite the above, Amnesty International noted an increase in the number of death sentences imposed in the period following these official statements. In 1983 at least 13 death sentences were imposed, five of them for stealing large quantities of meat and another two for theft of public property with particularly serious consequences - none of these seven cases involved loss of life. Several of the sentences were reported to have been confirmed by the Supreme Court and petitions for clemency to have been rejected by the State Council.

On 7 February 1984 Amnesty International wrote to the Romanian authorities expressing its concern at this apparent substantial increase in the number of death sentences passed by courts and the apparent increase in the range of offences for which it was applied. The organization did not receive a reply. Since that date, to its knowledge, no death sentences have been reported in the Romanian press.

It did, however, hear that Florentin Scaletchi, Captain of the ship "Uricani", had been sentenced to death by the Bucharest Military Court on 28 March 1986, after having attempted to sail the "Uricani" to Turkey without authorization and thus leave the country illegally. He was reportedly charged with treason, plotting against the security of the state and using his personal position in the navy as well as naval property. Amnesty International was informed that his sentence was commuted to 20 years' imprisonment by the Supreme Court on 1 July 1986.