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**PUBLIC**



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## **Romania: Continuing reports of unlawful use of firearms by law enforcement officials**

### **Amnesty International's Concerns**

Amnesty International is concerned about more reports of unlawful use of firearms by law enforcement officials in Romania. In at least two cases reported in 2004 the victims were killed while in others the shootings resulted in the victims' serious injury. The organization believes that firearms were used in circumstances which are prohibited by internationally recognized principles on the use of force and firearms.

Amnesty International is also concerned that the use of firearms by police officers in disputed circumstances is a long-standing problem which the Romanian authorities have failed to effectively address and that investigations into most of these incidents were not impartial and thorough. The organization is further concerned that a new law on the organization and functioning of the police which came into force in May 2002 failed to revise provisions which allow police officers to shoot at suspects avoiding arrest who are not posing a threat to life. No official statistics were available on the number of incidents in which police officers resorted to firearms and there was no information about investigations into cases which resulted in death or injury.

### **Recent cases**

#### ***The shooting of Marius Silviu Mitran***

According to a report of the *Asociația pentru apărarea drepturilor omului în România - Comitetul Helsinki* (APADOR-CH, Association for the Protection of Human Rights in Romania - Helsinki Committee), on 13 January 2004 Marius Silviu Mitran and a young woman were driving in his friend's car to the "Siesta", a bar at the junction of

Râmnicu Sărat Street and Boulevard Camil Ressu in Bucharest, where his sister was employed. Somewhere near Matei Ambrozie Street, Marius Silviu Mitran noticed that he was being followed by another car. He drove on even after realizing that it was a police car. The policemen reportedly fired several warning shots but he still did not stop because he had no driving license. He was then shot in the head, passed out, and only regained consciousness in the Floreasca Emergency Hospital in Bucharest. The following day he was released from the hospital and taken into custody at the Bucharest Police. When he found out that the police wanted to send him to the Bucharest-Rahova Penitentiary Hospital, Marius Silviu Mitran initially refused because he knew that a penitentiary hospital was only for detainees and people awaiting trial. He finally agreed because he was afraid that his health would deteriorate. In Rahova he was examined but refused to take any drugs. The bullet was removed from his head and a psychiatric examination reportedly concluded that he was a former drug-addict with adolescent anti-social behavior.

Marius Silviu Mitran was reportedly not allowed to receive visits for twenty four days. The explanation offered by those in charge was that no one from the family had requested to see him. According to Marius Silviu Mitran's mother, there had been such a request which had even been approved by the prosecutors but police staff had prevented the visit.

### ***The fatal shooting of Nicușor Șerban***

On 30 May 2004 a 14-year old girl complained to the police that she had been raped by Nicușor Șerban in a church yard the previous night as she was returning home from the disco. On the basis of her statement two police officers were assigned to search for Nicușor Șerban who lived in the municipality of Jegălia. At around 10.30am they saw him on the street and called on him to stop but he started to run through the village. According to his sister, Florica Șerban, he was afraid that he would be beaten. An officer fired his gun and the chase continued. As Nicușor Șerban attempted to jump over a fence on the outskirts of the village, officer S<sup>1</sup> shot at him twice hitting him in the back. Immediately after the shooting many masked officers reportedly belonging to DPIR (Detașamentul Poliției pentru Intervenții Rapide – Police Rapid Intervention Unit) arrived in the village allegedly to prevent any possible reactions by the villagers. Nicușor Șerban was then taken in a police car in the direction of Călărași. On the way he was transferred into an ambulance where he died from the injuries suffered in the shooting. His body was then taken to the Călărași morgue.

Florica Șerban who had been away from home the whole day was told by neighbours on her return about what had happened to her brother. She went to Nicușor Șerban's home, and found three officers who did not allow her to enter the yard. They were reportedly waiting for a search warrant. After a long discussion, Florica Șerban offered to fetch from the house objects that the officers wanted to take away: a shirt, a vest and a pair of briefs. She stated that she was not told why her brother had been shot, neither in discussions in front of his house nor at the police station where she gave a statement concerning the objects which she had turned over to the police.

According to Florica Șerban, there were several prosecutors from Călărași as well as officers of the County Police Inspectorate of Călărași at the police station but no one from Nicușor Șerban's family or from the village was summoned to give any statements in connection with the incident. Although she had no concrete information about any investigation being carried out, she heard rumors that an investigation had been initiated

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<sup>1</sup> The identity of the officer is known to AI.

by the Military Prosecutor, as gendarmes were involved, and that officer S who shot Nicușor Șerban had been moved to another police station in the county.

APADOR-CH representatives who spoke to the owner of the field where the youth had been shot were informed that although he did not witness the shooting itself, he observed what happened subsequently. He stated that the first shot was apparently fired some distance from the scene of the incident, at the start of the chase. He said that Nicușor Șerban did not have any objects which could suggest that he was armed and that the police action attracted a lot of curious observers.

A prosecutor from Călărași who participated in the first inquiries following the shooting informed APADOR-CH representatives that the investigation is conducted by civilian prosecutors and that it would not be transferred to the military prosecutors because gendarmes did not participate in the event. It was also confirmed at the County Police Inspectorate that officer S had been transferred to the municipality of Fundeni.

### ***The shooting of a taxi driver***

On 16 September 2004 at around 1am in Matei Voievod- Popa Nan neighbourhood in Bucharest, a taxi-driver who was taking a customer home was shot in the head by a bullet that penetrated the windshield. The officer who shot him was reportedly from Section 10 Police station. A patrol had reportedly observed two men who were dismantling side-view mirrors from a Mercedes Benz car. When they noticed the police they fled in a car, pursued by the police officers. The officers reportedly shot once in the air and then three times at the car. Marius Iacob, first deputy of the Bucharest Prosecutor, reportedly stated that an investigation into the incident had been initiated.

### ***The fatal shooting of a Romani man***

On 22 October 2004 in the region of Orbic in Buhusi, police officers of Bahna and Moldoveni organized an action to apprehend wood thieves. They noticed 11 Roma men and were reportedly assaulted by them. 24-year-old Mihai Nechifor was shot dead. "When they saw us the officer said 'I have been looking for you for a long time'. My cousin who had a chain saw in his hand was shot five times by the officer without any warning", stated Ilie Ciubotaru.

### ***The shooting of Silviu Gheorghiu in Galați***

On 24 November 2004 a police patrol and guards observed Silviu Gheorghiu in a cart in Ispat Sidex industrial complex whom they suspected of stealing scrap metal. When he tried to run away he was shot and hit with seven bullets in the lower back and buttocks. Silviu Gheorghiu denied that he was attempting to steal anything. He stated that he did not hear any police order to stop, "I don't know why they shot me. They took me to the station and because all I was saying was that I was feeling very poorly, they called an ambulance and I was taken to the Emergency Hospital". He was operated upon but only one of the 8mm bullets was taken out.

## **Recommendations**

Amnesty International reiterates its recommendations to the Romanian authorities:

- to ensure that all investigations into shootings by law enforcement officials are conducted impartially and thoroughly;
- to make public full reports of the investigations and bring to justice anyone suspected of having committed human rights violations;
- to provide all law enforcement officials with clear regulations and to initiate effective training programs on the use of firearms to ensure observance of and adherence to the relevant international standards;
- to bring their legislation on the use of firearms by law enforcement officials in line with relevant international standards.