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ROMANIA

The reported ill-treatment of Dănuț Iordache

Amnesty International's concerns:

Amnesty International is concerned about the reported ill-treatment by police officers of Dănuț Iordache. If confirmed this incident would represent a violation of Romania's international treaty obligations. These include Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Amnesty International is also concerned that the investigation into the reported ill-treatment of Dănuț Iordache appears not to have been prompt and impartial, as required by Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture).

Background:

On 3 February 1997 at about 6am two police officers came to the Iordache family home in Bucharest and carried out a search without presenting a warrant or obtaining the family's written consent. After an hour, the police took Dănuț Iordache to the Section 14 Police Station for questioning. He was released two days later, on 5 February 1997, although the police are authorized to keep a suspect in detention for only 24 hours. On the same day Dănuț Iordache was treated in the Emergency Hospital for a broken jaw and contusions on the chest. He stated that he had been beaten by many officers in the police station and that his jaw broke after he was hit with a club. After the alleged beatings and questioning he was held in an unheated garage at the back of the police station together with several police dogs which were not on a lead.¹ A forensic medical certificate issued to him on 6 February 1997 described the following injuries: a haematoma on the right cheek and a fracture on the right side of the jaw. These injuries required 50 to 55 days of medical treatment.

On 19 February the police carried out another search of the Iordache family home and rearrested Dănuț Iordache, who was subsequently held in pre-trial detention in the Jilava Penitentiary in Bucharest. On 4 April he filed a complaint about the ill-treatment with the military prosecutor.

In May 1997 Amnesty International expressed its concern about the alleged ill-treatment of Dănuț Iordache to Nicolae Cochinescu, then General Prosecutor of Romania, and urged him to initiate a prompt and an impartial investigation into his complaint, to make public the results and to bring to justice those responsible. In January 1998 Amnesty International received a report² from the Ministry

¹He gave a detailed account of his treatment in detention to a representative of the Romanian Helsinki Committee (APADOR-CH), a local human rights organization, who visited him in the Jilava penitentiary.

²*Documentar cuprinzând situațiile de fapt în cazurile și aspectele semnalate de membri ai Amnesty International în 1997* ("Document about the factual situation in cases and other observations made by members of Amnesty International in 1997"), published by the Ministry on an unspecified date in 1997.

of the Interior concerning the cases which the organization had raised in 1997. With regard to Dănuț Iordache's complaint about police ill-treatment, this report contained only information concerning the alleged criminal offences which were the grounds for his arrest and detention. In February 1998 Amnesty International wrote to the Romanian Prime Minister and expressed concern that there was no information about the circumstances in which Dănuț Iordache suffered a broken jaw and contusions on the chest while he was detained in the Bucharest Section 14 Police Station. The organization asked for a full report of the investigation into Dănuț Iordache's complaint which was reportedly being conducted by the Bucharest Military Prosecutor. In July 1998 Amnesty International received confirmation from the Deputy Chief Prosecutor of Romania that an investigation is underway. However, no details were given about any findings or reasons for the investigation's prolonged duration.

Amnesty International's recommendations:

As a State Party to the Convention against Torture, Romania is bound to initiate a prompt and impartial investigation whenever an individual has alleged that torture or other ill-treatment has occurred or, even if no complaint has been made, there are reasonable grounds to believe that such ill-treatment has occurred.

Amnesty International urges the Romanian authorities to ensure that an impartial and thorough investigation into the reported ill-treatment of Dănuț Iordache is carried out, its results are made public and anyone responsible for violating human rights is brought to justice.