

# ROMANIA

## @Update to May 1995 Report

### Introduction

On 22 May 1995 Amnesty International published a report, *Romania: Broken commitments to human rights* (see AI Index: EUR 39/01/95), presenting cases of continued violations of human rights including the imprisonment of prisoners of conscience, the torture and ill-treatment of detainees, death in detention in suspicious circumstances and a nationwide pattern of police failure to protect the Roma minority from racist violence. The organization made extensive recommendations regarding legislative and judicial reforms, the investigation of allegations of torture and other ill-treatment by law enforcement officers, as well as the effective protection of Roma from racist violence. Amnesty International also addressed recommendations to the Council of Europe and to the Organization for Security and Co-operation in Europe regarding how these institutions could help protect and promote human rights in Romania.

A letter sent to Amnesty International by Lieutenant General Ion Pitulescu, of the Romanian Ministry of Interior, dated 24 May 1995, criticized the organization for being systematically misinformed by "a series of persons who do not dispose with objective data on the situation in Romania". The letter was made available to the Romanian news media and published in full in at least two national daily newspapers. On 12 June 1995 Amnesty International published its response to the Ministry of Interior.

The Ministry of Interior's letter denied the accuracy and impartiality of Amnesty International's report and its conclusions. However, it cited only one specific case - that of Ionel Buzoianu, whom Lieutenant General Pitulescu described as "a common criminal who had been sentenced to 46 years of imprisonment". Ionel Buzoianu was released from prison in January 1990, and was subsequently arrested on 1 March 1993 and charged under Article 238, paragraph 1, of the Penal Code with offending public authorities. Lieutenant General Pitulescu, however, failed to mention the act for which Ionel Buzoianu was placed under preventive arrest and held in pre-trial detention for 18 months. Neither did he explain how Ionel Buzoianu's previous convictions were relevant to the crime he was accused of in March 1993.

Amnesty International is concerned that certain provisions of the Romanian Penal Code, including Article 238, paragraph 1, impose arbitrary and excessive restrictions on the peaceful exercise of the right to freedom of expression. The reputations of public officials are adequately protected by other provisions of the Penal Code guaranteeing the honour and personal integrity of individuals, as well as by civil actions which are available to anyone, regardless of status or function.

---

According to the prosecutor's indictment, Ionel Buzoianu's car had these words painted on the side: "The commander of the traffic police encourages his officers to take bribes so that he can buy a villa on *Bulevardul Primaverii*." In explaining why Ionel Buzoianu had been charged with offending public authority, the prosecutor cited the testimony of two witnesses who stated that "small groups of citizens had gathered around the abandoned car and engaged in discussions leaving the site in amazement".

Ionel Buzoianu was released from detention by the office of the General Prosecutor of Romania when his case was brought to their attention by the Association for the Defence of Human Rights in Romania, APADOR-CH. The police commander in question is not known to have instituted an ordinary libel action against Ionel Buzoianu.

Amnesty International is also concerned that the enforcement of Article 200, paragraph 1, of the Penal Code allows for the arrest, prosecution and imprisonment of consenting adults engaging in homosexual acts in private. The Ministry of Interior's letter stated that the police initiated criminal investigations against 113 homosexuals during 1994 and the first few months of this year "only when their acts resulted in public scandal, as specified by the Romanian Penal Code".

The final decision of the Constitutional Court of Romania concerning the constitutionality of Article 200, paragraph 1, which would allow the enforcement of the law as specified by the Ministry of Interior, did not come into force before its publication in *Monitorul Oficial* of 25 January 1995. This decision allows judicial authorities not to prosecute consenting adults for homosexual acts which were not committed in public or did not produce a public scandal. It was, however, interesting to note the Ministry of Interior's claim that the Romanian Police has applied this policy since the beginning of 1994. As far as Amnesty International is aware, revision of Article 200 penalizing homosexual acts is still under debate in the Chamber of Deputies.

Amnesty International asked the Ministry of Interior to provide the organization with information on all of the above-mentioned cases. Amnesty International would be particularly interested to know how police officials defined what constituted 'public scandal'.

In one case brought to the attention of Amnesty International, the "confessions" of the accused under Article 200, paragraph 1, were supported by a neighbour's testimony that "(in their apartment) they received visits only from men, that they made effeminate gestures when other men were present, and that in similar circumstances accused S.N. was overheard saying to the other accused: 'you will feel fine'." Amnesty International is concerned that similar testimonies could be invoked as evidence of "public scandal" resulting in

---

<sup>1</sup>Timi\_oara Prosecutor's indictment of 24 April 1992 in case file number 757/P/1992.

---

imprisonment solely for consensual homosexual acts between adults in private. In another court decision, recently brought to the attention of the organization, which cast more light on possible judicial interpretation of this legal standard, the Military Court of Bucharest established that the acts committed by the defendants provoked public scandal when these were described in an article published in the local newspaper.<sup>2</sup> These acts effected "sentiments of repulsion" among the readers who protested about the publication of the article.<sup>3</sup>

Amnesty International's report also describes cases of apparently arbitrary imprisonment of Roma, beatings and other ill-treatment of Roma by police officers, as well as the failure of law enforcement officers to protect Roma from racist violence in Romania. In its letter to Amnesty International in May the Ministry of Interior claimed that the Romanian police did not establish that acts of racist violence against Roma had taken place, but that, on the contrary, the police had promptly intervened in conflicts "caused by the anti-social behaviour of some Roma". Amnesty International strongly refuted these claims, referring to incidents of racist violence including cases where police failed to afford adequate protection to Roma, in the period from December 1989 until the present, documented in its reports as well as in reports of other international and Romanian human rights organizations.

On 24 May 1995, two delegates of Amnesty International were received in Bucharest in the Office of the General Prosecutor of Romania and in the Ministry of Justice. General Popa Cherecheanu, Military Prosecutor of Romania, discussed with the delegates the results of his investigations of ill-treatment cases. They were given assurances that the cases, brought to his attention by the organization, where local prosecutors had adopted decisions not to charge police officers for their alleged participation in incidents of ill-treatment, would be thoroughly reviewed. Apparently, in most of these cases a new investigation would take place.

---

<sup>2</sup> The Bucharest Military Court Decision number 149 of 2 March 1993.

<sup>3</sup> The three defendants were convicted for an alleged act of homosexual rape under Article 200, paragraph 2, without the victim ever testifying in court or during the investigation. They were also convicted under Article 201 of the penal code which penalizes with one to five years' imprisonment "acts of sexual perversion which result in public scandal".

Mr Dinu Ianculescu, Director in the Ministry of Justice, confirmed the Romanian Government's commitment to continue its cooperation with the organization. The Ministry welcomed support from non-governmental organizations for legislative reforms which the government is initiating in order to align Romanian laws with international and European human rights standards. However, in some cases new draft laws have been overshadowed by politically more urgent issues on the agenda of the Romanian Parliament. The Director supported Amnesty International's criticism of the lack of regulations concerning individual's rights in pre-trial detention.<sup>4</sup> A proposal to reform Law number 23/1969 Concerning the Execution of Sanctions was forwarded to the Parliament four years ago, but has still not been placed on the agenda. Amnesty International delegates were told that the Romanian Government was taking all possible steps to bring some aspects of domestic law and practice into line with the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), resulting from Romania's commitments to the Council of Europe.<sup>5</sup> As a confirmation of this policy it was reported the following day, on 25 May 1995, that the Romanian Government adopted a proposal to modify the Law on the Organization of Judiciary "by clarifying the role of the Minister of Justice and of the Supreme Judicial Council in ensuring the respect for the independence of the courts, as a public service in the interest of citizens".<sup>6</sup>

Amnesty International's report *Romania: Broken commitments to human rights* received further attention from Romanian officials and political commentators following the adoption on 13 July 1995 in the European Parliament of a resolution on the protection of minority rights and human rights in Romania. The following are some of the points included in this resolution:

"The European Parliament:

...

D. in view of Romania's application to join the European Union,

E. whereas severe violations of human rights, for example the detention of non-violent political prisoners, the arbitrary arrest of members of the gypsy minority, torture and the mistreatment of prisoners are continuing to occur in Romania,

F. disturbed at the obvious misconception on the part of the Romanian police and security forces concerning their tasks, rights and duties,

...

6. Calls on the Romanian Government finally to respect its international obligations concerning respect for human rights;

7. Calls on the Commission and Council to take the most rapid measures possible - for example under the PHARE programme - to ensure that the Romanian police and

<sup>4</sup> See *Romania: Broken commitments to human rights* (AI Index: EUR 39/01/95) page 18.

<sup>5</sup> Parliamentary Assembly's Opinion number 178 (1993).

<sup>6</sup> Romanian Radio, Bucharest, in Romanian, 1300 GMT, 25 May 1995 - BBC Summary of World Broadcast, 27 May 1995 (EE/2314b/2).

security forces are trained in matters of human rights, together with their tasks, rights and duties in a democratic state governed by the rule of law and to give priority to the provision of such training both inside and outside Romania;

8. Calls on the Romanian Government finally to abandon its tolerance of nationalist violence, in particular by ensuring that the police and security forces are no longer immune from prosecution in cases where they fail to take action against outbreaks of nationalist violence;

9. Calls on the Commission and the Council to address the broad issue of human rights in their deliberations concerning Romania;

10. Calls on the EU-Romania Joint Parliamentary Committee to include the broad issue of human rights on the agenda of its deliberations and meetings;"<sup>7</sup>.

Rejecting this criticism, Dr Adrian Nastase, the president of the Chamber of Deputies, stated in his letter to Klaus Haensch, president of the European Parliament, the following:

---

<sup>7</sup> European Parliament 192.560.

---

"With respect to the so-called severe violations of human rights and the Romanian authorities' tolerance of nationalist violence, in particular against the gypsy minority, one could hardly acknowledge, in the spirit of good faith, that a number of individual cases (as identified in the Amnesty International report) represent a systematic violation seconded by the passiveness of the bodies concerned. In fact such cases are under due examination by the competent authorities whose reply shall be communicated to you as soon as it is available."<sup>8</sup>

In its report *Romania: Broken commitments to human rights*, Amnesty International describes a series of racist attacks since 1990 in which police authorities failed adequately to protect the Roma lives and property. The president of the Chamber of Deputies claims that these are only individual incidents and not part of a wider pattern of human rights violations, and that these incidents are being examined by competent authorities. Amnesty International, since October 1990<sup>9</sup>, has repeatedly urged the Romanian authorities to investigate such incidents. So far no law enforcement officer has been brought to justice for his participation in any of these incidents.

This apparent nation-wide pattern of impunity is illustrated by information recently obtained by Amnesty International concerning the investigation of one such incident. In July 1992 a group of soldiers of a military police unit attacked Roma in Pia\_a Rahova in Bucharest. Following a dispute between a Rom and a soldier based in Rahova, around 40 soldiers went to the market and indiscriminately attacked Roma, including women and children, with truncheons and nunchakus (weapons used in martial arts). According to one report at least 13 people had been injured. Amnesty International interviewed some of the victims and witnesses of the attack, and urged the Romanian authorities to promptly, thoroughly and impartially investigate the incident, to make public its results and to bring to justice those responsible for human rights violations.

An investigation conducted by the Bucharest Military Prosecutor established that on 1 July 1992 one soldier from the military unit based in Rahova was beaten by a group of Roma. Another soldier and his family fled to the military base after they were threatened by the same group. On 3 July, at around 3pm, when they were no longer on duty, a group of 35 soldiers, dressed in working uniforms and armed with rubber truncheons, left the military base intending to apprehend Roma who were responsible for the earlier incidents. As the soldiers were passing by a restaurant they were insulted by some drunken Roma who threw bottles and glasses in their direction. This provoked the soldiers into using force.

---

<sup>8</sup> Rompress news agency, Bucharest, in English, 1332 GMT, 20 July 1995 - BBC Summary of World Broadcasts of 22 July 1995 (EE/2362 B/7).

<sup>9</sup> See *Amnesty International's concerns in Romania*, October 1990 (AI Index EUR 39/09/90).

---

Three of the nine Roma complainants to the Military Prosecutor, who had submitted forensic-medical certificates attesting to injuries sustained during the beating, did not answer two consecutive summons to testify before the Military Prosecutor. Therefore, the prosecutor applied the legal presumption that the complaints had been withdrawn. The prosecutor's decision<sup>10</sup> also concludes that some participants in the Pia\_a Rahova incident may have committed acts of "beating or other violence" under Article 180, paragraph 2, of the Penal Code. These participants, however, could not be identified. Furthermore, "the analysis of the specific conditions which influenced their violent reaction leads to the conclusion that the soldiers acted in legitimate self-defence provided under Article 44, paragraph 3, of the Penal Code".

Amnesty International is concerned that the investigation of the Pia\_a Rahova incident has not been undertaken **promptly, thoroughly and impartially**. Article 12 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment obliges Romania to ensure that "competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed". This implies that an investigation should take place even in the absence of a formal complaint. Qualifying as legitimate self-defence the acts committed by the soldiers in Pia\_a Rahova, two days after the incidents which "caused their indignation" and were never reported to competent police authorities, casts further doubt on the impartiality of this investigation.

Amnesty International again urges the Romanian Government to comply with extensive recommendations contained in *Romania: Broken commitment to human rights*<sup>11</sup>. Since the publication of that report further cases of imprisonment of homosexuals who were considered prisoners of conscience, ill-treatment and a death in suspicious circumstances have been brought to the attention of the organization. These cases, as well as updates to cases from the earlier paper, are presented in this report.

## **Imprisonment solely for homosexuality<sup>12</sup>**

### **The case of Adrian Dabija and Ludovic Miklo\_**

In July 1995 Amnesty International received information on people serving prison sentences in Romanian penitentiaries who were condemned under Article 200 of the Romanian Penal Code. This list was compiled in the Ministry of Justice, Department for Penitentiary Inspection. Among 60 people detained in Romanian penitentiaries on 12 June 1995 who were sentenced under Article 200 of the Romanian Penal Code, two men have been imprisoned under the provisions of paragraph 1 of this article which penalizes sexual

---

<sup>10</sup> Bucharest Military Prosecutor's Decision of 30 July 1993 in file number 838/P/1992.

<sup>11</sup> Hereafter referred to as "the May report".

<sup>12</sup> For more information on Amnesty International's concerns regarding Article 200 please see the May report.

relations between consenting adults of the same sex by one to five years' imprisonment". Adrian Dabija, a 33-year-old prisoner in Poarta Alb\_ penitentiary, was sentenced in 1994 by the court in Constan\_a to two years' imprisonment "for engaging in sexual relations with another man". Ludovic Miklo\_, a 35-year-old prisoner in Aiud penitentiary was sentenced in 1993 by the court in Alba Iulia to one year and six months' imprisonment.

Amnesty International considers Adrian Dabija and Ludovic Miklo\_ to be prisoners of conscience and has urged the Romanian authorities to release them immediately.

### **Update to the case of Valentin-Walter Stoica<sup>13</sup>**

On 23 May Amnesty International received a letter from the Office of the General Prosecutor of Romania informing the organization that Valentin-Walter Stoica, imprisoned in August 1994, was conditionally released on 26 April 1995.

## **III-treatment and death in detention**

### **The case of Ilie Cojoc**

On 14 January 1995 in the village of Mihoveni, Suceava County, Ilie Cojoc, a 27-year-old man, was stopped by four people. The chief of \_cheia police station, the only man Ilie Cojoc recognized, told him that the men wanted to talk to him, whereupon they got into a car and drove him, without explanation, to the County Police Station in Suceava (the main town of Suceava County, which is in northeastern Romania). He was held in detention for nearly four days, from 9am on 14 January 1995 until 4pm on 17 January, during which time he was not told what he was being charged with or given any explanatory documents.

On arrival at the police station and immediately after entering an office, Ilie Cojoc was punched in the face and ordered to give up some weapons which had been stolen from the forest warden's cabin in Mihoveni on 25 December 1994. Successive beatings followed and he was forced to make a statement. He reportedly told the police officers that on 25 December, at the time of the theft, he had been with friends and relatives celebrating Christmas, and not with VB, a minor, according to whose statement he had been implicated in the crime. VB had stated that they had been together in Ilie's car, which had in fact remained in the garage from 24 to 26 December. Ilie Cojoc considered that the accusations were unfounded and, therefore, could not confess to something he had not done. He was brutally beaten again. He stated that after about 70 hours of intermittent beating he could no longer move (he could neither walk nor move his arms) and his body hurt all over. He had reportedly been beaten with legs of chairs, truncheons, fists, feet, and a chair had been broken over his head.

---

<sup>13</sup> For background information to this case please see pages 12 and 13 of the May report.



---

As a result of this treatment he had lesions all over his body, blood in his urine, and was hospitalized from 19 to 26 January 1995. According to the forensic medical certificate issued on 20 January 1995, Ilie Cojoc was hospitalized in the surgical ward of the Suceava County Hospital and given the following diagnosis: multiple bruising all over the body, chronic pyelonephritis (inflammation and infection of the kidneys), chronic optical neuropathy (damage to the optical nerve). The medical certificate states: "These injuries could have been produced by punches, kicks [and] harmful objects, possibly between 14 and 17 January 1995. The lesions necessitate 17 to 18 days' medical treatment with a corresponding incapacity to work. The life of the victim was not placed in danger."

### **The case of Ilie and Silviu \_uican**

In September 1994 Ilie \_uican and his sons Manea and Silviu received a summons to the local police station in C\_lug\_reni, in Giurgiu County. Ilie \_uican went to the station to inform the police that his sons no longer resided in the area. According to his statement given to APADOR-CH, at the police station Ilie \_uican was handcuffed and the chief of police, FA, beat him. The summons to the police station was apparently based on a complaint made by Cristina \_uican, his former daughter-in law, who claimed that Ilie and Silviu \_uican were present when, in an incident after their separation, Manea \_uican had beaten her with a pitchfork and taken a gold chain.

On 19 March 1995 Silviu \_uican and his friend, VS, who is from Bucharest and appears to be a police officer, had a fight with several shepherds, in the course of which VS was hit on the head with a stick, while Silviu \_uican used a tear-gas spray belonging to VS against his attackers. That evening Silviu \_uican was at the local bar, where the people who saw him later claimed that he bore no visible signs of any injury.

The next day, on 20 March 1995, Silviu \_uican was taken to the police station by officer DC, where he also saw VS. Soon afterwards chief of police FA and officer GC beat Silviu \_uican in front of VS, before taking him to an adjoining room. After taking a statement about the incident with the shepherds, FA allegedly beat him on the head with a chair and punched him, demanding that he write a statement about the incident with his sister-in-law, confessing that he took a neighbour's pitchfork with which he beat Cristina \_uican, and stole her gold chain. Finally, in order to avoid further beatings, he signed a statement which incriminated his brother. A witness, Radu Costel Titi, claims that he saw Silviu \_uican in the police station with visible injuries from the beating. Another witness, Sima Dumitrescu, stated that after hearing that Silviu \_uican was being beaten in the police station, she went there and, through a window, saw chief of police FA beating him. On 21 March 1995 Silviu \_uican was examined by a forensic medical specialist who observed "traumatic lesions which could have been caused by a hard object on 20 March 1995". These lesions required six to seven days' medical treatment.

On 13 April 1995 Ilie \_uican filed a complaint with the Military Prosecutor in Bucharest regarding the beating that he had allegedly received in September 1994 and the beating of his son, Silviu. In June 1995 the \_uican family received a reply from the

---

General Inspectorate of Police (number 174008, dated 24 May 1995) which states that Silviu \_uican was beaten by two shepherds (Marin Radu and Nicolae Enache) and not by police officers of C\_lug\_reni.

### **The case of Emilian Niculae**

According to reports received by Amnesty International, on 21 March 1995 between 6 and 7am, around 40 to 50 police officers allegedly carried out a raid on the Roma neighbourhood of Sectorul Agricol Ilfov (SAI), near Bucharest.

The house in which Emilian Niculae lives consists of four rooms, two of which face a porch. The doors are not locked. On the morning of the incident Emilian Niculae woke up to see a police officer standing next to his bed. When he asked the policeman why he had come and whether he had a search warrant, he was punched in the head, the stomach and the back. He was then taken away half dressed and barefoot (because he has one leg shorter than the other he requires the use of an orthopaedic shoe). His brother, Stefan T\_nase, was treated similarly. They were both put into a police van and taken to the Jilava police station. There they were put into a police car and taken to police headquarters in SAI-S\_ftica. After several hours, during which time checks were made with the police in Bolentin Deal where Emilian Niculae and his brother had residence, they were released without any charges or explanation. Later Emilian Niculae was examined by a forensic medical expert who noted bruising on his face and the back of his head.

Emilian Niculae and his family had been the victims of anti-Roma violence in Bolentin Deal several years earlier. On 7 April 1991, around 170 Roma were forced to flee the village after an ethnic Romanian was shot by a Rom. Although aware of the high risk of racist violence, police failed to prevent the mob from setting fire to 21 Roma houses and destroying another five. Five more houses were burned when some of the Roma tried to return to the village a month later.

In the past two years Emilian Niculae has worked for Romani CRISS, a Romanian Roma non-governmental organization which monitors human rights violations. It is not believed that his activity with this organization is related to his alleged ill-treatment.

### **The case of Viorel Constantin**

Viorel Constantin was ill-treated by police officers and civil guards outside a bar in \_\_nd\_rei, Ialomi\_a County. On 2 April 1995, at around 11pm, Viorel Constantin went into the Astoria bar in \_\_nd\_rei (125km east of Bucharest). On leaving he saw civil guard IT, who several days earlier had kicked his 14-year-old son, Catalin Constantin, because he did not have an identity card. Viorel Constantin asked him why he had kicked his son. Without replying, IT allegedly punched him. Civil guard ID and police officers CP and LC then surrounded Viorel Constantin and started to punch and kick him. People in the bar tried to stop the beating but without any success. The beating continued outside the Astoria, where Viorel Constantin tried unsuccessfully to hide under a car. Another police officer, IT, in plain clothes, came and started to beat Viorel Constantin. The people from

---

the bar came out and witnessed the incident. The five officers then took Viorel Constantin to the police station. Shortly afterwards the chief of the police station, lieutenant CG, arrived and released Viorel Constantin.

According to medical certificate number 337 issued on 3 April 1995, Viorel Constantin had suffered multiple bruising and scratches on the chest and the back, a fissure of the right collarbone, a traumatic rupture of the left eardrum and a broken acrylic crown of one of his teeth.

On 4 April Viorel Constantin filed a complaint with the Military Prosecutor in Bucharest and told his story to the newspaper *Adev\_rul*. On 11 April he submitted the forensic medical certificate and names of 12 witnesses to the Military Prosecutor. Ten of these witnesses were interviewed by the prosecutor leading the investigation.

An *Adev\_rul* journalist came to \_\_nd\_rei on 20 April and spoke to the witnesses, the local mayor and some other local officials, but the police refused to comment on the case. The newspaper published an article on 8 May. A week after the visit to the village by the journalist, Viorel Constantin received two *processe verbale* (reports) fining him under Law 61/91<sup>14</sup>. The first fine was dated 11 April and was issued by sergeant major LC. It accuses Viorel Constantin of being drunk and insulting and threatening civil guard IT with violence, disturbing the peace of citizens on the way to the police station and, once there, refusing to give information about his identity. For this he was fined 270,000 lei (around US\$ 140). The second fine was issued on 24 April by lieutenant MT for threats that Viorel Constantin allegedly addressed on 23 April to civil guard ID. This time he was fined 20,000 lei, also under Law 61/91. Both fines have been appealed in court.

Viorel Constantin's wife confirmed to a representative of APADOR-CH, which investigated the case, that her husband had returned home at midnight on the night of the incident, with visible traces of beatings on his face and body. They then noticed that his gold chain, usually worn around his neck, had disappeared, as had his wristwatch. One of the witnesses to the incident outside the bar, Ion Aurel, described Viorel Constantin's condition after his release from the police station (which was only a few tens of metres from the bar). He had come back to the Astoria to ask someone to drive him home as he was not able to drive himself. Ion Aurel volunteered. After testifying to the Military Prosecutor, Ion Aurel claims that he is afraid of going out alone at night in \_\_nd\_rei, fearing police harassment.

### **The case of Alfred Pan\_ and Gabriel Mitu**

Gabriel Mitu and Alfred Pan\_ were reportedly beaten and otherwise ill-treated by police officers in Sudi\_i commune, Ialomi\_a County. Amnesty International is also concerned

---

<sup>14</sup> Law number 61 on Sanctions for Violations of Norms of Social Coexistence and Public Peace and Order regulates misdemeanours. In many cases investigated by Amnesty International police officers applied this law to justify excessive use of force. For further information on this law, please see the May report.

---

that the death of Alfred Pan\_, two days following his release, may have resulted from the ill-treatment to which he had been subjected.

On 3 July 1995 in the village of Gura V\_ii, a police officer<sup>15</sup> of the Sudi\_i commune (where the village is located) arrested 16-year-old Gabriel Mitu on suspicion of theft. The officer handcuffed Gabriel Mitu and called a villager, who owns a car, to take them to the Sudi\_i police station. They were then approached by Alfred Pan\_, the boy's stepfather, who inquired about the reasons for the arrest. The officer also arrested and handcuffed Alfred Pan\_ and forced him into the car.

At the police station Gabriel Mitu, according to a statement he gave to APADOR-CH, was slapped and punched in the face and beaten on the hands with a rubber truncheon. He was coerced into signing a statement confessing to the theft of a slide projector and some glasses and plates. Gabriel Mitu also stated that before he and his stepfather were taken into separate rooms, he had seen how his stepfather had been beaten by the police chief and his assistant, who had hit Alfred Pan\_'s head against the wall. When they were released the following day at around 2am, Alfred Pan\_'s head was bruised all over and his face was smeared with blood.

Following his release from the police station, Alfred Pan\_ complained to his neighbours that he felt ill and was suffering from headaches and abdominal pains. Several witnesses confirmed that he also had difficulty walking. A wound on his forehead had been dressed by a fellow villager. On 5 July Alfred Pan\_ and Gabriel Mitu went to the police station in Sudi\_i to hand in some of the objects which had been reported stolen.

On the morning of 6 July Alfred Pan\_ told Vasilica Alexandru, a neighbour, that he was waiting for Nicu Staicovici from \_nd\_rei, on whose land he worked, to take him to the hospital. At noon Dumitru Pan\_ found his brother, Alfred, dead, stretched out face down on his bed. He immediately called Dumitru Alexandru (Vasilica's husband) and when they turned the body over, blood started running out of the nose. They then called the police to establish the cause of death. Two police officers from Sudi\_i, who were involved in the ill-treatment of Alfred Pan\_ and Gabriel Mitu, came with a nurse from a local surgery, who concluded that Alfred Pan\_'s death was caused by "a cardio-respiratory arrest, second degree hypertension and intoxication with ethyl alcohol."<sup>16</sup> The police officers then told Alfred Pan\_'s sister to sign a statement renouncing the family's right to demand that the police perform an autopsy on the corpse. The police officers reportedly told relatives that an autopsy would cost them 200,000 lei (around US\$ 100), a sum that no one in the family could afford.

---

<sup>15</sup>The officer has been identified by witnesses as assistant to the Sudi\_i police chief.

<sup>16</sup>Although it was known in the village that Alfred Pan\_ often indulged in alcohol, after the incident in the police station he had been feeling so ill that he reportedly was unable to drink.

Nicu Staicovici, director of the Cultural Centre in \_\_nd\_rei, came to the village two hours after the body had been found. Alfred Pan\_'s death appeared suspicious to him and he informed local journalists about the case. He was later told by villagers that the police officers involved in the incident had threatened him with death because they considered him responsible for publicizing the case.

According to a report by APADOR-CH, the officers involved in the ill-treatment of Alfred Pan\_ and Gabriel Mitu were stripped of the right to carry arms, but it is uncertain whether they were also suspended from work. Neither is it clear whether an official investigation has been opened into the case by the local military prosecutor.

#### **Update to the case of Nicolae Miroiu<sup>17</sup>**

The General Prosecutor of Romania informed Amnesty International in August 1995 about his investigation into the case of the alleged ill-treatment of Nicolae Miroiu. Police officer G., who was not on duty at the time of the incident, reportedly tried to restrain Nicolae Miroiu when he insulted other customers in the bar. In the ensuing fight both men suffered injuries. Following a reconciliation between Nicolae Miroiu and the police officer, the Ploie\_ti Military Prosecutor suspended all further proceedings in the case. Amnesty International is seeking to confirm this information.

#### **Update to the case of Stan Oncel<sup>18</sup>**

An investigation conducted by the Office of the General Prosecutor concluded that at the time of the incident Stan Oncel had been in state of inebriation and had refused to present his identification document at the request of the police officer. At the same time Stan Oncel addressed the police officer with insulting words. Stan Oncel reportedly hit officer G. several times, after which soldier U. struck Stan Oncel with the butt of his rifle. In view of these circumstances, soldier U. was issued with an administrative fine. Amnesty International questioned the results of this investigation, particularly its methods to determine the physical state and conduct of Stan Oncel at the time of the incident.

---

<sup>17</sup> For background information to this case please see pages 21 and 22 of the May report.

<sup>18</sup> For background information to this case please see pages 22 and 23 of the May report.