

PUBLIC



AI Index: EUR 39/008/2004

Action Ref.: AF 75/2

Date: 2 June 2004

Romania: More ill-treatment of children

Amnesty International=s Concerns

Amnesty International has in the last six months received further reports from Romania of ill-treatment of children. The organization is concerned that these incidents, should the allegations prove to be true, would represent a violation of Romania's international treaty obligations including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as Article 37 (a) of the United Nations Convention on the Rights of the Child, which states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Amnesty International is also concerned about the government=s failure to carry out impartial investigations into complaints of ill-treatment of children and to bring to justice those responsible.

Recent cases

The alleged ill-treatment of Ionuț Manole

According to an article published on 4 November 2003 by *Monitorul de Suceava*, a local daily newspaper, 15-year-old Ionuț Manole was ill-treated by a police officer in Burdujeni, a suburb of Suceava. On 2 November 2003, Ionuț Manole was playing football with his friends at the sports ground of General School no. 5 in Burdujeni when an old man who lived nearby reportedly started a row with the boys. The man telephoned the Police Station of Burdujeni and asked for help. Within minutes, police officers arrived at the sports ground and the children started to run away. The police officers followed them with their cars' sirens and flashing headlights turned on. The children scattered in all directions and Ionuț Manole was the only one the police officers apprehended. According to Ionuț Manole, he heard someone shouting: "Stop or I will shoot!". One of the officers¹ allegedly put a gun to the boy's temple, pushed him to the ground, stepped onto his back and, after handcuffing him, threw the boy in the police van and took him to the old man to confirm whether he was the one who had sworn at him.

Two children and two adults are reported to have witnessed this incident. One of the adult witnesses, Vasile Calistru, told *Monitorul de Suceava*: "First I thought that the boy had committed a crime. The policeman treated him as if he were the biggest criminal. We have been calling the police during the past two weeks to arrest a man who took shelter nearby and who was attacking us with a knife but no one came to see what it was

¹ The identity of the officers mentioned in this report is known to AI.

all about. And yet for almost nothing they get out their handguns.” Ionuț Manole was consequently taken to the police station. The boy’s father, Maricel Manole, immediately went to the police station but received no explanation as to why his son was being held.

The police reportedly conceded to the way they had arrested Ionuț Manole but said that they proceeded in that manner because thieves were active at the location of General School no. 5 where the boys were playing football. “The police officer acted correctly when he immobilized that young boy. He refused to show his ID and ran away from the school’s area, so he could have belonged to the thieves’ group. The police officer could not have known the age of the person he summoned to surrender and whom he handcuffed. In fact, when they reached the police station and saw that the boy was only 15 years and 6 months old, they freed him”, declared the spokesperson of the Suceava County Police Inspectorate.

An investigation into the incident was initiated following a complaint by the boy’s father but the prosecutor decided not to initiate criminal proceedings against the policeman on the grounds that the officer had acted legally.

The alleged ill-treatment of IG²

According to a statement given to *Asociația pentru apararea drepturilor omului în România - Comitetul Helsinki* (APADOR-CH, Romanian Helsinki Committee) by his mother, 16-year-old IG was arrested on 29 November 2003 by a public guard who accused him of stealing a box of sweets and was taken to Bacău Police Station no.1. The boy declined to reveal his real identity and address, afraid that his parents would be informed about the incident. When a police officer drove him around in a police van to identify his address, the boy acknowledged that he had not said the truth. On the way back to the police station the handcuffed boy was reportedly hit violently on the head and the back by the officer. At the police station, the beating continued, this time with a rope and with “karate” blows. IG’s father was summoned to the station and found his son’s face covered in bruises. He asked the officer to release his son but his request was turned down. The boy was eventually released at about 8pm and fined 400,000 *lei* (about 10 Euros) for having concealed his identity.

At home, the boy’s mother noticed that IG’s face and back were covered in bruises. On 2 December 2003 IG went to Bacău Forensic Hospital where it was found that he had suffered traumatic lesions caused by blows with heavy objects and that he needed 7-9 days of medical care. The medical examination also identified that IG had a purple swelling on the right temple, bruises on the shoulders as well as a swelling on the left side of his head and that the injuries could have been inflicted on 29 November 2003. When the boy’s state worsened, reportedly as a consequence of the ill-treatment, the County Hospital recommended that the family take him to the Iași Psychiatric Hospital where he was admitted on 27 January 2004 and was still being treated there at the time of APADOR-CH visit to the family on 4 February 2004.

On the same day of 29 November 2003 the same police officer was involved in another case of alleged ill-treatment of 19-year-old Marius Gelu Ionică. In both cases, the Prosecutor’s Office of the Bacău Court decided not to initiate criminal investigations against the officer due to alleged lack of evidence.

The alleged ill-treatment of Florin Matei Fieraru

² The identity of the children mentioned in this report is known to AI.

An article published on 7 February 2004 by *Evenimentul Zilei*, a Bucharest-based daily newspaper, reported about a 16 year-old boy who was beaten up savagely by a drunk policeman from Mioveni, Argeş county. Florin Matei Fieraru was buying sweets from a street kiosk when he was attacked by the deputy chief officer from the Judiciary Service in Mioveni, who accused him of using a fake 10,000 lei bill (0.25 Euros), an accusation denied by Florin Matei Fieraru. The officer pushed Florin Matei Fieraru into a nearby restaurant where he reportedly started punching him. He used his elbow to hit the boy's head and then knocked the boy's head against a window which broke at the impact. Another policeman who was accompanying the officer eventually rescued the boy from the policeman's hands.

Florin Matei Fieraru was found on the street covered in blood and bruises by his brother. The Fieraru family filed a complaint against the officer who denied having assaulted the boy.

The Arges County Prosecutor's Office is in charge of investigating this incident and a parallel investigation has also been launched by the Chief-Inspector's office. The police officer in charge of this case told *Evenimentul Zilei* that the officer suspected of ill-treating Florin Matei Fieraru had resigned from his position and might be demoted at the end of the investigation. He also confirmed that the officer was drunk at the time of the incident.

The alleged ill-treatment of an unnamed 17-year-old boy

An article published on 4 March 2004 by *Evenimentul Zilei* brought to light another report of ill-treatment of a child by a police officer in Romania. An unnamed 17-year old boy from Maderat, a village from Arad county, ended up in a hospital after being beaten up by a policeman. The boy said that he took a villager's goats out to graze but when he returned with the animals their owner was not at home, so the boy left the goats on their own. Left unsupervised, the animals destroyed the grass fields of a neighbour who was a police officer in Pincota. The policeman got angry and reportedly hit the boy until he fainted. The boy's parents filed a complaint against the policeman.

The boy reportedly suffers from memory loss and dizziness as a result of the blows to his head. At the time the article was published, he was still to be examined for any potential internal injuries of the head which could endanger his life and have further consequences on his health. The case has been taken up by the Prosecutor's Office.

The alleged ill-treatment of CB

Fifteen-year-old CB told APADOR-CH representatives that between 8.30pm and 9pm on the evening of 6 March 2004 on his way home from a private tuition session, he noticed a scuffle between police officers and taxi drivers on Calea Văcăreşti Street in Bucarest. Soon after, officers of a special intervention force team (SPIR) arrived and they started to hit the taxi drivers and push them into police vans. When the boy wanted to leave the scene, a police officer told the SPIR officers to get hold of him as well. Five SPIR officers wearing balaclavas reportedly punched and kicked CB in the head and back and then put him in one of their cars. The boy was then taken to Police Station no.14 together with some of the taxi drivers. CB's nose and mouth were bleeding due to the blows he received (the APADOR-CH representatives were shown the boy's jacket and trousers covered in blood). However, the officers continued to hit him. At the police station he was searched and told to wash and was then released at about 10.45pm. Although he was in a visibly poor state, the police officers did not take him home or ensure that someone accompanied

him.

At around midnight CB was admitted to the department of neurosurgery in the Maria Sklodowska Curie Children's Emergency Clinical Hospital with the following diagnosis: acute cerebral trauma, fracture of the nasal bones, haematoma and contusion of the left eye, contusion of the upper lip, bruising of the face and the right shoulder. The boy was released on 8 March 2004 at 11am, one and a half days after admission. CB told the APADOR-CH representatives that he was still feeling very ill when he was released. His mother also complained about his early release from hospital although the family had asked for all necessary medical examinations to be done in order to avoid further complications. The family denied the hospital's position published in the press, according to which CB had been released early at the request of his family, and stated that the early release took place under pressure from the police. CB recalled that a commissar from Police Station no. 14 went to his ward when he was hospitalised and asked the medical staff how long they intended to keep the boy there.

On 10 March when CB was interviewed by APADOR-CH representatives, he was still feeling ill, with his left eye still swollen and burst blood vessels in his eye. He went to the forensic medical institute on the same day, from where he was sent to a hospital in Bucharest for further investigations.

Referring to the same incident, the owner of Speed Taxi company, Alexandru Nedelescu, told APADOR-CH that on the evening of 6 March 2004, a car belonging to Speed Taxi company was stopped near Timpuri Noi bridge on Calea Văcărești Street by a police team from Police Station no. 14. The car had a temporary registration plate, had no taxi-meter and was not used for taxi services. The police officers asked the driver to show his ID and the car's taxi licence but he could not produce the licence because the car was not yet used for taxi services. One of the passengers did not have his ID and the officers pulled him out of the car and pushed him into the police van. The driver of the taxi car called the owner of the taxi company in order to clarify the licence issue. Alexandru Nedelescu and other drivers employed by Speed Taxi company arrived at the scene of the incident where they saw one of the passengers being hit inside the police van. Faced with the policemen's behaviour, the taxi drivers who numbered about 20 surrounded the police van with their cars.

At that moment two vans and a jeep with 15-20 agents from SPIR, dressed in black and wearing balaclavas, arrived. The SPIR officers reportedly started to punch and kick the taxi drivers and also hit them with their guns and other objects. Alexandru Nedelescu was pushed into the police van where he saw his associate, two taxi drivers, a pizza delivery man and CB being hit by police officers. They were taken to the police station where they were eventually released after giving their statements. Towards midnight the assaulted taxi drivers went to the Floreasca Emergency Clinical Hospital and to the Colțea Hospital where one was diagnosed with broken ribs and another with a fractured nasal bone. According to Alexandru Nedelescu, 12 members of his staff had physical injuries following this incident.

The alleged ill-treatment of Daniel Ionuț Nistor

On 4 May 2004 *Evenimentul Zilei* reported on the case of 11-year-old Daniel Ionuț Nistor who was ill-treated by a police officer in the town of Roman. On 29 April 2004 Daniel Ionuț Nistor was taken to the police station after being accused of stealing 150,000 lei (approx. 4 Euros) from another child in an internet room in the Ștefan cel Mare Street. The boy reportedly stated that at the police station an officer beat him with a rubber truncheon on his back and feet in order to confess the alleged crime. "I was beaten by a

policeman who was fat and had a moustache. They made me give a statement in which I had to confess that I stole although I did not do it”, said Ionuț Nistor.

According to the RomNET press agency, the boy’s parents filed a complaint against the police officer who ill-treated their son but the chief-commissar denied its existence. However, he admitted that an internal inquiry had been initiated in order to establish if an abusive investigation had taken place or not.

UPDATES

The alleged ill-treatment of Gheorghe Notar (AI Index: EUR 39/18/96 & EUR 39/005/2002)

In July 1996 police officers and public guards in Târgu Mureș reported ill-treated then 17-year-old Gheorghe Notar Jr and two other Roma boys. The Notar family filed a complaint to the European Court of Human Rights (ECHR) after failure by the authorities to investigate the case effectively.

On 5 February 2004 the ECHR received a statement from the Romanian government indicating that a friendly settlement had been reached with Gheorghe Notar whereby he would receive pecuniary compensation. The statement also indicated other measures which the government has agreed to implement:

- the government will reform the current legislation on fiscal stamps in order to exempt from tax the civil proceedings concerning damages resulting from actions violating article 3 of the Convention [this will allow many more victims of police ill-treatment to file for compensation];
- the government will, in conformity with the second paragraph of article 6 of the Convention, inform the police force about the appropriate behaviour for respecting the presumption of innocence;
- the government will continue to make efforts in the field of child protection, through the domestic laws and strategies which have entirely replaced the laws that were effective at the time of the incident;
- the government considers that the supervision of the execution of the Court’s decision by the Committee of Ministers of the Council of Europe represents an appropriate mechanism which guarantees that progress will continue to be done in this field;

The statement was accompanied by a letter in which the government confirmed that the legislation effective at the time of the incident had already been changed. The government highlighted the fact that a Departmental Commission for Child Protection and a specialised Public Service had been set up to ensure that minors are placed in an appropriate family environment. The government indicated that parents are free to maintain direct and permanent contact with their placed children and undertook to continue with reforms in this field.

Alleged ill-treatment of Ioana Silaghi (AI Index: EUR 39/005/2002)

On 5 April 2001 Major M reportedly ill-treated the then 15-year-old Ioana Silaghi who was with her friend, 16-year-old Teodora Stanciu. Both the Silaghi and Stanciu families filed complaints about the ill-treatment to the Oradea Military Prosecutor.

In a letter dated 27 April 2004 Amnesty International was informed by the Romanian Ministry of Administration and Internal Affairs that Major M had been made a reservist and diagnosed as unfit for military service after an investigation initiated in August 2001 by the Oradea Prosecutor's office. On 9 April 2002 he was sentenced to a one-year prison sentence by the Bucarest Territorial Military Tribunal which was then conditionally suspended for 3 years. This sentence was modified on 16 July 2002 by the Military Court of Appeal which cleared Major M of the offence but gave him an administrative fine of 1,500,000 lei (approx. 37 Euros).

Appeals against this decision were filed at the Supreme Court of Justice by the Military Prosecutor's office as well as by Major M. On 12 June 2003 the Supreme Court annulled the appealed decision, reduced the one-year prison sentence to six months and maintained the conditional suspension for a period of 2 years and six months. This decision is final.

Recommendations

Amnesty International once again urges the Romanian authorities:

- to ensure that impartial and thorough investigations are conducted immediately into all reported cases of ill-treatment or torture of children in accordance with Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- to make public full reports of the investigations and bring to justice anyone suspected of having committed torture or ill-treatment against children;
- to ensure that a parent is notified of the child's whereabouts and that a lawyer or an appropriate person is present when a child is being interviewed by law enforcement officials or a prosecutor;
- to ensure that no child is deprived of his or her liberty unlawfully or arbitrarily;
- to ensure that police officers are introduced and trained according to international standards on juvenile justice;
- in order to prevent ill-treatment, to ensure that the rights of children are adhered to from the onset of custody. These include:

Ythe right to be informed of the reasons for arrest;

Ythe right to be interviewed only in the presence of a lawyer or an appropriate person;

Ythe right to notify a relative or another appropriate person of the fact of arrest or detention and place of confinement;

Ythe right of access to a doctor and the right to receive adequate medical care.

Amnesty International also appeals to the Ministry of the Interior

- to publicize regular statistics on the number of complaints concerning torture and ill-treatment of children, including the number of cases which resulted in the prosecution of suspected officers.

