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**PUBLIC**



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## ROMANIA

### ALLEGED ILL-TREATMENT OF PRISONERS IN JILAVA PENITENTIARY

#### **Amnesty International's concerns:**

Amnesty International (AI) is concerned about reports that dozens of prisoners in the Jilava Penitentiary in Bucharest were ill-treated by prison guards on the night of 23-24 February 1997. If confirmed this action would represent a violation of Romania's international treaty obligations, including 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.

#### **Background:**

According to information recently received by Amnesty International, on 23 February 1997, authorities of the Jilava Penitentiary in Bucharest intervened to re-establish order, following a week-long hunger-strike organized by prisoners as a peaceful protest against overcrowding and other poor conditions. Colonel S<sup>1</sup>, an official in the General Administration of Penitentiaries in the Ministry of Justice, was reportedly in charge of the intervention to stop the protest. Most of the guards who participated in this action wore balaclavas and were armed with truncheons and wooden batons. In at least one instance a tear-gas canister was activated before officers entered a room where they allegedly indiscriminately beat, punched and kicked the prisoners who were inside. The following accounts are derived from the testimonies of three prisoners who suffered severe ill-treatment:

Giță Ilie stated that the beatings lasted intermittently from 11pm to 6am and that he suffered injuries to the left leg and the back of the neck, as well as bruising all over the body. After the beating he was

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<sup>1</sup>The full name of the officer is known to Amnesty International

taken, together with a group of other prisoners, into the courtyard where they were ordered to pick up small pieces of broken glass with their bare hands. Giță Ilie was then transferred to another section of the prison where he received some medication and treatment for his injuries. He subsequently filed a complaint about the ill-treatment and in June was questioned by the Bucharest Military Prosecutor, who reportedly initiated an investigation.

Vasile Viorel stated that on 23 February 1997, at around 7pm, he and some other prisoners were ordered to leave room number 43 and move to another room. Guards then reportedly took a number of his personal belongings, which were not subsequently returned to him or sent to his home. The prisoners were ordered to prepare for the evening roll-call, but at 8pm masked guards came into the room and reportedly indiscriminately beat them with truncheons and wooden batons. They were ordered to crawl under the beds and four guards who remained on duty intermittently hit the prisoners with truncheons. Later, guards who had a list of prisoners came and took Vasile Viorel and two other prisoners into a long corridor which was lined on both sides with guards who beat them all over their bodies. Vasile Viorel, who lost consciousness as a result of the beating, was taken to a prison surgery, where it was established that his left leg was broken and that he had suffered head and kidney injuries. Instead of receiving adequate medical treatment he was taken to room number 86 in section 5, where he was left to lie naked on a concrete floor until 6am. For four days he was reportedly refused medical treatment. On 27 February his broken leg was finally immobilised with a plaster cast. As of 19 November he was still in the Penitentiary Hospital in Bucharest, the last of the prisoners to be treated there for injuries suffered as a result of alleged ill-treatment. He filed a complaint about ill-treatment to the Bucharest Military Prosecutor but has not been contacted about it or received any acknowledgement of its receipt.

On the evening of 23 February, George Năstase Bobancu, together with many other prisoners, was taken from room number 90 in section 5 to the reception area. They were held in small rooms and forced to lie on the cement floor. George Năstase Bobancu shared a room with six or seven other prisoners. Later in the evening, between 50 and 60 prisoners were taken to the courtyard where they were beaten by around 70 officers, most of whom wore balaclavas. They were punched, kicked and beaten with wooden batons, which were apparently the legs of chairs and tables produced in the penitentiary work shop. George Năstase Bobancu claims that he was beaten all over his body, and as a result of the beating suffered a fractured breastbone. After the beating he was carried on a blanket to an infirmary where he stayed for two weeks. When he returned to the penitentiary he was disciplined with six months on "restrictive regime"<sup>2</sup>, during which time his rights to receive packages, visits and correspondence were suspended. Fifteen days later he was transferred to the penitentiary hospital where he remained until mid-October. George Năstase Bobancu claims that he was refused specialist treatment for the fractured breastbone and that he continues to experience pains in the chest. On his return to the penitentiary he was again subjected to the "restrictive regime" and is currently held in a small cell, room 604 in Section 6, with 14 other prisoners.

In May George Năstase Bobancu filed a complaint about ill-treatment to the Bucharest Military Prosecutor but has not been questioned about it or been informed about the results of any investigation. Amnesty International is aware that at least three other prisoners who were reportedly ill-treated on 23 February have also filed criminal complaints.

#### **Amnesty International's Recommendations:**

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<sup>2</sup>Article 21 of Law No. 23/1969 Concerning Enforcement of Punishments provides for a three to 12 - month long disciplinary measure called "restrictive regime", during which time a detainee is held in a special ward or penitentiary.

Amnesty International urges the Romanian authorities to ensure that the investigations into the complaints of Giță Ilie, Vasile Viorel and George Năstase Bobancu are carried out promptly and impartially, as required by Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been ratified by Romania; to ensure that the results of the investigations are made public; and to bring to justice those responsible for human rights violations.