
amnesty international

PUBLIC



AI Index: EUR 39/30/98

Action Ref.:

Date: 1 October 1998

ROMANIA: NEW REPORTS OF UNLAWFUL USE OF FIREARMS BY LAW ENFORCEMENT OFFICIALS

Amnesty International's Concerns

Amnesty International is concerned about continuing reports of the apparently unlawful use of firearms by police officers in Romania. In the organization's view the use of firearms in the cases described below is at variance with internationally recognized principles.

Amnesty International is concerned that the use of firearms by police officers in disputed circumstances is a long-standing problem which the Romanian authorities have consistently failed effectively to address and that investigations into such incidents, if they are launched at all, are not thorough and impartial.

Amnesty International is furthermore concerned that certain provisions in the new Law on the Ministry of the Interior, which regulate the use of firearms, are at variance with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which lay down essential criteria justifying the use of firearms.

The case of Marian Ciulei, Codlea

According to the report of APADOR-CH (Asociația Pentru Apărarea Drepturilor Omului în România-Comitetul Helsinki; The Association for the Defence of Human Rights in Romania-Helsinki Committee);

On the night of 24 May 1998, 16 year old Marian Ciulei, with several friends and neighbours, the oldest of whom was 19, took the train from Ghimbav to Codlea, to go to a discotheque. As they left the discotheque, a young man reportedly tried to initiate a fight, punching Marian Ciulei. He was concerned that he and his friends should catch the last train home, but one of the group retaliated. In the ensuing fight, the aggressor's gold chain was torn from his neck. Someone

informed the police, whose station was nearby. Marian Ciulei and his friends began to run to catch the train. Two of them stopped when hailed by the police, one managed to jump on to the train, while Marian Ciulei allegedly ran a few more metres. One officer pursued him, reportedly shouted 'stop or I will shoot' then fired, as Marian Ciulei threw himself to the ground. The bullet hit him in the right side of his back, hitting a lung, a kidney and his liver. On taking him to hospital, the police officers reportedly attempted to minimise the incident by claiming that he was a 'child of the street' and the doctor on duty allegedly said that Marian Ciulei was homosexual (because he had an earring) and that he was afraid of contracting AIDS.

Marian Ciulei's family was reportedly influenced by the youth of the officer who fired the shot and settled for civil compensation for his injury. The official inquiry into the shooting incident, however, has not been completed.

The case of Ioan Herea, Braşov

On the night of 17 June 1998 in Braşov, Ioan Herea and Nicolae Pana were reportedly surprised while trying to break into a kiosk that held small goods, by two police officers. They began to run away and when the officers ordered them to stop, Nicolae Pana gave himself up. Ioan Herea reportedly continued to run away, at which Sergeant Major I. S.¹ fired a warning shot, which Herea ignored. Sergeant Major I. S. then fired after him, hitting him in the back, in the right intercostal region. He was subsequently taken to the Brasov county hospital for treatment.

In July, representatives of APADOR-CH met with the Chief of Braşov Municipal Police. After they pointed out that Ioan Herea could have been killed as a result of the shooting, Colonel Bucur allegedly responded that he would have been happy if that had happened, adding that the officer's conduct was justified and that he has rewarded him.

The case Constantin Stan, Oprişor

According to *România Liberă*, a national daily newspaper, of 24 August 1998, on 22 August at around 10am in Oprişor municipality, when a police officer arrived to arrest Constantin Stan with two arrest warrants for 108 days' imprisonment for minor offences, Constantin Stan reportedly attempted to flee. Sergeant Major E. L. ordered him to stop, then fired once into the air. After Constantin Stan failed to stop, Sergeant Major E. L. fired in his direction, hitting him in the region of the right kidney.

Constantin Stan died through loss of blood, on his way to hospital. Reportedly, there is an investigation under way to establish the circumstances around the incident.

The case of Gheorghe Ciobanu, Dolhasca

Another report in *România Liberă*, of 27 August 1998 described a shooting incident which occurred on an unspecified date in Gulia, municipality of Dolhasca, Suceava County. Police officers reportedly shot and wounded Gheorghe Ciobanu, a 40 year old Rom, in the left thigh, as he was attempting to run away. The police officer, G. M., reportedly fired three warning shots before firing at Gheorghe Ciobanu, who had been sentenced to three years for theft. He was then taken to the Fălticeni hospital for treatment.

¹The names of the police officers are known to Amnesty International

Recommendations

Amnesty International once again urges the Romanian authorities to ensure that impartial and thorough investigations are conducted immediately into all shootings by law enforcement officials resulting in death or injury, to instruct law enforcement agencies to give the investigating and prosecuting authorities their full cooperation in order to establish the facts of every case, and to bring any police officers suspected of inappropriate use of firearms to justice.

The organisation also urges the Romanian authorities to provide police and other law enforcement officials with clear regulations and to initiate effective training programs on the use of firearms which will ensure that relevant international standards such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials are observed and adhered to. Amnesty International also appeals to the Ministry of the Interior to publicize regular statistics on police shootings, including the number of cases which resulted in the prosecution of officers for inappropriate use of firearms.