



AI INDEX: EUR 39/11/95
12 JUNE 1995

News Service 108/95

ROMANIA: AMNESTY INTERNATIONAL REFUTES ALLEGATIONS OF INACCURACY

In a letter sent today to the Romanian Ministry of the Interior, Amnesty international strongly refutes the government's accusations that its recently published report on human rights in Romania is "tendentious and completely untrue".

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

Amnesty International's report *Romania: broken commitments to human rights* -- released on 22 May -- elaborates in detail numerous individual cases of human rights violations in Romania, including cases of imprisonment solely for the peaceful exercise of the right to freedom of expression; for practising consensual homosexual acts between adults in private; and cases of Roma who were imprisoned for disturbing public peace, apparently solely because of their ethnic origin.

The report documents a nationwide pattern of failure by the police to protect Roma from racist violence, and includes 13 cases of ill-treatment, sometimes amounting to torture, of detainees by law enforcement officers.

According to the human rights organization, the Ministry of Interior's letter denies the accuracy and impartiality of its report and its conclusions, citing only one specific case. It concerns Ionel Buzoianu, whom Lieutenant General Pitulescu describes as "a common criminal who had been sentenced to 46 years of imprisonment". Ionel Buzoianu was released from prison in January 1990, and he was subsequently arrested on 1 March 1993 on charges under Article 238, paragraph 1, of the Penal Code for offending public authorities.

"Describing Amnesty International's report as 'tendentious and completely untrue' Pitulescu states that Buzoianu's detention was not in violation of his right to freedom of expression, but fails to mention the act for which he was placed under preventive arrest and held in pre-trial detention for 18 months. Neither does he explain how his previous convictions were relevant to the crime he was accused of in March 1993," the human rights organizations says.

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

AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

1 Easton Street, London WC1X 8DJ, United Kingdom

Tel: (44) (71) 413 5500 Telegrams: Amnesty London WC1 Telex: 28502 AMNSTY G FAX: (44) (71) 956 1157

E-mail: (GreenNet) amnestyis@gn.apc.org, (GeoNet) amnesty-is@mcr1.geonet.de

As from 16 April 1995: Tel: (44) (171) 413 5500 Fax: (44) (171) 956 1157

Human Rights in Romania. The police commander in question is not known to have instituted an ordinary libel action against Ionel Buzoianu.

The Ministry of Interior's letter also states 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".

However, the final decision of the Constitutional Court of Romania concerning the constitutionality of Article 200, paragraph 1, 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 is 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 would be glad to receive information on all of the above-mentioned cases. We would be particularly interested to know how police officials defined what constituted 'public scandal'," the organization says.

In one case brought to the attention of Amnesty International "effeminate conduct of the accused" and the fact that "neighbours complained that the accused received only male visitors" were cited as evidence for their conviction under Article 200, paragraph 1. Amnesty International is concerned that similar circumstances could be invoked as evidence of public scandal resulting in imprisonment solely for consensual homosexual acts between adults in private.

Claims by the Ministry of Interior that 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", are also strongly refuted by Amnesty International. International and Romanian human rights organizations have documented at least 38 incidents of racist violence, including instances where police failed to afford adequate protection to Roma in the period from December 1989 until today.

Lieutenant General Pitulescu's letter calls on Amnesty International to submit to him specific cases of "police who through the use of force and intimidation coerce detainees to sign false confessions and the fact that lawyers are not allowed to meet their detained clients in private", concluding that "such accusations are ungrounded and gratuitous".

Amnesty International is seriously concerned that the Romanian public, most of whom did not have access to the documented cases contained in its report, may have been misled into believing that the organization made "completely unfounded accusations against the Romanian Police". In its response to Lieutenant General Pitulescu's letter, Amnesty International urges him to study these cases, and states the organization would welcome any further discussions with him on any specific point he might like to raise.

"Amnesty International receives information from a number of non-governmental human rights organizations in Romania, from the victims, and from official documents. We carefully evaluate all the information received and act only when convinced that there is *prima facie* evidence of human rights violations," the organizations says. ENDS/