



15 June 2012

To:

Ministry of Administration and Interior Affairs, Minister, Ioan Rus
General Inspectorate of Romanian Gendarmerie, General Major Inspector, dr. Pop Gavrilă
Mures County Gendarmerie Inspectorate, Colonel Inspector, Dumitru Pavel
Mures County Police Inspectorate, Chief of Police, [Pescari Valentin](#)

Re: Fatal Shooting of a Romani Man by Police Officers, Agrașteu

The European Roma Rights Centre (ERRC) and Romani CRISS, human rights organisations which defend the rights of Roma, are writing to request urgent action following the death of a young Romani man in the context of a police intervention in Agrașteu, Mures county on 10 June 2012.

At around 7:00 PM on the day in question, following an intervention of police and gendarmerie enforcement officials, two Roma men were shot; one fatally. According to Romani CRISS interviews with the victim's relatives and members of local community, an altercation occurred among two minors, one Roma and one Hungarian. The father of the Hungarian child admonished the Romani child, and several members of the community gathered around, including the mother of the Romani child. Shortly afterwards, two police officers from the locality came to the location. An older brother of the Romani child tried to pull him out of the courtyard of a house but he was moved on, and the police officers used tear-gas spray against him.¹

Shortly afterwards, the police accompanied by members of the gendarmerie went to the Roma community, looking for the Romani child's brother. The police officers exclaimed: "This is him, get him!", indicating a Roma family who weren't connected with the previous conflict described above. L.F. was in front of the house together with another individual. At the sight of the gendarmes approaching, his brother L.D. immediately shut the gates of the courtyard. The gendarmes forced entry through the gates, entered the courtyard and hit the family members, the father and his five sons. The family responded and L. D. was subsequently shot in the leg, above the knee, as well as in the back. According to testimonies several shots were fired, creating a chaotic situation. Seeing his brother shot, L.N. fought back, took an object and hit one of the gendarmes. As he turned and tried to run he was shot in the back, between the shoulder blade and the armpit. The bullet entered his heart.

Special force police (DIAS) were also present. According to testimonies, after the use of the firearms, all the family members as well as the other individuals present in the courtyard were beaten.² L. N., 18 years old, died.

The actions of the law enforcement authorities appear to violate the Constitution of Romania, which guarantees everyone the right to life and physical integrity³ as well as Romania's international treaty obligations, which are enshrined in the Constitution as an integral part of national law; in particular, the

¹ Interview with Roma family, Romania: 13 June 2012.

² Interview with Roma family, Romania: 13 June 2012.

³ Constitution of Romania, Art. 22, available at <http://www.romania.org/romania/constitution.html>

European Convention on Human Rights and Fundamental Freedoms (ECHR)⁴ and the International Covenant on Civil and Political Rights⁵.

Article 2 of the ECHR guarantees the right to life and, in peacetime, admits of no derogation under Article 15. Any use of lethal force must be “absolutely necessary” and strictly proportionate [...].⁶ States have a procedural obligation to ensure a timely, independent and effective investigation capable of leading to a determination of whether the force used in such cases was justified and to the identification and punishment of those responsible⁷. Moreover, the obligation to conduct an effective investigation in cases of deprivation of life must be undertaken without discrimination, as required by Article 14 of the ECHR. When investigating violent incidents and, in particular, deaths at the hands of State agents, State authorities must take all reasonable steps to unmask any racist motive and to establish whether or not ethnic hatred or prejudice may have played a role in the events.⁸

In reference to the above, the ERRC and Romani CRISS request that authorities launch an investigation into the conduct and legality of the law enforcement officials’ actions on 10 June 2012. The ERRC and Romani CRISS call on the relevant authorities to:

- Conduct an independent, thorough and effective investigation into the legality of the police and gendarmerie actions in line with the obligations set by the European Convention of Human Rights;
- Ensure that the investigation fully explores any evidence of discriminatory action or bias motivation
- Make public the scope, methods and findings of the investigation in this case;
- Hold law enforcement officials found to be responsible fully accountable under the law, in accordance with the respective provisions of the Romanian law and the European Convention of Human Rights, if the investigation shows their actions were unlawful;
- Publicly and unequivocally condemn this and any similar incidents in the future; and
- Review procedures and ensure appropriate training of law enforcement officials (e.g. police, gendarmerie) to eliminate such practices occurring in the future and ensure their actions fully comply with the requirements of national and international law.

We respectfully request to be informed of any and all actions undertaken by your respective offices in a timely manner,

Sincerely,

Dezideriu Gergely
Executive Director, ERRC
CRISS

Marian Mandache
Executive Director, Romani

⁴ European Convention of Human Rights, Article 2, available at: <http://conventions.coe.int/treaty/en/Treaties/Html/005.htm>

⁵ International Covenant on Civil and Political Rights, Article 6 available at: <http://www2.ohchr.org/english/law/ccpr.htm>.

⁶ European Court of Human Rights, *McCann v. United Kingdom*, available at: <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=695820&portal=hbkm&source=externalbydocnumber&able=F69A27FD8FB86142BF01C1166DEA398649>.

⁷ European Court of Human Rights, *Kaya v. Turkey*, available at: <http://sim.law.uu.nl/sim/caselaw/Hof.nsf/1d4d0dd240bfee7ec12568490035df05/72669eff087cbf14c1256640004c3804?OpenDocument>, *Ögür v. Turkey and Tamrikulu v. Turkey*, available at <http://sim.law.uu.nl/sim/caselaw/Hof.nsf/d0cd2c2c444d8d94c12567c2002de990/f742f5c3238e4350c1256783003f2697?OpenDocument>

⁸ European Court of Human Rights, *Nachova and others v. Bulgaria*, available at: <http://sim.law.uu.nl/sim/caselaw/Hof.nsf/1d4d0dd240bfee7ec12568490035df05/e1e3b8d07542dad9c1257037004e6634?OpenDocument>