

# **Cases of Relevance to the International Convention on the Elimination of All Forms of Racial Discrimination in Romania**

**Submitted by the European Roma Rights Center**

**For Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 55<sup>th</sup> Session, 2-27 August, 1999**

## **Introduction**

The European Roma Rights Center (ERRC), an international public interest law organisation, respectfully submits this list of cases of relevance for consideration of the report of Romania by the United Nations Committee on the Elimination of Racial Discrimination (the "Committee") at its 55<sup>th</sup> Session in August 1999. This submission does not undertake a comprehensive analysis of the compliance of the government with the International Convention on the Elimination of All Forms of Racial Discrimination (the "Convention"). Nor does it offer recommendations concerning changes in law and/or practice which might ensure more effective adherence to the provisions of the Convention.

Nonetheless, the following list of cases indicates a pattern of human rights violations directed at Roma which appears inconsistent with State Party obligations under the Convention, in particular with respect to those obligations contained in Articles 2, 4, 5 and 6. This evidence of recent, repeated and often unremedied violations of Convention-protected rights reflects systematic tendencies of official ill-treatment of Roma in Romania which have been extensively documented by international monitoring organs.<sup>1</sup> Accordingly, ERRC urges the Committee to take account of the following cases in its consideration of the report of the Romanian government.

## **Expertise and Interest of the ERRC**

The ERRC is an international public interest law organisation which monitors the human rights situation of Roma in Europe and provides legal defence in cases of abuse. Since its establishment in 1996, ERRC has undertaken first-hand field research in more than a dozen countries, including Romania, and has disseminated numerous publications, from book-length studies to advocacy letters and public statements. An ERRC monitor is presently stationed in the country, reporting regularly on human rights developments concerning Roma. ERRC publications about Romania and other countries, and additional information about the organisation, are available on the Internet at <http://www.errc.org>.

The ERRC believes that the upcoming session of the Committee offers an opportunity to highlight some of the most significant respects in which the government of Romania has failed to fulfill its commitments under the Convention. We submit that our extensive factual research concerning Romania and our experience in litigating on behalf of Romani human rights victims in Romania and throughout Europe warrant the attention of the Committee to this document.

## **Cases of Relevance to Consideration of the Report of the Government of Romania**

### **October 1998 — Budila**

On 20 October, 1998, at approximately 11.30 a.m., a Romani man named Nicolae Gheorghe was arrested by police on suspicion of a criminal offence and taken to the police station in the town of Budila in Braşov County, central Romania.<sup>2</sup> When released after approximately half-an-hour, Mr. Gheorghe was reportedly in a very bad condition, and four hours later, at approximately 4 p.m., he died. Despite numerous traces of violence on Mr. Gheorghe's body, an official autopsy report concluded that he had died of severe intoxication and a heart attack.<sup>3</sup> However, a number of witnesses apparently testified that Mr. Gheorghe was not drunk at the time he was taken to the police station and that they had heard his screams from the police building while he was detained.

On 6 November, 1998, with the help of local counsel, the family of the victim filed a complaint against the police with the Braşov County Military Prosecutor's Office, requesting another autopsy of the victim's body to be carried out by a Forensic Laboratory in Bucharest. This request was reportedly denied. To date, no one has been brought to justice for the alleged killing; military prosecutors in both Braşov and Bucharest have issued non-indictment decisions in the case, on 6 November, 1998, and 17 May, 1999 respectively. Local counsel is considering filing an appeal with the General Prosecutor's Office.

### **June 1998 – Săruleşti**

At 3:30 in the morning of 29 June, 1998, the Calarasi County Police carried out a massive raid involving approximately one hundred police officers in the Romani community of Sarulesti, approximately 50 kilometres south-east of Bucharest.<sup>4</sup> Victims told the ERRC that police officers broke into their homes without warrants or their consent and started beating residents — including women and children — without giving any explanation for their actions. During the raid, a police officer named V.U.<sup>5</sup> shot 31-year-old Gabriel Mihai, one of the Romani inhabitants, seriously wounding him in the spine and leg. Approximately ten men and boys were forced into a van and brought to the local police station in Sarulesti, where they were fingerprinted and held for several hours. All detainees were released at approximately 10 a.m.; none was charged with any crime.

When questioned by ERRC, the Calarasi County Police confirmed that the police raid had indeed taken place. According to Captain Marian Bires of the crime prevention department, the raid was carried out following a request from the local police of Sarulesti, who “no longer could cope with the high level of criminality among the Sarulesti Roma.” Captain Bires told ERRC that similar raids had been conducted elsewhere in the county, in Romani communities “where the crime rate had reached a level which warranted action” on their behalf.<sup>6</sup>

As a result of his injuries, Mr. Mihai underwent surgery and was hospitalised until 15 July. The following day, on 16 July, he filed a complaint with the police concerning the unlawful shooting. An investigation into the incident by the Bucharest Territorial Military Prosecutor's Office under case file No. 808/P/1998 is, according to ERRC's information, still pending.

### **December 1997/March 1998 – Tîrgu-Mureş**

On 17 December, 1997, a 27-year-old Romani man named Sebastian Muntean was reportedly severely ill-treated during detention by the Tîrgu-Mureş police.<sup>7</sup> According to the testimony of the victim, he was caught by a crowd accusing him of theft at around noon that day, then arrested and brought to the police station where Officer C.<sup>8</sup> and others beat him with wooden sticks on the back, stomach and legs. During the evening meal the same day, Mr. Muntean broke and swallowed a piece of a spoon, apparently in order to be brought to the hospital and to escape further beating by the police. In response to concerns expressed about Mr. Muntean's fate, the local human rights organisation Liga Pro Europa received a letter from the County Police Chief Vasile Cotoară dated 10 February, 1998, according to which Mr. Muntean had not been subjected to any physical abuse during arrest. The letter confirmed that Mr. Muntean had swallowed the handle of a spoon, but explained the motive behind this act of self-mutilation as a simple wish of the detainee to be released. Mr. Muntean was apparently released on 22 December, 1997 pending a criminal investigation.

Mr. Muntean and his family again became the subject of police abuse on 5 February, 1998, in Satul Nou near Braşov, approximately 150 kilometres south-east of Tîrgu-Mureş, when a group of police officers reportedly came to the house of Maria Muntean, Sebastian Muntean's mother, asking her about her son's whereabouts and claiming that he had been involved in a theft in Braşov that day. When told that Sebastian was not at home, the police allegedly beat Ms. Muntean and Sebastian's (common-law) wife Andra Albert. ERRC is not aware of any investigations into the incidents.

## **July 1996/March 1998 – Tîrgu-Mureş**

On 7 July, 1996, in the town of Tîrgu-Mureş in central Romania, 13-year-old Florin Notar, 17-year-old Gheorghe Notar Jr., 15-year-old Ioan Otvos, and 16-year-old Rupi Stoica were arrested by police on charges of robbery.<sup>9</sup> According to testimony provided by Gheorghe Notar Jr., Officer I.N.<sup>10</sup> stopped him as he was leaving the apartment of the M. family at around 6:30 p.m., and asked him if he was Gheorghe Notar. When the boy confirmed his identity, the officer started beating him with a truncheon and kicked him. He was forced into a police-car in which a second police officer as well as Florin Notar, Ioan Otvos and Rupi Stoica were already sitting, then driven to the police station. On their way to the police station, Officer I.N. allegedly continued beating Gheorghe Notar Jr. and the other three boys.

At the police station, the boys were questioned about an incident of robbery that had taken place earlier that day. Throughout the interrogation, which lasted several hours, they were repeatedly subjected to beatings by Officer I.N. and several other police officers. During the interrogation, the boys were also forced to give written statements concerning their alleged involvement in the robbery. When Gheorghe Notar Jr. refused to admit to the robbery, he was reportedly made to stand on one leg and keep his hands in the air, while Officer I.N. struck him several times with a truncheon and threatened to keep him at the police station until he wrote statements more to the officer's liking.<sup>11</sup>

At approximately 11:30 p.m., Gheorghe Notar Jr., Ioan Otvos and Rupi Stoica were taken to the Centre for the Protection of Minors,<sup>12</sup> while 13-year-old Florin Notar was released. Upon arrival at the Centre, all three youths had their heads shaved and were compelled to exchange their own clothing for clothes provided by the Centre. They were also reportedly forced to take cold showers every day during their stay at the Centre, which lasted until 12 July.

On 9 July, the three minors were taken to the police station and again questioned about the alleged robbery. While at the police station, the boys were filmed by a crew from the local television station "Antena 1." They were broadcast on television the same evening, with an announcer reading their full identities and stating that they had committed a robbery.

Shortly after 1 p.m. on 12 July, following numerous inquiries by the Liga Pro Europa, the boys were finally released without being formally charged.<sup>13</sup>

On 12 July, 1996, three separate complaints concerning the police misconduct were filed with the Military Prosecutor's Office in Tîrgu-Mureş.<sup>14</sup> Five months later, on 18 December, 1996, this office forwarded the case<sup>15</sup> to the Bucharest Territorial Military Prosecutor's Office, which on the very next day, 19 December, 1996, issued a non-indictment decision and ordered the investigation closed.<sup>16</sup> Despite a re-opening of the investigation ordered by the Military Section of the General Prosecutor's Office on 26 February, 1997, the Bucharest Territorial Military Prosecutor's Office issued a second non-indictment decision on 21 May, 1997<sup>17</sup> – a decision which this time was upheld by the General Prosecutor's Office, on 6 October, 1997.<sup>18</sup>

Following the October 1997 decision not to indict the police officers responsible for the ill-treatment of his son, Gheorghe Notar Sr. consulted with an attorney about the possibility of filing an application with the European Commission of Human Rights in Strasbourg.

A few months later, on 16 March, 1998 at around 3 p.m., police officers V.G. and I.S.<sup>19</sup> from the Tîrgu-Mureş police forcefully entered the Notar family house, notwithstanding the absence of a search warrant or Mr. Notar's consent to their entry.<sup>20</sup> Officer V.G. allegedly stated that he did not need a warrant because he is a police officer and Mr. Notar had "sent a file to Strasbourg and did not want to withdraw it." The police officers reportedly demanded that other persons in the house at the time – C.B., F.C., and C.M., two of them Roma — present their identification papers. The officers offered no explanation for their request. Upon being shown the requested documents, the police kept the papers and ordered the three men to present themselves at the police station at 8 a.m. on 18 March, 1998.

At the police station on 18 March, the three men were asked to sign statements asserting that the two police officers had entered Mr. Notar's house because they had been invited there. The men refused to sign the statements. Eventually, they were returned their identification papers and released without charges. Mr. Notar filed a complaint against the officers with the military prosecutor's office in Tîrgu-Mureş on 23 March, 1998. ERRC is unaware of any criminal proceedings with regard to the police officers involved. A letter of concern, sent by the ERRC to the Chief of the Mureş County Police Vasile Cotoară concerning the incident on 23 March, 1998, remains unanswered.

Notwithstanding this apparent attempt to intimidate the Notar family, on 17 August, 1998, with the help of local counsel and the ERRC, Gheorghe Notar Jr. filed an application with the European Commission of Human Rights in Strasbourg concerning the 1996 police ill-treatment. That application is presently pending before the European Court.

### **August 1997 — Tîrgu-Mureş**

At approximately 8:30 p.m. on 11 August, 1997, a Romani man named Liviu Cioc was allegedly ill-treated by a group consisting of four police officers and one civilian man.<sup>21</sup> According to testimony provided by Mr. Cioc's wife Rodica Arman, she and her husband were visiting a family member in the village of Orsova Padure in Mureş County, when four police officers, A.H., P.C., D.F., I.R.,<sup>22</sup> and a civilian named V.P.,<sup>23</sup> all allegedly under the influence of alcohol, forcibly entered the house, saying that they were looking for Danuţ Cioc, another member of the family. When Liviu Cioc told the intruders that Danuţ had moved to another village, Officers A.H. and V.P. reportedly grabbed him and started beating him with their fists. When Ms. Arman attempted to intervene and aid her husband, the policemen slapped her and pushed her aside. The officers then reportedly pulled Liviu Cioc out of the house, and, while continuing to beat and kick him all over his body, forced him into their car and drove him to a remote place outside the village where they left him by the side of the road.

Mr. Cioc managed to get back to his house the same night and went to the hospital the following day. He was admitted to Tîrgu-Mureş County Hospital and remained there from 12 to 22 August, 1997. According to medical certificate No. 3043 dated 12 August, 1997, issued by the Legal Forensic Institute of Tîrgu-Mureş, his injuries required 22-24 days of medical treatment.

Mr. Cioc filed a complaint against the police on 12 August, 1997. A month later, on 13 September, 1997, Mr. Cioc was visited by a group which included police officers (among whom were those who had ill-treated him), the civilian V.P. and the mayors of Idiciu and Ibăneşti, the villages in which, respectively, the Cioc family lives and the local police station is located. These persons allegedly pressured Mr. Cioc to sign a declaration stating that V.P. would pay him 4 million Romanian lei if he did not pursue the case. Mr. Cioc refused to sign.

In late March, 1998, Mr. Cioc turned to the Liga Pro Europa for help. He provided the organisation with a copy of his original complaint against the police, filed with the Military Prosecutor's Office in August 1997, along with a cassette containing a half-hour recording of the September 13 visit. On 9 April 1998, the Liga Pro Europa sent the cassette to the Military Prosecutor's Office of Mureş County, expressing concern about the police conduct and asking to be informed about the status of the case. On 14 April, 1998, the Military Prosecutor's Office informed the Liga Pro Europa that based on the new evidence submitted by the organisation, the office had opened an investigation into the incident.

This prompt initial reaction notwithstanding, no criminal proceedings were initiated against the officers involved in the ill-treatment and black-mailing of Mr. Cioc. In May 1999, the Military Prosecutor of Mureş County referred the case to the police, reportedly arguing that it had not found enough evidence for the initiation of criminal proceedings against the officers involved. ERRC was recently informed that according to Police Decision No. 189.311 of 15 June, 1999, Officers A.H. and D.F. had been subjected to internal disciplinary measures consisting of five days of unpaid service and a meeting among their colleagues, during which their acts had been brought up for discussion. Following the decision, on 29 June,

1999, the Liga Pro Europa organised a press conference to publicise the inadequate action taken by the law enforcement and judicial authorities in Mureş County concerning this incident.

### **August 1997 – Buftea**

At approximately 11:30 p.m. on 8 August, 1997, a 21-year-old Romani man named Marin Remus Marin was shot five times by N.T.,<sup>24</sup> an off-duty police officer, near the town of Buftea, approximately 30 kilometres north of Bucharest.<sup>25</sup> The police claim that officer N.T., who was on holiday in Buftea at that time, shot Mr. Remus during an attempted arrest after Mr. Remus and several others had been caught breaking into a private warehouse. Mr. Remus was found by his mother, Floarea Marin, at dawn, lying unconscious in a pool of blood by the fence surrounding their house in Vizureşti, 8 kilometres from Buftea. He was taken by his family to the Bucharest Emergency Hospital, where he underwent surgery twice and remained hospitalised until 25 August, 1997.<sup>26</sup>

Mr. Remus has been held in pre-trial detention since the August 1997 shooting, on burglarly charges. As for the police behaviour, an investigation by Prosecutor Rusu at the Bucharest Territorial Military Prosecutor's Office was, as of late 1998 (more than a year after the incident), still pending.<sup>27</sup>

### **August 1997 – Botez**

Police allegedly acted improperly during investigation of an incident of arson against a Romani woman in the town of Botez in Mureş County.<sup>28</sup> Mrs. M.K., an elderly Romani woman, was burned out of her house built during the Communist era on land which had been expropriated from the D. family. On the evening of 5 August, 1997, Mr. V.D. reportedly set fire to Mrs. M.K.'s house and burned it to the ground in an effort to resolve a property dispute by unlawful means. Mr. V.D. was reportedly later overheard speaking openly about the act in a local pub. The police opened an investigation, but after Mr. V.D. approached M.K. and offered to pay damages, Mrs. M.K. requested that the investigation be stopped. The police evidently agreed to cease investigating, although under Romanian law, investigation of crimes such as arson (Article 217, para. 4 of the Penal Code), should continue independent of the will of the victim.

In September 1997, Mrs. M.K. returned to the police and asked that her complaint be renewed because Mr. V.D. had not paid her. The police then allegedly told her that since she had withdrawn the complaint previously, it was impossible to reopen the case. In response to a letter sent by the Liga Pro Europa expressing concern about the case, the police replied on 19 September, 1997, that they were, in fact, investigating. On 16, January, 1998, the organisation received a second letter stating that the police investigation was over and that the case file had been forwarded to the prosecutor's office.<sup>29</sup> Shortly thereafter, on 26 January, 1998, the prosecutor brought arson charges pursuant to Art. 217, para. 4 of the Romanian Penal Code against Mr. V.D. According to ERRC's information, trial proceedings in the case are pending.

### **July 1997 – Mangalia**

In the evening of 4 July, 1997, 24-year-old Belmondo Cobzaru was allegedly subjected to severe beatings by several police officers at the police station of Mangalia, a town situated on the Black Sea coast in south-eastern Romania.<sup>30</sup> Mr. Cobzaru had presented himself at the police station on his own initiative in order to explain an earlier incident in which he had broken into the apartment of his common law wife, apparently fearing that she may have committed suicide. According to Mr. Cobzaru, Officer G.G. and Officer D.C.,<sup>31</sup> in the presence of another four officers in plainclothes, punched him in the head until his nose started to bleed and kicked him. A newspaper was then reportedly placed on his neck, where he was beaten with a wooden stick. After approximately two and a half hours, Mr. Cobzaru was released, only after the police allegedly forced him to sign a statement saying that he had been beaten by his wife's brother-in-law and his friends.

Following his release, Mr. Cobzaru sought medical assistance at the local hospital in Mangalia,

from where he was transferred to the neurosurgical ward at the Constanța County Hospital. He remained there until 7 July, 1997. A forensic medical expert report, issued on the day of his release from the hospital, documented bruising around the eyes, on the third and fourth fingers of his right hand, and on his chest, right thigh, and head.<sup>32</sup>

Belmondo Cobzaru filed a complaint against the police officers with the chief of the Mangalia police on 8 July, and with the Constanța County Military Prosecutor's Office on 21 July, 1997. On 12 November 1997, the Constanța County Military Prosecutor's Office issued a non-indictment decision in the case (filed under No. 270/P/1997), which was upheld by the Chief Prosecutor of the same office on 4 May, 1998, and by the General Prosecutor's Office on 18 November, 1998. Having unsuccessfully exhausted all domestic remedies, on 11 May, 1999, Belmondo Cobzaru filed an application with the European Court of Human Rights with the assistance of local counsel and ERRC.

### **February 1997 – Bucharest**

According to a report by Amnesty International, on 11 February, 1997, Laurențiu Ciobanu, a 29-year-old Romani man, was shot and wounded in Bucharest by police during an arrest for attempted theft.<sup>33</sup> Officers M.F. and E.B.,<sup>34</sup> who allegedly caught Mr. Ciobanu stealing from a parked car, apparently claimed that when attempting to apprehend the suspect, he waived at them with a screwdriver and then ran away. After two warning shots in the air, one of the officers shot at Mr. Ciobanu three times, making him fall to the ground. Mr. Ciobanu was then transported to a hospital where he underwent several operations for injuries caused by the bullets in his lungs and kidneys.

ERRC is not aware of any disciplinary measures against the police officers involved. According to our information, an investigation by Prosecutor Rusu at the Bucharest Territorial Military Prosecutor's Office (under case file No. 195/P/1997) is still pending.<sup>35</sup>

### **June 1996 – Săcele**

Another police shooting of Roma reportedly occurred in Săcele commune near Brașov in central Romania, at around 1 a.m. on 26 June, 1996, when a group of five policemen spotted three Roma walking with horses carrying sacks.<sup>36</sup> According to a local newspaper, the police claimed that they had first signalled the Roma to stop, then fired eight warning shots in the air. The shots, according to the police; struck no one; the Roma disappeared in the dark. The following morning, however, the emergency hospital in Brașov reported having received two Roma, 20-year-old Marian Marsavela and his 17-year-old common-law wife, Ana Strica, both of whom had bullet wounds in their arms. Marian Marsavela underwent surgery and remained hospitalised until 8 July, 1996 as a result of his injuries. He reported having walked with his wife from his father-in-law's house in the early morning hours of 26 June when the shooting suddenly began. No criminal proceedings were initiated with regard to the police officers involved; ERRC was informed that the Brașov County Military Prosecutor's Office issued a non-indictment decision with respect to the alleged police misconduct on 23 January, 1997.

### **June 1996 – Coltău**

At approximately 10:00 p.m. on 2 June, 1996, in the village of Coltău in northern Romania, a team of four public guardians<sup>37</sup> shot at a group of Roma, seriously injuring 17-year-old Nelu Craitar in the neck and 30-year-old Alexandru Rezmives in the leg. 32-year-old Zoltan Rezmives was slightly injured in the face by stones chipped by a ricocheting bullet. The three men were all taken to a nearby hospital, where Alexandru Rezmives's leg had to be amputated.<sup>38</sup>

An investigation into the incident was initiated by the Maramureș County Prosecutor's Office in Baia Mare. In an interview with ERRC shortly after the investigation had started in late June 1996, First Prosecutor Eugen Rosca said that the public guardians had acted in self-defence and therefore committed no crime.<sup>39</sup> Not surprisingly, no criminal proceedings were initiated against the public guardians. Notwithstanding evidence that the shootings were unprovoked, on 26 August, 1996, the investigation concluded

that the use of a firearm had been legitimate.

### **June 1996 – Medgidia**

According to a report by the Romanian Helsinki Committee, a Romani man named Kerim Aşim was shot and wounded by a police officer during an arrest in the early morning hours of 2 June, 1996 in the town of Medgidia in south-eastern Romania.<sup>40</sup> He and his companion Derviş Givan were apparently arrested on suspicion of theft by a police officer and a gendarme at around 3 a.m. When Aşim allegedly ran away in front of the police station, he was pursued by the officer and shot four times in the leg. No disciplinary measures were taken with regard to the police officer responsible for the shooting; an investigation into the incident by the Constanţa County Military Prosecutor's Office (under case file No. 182/P/1996) concluded in 1997 that the officer had acted within legal bounds.<sup>41</sup>

### **May 1996 – Măruntel**

Mircea-Muresul Mosor, a 26-year-old Romani man, was shot and killed by a police officer early in the morning of 9 May, 1996 in the community of Măruntel in southern Romania. ERRC investigations carried out shortly after the incident revealed internal inconsistencies in the statements made by the police, as well as discrepancies with the statement of the doctor and the family of the victim concerning the circumstances under which Mircea-Muresul Mosor died.<sup>42</sup>

An investigation into the incident, conducted by First Prosecutor Colonel Slăvoiu of the Bucharest Territorial Military Prosecutor's Office, resulted in an indictment of Officer T.S. for murder on 19 June, 1997.<sup>43</sup>

On 20 May, 1998, however, Officer T.S. was acquitted by the Bucharest Military Court on the grounds of self-defence — despite unequivocal medical evidence that Mr. Mosor had been shot in the back.<sup>44</sup> The acquittal decision was challenged by Prosecutor Slăvoiu in an appeal which is reportedly pending at the Military Court of Appeal in Bucharest.

### **April/May 1996 – Bucharest**

On 13 April, 1996, 26-year-old Gabriel Carabulea was detained by officers from the 14<sup>th</sup> district police department, and later the same day, transferred to the 9<sup>th</sup> district police department in Bucharest. He remained in police custody until his death in the Fundeni Hospital in Bucharest on the morning of 3 May, 1996. The death certificate gives as cause of death acute cardio-respiratory insufficiency and bronchopneumonia.<sup>45</sup> Photographs of Gabriel Carabulea's dead body, however, taken by a photographer at the request of the victim's family before the burial, reveal massive bruising on his genitals, chest and head. Mr. Carabulea reportedly told his wife that he had been brutally mistreated by the police.<sup>46</sup>

An investigation into the incident, conducted by Stelea Covei of the Bucharest Territorial Military Prosecutor's Office under case file No. 527/P/1996, concluded on 20 August, 1996, that Gabriel Carabulea's death was "non-violent and due to organic causes," and that the investigation should be closed.<sup>47</sup> A second investigation opened in February 1997 by the Military Section of the General Prosecutor's Office confirmed the initial decision not to pursue the case in a final non-indictment decision on 4 March, 1998.<sup>48</sup> Having unsuccessfully exhausted all available domestic remedies, on 22 December, 1998, Viorel Carabulea, Gabriel Carabulea's brother, filed an application with the European Court of Human Rights in Strasbourg with the assistance of local counsel and ERRC.

### **April 1996 – Buzău**

On 19 April, 1996, public guardian I.C.I.<sup>49</sup> shot dead a 35-year-old Romani man named Dumitru Mărgean after he entered a construction site in Buzău, approximately 200 kilometres north-east of

Bucharest. The Romanian Helsinki Committee sent a letter to the General Prosecutor's Office, expressing concern about the shooting and stating that the situation did not justify the use of a firearm.<sup>50</sup> In June, 1996, I.C.I. was charged with homicide under Article 174 of the Romanian Penal Code.<sup>51</sup>

### **February 1996 – Tîrgoviste**

ERRC was informed about a similar incident in February 1996, in which a public guardian shot and wounded a Romani man suspected of having stolen from the factory in Tîrgoviste, a town situated approximately 150 kilometres north-west of Bucharest.<sup>52</sup> No known investigation has been carried out into the circumstances of the shooting.

### **June 1995 – Voluntari**

Marcel Ghînea, a 17-year-old boy, was shot and seriously wounded by the police on 1 June, 1995 in Voluntari on the outskirts of Bucharest.<sup>53</sup> Marcel Ghînea and three other youths were reportedly attempting to steal goods from a car parked in front of a storehouse, when a police patrol passed by. At the sight of the police, the youths reportedly started to run away. One of the officers then allegedly first fired two warning shots in the air and then at Marcel Ghînea, who fell to the ground. No one was brought to justice for the shooting. In response to a letter sent to the General Prosecutor of Romania in November 1995, Amnesty International was informed in April 1996 that the investigation into the incident had established that the police action had been undertaken within legal bounds.<sup>54</sup>

### **September 1993 – Hădăreni**

On 20 September, 1993, Rupa Lucian Lăcăţus, Pardalian Lăcăţus and Mircea Zoltan, all three of Romani origin, were killed by a mob of ethnic Romanians and Hungarians in Hădăreni, a village situated in Mureş County in central Romania. During the incident, which is probably the most violent of all cases of community violence against Roma in Romania in the past decade, the angry crowd also attacked and burned fourteen houses belonging to Roma and demolished another five, and chased the Romani inhabitants out of the village.<sup>55</sup>

For several years, no one was brought to justice, either for the killing of the three Roma, or for the destruction of the houses in Hădăreni.<sup>56</sup> The line prosecutor responsible for the case in 1994 apparently arrested some of the perpetrators against whom there was enough evidence, but local pressure reportedly forced him to release them later the same day.<sup>57</sup> The chief prosecutor in Mureş County is reported to have stated publicly that there was enough evidence to indict more than a dozen persons, but that local political leaders were making it impossible for him to bring charges.<sup>58</sup> It was not until four years after the incident, on 12 August, 1997, that formal charges were brought against eleven persons for participation in the violent attack.<sup>59</sup>

The first instance trial concluded on 17 July, 1998, with a verdict sentencing all eleven persons for various crimes ranging from murder to arson and destruction of property. Following an appeal against the verdict by the defence and the prosecution,<sup>60</sup> the Tîrgu-Mureş Court of Appeal handed down a second, more lenient verdict on 15 January, 1999.<sup>61</sup> The case is currently pending at the Supreme Court, with a hearing scheduled for 13 October, 1999.

Perhaps the most disturbing aspect of the judicial proceedings, however, is that, despite several witness testimonies documenting the involvement of local police in the mob violence, criminal proceedings have skirted this issue.<sup>62</sup> Indeed, military prosecutors have on two occasions refused to indict police officers for complicity in the violent attack.<sup>63</sup>

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<sup>1</sup> In its Concluding Observations concerning Romania, issued in 1995, the Committee stated that “[w]hile it is noted that Romania’s new legal framework prohibits manifestations of racism [...] the extent to which measures are being taken by the Government to translate the legal prohibition of such acts into effective prohibition is unclear. Once such acts occur, it is not evident what remedies are available to victims and whether and how it is ensured that the guilty parties are prosecuted in an adequate and timely manner.”

The Committee further voiced concerns “at the continuing reports of racism among police forces, which have been said to occasionally use excessive force against members of certain groups, or, alternatively, are said not to take action when acts of violence against certain groups are committed in their presence,” and “recommend[ed] that the Government organize periodic training programmes for persons engaged in the administration of justice, including judges, police officers and lawyers,” and “review and improve the training of law enforcement officials in the light of the Committee’s general recommendation XIII.” (United Nations Committee on the Elimination of Racial Discrimination, “Concluding Observations of the Committee on the Elimination of Racial Discrimination: Romania,” A50/18, paras. 262-278, 22 September, 1995, paras. 272-273 and 278).

Following its review of Romania in 1993, the United Nations Human Rights Committee “expresse[d] concern at the continuing problems in Romania regarding discrimination against persons belonging to minorities and, in particular, offences committed as a result of incitement to ethnic or religious intolerance.” It stated that “[t]he situation is especially threatening to vulnerable groups, such as the Roma (gypsies),” and said it was “concerned that the Government has not been sufficiently active in combating such discrimination or effectively countering incidents of violence committed against members of minority groups.”

The Committee further expressed concern “over abuses committed by the police, such as forcible entry into homes, failure to inform detainees of their rights and ill-treatment of prisoners, “ and “note[d] that the number of investigations, charges and convictions are extremely few compared with the number of complaints received or abuses reported; that penalties prescribed by law are not commensurate with the gravity of the crimes committed; and that compensation to the victims of abuses is not always forthcoming, all of which contribute to an atmosphere of impunity.” It said the “situation is particularly alarming in view of the way it undermines harmonious relations with minorities, thus leading to ethnic marginalization and escalation of violence.”

Among its suggestions and recommendations, the Committee “emphasize[d] the need for greater control over the police” and stated, inter alia, that “[d]etermined and continuing efforts need to be undertaken to ensure that there is no element of racism in law enforcement, either in practice or in public perception.” (United Nations Human Rights Committee, “Concluding comments of the Human Rights Committee: Romania,” CCPR/C/79/Add.30, 5 November, 1993, paras. 9, 10 and 15) (emphasis added).

In his most recent report, United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, stated that “[p]olice violence targeting Roma occurs in almost all countries of Central and Eastern Europe”, but “is most pervasive in [inter alia] Romania.” (Report by Mr. Glélé-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, E/CN.4/1999/15, 15 January, 1999, para. 81) (emphasis added).

According to a recent Council of Europe report on Romania, “[m]any abuses have been committed against minority groups, particularly Roma/Gypsies, both by members of the police forces and by individuals”. The report also stated that “[t]raining is especially vital for police and prison officers, to eradicate as quickly as possible all abuses, particularly those against members of the Roma/Gypsy community. ECRI wishes to insist upon the importance of police training since violent acts are publicly committed against members of various minority groups, particularly Roma/Gypsies, which could have the effect of implying official approval of racist acts and attitudes.” (Council of Europe, European Commission against Racism and Intolerance, “ECRI’s country-by-country approach: Volume V,” Strasbourg, 1999, <http://www.ecri.coe.fr/en/02/02/05/e020205130.htm>, last visited 29 March, 1999) (emphasis added).

In a November 1998 report on Romania, the European Union noted that “[t]he situation in the field of civil and political rights in most [...] key areas has not improved significantly. [...] [I]ll-treatment by the authorities continues to be reported. [...] [C]ases of inhumane and degrading treatment by the police especially against Roma [...] continue

to be reported by several organisations. Judicial control over the activities of the police needs to be strengthened.” (European Union, European Commission, “Regular Report from the Commission on Progress towards Accession,” 4 November, 1998, [http://www.europa.eu.int/comm/dg1a/enlarge/report\\_11\\_98\\_en/romania/b12.htm](http://www.europa.eu.int/comm/dg1a/enlarge/report_11_98_en/romania/b12.htm), last visited 16 November, 1998) (emphasis added).

In its most recent report on Romania, the Human Rights Watch noted “numerous instances of the unlawful use of firearms by police,” and that the “[m]ilitary prosecutor has jurisdiction over such complaints, but was reluctant to indict police officers for such abuses.” It further stated that “Roma are disproportionately victims of police misconduct.” (Human Rights Watch, “Human Rights Watch World Report 1999,” pp. 278-280) (emphasis added).

According to Amnesty International, “[i]n some instances, ill-treatment of Romani victims was apparently racially-motivated. However, relatively few victims made official complaints, either because they feared further harassment or because they did not believe that the perpetrators would be brought to justice.” [...] “The [Romanian] authorities [...] failed to provide Amnesty International with information which would indicate that any of the law enforcement officers suspected of ill-treating those Roma whose cases Amnesty International had documented in its report had been brought to justice or that the victims have received adequate compensation.” (Amnesty International, “Romania: A Summary of Human Rights Concerns,” AI Index: EUR/39/98, March 1998, <http://www.amnestyorg/ailib/aipub/1998/EUR/43900698.htm>, last visited 5 April, 1998) (emphasis added).

<sup>2</sup> Information about this case was provided by the Braşov-based Lawyers’ Association for the Defence of Human Rights (APADO).

<sup>3</sup> Autopsy report No. 571/AUT/1998, issued by Dr. Barabas Barna.

<sup>4</sup> For a detailed account of this incident, see also “Roma Rights,” Summer 1998, pp. 15-16.

<sup>5</sup> The full name of the police officer is known to the ERRC.

<sup>6</sup> ERRC interview, August 1998, Calăraşi. Police raids have not been confined to Calăraşi County; ERRC research in Romania in 1996 revealed a pattern of systematic police raids conducted in Romani communities throughout the country. Romanian law enforcement authorities with whom ERRC spoke stated that raids were a conscious strategy on their part, aimed as a preventive measure to avoid further incidents of community violence. See European Roma Rights Center Country Reports Series No. 2, “Sudden Rage at Dawn: Violence Against Roma in Romania,” September 1996.

<sup>7</sup> For a detailed account of this case, see also “Roma Rights,” Spring 1998, pp. 10-12.

<sup>8</sup> The full name of the police officer is known to the ERRC.

<sup>9</sup> This incident was investigated by the Tîrgu-Mureş-based non-governmental organisation Liga Pro Europa, and has been previously reported by Amnesty International (Amnesty International, “Romania: Ill-treatment of minors: Gheorghe Notar Jr., Ioan Ôtvös and Rupi Stoica,” AI Index: EUR 39/18/96, October 1996).

<sup>10</sup> The full name of the police officer is known to the ERRC.

<sup>11</sup> The police did not inform the boys’ parents about the detentions. Having heard about the arrests from the M. family, Florin’s and Gheorghe Notar Jr.’s parents came to the police station at around 8 p.m. to inquire about their sons, but their requests to see them were denied. Eventually, at one point during the evening, their mother was reportedly allowed to see Gheorghe for a brief period of time. She claims to have observed numerous traces of beatings on her son’s head, face and hands.

<sup>12</sup> A government social welfare facility for wayward children, with restricted entry and exit. In its most recent report on Romania, issued in February 1999, the United States Department of State noted with concern that “[u]nder the law, minors detained by police and placed under guard in a center for the protection of minors are not considered by judicial authorities to be in detention or under arrest. Since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restriction and may hold those suspected of criminal offenses for up to 30 days in such centers. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.” (United States Department of State, “Romania Country Report on Human Rights Practices for 1998,” Bureau of Democracy, Human Rights, and Labor, February 26, 1999, [http://www.state.gov/www/global/human\\_rights/1998\\_hrp\\_report/](http://www.state.gov/www/global/human_rights/1998_hrp_report/), last visited 28 February, 1999).

<sup>13</sup> On 15 July, the Tîrgu-Mureş police applied to the local prosecutor’s office for an arrest warrant for the three boys, under the charge of robbery. Pursuant to Romanian criminal procedure, after being informed of the robbery charge at this time, the boys were questioned in the presence of counsel and at least one of their parents. Following this

procedure, the prosecutor denied the police request for an arrest warrant for any of the three boys. Over the next seven months the boys were, however, all formally under investigation for the alleged robbery. It was not until on 17 February, 1998, that the prosecutor's office in Tîrgu-Mureş issued a non-indictment decision with regard to all except Rupi Stoica.

<sup>14</sup> By Gheorghe Notar Sr., the Notar brothers' father; Ilonco Pal, mother of Ioan Otvos; and Liga Pro Europa.

<sup>15</sup> Case file No. 103/P/1996.

<sup>16</sup> Non-indictment decision No. 1543/P/1996 of 19 December, 1996.

<sup>17</sup> Non-indictment decision No. 1543/P/1996 of 21 May, 1997.

<sup>18</sup> Notification No. 1473/1996 of 6 October, 1997, issued by the General Prosecutor's Office informing the Romanian Helsinki Committee about its decision in the case. It was not until ten days later, on 16 October, 1997, that Gheorghe Notar Sr. was informed about the decision (Notification No. 1543/P/1996).

<sup>19</sup> The full names of the police officers are known to the ERRC.

<sup>20</sup> For a detailed account of this incident, see also "Roma Rights," Spring 1998, pp. 10-12.

<sup>21</sup> For a detailed account of this case, see also "Roma Rights," Spring 1998, pp. 10-12.

<sup>22</sup> The full names of the police officers are known to the ERRC.

<sup>23</sup> The full name of the person is known to the ERRC.

<sup>24</sup> The full name of the police officer is known to the ERRC.

<sup>25</sup> For a detailed account of the incident, see also Romanian Helsinki Committee, "Human Rights Developments in Romania. The Activities of the Romanian Helsinki Committee (APADOR-CH), 1998 Report," 1999, pp. 46-48.

<sup>26</sup> Mr. Marin had four shot wounds in the right arm, near the elbow area, and one next to his right ear. Three bullets were extracted from his body (Medical certificate No. 225/16 of 9 August, 1997, issued by the Bucharest Emergency Hospital).

<sup>27</sup> ERRC interview, November 1998, Bucharest. The case is filed under No. 1345/P/1997.

<sup>28</sup> For a detailed account of this case, see also "Roma Rights," Winter 1998, p. 19.

<sup>29</sup> Case file No. 3310/P/1998.

<sup>30</sup> This incident has been extensively covered and previously publicised by the Romanian Helsinki Committee and Amnesty International. See, e.g., Romanian Helsinki Committee *op. cit.*, 1999, pp. 30-31; Amnesty International, "Romania: Alleged Ill-Treatment of Belmondo Cobzaru by Police Officers," AI Index: EUR 39/14/97.

<sup>31</sup> The full names of the police officers are known to the ERRC.

<sup>32</sup> Medical certificate No. 1355/T, dated 7 July, 1997.

<sup>33</sup> See Amnesty International, "Romania: Unlawful use of firearms by law enforcement officials," AI Index: EUR 39/01/97, March 1997, pp. 7-8. The incident was apparently reported in the Romanian daily *Cotidianul* on 14 February, 1997.

<sup>34</sup> The full names of the police officers are known to the ERRC.

<sup>35</sup> When ERRC met with prosecutor Rusu in August 1998, a year and a half after the incident, we were told that he had not had time to work on the case yet.

<sup>36</sup> The daily "Buna Ziua Braşov" reported the incident on 27 June, 1996. See also European Roma Rights Center Country Report Series No. 2, "Sudden Rage at Dawn: Violence against Roma in Romania," September 1996, pp. 50-51.

<sup>37</sup> Public guardians are law enforcement officers appointed and supervised by the municipality. Unlike the police in Romania, who fall under the jurisdiction of the military prosecution, allegations of abuse by public guardians are investigated by civilian prosecutors and tried in civilian courts.

<sup>38</sup> For detailed accounts of the case, see also Romanian Helsinki Committee, "Human Rights Developments in Romania: The Activities of the Romanian Helsinki Committee (APADOR-CH)," 1997, pp. 56-58; European Roma Rights Center Country Report Series No. 2, *op. cit.*, pp. 48-50.

<sup>39</sup> ERRC interview, Baia Mare, June 1996.

<sup>40</sup> See Romanian Helsinki Committee, *op. cit.*, 1997, pp. 33-34. Also Amnesty International reported this case in its March 1997 report (Amnesty International, *op. cit.*, March 1997, p. 7).

<sup>41</sup> See Amnesty International, "Romania: A Summary of Human Rights Concerns," AI Index: 39/06/98, March 1998, p. 17.

<sup>42</sup> For a more detailed account of the case, see European Roma Rights Center Country Report Series No. 2, *op. cit.*, pp. 45-48.

<sup>43</sup> Case file No. 585/P/1996.

<sup>44</sup> Drăgăneşti-Olt Hospital file No. 479 records the unidentified dead body of a male which arrived in a police car at 8.20 a.m. on 9 May, 1996. It further describes a bullet wound in the left thorax caused by a bullet that had entered the back, passed through the heart cavity and exited from the chest in the cardiac region.

<sup>45</sup> No. 962, dated 4 May, 1996.

<sup>46</sup> This incident has been extensively covered and previously publicised by the Romanian Helsinki Committee. See

e.g., Romanian Helsinki Committee op. cit., 1997, pp. 31-32. See also Amnesty International, op. cit, March 1998, p. 16.

<sup>47</sup> Resolution No. 527/P/1996 of 20 August, 1996.

<sup>48</sup> Resolution No. 16/P/1997 of 4 March, 1998.

<sup>49</sup> The full name of the public guardian is known to the ERRC.

<sup>50</sup> See Romanian Helsinki Committee, op. cit., 1997, pp. 54-55.

<sup>51</sup> Indictment decision No. 140/P/1996 of 28 May, 1996.

<sup>52</sup> Information provided by the Romanian Helsinki Committee.

<sup>53</sup> The incident was reported by the daily *Adevărul* on 3 June, 1995. Several human rights monitoring organisations, including the Bucharest-based League for the Defence of Human Rights, Amnesty International, and the ERRC, have since publicised and raised their concern about the case with the Romanian authorities. See e.g. League for the Defence of Human Rights, "Informative Bulletin" No. 12, December 1995, p. 4, and No. 1, January 1996; Amnesty International, op. cit., March 1997, pp. 2-3; European Roma Rights Center Country Report Series No. 2 op. cit., p. 45.

<sup>54</sup> Amnesty International op. cit., March 1997, p. 2.

<sup>55</sup> The Hădăreni incident has been thoroughly investigated and closely followed by several human rights monitoring organisations, both national and international. For detailed descriptions of the incident and its aftermath, see e.g. Romanian Helsinki Committee, "Report on the APADOR-CH Fact-Finding Mission to Hădăreni and Țirgu-Mureș," October 5-7, 1993; Amnesty International, "Romania: Broken Commitments to Human Rights," May 1995, pp. 28-31; Human Rights Watch/Helsinki, "Lynch Law: Violence Against Roma in Romania," Vol. 6, No. 17, November 1994, pp. 22-28.

<sup>56</sup> The lack of proper response on the part of the Romanian authorities in the case of Hădăreni is not exceptional. Human rights organisations have documented a long list of stalled, pending, or dropped investigations into the several dozens of incidents of community violence targeting Roma in the early nineties. For more detailed accounts on this subject, see, e.g. Human Rights Watch, op. cit., 1994; Amnesty International, op. cit., 1995; European Roma Rights Center Country Report Series No. 2, op. cit., 1996; and the ERRC quarterly magazine "Roma Rights," Spring 1998, pp. 35-42.

<sup>57</sup> ERRC interview, Bucharest, March 1996.

<sup>58</sup> In a similar vein, research conducted by the FIDH (Fédération Internationale des Ligues des Droits de l'Homme) in 1994 concluded that although the chief prosecutor had identified the killers of the three Roma, he refrained from arresting them due to the high risk of agitation or retaliation from the Romanian/Hungarian side (FIDH, "Mission d'Enquête sur les suites judiciaires données aux meurtres, incendies et destructions de maisons appartenant à des Roms (Tziganes), 28 février-5 mars 1994," 1994).

<sup>59</sup> Indictment No. 1/P/1993, issued by Prosecutor Liviu Moica of the Țirgu-Mureș Court of Appeal on 12 August, 1997.

<sup>60</sup> According to Romanian law, the victims in a case such as Hădăreni have no right to appeal.

<sup>61</sup> While the first verdict (also criticised for not being commensurate with the crimes committed) sentenced all eleven defendants to prison sentences ranging from 1,5 to 7 years, the second accorded clemency to six of them. Also, all charges concerning disturbance of public peace (Art. 321, para. 2 of the Romanian Penal Code) were dropped, apparently following the defence lawyer's argument that since the entire village participated in the incident, "no one's peace was disturbed."

<sup>62</sup> The Hădăreni case is far from an exception in this regard. ERRC is not aware of criminal proceedings against one single police officer in Romania, despite evidence of systematic failure on the part of the Romanian law enforcement authorities to protect Roma and their property from violent attack. Amnesty International recently noted that "[i]n the early 1990s, tens of Romani communities throughout Romania were subjected to incidents of racial violence. Amnesty International is concerned that in most of these incidents the authorities failed adequately to protect Romani lives and property. The conduct of the police in such incidents has never been fully and impartially investigated." (Amnesty International, "Romania: Publication of a new summary of human rights concerns," News Release, EUR 39/12/98, 21 April, 1998, <http://www.amnesty.org/news/1998/43901298.htm>, last visited 4 May, 1998).

<sup>63</sup> On 22 August, 1995, the Țirgu-Mureș Military Prosecutor's Office dropped charges against police officers I.M. and A.S. (both of whose full names are known to the ERRC) for involvement in the Hădăreni incident. This non-indictment decision was upheld by the Military Section of the General Prosecutor's Office in September, 1995.