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AI REPORT 1997: ROMANIA

At least one prisoner of conscience was held. There were reports of torture and ill-treatment which resulted in at least one death. Shootings by police officers in disputed circumstances resulted in at least two deaths. Many of the victims of human rights violations were Roma. An asylum-seeker, who had been a prisoner of conscience, was returned to Syria, where he was immediately arrested and allegedly tortured.

In November, Emil Constantinescu was elected President. A new government formed by the Democratic Convention, the Social Democratic Union and the Hungarian Democratic Union of Romania was appointed following parliamentary elections.

In April, Law No. 15/1996 regulating the status of refugees was promulgated. It imposes a 10-day limit on applications for asylum and denies asylum to anyone who has violated any of Romania's laws or who does not have "correct and civilized conduct".

In May, parliament adopted Law No. 46/1996 providing for an alternative military service for those who refuse to perform armed military service on religious grounds. The alternative service was proposed to be twice the length of ordinary military service. A government decision on the implementation of the Law had not been adopted by the end of the year.

In October, parliament adopted amendments to the Penal Code. Article 200, paragraph 1, criminalizes homosexual relations between consenting adults "if the act was committed in public or has produced public scandal". The newly adopted paragraph 5 of the same law makes "enticing or seducing a person to practise same-sex acts, as well as forming propaganda associations, or engaging in other forms of proselytizing with the same aim" punishable with one to five years' imprisonment. These provisions would permit the continued imprisonment of adults solely for engaging in consensual homosexual relations in private, and could also lead to imprisonment of individuals solely for exercising their rights to freedom of expression and freedom of peaceful assembly and association. Several other amendments to the Penal Code, concerning dissemination of false news, defamation of the state or nation, "offences against the authorities" and "outrage", also imposed excessive restrictions on the right to freedom of expression.

At least one person was in prison solely because of his homosexuality; he was considered to be a prisoner of conscience. According to information supplied by the General Directorate of Penitentiaries, a prisoner in Poarta Albă penitentiary convicted under Article 200, paragraph 1, of the Penal Code, "for repeatedly engaging in sexual relations with another man" began a two-year sentence in November 1995.

In October, a municipal court in Bucharest sentenced journalists Sorin RoÅca Stşnescu and Tana Ardeleanu to 12 and 14 months' imprisonment respectively, under Article 238, paragraph 1, of the Penal Code, concerning "offences against the authorities", for defaming a state official. In May 1995 they had published an article entitled "A Murderer Leads Romania" in *Ziua*, a daily newspaper, as well as several articles claiming that the President of Romania was "a kgb agent". They were free at the end of the year pending appeal. If they were imprisoned, Amnesty International would consider them to be prisoners of conscience.

There were reports of torture and ill-treatment, which in at least one case resulted in death. In January, Ion Axente was reportedly beaten by a police officer outside a bar in Piscu, GalaÁi county. After he fell to the ground the police officer allegedly sprayed a paralysing gas into his face and kicked him in the head. Ion Axente was later found, semi-conscious, in the courtyard of his house. He went into a coma that evening and was taken to hospital, where he died in June without regaining consciousness.

In June, two women were ill-treated when around 70 police officers in Bucharest, the capital, raided a yoga class and checked the identification documents of all people present. Carmen Efta and Camelia Rosu were standing next to a man who was videotaping the police action. A police officer who tried to take away the camera reportedly hit Carmen Efta, while another officer slapped Camelia Rosu in the face. According to medical certificates Camelia Rosu suffered bruising to the right temple, forehead and cheekbone and bruising and lacerations on her upper arms and left hand. Carmen Efta sustained bruising to the left cheekbone, left knee and left hand.

Many of the victims of human rights violations were Roma. In July, police officers in Târgu-MureÁ reportedly ill-treated three Roma minors, Gheorghe Notar Jr, Ioan Øtvøs and Rupi Stoica. One officer allegedly hit 17-year-old Gheorghe Notar Jr on the neck with a truncheon causing him to fall down several steps in the apartment block where he was apprehended. He was then taken to the police station together with 15-year-old Ioan Øtvøs and 16-year-old Rupi Stoica, who had been detained earlier. In the police car the three youths were reportedly slapped and beaten by two police officers. At the police station Gheorghe Notar Jr was hit on the back. He fell and briefly lost consciousness. The beating of the three youths continued intermittently during their interrogation in the police changing room. They were then held in custody for five days in the Centre for the Protection of Minors, solely on the basis of a police statement and with no possibility of a judicial review of the decision to detain them. During this period they were taken back to the police station and interrogated on several occasions by police officers without the presence of a lawyer or their parents.

In June, police officers in a suburb of Bucharest failed adequately to protect Roma and their property from racist violence, despite receiving prior warning that an attack on the Roma community was being prepared. The police chief and between 10 and 15 officers came to the neighbourhood when a large group of people started to break windows and doors of Roma houses, forcing the Roma to abandon their homes. One house was set on fire. The local police reportedly took no steps to prevent the violence or protect the victims. Order was only re-established following the intervention of a police unit from the centre of the capital.

There were shootings by police officers in disputed circumstances, resulting in at least two deaths. In May, two police officers in Bucharest, who were pursuing a deserter, shot and killed Marius Cristian Palcu, an unarmed soldier. A police officer was charged with his murder. The same month in Mşruntei, Olt county, Mircea-Muresul Mosor, a Rom, was shot in the back and killed by a police officer who, together with three other officers, had pursued him after he failed to stop his horse-drawn carriage. In June, a police officer in Mangalia reportedly shot six times at Isai IaÁar, whom he suspected of pick-pocketing. One of the bullets hit 13-year-old IonuÁ Vlase in the head while he

was playing with other children in front of his apartment block. The police officer then reportedly left the scene of the shooting without assisting the injured boy, who was later taken to ConstanÁa county hospital by his parents.

Decisions were reached by the prosecuting authorities on a number of cases of alleged ill-treatment and shootings by police in previous years. However, neither the victims nor their families appeared to have received compensation. A police officer who had reportedly tortured Robert Radu was indicted in November 1995 for illegal arrest and abusive investigation, and three police officers and a civil guard were indicted in July for abusive conduct against Viorel Constantin (see *Amnesty International Report 1996*). An investigation into the death in suspicious circumstances of Alfred Panş (see *Amnesty International Report 1996*) established that he had been "subjected to violence during questioning", but the prosecution of the police officer "responsible for abusive conduct" was suspended following the officer's death in a traffic accident.

Investigations into the shootings of Nicolae Sebastian Balint and Marcel Ghinea (see *Amnesty International Report 1996*) were suspended following prosecutors' decisions that in both cases police officers had acted in accordance with Law No. 26/1994 which "permits the use of firearms to apprehend suspects caught in the criminal act who try to run away and do not obey the order to stay in place".

In March, an asylum-seeker who had been a prisoner of conscience between 1987 and 1994 was sent back to Syria, where he was immediately arrested and allegedly tortured.

Amnesty International urged members of parliament throughout the year to ensure that the revised Penal Code was consistent with Romania's legal obligations under international human rights treaties. In March, Amnesty International urged the authorities to clarify the fate and whereabouts of the Syrian asylum-seeker following his *refoulement*. The organization called on the authorities to initiate investigations into reports of ill-treatment and incidents of police shootings in disputed circumstances. In June, Amnesty International urged the General Prosecutor to investigate allegations that police officers failed adequately to protect Roma from racist violence in Bucharest. In October, the organization urged the government to revise Law No. 3/1970 which allows for the detention of minors for up to 30 days solely on the basis of police statements. Also in October, Amnesty International informed President Ion Iliescu that if imprisoned, the two journalists would be considered prisoners of conscience. In November, the organization called for the release of the man imprisoned solely because of his homosexuality. Following presidential and parliamentary elections Amnesty International published an open letter to the new authorities summarizing the organization's major concerns.

The authorities provided some information about investigations into reports of torture and ill-treatment in previous years, and about people imprisoned under Article 200, paragraph 1, of the Penal Code.

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