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## Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: July-December 2007

### ROMANIA

This country entry has been extracted from a forthcoming Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: July-December 2007* (AI Index: EUR 01/001/2008), to be issued later in 2008. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

#### **Renditions and secret detention centres (update to AI Index: EUR 01/001/2007)**

International bodies continued to raise concerns about Romania's alleged involvement in the USA's programme of secret detentions and renditions (the illegal transfer of people between states outside of any judicial process), and its inadequate responses to their investigations.

Romania continued to deny any involvement with secret detention centres, even after the endorsement by the Parliamentary Assembly of the Council of Europe (PACE) of a resolution which stated that "it is now established with a high degree of probability that secret detention centres operated by the US Central Intelligence Agency (CIA), forming part of the High Value Detainee program, existed for some years in Poland and Romania." As a result of these conclusions, the European Union (EU) Justice, Freedom and Security Commissioner Franco Frattini wrote to the government in July to highlight its obligations under the European Convention on Human Rights to establish whether the allegations were true. He had warned in 2005 that member states could face penalties – including suspension of EU voting rights – if they were found to have taken part in the secret CIA prison system. In November, Romania replied denying allegations that secret CIA prisons had operated on its soil and reiterated that a committee of inquiry set up by the government had already concluded that the allegations were unfounded.

In September, the European Committee for the Prevention of Torture denounced in its annual General Report the use of secret detention centres located in European countries and renditions in the fight against terrorism for "the purposes of detention and interrogation outside the normal criminal justice system."

## **Discrimination - Roma**

Hate speech and intolerance by the media and some public authorities continued.

There were tensions with Italy over Italy's declared intention to expel Roma of Romanian nationality. In November, the Minister of Foreign Affairs Adrian Cioroianu said in a televised debate that he had considered "buying a piece of land in the Egyptian desert to send there all the people who tarnish the country's image". Adrian Cioroianu later apologized publicly but refused to resign. The Prime Minister "deplored" his minister's comments but took no further action. Several human rights organizations subsequently issued open letters demanding Adrian Cioroianu's resignation, and a Roma non-governmental organization (NGO), Romani-CRISS, filed a complaint with the National Council for Combating Discrimination.

According to the report *Image of the Romani minority in the national and local press (Imaginea minorităţii rome în presa naţională şi locală)* published by Romani-CRISS, 41 per cent of the articles in eight national newspapers and 45 per cent in six local newspapers presented a negative image of Roma during the period studied (October 2006-August 2007), while only 14 per cent of national and 10 per cent of local press presented a positive image.

## **Police and security forces**

### *Unlawful killings by Romanian members of UNMIK Civilian Police (Update AI Index: EUR 01/001/2007)*

In July, the UN Interim Administration Mission in Kosovo (UNMIK) reported that it was unable to identify which members of the Romanian Formed Police Unit stationed in Kosovo had been responsible of the deaths of two men during a demonstration in February in the capital, Pristina. (See Serbia/Kosovo entry.) In part, they could not identify the officers because they had been repatriated to Romania. The same month saw the publication of the *Second Report of the Special Prosecutor to the [Special Representative of the UN's Secretary General] regarding the death and serious wounding of protestors during the 10 February 2007 demonstration in Pristine* (dated 29 June 2007 and known as the Dean Report, after Special Prosecutor Robert Dean).

Amnesty International urged the Romanian Ministry of Interior to return the officers to Kosovo, or failing that to make them available to UNMIK investigators who might travel to Romania (see AI Index: EUR 70/010/2007). The organization noted the concerns expressed in the Dean report with respect to the use of rubber bullets and on the disparity between Romanian domestic law and international law and standards on the use of firearms

Amnesty International has expressed its concerns about the practice of the unlawful use of firearms by law enforcement officials in Romania for over a decade (see for example *Romania: Excessive use of firearms by law enforcement officials and the need for legal reform*, AI Index: EUR 39/003/2000, *Romania: Further reports of unlawful use of firearms by law enforcement officials*, AI Index: EUR 39/006/2003, *Romania: Continuing reports of unlawful use of firearms by law enforcement officials*, AI Index: EUR 39/001/2005, *Bulgaria and Romania: Amnesty International's Human Rights Concerns in the EU Accession Countries*, AI Index: EUR 02/001/2005). The organization is concerned that the Romanian authorities have failed to effectively address the long-standing problem of the use of firearms, including less-lethal weapons, by police officers in disputed circumstances, including though through impartial and thorough investigations. To Amnesty International's knowledge, at the time of writing there were neither official statistics on the number of incidents in which police officers resorted to firearms nor publicly available information about investigations into cases which resulted in death or injury.

Amnesty International is concerned that Romanian law still allows for the use of firearms, including less-than-lethal weapons such as rubber bullets, in circumstances that are not considered legitimate under international and European standards.

Romanian Law No. 218/2002 on the Function and Organization of the Romanian Police fails explicitly to bring the law into harmony with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and Articles 6, 7 and 9 of the International Covenant for Civil and Political Rights. The law merely stipulates that firearms may be used “in accordance with the law”. It is assumed that this refers to Law 17/1996 On the Use of Firearms and Ammunition, Article 47 of which lists no less than 10 situations under which firearms may be used. These include the use of firearms against persons “posing a threat to a guarded objective/target”; against “persons who illegally enter or exit guarded areas or premises”; and against “groups of persons or persons who unlawfully try to enter the premises of public authorities and institutions”. Such situations clearly fall outside those permitted under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

In addition, Amnesty International noted that the above-mentioned investigation by Robert Dean has established (see section 3) that the rubber bullets used on 10 February 2007 were manufactured in 1991, with an estimated shelf-life of three years. The Dean report concludes with concern that the bullets used were therefore 13 years out of date, and notes in the Appendix to the report (Second Report, Supplemental Research) that while UNMIK maintain overall responsibility for the preparedness and suitability of any weapons to be deployed by UNMIK police, responsibility to ensure that they were fit and suitable for the use lay with the Romanian authorities. Rubber bullets recovered from the site of the demonstration on 10 February were found to have cracks in the rubber with parts of the rubber casing missing or perished, so as to leave the steel core visible. This may well have resulted in a non-lethal projectile becoming, due to degradation, one with lethal force.

The Romanian Ministry of Interior notified Amnesty International in July 2007 that the officers remained available to provide support to the authorities investigating the case, but considered that there was “no legal/judicial ground for the eleven Romanian gendarmes to return to Kosovo”, as there was no pending criminal trial in Kosovo and the officers had provided information to the investigation. However, the authorities also informed Amnesty International that a penal investigation had been opened and was being conducted by a military prosecutor in Romania.

#### *European Court ruling on police ill-treatment (Update on AI Index: EUR 39/014/1997)*

In July, the European Court of Human Rights issued its judgment in the case of Belmondo Cobzaru, a Romani man beaten in custody by police officers in Mangalia in 1997. The Court ruled that State authorities failed to conduct a proper investigation into the applicant's allegations of ill-treatment and that Romania was in breach of the prohibition of inhuman and degrading treatment, the right to an effective remedy, and the prohibition of discrimination.

#### **Mental health care (update to AI Index: POL 10/001/2006)**

In October, the Centre for Legal Resources (Centrul de Resurse Juridice, CRJ) filed a complaint with the Prosecutor's Office of the Supreme Court against its decision to close the investigation into deaths at the Poiana Mare psychiatric hospital, where 17 patients died in 2004 due to malnutrition or hypothermia.