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# INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

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## ANNUAL REPORT 1999

### Romania

#### IHF Focus:

Freedom of expression and the media; torture, ill-treatment and misconduct by law enforcement officials; tolerance and non-discrimination; religious tolerance; protection of minorities and minority rights; women's rights

Despite some measures to ameliorate the overall situation in 1998, Romania's human rights record remained seriously affected by ill-treatment and misconduct by law enforcement officials, discrimination on sexual grounds, and violations of minority rights.

Romania consequently failed to comply with a number of specific requests by the Parliamentary Assembly of the Council of Europe in April 1997 as well as with the 1997 report of the UN Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment.

The political instability and infighting between two actors of the governing coalition – the National

Peasants - Christian Democratic Party (PNTCD) and the Democratic Party (PD) - slowed down the democratic and economic reform.

The problems of the governing coalition reached a climax on 30 March when the Democratic Party threatened to withdraw from the coalition. As a result, Prime Minister Victor Ciorbea – trying to avoid early elections – resigned and was replaced by Radu Vasile of the National Peasant's Party on 2 April 1998.

A major controversy surrounded the creation of a Hungarian-language University. This controversy led to protests by the Union of Democratic Magyars of Romania (UDMR) and its threat to withdraw from the coalition in September. Later UDMR and the government reached a compromise on this subject.

The constitution of 1991 had provided for an ombudsman office to register complaints filed by individuals on violations of their rights and liberties. The Romanian government finally established this institution in May 1998.

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The IHF has consultative status with the United Nations and the Council of Europe.

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COOPERATING ORGANIZATIONS:

The European Roma Rights Center – Human Rights Without Frontiers – Mental Disability Advocacy Center

## Freedom of Expression and the Media

The number of independent media continued to grow to several hundred daily and weekly newspapers. Romanian State Television (RTSV) remained dominant but several private television and radio stations started operating, which had a positive effect on the public now provided with more diversified information. There were no reports on direct measures to restrict the freedom of the press, but journalists were increasingly sued on libel charges, and in some cases even imprisoned.

Despite commitments made in the international forum, the government of Romania repeatedly failed to bring criminal legislation in line with international human rights standards. In the spring of 1998, the Chamber of Deputies rejected a government initiative to amend several of the most criticized provisions of the penal code and the penal procedure code, including articles 205 (insult), 206 (libel), as well as articles 238 (offense to authority) and 239(1) (verbal outrage) of the penal code. These articles were increasingly used to punish outspoken journalists who had criticized the authorities.<sup>1</sup>

- In April Cornel Sabou, a journalist from the northwestern town of Baia Mare, was convicted, fined 500,000 Lei (approximately US\$57) and ordered to pay 300 million Lei in damages for a series of articles accusing a local judge of forgery and of using her position to peddle influence at the local level. In August Sabou began serving a 10-month prison sentence for libel. Sabou did not attend the trial because he was convinced that the case would be dismissed. On 22 April the lawyer representing Sabou stated that he intended to take the case to the European Commission on Human Rights. Writers in Prison Committee later reported that, according to the press office of the Romanian Ministry of Justice, Cornel Sabou had been released at the end of September 1998.<sup>2</sup> A similar case was reported by Radio Free Europe from the northeastern town of Iasi.<sup>3</sup>

- On 23 July Ovidiu Scultelnicu and Dragos Stangu, journalists with the independent daily Monitorul, received a one-year sentence each, lost their civil rights and were prohibited from exercising their profession for one year. Moreover, they were fined up to one and a half billion Lei (approximately US\$160,000). According to Reporters without Frontiers, they were found guilty of writing a "defamatory" article about Police Colonel Petru Susanu, published on 27 May. The journalists had criticized Susanu's working methods and expressed doubts about the origin of his fortune. <sup>4</sup>

Two other Romanian journalists working for the Monitorul newspaper were fined 100 million Lei after being convicted of libel, AP reported on 29 August. The journalists had written on a local politician having abused his position by quashing court proceedings against his son, who had been accused of demolishing a building listed as a protected historical monument. 5

### Torture, Ill-treatment and Misconduct by Law Enforcement Officials

The Association for the Protection of Human Rights in Romania – Helsinki Committee (APADOR-CH) continued to receive information about torture, degrading treatment and ill-treatment by the police.

- On 13 April Nicolae Iloaiei was beaten by a police officer. He was hospitalized for 90 days and was refused a medical certificate on his injuries, which he needed for the forensic laboratory by the physician in charge.

- On 4 September three police officers arrested Nicolae Cazacu on the suspicion of having stolen a bicycle. The officers reportedly beat Cazacu with a crowbar in the police car and continued the abuse at the police station and during the interrogation. Cazacu – refusing to sign a statement confessing to the theft – was allegedly beaten with a truncheon on the palms of both hands. Nicolae Cazacu was released the same day and taken to the county hospital in Pitesti, where he received treatment and a medical report describing Cazacus's severe injuries. Two other youths, aged between 12 and 15, were arrested and questioned on the same matter before this had happened to Nicolae Cazacu. Both youths said that they were hit and slapped, and forced to sign a statement confessing the theft. 6

- On 24 August Sebastian Fitzek, student at the Catholic Theological College in Bucharest and his friend were handcuffed and led to the police precinct. The young men were arrested as burglars because they had inquired in an unfamiliar neighborhood about the friend's aunt. During interrogations Fitzek and his friend were reportedly beaten and forced to give a statement. Fitzek suffered a severe trauma as a result of the ill-treatment, as described in the medical report.

On 18 January the Romanian government agreed to publish the Report to the Romanian Government by the European Committee for the Prevention of Torture, Inhuman and Degrading Treatment or Punishment (CPT). The report detailed the findings of a group of international experts who visited Romania from 24 September -

6 October 1995. It concluded that persons in police custody "face a not inconsiderable risk of being subjected to police mistreatment, which is sometimes severe mistreatment, even torture." The CPT recommended increased human rights training for police officers, that the general prosecutor issue a directive on the methods of processing and investigating claims of police mistreatment, and the adoption of a code of practice for police interrogations.<sup>7</sup>

The UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment had reported in 1997 on the situation in Romania. In April 1998 the Romanian government responded to that report, promising to amend the criminal code and related regulations. However, no modifications had been made by the end of 1998.

In addition, Romanian law provided only an insufficient legal remedy for victims of police abuse - a complaint to the Military Prosecutor's Office. If a non-indictment decision was issued – as in the vast majority of cases – the victim could not take the matter to a court and the affair was dropped. Even if the prosecutor allowed the matter to be taken to a court, only military courts were competent to judge police officers. In the experience of APADOR-CH, in the very few cases that reached the military courts, police officers were either acquitted or sentenced to very mild penalties such as administrative fines.

During the first six months of 1998, APADOR-CH received information about three cases of police shootings of suspects. Although police stated that the shootings had been lawful, APADOR-CH considered that the instances in which Romanian police officers, by law, were allowed to use firearms exceeded those provided by international standards. In addition, APADOR-CH stated that, in all three cases, the police acted without considering the principle of proportionality when using firearms.<sup>8</sup>

In 1998 there was an increasing number of police raids in discos, bars and other similar localities. Although the police argued that this was part of their preventive work, APADOR-CH said that such a mentality set a dangerous pattern of intimidation and created fear among the individuals who happened to be in those places.

- On the night of 24 May, 16-year-old Marian Ciulei, together with several other friends, went to a discotheque in Codlea. After they had left the place, a young man reportedly punched Marian Ciulei, trying to initiate a fight. Ciulei and his friends began to run in order to catch the train home. The police who had been informed of the fight reportedly shouted "stop or I will shoot" and fired at Ciulei. The bullet hit him

in the right side of his back causing injuries in the lungs, kidneys and liver.<sup>9</sup>

- APADOR-CH met with the Chief of the Municipal police in Brasov to discuss the case of Ioan Herea and Nicolae Pana. Two police officers had allegedly observed the two men while they had tried to break into a small kiosk during the night of 17 June. Noticing that they were being observed, the two men began to run and were ordered to stop by a police officer. Of the two men, only Ioan Herea continued to run away and the police officer – after a warning shot – fired and hit him in the right side of his back. Herea subsequently received medical treatment in a hospital.<sup>10</sup>

According to Romania Libera, Constantin Stan bled to death on 22 August.<sup>11</sup> Stan had reportedly attempted to flee while being arrested for minor offences. A police officer, after giving a warning shot, fired at Stan, injuring his kidneys. Romania Libera reported on another incident on 27 August in Gulia, where Gheorghe Ciobanu had been wounded by a police officer.<sup>12</sup>

## Intolerance and Discrimination

### Homosexuals

Romania continued to classify homosexuality between consenting adults as a criminal offense. When Romania was admitted to the Council of Europe, the Council's Parliamentary Assembly recommended that Romania modify its legislation concerning homosexuality to bring it up to par with international standards.<sup>13</sup> Five years later, however, article 200 of the Romanian penal code (same-sex relations) remained virtually unchanged.

Article 200 still provided punishments for consensual homosexual acts that were "committed in public or which cause a public scandal." It also declared illegal conduct that "incite[s] or encourage[s] ... sexual relations between persons ..." to commit homosexual acts, and "propaganda or association or any act of proselytism committed in the same scope" and provided for penalties of 1-5 years' imprisonment.<sup>14</sup>

- On 15 January representatives of the International Gay and Lesbian Human Rights Commission (IGLHRC) and - Human Rights Watch met with President Emil Constantinescu to discuss the status of gays and lesbians in Romania. President Constantinescu promised to pardon all prisoners jailed under article 200 of the

Romanian penal code.<sup>15</sup>

- In March 1998, following the January meeting, Mariana Cetiner – a convict held in Aiud Penitentiary - was released. Cetiner was serving a three years prison sentence imposed in 1996 under article 200 for allegedly attempting to "seduce" another woman and causing "public scandal".<sup>16</sup>

The National Peasants-Christian Democratic Party, the largest party in the coalition government, expressed vociferous opposition to any liberalization of the legislation. The Romanian Orthodox Church has also strongly opposed decriminalization of same-sex relations.

Consequently, on 30 June the Chamber of Deputies of the Romanian Parliament rejected an initiative of the executive, aiming at modifying several of the most criticized provisions of the criminal code and criminal procedure code, including article 200. The latter constituted a genuine threat to human rights through its vague wording that invited abusive interpretations.<sup>17</sup>

## Religious Tolerance

The Romanian government's State Secretariat for Denominations continued to violate freedom of religion by refusing to register various religious groups. The Jehovah's Witnesses and the Baha'i community, to name but a two – both of which have been registered as foundations – were denied the right to freely exercise their religious beliefs by being prevented from building places of worship, cemeteries, etc. APADOR-CH continued its efforts on this subject and urged the adoption of a new law on religious association in compliance with international standards for freedom of religion.

In December Human Rights without Frontiers reported on the attempt to silence a Protestant radio station. In the early 1990s, Protestant Christians received broadcasting licenses and government permission to start operating radio stations in six cities. Such licenses were usually granted for a period of five years and routinely renewed. However, all stations operated by the Protestant "Voice of the Gospel" were informed by the National Committee of the Audiovisual (NCA) - regulating media activity in Romania - that their licenses would not be renewed. <sup>18</sup>

## Protection of Minorities and Minority Rights

### Hungarian Minority

The requests of the Hungarian minority for the establishment of their own institutions of higher education increased tensions between ethnic Hungarians and the Romanian majority that focused on the establishment of a Hungarian-language university.

- On 24 February the Constitutional Court ruled that amending the education law and the law on public administration by government regulation was unconstitutional. The ruling followed an appeal by the Party of Romanian National Unity, which pointed out that both laws were so-called "organic laws" and therefore could not be changed by government regulation. That category of legislation required the approval of an absolute majority of all deputies and senators in order to be passed or changed.

- On 2 September the Chamber of Deputies' Education Commission rejected a government amendment to the education law, which would have set up a Hungarian-language state university. In December 1997 the Senate's Education Commission had rejected the amendment, but endorsed setting up bilingual departments that would provide instruction in Romanian and Hungarian. The chamber's commission decided to allow only "sections and groups within multicultural universities," where teaching in minority languages would be permitted. It was also decided that instruction in just one of the minority languages could be offered only by private universities. Deputy Aureliu Emil Sandulescu of the ruling coalition's National Peasants- Christian Democratic Party, which had proposed the resolution, said the move came to "emphasize that Romania is a unitary state, not a federal one." He added that a Hungarian-language state university would signify "a first step towards federalism."<sup>19</sup> APADOR-CH urged the Romanian parliament to re-examine the draft bill for the modification of the law on education in order to guarantee that the final version be compatible with the legitimate aspirations of minorities.

- On 1 June Andrei Marga, Minister of Education, rejected the demand by the Union of Democratic Magyars of Romania (UDMR) for a Hungarian-language university in Cluj. Marga said universities "established on ethnic criteria" were likely to provoke an increase in ethnic tensions. Democratic Party leader Petre Roman also rejected the demand, saying he supported "multicultural" universities instead.<sup>20</sup>

APADOR-CH stated that the manner in which the political leadership of the country,

the Ministry of National Education and a significant part of the press have responded to the claims of the Hungarian minority represented a return to the nationalist discourse from before 1996.

### Roma Minority<sup>21</sup>

Problems of intolerance, discrimination, and violation of rights concerning members of the two-million Roma community persisted in 1998, although new initiatives to improve the overall situation of the Roma minority were launched.

Roma were disproportionately subjected to police abuse. NGOs continued to report about the police practice of the discriminatory recording and publishing of cases in which supposedly Roma criminal offenders were involved, thus feeding anti-Roma hostility in public discourse.<sup>22</sup>

- On 16 August Corneliu Vadim Tudor, leader of the far-right party The Great Romania announced a party program, which included hate speech against Roma.<sup>23</sup> On 25 August the Romani Party announced that it had asked the Office of the Prosecutor General to start investigations against Corneliu Vadim Tudor for "spreading chauvinistic-nationalist propaganda" and for "incitement to acts of violence and racial hatred."<sup>24</sup>

### FOOTNOTES:

1. Concerns on the Human Rights Situation in Romania, January-August 1998, APADOR-CH.
2. Writers in Prison Committee, Update of 25 August 1998.
3. RFE/RL Newswire, 24 August 1998.
4. Reporters without Frontiers, 4 August 1998.
5. RFE/RL Newswire, 31 August 1998.
6. EUR 39/35/98, Amnesty International, 16 December 1998.
7. Human Rights Watch World Report 1999, Europe and Central Asia Division.
8. See also, Romania: New Reports of Unlawful Use of Firearms by Law Enforcement Officials, Amnesty International, 1 October 1998.
9. Romania: New Reports of Unlawful Use of Firearms by Law Enforcement Officials, Amnesty International, 1 October 1998.
10. Ibid.
11. Romania Libera, 24 August 1998.



12. Romania: New Reports of Unlawful Use of Firearms by Law Enforcement Officials, Amnesty International, 1 October 1998.
13. European Council Parliamentary Assembly, Advice No 176/1993.
14. Human Rights Watch World Report 1999, Europe and Central Asia Division.
15. The International Lesbian and Gay Association, Europe News; [www.ilga.org/information/euroopenews.htm](http://www.ilga.org/information/euroopenews.htm) .
16. Ibid.
17. RFE/RL Newslines, 1 July 1998.
18. Press release, Human Rights without Frontiers, 10 December 1998.
19. "Romanian Parliamentary Commission Rejects Ethnic Hungarian Demands," RFE/RL, 3 September 1998.
20. RFE/RL Newslines, 2 June 1998.
21. See also Report on Romania, European Commission against Racism and Intolerance at [http:// www.ecri.coe.fr/](http://www.ecri.coe.fr/).
22. Statement by the Rom Center for Social Intervention and Studies for the OSCR Implementation Meeting on Human Dimension, October 1998.
23. RFE/RL Newslines, 26 August 1998.
24. RFE/RL Newslines, 26 August 1998.

