

# amnesty international

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## **Romania: Further deaths in custody in suspicious circumstances**

### **Amnesty International's Concerns**

This is an update of a report published by Amnesty International in May 2002 concerning deaths in custody in suspicious circumstances in Romania (*AI Index: EUR 39/002/2002*). The organization is concerned about the government's failure to implement Amnesty International's recommendations and to ensure the protection of the internationally recognized fundamental right to life and freedom from torture and cruel, inhuman and degrading treatment or punishment. The Romanian government has failed to take effective measures to prevent further deaths in custody and to carry out impartial investigations into such deaths and to bring to justice those responsible. Since the publication of its May 2002 report, Amnesty International has received new information from Romania of deaths in custody in suspicious circumstances. In most of the cases, people died after allegedly being ill-treated or subjected to excessive use of force while being restrained by police officers during arrest or in custody or because they were not effectively protected from violence by other detainees.

### **The death in custody of Marius Maricel Năstase**

During their visit at the Vaslui Penitentiary on 29 October 2002, representatives of APADOR-CH (the Romanian Helsinki Committee), a local human rights organization, were informed of the death of 27-year-old detainee Marius Maricel Năstase, who was reportedly killed by another inmate. Marius Maricel Năstase was in pre-trial detention for the rape of a child and rumours had spread quickly among the detainees that he was a paedophile. The staff were allegedly aware of the rumours and initially held Marius Maricel Năstase in a cell by himself. On an unspecified date in February 2002, Marius Maricel Năstase was reportedly placed in a "quiet" room with other detainees. A few minutes later, he was hit and killed by one of them. Members of staff at Vaslui Penitentiary who talked to the APADOR-CH representatives stated that inmates had their own code of "moral values", according to which homicide, for example, is acceptable but not paedophilia. The investigation into the death of Marius Maricel Năstase apparently

did not examine the responsibility of the penitentiary authorities for failing to protect the deceased from violence.

### **The death in suspicious circumstances of Nelu Bălăşoiu**

Nelu Bălăşoiu, who was 18 years old, 17-year-old D.D. and 15-year-old M.C.<sup>1</sup> were arrested in Tîrgu Cărbuneşti on 5 April 2002. The three youths, who are of Romani ethnic background, were reportedly apprehended with a stolen car tyre and beaten by officers in the police lock-up on numerous occasions when they were questioned there before they were transferred on 14 May 2002 to Tîrgu Jiu penitentiary. It is unclear whether Nelu Bălăşoiu's medical file, which is compulsory for all persons held in police detention, had also been transferred and whether he had been medically examined upon arrival at the penitentiary. Other men who were detained in the same penitentiary cell as Nelu Bălăşoiu stated to APADOR-CH representatives that he had swellings on his legs and head and vomited and passed blood. Apparently Nelu Bălăşoiu was seen by a penitentiary doctor on 28 and 29 May 2002 but was only referred for a hospital examination on 3 June 2002. The Tîrgu Jiu hospital reportedly established that Nelu Bălăşoiu was suffering from "pleurisy"<sup>2</sup> and referred him for treatment to the Jilava Penitentiary Hospital where he arrived in the afternoon of 4 June 2002. However, Nelu Bălăşoiu died the following morning. An investigation into his death and into allegations of torture of D.D. and M.C. is reportedly underway.

### **The death in suspicious circumstances of Ovidia Ginga**

Late in the evening of 18 July 2002, or in the early hours of 19 July 2002, in the Copou Park in Vaslui, two public guards stopped Ovidiu Ginga, his wife Doiniţa and a male relative whose identity was not disclosed. The guards reportedly beat them and then took them to the station for questioning. They were released the following morning without being charged with any offence. On the same day Ovidiu Ginga was admitted into hospital where he died from injuries which he reportedly suffered as a result of the beating. A complaint against the two guards was subsequently filed with the Vaslui prosecutor. According to the statement of the representative of the Vaslui Public Guards Force, the two guards intervened in an altercation between the three members of the Ginga family without resorting to force.

### **The death in suspicious circumstances of Vlad Rotarescu**

On 24 July 2002 Vlad Rotarescu, who was 34 years old, died in the Botoşani County Police Inspectorate. Two days earlier he was arrested on suspicion of attempting to steal from a cellar in a block of flats. According to a police statement, Vlad Rotarescu participated in the morning roll-call at 6am, at which time he did not complain of any pain or illness. However, an hour later he reportedly could not be woken up and a doctor who was called in pronounced him dead "as a result of failure of cardio-respiratory functions". The County Police Inspectorate claimed that there were no signs of violence on the body

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<sup>1</sup> The names of the minors are known to AI.

<sup>2</sup> "Pleurisy" refers to a pleural effusion, i.e. a collection of fluid in the space between the lung and chest wall, a condition which is established by a chest examination with a stethoscope. There are many causes of a pleural effusion; often this is an infection (for example pneumonia) but it can also be caused by trauma or injury to the chest. If a person has an infection or the effusion becomes infected, this, if untreated, can lead to death.

of the deceased. There was no information as to whether an autopsy had been ordered or if an investigation into his death had been initiated.

### **Amnesty International's Recommendations**

Amnesty International reiterates its recommendations to the Romanian government:

- to ensure that impartial and thorough investigations are conducted immediately into all reported cases of deaths in custody in suspicious circumstances;
- to instruct law enforcement agencies to give the investigating and prosecuting authorities their full cooperation in order to establish the facts of every case;
- to make public full reports of the investigations and bring to justice anyone suspected of having committed human rights violations;
- in order to prevent ill-treatment, to ensure that the rights of detainees are adhered to from the onset of custody. These include:
  - ✓the right to be informed of the reasons for arrest;
  - ✓the right to legal counsel;
  - ✓the right to inform family of arrest or detention and place of confinement;
  - ✓the right to be examined by a doctor and to receive adequate medical care.

Amnesty International also appeals to the Ministry of the Interior

- to publicize regular statistics on the number of cases of torture and ill-treatment, including the number of cases which resulted in the prosecution of suspected officers.