

ROMANIA

Death in suspicious circumstances of Ion Pułbi and Toader Elinoiu

Amnesty International's concern:

Amnesty International is concerned about reports that Ion Pułbi and Toader Elinoiu were severely ill-treated by police officers in two separate incidents in Nereju, Vrancea county, and that their deaths may have resulted from the alleged ill-treatment. If confirmed these cases would represent a violation of international human rights standards which Romania has ratified. These include Article 6 of the International Covenant on Civil and Political Rights (ICCPR) which states that no one shall be arbitrarily deprived of his life and Article 2 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) which states that everyone's right to life shall be protected by law. Furthermore, Article 7 of ICCPR and Article 3 of ECHR state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Background:

Nereju is a municipality in Vrancea county with around 5,000 inhabitants. Located at the south western slopes of the Carpathians, this village is 77 kilometres away from Focșani, the county seat. The last 14 kilometres are a simple dirt road. The local police station is staffed by four to five police officers, one of whom acts as a chief officer. Reports of recent investigations¹ point out to an apparent pattern of police violations in the village. For many residents of Nereju police beatings with truncheon, punches and kicks, and threats with firearms are a way of life. Few people complain because they fear harassment by police officers who are never brought to account. Obtaining a medical certificate for injuries suffered as a result of police ill-treatment entails an examination by a forensic medical expert in Focșani, which is not only expensive but involves a difficult journey.

The reported ill-treatment and shooting of Ion Pułbi and the ill-treatment of his brother and members of their families

In February 1995, in a village pub, Ion Pułbi and his brother Marcel were involved in a dispute with police officer I. After the officer reportedly assaulted Marcel, Ion Pułbi intervened to stop the fight. The following day several police officers came to Ion Pułbi's house and took him to the station, under the pretext that he had, jointly with his brother, assaulted officer I. Before he was released Ion Pułbi was reportedly brutally beaten. On the same day he went into hiding while Marcel Pułbi left the village. Subsequently, the police frequently visited Marcel Pułbi's house, as well as the home of his parents-in-law, and on a number of occasions reportedly broke windows and doors. Once, the officers reportedly set their dog to attack his sister who as a result suffered a psychological trauma.

¹There reports were investigated on location in September 1998 by representatives of Amnesty International and the Romanian Helsinki Committee.

At the same time, the police also came to Ion Puțbi's house in order to arrest him. On one occasion they broke down the door and windows and allegedly sprayed with tear-gas Niculina Puțbi, his wife. In April, the police apparently discovered that Ion Puțbi had been in hiding in a shack, close to his home. On 4 April, during the night, a group of around 10 officers apprehended Ion Puțbi in a field close to his house and reportedly beat him. He was then shot in the chest. Niculina Puțbi was not allowed to approach her husband's body and was kept at a distance of 10 metres. The autopsy was apparently performed on the spot in the presence of around 30 police officers, who were brought to the village "to ensure public order". A photograph of the deceased taken before the funeral shows bruises or lacerations on the right temple and his nose. While washing the corpse, members of the family also observed other injuries on his body, noting that his testicles were very swollen and violet. Witnesses also claimed that there were no traces of blood on the corpse or on the ground at the scene of the shooting, raising suspicions that Ion Puțbi had already been dead when the shooting occurred.

None of these witnesses had been interviewed in the course of an investigation which was conducted into the shooting. In a letter dated 5 November 1996², the Bucharest Military Prosecutor informed Niculina Puțbi that "the officers [had] used firearms in accordance with the law and in a state of emergency". No other information about the investigation or its results had been given.

Left: Marcel Puțbi with his sister-in-law Niculina Puțbi and her children.

Several months after fleeing from his home in Nereju, Marcel Puțbi was arrested in Brașov, where he had been working. He was taken to the lock-up of the Vrancea Country Police Inspectorate in Focșani. During interrogation, when asked to testify that his brother had assaulted the police officer, he was reportedly beaten. He could not understand why the police wished to incriminate only Ion Puțbi in the alleged assault. Subsequently he was tried and sentenced for a theft, an offence which he claims he had not committed but had been coerced to "confess" to under beatings. After a conditional release in 1997, Marcel Puțbi was reportedly threatened by the police to

²Reference number 120/P/1995.

leave the village. He has since been summoned to the police station in the village and in Focșani, and beaten on several occasions. He has complained about the ill-treatment and harassment, apparently without any results, to the Vrancea Country Police Inspectorate.

The reported ill-treatment and death in suspicious circumstances of Toader Elinoiu

The most recent incident of police violence took place in August 1998 and concerns the death in suspicious circumstances of Elinoiu Toader. On 14 August, in the evening, 42-year-old Toader Elinoiu went to the village centre. Later he was seen vomiting in front of a shop. Police officer A., who had observed this, reportedly punched Toader Elinoiu in the head and slapped him in the face. He then reportedly told the shopowner to take Toader Elinoiu behind the house and “deal with him”. The officer also threatened the person who witnessed the incident not to say anything about it.

The following day, between 2 and 3pm Toader Elinoiu, with injuries to the face and his lips swollen, came to the home of Anica Asaftei, his sister, and complained about head-aches and severe pains in the back and the chest. He told her about the beating and that his assailants had taken him in a car, half way up the hill, leaving him to walk the rest of the way home. At that point Toader Elinoiu was observed by several villagers who later stated that he was bleeding profusely from injuries to his nose and ear. During the night he asked Anica Asaftei for some diluted spirit, a drink which is locally consumed to alleviate pain³. That morning, between 5 and 6am, she found him dead and immediately informed the police. Officers A. and G. took the body to the Forensic Medical Laboratory in Focșani for an autopsy. The officers did not allow any member of the family to approach the body or to accompany it to the laboratory.

In a press statement released on 17 August, the Vrancea Country Police Inspectorate claimed that Toader Elinoiu had died as a result of drinking surgical spirit and that “there were no signs of violence” on the body of the deceased. However, an autopsy to establish the cause of his death was carried out on the following day. Two days after the incident the Chief of Police in Nereju was transferred to another village but the four officers, including those suspected of ill-treatment, remained on duty. On 19 August, the local prosecutor had still not received any report about a death in suspicious circumstances⁴. In the meantime two police inspectors from Focșani, were investigating the case in Nereju. They reportedly initially questioned only villagers who had no knowledge about the beating incident. Some of the witnesses had reportedly been ill-treated and harassed by the local police officers. Officer G.

³ According to the local custom, surgical spirit is diluted with water and filtered through bread.

⁴ See “*Mușmalizare? Anchetarea morții suspecte, de la Nereju, pare cusută cu ațel alb*” (A cover-up? The investigation of a suspicious death in Nereju, has apparently been sewn with a white thread) published in *Monitorul de Vrancea* on 22 August 1998.

reportedly beat Luca Asaftei on the palms of his hands, instructing him to testify that his brother-in-law died from drinking alcohol. He later signed a statement to this effect.

When the body of Toader Elinoiu was returned to the village for the funeral⁵, the relatives were reportedly not allowed to wash it. However, Focșani journalists who reported about the incident, managed to photograph and film the injuries on the body of the deceased. Subsequently, it was unofficially reported that the autopsy had established similar injuries to those recorded by the journalists, as well as that Toader Elinoiu had suffered three fractured ribs. However, the autopsy report had not been made public.

The interest in this case expressed by the local journalists was welcomed by many villagers who, over the years, had suffered abuse at the hands of the police. A series of articles were subsequently published describing acts of violence and corruption perpetrated with impunity by the local police officers. Should the authorities fail to bring to justice those responsible for the alleged ill-treatment of Toader Elinoiu, the people of Nereju will continue to suffer and live in fear.

Amnesty International's Recommendations:

Amnesty International urges the Romanian authorities to thoroughly and impartially investigate the deaths in suspicious circumstances of Ion Pułoi and Toader Elinoiu and the reported ill-treatment of other members of the Pułoi family. These investigations should be conducted in accordance with Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the results should be made public. A failure to make public full reports of the investigations, as well as autopsy reports, would mean that the Romanian authorities are not adhering to the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles set forth strict standards for thorough, prompt and impartial investigations in such cases, including the prompt completion of the investigation and immediate publication of the report. The report must: "include the scope of the inquiry, procedures and methods used to evaluate evidence as well as conclusions and recommendations based on findings of fact and applicable law. The report shall also describe in detail specific events that were found to have occurred, and the evidence upon which such findings were based, and list the names of witnesses who testified with the exception of those whose identities have been withheld for their own protection. The Government shall, within a reasonable period of time, either reply to the report of the investigation, or indicate the steps to be taken in response to it (Principle 17)". Amnesty International also urges the Romanian authorities to bring to justice those found responsible for human rights violations.

⁵After the autopsy his cloths had not been returned to the family.