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EXTERNAL

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ROMANIA

Alleged torture of 14-year-old boy by police

Amnesty International's concerns:

Amnesty International (AI) is concerned that Vasile D|nuMoise, a 14-year-old boy, was reportedly tortured by police officers in Vl|desti, a village in Arges county approximately 150 kilometres northwest of Bucharest. If confirmed, this would represent a violation of Romania's international treaty obligations including Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, this would represent a violation of Article 37 (a) of the UN Convention on the Rights of the Child, which states that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Background:

According to a report of the *Asociaŭa pentru apararea drepturilor omului în România - Comitetul Helsinki* (APADOR-CH, Romanian Helsinki Committee) on 14 March 2001, at around 10am in Vl|desti, Elena Doina Moise, and her 14-year-old son, Vasile D|nuMoise were working in the field when police officers S.H. and G.B.¹, and a farmer whose cow had allegedly been stolen, arrived in a car. The police took Vasile D|nuMoise to the local station for questioning. Two hours later Elena Doina Moise and Nicoleta C|praru, a neighbour, went to the police station to inquire about Vasile D|nuMoise. There was no one at the station and they waited for about half an hour until the car with the police officers, the farmer and the minor arrived. Vasile D|nuMoise was crying and appeared very frightened, but his mother was reportedly not allowed to accompany him inside. Later she was summoned into the office and asked to countersign her son's statement. Distressed by her son's situation and having reportedly been given assurances by the police officer that "everything would be fine for the boy" she signed the statement without properly reading it.

After they were allowed to leave the police station at around 2.30pm Vasile D|nuMoise fled into the garden of his parents' house and hid there for the rest of the day. In the evening Elena Doina Moise found

¹The identity of the police officers is known to Amnesty International.

him in a state of shock, shaking all over. She observed that the palms of his hands were red and very swollen. A neighbour drove Elena Doina Moise and Vasile to the hospital in Câmpulung where they arrived at around 1am. On 17 March Vasile D|nuMoise was transferred to the surgical ward of the Pitesti Pediatric Hospital where he was treated until 23 March. The hospital records note that he was admitted with an acute head injury, an eye edema and suffering from “*the Silvermann syndrome*” (Battered Child Syndrome). Representatives of APADOR-CH spoke with the doctor who treated the boy and who stated that on admission he was in a state of shock and had weals on his back which apparently resulted from beating with a truncheon.

With a written referral from the Pitesti hospital Elena Doina Moise went to the local forensic medical laboratory to obtain a medical certificate for the injuries which her son suffered as a result of the reported beating. Her request was rejected under the pretext that her son had first been admitted to the Câmpulung hospital and that the forensic medical laboratory in that town would be responsible for issuing of the certificate. However, it appears that there is no such institution in Câmpulung, a circumstance which is unlikely not to have been known to the Pitesti forensic medical laboratory.

On 20 March both parents of Vasile D|nuMoise went to the police station in Vi|desti in response to a summons delivered the previous day. Two police officers from Berevoie sti took their statement in connection with Vasile D|nuMoise's injuries. The officers reportedly implied that the boy had been beaten by his father following his release from police custody, or alternatively that it was also probable that he had been beaten by two other youths who were also suspected of having stolen the cow. These allegations also subsequently appeared in the local press. In fact Vasile's father was not at home on the day of the incident. It is also important to note that the allegedly stolen cow was found on the same day.

Vasile D|nuMoise told APADOR-CH representatives that he had been beaten in the Vi|desti police station on the palms of his hands and on the back with a “shepherd's staff” (a wooden rod about one metre long) and with a truncheon. A third officer hit him with a file case on the head making him fall against a stove and injuring himself. He was subjected to the beating to force him to admit to the theft of the cow, which he allegedly committed with Puiu B|rboi and Petre Moise as his accomplices. The police officers had then driven Vasile D|nuMoise to the village of Petrosani where they wanted him to identify the house where the stolen cow was allegedly hidden. When he was subsequently returned to the police station, under duress he wrote a statement which had been dictated to him by the police officers. During his stay in the Pitesti hospital he was questioned about the incident by a man in plain clothes who introduced himself as an officer of the Arges County Police Inspectorate.²

Ion M|nescu who drove the boy to the hospital stated that he appeared very frightened at the time and could hardly move. Nicoleta C|praru, also interviewed by APADOR-CH representatives, stated that she saw Vasil D|nuMoise when the police officers brought him back to the police station. He was crying and appeared to be very frightened. She also could hear him continue to cry inside the station. Shortly after Nicoleta C|praru returned home the two officers who reportedly tortured Vasile D|nuMoise came to her house reportedly looking for her husband Petre Moise. Although she told them that he was not at home they reportedly entered the house and looked into all the rooms, even under the beds. A week or so after the incident the two officers and another person in plain clothes came to the house at around 10pm and took her, her husband and Puiu B|rboi to the Aninoasa police station where they were questioned about the reported beating of Vasile D|nuMoise.

²Both the questioning in the hospital and previously in the police station took place without the presence of the minor's parents or legal guardian required by the Romanian law.

Amnesty International's recommendations:

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania is bound to initiate a prompt and impartial investigation whenever an individual has alleged that torture or other ill-treatment has occurred or, even if no complaint has been made, there are reasonable grounds to believe that such ill-treatment has occurred. Also as a party to the UN Convention on the Rights of the Child, Romania is bound to protect children from torture and cruel, inhuman or degrading treatment or punishment. Amnesty International urges the Romanian authorities to ensure that the investigation into the reported torture of Vasile Dînu Moise is carried out promptly, impartially and thoroughly, that the findings are made public and that any law enforcement officer who is found responsible for violating human rights is brought to justice.