

PUBLIC**AI Index: EUR 39/32/98****Action Ref.: EERAN 16/98****Date: 16 Nov 1998****ROMANIA**

**ALLEGED ILL-TREATMENT OF SEBASTIAN FITZEK
BY POLICE OFFICERS**

Amnesty International's concerns

Amnesty International is concerned about the alleged ill-treatment of Sebastian Fitzek by a police officer in Bucharest, Romania. 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.

Background

On 21 August 1998, 16-year-old Sebastian Fitzek accompanied C | t | lin, a young man from the provinces, to the house of C | t | lin's aunt in Bucharest. The aunt was not at home, so the young men inquired of a neighbour if she still lived at that address. The neighbour confirmed that she did, so they said that they would return later.

On their return, they found four men kicking at the door of the apartment. When asked what they were doing, they were told to mind their own business. The men, who were police officers (only one of whom was in uniform) then arrested and handcuffed them. They were not given any explanation. The police officers reportedly swore at and insulted them as they took them to a car. They were taken to Police Section 21, where they were separated from each other.

A police officer who had not seen Sebastian Fitzek before entered and asked him what he was doing there. He had hardly replied "I don't know, I'm innocent" when the officer reportedly struck him across the side of the head so hard that he fell down. Dizzy and in great pain, he could only get back up with difficulty. He was then taken into a room where there was Sublieutenant B.¹ and other officers. When C | t | lin asked who it was who had hit Sebastian Fitzek, they were told that it was the Chief. Sublieutenant Boncu then telephoned Sebastian Fitzek's parents and C | t | lin's aunt. He established that the police officers had made a mistake, but also found out that the two young men were studying at a Catholic school. He then had their fingerprints and photographs taken and had them make statements, for the purpose of opening a file on them. He then, in this intimidating situation, allegedly forced them to sing psalms. The officers also reportedly made insulting remarks concerning the Catholic Church. He then allowed them to leave.

The two young men returned the following day, accompanied by Sebastian Fitzek's parents and C | t | lin's aunt. They did not find any of the officers there.

¹The officer's name is known to Amnesty International

Medical reports from the Dr. Victor Gomoiu Children's Hospital, Bucharest, show that Sebastian Fitzek suffered a trauma to the left ear and perforation of the left eardrum as a result of the blow he reportedly received while in the police station.

Sebastian Fitzek's father made a request for an inquiry into these incidents and spoke to a senior officer who maintained that it was not worth making an inquiry and refused to give him his name.

Left: Sebastian Fitzek and right, with his father, Victor Fitzek.

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, impartial and thorough 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.

Amnesty International urges the Romanian authorities to ensure that a prompt, impartial and thorough investigation is carried out into the alleged ill-treatment of Sebastian Fitzek by police officers, that the findings are made public and that any law enforcement officer who is found responsible for violating human rights is brought to justice.