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ROMANIA:

The reported torture of Nicolae Cazacu and ill-treatment of two minors

Amnesty International's recommendations:

Amnesty International is concerned about the alleged torture of Nicolae Cazacu and ill-treatment of two minors by police officers in Poiana Lacului, in Arges country. 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. The same prohibition is contained in Article 37(a) of the United Nations 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.

Left: The injuries suffered by Nicolae Cazacu to his back.

Background

On 4 September 1998 at around 12am in the village of P|duraiu Deal, in the Poiana Lacului municipality, three police officers came to the house of Nicolae Cazacu and arrested him on suspicion of the theft of a bicycle. In the car, on the way to the municipal police station, the officers reportedly ordered Nicolae Cazacu to take off his shoes and beat him with a crowbar on the soles of his feet and above the ankles. The beating reportedly continued at the station after Nicolae Cazacu denied that he had committed any theft. During the interrogation which lasted about four hours, officer

G.N.¹, the other two officers and Police Chief L., who was in plain clothes, reportedly punched, kicked and beat him with the crowbar. Nicolae Cazacu was reportedly forced to lie on the table with his face down and was beaten with a rubber truncheon on the back. When he lost consciousness an officer splashed him with water. He refused to sign a statement “confessing” to the theft and was allegedly beaten with a truncheon on the palms of both hands which he was ordered to keep on the table. The same afternoon, between 4 and 5pm, Nicolae Cazacu was released and taken by his brother and friends to the county hospital in Pitesti, where he received treatment for injuries suffered as a result of the beating. He was then photographed and interviewed by journalists of *Curierul zilei* (“Daily Messenger”, a local newspaper).

On the same day, before they arrested and questioned Nicolae Cazacu, the police took four boys, between the ages of 12 and 15, to the municipal station and questioned them about the theft without informing their parents or providing them with legal representation. Twelve-year-old M. C. told a representative of Amnesty International: “One officer shouted at me: ‘where is the bicycle’ and then slapped me on the back of the head. He also slapped me a couple of times when we were in the car on the way to the station.” The police officer who questioned him wrote a statement which M.C. signed without reading.

The parents of 13-year-old A. R. were not at home when he was taken to the police station where he was held from 10am to 5pm. The officers reportedly hit him with a baton on the palms and the soles of the feet and forced him to sign a statement. Following his release he was not taken to a doctor for an examination although his palms and soles were bruised and swollen. Reportedly unaware of their rights and feeling intimidated by the police, although A.R. denied taking the bicycle, his parents bought a replacement for the victim of the theft. The second time he was summoned to the police station and interrogated by an officer investigating Nicolae Cazacu’s complaint, the officer responsible for the ill-treatment of A.R. was in the adjoining room. In spite of his parents being present during this interview, A.R. found these circumstances and the procedure intimidating.

On 7 September Nicolae Cazacu was examined by a forensic medical expert who described the following injuries: a lesion on the left side of the nose, lesions and swellings on both palms, multiple weals (some isolated, some intersecting) and swellings on the shoulders. According to the medical certificate issued by the forensic medical expert these injuries required eight to nine days of medical treatment. He was reportedly examined for a second time on 20 or 21 September by a physician who extended his treatment by eight more days². On 24 September, Nicolae Cazacu filed a complaint with the Military Prosecutor in Bucharest³.

On 29 September in Pitesti, a representative of Amnesty International spoke to the commander of the County Police Inspectorate, who is supervising the investigation into this incident. The commander expressed doubts about the validity of Nicolae Cazacu’s second examination believing that the extension of his medical treatment was not necessary. On an unspecified date, the investigating officer himself reportedly examined the complainant’s palms. He ordered Nicolae Cazacu to take off the bandages and observed “hardly any traces of the beating”. He then ordered a new forensic medical examination which

¹The identity of all officers involved in this incident is known to Amnesty International.

²This document was submitted to the police investigating Cazacu’s complaint.

³The complaint was registered under number 447/24.9.98.

would precisely establish the severity of the injuries⁴. If they established that the second evaluation had been wrong they would initiate proceedings against the doctor who issued it. When the representative of Amnesty International questioned the police commander about the reasons for keeping on duty in Poiana Lacului officers involved in this incident, he replied that disciplinary measures against officers cannot be taken without conclusive evidence concerning their responsibility. Nevertheless, he had decided that as of 1 October 1998 officers M. D., O. F. and G. N.⁵ would be assigned to duty in a different village. However, at the time of the writing of this report these officers were reportedly still on duty in Poiana Lacului and on several occasions had harassed and intimidated Nicolae Cazacu for filing his complaint.

Amnesty International's recommendations:

As a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), 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.

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

Amnesty International urges the Romanian authorities to ensure that Nicolae Cazacu and the ill-treated minors are protected from the police intimidation and harassment which would be a violation of Article 13 of the Convention against Torture.

Finally, Amnesty International urges the Romanian authorities to ensure that all law-enforcement officers detaining and interrogating minors should respect the United Nations Standard Minimum Rules for the Administration of Juvenile Justice⁶ and United Nations Rules for the Protection of Juveniles Derived of Their Liberty⁷.

⁴Forensic medical certificates are frequently the only grounds on which prosecutors base their decisions concerning complaints involving injuries. Should the perpetrators be charged with causing bodily injury (torture as a charge is invoked in extremely rare cases) the degree of their liability is linked to the evaluation of medical treatment made by a forensic rather than a clinical doctor. For more details about Amnesty International's concerns about this practice see *Romania: Alleged ill-Treatment of Alexandru Iloaiei by a police officer* (AI Index: EUR 39/22/98), published on 4 June 1998.

⁵According to the investigation, the Police Chief L. was not on duty that day and was not present in the station at the time of the incident.

⁶Resolution 40/33 adopted by the General Assembly on 29 November 1985 at its 96 plenary session. These are also known as Beijing Rules.

⁷Resolution 45/113 adopted by the General Assembly on 14 December 1990 at its 68th plenary session.