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## U.S. Department of State

### Romania Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### ROMANIA

Romania is a constitutional democracy with a multiparty, bicameral parliamentary system, a head of government (prime minister), a directly elected head of state (president), and a separate judiciary. Despite a recent reorganization of the judicial system, the executive branch exercises influence over the judiciary.

The Ministry of Internal Affairs supervises the police. The national police have primary responsibility for security, but the Government may call on the army and border guard to assist the police to maintain internal order. The Romanian Intelligence Service (SRI) carries out internal intelligence functions. Elected civilian authorities exercise full control over the security forces, many of whose senior officials were replaced by the Government in 1997. Some police officers committed serious human rights abuses.

Romania is a middle-income developing country in transition from a centrally planned to a market economy. In 1996 the private sector accounted for about 52 percent of gross domestic product (GDP) and employed 53.5 percent of the work force, primarily in agriculture and services. Although privatization is under way, heavy industry still consists largely of state-owned enterprises. The economy is expected to contract by 2 to 3 percent in 1997. The GDP for 1997 is projected to be about \$1,500 per capita. Exports rose over 56 percent from 1993 to 1996 but were expected to show minimal growth this year. Inflation was down to 56.9 percent in 1996 but rose to about 130 percent by year's end as the marketplace rather than the Government began to determine the price of goods.

The Government generally respected the human rights of its citizens; however, several serious problems remained. Police continued to beat detainees. The Government investigated police officers suspected of abuse and indicted officers accused of criminal activities in military courts. However, investigations of police abuses are generally lengthy and indeterminate, and rarely result in prosecutions or punishment. Poor prison conditions led to hunger strikes and violent protests in February. The judiciary remains subject to executive branch influence, although it was reorganized and is increasingly independent. Discrimination and violence against women remained serious problems. A large number of impoverished and apparently homeless children continued to roam the streets of large cities. Government and societal harassment of religious minorities was a problem. Discrimination and violence against Roma continued.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

In March Amnesty International issued a report questioning the use of firearms by police against unarmed petty criminal suspects in 11 incidents between 1995 and 1997. Three fatalities resulted, and only two police officers have been indicted.

In 1996 Gabriel Carabulea died after 3 days in police custody, during which he reportedly was severely beaten. After initially ruling that there were no grounds for an indictment of the police, the military prosecutor's office reopened its investigation, which is ongoing.

According to the Government, the chief of police in Valcele was indicted in June for the illegal use of his weapon in the 1996 killing of Mircea-Muresul Mosor, a Rom from Comani who was shot and killed while in police custody. A trial was pending at year's end. The Military Prosecutor's Office during the year reopened the investigation into the case of Istvan Kiss, an ethnic Hungarian allegedly beaten to death by police in 1995.

In several earlier cases of deaths in custody or deaths reportedly due to police brutality, investigations and trials are still dragging on, years later.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The Constitution prohibits torture and inhuman or degrading punishment or treatment, and these prohibitions were generally respected in practice. Nevertheless, there were credible reports that police continued to beat detainees.

In Piatra Neamt in February police reportedly beat Ion Bursuc. In Berceni police arrested and allegedly beat Ioana Enuta in May. These cases remain under investigation.

In January the United Nations Special Rapporteur on Torture and other Cruel, Inhuman, or Degrading

Treatment or Punishment reported that he had received allegations of torture and mistreatment during detention, usually at police stations. Police officers allegedly often used force during interrogations to obtain confessions.

Adrian Sarbu and Mihai Alexandrescu complained that they were beaten by a group of nine policemen on December 11, 1996, after a verbal dispute. Two policemen were identified and arrest warrants were sworn out against them. The 1996 beatings of engineer Apostolescu and his nephew, Mihai Damian, and Constantin Balasa are also under investigation but have not yet been resolved.

Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticize this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive and that the military courts sometime block proper investigation of alleged police abuses.

Prison conditions are poor, facilities are overcrowded and unhealthy, and medical assistance is meager. Human rights organizations continued to report abuse of prisoners by other prisoners and prison authorities. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semiofficial charge of other prisoners. In February, following hunger strikes and other--sometimes violent--protest actions started by inmates in nine cities to publicize their plight, both private and public television stations covered the state of prison conditions: overcrowding, lice, and bedbugs, visible particulate matter in the drinking water (at Jilava Prison), and inadequate shower and toilet facilities. In another instance, prisoners became ill after eating food that had been contaminated with rat feces. The single penitentiary hospital suffers from overcrowding and too few doctors. The Government responded to the hunger strikes and protests by granting early parole to elderly, pregnant, juvenile, and first-time or minor offenders and accelerating construction of new prisons to relieve overcrowding.

The Government permits visits by human rights monitors, and several nongovernmental organizations (NGO's) made such visits.

#### d. Arbitrary Arrest, Detention, or Exile

The law forbids the detention of anyone for more than 24 hours without an arrest order from a prosecutor, who may order detention for up to 30 days. Authorities generally respected this provision in practice. Detainees have the right to apply for bail and may ask for a hearing before a judge. Such a request must be granted within 24 hours. In the absence of a request, however, the authorities may hold a person for up to 65 days without a court order.

Police often do not inform citizens of their rights. The law requires the authorities to inform arrestees of the charges against them and of their right to an attorney at all stages of the legal process. Police must notify defendants of this right in a language they understand before obtaining a statement. However, the prosecutor's office may delay action on a request for a lawyer for up to 5 days from the date of arrest.

Under the law, minors detained by police and placed under guard in a Center for the Protection of Minors are not considered by judicial authorities to be in detention or under arrest. Since the Penal Code does not apply to minors in these centers until their cases are referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offenses in such centers for up to 30 days. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the Government to change it.

There were no political detainees in 1997, although a number of officials associated with the former

government who were investigated on charges of corruption publicly complained that they had been targeted on political grounds.

Exile was not used as a means of punishment.

#### e. Denial of Fair Public Trial

Under the terms of a 1992 law, the judicial branch is independent of other government branches. A 1997 revision of this law provides that members of the Superior Council of the Magistrature, which controls the selection, promotion, transfer, and sanctioning of judges, be appointed by the justice minister.

The 1992 law reestablished a four-tier legal system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court or, for constitutional matters, to the Constitutional Court established in 1992. A new law reorganizing the judicial system has divided the Prosecutor General's Office into 16 local offices paralleling the appeals court structure and established one office at the Supreme Court; the law also curtailed certain powers of the prosecutor general, including the right to overturn court decisions and move cases over intervening appeals courts to the Supreme Court.

The law provides for fair public trial and a presumption of innocence. The Penal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. In practice, the local bar association provides attorneys to indigents and is compensated by the Ministry of Justice. Either a plaintiff or defendant may appeal. These provisions of the law are respected in practice. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court.

With the aim of protecting citizens against abuses or capricious acts of public officials, a law establishing an Ombudsman's Office was promulgated in March.

There were no reports of political prisoners.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions, or attempts change the existing national borders. Security officials may enter residences without proper authorization from a prosecutor if they deem a threat to national security to be "imminent."

The Constitution states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service is legally prohibited from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows security services to engage in such monitoring on national security grounds after obtaining authorization.

Similarly, although the law requires the SRI to obtain a warrant from a prosecutor to carry out intelligence activities involving "threats to national security," it may engage in a wide variety of operations, including "technical operations," to determine if a situation meets the legal definition of a threat to national security.

In 1997 there were no confirmed instances of interference with individual citizens' right to privacy by the authorities. Mail continued to be opened, but the authorities place the blame for this on postal workers and freight handlers looking for money or other valuables. Protestant church groups also continued to complain of opened correspondence, although there were no reports of telephone tapping.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country." The Government respected the constitutional provisions in practice. An updated Penal Code passed by Parliament in 1996 rectified many of the shortcomings of the former Communist-era code. However, the new version has been criticized by human rights organizations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists.

In March an appeals court overturned a lower court's conviction of journalists Tana Ardeleanu and Sorin Rosca Stanescu for seditious libel. The two were convicted in 1996 for alleging in the daily Ziua that former President Ion Iliescu had ties to the Soviet KGB intelligence service. Several lesser-known cases involving journalists and penal code provisions for libel were also tried.

The independent media continued to grow. Several hundred daily and weekly newsp