

EUROPEAN ROMA RIGHTS CENTER

SUDDEN RAGE AT DAWN

VIOLENCE AGAINST ROMA IN ROMANIA

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The Roma (Gypsies) remain to date the most deprived ethnic group of Europe. Almost everywhere, their fundamental civil rights are threatened. Disturbing cases of racist violence targeting Roma have occurred in recent years. Discrimination against Roma in employment, education, health care, administrative and other services is common in many societies. Hate speech against Roma deepens the negative stereotypes which pervade European public opinion. The *European Roma Rights Center* is an international initiative for monitoring the human rights situation of Roma and providing legal defense in cases of human rights abuse.

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*"We learned that four (or fourteen) policemen eventually did come – after the mob had gone, after the houses had gone – bearing a message for the Gypsies: "You must leave the village, because they will come back and kill you."
"But we stay here," one woman explained, "because we have no place to go."
"We want to stay here," another added, "because we were born here."*

Isabel Fonseca, Bury Me Standing

1. INTRODUCTION

The spread of community violence against Roma is the main issue focused on by the reports on the human rights situation of the Roma in Romania since the fall of the Ceausescu regime in 1989.¹ Triggered by arguments or fights between Roma on the one hand and Romanians or Hungarians on the other, angry mobs of co-villagers assembled and set the houses of Roma on fire, chased away entire Roma communities and sometimes even killed persons belonging to them. The pressing human rights concern for the Roma in Romania has therefore been described during the last years in terms of inter-ethnic clashes and racially motivated violence.

The *ERRC*'s missions to Romania during 1996 revealed that a major change has occurred in the kind of abuse from which Roma in Romania suffer today. The previous pattern of community violence has been replaced by a new pattern of police raids systematically conducted in Roma communities. Before, angry mobs of villagers attacked neighboring houses of Roma. This was a form of collective punishment for crimes committed by individuals belonging to the Roma minority. Today, the threat comes from an official institution—the police.

The international community also bears some responsibility for the spread of official violence² against Roma in Romania. In March 1993, in response to unflattering articles in the international press about anti-foreigner violence in Germany, the German government reached an agreement with the Romanian government and began deporting Roma to Romania. The German and Romanian governments were able to agree on a plan whereby Germany would solve its problem of racially-motivated violence at home by deporting the potential victims and paying the Romanian government to take them. Many of the Romanian Roma in this group of deportees had earlier fled community violence and the rise in anti-Romani sentiment at home, although it had long since proven extremely difficult both to enter Western Europe and to claim asylum there.³ The ultimate result of this futile flight and return was that the Romanian government received tacit international approval to deal with Roma however they saw fit. Police raids of Romani settlements, involving harassment and physical abuse, began thereafter to become a recurring pattern of law enforcement in Romania.

In addition to police raids, the *ERRC* has investigated a number of incidents which also indicate increasing brutality on the part of law enforcement bodies. On the morning of May 9, 1996, a 26-year-old Rom was shot and killed by a police officer in Olt County in southern Romania. On June 2, 1996, a team of public guardians shot at a group of Romani inhabitants in the village of Coltău, seriously injuring two of them, one of them so badly that his leg had to be amputated. Numerous incidents of law enforcement officials using firearms against Roma have occurred in Romania the last 12 months, which makes it difficult to regard such events as isolated cases.

This report builds on the work of many people, Roma as well as *Gadje*, i.e. non-Roma. It provides some follow-up on the anti-Romani community violence of 1990–1993. The report then addresses the current human rights situation of Roma, and highlights an emerging pattern of police brutality directed at the members of this minority. The documented cases, as well as the *ERRC*'s overall monitoring of Roma rights in Romania, are the basis of our recommendations to the Romanian government. This report does not cover all or even most of the issues which characterize the human rights situation of Roma in Romania. We have chosen to focus here only on what we consider to be the most disturbing threats to the most fundamental rights.

The reader should be aware of the limitations faced by the *ERRC* researchers in Romania, resulting from fear and hopelessness among victims and witnesses of human rights abuses. Only in the case of one police raid investigated by the *ERRC* did the victims actually want their names to be quoted. In some cases, the interviewees asked the *ERRC* not to take any further steps to investigate police action. Most Roma communities with whom the *ERRC* met are systematically subjected to police harassment. Moreover, our interviews reveal intimidation and probable manipulation of eyewitnesses by the police and local authorities. The fear of reprisals and the feeling of exposure are therefore easy to understand. It is against this background that the *ERRC* withholds the names of the victims and witnesses in most of the cases described in this report.

The *ERRC* stresses that it does not aspire to represent the views or priorities of Romanian Roma, or *Țigani*.⁴ A further self-limitation of this type of human rights reporting comes from the imperative of impartiality. The reader should refer to books such as Isabel Fonseca's *Bury Me Standing*⁵ for more subjective and, perhaps, more human observations on the life of Roma in Romania, written outside the rubric of human rights advocacy.

2. PAST ABUSES NOT YET RECTIFIED

Mob violence against the Roma minority in Romania has decreased during the last years. This fact should not, however, lead anyone to forget about the long series of violent attacks which repeatedly targeted entire Romani communities. The *ERRC* conducted research on the status of older and well-publicized cases of human rights abuses against Roma and came to the conclusion that the Romanian state authorities have failed to fulfill their fundamental duty of pursuing justice for Romani victims of human rights abuses.

Hădăreni

On September 20, 1993, Rupa Lucian Lăcățus, Pardalian Lăcățus and Mircea Zoltan, all three of Romani origin, were killed by a mob of ethnic Romanians and Hungarians in Hădăreni, a village situated in Mures County in Romania. The lynching occurred after an ethnic Romanian had been stabbed to death by one of the Romani men during a fight earlier that day. During this incident, which is probably the most violent of all cases of community violence seen in Romania, the angry crowd also attacked and burned fourteen and demolished another five houses belonging to Roma and chased their inhabitants out of the village.⁶

At the time of this publication, no one has been brought to justice, either for the killing of the three Roma, or for the destruction of the houses in Hădăreni. According to Manuela Ștefanescu of the Romanian Helsinki Committee, the prosecutor responsible for the case in 1994 arrested some of the perpetrators against whom there was enough evidence, but local pressure forced him to release them later the same day.⁷ Research conducted by *Fédération Internationale des Ligues des Droits de l'Homme* in 1994 concluded that although the chief prosecutor had identified the killers of the three Roma, he refrained from arresting them due to the high risk of agitation or retaliation from the Romanian/Hungarian side.⁸

Apart from declaring that measures had been taken to bring the perpetrators to trial, the Romanian government also promised to finance the reconstruction of the houses destroyed during the attacks. The Mures County Council established a four-member committee to supervise and execute the reconstruction of the houses in Hădăreni. According to István Haller of the organization *Liga Pro Europa*, two of the committee members were employees of the County Council itself, while the other two, Gheorghe Găbudean and Gheorghe Bucur, were the mayor and the vice-mayor of Chetani commune, the administrative unit to which Hădăreni belongs.⁹ Mr. Haller also told the *ERRC* that Mr. Găbudean and Mr. Bucur are both representatives of the ultranationalist, right-wing Romanian Party of National Unity (*PUNR*). Furthermore, the vice-mayor, who lives in Hădăreni, was himself present when the violence against the Roma occurred.¹⁰

Thus far, the Romanian government has given financial support of 60 million lei (approximately 18,000 US dollars) for the reconstruction of the houses destroyed in Hădăreni. Out of the fourteen destroyed houses, local appointees now claim to have rebuilt eight.¹¹ The *ERRC* visited Hădăreni on June 11, 1996, and discovered that none of the eight houses had been rebuilt properly. Huge gaps between the window-frames and the walls, and roofs which only partially cover the houses render them practically uninhabitable. Some of the Roma whose houses were burned down live in stables next to what used to be their homes; others have put their scarce resources toward making at least one room of their inadequately rebuilt home fit for habitation.

In the fall of 1995, mayor Gheorghe Găbudean wrote a letter to Târu Gavrilă, prefect of Mures County, addressing the issue of the remaining six houses burned down in September 1993. In it, he stated that three of them created “special problems”, due to reasons like “the behavior of the three families in the village community” and “the seriousness of the committed acts and the attitude of the population of Hădăreni towards these families.” The three houses could therefore, according to the mayor, not be rebuilt where they had been constructed before. The mayor then made the following suggestions:

- The neighbors of the first house concerned, being the parents of the Romanian who was killed during the 1993 violence, refused to live near Roma. Therefore, the Romani family whose house was burned down would have their new home constructed on the land of a relative instead;
- An ethnic Romanian claimed that the land of the second house had been his before the confiscations during the former regime, so he had taken it back. For this reason, the Romani family concerned should get a house somewhere outside Hădăreni;

- The third house's inhabitants were the family of the two brothers involved in the initial argument which triggered the conflict. The mayor wrote that, "I suggest that this house should be rebuilt—if the government allots money for it—wherever the heirs prefer."¹²

In the beginning of June 1996, the government informed Ioan Togănel, president of the Mures County Council, that no more money would be given to reconstruct the houses in Hădăreni.¹³ As a result, these three houses, as well as another three houses, have not been rebuilt. The Romanian authorities have therefore failed to keep their official promise to at least provide the victims with material compensation for the serious damages of their houses and property. With the withdrawal of further financial support, the government has ultimately abandoned its constitutional responsibility to provide remedy to a group of citizens whose fundamental rights it must secure.

Ogrezeni

The lack of proper response on the part of the Romanian authorities in the case of Hădăreni is not exceptional. On a number of occasions when Roma have become victims of community violence in Romania, the legal machinery has remained motionless. Cases have been kept indefinitely pending in courts. In the meantime, the victims are left to the mercy of fortune.

On May 17, 1991, a group of Romanians destroyed the house of 60-year-old Neagu Brătianu in the village of Ogrezeni in Giurgiu County.¹⁴ He has not been there since;

I lived in Ogrezeni for 35 years. My children went to school there until the day of the burning. Everything I had worked for for 35 years was destroyed by the fire. All we were left with was the clothes we were wearing that day. We had nowhere to go, nothing to eat, nothing to do. When our house burned down, our money burned with it. We lived from day to day for two years, slept under the sky, ate what we found in dumps. When I found work, I worked. This year, finally, we had enough to get two rooms in Bucharest. My children can go to school again... But we are rejected by the community. If we go back to our village Ogrezeni, they will kill us. Our only hope is that those who did this to us will get what they deserve...¹⁵

68-year-old Elena Piroi, another victim of the community violence in Ogrezeni, lives today on the outskirts of Bucharest in misery;

We went to the Giurgiu County Prosecutor's Office and filed a complaint after the burning. We also went to protest outside the Parliament and demanded some sort of resolution of our problems, but nothing has happened since then. My husband, Mariu Piroi, died one year after the incident. He died because of the terrible living conditions we had to face after we were expelled and our home was burned. We had to sleep in the woods and we only had the clothes we were wearing when everything happened. It was terrible.

So my husband died and I was forced to sell the land we still owned in Ogrezeni to be able to pay the hospital. The priest in Ogrezeni refused to give us my deceased husband's papers, but we received a death certificate at the hospital in Bucharest and took the body to Mereni where we have family. We don't have legal domicile here and that creates a lot of problems for us. The police want to send us back to Ogrezeni, but we are not welcome there. We are not allowed to get any health care here, since our official address is still Ogrezeni, where we cannot go...¹⁶

The *ERRC* attended a court hearing in Bolintin Vale in Giurgiu County on March 20, 1996, concerning the community violence experienced by Neagu Brătianu and Elena Piroi in Ogrezeni. Eight plaintiffs, including Mr. Brătianu, were present, but since neither the defendants, nor their lawyers showed up, the hearing was postponed until May 15, 1996. From the time of the initial hearing held on December 15, 1993, when three of the thirteen defendants were questioned, until March, 1996, neither the defendants, nor the witnesses had been heard in court.¹⁷

In May 1996, the Brasov-based A.P.A.D.O. (Lawyers' Association for the Defense of Human Rights), which recently established an Office for Legal Protection of the Roma Minority, submitted a request to move the case to another court because the Bolintin Vale Court and the Giurgiu Prosecutor's Office had procrastinated over the case for so long.¹⁸ The Ogrezeni case was subsequently transferred to Brasov, together with the cases of Găiseni and Băcu, two similar incidents of violent attacks against Roma pending in the Bolintin Vale Court.¹⁹

A.P.A.D.O. has also hired an attorney for the plaintiffs in all three cases and will shortly request the inclusion of three

other crimes in the indictments: nationalist-chauvinistic propaganda (Article 317 of the Penal Code), conspiracy (Article 323 of the Penal Code) and public instigation to crime (Article 324 of the Penal Code). A.P.A.D.O. will further seek to replace the charge “destruction of private property” (Article 217 paragraph 1 of the Penal Code) with “destruction by arson” (Article 217 paragraph 4 of the Penal Code).²⁰ New hearings for the three cases are scheduled to begin October 30, 1996 in Brasov. It remains to be seen whether the change in locale and legal advocacy will have the desired effect of convicting the perpetrators and compensating the victims for damages.

And Many Other Cases

The Romanian law enforcement officials, investigatory bodies and judiciary are morally and legally culpable for a long list of unprosecuted cases of community violence against the Roma minority.

A conflict resulting in burned and destroyed houses and the killing of four Roma in Lunga in the county of Covasna on February 5, 1990, has to date not yet resulted in one single ethnic Romanian or Hungarian being sentenced. According to the case file 33/P/1990, by July 1991, one and a half years after the violence, 31 persons were charged with manslaughter and an additional 20 persons’ participation was defined as being “under investigation”. The file remained untouched for five years, however, until A.P.A.D.O. lawyer Sorin Vidican intervened on March 14, 1996.²¹

Predominantly Hungarian villagers in Casinul Nou in Harghita County chased out the entire Romani population and burned or otherwise destroyed their houses and property on August 11, 1990.²² The case file (nr. 104/P/1990) was sent back and forth between the prosecutor’s offices at the local, county and national levels, until the Harghita police proposed a non-indictment decision on August 22, 1995, which the County Prosecutor’s Office in Harghita approved on September 7, 1995. The non-indictment decision was motivated by the argument that the statute of limitations had expired in 1995, since the deeds were committed in 1990. According to Silviu Jecu, lawyer and President of A.P.A.D.O., the investigation was deliberately stalled so as to absolve the perpetrators by waiting for the statute of limitations to expire.²³

On June 6, 1991, a Rom named Ádám Kalányos was beaten to death and on June 9, 1991, 27 houses of Roma were burned down by an angry mob of ethnic Hungarians in Plăiesii de Sus in Harghita County.²⁴ Lawyer Silviu Jecu’s investigation into the legal status of the cases revealed that in the two files opened—one for arson on June 9, 1991 (case file nr. 7/P/ 1991) and one for homicide (case file nr. 102/P/1991/0072/1991)-- the perpetrators were after five years still recorded as “unknown”. The latter file had moreover been sent to the archives, despite the fact that the statute of limitations will not expire until 1998.²⁵

In addition, no one has been sentenced for the violent attacks against Roma and their homes in Turulung, Reghin, Cuza Vodă, Călnic, Huedin and Mihail Kogălniceanu in 1990 and in Bolintin Deal, Bolintin Vale and Vălenii Lăpusului in 1991.²⁶ The cases have all either been closed or have been kept indefinitely stalled.

The Romanian authorities have first proved incapable of protecting Roma from systematic extra-judicial collective punishments by other citizens of the country. Following this, the Romanian legal system failed to engage the machinery of justice when Romani victims sought legal remedy for crimes committed against them. Official inactivity creates impunity and tacitly vindicates violence against Roma.

3. OFFICIAL VIOLENCE

During the years of mob violence, the Romanian state authorities were subjected to strong criticism by human rights organizations for having failed to protect members of the Roma minority. The Romanian government recognized the problem of violence against Roma and from 1994, has taken some initiatives to confront it.

In coordination with law enforcement officials from the United States, the Ministry of the Interior of Romania developed a “Mob Violence Prevention Programme” within the Romanian General Inspectorate of the Police. This was intended to develop strategies to prevent community violence. Among the methods and techniques specified in an initial policy paper on the program, the Ministry claimed that it would;

...invite and involve governmental and non-governmental organizations to take part in developing crime prevention programmes.²⁷

These, it claimed, would,

...stimulate persons having a moral authority in the community (intellectuals house holders, local counsellors, policemen, the priest, the doctor) for a dialogue in order to encourage the initiative to set up a civic group having a social control function in the community... organise training courses on social communication for the members of the civic group...

In addition, the Mob Violence Prevention Programme hoped,

...to organise meetings of the civil group together with members of the community liable to bad behavior and that might cause a rejection reaction from the majority.

It also aimed at,

the settling of conflicts that might occur between members of the community and finding some ways to detention the situation.

In the long run, the objectives of the Mob Violence Prevention Programme were fourfold:

- To stimulate the social dialogue in the community in order to prevent the occurrence of tensions between members of community;
- To facilitate a better knowledge of the community as for the diversity of its culture;
- To initiate a broad dialogue between the community and the authority;
- To eliminate some stereotypical behaviours that generate tensions within the community.

What resulted, however, does not resemble the idealistic plans of the Ministry very closely. In the place of facilitating the promotion of inter-community dialogue, local police forces have more and more regularly resorted to wild acts of force and massive raids during the period 1995–1996. An atmosphere fostering the high risk of new violence—this time by the police—has now appeared where legal remedy for the victims had previously been sought. Along with institutionalized impunity—lack of compensation for the burnt houses in Hădăreni and the stalled, pending or dropped trials—official violence against the Roma minority is now visible in Romania.²⁸

3.1. POLICE RAIDS CONDUCTED IN ROMANI COMMUNITIES

A raid is a massive public event. The police arrive in cars and with dogs. Since they are hostile to Roma and view their communities as sickly anti-social growths, the raid has many of the same characteristics as an invasion—pre-conceived tactics, an element of surprise, and grotesque displays of symbolic or real force.

The Romanian law enforcement establishment openly states that raids are a conscious strategy on their part. They are seen as a necessary preventive action, a series of measures taken by the Romanian state authorities to combat the community

violence occurring in the country. Captain Ioaneta Vintileanu at the Romanian General Inspectorate of the Police told the *ERRC* that the police, concerned about the high level of group violence occurring in Romania, decided to take measures in order to prevent the spread of it;

We collect data on areas where the number of crimes is high, where we know that criminals are hidden or where persons live illegally. The aim of the police when conducting a raid is to identify the perpetrators and make the other members of the community to feel safe and trust that we are able to fight criminality.²⁹

The Department of Prevention within the Romanian General Inspectorate of the Police informed the *ERRC* that raids are not aimed at Romani communities more than at any other particular group in Romanian society, since the only criterion used in selecting a target community for a raid is the frequency of lawbreaking.³⁰ The Romanian authorities also deny that there is an ethnic aspect to the violent attacks against Roma and the destruction of their homes. Incidents of community violence against Roma have instead been referred to as “spontaneous reactions” resulting from a growing frustration among the majority population because of the “anti-social behavior” of the Roma minority. Not surprisingly, the Mob Violence Prevention Programme also defines the incidents of community violence as having a purely social character;

In Romania, between 1990–1995, a series of social conflicts took place... where large groups of people undertook violent actions... against other social groups.³¹

However, the Mob Violence Prevention Programme clearly views community violence as having only one cause;

The conflicts involving Gypsies started on the ground of tension generated just by the way of life by some of them, who by illegal activities were affecting the fundamental rights of others...³²

As a result, the strategies developed to prevent intercommunal conflict have been one-sided; their focus is simply preventing the Roma from committing crimes so that the majority population will not be tempted to take the law in their own hands. No measures have been taken, or are even envisioned, for “eliminating some stereotypical behaviours” among those who attack the Roma and destroy their homes. The core issue of community violence has been defined as the need to deal with the Roma minority rather than with the majority population, since the conflicts, as the General Inspectorate of the Police put it, were caused by “the reduced social adaptation of this ethnic group.”³³

Despite having made their approach clear to the international community, however, the police rarely issue warrants, make official statements, or communicate to the Roma why, in fact, they are being raided. The justification for a raid therefore often remains obscure in the minds of the victims and witnesses; after most raids, Roma are left with the impression that “they came for somebody who has done something in the way of violating the law.” The victims are left in a fog of conjecture and refutation. After a while, the memory of a raid is only the residue of arbitrary power; “They were here, so they must have known why.” This absence of official documentation stating the legal grounds for the raid is convenient also in that it covers up responsibility for wrong-doing.

Some raids are punitive expeditions, whose only identifiable “practical” purpose is intimidation. After such raids, gloomy Romani men and women, sitting amid the shattered items of their poverty-ridden households, are never enlightened as to why those dozens of guardians of public order had to storm their slums.

In other raids, the authorities do provide justification for their actions. Sometimes this justification is fighting “illegal domicile”; sometimes, it is “prevention of community clashes.” The latter is an absurdity. At the same time, it is a classic form of marriage between violence and euphemism.³⁴

The raids described in the following section are classified in three categories; raids without justification, raids for “illegal domicile”, and raids “to fight crime”. These classifications were suggested by Romani victims and witnesses themselves in interviews with the *ERRC*. They should not, however, be seen as mutually exclusive; differing in their justifications, all raids have one thing in common—the outburst of rage appears at dawn. Throughout Romania, the people of “reduced social adaptation” step out of their beds and into police vans in the dim light of sunrise. The night of Communist repression may be gone, but the enlightened rule of law has not arrived yet.

3.1.1. RAIDS WITHOUT JUSTIFICATION

In some cases of police raids investigated by the *ERRC*, there was no official justification presented by the police or competent authority. The victims of such raids were therefore left to speculate why the raid had taken place and what link

their own behavior had to the event. By the time the *ERRC* investigated such raids, the victims and witnesses had elaborate stories ready which putatively explained the mysterious appearance of official violence. In the absence of real statements by the authorities however, the motivations for the following raids remain unclear.

Acís and Mihăieni

Between 4:30 and 5:00 AM on August 25, 1995, heavily armed policemen and gendarmes, wearing masks and in the company of dogs, stormed the Romani communities in the two neighboring villages Acís and Mihăieni in Satu Mare County:

They broke into every single house and pulled people out of bed, just as they were; men, women and children alike. Young girls were pulled out half-naked. Some of them had their nightwear torn to pieces and they were pushed by a group of police officers from the arms of one to the arms of another. The policemen then stood in two lines facing each other, and the young men were forced to pass between them, while they hit them with sticks and truncheons. B.F. had had his leg operated on, so he couldn't get out of bed. They put a nozzle of a teargas canister into his mouth, scaring him to death by making him believe it was a gun. I saw a couple of policemen force my 16-year-old adopted son into a truck, and I rushed there to ask why they were taking him away. They didn't answer my question but told me to bring a case of beer to them, because they were exhausted...³⁵

Several Romani witnesses reported to the *ERRC* that after one and a half hours of humiliating ill-treatment, the mixed team of police and gendarme officers packed the Roma into four trucks and brought them to the local police station where the beating continued for another three hours. Approximately 35–40 people, including women and minors, were forced into the trucks. According to 33-year-old Mr. F.F., the detainees were forced to sweep the yard of the police station with their hands, and collect garbage while kneeling, picking up one piece at a time. Once a garbage can was filled, the police dumped it upside-down on the head of the detainee. A young man was allegedly beaten on the back with a piece of chain-link fence.

Ferenc Patka, a local primary school teacher, was milking his cows when he started to hear strange noises from the police station situated across the street from his house:

It was as if all my neighbors had begun cleaning their carpets by hitting the dust out at the same time. When I was leading my cows out to the fields, I saw a truck drive into the yard and I saw them pulling people out. They fell out of the truck, one on top of another. I saw them being beaten, humiliated, scared by the dogs, and I was shocked by the sight. I went there and asked one of the policemen what was going on. He answered that it was none of my business and told me to leave. I took my bike and went to the Roma neighborhood to find out what had happened. I was met by crying women and children, angry and upset men, and I saw destroyed doors and windows. Later on, I learned that what I had witnessed was the second “delivery” of Roma to the police; Roma from Mihăieni.³⁶

The Roma in Mihăieni, a smaller village situated 3 kilometers from Acís, were subjected to similar harassment on the same morning—August 25, 1995. Three young men, A.G., 24, M.D., 18, and R.G., 19, told the *ERRC* that the police had come there about two hours after they had come to Acís, at around 6:30 AM. The scenario had been exactly the same, except for the fact that only men were brought to the police station from this village. They were beaten with sticks all the way to the police station in Acís. They then had to clean the yard and were continuously beaten until they were released sometime early that afternoon.³⁷

The assaulted Roma from both Acís and Mihăieni maintain that they were not given any explanation by the police for the raid. However, two events, both connected with earlier funerals, were seen by the victims and witnesses as offering some explanation for the kind of logic motivating the police.

The first such event, according to the witnesses, was a funeral ceremony for an 8-year-old Romani boy who had died of jaundice. The funeral was held in the Romani neighborhood in Acís during the night of August 24–25, 1995. Due to their attendance at the funeral ceremony, Roma who did not live in, and therefore did not have legal residence in Acís, spent the night there. Possibly, then, the police's motivation had been to check residence permits.

According to Mr. F.F., the police had, however, acted without asking anyone where they were from or what they were doing there; “Without any explanation whatsoever, they just beat everybody!” Nobody was shown warrants or documents of any kind, and nobody was asked to sign any kind of document, either in Acís, or at the police station. If the police had been intent on checking residence permits, they did not do a very good job.

The second event which, according to the witnesses, may have had some connection to the raids was an argument between three Roma and an ethnic Romanian on August 14, 1995, during which one of the Roma was killed. At the funeral, a rich cousin of the victim—who is not from Acis or from Mihăieni, but lives in Satu Mare—allegedly poured vodka on the dead body, declaring that he could rest in peace, because “death would be paid back with death.” Ferenc Patka believes that the police in Acis used this incident as an excuse for the raids, claiming that it had been necessary to frighten the Gypsies.

On August 28, 1995, Ferenc Patka was called to the police station in Acis to meet with Colonel Vasile Fernea, chief of the County Police Inspectorate:

One day on my way home, I was stopped right in front of my house by two police officers from Satu Mare (the county police) who said that they wanted to talk to me. I told them that I did not want to talk to them right there, that I was on my private property and that they had no right to come in without my permission. One hour later, the local police commander came and said that Vasile Fernea, chief of the County Police Inspectorate, had called and asked him to set up a time for a meeting with him. We met the next day at 10:00 AM at the local police station.³⁸

At the meeting, the police attempted to intimidate Ferenc Patka into remaining silent about the police beatings he had seen and heard:

It was all ridiculous. They began by asking me if I was aware of having violated the law. I said no, and asked what I had done. They said that I had organized a public meeting without their permission. In response to my denial, they said: “Are you denying that you went to see the Gypsies on August 25? Were there not many Gypsies gathered when you went to their neighborhood? Did you not talk to them?”

Then they tried to make me sign a declaration in which I would claim that everything that was written in Éva Báthory’s article was untrue.³⁹ I of course refused and told them in detail everything that I had seen. They said that the Gypsies must come and file their complaints themselves if they have any, as if my testimony was not valid!

While I was there, five Gypsies from Acis were brought to the police station to make statements about what had happened on August 25. They were of course scared to death but tried to tell what had happened. They told the police, despite their fear, that their faces looked like they did because they had been beaten. The police responded by saying that they were lying, that they had fallen or something when they were drunk. The police also accused the Gypsies of theft, asking them about their income and remarking that it was impossible to survive with so little money, and that they must, therefore, be supplementing their income by stealing from others.

None of the testimony was taken seriously and nothing was signed, neither by me nor by the Gypsies. After two and a half hours, they finally let me go. The chief commander in Acis said that he wished I would be caught and beaten by Gypsies so that he could enjoy to see me coming to him to file a complaint. I answered that I have lived here for 23 years and never had any problems with the Gypsies.⁴⁰

No legal action was taken after the unlawful acts by the police forces in the two villages of Acis and Mihăieni in August last year. Éva Báthory told the *ERRC* that she sent all her information about the raids to Senator Ferenc Szabó, who made an interpellation in the Parliament on September 5, 1995. He later filed a letter of protest at the Ministry of the Interior. According to Ferenc Patka, representatives from the Ministry came to Acis in September 1995, but, as far as he knew, this visit did not have any legal consequences.⁴¹

According to the Romanian Constitution (Article 27, paragraph 1), the police can enter the domicile only with the consent of the resident. The exceptions to this rule are provided in the second paragraph of Article 27;

- a) for carrying into execution a warrant for arrest or a court sentence;
- b) to remove any danger against the life, physical integrity or assets of a person;
- c) to defend national security or public order;
- d) to prevent the spread of an epidemic.

In addition, Article 16, letter (g), second sentence of Law nr. 26/1994 on the Organization and Operation of the Romanian Police states that “in cases of flagrant criminal offences the consent of the person or authorization by a

prosecutor is not necessary.”⁴²

The Roma in both Acis and Mihăieni told the *ERRC* that they were not shown warrants, nor were they provided with any reasonable explanation for the raids which took place on August 25, 1995. Ioan Rus, First Prosecutor in Satu Mare County, did not himself know about the incident, but upon the *ERRC*'s request, he called in Ioan Petruca from the prosecutor's office in the neighboring town Carei, who confirmed on July 8, 1996, that no warrants had been issued for the August 25 raid.⁴³

The Roma in Acis reported to the *ERRC* that the police had taken away their identification papers. The Roma believe that this was to prevent them from seeking legal remedy for the ill-treatment to which they had been subjected:

It was impossible for us to get legal forensic certificates. They (the forensic institute in Satu Mare) had already been informed by the police not to issue us any. The police took everybody's papers at the police station, and without papers, you can't get into the institute.⁴⁴

As a result, none of the victims lodged complaints about the incident. Because of this absence of written complaint, the Romanian prosecutors probably assumed that no breach of Romanian law had taken place. For some reason, where Roma are concerned, the Romanian prosecutors believe they must wait for a written complaint before getting down to the work of prosecuting. It is certainly not strictly necessary for them to wait for a written complaint before opening a case. Indeed, *Qui parit nocentibus innocentes punit*; he who spares the guilty, punishes the innocent.

3.1.2. RAIDS FOR “ILLEGAL DOMICILE”

The forceful police action in Acis and Mihăieni in August 1995 is not an isolated phenomenon in Romania today. The *ERRC* visited numerous Romani communities in different parts of the country, which have been and remain the targets of police harassment in the form of raids. In the following cases investigated by the *ERRC*, Roma reported that the police told them they were being raided because they were illegally residing in the area.

Colentina

The Roma in the Colentina neighborhood of Bucharest are continuously harassed by the police who either accuse them of various illegal activities or declare that they will be expelled from their homes since their domicile has no legal ground. The raids usually end up with fines for “illegal domicile”. According to the *ERRC*'s information, the police have raided this community at least four times only in 1996. The first such raid occurred in January, 1996:

It was one day in mid-January 1996 between 5:00 and 6:00 AM. I woke up to see about ten policemen next to my bed. They sprayed tear-gas into my face, pulled me out of bed and forced me to lay down with my face against the floor, with my hands behind my head. They entered every house and took all men they could find. There were about 60 policemen. All of the men from the community—approximately 20-- were forced into the vans and brought to the police station. At the police station, we were all photographed, front and side, and they took our fingerprints and interrogated us about our personal data. About five hours later, we were released.⁴⁵

On June 6, 1996, the Roma population of Colentina was again woken up between 5:00 and 5:30 AM, this time by about 50 policemen who invaded the area, half of them surrounding it to make sure that nobody escaped. According to a 55-year-old man, the police were brutal:

I was woken up by being kicked. I asked them if they had an order to come into our house, and got the answer: “No, we don't need any, because you don't live here legally.” They forced us into cars and brought us all to the police station.⁴⁶ At least 20 persons—men, women and children alike were brought there. This time was the worst ever. We were kicked and punched and they swore at us. At the police station, they took our fingerprints, photographed us, and fined us between 20,000–150,000 each (approximately 7–50 US dollars), for illegal domicile. When I came home from the police, my TV and video recorder were gone. I was upset and went to ask the police why they had stolen our things. The police answered that we had to pay the fines first if we wanted them back.⁴⁷

31-year-old Mr. M.S. has two daughters, 7 and 8 years old. He came to Colentina eighteen years ago to do construction work, but since it stopped in 1989, he has been unemployed. He was asleep when the police forced the door into his house

at about 5:00 AM on June 6, 1996:

I asked them to show me a warrant and got a fist as an answer. Both me and my wife were taken to the police station. One policeman hit my wife in the face. I asked them not to beat my wife, and they said that if I didn't shut up, they would beat me, too, so I'd better shut up! They filled the cars and we were taken to the police station. My brother was brought in in handcuffs. At the police station, they told us that they were going to burn us out. We have nowhere to go if they come and demolish our houses.⁴⁸

The police confiscated three video recorders and one cassette player from Mr. M.S.'s family. Mr. M.S. and his wife were also fined 150,000 lei (approximately 50 US dollars). 10-year-old Ms. A.T. was brought to the police station too:

We were put in a big hall where we had to wait until it was our turn. Nothing special happened to me; they said I was too young to be fingerprinted. My brother, my mother and my sister-in-law were fined 10,000 lei (approximately 3 US dollars) each. One old woman was beaten. The police wanted her to tell them where her son was, but she said that she didn't know. I couldn't see what happened, because she was taken to a separate room, but when she came out, her eyes were strange and she almost fell down. She told my mother that one policeman held her hand while another beat it with a stick.⁴⁹

Raids against this Romani community seem to be a routine activity for the 7th District Bucharest police. The community was raided again on July 17 and July 26, 1996. The police allegedly said during the raid that they would continue to come until all the Roma had left their homes and moved out of the area. During the second raid on July 26, three or four men from Colentina were brought to the 7th District Police Department and received fines of 10,000 lei each (3 US dollars). Several other Roma were also brought to the police while they were there.⁵⁰

The Roma moved to Colentina in the 1970s to work on one of the numerous construction sites of the former regime. The land was, they said, promised to them by Ceausescu. After the revolution, construction stopped and the Roma lost their jobs. Today, they are regarded as "squatting" the area where they live. They earn their money by collecting cardboard and selling it to recycling facilities. The women also collect empty bottles on the dumps. According to the Roma, they have tried to buy the land from the city authorities. The authorities, however, have refused to sell it to them.

Apart from the raids, the Roma in Colentina are also treated as a free workforce by the police. In the afternoon of April 28, 1996, Michelle Kelso, an American Fulbright scholar who spends a lot of time in Colentina, witnessed a police jeep drive into the compound. Two uniformed police officers stepped out of the car and announced through a megaphone that they would begin to check the houses. After a few minutes, around ten persons, men and women, had climbed into the back of the jeep. It then drove away. One of the women, M.T., informed Michelle Kelso that once every month or two, the police show up to "recruit volunteers" to clean the police station, offering to waive the fines if they form a cleaning crew. The Roma of course, since they cannot afford the fines, choose to clean. Usually, they stay at the police station for 2–3 hours, cleaning windows, sweeping and picking up garbage. The *ERRC* cannot find any legal grounds for this forced "community service"—a penalty not imposed by a competent court.

Colonel Dumitru Gheorghe, chief of the 7th District Police Department in Bucharest, told the *ERRC* that raids in his area are not conducted in private homes, but only in "public places". Where police forces had broken into the houses of Roma, Colonel Gheorghe called these events "actions" and not "raids". He was, however, unable to explain the difference between a "raid" and an "action". It is the position of the *ERRC* that changing the name of the violent event from "raid" to "action" does not alter its fundamentally abusive nature. Colonel Gheorghe also declared that those who complain about the police conduct are all criminals.⁵¹

Pata-Rât

Between 5:00 and 5:30 AM on June 23, 1995, the police raided a Romani community in Pata-Rât, a village situated 8 kilometers from the city of Cluj-Napoca. About 20 policemen in seven big Dacia trucks, armed with firearms and sticks, drove into the area inhabited by Roma, forced open the doors and pulled the Roma out of their beds. According to 22-year-old Mrs. C.L., the entire community of 160 Roma was forced into the trucks and brought to the main police station of the city of Cluj.

At the police station, the Roma were placed in a big hall from where they were called, one by one, into a separate room to be fined. They were each fined between 20,000 and 150,000 lei (approximately 7–50 US dollars) for "illegal domicile".

Colonel Ardeleanu, chief of the police in Cluj, reportedly told the Roma that if they did not leave Pata-Rât within one week, the police would come again. 42-year-old Mr. C.K. told the *ERRC*:

They—the police—were very violent. They hit me on my back with their fists. Many of our kids caught colds afterwards since it was raining that day, and we were wearing only what we had slept in. We had to walk all the way back home after they let us go. One guy was very badly beaten. He started to vomit blood and had problems with his lungs.⁵²

A young boy told the *ERRC* that his brother was brought to a separate room together with his cousin, and the police had forced them to fight with each other “for fun”. According to 35-year-old Mr. A.L., the police were drunk when they came: “I saw them vomiting behind the house over there...”⁵³

The Roma in Pata-Rât call the area they inhabit “Dallas”. It is situated outside Cluj, next to the city dump where they work. They began to settle there in early 1980s, but most of them came after 1989, having lost their jobs in state-owned firms in different surrounding localities such as Lupeni, Dezmir, Taga and Luna de Jos. “Dallas” is one of the communities chosen by *Médécins sans Frontières* (Doctors Without Borders) for a program called “Support to Underprivileged Gypsy Communities”. Patrick de Briey, mission chief of the program, asked to meet with Colonel Ardeleanu immediately after the raid. He was hoping to intervene to protect the Roma from further harassment. *Médécins sans Frontières*’ main goal was to get an official paper stating that the Roma would not be expelled. The police were, however, reluctant to issue such a paper since, as Patrick de Briey put it:

A written agreement would have been an official recognition of the existence of the threat of eviction. This does not seem to exist, however, since the mayor’s office (which is responsible for public land such as the area where the Romani settlement is located) did not know anything about the police action when I met with them on July 20, 1995.⁵⁴

The police in Cluj seem, therefore, to have raided and fined the Roma on their own initiative.

Bontida

The Romani community in Bontida, another village near Cluj, is also a site of police raids. The first such raid took place on February 25, 1995.⁵⁵ More recently, between 5:30 and 6:00 AM on February 23, 1996, about 30–40 policemen, armed with firearms and sticks, wearing helmets and leading 7–8 dogs, broke into the houses of the Roma, dragged them out of their beds and demanded to see their identification papers. According to 24-year-old Mrs. S.K., the police beat them with fists and sticks, forced them into cars and brought around 60 of them to the local police station, where they were fingerprinted and fined between 10,000–150,000 lei each (approximately 3–50 US dollars).⁵⁶

The Bontida Roma told the *ERRC* that they were not shown warrants or any other documents—apart from the fine receipts—either before they were shoved into the cars, or at the police station. The police claimed that the Roma did not have their papers in order and that they were not legal residents of the village. According to Mrs. S.K., however, the police took people to the police station to be fined regardless of whether their address registrations were in order or not. 30-year-old Mr. A.B. said that the police confiscated television sets, video recorders and cassette players from everyone who could not prove with receipts that they were bought legally. Upon presentation of receipts proving that they had paid their fines, the Roma received their belongings back.⁵⁷

Article 25(2) of the Constitution of Romania clearly states that “every citizen is guaranteed the right to establish his domicile or residence anywhere in the country...” and Article 26(1) states that “public authorities shall respect and protect the intimate family and private life.” Finally, according to Article 41(3), “no one may be expropriated, except on grounds of public utility, established according to the law, against just compensation paid in advance” (official translation).

The legal framework regulating residence and population records in Romania is currently being reviewed. A draft bill on population records was adopted by the Senate in the autumn of 1995, although the Romanian Helsinki Committee had earlier criticized it for jeopardizing a number of fundamental rights and freedoms such as the right to freedom of movement and the right to intimate family and private life.⁵⁸ The draft bill has not yet been passed by the Chamber of Deputies.

Address registrations are associated with identity documents in Romania. Article 2 of the Law nr. 61/1991 sanctioning misdemeanors punishes “refusal of an individual to produce identity documents” (unofficial translation). According to the

Romanian Helsinki Committee, it “allowed the police to perpetrate many abuses.”⁵⁹

Finally, according to Article 41(7) of the Romanian Constitution, “legally acquired assets may not be confiscated. *Legality of acquirement shall be presumed*” (emphasis added).

The victims of all three raids aimed at uprooting “illegal domicile” hardly knew what legal provisions had been violated, and which of their legal rights were abused. They had, however, a belief that what had happened to them was wrong. After all, *Debet sua cuique domus esse perfigium tutissimum*; for everyone, the home is one’s most secure refuge.

3.1.3. RAIDS “TO FIGHT CRIME”

“Fighting crime” is one of the common arguments used by the Romanian law enforcement officials when explaining the strategy of raids. In some cases investigated by the *ERRC*, the police had told the subjects that they had committed a crime. However, usually no arrest and search warrants were shown, nor were other legal grounds of entry and arrest referred to in due course.

The Case of the Vlad Family

Between 4:00 and 5:00 AM on January 17, 1996, 4 or 5 police vans drove into the Romani neighborhood on the outskirts of Tîrgoviste, a town situated 80 kilometers north of Bucharest. 41-year-old Maria Vlad told the *ERRC* that around 20–25 policemen, armed with firearms and sticks, rushed into their house and stuck flashlights in their faces. The police then pulled 16-year-old Laurentiu, 22-year-old Iulian, 23-year-old Cristian and 25-year-old Georgian, all four of Maria’s sons, out of their beds and forced them into the cars waiting outside. Mrs. Vlad asserts heavy handling of her sons by the police at the time of the arrest.

The four young men were then taken to the police station. She told the *ERRC* that the police had taken away other men from the neighborhood as well, but they came back shortly after, while her sons did not. According to Iulian Vlad, at the police station:

We were put in separate rooms. I was hit in the belly and in the testicles. I was afraid that they would destroy my face so I tried to protect my face and head with my hands. They beat me for a long time—for two hours, I think. After they had stopped, they kept me handcuffed at the police station for 36 hours. I wasn’t given anything to eat or to drink during this time.⁶⁰

Georgian and Cristian declared that they could hear their brother’s cries in the other room. The police were reportedly investigating the theft of some hay and wanted the Vlad brothers to sign confessions.

Maria Vlad called a lawyer during the day of January 17, 1996. The lawyer, Dumitru Popa, arrived at the police station in the evening that day. He assisted Georgian and Cristian in signing a declaration of innocence for the theft, but he did not meet Iulian at all:

I knew that Iulian was there and his mother had asked me to help him, but they (the police) told me to assist the other two when they made their declarations. When I realized that they would keep me waiting for a long time and it was already late, I left.⁶¹

Georgian, Cristian and Iulian were kept at the police station for 36 hours, which is a violation of Romanian law.⁶² 16-year-old Laurentiu-- too young to be kept in police detention-- was taken instead to a detention center for minors, also for 36 hours. None of the four had been shown search or arrest warrants.

After the four were released, Maria Vlad took her son Iulian to the Medical-Legal Laboratory in Tîrgoviste:

They refused to give us a medical certificate. When they realized that we needed a certificate to prove police ill-treatment, they refused. They looked at Iulian without even asking him to show where he was injured, and said that he had no visible marks and then they sent us away.⁶³

On January 22, 1996, the family received a verbal summons by the police. Upon arriving together with their lawyer at

the police station on January 23, they were told by the police that “they were not needed any more.”

The Vlads told the *ERRC* that they were systematically subjected to police harassment of this kind. The police departments at both the county and the city levels categorically denied the whole incident, claiming that the Vlads must have given false declarations to the *ERRC*.⁶⁴

According to Mr. Popa, the four young men were suspected of having participated in the theft of hay and in the beating of a farm guard in connection with the theft, sometime around January 10, 1996. The guard declared that approximately 10 people had participated in the hay theft and they had beaten him up during the theft. Since it had been dark, the guard was unable to identify the persons involved and could not positively identify the Vlad brothers. Due to the inability of the police to identify the perpetrators, the penal procedure against the Vlads had not yet started when the *ERRC* investigated the incident on March 25, 1996.

Maria Vlad has, after consultation with the Romanian Helsinki Committee, filed an official complaint with the Military Prosecutor's Office in the city of Ploiesti regarding the ill-treatment of her son, but to date, the *ERRC* is unaware of any investigation into the behavior of the police. The Romanian Helsinki Committee has sent a letter of concern to the Military Prosecutor of Romania about the police abuse against the Vlad family.⁶⁵ The case was recently made public also by Amnesty International, who urged the General Prosecutor of Romania “to initiate a thorough and impartial inquiry into the alleged ill-treatment of Iulian Vlad, to make public the findings and to bring to justice anyone found responsible for human rights violations.”⁶⁶

Bălteni

During the last 12 months, the Romani community in the village of Bălteni, situated about 40 kilometers north of Bucharest has been the target of at least three police and gendarme raids. The last one was on January 17, 1996. 49-year-old Mrs. M.M. told the *ERRC* that two buses, a military truck and four small cars drove into the neighborhood at 5:00 AM on January 17, 1996. Woken up by the noise of the cars, she hurried out to find out what was going on and saw a huge number—around 200-- of heavily armed policemen and gendarmes with approximately 30 dogs. They jumped from the cars and headed in the direction of the houses:

They searched every house, broke in if nobody was there, searched every single corner. they even cut the hay in our beds to make sure there was nothing hidden there...⁶⁷

Most men from the community fled into the forest nearby as soon as they heard the cars coming, but 35-year-old Mr. G.M., the husband of M.M., was ill so he stayed in bed when the policemen rushed in to search their house. The police allegedly forced him out of the bed and beat him with sticks.

Romani residents reported to the *ERRC* that they were not shown warrants, and that when they asked to know why the police had come, the police answered that they were accused of having stolen corn and wheat from the villagers in the neighborhood. Mrs. M.M. told the *ERRC* that she showed the police receipts to prove that she had bought all the corn she had, but the police tore up the receipts and confiscated her corn as stolen goods. The police also accused the Roma of having stolen wood from the forest nearby. They therefore confiscated all the wood they could find in the yards of the houses of the Roma, and fined them 25,000–160,000 lei each (approximately 8–50 US dollars).

At the Dâmbovită Regional Forestry Department, forester⁶⁸ Silviu Anason told the *ERRC* that he had seen the Roma steal the wood, but he did not interfere because he had been afraid. He had, however, he claimed, taken photos of the Roma while the theft was going on, and had then called the police the following day to report the crime. In response to the *ERRC*'s request to see the photos Mr. Anason had taken, he promptly closed the Regional Forestry Department. The photos, he explained, could only be shown during opening hours. Mr. Anason also told the *ERRC* that the theft had taken place during night hours, and therefore in the dark...⁶⁹

Colonel Ilie Bălănoiu, chief of the Dâmbovită County Police Inspectorate, told the *ERRC* that conducting raids in the area is a conscious strategy to prevent tensions resulting from thefts committed by Roma from escalating into ethnic clashes “like those in Hădăreni and Bolintin Deal.” According to him, raids were only conducted if written and signed complaints mentioning the perpetrators by name had been filed and when a prosecutor had given his approval to a raid by issuing search warrants. Colonel Bălănoiu could not show the *ERRC* any search warrants, however, and claimed that they are kept at the County Prosecutor's Office.⁷⁰ At the County Prosecutor's Office, First Prosecutor Mr. Florian Nicoară was unable to

find any search warrants to show to the *ERRC*.⁷¹

The Romanian Helsinki Committee visited Bălteni on October 20, 1995 in order to investigate two previous police raids conducted on September 27 and October 13 that year.⁷² They stated to the military prosecutor's office that their report on the incidents should be regarded as an official complaint on behalf of the Roma in Bălteni. The *ERRC* is unaware of any investigation into the behavior of the police in this case.

Summary

It has been pointed out by political scientists that it is almost in the nature of all authorities to overreact to (the specter of) civil disturbances. But this kind of preventive overreaction is not just the normal reflex of a police on alert. The police's message to the Romanian public effectively is, "Leave the Gypsies to us, we will deal with them, in a professional way." The police appear to have taken over the lynching, the job formerly performed by the angry crowd.

Following episodes of mob violence in the first years of post-communism, the Romanian state stepped in and re-established its monopoly on the legitimate use of violence (Weber). However, no modern law includes the prevention of extra-judicial violence by more violence, directed at the previously victimized community, in its concept of maintaining order.

According to Manuela Ștefanescu, vice-president of the Romanian Helsinki Committee and one of the most energetic critics of the human rights record of the Romanian government, the raids are conducted as a way of intimidating and frightening whole groups of Roma. Such intimidation is, according to Ms. Ștefanescu, aimed indiscriminately at women, children and old people as well, and does not at all serve the officially-stated purpose of detaining persons suspected of having committed crimes.⁷³ The *ERRC* believes—and the cases documented in this report provide evidence—that this statement is correct. The Romanian police have, in our opinion, violated several international and domestic laws and regulations.

In all cases of raids investigated by the *ERRC*, the victims declared that they were not shown warrants. This is in violation of Article 27 of the Romanian Constitution, which states that "the domicile and the residence are inviolable. No one may enter or remain in the domicile or residence of a person without consent." Paragraph 2 of Article 27 provides exceptions. However, having obtained no "consent" from the persons resident in the raided neighborhoods, and having failed to provide warrants or court sentences, the police can hardly find excuse in the other stipulations listed in the Constitution. The *ERRC* tried but could not identify any prior need to "remove any danger against the life, physical integrity or assets of a person" [Article 27, paragraph 2, letter (b)]; nor a need to "defend national security or public order" [letter (c)]; nor a need to "prevent the spread of an epidemic" [letter (d)]. The *ERRC* considers that if any of the above grounds were actually invoked, the interpretation of these constitutional norms has apparently been broader than is strictly necessary in a democratic society.

Regulations regarding domicile searches can also be found in the Law nr. 26/1994 on the Organization and the Operation of the Romanian Police. According to Article 16, the police have right to "... enter the home of private individuals at their request, or with their written consent, or with a magistrate's authorization under the terms provided by law" (unofficial translation). The same article, however, states that the police have the right to "...carry out controls and raids when there are indications concerning law-breaking, concealment of perpetrators or with regard to the commitment of offenses, or the hiding of offenders or property proceeding from criminal offenses." The legal boundaries of such actions are not specified. As a result, the previous guarantee against arbitrary interference in privacy is undermined.⁷⁴

The victims and witnesses of almost all cases of raids reported to the *ERRC* that the police had come between 4:00 and 5:30 AM, while the law stipulates that searches in private domiciles can only be conducted between 6:00 AM and 8:00 PM.⁷⁵

By breaking into the homes of Roma and forcing them out of bed to bring them to the police station for interrogation, the police overstepped the boundaries of reasonable force. The *ERRC* could not establish that the Roma had resisted police actions during the raids, thus justifying the use of force. In most cases, victims and witnesses reported severe ill-treatment by the police.

Article 27 of the Law nr. 26/1994 on the Organization and the Operation of the Romanian Police states that "police officers shall be forbidden to cause physical or mental pain for the purpose of obtaining information or confessions from a suspect or from a third person, to punish for an act which that person or a third person might have or is supposed to have

committed, to intimidate or to put pressure on a person or on a third person.” According to Article 29 of the same law, “the police staff shall have the obligation to watch that the state of health and corporal integrity of the persons in their custody be fully protected.”

Romania has ratified several international treaties and therefore recognized the binding force of their provisions. According to Article 17 of the International Covenant of Civil and Political Rights, “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation,” and “everyone has the right to the protection of the law against such interference or attacks.”

Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that “everyone has the right to respect for his private and family life, his home and his correspondence,” and “there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.” According to Article 13, “everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority *notwithstanding that the violation has been committed by persons acting in an official capacity*” (emphasis added).

According to Article 9 of the International Covenant on Civil and Political Rights, “...no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” and “anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” Article 10 states that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 7 of the International Covenant on Civil and Political Rights state that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

3.2. USE OF EXCESSIVE FORCE BY LAW ENFORCEMENT OFFICIALS

The *ERRC* is concerned about the increasing number of cases in which police officers and public guardians use firearms when involved in incidents with Roma. The *ERRC* investigated incidents of this sort which occurred in Romania during the last twelve months and believes that the easy resort to shooting seems to be on the rise.

On June 1, 1995, 17-year-old Marcel Ghinea was shot and seriously injured by the police when caught for car-theft in the district of Voluntari in the outskirts of Bucharest. Amnesty International wrote a letter of concern to the General Prosecutor of Romania, who subsequently informed the organization that the investigations of the shooting established that the police action had been undertaken within legal bounds.⁷⁶

In February 1996, a public guardian shot and wounded a Rom suspected of having stolen from a factory in Tîrgoviste. The *ERRC* is not aware of any investigation of the incident.

In Buzău on April 19, 1996, public guardian Iulian Cristinel Ilie shot dead 35-year-old Dumitru Mărgean after he entered a construction site. The case was investigated by the Romanian Helsinki Committee, who concluded that the situation did not justify the use of the firearm.⁷⁷ Iulian Cristinel Ilie was charged with homicide under Article 174 of the Romanian Penal Code on May 28, 1996.⁷⁸ According to the *ERRC*’s information, the case is now pending at the Buzău Court.

26-year-old Mircea-Muresul Mosor was shot and killed by the police early in the morning on May 9, 1996 in Măruntel commune in Olt County in southern Romania. The *ERRC*’s investigation revealed serious inconsistencies in the statements made by the police, as well as between them and the statement of the doctor and the family of the victim concerning the circumstances under which Mircea-Muresul Mosor was killed. Mr. Mosor was alleged by the police to have attacked the police officer with a stick, causing the policeman to use his gun in self-defense. He was, however, according to the hospital report, shot in the back.

According to a communiqué issued by the Olt County Police Inspectorate in the city of Slatina, four policemen were driving near the river Olt on the morning of May 9, 1996. They passed a horse-drawn wagon with two Roma riding in it and made several signs to the Roma to pull over. The two men allegedly ignored their signals and continued. After a while, chased by the police car, the two Romani men abandoned the wagon to escape on foot. The car caught up with them, and one of the police officers, Tudor Stoian, jumped out of it. A fight ensued. According to the police report, one of the Roma hit Tudor Stoian with his fist, and the other, Mircea-Muresul Mosor, grabbed a wooden stick. Officer Stoian, kneeling

and holding down the other Rom, warned Mr. Mosor not to approach, pulled out his gun and fired a warning shot. Mr. Mosor however allegedly lifted the stick and was about to hit Officer Stoian. According to the police communiqué, the officer then shot at Mr. Mosor. Following this, Mr. Mosor was transported to the hospital in Drăgănești-Olt, where he died.⁷⁹

The above communiqué leaves at least two major questions unanswered: (1) What were the other three police officers doing during the incident? (2) What happened to the other Rom, who is not mentioned by name in the communiqué?

Dr. Dan Jijău at the hospital in Drăgănești-Olt told the *ERRC* that, contrary to what the police communiqué claims, Mr. Mosor was already dead when transported there. Hospital file nr. 479 records the unidentified dead body of a male which arrived in a police car at 8:20 AM on May 9, 1996. There was a bullet wound in the left thorax caused by a bullet that had entered the back, passed through the heart cavity and exited from the chest in the cardiac region.⁸⁰ This contradicts the police version, according to which Mr. Mosor was facing Officer Stoian and about to hit him at the moment of the shooting.

Neither Officer Tudor Stoian, nor Officer Ilie Gherghe could tell the *ERRC* anything about the incident in which they, according to the police communiqué, participated. Instead they referred the *ERRC* to the County Police Inspectorate in Slatina. According to Captain Pârvulescu, with whom the *ERRC* spoke at the Slatina inspectorate, *two* policemen and *four* Roma were implicated in the incident. When the *ERRC* expressed suspicion by referring to the above mentioned communiqué, Captain Pârvulescu quickly corrected himself and changed the numbers of those involved in the incident. This time, Captain Pârvulescu described the incident in the following way: as soon as Officer Stoian had jumped out of the car, Mr. Mosor attacked him and hit him with a stick in the head, as a result of which Officer Stoian fell to the ground. Lying on the ground with a wounded head, Officer Stoian shot at Mr. Mosor, who was fleeing.

Captain Pârvulescu explained further that the other three policemen had “missed the whole incident because it was dark.” The incident had, according to him, taken place at 5:00 in the morning. He also said that since Officer Stoian had jumped out of the car while it was still moving, there was a distance of at least 50 meters between him and the other three.⁸¹

Regarding the other Rom, Captain Pârvulescu claimed that the police did not know anything about him and that they were searching for him. The family of the victim told the *ERRC* that Mr. Mosor had been with his 28-year-old brother Ion Mirea when the incident leading to his death occurred. According to them, he was arrested by the police approximately one week after the incident, around May 16, and since then has been, as far as they know, in Jilava prison in Bucharest.

The police version of events is highly implausible. However, taken seriously, the police account implies negligence on the part of the officers concerned; rather than subduing the Roma, whom they outnumbered 4 to 2, as was their professional duty, one officer took on two men and, outnumbered, shot one dead.

The *ERRC* finds Captain Pârvulescu’s answers regarding the role of the other three police officers questionable. Moreover, the two versions given by the same institution (the county police) contradict each other. Also, the description given in the written communiqué, which must be considered as an official statement on the part of the police, is not consistent with the medical record, which clearly states that Mr. Mosor had been shot from behind.

The police shooting of Mr. Mosor was originally investigated by Captain Tudor Marin, but has recently been taken over by First Prosecutor Colonel Slăvoiu at the Military Prosecutor’s Office in Bucharest. The *ERRC* sent a letter of concern to the Romanian Military Prosecutor’s Office in which it calls attention to the inconsistencies regarding the circumstances under which Mircea-Muresul Mosor was killed and urges the Military Prosecutor to conduct a thorough and impartial investigation of the incident.⁸² The *ERRC* received a reply in which the Military Prosecutor assures us that the aspects pointed out in our letter will be taken into consideration during the investigation of the incident, and promises to inform us about the results of it.⁸³

On June 2, 1996, In Coltău, a village situated 9 kilometers from Baia Mare in northern Romania, a team of public guardians shot at a group of Roma, seriously injuring 17-year-old Nelu Craitar in the neck and 30-year-old Alexandru Rezmives in the leg. As a result of his leg injury, Mr. Rezmives had to have his leg amputated. A third Rom, 32-year-old Zoltan Rezmives, was hit in the face by stones chipped by a ricocheted bullet and slightly injured.

The Romani victims and the public guardians have strongly differing versions of the development of events which lead to the shooting incident in the evening of June 2, 1996. The conflict began on June 1, 1996, when two public guardians hired to watch over the orchard of the company SCIPOMAR situated next to the village Coltău caught a young Rom, Roman Rezmives, stealing cherries. According to Mihai Cosma, deputy chief of the public guardians, Mr. Rezmives had refused to

reveal his identity, and the guardians had subsequently “used some force” with him. Later on, he was released. At about 10:00 the same evening, a group of approximately 30 Roma, armed with sticks and agricultural tools, tried to enter the farm to take revenge. The public guardians fired warning shots, after which the Roma left. One hour later, as the guardians were leaving work, the Roma blocked their way. The guardians, according to their own version of events, then chose to take a route different from their usual way home through the village.

The next day, on June 2, the driver of the public guardians had arranged with the—this time four—guardians on duty that day to meet in the center of the village so that he would not have to pass through the Romani neighborhood. As a result of this arrangement, the four guardians had to leave the orchard on foot. According to Mr. Cosma, a large group of Roma, including women and children, armed with sticks, stones, and agricultural tools, gathered to wait for the guardians. They surrounded the guardians and one of them attacked the four with a spade. At this stage, the guardians again fired warning shots, but without any result. They then fired at the ground in order to scare the Roma. Mr. Cosma explained that the three Roma were injured because the bullets had ricocheted off the ground.⁸⁴

The Romani witnesses in Coltău told the *ERRC* that they did not gather to wait for the public guardians. Since it was the day of the local elections, there were a lot of people outside. According to Alexandru Rezmives, Roman’s brother, he had approached the guardians to ask them why they had beaten his brother the previous evening. In response to this question, the guardians shot at him.⁸⁵ Hearing the shots, the inhabitants had run outside to see what was happening. Seeing Alexandru lying on the ground, they began to throw stones at the guardians, who escaped by shooting at them. In the process, another two Roma were injured.

Gabriel Linguraru, one of the witnesses, asked the guardians not to shoot so he could go and call an ambulance. According to the witnesses, the public guardians continued to shoot anyway. The whole incident took place in front of the house of Iosif Covaci, president of the the local Roma association. He had not been home at the time of the incident, but eight bullets for an automatic weapon were found on the road next to his house.⁸⁶

Decree nr. 367/1971 on the use of firearms and ammunition was modified on May 11, 1996. According to Mr. Cosma, the new law nr. 17/1996 allows the public guardians to use firearms in situations in which their right to do it had previously been restricted. It clearly forbids the use of firearms in situations where there is a risk to injure people randomly, however. This is obviously the case when there is a group of people gathered: “the use of firearms is prohibited: ...b) in situations in which the lives of other persons are endangered...” (unofficial translation).⁸⁷

When the *ERRC* investigated the Coltău case on June 27, 1996, the Roma said that they had not filed complaints against the public guardians. Incidents involving use of firearms must, however, be investigated even if the victims do not take legal action. Unlike the police, who fall under the jurisdiction of the military prosecutor, the public guardians fall under the jurisdiction of civil prosecutors. The Coltău case is being investigated by the Maramures County Prosecutor’s Office in Baia Mare. First Prosecutor Mr. Eugen Rosca told the *ERRC* that:

Some Gypsies had stolen cherries. A team of public guardians intervened, and they were then attacked by a large group of Gypsies. The public guardians were acting in self-defense and therefore committed no crime.⁸⁸

A.P.A.D.O. told the *ERRC* that they are considering taking on the case in the framework of their legal defense program for Roma victims of human rights abuses.⁸⁹

The *ERRC* was recently informed that law enforcement officials in Romania again opened fire on three Roma. At around 1:00 AM on June 26, 1996 in Săcele commune near Brasov, a group of five policemen saw three Roma walking with horses carrying sacks. According to the local newspaper, the police claim that they had first signalled to the Roma to stop, and then fired eight warning shots in the air. The shots, according to the police, had no result; the Roma had disappeared in the dark.

The following morning, however, the Emergency hospital in Brasov reported that they had received two Roma, 20-year-old Marian Marsavela and his 17-year-old partner Ana Strica with bullet wounds in their hands. According to Marian Marsavela, they were peacefully walking home from his father-in-law’s house when the shooting suddenly began. According to the local newspaper, the Military Prosecutor’s Office is going to investigate the incident.⁹⁰

The *ERRC* considers the frequency of incidents involving the use of firearms by Roman-ian law enforcement officials against Roma to indicate a disturbing tendency. As such, the shootings represent not only human rights abuse against the Roma, but also the threat of future continued abuse. The *ERRC* calls the Romanian authorities’ attention to the following

domestic and international regulations:

Article 21 of the Law nr. 26/1994 on the Organization and the Operation of the Romanian Police which states that “... firearms shall be used in such way that it result in the immobilization of the person/s against whom the firearms are being used, so as *to avoid causing death* of that person/s” (emphasis added).

Article 3 of the UN Code of Conduct for Law Enforcement Officials which states that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,” with the stipulation that “...the use of force... should be exceptional” and “...in accordance with a principle of proportionality.”

The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, according to which “law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.” Furthermore, law enforcement officials shall “exercise restraint in such use and act *in proportion to the seriousness of the offense* and the legitimate objective to be achieved” (emphasis added). Under special provisions, it is stated that “in any event, intentional lethal use of firearms may only be made when strictly unavoidable *in order to protect life*” (emphasis added).

It is difficult to prove that a direct link exists between raids and shootings by the police. These two forms of brutality on the part of Romanian law enforcement officials with regard to Roma have, however, both increased over the same period of time; one cannot avoid the conclusion that this new pattern of official violence should be traced back to the fundamentally flawed approach by the police and the Ministry of the Interior to the problem of community violence. If Roma are seen as the only source of tension, and if the strategy to prevent mob violence is defined purely in terms of preemptive measures to stop Romani crime, then shootings and the use of excessive force by the police will continue. The result of the Mob Violence Prevention Programme can hardly be described as an alleviation of intercommunal tensions.

4. CONCLUSION: CLAIMING LEGAL RIGHTS

“The police are criticized either for not doing enough, or doing too much,” the Romanian General Inspectorate of the Police complained.⁹¹ This sentiment accompanies the collapse of legal procedure in law enforcement and a rise in police practice divorced from the protection of the civil rights of Roma minority members.

Violence by law enforcement officials amounts to an official tacit approval of racism and racist attacks against Roma. Following a recent fight in a pub on the outskirts of Bucharest, for example, which ended with five houses belonging to Roma being destroyed and one set on fire, the perpetrators claimed that their attacks were justified, “since the police were there and agreed to what we did.”⁹² In the disturbing rise of resort to shooting at Roma by the police and public guardians, the *ERRC* sees a logical continuation of official police brutality.

Official violence, however, has a further sad consequence, which is already quite palpable: fear. While in the months following the first outbreaks of community violence the victims did not mind telling their story to whomever cared to listen,⁹³ now they are increasingly retreating behind silence.

Romani victims of human rights violations are becoming reluctant to place their faith in human rights organizations. It was difficult to convince the victims of police violence documented in this report to file complaints with the police or to begin legal proceedings against their police tormentors. Romani and non-Romani witnesses of human rights violations showed a similar dread of self-exposure.

In some cases, this is due to actual intimidation of the victims by the police; in Bălteni, following a visit by the Romanian Helsinki Committee in October, 1995, three police officers came to threaten the leader of the Romani community. They told him that if he talked to any more foreigners, they would destroy the village. In most cases however, the simple awareness that the legal guardians of safety have become safety’s worst threat was enough to silence all but the most reckless and brave.

While national Romani organizations, such as *Rromani Criss*, recognize the importance of defending the legal rights of Roma, many local Romani leaders in Romania do not yet identify the need to claim legal rights as a priority in representing Roma. As a result, with few exceptions, they do not consider legal redress of grievances as an option, but instead choose the path of local mediation. This often degenerates into a strategy of trade-offs: silence in exchange for peace.

In one community, a local Romani leader did not allow researchers into his village, arguing that talking about their experiences of police brutality would only cause the Roma living there unnecessary pain. There is a spontaneous instinct in Romania “not to create problems”. To the naïve, lazy or uninitiated, this can appear to be a scrupulous concern for public order blossoming in every Romanian citizen. It is not: it is the desired effect of police brutality.

Sometimes the unholy alliance between perpetrators and victims results in consequences which can at best be described as controversial; following the violent storming of his house a few days earlier, Mr. V.T. went to see the police on February 16, 1996. He met with two police officers who explained to him that the raid had been conducted after he had been denounced as a criminal. The police officers had, according to Mr. V.T., refused to reveal their source of information. They promised to leave him in peace, however, if he bought them a meal in a restaurant. Mr. V.T. agreed to this out of fear:

I had no choice. It was a couple of days later, on the 20th of February. After two or three hours of eating and drinking for which I had to pay, they told me that they had committed an error and that I was a good man and that I had nothing to be worried about. Then they asked me about other Roma and wanted me to give information about them. He called us “friends”. I told them I had nothing to say about anybody, and after a while, they let me go.⁹⁴

The other effective agent of silence is hopelessness. Hope has evaporated for Romanian Gypsies seven years after Ceausescu. Roma have been failed too often, their expectations that someone will finally restore justice to them have been ruined too thoroughly. Many victims have reached a state of bitter melancholy, beyond fear. Their future seems blank.

The Romanian government has yet to confront the problem of official brutality toward social groups it regards as undesirable. The Roma have not been the only victims of this habit; in 1990, the Iliescu government summoned miners from the North to quell student demonstrations. More recently, police raided a yoga class at the university in Bucharest, apparently under the impression that acts of grave perversity were going on inside. The Roma are, however, the most

frequent target of the large act of public force, and they are, despite the authorities' claims to the contrary, targeted on ethnic grounds; as yet no whole communities of ethnic Romanians have been turned out of their beds at 5:00 AM for trips to the police station.

The sudden rage at dawn has become the latest episode in the centuries-old journey of the Roma in Romania. This journey continues today in a way which is both old and new: "We stay here," they explain, "because we have no place to go." "We want to stay here," they add, "because we were born here."

5. A JUST SETTLEMENT: RECOMMENDATIONS OF THE EUROPEAN ROMA RIGHTS CENTER TO THE ROMANIAN GOVERNMENT

The *European Roma Rights Center* regards the following points as critical for beginning the process of justice for Roma in Romania. The *ERRC* strongly urges the Romanian government to adopt all of the following policies:

1. Complete within a reasonable period of time all official investigations of incidents of alleged community violence against Roma which occurred during the period 1989–1994; bring to justice those persons responsible for offenses committed against Romani individuals and their property.
2. In cases in which this has not yet been done, open official investigation of all incidents of alleged community violence against Roma which occurred during the period 1989–1994; bring to justice those persons responsible for the offenses committed against Romani individuals and their property.
3. Provide financial support for the reconstruction of all Romani houses burned or demolished during the ethnically-motivated attacks which took place in the period 1989–1994.
4. Take a clear stand against all cases of discriminatory policies by local authorities; this includes initiating positive measures against the arbitrary deviation from the intent of governmental decisions, against the blocking of the right of resettlement of Roma in their previous place of residence, as well as against the refusal to provide support and protection for such resettlement.
5. Clarify the purpose and methods of the police raids and ensure the strict legality of all police operations under Romanian law by introducing measures to improve oversight and accountability.
6. Undertake a critical review of all Romanian legislation regulating police behavior; initiate law reform in cases where domestic law contradicts international standards set down in the UN Code of Conduct for Law Enforcement Officials (1979) and the Basic Principles of its implementation adopted by ECOSOC in 1989, as well as in Resolution 690 (1979) of the Parliamentary Assembly of the Council of Europe: Declaration on the Police.
7. Investigate impartially all cases of alleged police misconduct mentioned in this report and in the reports of other human rights organizations; bring to justice those persons who have violated the law by exceeding their authority, or who have violated the rights of Romani individuals in the course of duty.
8. Develop a policy of employing more members of the Roma minority in the police force, as a strategy of building respect for and trust in the police in the Romani communities.
9. Develop, alone or in cooperation with non-governmental organizations, programs of legal and human rights training for law enforcement officials, with an emphasis on the protection of the legal rights of individuals belonging to the Roma minority.
10. Develop, alone or in cooperation with non-governmental organizations, programs to inform the members of the Romani communities about their legal rights.
11. Adopt measures aimed at facilitating access to justice by Roma; sponsor legal assistance projects aimed at providing legal services to disadvantaged groups such as Roma.

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7. APPENDICES

Appendix A.

Letter from mayor Gheorghe Găbudean to prefect Târu Gavrilă.⁹⁵

Appendix B.

Letter from the Military Prosecutor to the *European Roma Rights Center*.

ENDNOTES

1. See for example Helsinki Watch, *Destroying Ethnic Identity: The Persecution of Gypsies in Romania*, New York: Human Rights Watch, 1991; HRW/Helsinki, *Lynch Law: Violence Against Roma in Romania*, Vol. 6, No. 17, November 1994; Amnesty International, *Romania: Broken Commitments to Human Rights*, May 1995, pp. 25–38.
2. In this report, the phrase “official violence” is used by the *European Roma Rights Center* to mean violence committed by law enforcement officials.
3. See Project on Ethnic Relations, *Countering Anti-Roma Violence in Eastern Europe: The Snagov Conferences and Related Efforts*, Princeton: PER, 1994. The PER report notes that in Western Europe in general, “Instead of recognizing Roma migration as a problem affecting all of Europe, there is a tendency to think of it as primarily a Romanian problem, due to the current demography of the Roma in the region” (p. 8).
4. On May 2, 1995, Reuters reported that the Romanian government had officially changed the name of its largest minority from “Roma” to “Țigan”. Foreign Ministry spokesman Mircea Geoana explained at the time that the change was designed to bring Romania into line with terminology used by such organizations as the United Nations. A more likely explanation for the change is that the Romanian government was trying to avoid the similarity between the words “Roma” and “Romanian”. The Romanian government’s decision was, according to Romani leader Nicolae Gheorghe, “an insult” to Roma.
5. See Fonseca, Isabel, *Bury My Standing: The Gypsies and Their Journey*, New York: Alfred A. Knopf, 1996. On the wave of community violence against Romanian Roma in 1990–1993, see pp. 140–197.
6. The violent conflict in Hădăreni has been thoroughly investigated by the Romanian Helsinki Committee, *Liga Pro Europa*, Amnesty International, *La Fédération Internationale des Ligues des Droits de l’Homme* and HRW/Helsinki. For description of the conflict and its follow-up, see HRW/Helsinki (1994), op. cit., pp. 22–28; Amnesty International (1995), op. cit., pp. 28–31; Manuela Ștefanescu and Vera Câmpeanu, “Report on the APADOR-CH Fact-Finding Mission to Hădăreni and Țirgu-Mures (October 5–7, 1993)” (unpublished); and FIDH (*Fédération Internationale des Ligues des Droits de l’Homme*), “Mission d’Enquête sur les suites judiciaires données aux meurtres, incendies et destructions de maisons appartenant à des Roms (Tziganes), 28 février–5 mars 1994”, 1994.
7. *European Roma Rights Center* interview with Manuela Ștefanescu, Vice President of the Romanian Helsinki Committee, March 19, 1996, Bucharest.
8. FIDH, op. cit., p. 12.
9. Chetani has had a new mayor and vice-mayor since the local elections in June 1996.
10. *European Roma Rights Center* interview with István Haller, Program Officer for Human Rights at the *Liga Pro Europa*, March 15, 1996, Brasov. The involvement of the vice-mayor in the conflict is also mentioned by FIDH in their report from 1994, p. 8 and 12.
11. Letter from mayor Gheorghe Găbudean to prefect Târu Gavrilă, provided to the *European Roma Rights Center* by István Haller, Program Officer for Human Rights at the *Liga Pro Europa*. See Appendix A.
12. Ibid.
13. *European Roma Rights Center* interview with István Haller, Program Officer for Human Rights at the *Liga Pro Europa*, June 11, 1996, Țirgu-Mures.
14. Case file nr. 2395/P/1993. For descriptions of the conflict in Ogrezeni, see Helsinki Watch (1991), op. cit., pp. 62–64 and HRW/Helsinki (1994), op. cit., p. 15.
15. *European Roma Rights Center* interview with Neagu Brătianu, March 20, 1996, Bolintin Vale.

16. *European Roma Rights Center* interview with Elena Piroi, March 17, 1996, Bucharest.
17. Information provided by A.P.A.D.O., who also attended the hearing on March 20, 1996. The charges include illegal entry of a private domicile (Article 192 paragraph 2 of the Penal Code), destruction of private property (Article 217 paragraph 1, in conjunction with Art. 75 letter (a) of the Penal Code) and serious disturbance of peace (Article 321 paragraph 2, in conjunction with Article 41 paragraph 2 and Article 33 letter (a) of the Penal Code).
18. *European Roma Rights Center* interview with Dan-Sergiu Oprea, Lawyer and Coordinator of the Legal Defense Bureau within A.P.A.D.O., July 3, 1996, Budapest.
19. Information of the incident in Băcu is provided in APADOR-CH, “Human Rights Developments in Romania; The Activities of the Romanian Helsinki Committee; 1995 Report”, pp. 78–80 and in Amnesty International (1995), op. cit., pp. 34–36. For the Gäiseni case, see HRW/Helsinki (1994), op. cit., p. 16.
20. Information provided by A.P.A.D.O. in July, 1996. The addition of “arson” is important from a procedural point of view; a simple “destruction of private property” requires that a complaint be filed, while a case where the charge is arson cannot be closed, even if a complaint is not filed or is withdrawn later.
21. For a description of the conflict, see Helsinki Watch (1991), op. cit., pp. 41–44 and HRW/Helsinki (1994), op. cit., pp. 10–11. According to information from A.P.A.D.O., the Court of Appeals in Brasov requested on March 14, 1996, that the case be forwarded to them. The case was then to be sent to the General Prosecutor’s Office, but as of September 1996, it remains in Brasov.
22. For a description of the conflict, see HRW/Helsinki (1994), op. cit., p. 12.
23. A.P.A.D.O. report on the legal status of the cases Casinul Nou and Plăiesii de Sus (unpublished).
24. For a description of the conflict, see Helsinki Watch (1991), op. cit., pp. 66–73, and HRW/Helsinki (1994), op. cit., pp. 16–17.
25. A.P.A.D.O. report on the legal status of the cases Casinul Nou and Plăiesii de Sus (unpublished).
26. For factual information of the incidents, see Helsinki Watch (1991), op. cit., and HRW/Helsinki (1994), op. cit.
27. English language version of “Mob Violence Prevention Programme” presentation paper given to the *European Roma Rights Center* by the General Inspectorate of the Police’s Crime Prevention Department, March 27, 1996, Bucharest.
28. Local human rights and Roma organizations have noted the rising number of police raids in the country. The Romanian Helsinki Committee has investigated several recent incidents of forceful police action undertaken by law enforcement bodies against Roma, and told the *ERRC* that police raids have definitely increased in number during the last 12 months. *Rromani CRISIS*, a Bucharest-based Romani non-governmental organization, has documentation of raids based on press reviews, and on July 18, 1996, they posted a statement on Romnet (an electronic mail list service dealing with issues related to Roma) denouncing the ever more frequent police abuses. A.P.A.D.O. held a seminar on March 15-16, 1996 to inform Romani associations about their project to provide legal assistance to Romani victims of human rights violations and, with their help, to select cases for litigation. While participating in this seminar, the *ERRC* observed that recent cases of human rights abuses against Roma listed to A.P.A.D.O. by the Roma participants were all police and gendarme raids.
29. *European Roma Rights Center* interview with Captain Ioaneta Vintileanu, the Romanian General Inspectorate of the Police, Department of Prevention, March 27, 1996, Bucharest.
30. The *ERRC*’s research has shown, however, that raids have not been conducted against any ethnic group other than the Roma.
31. “Mob Violence Prevention Programme”, op. cit.
32. “Mob Violence Prevention Programme”, op. cit.

33. Ministry of Interior, The General Inspectorate of the Police, “Note About the Activities Developed by the Police Unities for Preventing and Controlling Ethnic Conflicts” given to the *ERRC* in English language version by the General Inspectorate of the Police’s Crime Prevention Department, March 27, 1996, Bucharest.
34. On human rights and the official use of euphemism, see Cohen, Stanley, *Denial and Acknowledgment: The Impact of Information about Human Rights Violations*, Jerusalem: Center for Human Rights, 1995, especially Chapter 2, “The Concept of Denial” and Chapter 5, “The Report: Counter-Claims and the Discourse of Official Denial”. The Romanian discourse on the explanation of raids conforms to Cohen’s notion of “implicatory denial”; according to Cohen, implicatory denial is the “what is happening is justified” response to the existence of state organized rights violations and can be recognized by phrases such as “we had to do it” and “there was no alternative” (p. 78).
35. *European Roma Rights Center* interview with I.F., June 6, 1996, Acis. Where requested, or where the *European Roma Rights Center* believes that publicity can endanger the victim or witness, initials are used in the place of names. The *ERRC* keeps all names in its archive and can release them when the interests of justice so require.
36. *European Roma Rights Center* interview with Ferenc Patka, June 6, 1996, Acis.
37. *European Roma Rights Center* interview with A.G., M.D. and R.G., June 6, 1996, Mihăieni.
38. *European Roma Rights Center* interview with Ferenc Patka, June 6, 1996, Acis.
39. Éva Báthory, a journalist working for the Hungarian-language newspaper *Frisz Újság* in Satu Mare, collected testimonies from Roma. *Frisz Újság* later published her article on the incident, which is how the episode reached the public’s attention.
40. *European Roma Rights Center* interview with Ferenc Patka, June 6, 1996, Acis.
41. The chief of the Acis police was replaced shortly after the incident, but it is unclear whether his removal—which, according to the interviewees, was in fact a promotion—has any connection with the raids.
42. Article 27 in the Constitution of Romania (official translation) and Article 16 in the Law nr. 26/1994 on the Organization and the Operation of the Romanian Police (unofficial translation).
43. Investigations made on behalf of the *European Roma Rights Center* by Éva Báthory in July 1996.
44. *European Roma Rights Center* interview with Mr. I.F., June 6, 1996, Acis.
45. *European Roma Rights Center* interview with two young men, E.T. and I.B., March 17, 1996, Colentina, Bucharest.
46. Bucharest 7th District Police Department.
47. *European Roma Rights Center* interview with N.N. in Colentina, Bucharest on June 9, 1996.
48. *European Roma Rights Center* interview with M.S., June 9, 1996, Colentina.
49. *European Roma Rights Center* interview with A.T., June 9, 1996, Colentina.
50. *European Roma Rights Center* telephone interview with Fulbright Scholar Michelle Kelso, July 29, 1996.
51. *European Roma Rights Center* interview with Colonel Dumitru Gheorghe, chief of the District 7 Police Department, June 10, 1996, Bucharest.
52. *European Roma Rights Center* interview with C.K., June 8, 1996, Pata-Rât.
53. *European Roma Rights Center* interview with A.L., June 8, 1996, Pata-Rât.
54. *European Roma Rights Center* interview with Patrick de Briey, June 8, 1996, Cluj-Napoca.

55. *Rromani CRISS*, “Violence Committed by Administrative Organs—Statements in the Romanian Press”.
56. *European Roma Rights Center* interview with S.K., June 8, 1996, Bontida.
57. *European Roma Rights Center* interview with A.B., June 8, 1996, Bontida.
58. See APADOR-CH (1995), op. cit., pp. 5–8. 59 Ibid. p. 22.
59. Ibid. p. 22
60. *European Roma Rights Center* interview with Iulian Vlad, March 25, 1996, Tîrgoviste.
61. *European Roma Rights Center* interview with lawyer Dumitru Popa, March 25, 1996, Tîrgoviste.
62. Article 23(3) of the Romanian Constitution, according to which “detention may not exceed twenty-four hours.”
63. *European Roma Rights Center* interview with Maria Vlad, March 25, 1996, Tîrgoviste.
64. *European Roma Rights Center* interviews with Colonel Ilie Bălănoiu, chief of the Dâmbovita County Police Inspectorate and Colonel Ciuperca, chief of police in Tîrgoviste, March 25, 1996, Tîrgoviste.
65. The Romanian Helsinki Committee’s investigation of the case of Vlad family differs somewhat from ours. For RHC findings, see Manuela Ștefanescu and Valerian Stan, “Raport asupra casului Familiei Vlad din Tîrgoviste”, March 7, 1996 (unpublished).
66. See Amnesty International, “AI Concerns in Europe: January–June 1996”, July 1996.
67. *European Roma Rights Center* interview with M.M., March 19, 1996, Bălteni.
68. “Silvic Technician”
69. *European Roma Rights Center* interview with Mr. Silviu Anason at the Silvicultural Inspectorate of Dâmbovita County, March 19, 1996, Răcari commune.
70. *European Roma Rights Center* interview with Colonel Ilie Bălănoiu, Chief of the Dâmbovita County Police Inspectorate, March 25, 1996, Tîrgoviste.
71. *European Roma Rights Center* interview with Mr. Florian Nicoară, First Prosecutor at the Dâmbovita County Prosecutor’s Office, March 25, 1996, Tîrgoviste.
72. See APADO-CH (1995), op. cit., pp. 82–84, or, Manuela Ștefanescu and Valerian Stan, “The Romanian Helsinki Committee Report on the Situation in Bălteni Village, Contesti, Dâmbovita”.
73. *European Roma Rights Center* interview with Manuela Ștefanescu, vice-president of the Romanian Helsinki Committee, March 19, 1996, Bucharest.
74. The law on police has been subjected to strong criticism by human rights organizations such as the Romanian Helsinki Committee, according to whom certain provisions contradict the Constitution and several international standards ratified by the country. See APADOR-CH (1995), op. cit., pp. 29–33.
75. Article 103 of the Romanian Penal Procedure Code. The Romanian Helsinki Committee has, however, pointed out that the following provisions render this guarantee void: “A search begun between 6:00 AM and 8:00 PM may continue during the night. The prosecutor may remove objects or documents and conduct domicile searches also during the night.” The provisions also contradict the Romanian Constitution, since Article 27(4) states that “searches at night time shall be prohibited... except in case of *flagrante delicto*.”
76. Amnesty International (1996), op. cit.

77. Manuela Ștefanescu and Valerian Stan, “Report on the Dumitru Mărgean case (Buzău)”.
78. Case file nr. 140/P/1996. Information provided by the Romanian Helsinki Committee.
79. Ministerul de Interne, Inspectoratul de Poliție Județean Olt, Nr. C/3158 din 16.05.1996.
80. *European Roma Rights Center* interview with Dr. Dan Jijău at the hospital in Drăgănești-Olt, June 26, 1996. These facts were confirmed in the death certificate Nr. 181, issued by Dr. Mircea Coandă at the Medical-Legal Laboratory of Olt County on May 10, 1996, showed to the *ERRC* by the family of the victim, according to which Mircea-Muresul Mosor, born on November 8, 1969, died on May 9, 1996 at 7:00 AM for the following reasons: external and internal haemorrhage, bullet wound, and pulmonary thorax transfixion.
81. *European Roma Rights Center* interview with Captain Pârvulescu at the Olt County Police Inspectorate, June 26, 1996, Slatina.
82. The letter of concern was addressed to General of Brigade Samoila Joarză. In the letter, the *European Roma Rights Center* also expressed its concern about witness Ion Mirea’s fate, asked whether he has been incarcerated and if so, on what charges.
83. Letter from General of Brigade Samoila Joarză to the *European Roma Rights Center*. See appendix B. for full text of the letter.
84. *European Roma Rights Center* interview with Mr. Mihai Cosma, deputy chief of the public guardians, in Baia Mare, June 27, 1996, Baia Mare.
85. *European Roma Rights Center* interview with Alexandru Rezmives, June 27, 1996, Coltău.
86. *European Roma Rights Center* interview with Iosif Covaci, June 27, 1996, Coltău.
87. Article 52 in Law nr. 17/1996 on the use of firearms and ammunition.
88. *European Roma Rights Center* interview with Mr. Eugen Rosca, First prosecutor at the Maramures County Prosecutor’s Office, June 27, 1996, Baia Mare. The prosecutor responsible for the Coltău case is criminal prosecutor Ioan Bozai who was on vacation when the *ERRC* investigated the incident. Case file number: 101/P/1996.
89. *ERRC* telephone interview with Dan-Sergiu Oprea, Coordinator of the Legal Defense Bureau within A.P.A.D.O. on August 5, 1996.
90. The newspaper *Buna Ziua Brasov*, June 27, 1996.
91. *European Roma Rights Center* interview with Captain Ioaneta Vintileanu and Captain Margareta Flesner, Department of Prevention, The Romanian General Inspectorate of the Police, March 27, 1996, Bucharest.
92. *European Roma Rights Center* interview with Elena and Nelu Mârza, June 25, 1996, Măgurele, Bucharest.
93. “They were doing what came naturally: carrying on, adjusting, surviving. These Gypsies had neither the money nor the materials nor, most important, the confidence to rebuild. But they weren’t timid in telling their story. As in other devastated settlements, I found that the Gypsies, abandoned here after a brief breeze of media interest, would talk, and most often complain, for as long as anyone would listen. It was as if no one had ever asked them *anything*; they had a heaving backlog of documented injuries and denigrations to disgorge, complete with unrelated but nevertheless urgent suggestions, requests, and demands.” in Fonseca, Isabel, op. cit., p.188.
94. *European Roma Rights Center* interview with V.T. in Bragadiru on March 17, 1996.