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ROMANIA: AFTERMATH TO THE JUNE VIOLENCE IN BUCHAREST

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Introduction

On June 13, 1990, Romanian police brutally beat and arrested demonstrators who were staying in University Square in Bucharest as part of a marathon anti-communist demonstration. In the afternoon, hundreds of angry people gathered around the square, which had been cordoned off by the police, to protest the arrests. Some of the demonstrators became violent and over the next few hours rioted in the center of Bucharest. President Ion Iliescu called for the support and assistance of the "upstanding citizens" of Bucharest and by the early morning of June 14 vigilante mobs made up of miners and workers had arrived in Bucharest to "make order." These events were described in detail in a report prepared by Helsinki Watch in July 1990 (the July Report).

The sheer brutality of the miners' actions, as well as the highly questionable role played by the Romanian government, military and secret police produced an enormous international outcry and left the Romanian government with a much damaged reputation both at home and abroad. In the July report Helsinki Watch stated that it:

... deploras the use of excessive force by Romanian authorities on June 13, 1990 to clear University Square which opposition groups had occupied since mid-April. Helsinki Watch is also deeply concerned about the Romanian government's later call, on the afternoon of June 13, for miners and workers to come to Bucharest to support the government, and the government's failure to protect the citizens of Bucharest from the ensuing violent attacks, arbitrary detention and intimidation carried out by the miners.¹

Helsinki Watch called on the government, among other things, to conduct a thorough investigation of the excessive force used by the police and army, and of the role of the Romanian authorities during the miners' stay in Bucharest, as well as to conduct an impartial investigation and punish appropriately crimes committed on June 13, 14 and 15. In addition, in both the newsletter and in meetings with Romanian officials, Helsinki Watch emphasized the need to guarantee certain procedural rights of all detainees, to protect all persons from violence or bodily harm, and to provide a right to compensation for victims of unlawful arrest or detention.

A parliamentary commission established to investigate the June events worked at a snail's pace throughout the fall of 1990 gathering testimony and documentary evidence related to the events. Due to the controversial role played by the Romanian President, Ion Iliescu, in the June events, as well as the role played by the police and armed forces, many Romanians and foreign observers doubted whether the parliamentary commission would ever make its findings public. However, shortly before the Council of Europe was to hear Romania's application for observer status, the commission released its findings on January 16, 1991. The commission's findings are presented in what is essentially two separate reports, one representing the views of the National Salvation Front members of the commission (the majority report), and the other representing those of the opposition members (the minority report).

This follow-up newsletter attempts to evaluate the parliamentary commission's report and to determine the progress made by the Romanian government in complying with its human rights obligations under international law. In addition, evidence will be presented on the treatment of those who were still in detention at the time of the initial Helsinki Watch report, and whose testimony was, therefore, not available at the time. Much has already been written about the mistreatment of those arrested during the June events. However, most of the information has been based on the testimonies of those who were released shortly after their arrest. In this report, Helsinki Watch presents additional testimony from individuals detained for a much longer period of time, providing vivid descriptions of the mistreatment and abuse they experienced long after the Romanian government, in response to the international outcry, promised that detainees' rights would be respected.

¹ See "Violent Events of June 13-15," *News From Helsinki Watch*, July 1990.

Material for this report was collected during a mission to Bucharest in early February 1991, when Helsinki Watch representatives interviewed individuals detained for the June events, all but one of whom were still on trial, attended a portion of their trial, spoke to defense attorneys, and interviewed Mr. Nicolae Radu, President of the parliamentary commission investigating the June events.²

The June Detainees: Trials and Treatment in Detention

Some 1,021 Romanians were arrested and held in conditions described by all as "hellish" during the immediate aftermath of the June violence. Savagely beaten, herded into airless vans and driven from the center of Bucharest to either the ex-Securitate school at Baneasa or to the military security unit at Magurele, the detainees were kept for up to a week in two huge "garages" measuring an estimated 3,500 square feet each. Conditions and treatment of those held were clearly extremely poor (as detailed below), but for the great majority their ordeal ended after questioning and being photographed and finger-printed.

In preparation for its July report, Helsinki Watch interviewed many of the individuals who were released after a few hours or days in detention. However, 185 of the detainees were belatedly issued arrest warrants and transferred to prisons around Bucharest where many of them remained for up to four months. This report is based on lengthy interviews with some of the former detainees who remained in prison for a longer period of time and whose slow-moving trials continued well into 1991. Their testimony confirms the sequence of events detailed in the July report, but provides additional insight into treatment and conditions in prisons and the long-term effects of detention.

In addition to the interviews with former detainees, this report is based on observation of the main trial which was then in progress at the Municipal Tribunal in Bucharest, and on conversations with some of the lawyers representing the former detainees.³

The Arrests

Several of those interviewed by Helsinki Watch had regularly attended the demonstration in University Square at some point in its marathon two-month duration. Fifty-four-year-old architect and well-known opposition journalist, Corneliu Borcoman, and 27-year-old ex-vice-president of The People's Alliance (an opposition group), Teodor Maries, had both spoken at the demonstration. Two other interviewees, Radu Stoenica, an unemployed 19-year-old, and Catalin-Anton Burcea, a 32-year-old truck driver, stated that they were in the square almost permanently during the demonstration's final weeks. However, Helsinki Watch was struck by the apparent randomness of many of the arrests: in the wrong place at the wrong time and caught up in the panicking crowds surrounding the TV studios or the square itself, these men and women paid heavily for their curiosity.

- Andrei Pascutoiu (a 20-year old technician) and Nicolae Badila (an 18-year-old co-worker) were formerly members of the ruling National Salvation Front who responded to President Iliescu's television appeal on June 13 for "upstanding citizens" to come to defend the TV studios and government buildings. This was the

² Participants in the mission were Holly Cartner, Staff Attorney for Helsinki Watch, and Jemima Stratford, Intern at Helsinki Watch.

³ The majority of ex-prisoners interviewed were part of the group of 29 belonging to File 1 (No.1217/1990), whose trial began on September 24, 1990, and convened approximately twice a week until sentencing on April 15, 1991.

same appeal which brought an estimated 10,000 miners to Bucharest in the early hours of June 14, by which time Pascutoiu and Badila were incarcerated with other detainees in the basement of the TV studios, accused of hooliganism and attempting to storm the building.

Others were seized by groups of roving miners, some of whom were accompanied by police, during the 48 hours in which the miners terrorized the citizens of Bucharest.

- One 19-year-old who asked to remain nameless came upon a group of miners on the morning of June 14 who were viciously attacking a young woman holding an infant. Using a stick which he broke from a near-by fence, the man was able to save the woman, though the child was already dead. He pushed the woman into the safety of an apartment building, but on returning to the street was himself brutally beaten, thrown into an unmarked van, and driven to the prison at Baneasa.

While it is beyond dispute that numerous crimes were committed during the afternoon and evening of June 13, the randomness of the arrests and the weakness of the evidence against those actually arrested (see p. 16, below), as well as the government's failure to investigate a host of more serious crimes which took place during the events, would seem to indicate that the Romanian government was more intent on finding scapegoats to whom it could attach blame for the violence than on determining who the authors of the violence were. In many cases it was simply those least able to protect themselves from the government accusations who were and continue to be punished.

The First Week: Prisons at Magurele and Baneasa

All of those arrested between June 13 and 15 were detained until June 19 or 20 in one of two large "garages" at Baneasa and Magurele. Of those interviewed by Helsinki Watch, only Tudor Dumitru, the 42-year-old engineer who was taken from his office on June 28, and Teodor Maries, who was arrested at the Ministry of Interior on June 18, avoided spending time in these dank and over-crowded sheds.

The demonstrators who were arrested at the TV studios on the evening of June 13 spent that night locked in a basement room there, many with bloody wounds from the beatings they received at the hands of the police.

- Magdalena Popescu, a 31 year old worker, reported that she was beaten and shown four bodies by a policeman who pointed to them lying inside the studio building and said "we will show you democracy. This is how you will end up." In the basement she was taken to a room where about 50 men and women were being held, all lying on the floor, several with bloody wounds. At one point, the six women were taken out of the room, but they were reunited with the men when they were forced to go to a television studio where their hands were tied together with one long rope. (At that time the men told how they had been beaten while the women were out of the room.) Further beating in the television studio resulted in serious injuries. The body of a middle-aged man, who had been among those beaten at the television studio, was found dumped by the roadside a few days later. His throat had been cut.

Bused the next morning to Magurele, those arrested at the television studios were among the first to arrive at the garage which filled with an estimated 600 people during the following days. Helsinki Watch believes that the Military Security Unit at Baneasa was brought into use to hold those arrested once Magurele became impossibly over-crowded.

All of those interviewed stated that on arrival they had been beaten by two columns of soldiers who lined the path leading to the entrance of the garage. This "column technique" was also reportedly used at the TV studios and when they arrived at several other places of detention, and appears to represent a widely-used method of police brutality which shielded individual policemen from possible charges.

Frequent beatings with both fists and clubs continued for the whole period of detention at both Magurele and Baneasa; during the first days the detainees were also threatened with more beatings by the miners who were said to be quartered in nearby buildings. The prisoners were most at risk from the beatings when they went out of the garage to go to the lavatory, and several of those interviewed stated that they knew of women who were raped under these circumstances.

The treatment of minors was clearly in contravention of all United Nations provisions for the treatment of juvenile detainees (See e.g. Article 85(2) of the Standard Minimum Rules for the Treatment of Prisoners and Article 11 of the Convention Against Torture); they were not only held together with adults, but were subjected to alternate bouts of beating and bribes to persuade them to act as witnesses against other prisoners. A number of minors, several as young as 14 or 15, were imprisoned throughout the summer and are now standing trial alongside adults.

Many of those arrested arrived at Magurele or Baneasa with severe external and internal injuries, but received no medical care in contravention of Article 22(2) of the Standard Minimum Rules for the Treatment of Prisoners which states that "sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals."

- **Viorel Frijan, a 26-year-old worker stated that he lay for 3 days on the floor, unable to move due to the severe pain in his stomach and kidneys, delirious at times, and looked after only by a female friend who had been arrested with him.**
- **Magdalena Popescu suffered from a severely swollen and painful breast after beatings at the hands of the police. Her requests for medical attention were ignored.**
- **Mircea Andrei Rob, whose case was discussed in the July report, had an epileptic fit in the courtyard of Magurele. Viorel Frijan reported to Helsinki Watch that the soldiers and prosecutors present stood by laughing while some of the detainees tried to lift and restrain the boy.**

Conditions at Magurele and Baneasa certainly fell far below those outlined in the Standard Minimum Rules. (See e.g. Article 10, 11(a) and (b), 19, 20(1)). There was no light, natural or artificial; detainees were forced to sleep on the ground or on a few lice-ridden mattresses; there were no sanitary facilities; and the insufficient rations of biscuits, stale bread and salami were not properly distributed so

that the weaker of the detainees received practically no food at all. Several interviewees reported that they had not eaten partly to avoid the beatings which they feared they would receive if they left the garage to go to the lavatory.

The Interrogation Process

Throughout the week of June 14-20, detainees were repeatedly taken in groups to separate rooms or to a courtyard (in the case of Magurele) where they were questioned about their parts in the events of the past days. Routinely photographed and fingerprinted, the majority of the detainees were released at this point due to lack of evidence against them.

The interviews were generally conducted on a one-to-one basis, though several detainees were usually questioned in each room at any one time. Physical harassment during questioning was particularly frequent at Magurele.

- Andrei Pascutoiu reported that he was badly beaten around the head and chest, and was threatened with more beatings by the miners when he gave a statement at Magurele on June 16.
- Nicolae Badila stated that he was beaten during questioning at Magurele in an attempt to make him admit that he had set fire to a car outside the TV studios.
- Ion Guzumas, a 27-year-old worker, was interviewed on one occasion in a separate office at Magurele when he was questioned about his connections to the University Square activists Marian Munteanu and Dumitru Dinca. When he answered that he did not know them, Guzumas was alternately beaten and doused with buckets of water until he fell unconscious. He regained consciousness to find himself handcuffed to a pipe in the corner of the room, again being hit. According to Guzumas, two civilians were present during this episode.
- Elena Necula, a 39-year-old worker, stated that she was kicked and threatened with rape when giving a statement at Magurele on June 14.

Verbal abuse by those conducting the interrogations was also widespread; Helsinki Watch heard reports from people who were mocked, sworn at and spat upon while giving statements. There were attempts to dictate to the less well-educated of the detainees, and Viorel Frijan reported that he was forced to sign a statement which incorrectly reflected his activities during the June events.

Groups of soldiers were brought to Magurele and Baneasa to identify the supposed criminals; when they failed to do so they were simply ordered to search the assembled faces again. A large percentage of these soldier witnesses have retracted their testimony under courtroom conditions. (See p. 11, below)

Those whom the authorities decided to charge at this point seem in many cases to have been the unlucky victims of a numbers game which the police and army were required to play with the Central Government.

- Corneliu Borcoman reported that at his second interview at Baneasa on June 17, the interviewer told him that on the basis of his statements there were no grounds for his arrest, but that his release would have to be approved by the prosecutor. When asked why, the prosecutor angrily shouted to the interviewer: "How many files do you have? What am I going to give to General Robu (the Prosecutor General)? I don't have enough files for him." The charges of breach of the peace and propriety and of destruction and damage to public property were therefore added to Borcoman's original charge of trespassing in a public institution. A similar experience was recounted to Helsinki Watch by many of those we spoke to.

Several detainees reported further questioning at later stages of their imprisonment, but the flagrant

physical and verbal abuse during interrogation appears to have in the main taken place at Magurele and Baneasa.

The Second Phase: Detention at Police Headquarters

With the exception of Dumitru Tudor, who spent his entire period of imprisonment at the Jilava prison, and Teodor Maries who was held at Rahova and Jilava, all of those interviewed by Helsinki Watch were held during July and August at a number of police cells throughout the city. Built to accommodate prisoners for only a short length of time, these cells were severely over-crowded, lacked ventilation, had poor sanitary and washing facilities, and no recreation or occupation for the inmates.

Several former detainees reported being moved from one police headquarters to another on a number of occasions during the summer, and conditions clearly varied.⁴ However, none of the police detention centers provided conditions or facilities which even approached those laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners (See p. 5, above).

All of those interviewed spoke of cramped and airless cells, in which the inmates were sometimes forced to share their bunk-type beds. At their worst, the cells contained twice as many prisoners as there were beds. Most of the cells were partially underground with only small barred windows.

- Ion Guzumas described the hours spent in his cell at Police Headquarters No. 5 trying to make some air in the stuffy room by waving their bed-sheets.
- The cell in which Nicolas Badila was held at Police Headquarters No. 13 contained a leaking pipe which was not repaired for the two months of his imprisonment, and which dripped enough water to fill three buckets every night.
- Many of those interviewed (notably prisoners held at Police Headquarters Nos. 13 and 14) stated that they had been held in cells containing ordinary criminals as well as detainees from the June events. None reported abusive treatment as a result of this, but several including Corneliu Borcoman stated that they believed there were informers among their cell-mates who tried to provoke them into expressing political opinions.

The food given to the detainees was described by all as unfit to eat; "greasy pig slops," "food not even dogs would eat," were some of the expressions used by those interviewed. The meals were uniform in content from one headquarters to another, which suggests that the food was prepared centrally, possibly in the kitchens of Jilava prison. In the morning the detainees were given a form of surrogate tea or coffee and a small piece of stale bread; lunch consisted of rotten potatoes or a small portion of the traditional Romanian corn polenta known as *mamaliga*, and the evening meal was almost always boiled barley. Most of those interviewed reported a slight improvement in the quantity and variety of food provided after visits by the International Committee of the Red Cross (ICRC), but nevertheless they remained heavily reliant on the food packages which most of their families were able to send once a month from mid-July onwards. The drinking water available to the detainees was reportedly unclean in several cases. Several detainees contracted minor stomach problems, and Nicholas Badila developed amoebic dysentery for which he was given no proper treatment.

Hunger strikes to protest both their detention *per se*, and the conditions of that detention, were undertaken by

⁴ Helsinki Watch received particularly bad reports of conditions at police headquarters No.10, and Nos. 5, 8, 13 and 14 were also singled out repeatedly for criticism by former inmates. The newly-renovated Police Headquarters No.6 was said to have better facilities.

nearly all of those who spoke to Helsinki Watch. Most strikes came to a relatively swift end when those involved accepted promises from their prison guards that their cases would be reconsidered or that conditions would be improved. However, nothing ever came of these promises. All of the former detainees reported that they had received little or no medical attention during the strike, even when they had complained of feeling faint or dizzy. Detainees who conducted longer hunger strikes, notably Dumitru Tudor and Teodor Maries, who accepted only water for over six weeks, were transferred to Jilava hospital, but nevertheless received only scant attention. Those interviewed all reported weight losses of between 20 and 30 pounds as a result of their four-month imprisonment.

The sanitary and washing facilities were clearly inadequate in all of the police headquarters described to Helsinki Watch. Detainees were allowed to use the lavatories only twice a day, in the morning and evening, and otherwise had to make do with buckets in the corners of their cells. In nearly all cases the prisoners were allowed to shower only once a week, and were often unable to wash at all in the interim. Several of those interviewed described the bed linen, blankets and prison uniforms with which they were provided as filthy and lice-ridden.

Before visits from the ICRC, many of the detainees had no exercise at all, and thereafter it was usually limited to 20 minutes once every two or three weeks. Those interviewed stated that they had not been provided with books or newspapers until the end of their periods of detention. Indeed, Corneliu Borcoman's reading glasses were taken from him when he first arrived at Police Headquarters No. 14, and his requests for paper and a pencil were consistently refused.

Detainees who complained to their guards about conditions, or who spoke openly and frankly to the ICRC representatives who visited them, were often rewarded with beatings and other punishments.

- Dumitru Tudor was handcuffed, his feet were chained, and he was placed in an isolation cell for ten days at Jilava, after he had complained about his food rations.
- A woman who asked to remain anonymous was handcuffed to her bed for two days after she had accidentally broken a window.

Several former detainees believe that they suffered psychological abuse in prison.

- Corneliu Borcoman described how the guards at Police Headquarters No. 14 would bait the prison dogs so that they would howl like wolves throughout the night. A bright light in the cell which they were unable to turn off also made sleep difficult, and on several occasions Borcoman and his fellow inmates heard the sounds of a man being tortured in a nearby cell during the early hours of the morning. The man screamed that he was being tortured, and could be heard gurgling and moaning as his head was held underwater. Borcoman remains unsure whether the noises were real or taped.
- Teodor Maries and Viorel Frijan spoke of a light bulb in their cells which was on 24 hours a day and which continually buzzed.
- Catalin-Anton Burcea believes that he underwent psychological manipulation when he was taken to Rahova prison for about two weeks in early October. While at Rahova he received relatively nutritious food, which he suspects was laced with tranquilizers, and he was repeatedly questioned about his knowledge of and contacts with University Square activists such as Marian Munteanu and Dinca Dumitru.

The Third Phase: Detention at Jilava

From August 30 onwards, all of the prisoners were transferred from cells at the police headquarters to Jilava

prison in Bucharest. Two of the women who spoke to Helsinki Watch, Magdalena Popescu and Maraïcica Constantin (a 31-year-old shop assistant), were taken first to Tirgisor women's prison near Ploiesti where they worked sorting beans, and Ion Guzumas and P.I. (who asked to remain anonymous) spent two weeks in the overcrowded Slobozia prison in mid-September, but all of those interviewed were eventually moved to the so called "transit cells" at Jilava.

Several former detainees described being beaten on arrival at the prison.

- Radu Stoenica and Viorel Frijan recounted almost identical experiences about their transfer to Jilava on September 14: taken to a separate office and held on the floor by four guards, they were beaten by another two guards for several minutes. Others spoke of having their heads and faces forcibly shaved.

All of those interviewed had been initially placed in dormitory cells with ordinary criminals, some of whom had been accused or convicted of violent crimes. The cells were at times filled to twice their capacity, so that all of the inmates had to share the two- or three-tier bunk-beds. Everyone who spoke to Helsinki Watch had experienced problems of intimidation and violence from the ordinary criminals they were held with; those criminals had been told by prison guards that the poor prison conditions were the fault of the "political" prisoners.

- Dumitru Tudor described how on September 12, shortly after an article about him had appeared in *Romania Libera*, the ordinary criminals in his cell "beat me, put me on a table, and cut my hair and shaved me by force. They said that they had been told to do this by the prison governor, Captain Olteanu." Others spoke of having to buy protection from the ordinary criminals by giving away portions of their food parcels.

Conditions during these first weeks at Jilava differed little from those at the police headquarters. The food remained nutritionally inadequate, the bed clothes and prison uniforms filthy and lice-ridden, facilities for personal hygiene minimal, and exercise a rare luxury. The detainees also suffered from harassment by the prison guards, particularly when groups of them were returning from court after the start of their trials.

- Nicholas Badila described one occasion on which the guards ordered all of those in his cell to lie on their stomachs under the beds, while the officials kicked and mocked them. At other times guards threatened them with prison dogs, who were on several occasions let loose and allowed to bite the detainees.

After a visit from the ICRC in mid-October, conditions improved markedly for the detainees at Jilava. Those arrested during the June events were put in cells apart from the ordinary criminals, given clean sheets and blankets, and allowed to have pro-government newspapers and a television set. The food remained the same, but was served on separate dishes to each of the detainees, and they could exercise twice a week. That the authorities were able to make these improvements in line with the Standard Minimum Rules suggests that they could have done so from the beginning.

The Legal Process

From the first, there were irregularities in the handling of the cases relating to the June events. Arrest warrants were not issued until a week after many of those interviewed had been detained, and detainees were denied their right to immediate access to a lawyer and in some cases did not see one for three months. What is more, detainees complained that additional charges had been added to their files solely to allow continuation of the order of preventive detention which could be granted only if the charged crimes carried a sentence of at least two years imprisonment.

As mentioned above, there were two main trials for defendants from the June events.⁵ The first trial (File 1 (No.1217/1990)), which contained 29 defendants, opened on September 24, 1990, at the Municipal Tribunal in Bucharest, and was convened approximately two times every week through mid-April 1991. Until their release on October 30, the detainees appeared in court handcuffed and wearing the filthy prison uniforms they had been given.⁶ Furthermore, at the start of the trial all of the accused had to swear an oath that in the future they would behave in a civilized manner. Such an oath assumes guilt, and is therefore in violation of Article 84(2) of the Standard Minimum Rules which states that "untried prisoners are presumed to be innocent and shall be treated as such." Use of handcuffs where not strictly required, and the use of prison uniforms where the untried prisoner has his own clothes, violate the Standard Minimum Rules Regarding the Treatment of Prisoners.

All of the defendants in File 1 were charged with the same four crimes: breach of the peace and propriety; destruction and damage to public property; trespassing on public property; breach of the peace.⁷ These charges carried possible sentences of 5 to 15 years.

As the trial dragged into 1991, with some of the 220 witnesses for the prosecution still to testify, general interest in and attendance at the proceedings fell markedly. At the sessions which Helsinki Watch observed in late February, the majority of the defense lawyers and a number of the defendants themselves were absent. Corneliu Borcoman told Helsinki Watch that the President of the Tribunal had excused him and some of the other more prominent detainees from attending the trial, with the worrying consequence that the best educated among the group were often not present, and therefore not able to raise questions regarding inconsistent testimony.⁸ A large proportion of the mainly soldier-witnesses have retracted their testimony: as Dumitru Tudor put it, "the witnesses all seem to suffer from amnesia." Two witnesses, including the president of the TV studios Razvan Teodorescu, retracted large portions of their statements while Helsinki Watch was in Bucharest.

Eighteen of the 29 defendants were convicted of one or more of the four charges brought against them, with sentencing ranging from a one year suspended sentence to 2 years and 8 months mandatory work. (See Appendix A) Only one of the defendants, Ichim Anghel, who was on probation at the time of his arrest in June, was sentenced to a further term in prison.

⁵ In addition to the two main trials, the Prosecutor General's Office reported in September that 88 persons were sentenced under "Decree 153/1970 and other normative acts." (For discussion of Decree 153 see *News From Helsinki Watch*, May 1990, p.7-8) Nineteen of the 88 were given prison terms of up to six months. In addition, criminal charges were dropped against 17 defendants who were found to be mentally ill. (Reported in FBIS-EEU-90-186, September 25, 1990)

⁶ All 29 defendants in File 1 except Magdalena Popescu were released on October 30 by order of the court. Popescu had already been released on October 1 for medical reasons (she had previously had two operations to remove cancerous tumors from her stomach and breasts, and had suffered from a swollen breast for a month after her beating at the hands of the police in the University Square). Catalin-Anton Burcea stated that he was released on November 2. According to information received by Helsinki Watch only three prisoners (Ion Grosu, Ovidiu-Damian Ion, and Nicolae Tintea), who are all charged with theft and possession of military weapons, remain in custody.

⁷ Breach of the peace and propriety (article 321, paragraph 2, Criminal Code); destruction and damage to public property (article 217, paragraph 2.4, related to article 231, paragraph 3 combined with article 3 from the law 88/1990); trespassing on public property (article 2, paragraph 2, from the law 88/1990); breach of the peace (article 239, paragraph 1.2, Criminal Code, combined with article 1, paragraph 1.2, from law 41/1990).

⁸ Under Romanian rules of trial procedure, not only defense attorneys, but also defendants have an opportunity to question all witnesses.

The second trial [File 2 (No.1448/1990)] contained 11 defendants. The defendants in File 2 were charged with some or all of the charges brought against those in File 1, and had all been arrested at the TV studios on June 13, 1990. Since there were fewer witnesses for the prosecution in this case, it proceeded faster than File 1, and on January 28 1991, just a few days before Romania was admitted as an observer to the Council of Europe, all of the defendants were acquitted or received suspended sentences. (See Appendix A)

None of the former detainees interviewed by Helsinki Watch had been given access to a lawyer for the first month of their detention and the majority had received their first visit from a lawyer only in late August or early September. Catalin-Anton Burcea had no contact with his state-assigned lawyer until October 5. Elena Necula, the only person Helsinki Watch interviewed who had not been brought to trial, was never provided with a lawyer during two months of detention. Several of those interviewed by Helsinki Watch complained that their state-assigned lawyer had been of little or no help. All of the detainees whose families could afford to, hired one or more lawyers privately who they hoped would be more conscientious.

Wider Effects of the Arrests

The Families

In a meeting on July 7 with Minister of the Interior Doru Ursu, a Helsinki Watch delegation expressed its concern that information on the identity of arrested individuals had not been made easily accessible to those still looking for family members. At that time Minister Ursu stated "There is no reason for the lists not to be public," and on July 14 the State Prosecutor's office published a full list of those who had been detained. Inquiries by relatives of those arrested, both at Magurele and at the Prosecutor's office, had proved fruitless until then, and many of those interviewed told Helsinki Watch that they had eventually been informed of the whereabouts of their relative by a non-governmental organization during mid- or late July.

- Nicholas Badila described how a guard at police headquarters No. 13 had collected the detainees' telephone numbers and informed their families of their arrest, but as a rule the authorities appear to have made no attempt to contact the relatives concerned.
- The family of Ion Guzumas, whose parents live some 400 miles from Bucharest in Iasi District, had no idea where their son was until late August.

Having discovered the whereabouts of the detainees, families were generally allowed to send two packages of food per month. Some of those interviewed reported that the best items, often bought at some expense from the better-stocked private shops, rarely reached the intended detainee. Furthermore, the theft of personal provisions was a problem where the detainees were held with large groups of ordinary prisoners, particularly at Jilava. Nevertheless, these stocks remained all-important, given the inadequacies of the prison diet. Most of those interviewed had been allowed a limited number of visits from family members while they were in detention; these were suspended if the prisoner was in ill-health or on a hunger strike.

Only the wife of Dumitru Tudor, who received anonymous death threats during the time of her husband's detention, described active harassment of a family member. However, several of the families of former detainees that Helsinki Watch talked to, including those of Ion Guzumas and Viorel Frijan, had received a number of visits from the police, in two cases ostensibly to search for weapons, although there was no evidence that the detainees had at any time possessed weapons or were suspected of having committed crimes involving weapons. Instead, the families viewed these visits as attempts to further intimidate them. These were a troublesome intrusion into the families' privacy, which in at least one case has continued into 1991.

Long-term Effects on the Former Detainees

No formal restrictions were placed on the former detainees' activities, but all of them were advised by the authorities on their release not to go to opposition demonstrations or political meetings. Several of those interviewed complained of continuing visits by uniformed police to their family homes and to their neighbors.

A number of those who spoke to Helsinki Watch had suffered from medical conditions before their arrests which were aggravated by the length and poor conditions of their detention. Catalin-Anton Burcea described the frequent fainting spells which resulted from his heart problem, and which eventually persuaded prison authorities to transfer him to Jilava hospital. Magdalena Popescu, who had a history of cancer (see above), suffered from a painfully swollen breast for a month after her arrest as a result of the beating she had received from police in University Square, and her release was eventually ordered by the Municipal court on October 1 for medical reasons.

The detainees who lost a great deal of weight continued to experience dizziness and fatigue for several weeks after their release. Those who undertook lengthy hunger strikes continue to have digestive problems. Nicolae Badila also suffers from long-term effects of the amoebic dysentery which he contracted while in detention, and which was never properly diagnosed or treated. Radu Stoenica told Helsinki Watch that he needed an operation on his nose, which was badly broken during the beating he received at the time of his arrest.

Perhaps of greatest concern to those interviewed by Helsinki Watch was their inability to find employment. Absence from the workplace for 60 days or more entitles a Romanian employer to annul an employee's contract, but in many of the reported cases those arrested had lost their jobs considerably before the 60 days had expired. Ion Guzumas, arrested on June 13, had been dismissed from his factory job on June 22. For those whose trials convened once or twice a week through mid-April 1991, finding a new job has proved extremely difficult. In two of the cases described to Helsinki Watch the situation has been further complicated by a lack of identity cards and papers which are still in the possession of the police.⁹ Helsinki Watch is concerned that the problems encountered by the former detainees in seeking new jobs may not only reflect the unemployment situation in Romania, but also discrimination against those branded with the stigma of involvement in the June Events.

The Parliamentary Commission Report

Background of the Commission

The parliamentary commission established by the provisional parliament (CPUN) on June 19 was comprised of 21 parliamentarians representing the political composition of the parliament. Given the divergence of political views within the commission, it was unable to agree on a common set of conclusions from the evidence collected. Instead, two essentially separate reports were presented to the Council of Europe, one reflecting the views of the National Salvation Front members and other parties (the majority report) and the other representing the views of the representatives from the opposition parties (the minority report).¹⁰

⁹ Of those interviewed by Helsinki Watch in February, only three were in paid employment: Corneliu Borcoman continued to work at the same firm of architects, Viorel Frijan had regained his job at a factory, and Ion Guzumas had been given a novice position at the factory where he had been employed for several years. Dumitru Tudor, formerly a senior member of an engineering company, tried to appeal against his dismissal but was simply fined 300 Lei for his trouble. He now works at the Group for Social Dialogue, the leading intellectual organization in Romania.

¹⁰ The majority report was endorsed by the 11 members of the National Salvation Front (the "Front"), as well as by the representatives of the Agrarian Democratic Party, the Romanian National Unity Party and the Polish minority's representative. The minority report was endorsed by three members of the Liberal Party, two members of the Democratic Union of Hungarians in

Over the course of the seven months in which the commission worked, several hundred witnesses testified, including the Prime Minister, the Minister of Defense and the former Minister of Internal Affairs. The commission visited the Jiu Valley mining region to conduct an investigation into the role played by the miners, although individual miners were not interviewed separately (see discussion below). The commission apparently experienced some difficulty in getting necessary information from government bodies. The opposition members of the commission indicated that the Minister of Internal Affairs, the Romanian Information Service (the reorganized secret service), and the Prosecutor General had not cooperated with the commission in providing requested information.¹¹

Western governments as well as numerous non-governmental and international organizations repeatedly demanded that the Romanian government explain the June events. Many countries made economic aid to Romania dependent on a full investigation of the events, and the Council of Europe made

Romania (UDMR), and one member each from the Peasant Party and the Ecologist Parliamentary Union.

¹¹ **This allegation was denied by all three bodies. See for example Radio Bucharest, January 15, 1991 (9 p.m.) and January 16, 1991 (9 p.m.), as reported in *Report on Eastern Europe*, February 22, 1991, p. 22.**

the commission's report a condition for consideration of Romania's application for observer status. After numerous delays, the preliminary conclusions were made public in mid-January, in time for the Council of Europe's debate on Romania's application. Romania was granted observer status on February 1.¹²

The Commission's Findings

The Political Opposition and University Square

A significant portion of the majority report is dedicated to a description of the marathon demonstration in University Square which was considered by both the majority and minority to have been a direct cause of the June events. Demonstrations in University Square started initially to express support for, among other things, an amendment to the Electoral Law to prevent former communist activists and officers of the Securitate from running as candidates for parliament or for president in the first three consecutive legislatures. (See *News From Helsinki Watch*, May 15, 1990 and *News From Helsinki Watch*, July, 1990.)

According to the majority, the University Square demonstration was organized by the political opposition in an effort to gain political advantage in the May 20 elections. The report states that "certain political parties found a political platform in University Square and supported the demonstration both morally and materially as long as their political interests were consistent with those of the demonstration." The specific support given to the demonstrators by various opposition groups and parties is set out in the report, which goes so far as to allege that demonstrators were paid to remain in the square. Implicit in the majority's discussion is the view that the opposition's demands were illegitimate and ultimately led to the violence on June 13.¹³

During an interview with Deputy Nicolae Radu, a member of the National Salvation Front ("NSF" or "Front") and president of the commission, a Helsinki Watch representative asked if the commission considered any of these activities to be criminal in nature. Mr. Radu stated that "the commission did not make any value judgment about the activities of those who supported the square. Only the parliament has the right to do that. The parliamentary commission was only a reporting body ... " Nevertheless, the majority's description of the events in University Square appears to be an attempt to place blame on opposition groups and parties.

By contrast, the minority characterized the demonstration as growing out of a "dissatisfaction with the political evolution in Romania after the revolution" and stated:

Based on its research, the commission concluded that the demonstration had an exclusively anticommunist, antitotalitarian and peaceful character, and at no moment had an extreme rightwing character.

The demonstration in no way represented a danger for the security of the state, for public order and a state of law, but it did provoke difficulties in traffic in the center of the capital and it disturbed the peace of some residents in the area.

Both the majority and minority agree that the atmosphere in University Square took a decisive turn for the

¹² The Council of Europe made Romania's observer status subject to periodic review. Radio Free Europe reported that "there was an awareness among the members that 'Romania was not up to the Council's mark when it came to democratic reform and the implementation of human rights.'" *Soviet/East European Report*, Vol. VIII, No. 21 (February 22, 1991)

¹³ Front Deputy Sorin Butnaru, who signed the majority report, disagreed with this point, stating that the violence which erupted on June 13 was the result of certain extremist forces and could not be attributed to the political opposition.

worse after the May 20 election. It was at this time that certain groups that had previously been active in the demonstrations, such as the League for Students, withdrew from the square. Those remaining appear to have been more aggressive in their demands, and were to some extent composed of criminal elements. The majority points to a series of post-election activities which would appear to be clearly criminal in nature as justification for the ultimate decision to clear the square. For example, the majority claims that large quantities of weapons and "substances that could be used as drugs" were found when University Square was cleared. When pressed, Mr. Radu admitted that the large majority of substances found in the square were, in fact, vitamins or medicines "which when combined with alcohol could have the effect of a drug," but claimed that traces of illegal drugs were also found. No one has been charged with drug-related crimes and, to Helsinki Watch's knowledge, only one individual has been charged with possession of a weapon.¹⁴

Furthermore, the report describes a meeting that took place on May 21 among various leaders of organizations which had participated in the demonstration. According to the majority, some of the leaders at this meeting agreed to use force to overthrow the government and began to prepare for the attack by acquiring knives, clubs, and metal sticks from the Secretary of the Peasant Party from Brasov, Doru Ardealean. This plan was never implemented.

Helsinki Watch cannot determine the extent to which illegal activities occurred during the demonstration. However, it is remarkable that few have been prosecuted for crimes that were committed during those days. Instead, as discussed above, trials have been conducted primarily against those who occasionally participated in demonstrations in University Square, but against whom there is highly questionable evidence of any criminal conduct. This would tend to suggest that the legitimate judicial process in Romania has been subordinated to a political goal, that of intimidating and undermining the opposition.

The majority presents thinly veiled allegations of criminal activity by members of opposition political parties and independent groups.¹⁵ Unfortunately, without the verbatim testimony of those interviewed by the commission, it is difficult to make an independent assessment of the basis for such accusations. However, the fact that no one has been prosecuted for these alleged crimes makes the allegations questionable.

The majority report implies that the subsequent police and army conduct, as well as the violent attacks by miners, were somehow justified by the illegal activities occurring in University Square. However, criminal conduct on the part of individuals cannot be a justification for the excessive force used by the police and the failure of the police and army to protect Romanian citizens and institutions from vigilante mobs. If there is in fact evidence that crimes (such as possession of narcotics or conspiracy) were committed, a criminal investigation is the proper response in a state governed by the rule of law.

The Role of the Police and the Army on June 13

As reported by Helsinki Watch in the July report, the Romanian police used excessive force to clear the demonstrators from University Square during the morning of June 13. According to testimony from victims and eye witnesses, police beat and kicked demonstrators who were in the square, as well as by-standers who tried to intervene on the demonstrators' behalf. Both the majority and minority reports acknowledge that excessive force was used. Mr. Radu stated that "there were cases where individuals did not resist arrest, or where the resistance had already

¹⁴ Helsinki Watch has also received information that three individuals have been charged with theft and possession of military weapons on June 13.

¹⁵ Not all of the majority supported these allegations. Deputies Sorin Botnaru, Anton Linzmaier, Nicolae Radu, George Stancov and Ion Solcanu expressed the view that there was "no evidence that the historic political parties were involved in the organization of the acts of violence."

ceased, but they were nevertheless beaten by the police. The majority of police behaved better, but there were also reproachable cases."

The minority report reveals that over 1,500 police and soldiers participated in the clearing of University Square and arrested 263 individuals. The minority points out that:

The demonstrators and their defenders were immobilized by at least two policemen each who transported them to vans standing ready in the vicinity. From statements and video film it appears that those in custody - men and women - even with their hands behind their back, were injured repeatedly with violence by the police and their civilian agents.

The majority report also identifies inadequacies in the police plan to clear the square; Mr. Radu elaborated:

There was a lack of professionalism on the part of the police. It should have been clearly spelled out (to the police) what the legal and illegal means of clearing the square were. It should have been clearly stated that brutality was not to be used. The plan should have been very specific.

According to the minority, the violence with which the police plan was implemented during the early morning of June 13 sparked the later violence, and responsibility for the events rests with the Minister of Internal Affairs and his senior advisors, as well as with Prime Minister Petre Roman, who has ultimate oversight responsibility for the ministries.

During the afternoon of June 13, after University Square had been cleared and surrounded by police, several hundred demonstrators attempted to force their way back into the square. Within minutes of their initial attempt the police withdrew, running toward the National Theater, and the square was reoccupied by the demonstrators. When questioned by Helsinki Watch, Mr. Radu stated:

We established that the police withdrew at one specific moment. We didn't interpret this phenomenon. We don't know who gave the order to withdraw, but it is logical that there was an order to withdraw. It couldn't have been otherwise. It is serious and will be looked into.

Helsinki Watch notes that, thus far, there is no indication that the role of the police has been thoroughly investigated.

There has been a great deal of controversy about whether the violent demonstrators were in fact individuals associated with activities in University Square or, as many in the opposition believe, *agents provocateurs* whose goal was the reestablishment of a totalitarian government that would require an all-powerful military and secret police. The National Peasant Party newspaper *Dreptatea* reproduced the transcript of a conversation between then-Minister of Internal Affairs Chitac and then-Chief of Police Diamandescu that took place during the afternoon of June 13. The opposition points to this conversation as evidence that police were actually setting fire to police vans and buses in the square with the knowledge of the Minister of Internal Affairs and Chief of Police. Mr. Radu of the parliamentary commission describes such a conclusion as "absurd." However, the minority members of the commission claim that documentary film of the events reveals that the first police vans were set on fire before the demonstrators broke the police barricade; in other words, while the vans were still in the possession of the police.

The Role of the Romanian Government

One inescapable conclusion from the commission's report is that the Romanian government, including President Iliescu, must accept responsibility for the violence and inhumane treatment committed by the miners. Iliescu and Roman, as well as other members of the government, have repeatedly denied any involvement in organizing the extralegal forces that ultimately arrived in Bucharest. However, the majority report presents unrefuted

evidence that the use of extralegal force was considered by the government prior to the actual events and that neither Iliescu nor Roman opposed such force. Furthermore, as discussed below, neither Iliescu nor Roman made any attempt to dissuade the miners from their mission. Quite the contrary, Iliescu repeatedly encouraged the miners and, in his farewell thank you speech, left open the possibility that the miners would be called in the future.

At a governmental meeting on June 12, after a decision had been made the previous day to clear the square, President-elect Iliescu, Prime Minister Roman, the Director of the Secret Service, and the Ministers of the Interior and Defense, as well as other government officials, discussed plans to clear the square. According to testimony presented to the commission, then-Minister of Internal Affairs Chitac stated that in order to boost the morale of his troops it would be necessary to have the support of the population of Bucharest. Chitac requested that then-Vice President of the National Salvation Front, N. S. Dumitru, mobilize groups of citizens. The majority report does not identify anyone at that meeting as having opposed such efforts.

The proposal was rejected by other members of the Front at a later meeting, but because of the insistence of Minister Chitac, numerous efforts were made by the Mayor of Bucharest and other sector leaders of the capital to mobilize groups of citizens. These efforts proved unsuccessful.

As discussed above, during the afternoon of June 13, the demonstration became increasingly violent. Iliescu apparently viewed these activities as an effort to overthrow the government and felt it necessary to call for support. At 5.40 p.m., Iliescu made his first appeal to the population:

We address all citizens of the Capital, in the name of the democracy gained through free elections, to decisively reject all irresponsible acts of violence and to support order-keeping forces in reestablishing law and order. We call on all conscientious and responsible forces to gather in front of the government buildings and the television station in order to put an end to violent attempts by extremist forces, to gather and to defend democracy which was achieved at such a cost.¹⁶

Because many have questioned the legality of Iliescu's appeal, the commission requested an advisory opinion from the Institute of Juridical Research of the Romanian Academy. The Institute's opinion was quoted in part in the majority's report, stating:

The Romanian President-elect's assessment of the grave danger to which the legal order is subjected and his appeal, addressed to the masses of citizens who are concerned about the stability of democratic laws in society and in the consolidation of the legal order, to intervene and by any means to resist the aggressors, cannot be contested.

What is more, this type of intervention appears even necessary, making it possible to find an efficient way to get out of the crisis which has been created. Masses of citizens frightened for the fate of Romanian democracy presented a means of reestablishing law (and order), namely by going out into the street and opposing the aggressors by defending the legal order.

Helsinki Watch asked Mr. Radu if he believed that the situation in Bucharest on June 13 was, in fact, a state of necessity (*stare de necesitate*). Mr. Radu stated:

At that point no part of the forces of order were responding to the situation. What were we to do. Of course it was necessary. Nowhere in the world is it legal for forces other than the forces of order to be called in. But it

¹⁶ As noted in the minority report, appeals were made, not only by Iliescu, but also by the Romanian government, the leadership of the National Salvation Front at the local level, the leadership of the county Provisional Councils of National Unity, and by the leaders of certain trade unions and factories.

was not a normal situation.

Mr. Radu went on to say:

The only legal provision for a state of necessity (*stare de necessitate*) was provided for in the Romanian Constitution which had been suspended after the revolution. There were no laws spelling out when force could be used and to what extent. We didn't even have a President, only a President-elect.

Thus, the majority attempts to justify Iliescu's appeal to extralegal forces by emphasizing that there was a state of emergency in existence at the time. It also appears to consider the miners' rampage a regrettable but understandable response to the events. As an initial point, the minority correctly points out that a state of emergency must be officially declared and the Secretary General of the United Nations must be informed immediately of such a step pursuant to Article 4 of the International Covenant on Civil and Political Rights. That article provides that:

1. In time of *public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation . . .* [Emphasis added]

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

The so-called state of emergency was never announced by the Romanian government, nor was the United Nations notified.

The concept of proportionality as set out in Article 4(1) is central to an analysis of a state's ability to derogate. Any measures taken to deal with a crisis must be in proportion to the actual requirements of the situation. Under no circumstance could the events on June 13 be characterized as threatening the life of the nation. The number of individuals actively carrying out acts of violence against government buildings was relatively small, and in any case smaller than the number of police and soldiers organized to reestablish order. The minority points out that the government made a mistake by calling on extralegal forces instead of attempting to regroup the police and army at an earlier phase of the disturbances. The police and army were successful at reestablishing order in Bucharest during the night of June 13. There was no unrest or disorder in the capital when the miners arrived the next morning.

Furthermore, even during a state of emergency derogation from Article 6 of the ICCPR is impermissible. Article 7 provides that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This Article was repeatedly violated during the June events.

Unquestionably the Romanian government must accept responsibility for the June events. While they may not have anticipated the viciousness with which the miners would carry out their mission, they had reason to know that such violence was a possibility (the miners had already become violent during two separate visits to Bucharest during 1991, on January 29 and again on February 19, 1990). The government behaved recklessly and with total disregard for the potential consequences of its actions. In fact, it does not appear that the highest level of the Romanian leadership had doubts about the use of these "citizens groups" until it was made aware of the international outcry and the economic consequences thereof. For example, Iliescu not only appealed to the population on the evening of June 13, but also greeted the arriving miners on June 14:

Dear Miners! I address you on this day and thank you for the response of workers' solidarity which you have now given to our call.

Iliescu continued in his speech, directing groups of miners to recover University Square, telling the miners

that they were dealing with "right-wing fascists" and organized groups "many of whom are drugged." Iliescu's description of those who had been in University Square was grossly inaccurate. Nevertheless, miners conducted numerous searches of homes and persons in an effort to locate fascists and drugs.

What is more, the government continued to support the miners, both morally and materially, throughout their stay in Bucharest. As mentioned above, Iliescu not only welcomed the miners in the morning of June 14 in Victory Square, but he also thanked them profusely before their departure on June 15, stating "we know that we have your unequalled support and when it will be necessary we will call." However, many of the miners did not leave Bucharest immediately as was reported. The minority report reveals that 958 miners were housed in military barracks from June 14 to 17. They were provided with food, clothes, and personal toiletries.¹⁷

The Events of June 14 and 15

The parliamentary report makes it clear that the miners' arrival in Bucharest was not simply a spontaneous response of civic minded citizens. Even the majority is forced to admit that the miners' journey to Bucharest was at least "partly planned." What is more, the majority and minority present a substantial amount of evidence indicating that intensive preparation was carried out at the local level. The Front-dominated trade unions, Front leadership in counties and villages, the directors of factories and local representatives of the Provisional Council for National Unity (the provisional parliament), all actively organized transportation for the miners.

There is evidence, moreover, that the miners' transportation was not solely a local effort. The minority report reveals that in the town of Galati, local Front officials ran into difficulties organizing trains and telephoned the Prime Minister's office to request assistance. Reportedly, Secretary of State Adrian Sirbu, assistant to the Prime Minister, called the Minister of Transportation and ordered special trains to go to Bucharest in violation of numerous transportation law and regulations of the national railway.

The size of the project, the number of miners and other workers who were transported long distances in a relatively short period of time, and the enormous cost of that transportation, tends to dispel claims that the action was wholly spontaneous. The Romanian government has insisted that the miners spontaneously decided to go to Bucharest and that their decision was unrelated to Iliescu's appeal. The majority report states that the largest group of miners travelled to Bucharest from the Jiu Valley and that they began to gather in front of the city hall in the town of Petrosani shortly before 6 p.m. However, according to the majority's own report, Iliescu made his first appeal at 5.40 p.m.

The majority goes out of its way to point out that not only miners but citizens from all walks of life arrived in Bucharest to support the government. The report states:

The diverse areas from which numerous groups of citizens arrived in the capital, the diversity of the socio-professional groups to which they belonged and the diversity of the political philosophy of members of certain local Provisional Councils of National Unity (representatives of the Front, Peasant's Party, Liberal Party etc.) who signed travel authorization, eloquently expresses the unanimous concern about the fate of the democratic structure of the state . . . and illustrates how rapidly a spontaneous reaction of the population can take on an organized form.

Such a statement reveals a misunderstanding of the nature of the concern expressed by organizations such as Helsinki Watch at the conduct of the miners in Bucharest. It is irrelevant whether the vigilante mobs that attacked innocent citizens and terrorized Bucharest were composed only of miners or of a representative sample of the

¹⁷ See also the interview with Minister of Defense Victor Stanculescu reported in FBIS-EEU-90-243 (December 18, 1990). Minister Stanculescu admits that miners were housed in military units. He sets the exact number at 948.

Romanian population. What is important is that extra-legal forces were used, instead of the police and army who have the responsibility to maintain order. Furthermore, these extra-legal forces used brutality which could not be justified under any circumstances.

There is little disagreement between the majority and minority reports about what took place once the miners arrived in Bucharest. Both reported that miners went on a rampage throughout Bucharest, terrorizing opposition groups and papers, attacking party headquarters and members, attacking Gypsies and committing random acts of violence against innocent citizens. The majority and minority agree that the police and army were responsible for taking innocent people into custody during June 14 and 15.

The Government's Response

Minister of Internal Affairs Chitac and the Chief of Police Diamandescu were ultimately dismissed from their positions because of the role they apparently played during the June events. To the knowledge of Helsinki Watch, no other officers or soldiers were forced to resign or was dismissed as a result of their actions. There have been some positive changes in response to international protests at the conduct of the police and army. The Romanian government has organized training for order-keeping forces in riot management and in international human rights standards. Helsinki Watch welcomes these steps. However, Helsinki Watch urges the Romanian government to send a clear message to the police and army that such behavior will not be tolerated by investigating and prosecuting those involved in misconduct during the June events.

Changes in the Criminal Procedure Code

The June events underscored the need for significant changes in the Romanian Code of Criminal Procedure, inherited from the Ceausescu era. On November 17, 1990, the Romanian Parliament passed amendments to the Code of Criminal Procedure that provide greater protection for rights of suspects during a criminal investigation, as well as guarantees for a fair trial. Article 6, for example, guarantees the right to access to an attorney throughout the criminal investigation, and requires the competent judicial body to inform the accused of the nature of the charges against him or her and to ensure the time and means for preparing a defense. The competent judicial authorities are also required to inform a suspect of his or her right to have the assistance of a lawyer, before any statement is taken.

However, Article 172 allows the prosecutor, under exceptional circumstances, to deny the defendant access to his or her attorney, on one single occasion, for no more than five days. It is unclear, however, what circumstances would be considered "exceptional." This provision appears to be a serious and unwarranted restriction on the attorney-client relationship.

Under the new procedure, an individual can be detained by police for 24 hours without an arrest warrant. Issuance of an arrest warrant allows the suspect to be detained for an additional five days without being charged. In other words, within six days of the initial detention a suspect must be charged or released. According to Renate Gavrilas-Weber, a lawyer in Bucharest, the suspect, if charged, can be detained under Article 155 for a total of 30 days by the prosecutor, who can order one possible 30-day extension. Any additional extensions of the arrest warrant (each extension is for 30 days) must be approved by a court.

Article 140 provides that a detainee can challenge an order for preventive detention. A detainee must be brought before a court within 24 hours of making the complaint, and the court must make its decision within 24 hours of hearing the case. This article can only provide adequate protection if a detainee is informed of his or her right at the time of arrest, whether or not he or she is assisted by an attorney. Article 140 does not appear to require that a detainee be informed of this right.

Article 136 provides a new and important improvement to the Code of Criminal Procedure, in that it requires

the authorities to inform a detainee's family of his or her whereabouts within 24 hours of the arrest. These amendments also include for the first time a right to be released on bail or under "judicial supervision," and provide the right to receive compensation for unlawful detention.

Failure to Investigate the Events of June 14-15

The Role of the Prosecutor's Office

The minority report describes the damage caused by the miners and other citizens to the headquarters of various parties, to the homes of well-known opposition figures, and to those who were attacked on the streets of Bucharest. Repeatedly, the minority points out that no one has been investigated or prosecuted for these crimes.¹⁸

As mentioned earlier, the Minister of Internal Affairs, the Director of the Romanian Information Service and the Prosecutor General were singled out by the minority as having failed to cooperate with the Parliamentary Commission in its investigation. The commission repeatedly called on these governmental bodies to present information about the progress of their investigations, especially regarding the identities of those who instigated, directed and carried out the violence on June 14-15. These efforts were without success.

¹⁸ At the time the Commission's report was issued, the minority reported that only four people had been prosecuted for thefts that occurred on June 14 and 15.

The minority reported that the Romanian Information Service had provided a great deal of information about those involved in the violence on June 13, but the same type of information was totally unavailable June 14 and 15. The minority report goes on to state:

At the time the [commission's] report was finalized, the Prosecutor General had not carried out its duty to supervise a criminal investigation of the illegal acts of June 14 and 15 ... We mention that over 50 criminal complaints were addressed to the body responsible for criminal investigations on behalf of persons physically attacked, for injuries and other violence, and approximately 27 criminal complaints from juridical persons whose headquarters were devastated and whose belongings were stolen during those days.

Similarly, although Prime Minister Roman has acknowledged that former members of the Securitate might have been agents provocateurs during the June events, and testified before the commission that these former securitate members had tried to provoke violence in order to regain their former positions, no effort has been made to investigate or prosecute former securitate members.¹⁹

Conclusions

Helsinki Watch commends the Romanian government on the release of detainees, amendments to the code of criminal procedure, and replacement of the Minister of Internal Affairs and the Chief of Police. However, months after the events there appears to have been no serious effort to investigate the crimes committed on June 14-15. The Prosecutor's Office has claimed that it is difficult to identify those involved in the June 14-15 events and that it cannot prosecute individuals without sufficient evidence of guilt. If sincere, this position reflects a commendable concern with due process and the rights of suspects. However, Helsinki Watch points out that the rights of those associated with the events of June 13 were not so conscientiously protected.

The purpose of the parliamentary commission's investigation was to provide the Romanian Parliament with a factual basis upon which it could determine the measures necessary to avoid a recurrence of the June events. Helsinki Watch believes the first and most important step is to determine precisely which individuals and which groups were behind the violence and to hold them responsible for their conduct. Helsinki Watch considers that the strongest deterrence is the knowledge that such conduct will not go unpunished. Furthermore, Helsinki Watch urges the Romanian government to publicly reject the use of extra-legal forces under all circumstances so that Romanian citizens will not live in fear of a recurrence of the June events.

¹⁹ See Report on Eastern Europe, (February 22, 1991), p. 24.

Recommendations

Helsinki Watch recommends that the Romanian government:

- **Guarantee humane treatment of future detainees in compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners.**
- **Provide all victims of unlawful arrest and detention with rehabilitation, including assistance in finding employment where employment was lost due to the illegal detention.**
- **Provide all victims of unlawful arrest or detention with an enforceable right to compensation.**
- **Guarantee that provisions of the Code of Romanian Criminal Procedure regarding arrest and detention be respected in full and that a complete investigation be conducted into the violations of both Romanian and international law during the June events.**
- **Conduct an investigation into the role played by police, army and former Securitate officers during the June events; prosecute all those responsible for violations of law.**

Appendix

**File 1217/1990 (File 1)
Sentences given April 15, 1991**

Acquitted:

**Victor Cojocaru
Maraicica Constantin
Paul Constantin Cimpoieru
Liliana Dimitriu
Viorel Frijan
Ion Scordaliu
Gheorghe Ionescu
Maria Nutu
Robert Popescu (aged 14)
Gheorghe Robescu
Radu Stoenica**

Convicted of Trespassing on Public Property, given one year suspended sentence and three years probation:

**Nicolai Badila
Corneliu Borcoman
Dumitru Dinca
Ion Guzumas
Teodor Maries
Andrei Pascutoiu
Rene Stanescu (obliged to undergo psychiatric treatment)
Tivilic Marian Morosanu
Dumitru Tudor
Ciprian Gerosanu**

Convicted of Breach of the Peace, given one year suspended sentence:

Mihai Cernescu (obliged to undergo psychiatric treatment)

Acquitted, but cases to go to the prosecutor's office, which will order them to attend school or to find employment:

**Angelica Gheorghe (aged 16)
Valentin Mandache (aged 17)**

Convicted of Breach of the Peace and of Trespassing on Public Property, given two year sentence of "mandatory work" (allowed to live at home, but required to remain in employment and to give 30 or 40 percent of their salary to the state):

**Valeriu Cliserescu
Jean Caracostea
Magdalena Popescu**

Convicted of Breach of the Peace and Propriety, of Trespassing on Public Property, and of Breach of the Peace. Given a sentence of two years and eight months of "mandatory work" (see above).

Paul Iorganda

**Convicted of Breach of the Peace and Propriety, of Destruction and Damage of Public Property, of Trespassing in a Public Institution, and of Breach of the Peace. On probation at the time of the June arrest, therefore sentenced to three years, one month and 24 days imprisonment:
Anghel Ichim**

All those arrested at the television studios were ordered to pay a 614 Lei fine for damage to the buildings.

File 1448/1990 (File 2)

Sentences given January 28, 1991

Acquitted:

**Ion Dan Almasan
Constantin Broasca
Marian Dobre
Mihai Mistreanu
Dumitru Lambriu
Florian Toma**

Sentenced to Six Months Imprisonment (suspended):

**Gheorghe Marin
Tamara Mustata
Gheorghe Lungu
Costel Nicu
Stelica Radulescu**

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