

PRISON CONDITIONS IN ROMANIA

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June 1992

A Helsinki Watch Report

A Division of Human Rights Watch

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INTRODUCTION

Conditions in Romanian prisons reflect the social and economic tensions that have been a routine part of life in the country since the 1989 revolution. While the December 1989 revolution set off a wave of reform efforts in Romania and spawned an increased awareness of individual rights and international human rights standards, many of the prison personnel remain the same and the laws regulating prison life are largely unchanged. Prison staff have also had to deal with a host of new problems, the most serious of which was the occurrence of violent riots and revolts in 1991. Economic instability in Romania has also affected the availability of, among other things, material goods for prison maintenance and repair, prisoner clothing and prisoners' employment opportunities.

Physical conditions in Romania's prisons reflect decades of neglect, as well as the disastrous economic conditions that currently exist throughout the country. Prisons are old and in disrepair. Mattresses, blankets and prisoners' uniforms are ragged and often dirty. Toilets and showers are primitive, though usually functional. There is only minimal artificial light due to the shortage of light bulbs. Heat is completely inadequate.

The prisons are overcrowded, making it difficult to separate different categories of prisoners, or to provide each prisoner with his or her own bed. Stuffy and cramped cells, as well as the long hours inmates must spend in their cells, contribute to tensions and violence among inmates.

The most troubling aspects of the prison system, however, have little or nothing to do with the economic situation in the country and are not dependent upon financial resources for improvement. The continuing use of methods of restraint such as handcuffs and leg irons for very long periods of time solely as a form of punishment is in violation of international standards for the treatment of prisoners and should be ended immediately. The practice of prisoners standing from 5 a.m. to 10 p.m. for 10-20 days, while in isolation is a form of corporal punishment. This practice should be ended without delay.

The frequent use of isolation cells as a means of punishment for relatively minor breaches of the internal prison rules was disturbing. Furthermore, the practice of shaving inmates' heads and the requirement that inmates stand with their face to the wall in the presence of visitors are two examples of inhumane and degrading treatment that is in blatant violation of international standards.

Helsinki Watch was also troubled by the "cell boss" system whereby certain inmates are selected by prison officials to maintain order in the cells and to inform on other inmates. These cell bosses reportedly coerce inmates to provide them with a variety of goods such as extra food or cigarettes. Because of their special status with the prison guards, any abuses they may commit appear to be overlooked by prison officials. Interviews with prison inmates confirmed this. Helsinki Watch considers such systems inherently abusive.

One of the legacies of the Ceaușescu prison system is the lack of oversight or recourse concerning the treatment of prisoners. Contact with outsiders is limited and closely monitored by prison officials.

Lawyers play little or no role once a defendant is convicted. All communications are monitored, making it difficult for an inmate to make a confidential complaint to authorities outside the prison. Although international human rights organizations such as Helsinki Watch have been given access to the prisons, marking a significant change from practice prior to the revolution, it remains for Romanian human rights organizations, judges and lawyers to take an active role in monitoring the treatment of prisoners on a sustained basis.¹

There is no tradition of the rule of law in Romania, and it is difficult to overemphasize the effect that this has on prison life. The enormous gap between practice and the theory of how prisons should function in Romania, even under the Ceaușescu-era law, which is still in operation, makes a discussion of laws, regulations or new legislative initiatives seem like a meaningless exercise. Local prison officials frequently refuse or fail to implement changes in prison regulations, government officials often do not investigate or prosecute prison directors who do not abide by the law, and one gets a distinct sense that the Ministry of Justice may not control the prison personnel at all. Jurisdiction over prison personnel was only recently transferred from the Ministry of Interior and personnel retain their military status.

Nevertheless, there has been some progress over the last two years. And there appears to be a sincere desire on the part of the Ministry of Justice and the Directorate of Prisons to "modernize and humanize" the prison system. There are many individuals with good intentions within the prison system. Progress will depend to a great extent on their ability to control developments and assert their will.

In many countries, the most serious abuses during detention usually occur in police lock-ups. Helsinki Watch has received numerous, credible reports of abuse and physical mistreatment of detainees by the police, but although Helsinki Watch's request to visit police lock-ups, was approved by the Ministry of Interior, efforts to visit the lock-ups were subsequently obstructed by Ministry of Interior personnel. As this report went to press, Helsinki Watch again received permission to visit police lock-ups and hopes to make such a series of visits in the near future.

¹ **The Independent Society for Human Rights in Romania (SIRDO) signed an agreement with the Directorate of Prisons in October 1991 to provide information on human rights to prisoners and weekly training seminars on human rights for prison personnel. Representatives from SIRDO also reported that they are in regular contact with government officials regarding specific cases of abuse in detention and are currently pressuring government officials to prosecute prison and/or police officials for abusive treatment of inmates.**

* * *

It should be noted that Helsinki Watch representatives conducted interviews under difficult circumstances. Although Helsinki Watch had informed the Ministry of Justice and the Directorate of Prisons that we wanted to conduct private interviews with inmates, many of the inmates indicated that they were afraid to volunteer. Helsinki Watch tried a number of different techniques such as randomly asking prisoners if they would be willing to talk to Helsinki Watch representatives. Many of those who volunteered reported that they had been warned by prison officials not to say anything bad about the prison. Others reported that they were told that we had changed our minds and were not interested in talking to them. Some of the prisoners who volunteered expressed fear that they would be punished for talking to Helsinki Watch delegates.²

² Helsinki Watch expressed concern about inmates' fears of reprisal during meetings with the Directorate of Prisons and the Ministry of Justice. Helsinki Watch also informed Romanian human rights organizations of its concern about possible reprisals against inmates.

THE SYSTEM

The Romanian prison system consists of 31 prisons, one hospital and two reeducation schools for juvenile offenders.³ There is one women's prison. Seventy-five percent of the prisons are between 75 and 200 years old and a large majority of the other facilities were originally intended for other purposes.

As of March 1, 1992, there was space for a total of 29,400 inmates in the Romanian prison system.⁴ However, there were approximately 41,300 inmates in these institutions, including both those convicted and those awaiting trial.⁵ Those awaiting trial or awaiting an appeal made up approximately 36 per cent of the prison population.

Under Ceaușescu, the prison population experienced wide fluctuations and the prisons were severely neglected. Ceaușescu took the position that a socialist society had no need for prisons and that prisons should gradually disappear. At the same time, however, everything from talking to a foreigner to not registering one's typewriter, from using a high voltage light bulb to various political activities were illegal, making it inevitable that many crimes were committed during the course of a year. During celebrations or visits by foreign dignitaries, Ceaușescu regularly ordered the arrest and detention of large groups of Romanians who were considered politically unreliable or perhaps mentally unstable. In 1977, at its peak, the prison population in Romania reached about 65,000, according to a representative of the Directorate of Prisons.

Ceaușescu also regularly granted amnesties to large numbers of prisoners on his birthday. Therefore, the prison population fluctuated dramatically throughout the year. On December 22, 1989, the prison population in Romania was 36,450, slightly lower than today.

The kind of people imprisoned has changed over the past two years. Prison directors point out that before the 1989 revolution many people were given prison sentences for acts that are no longer criminal, such as getting or giving an abortion. Since the revolution, the crime rate in Romania has grown tremendously and an increasing proportion of those crimes have

been violent. What is more, there is every reason to expect that the prison population in Romania will

³ Helsinki Watch visited the following institutions: Jilava Hospital, Poarta Albă, Mărgineni, Tîrgșori, Tîrgu Mureș, Gherla, Aiud, Arad and Găești (Reeducation School for juveniles). Helsinki Watch selected these institutions after consulting Romanian human rights organizations and lawyers. The Ministry of Justice approved the request of Helsinki Watch in full.

⁴ On March 1, 1992, a new reeducation school for juveniles was opened in Tichilești, adding 1,000 spaces to the prison system.

⁵ As of December 31, 1990 there were 26,010 persons in prisons and reeducation schools, of whom 13,234 had received a final conviction; 3,753 were convicted and awaiting appeal; 8,291 were awaiting trial; and 732 had been convicted of disturbing the peace and other infractions (contravenții) that carry a prison sentence, but no prison record. (Source: Colonel Ioan Chiș, "Starea penitenciarelor românești în anul 1990," *Revista De Știință Penitenciară*, Nr. 1(5) 1991, p. 4.) The same figures for 1991 are: 9,348 inmates awaiting trial, 5,334 inmates awaiting an appeal, and 26,618 inmates with a final sentence.

continue to grow and that pressures on the prison system will become more acute.

Until the revolution of December 1989, Romanian prisons were under the jurisdiction of the Ministry of Interior. On January 15, 1991, however, responsibility for all prisons was transferred from the Ministry of Interior to the Ministry of Justice.

The Directorate of Prisons is the institution directly responsible for administering the prisons. Although now under the jurisdiction of the Ministry of Justice, the personnel of the Directorate have maintained their military rank and uniforms.

The law that currently sets the legal framework for administration of the prisons is Law No. 23/1969, which dates from the Ceaușescu era. The harshest provisions of Law No. 23 have been modified by verbal orders from the Directorate of Prisons and the Ministry of Justice. Colonel Ioan Chiș, Director of the Directorate of Romanian Prisons, reported that:

Many orders have been given not to contravene [Law 23] but to expand it and humanize it. For example, there is an order no longer to shave prisoners' heads. Furloughs may be authorized now. Prisoners have the right to have additional foods and cigarettes, including foreign brands, and are now allowed to receive an additional five kilograms of fruits and vegetables from their families [per month]. Furthermore, leg chains and handcuffs are prohibited as a form of punishment.

However, many guards and prison directors interviewed by Helsinki Watch claimed to be unaware of the new orders or had chosen not to follow them. Some expressed uncertainty about the validity of verbal orders and were awaiting a new law on prisons. That law has been drafted and is expected to be debated in the parliament sometime later this year (see The Draft Prison Code).

In theory, detainees are held in police lock-ups until they are charged or released. After they are charged with a crime, it is not uncommon for them to be held for weeks or even months in police lock-ups while the prosecutor's office conducts the criminal investigation. When the investigation is complete, detainees are typically dispersed to prisons to await trial; there they are held separately from convicted prisoners. There are no separate pre-trial detention centers. Although there are apparently no accurate statistics on the average length of pre-trial detention, most prisoners interviewed by Helsinki Watch reported that six to eight months was common.

After a detainee has been convicted and sentenced, he or she is assigned to a prison based, in part, on the length of the sentence (under 10 years or over 10 years), and in part on a geographical basis. Most prisons are organized along county (județ) lines, and an effort is made to place prisoners close to their places of residence. However, not every county has a prison and many prisoners are ultimately placed very far from their homes.

THE SELF-FINANCING SYSTEM

Law 23 requires that all prisons in the country be self-supporting or self-financing (auto-

finanțiare). Under the self-financing system, all expenses of the prison other than equipment and structural repairs must be covered by income from the work of the prisoners. In theory, this system is still in effect.

Before 1989, prison directors often chose not to make repairs, purchase necessary medicine, clothes or equipment in order to stay within their budgets and to avoid needing assistance from the Directorate of Prisons. There was extreme pressure on prison directors not to upgrade facilities. As a result, prison facilities deteriorated and prisoners were not provided with basic necessities.

With the recent efforts at economic reform, food prices in Romania have soared and growing numbers of unemployed are willing to take jobs that had previously been reserved for prisoners. Each prison has a farm and livestock that must provide enough to feed the prisoners. Deputy Minister of Justice Adrian Duță told Helsinki Watch that "it would be impossible to adequately feed prisoners without these farms. Although we currently have a budget of nine lei a day for food, it costs approximately 100 lei."⁶

The self-financing system no longer applies in practice. It has become necessary for the Directorate to supplement prison produce with various foodstuffs such as sugar and oil. In addition, prisons receive funds for maintenance and repair from the Directorate.

⁶ Any attempt to convert lei into dollars is virtually meaningless given the comparatively low cost of goods and yet the high rate of inflation. The official exchange rate is currently 180 lei to the dollar. However, a year ago the rate was approximately 60 lei/\$1, and two years ago, 23 lei/\$1. In general, prices and budgets appear misleadingly low when converted into dollars.

THE PHYSICAL ENVIRONMENT

The Helsinki Watch delegation was expected at each prison. It is, therefore, difficult to know the extent to which the prison grounds and facilities had been cleaned up for the visits. Some prisoners reported to the delegates that special efforts had, in fact, been made. One prisoner at Poarta Albă claimed that special chemicals had been used in the toilets to improve the smell. In many of the prisons, painters were painting or had just finished painting the facilities when the delegation arrived. The delegation was unable to determine the extent to which this was normal upkeep or a consequence of the visit.

The prisons visited by the delegation were quite old and the facilities were in many respects primitive. Several of the facilities were constructed over 100-150 years ago. Although the prisons were generally clean and the grounds well kept, a great deal could be done to improve the facilities and make them more humane.

CELL CONDITIONS

Prison construction varied from one-story cell blocks with large windows, to multi-level prisons with a labyrinth of cells, many of which had very tiny windows. Cell capacity ranged from two (isolation cells) to up to 60. Cell size also varied from 23.5 x 23 to 13 x 14.⁷ Isolation cells were approximately 12 x 8.

Prisons in Romania are divided roughly into two categories based on the length of the prisoners' sentences. Prisoners are assigned to a given prison based on whether their sentences are above or below ten years (the maximum sentence is twenty years with an additional five years for aggravated circumstances).⁸

In general, Romanian prisons do not have special maximum security blocks within the prisons. Particularly dangerous prisoners considered likely to escape may be put in separate cells. However, at Poarta Albă, there was a separate section for those prisoners considered dangerous.

The majority of cells were the dormitory type, with solid, locked doors with small openings for handing in food. Some doors also had small windows at the top for security purposes.

Most cells contained little furniture other than bunk beds and an occasional bench. Few cells had chairs, making it necessary for inmates to sit or lie in their bed when in the cell. In a few of the cells, a single small table was provided on which inmates could eat their meals. Most cells also had shelf space either in the cell itself or in the washing area where inmates could store their personal items.

Most of the cells visited by Helsinki Watch had little artificial light, making it extremely difficult to read or to conduct other activities in the rooms after sundown or on rainy days. Light bulbs are in extremely short supply in Romania and many of the light fixtures did not have bulbs. Prison directors

⁷ All measurements are in feet, unless otherwise indicated.

⁸ The death penalty was abolished in Romania in January 1990.

complained about the difficulty of obtaining light bulbs. Lights are, however, left on in the rooms at night as a security precaution.

Heating is a problem throughout Romania. This is especially true in prisons where the heating equipment is ancient and in disrepair. Many prisoners complained that their rooms were cold and damp in winter. For example, a young boy at Găiești told Helsinki Watch that he and others had become sick because of the lack of heat in their cells, and because their uniforms were too threadbare to keep them warm. The director of Jilava Hospital also reported that "We do not have enough heat to maintain a minimum temperature necessary for the sick."

OVERCROWDING

When Helsinki Watch conducted the prison visits, there were over 37,000 inmates in a prison system that has a maximum capacity of 28,400.⁹ Prison directors, inmates and Directorate officials agreed that overcrowding in prisons is a severe problem that in turn produces other serious consequences, such as the inability to adequately separate categories of prisoners and an escalation of tensions among prisoners.

Prison regulations currently require that each prisoner be provided with six cubic meters of space. Colonel Chiș acknowledged that this criterion is below European standards (six square meters per prisoner) and that even so, it is difficult to fulfill this minimal requirement. Cell size in Romanian prisons varies widely. Although a few cells have only two inmates, the majority are dormitory rooms holding between twenty-five and sixty prisoners. The following are measurements of some of the cells visited by Helsinki Watch:

Mărgineni prison	23.5 x 22	51 beds
Țirgu Mureș	13 x 14	24 beds
Gherla	26.5 x 18.5	48 beds
Găiești	13.7 x 24	24 beds

Additional beds are set up in already occupied cells to accommodate new prisoners, thereby exacerbating overcrowded conditions. In many prisons this means that additional beds are stacked on bunk beds that may already be three levels high. For example, in the prison in Țirgu Mureș there were four-level bunk beds, creating an intolerable sense of stuffiness and overcrowding.

According to prison directors, most prisoners are provided with their own beds. However, several inmates complained that they were occasionally required to sleep two and even three persons to a single bed. Prison officials at Mărgineni also reported that there are

1,600 beds (the legal capacity is 1,170) for some 1,890 prisoners, making it necessary for some prisoners to share beds.

⁹ The number of inmates in the Romanian system is constantly increasing. See footnote 4 (p. 10) for recent figures received after Helsinki Watch completed its mission. Where statistics are used in this report, they are based on information acquired in October 1991, unless otherwise indicated.

HYGIENE AND SANITATION

Facilities for hygiene were primitive in all of the prisons visited. Most dormitory rooms had sinks for daily hygiene, although water only trickled out of the tap in several rooms. Many dormitory rooms also had at least one floor toilet. Most of these appeared to be functioning properly. At Mărgineni, for example, there were three sinks and toilets for a room containing fifty-one beds. Inmates at most of the prisons complained that there is no hot water for daily washing.

In theory, prisoners are allowed to take a shower once a week unless they are in isolation. Some inmates reported, however, that it is frequently left to the guards' discretion as to whether they are allowed to shower or not. For example, a prisoner at Poarta Albă told Helsinki Watch that "inmates are allowed to bathe every two weeks or so depending on when the guards decide."

Many inmates also complained that they need to shower more often when they work outside, especially during the summer months. Prisoners at Poarta Albă complained that although they work in very dirty jobs, they bathe at most once a week and lice are common. In contrast, the prison director in Arad reported that he allows inmates who work with animals to bathe daily and all inmates to bathe twice a week in summer. This was confirmed by two inmates who worked in agriculture.

Uniforms are washed by the prisoners every two to three weeks, and prisoners complained about the infrequency. Here again, inmates reported that guards do not always respect the schedule, denying this "privilege" at the guards' whim.

Blankets and mattresses are frequently old and dirty, and new ones are hard to come by. At Gherla the blankets and sheets were ten to fifteen years old, according to the director. Similarly, an inmate at Poarta Albă reported that "We have lice. The room is filthy and the mattresses and blankets are full of dirt and lice."

The prison director in Țirgu Mureș stated that the most serious problem facing his staff at the moment is "providing clean clothes and sheets for the inmates. We have no soap, no chlorine --nothing."

FOOD

Adequate and nutritious food is a problem throughout Romania. The same is true of the prisons. According to Colonel Chiș, "The food is no different from that in any other government facility, including army facilities and hospitals."

Helsinki Watch received some complaints about the quality and quantity of food. A typical complaint was, "The food is bad. We get unpeeled, dirty potatoes, rotten vegetables and cabbage cores." Another prisoner reported, "As a healthy person you can generally eat the food

without getting sick. But for those with special problems it is not sufficient." Most prisoners, however, seemed resigned to the food they received.

The quantity of food each prisoner receives is rigidly determined by the law. According to Colonel Chiș, convicted prisoners who do not work receive 2,900 calories per day. An additional 1,000 calories are

added for those who work. Those awaiting trial receive 3,400 calories per day.¹⁰ Prison medical staff may authorize additional calories where necessary.

As discussed above, prisons still operate under the self-financing system, and most of the food is produced by the respective prisons. The Directorate supplements the prisons' produce with bread, oil and sugar. This system results in a limited menu, especially in the winter months. Many inmates complained that the food they receive is always the same. In fact, during the three weeks of the mission, the menu remained the same in every prison, in every part of the country. This menu was:

Breakfast	Bread and Jam Coffee
Lunch	Potato or Bean Soup Bread
Dinner	Vegetable or Bean Stew Bread

Bread makes up a large portion of an inmate's calories. One director reported that prisoners are often simply given a larger portion of bread to make up the daily caloric requirements. When asked about fresh fruits and vegetables, the inmates at Tîrgşori laughed and one woman said, "I can't remember the last time I saw fruit."

Inmates are allowed to receive packages of a specified weight (see Contact With Outsiders) from their families. These packages may include foodstuffs. In addition, the Directorate has recently authorized inmates to receive an additional five kilograms of fresh fruits and vegetables per month. Many inmates, however, do not receive such supplements from their families.

Many inmates reported that their packages are tampered with by the guards. One inmate at Poarta Albă complained that "packages with foodstuffs are often held by guards for a few weeks until the food gets stale and rotten as a kind of joke. Sometimes things are also missing from the packages."

HEALTH CARE

The Romanian prison system includes one hospital, Jilava Hospital, located in Bucharest. All prisoners who have long-term illnesses and women after their sixth month of pregnancy are automatically transferred to Jilava Hospital for care. Inmates with injuries or illnesses that need specialized treatment are sent to a local civilian hospital.

¹⁰ The Grand National Council adopted a law on June 29, 1984 establishing a program for the scientific nourishment of all Romanian citizens. This law, based on a proposal by Nicolae Ceauşescu, established the average caloric intake for all Romanians. In general, the law established 2,800-3,000 calories per day as the appropriate intake for the average Romanian. (*Buletinul Oficial al Republicii Socialiste România*, July 2, 1984)

Each prison has an infirmary and a medical staff able to deal with minor illnesses and injuries. However, the infirmaries are typically understaffed and poorly equipped. For example, in the prison in Tîrgu Mureş, a single doctor must see fifty to sixty inmates a day. At Gherla, a single doctor must care for the total population which often exceeds 1,000 inmates.

The problem of understaffing is a two-fold one. On the one hand, there are insufficient funds for adding the number of physicians and medical assistants that are needed. On the other hand, however, many medical positions that have been authorized by the Ministry of Justice remain unfilled. The prison director at Mărgineni complained that he does not have a full-time doctor on staff although he has money allocated for a doctor's salary. Similar complaints were heard from other directors who point to the tendency since the fall of communism for doctors to prefer to practice medicine in more appealing conditions, and where equipment is more modern.

Medicine and medical equipment are in short supply throughout Romania, and doctors expressed the belief that prison infirmaries have the lowest priority for receiving available supplies. For example, the prison infirmary in Tîrgu Mureş was rapidly running out of disposable needles. The doctor described the situation:

We currently have one hundred disposable needles for over 600 inmates. We received them from western aid and will not be able to replace them when they run out. We give from fifty to one hundred injections a month, so we will run out of needles within two months. Then we will use the autoclave again.

The prison director at Tîrgşori reported that the escalation in drug prices has dramatically reduced the prison's ability to purchase sufficient medicines.

Dental care is provided in Romanian prisons to the extent possible. Several prisons visited by the delegation had adequate dental facilities, but most had only the most primitive equipment. The dental chair and tools in the infirmary at Gherla dated from Stalin's time. The dentist at Gherla worked only one-fourth of a full work load (two hours per day).

Helsinki Watch visited Jilava Hospital in Bucharest and toured the facility with the Director, Dr. Aurelian Aruşoaiei. The hospital has 1,090 beds and, because it is the only hospital in the prison system, suffers from overcrowding. At the time of the delegation's visit, there were over 1,300 inmates in the hospital. Dr. Aruşoaiei reported that the hospital is currently 40 percent understaffed, making the careful treatment and monitoring of patients difficult. He also identified the poor equipment in the hospital as a direct consequence of its being a prison hospital.

Dr. Aruşoaiei reported that the main ailments that patients are treated for in the hospital include: respiratory ailments, hypertension, digestive problems, hepatitis and cardiovascular illnesses. Other cases include relatively rare suicide attempts and, more frequently, self-inflicted injuries. (see Self-Mutilation below).

Prisoners with special mental problems have to be transferred to civilian hospitals or to Jilava. There is no special prison for the criminally insane. Prisons rarely have trained personnel to deal with

psychiatric problems. Where there is a psychiatrist on staff, as at Aiud, he also serves as the medical doctor for the hospital, leaving little or no time for mental health issues.

It was not within the scope of the Helsinki Watch mission to investigate the treatment of prisoners with mental illnesses. However, prison officials at Aiud prison indicated that drugs are frequently used to treat very dangerous prisoners, which they estimated to be approximately 350 prisoners out of a population of 2,000. Helsinki Watch urges Romanian psychiatrists and mental health workers to conduct a thorough investigation into the treatment of these prisoners, and calls on the Romanian government to guarantee such delegations unlimited access to prisons and prisoners.

AIDS is not yet a problem in Romanian prisons. The AIDS epidemic in Romania appears to have remained limited primarily to the infant population. Random sampling of inmates revealed only two or three who tested HIV positive, according to prison directors. These inmates were transferred immediately to Jilava.

*** * ***

On August 26, 1991, the Romanian Parliament approved a modernization program for prisons. The parliament appropriated twenty-one billion lei over a five year period for the construction of fourteen new prisons, a new hospital, two new reeducation schools, and renovation of other prisons, as well as training and reeducation of prison personnel. This program is to be conducted in cooperation with the Council of Europe. According to Ministry of Justice officials, the high rate of inflation has eaten up most of the money appropriated for construction of prisons in 1992.

TREATMENT OF SPECIAL CATEGORIES OF PRISONERS

Certain categories of inmates experience special problems during detention, and in many circumstances they are accorded different treatment from other inmates. Among these categories are detainees, women, juveniles, and ethnic minorities.

DETAINEES

There are no pre-trial detention centers in Romania. Thus, detainees are usually dispersed to prisons to await trial after the police and prosecutor's office have completed their investigations.

Although Romanian law now provides for release on bail or on the individual's own recognizance, in practice, most suspects remain in detention for many months awaiting trial. The director of Aiud prison stated that "We have approximately 200 detainees who are here until they are convicted. Usually, they spend between one and twelve months here, depending on the crime and the number of witnesses involved."

As a general rule, inmates who are awaiting trial are separated from those who have already been convicted, as is required by Romanian law (Article 39, Law 23/1969). However, Helsinki Watch observed numerous instances where this division was not maintained. For example, several cells in the prison in Tirgu Mureş held sentenced prisoners with those awaiting trial. Helsinki Watch also spoke to a boy awaiting trial for theft at Găieşti who was held with other juveniles already convicted of violent crimes.

Detainees have a somewhat separate regime from convicted prisoners. Detainees do not work as a rule, and therefore often spend much more time in their cells than those who have been convicted. They are allowed to receive five kilos more in supplies from their families (for a total of ten kilos) and get 500 calories more per day than convicted inmates who do not work.

Detainees interviewed by Helsinki Watch all wore prison uniforms and were not allowed to wear their own clothes. In most prisons, detainees' heads were shaved.

WOMEN

There are significantly fewer women in Romanian prisons than men.¹¹ The Directorate reported that, as of December 31, 1990, there were 806 women in Romanian prisons, representing 3.1 percent of the prison population. Tîrgşori, the only women's prison in Romania, is 23 percent under capacity, with an inmate population of 600. Other women prisoners are housed in small sections of men's prisons.

Women prisoners generally have adequate access to gynecological care. In most cases, however, such care is provided by doctors outside the prison. There were no gynecologists on staff at the prisons. Women prisoners frequently do not have adequate sanitary supplies.

There are special regulations governing pregnant women in prisons. They may receive twenty kilos per month from their families. They also may receive four visits, four letters, 400 lei and no cigarettes.

¹¹ Worldwide, women are approximately five percent of each country's prison population.

(See Contacts with Outsiders for regulations for ordinary prisoners.) Pregnant women appear to receive medical care during pregnancy that is comparable to the care received by other Romanian women. Any complications result in an immediate transfer to Jilava hospital, or in an emergency, to a local hospital. As a matter of course, pregnant women are transferred to Jilava after their sixth month. After a woman gives birth, the Directorate may interrupt the prison term for a year so that the mother may care for the new infant. This period may also be extended by a court. Although Law 23 does not prohibit an inmate's baby from staying in the prison with its mother, Helsinki Watch did not see any children of inmates in the prisons.

JUVENILES

Children between the ages of fourteen and eighteen who have been convicted of criminal offenses are treated as juvenile offenders. As with adults, juveniles are held in detention while awaiting trial. Some juveniles are detained at the Schools for Work and Reeducation (reeducation schools). Găiești, for example, held approximately 400 juveniles who were awaiting trial out of an inmate population of 1,000. Many juveniles, however, spend this pre-trial period in adult prisons. They wear adult prison uniforms and have their heads shaved. The Director of Tîrgu Mureș objected to this system:

As I see it, one of the great problems is keeping minors in prisons until sentenced. We currently have forty minors here awaiting trial. They may be here for as much as eight months or longer. By the time they are convicted, they are already hardened criminals.

By law, juveniles must be kept separate from adults and there are separate sections within the prisons for juveniles. However, the prisoner in charge of the room (the cell boss) is always an adult. Therefore, there is at all times a convicted adult prisoner in the room with the juveniles.

Upon conviction, most juveniles are sentenced to reeducation schools. In theory, these schools emphasize education and professional training, discipline and character building. Time spent in a reeducation school does not result in a criminal record. Sometimes, however, juveniles are kept in adult prisons after being sentenced, due to the serious overcrowding in the reeducation schools. For example, the reeducation school at Găiești has a capacity of 580 minors, but has a population of over 1,000 inmates.

Inmates in the reeducation schools are required to go to school and teachers are hired on a full-time basis. The staff at Găiești is larger than that at a regular prison, and includes a psychologist and a sociologist. The reeducation school at Găiești was well equipped for the full range of school subjects. The final diploma is the equivalent of a diploma from any other school.

The director of Găiești claimed that reeducation schools "have more in common with boarding schools than with prisons. The only difference is that the students cannot leave." However, in most respects reeducation schools are prisons, with the same types of restrictions on liberties, as well as the same rewards and punishments found in adult prisons.¹² Reeducation schools also serve as training grounds for future criminals, where minor offenders often find themselves rooming with violent juveniles

¹² In theory, juveniles may not be punished with severe isolation or the denial of correspondence (Article 22, Law 23). In practice, however, juveniles receive the same punishments as adults.

convicted of grave crimes.

Within the reeducation schools, juveniles are separated by level of education so that the whole cell has the same school schedule. Unfortunately, this means that individuals convicted of violent crimes are often together with those convicted of non-violent offenses.

ETHNIC MINORITIES

In general, ethnic minorities in Romania are not treated differently from ethnic Romanians within the prison system.¹³ Prisoners are not separated based on ethnicity. However, several directors implied that they sometimes separate Gypsy prisoners from the rest of the prison population because other prisoners do not want to stay with Gypsies. Directors estimate that Gypsies make up between 40 and 60 percent of the prison population.

In almost every visiting room in every prison, Helsinki Watch representatives observed the following sign, "All visits must be conducted in the Romanian language. Any visits that are not conducted in Romanian will be ended immediately." Article 19 of Law 23/1969 requires that all visits be carried out in Romanian, but provides that where a prisoner or visitor does not speak Romanian, a translator will be provided. Helsinki Watch considers it the right of every prisoner to converse with visitors in his or her mother language. Signs stating otherwise should be removed from prison visiting rooms.

¹³ **There are no statistics on whether ethnicity and race influence the trial and sentencing process.**

AUTHORIZED AND UNAUTHORIZED PUNISHMENT

One of the most disturbing aspects of the Romanian prison system is the use of a variety of punishments that are clearly in violation of international standards.¹⁴

Article 21 of Law 23/1969 provides:

The following disciplinary measures may be taken against a prisoner who has violated disciplinary regulations:

- a) warning;**
- b) withdrawal of one, of several, or of all rights to receive visits, packages, to send and receive correspondence...**
- c) simple isolation, up to 15 days;**
- d) severe isolation, up to 10 days, only with the prison doctor's permission;**
- e) transfer for a period of three to 12 months to a prison where a restrictive regime may be applied.¹⁵**

Measures set forth in (a) - (d) may be authorized by the director of the prison. Severe isolation can be extended for more than 10 days but not more than 20 days, with doctor's approval, if authorized by the Director of the Directorate of Prisons. Transfer to a prison for a restrictive regime is authorized by the Directorate at the recommendation of the prison director.

According to Colonel Chiş, during simple isolation the inmate sleeps in an isolation cell, but is able to leave the cell during the day to carry on work and school activities. During severe isolation the inmate must remain in the cell day and night, and may receive a restricted diet of 120 grams of bread and water on one day, alternating with one day of normal food.

Severe isolation appears to be the punishment of choice in Romanian prisons. Helsinki Watch met numerous prisoners in severe isolation, with little correlation between the severity of the offense and the punishment. Of those interviewed, prisoners in isolation had violated a variety of prison rules ranging from

¹⁴ **The Standard Minimum Rules provide:**

Article 31 Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.

Article 32(1) Punishment by close confinement, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offenses.

Article 33 Instruments of restraint, such as handcuffs, chains, irons and strait-jackets, shall never be applied as a punishment. Furthermore, chains or irons shall not be used as restraints.

¹⁵ **Director General Chiş informed Helsinki Watch that orders have been given to disregard subsection (e). There are no longer prisons specifically for prisoners undergoing a restrictive regime.**

stealing tomatoes from the prison kitchen to trying to escape.

Isolation rooms are generally small. For example, in Tîrgu Mureş an isolation room measured approximately 12 x 8 feet, with three metal beds attached to the walls. At Gherla, an isolation room measured 9 x 19 feet and contained six beds. The rooms are typically damp and have little or no ventilation. There is very little light in the cells. The following descriptions were typical:

- **The isolation cell at Mărgineni had only a tiny window that was closed. There was no artificial light in the room and ventilation was poor.**
- **At Poarta Albă, the isolation cell contained no window and no artificial light.**
- **At Arad, the isolation cells had no windows and only a hole in the floor for a toilet.**

Severe isolation in Romania means isolation from the group and does not usually mean complete isolation from other human beings. If more than one inmate is in isolation, inmates will be placed together in one cell so that they are not alone.

Inmates in isolation are required to get up at 5 a.m. and to stand in their cells until 10 p.m. They are not allowed to talk to each other. During this time, the metal beds are folded up against the wall. No other furniture is in the room. The beds are either metal or wooden and do not have mattresses. At night, prisoners are brought a single blanket. As one detainee at Arad reported, "I am waiting for my trial and got thrown in isolation for fighting with another prisoner. I have to stand all day. There is no place to sit down. The light is always on at night so it is difficult to sleep and the metal beds are very uncomfortable."

Most of the isolation cells do not contain sinks or toilets. Prisoners must knock on the cell doors if they need to go to the toilet or need water to drink. They are allowed to take baths only at the end of their punishment, which is typically after 10 days. Inmates in severe isolation are not allowed to leave their cells to exercise.

Before 1990, Law 23 provided for a restricted regime as part of severe isolation for ten or twenty days, or separately for up to twelve months (Law 23, Article 21(e)). According to the Directorate of Prisons, food is no longer restricted as a means of punishment. Nevertheless, several inmates reported that they had received a restricted diet (one day bread and water, one day regular caloric intake) while in severe isolation, and several directors expressed the view that food could still be restricted as part of severe isolation. For example, the director of Găieşti reeducation school reported that "juveniles who attempt to escape may be put in severe isolation with a restricted regime, but this is not commonly used."

Prisoners who are placed in isolation cells must be examined by a doctor to determine if they are able to undergo the punishment without severe consequences to their health. Medical personnel are also required to monitor the health of a prisoner during the course of his or her stay in isolation. Prisoners, however, reported that the involvement of medical staff is perfunctory and in no way serves as a check on the use of isolation punishment. For example, a prisoner at Arad reported, "They gave me only a small piece of a blanket while I was in isolation and I couldn't cover myself. I got sick and the doctor came and asked if I suffered from anything. Then he approved my continued isolation even though it clearly exacerbated my condition."

Helsinki Watch identified several aspects of the prison environment as humiliating. Although the Directorate of Prisons informed Helsinki Watch that there is no longer a requirement that prisoners' heads be shaved, the majority of prisoners' and detainees' heads were shaved. Similarly, in most of the prisons visited by Helsinki Watch, prisoners were forced to huddle in the back corner of the room with their faces to the wall when prison staff or visitors entered their cells or places of employment. For example, at Poarta Albă, a prisoner mopping the halls of one of the prison sections ran to the end of the hall and stood with his face to the wall when the delegation entered the building. Fifteen or twenty minutes later, when the delegates finished touring the rooms and were leaving the building, the prisoner was still standing with his face against the wall waiting to be excused. Helsinki Watch views forced head-shaving and facing the wall as unnecessary and humiliating practices that should be ended.

Leg irons and handcuffs are commonly used as a means of punishment in Romania, even though this is prohibited by prison regulations. Prison regulations established by the Directorate General in 1988 state that in order to enforce order, means of immobilization and restraint may be used against "those who are aggressive, who do not obey orders, who destroy property, who threaten or endanger the physical well-being of others."¹⁶ Colonel Chiș, as well as Deputy Minister Duța, also reported that all prison directors had received verbal orders to use restraints only when an inmate is aggressive or dangerous, and then only for the period strictly required. Nevertheless, Helsinki Watch observed numerous prisoners who were in leg chains and/or handcuffs for extended periods of time.

- **At Poarta Albă, prisoner F. was not only placed in severe isolation for ten days, but was put in leg chains for the entire time for having disobeyed an unspecified order.**
- **Another inmate at Poarta Albă told Helsinki Watch, "I spent eight months in chains in Section Two of the prison. Many people there with me were in chains and handcuffs."**
- **At Gherla, eight prisoners who had participated in the August 1990 revolt at the prison were still in leg chains and handcuffs when Helsinki Watch visited the prison in October 1991. Helsinki Watch spoke to one prisoner, who had been sentenced to an additional three years in prison for his participation in the revolt. He, along with the other participants in the revolt, had been in leg chains and handcuffs for fourteen months. He was unable to lift his arms above his chest and had calluses where the handcuffs had rubbed his wrists.**
- **The director at Tîrgu Mureș reported to Helsinki Watch that "we only allow leg chains to be used when the prisoner is in isolation and on escapees who are either in or out of isolation cells. The longest time anyone is held in chains is two to three months."**

¹⁶ *Ce Trebuie Să Cunoașteți Și Să Respectați Pe Timpul Cît Vă Aflați în Detenție*, Direcția Generală a Penitenciarelor, (1988), p. 45.

- **The director of the reeducation school at Găești claimed that leg irons are never used on the juveniles as a punishment. However, Helsinki Watch observed two youths in leg irons and handcuffs in the isolation cells. Both boys reported that the chains and cuffs are not removed at night, making it difficult to sleep.**

Helsinki Watch was extremely disturbed by the common practice of keeping inmates in restraints solely for punishment. In most cases, inmates had already been punished for their misconduct and restraints were merely an additional penalty, in blatant violation of Article 33 of the U.N. Standard Minimum Rules (see Appendix A).

Helsinki Watch raised its concerns with the Directorate of Prisons and with the Ministry of Justice, both of whom initially expressed disbelief and pointed out that such forms of punishment are already prohibited. Clearly this situation underscores two fundamental problems with the Romanian system. On the one hand, prison directors do not always follow the letter or spirit of the law. On the other hand, there appears to be little political will to force individual prison directors to properly implement prison rules and regulations. The logical consequence is an enormous gap between theory and practice in the administration of the Romanian prison system.

On October 29, 1991, Deputy Minister Adrian Duța stated that he would immediately issue an order to all prison directors forbidding the use of restraints as a form of punishment and requiring that the Ministry of Justice be informed of anyone kept in restraints for more than two days. In early 1992, Helsinki Watch sent a letter to Mr. Duța inquiring whether the order had, in fact, been issued (see Appendix B). In response to that letter, Mr. Duța informed a Helsinki Watch representative that he had issued a written order on February 27, 1992, prohibiting prison officials from using leg chains or handcuffs for any purpose other than to restrain a prisoner during transfer to another facility or to court. As this report went to press, Helsinki Watch received confirmation of this order (see Appendix C).

PRISON STAFF

Prison staff in Romania are divided into three categories: 1) officers, 2) sub-officers and 3) administrative personnel. Although prison personnel are now under the authority of the Ministry of Justice, they have maintained their military rank. Officers are graduates of the Police Academy and have been trained in criminology and criminal law. Sub-officers must graduate from secondary school and have one year of specialized training. Refresher courses are conducted every five years for both officers and sub-officers.

There are currently 6,000 cadres in the Romanian prison system. According to Colonel Chiş, 20 percent are officers, 68 percent are sub-officers, and 12 percent are administrative personnel. Colonel Chiş also emphasized the low staff/inmate ratio of 13.5 staff (including administrative) for every one hundred inmates. Prison officials also pointed out that 40 percent of the personnel in the prison system are new and, therefore, inexperienced.

According to Deputy Minister Duşa, the prison personnel were carefully reviewed after the revolution. Since January 1990, 647 people have been fired for "incompetence, abuses, undisciplined behavior, crimes, or a tendency toward violence," and fourteen retired. Mr. Duşa stated, "As much as possible, I am trying to clean house, and I plan to continue to reevaluate all staff and directors from top to bottom. New applicants will be carefully screened."

As mentioned above, Helsinki Watch representatives sensed a distinct element of fear among the prison inmates. In a meeting with Colonel Chiş, a Helsinki Watch representative raised the issue of prisoners' fear. Colonel Chiş responded, "Yes, this is still a reflection of the former system and personnel. Prisoners do not always realize that things have changed."

It is also clear from the visits conducted by Helsinki Watch that prison personnel varied in the extent to which they are implementing changes to the prison routine. Helsinki Watch welcomes the increased efforts to improve training of personnel and to carefully screen new applicants. Such efforts are essential to a truly improved prison regime.

ABUSE BY GUARDS

Torture and severe physical abuse by prison guards appear to occur rarely in Romanian prisons. Although prisoners reported systematic mistreatment during their detention at police lock-ups (see Police Lock-Ups), such abuse appears to be the exception in prisons. There were, however, several credible complaints of physical abuse. For example, a prisoner at Tîrgşori reported, "Most often we get verbal attacks by the guards, but sometimes they really beat us." A 25-year-old prisoner at Mărgineni reported that "Guards frequently beat prisoners. One guard slaps us frequently and I've also been punched in the back around the kidneys." The defense lawyer for a prisoner from Tîrgu Mureş reported that while her client was awaiting trial at Jilava prison in Bucharest, he complained that "a guard punched him in the stomach and kidney with his fist and kicked and hit him with rubber clubs." An inmate at Aiud reported that "on occasion the guards take the prisoners out of their cells and make them lie on the floor in the halls. Then they walk on them and polish their shoes from their clothes. This happened to us about four months ago."

Other prisoners, however, indicated that guards more frequently get "other inmates to do their dirty work for them." As a prisoner at Gherla reported, "Guards have a few inmates who are informers and even friends of the guards. When they want to warn someone, that person just happens to be beaten up by the inmate-informer. This happens often and the guards just ignore it, of course."

Guards in the prisons are armed with wooden or rubber clubs which are to be used only in self defense. Only guards who patrol the perimeters of the prison are armed with guns.

CORRUPTION

Many inmates interviewed by Helsinki Watch complained about corruption among prison personnel. For example, a prisoner at Poarta Albă stated, "It is a kind of mafia in here. Guards take food and money brought to us from our families. If we want to take a bath when we are scheduled to, for example, the guards make us pay." Similarly, a prisoner at Aiud stated, "If we want to see television or read a newspaper, we have to give the guards something, cigarettes or money." Colonel Chiş also recognized the problem of corruption, stating, "We have had cases of officers who accept bribes. That is against the law. In the last year, we had six guards from Bucharest who were punished for corruption."

ACTIVITIES AND WORK PROGRAMS

Romanian prisoners are typically locked in their cells at all times of the day except when they are working or exercising. All meals are eaten in the cells (except for lunch at the women's prison and in the reeducation schools). In general, Romanian prisons are not "open" prisons, where prisoners are able to move with a degree of freedom within specified areas. Thus, organized programs and work opportunities take on added significance.

The typical prisoner's schedule is as follows:

PROGRAM:	4:45 - 6 a.m.	Rise and clean cells
	6 - 7 a.m.	Breakfast
	7 a.m. - 3 p.m.	Work
	(7 a.m. - 6 p.m. in agriculture)	
	3 - 10 p.m.	In cells, unless in school, or film or television scheduled.

WORK PROGRAMS

Law 23 makes work obligatory for all prisoners who are physically able to do so. In general, prisoners interviewed by Helsinki Watch wanted to work, and those who were unable to complained that they were not employed. In part, prisoners want to work because of the benefits associated with employment such as a small income and the potential for a reduced sentence. Prisoners also mentioned the added benefit of being busy during the day and finding that the time in prison passes more quickly when one is busy. As one prisoner at Poarta Albă stated, "Please tell [the prison officials] to let me work. Right now I sit all day in my cell and have nothing to do. I just want to get out and have something to do."

Romanian prisons have a variety of work programs that ranged from in-prison factories to outside employment. For example, Gherla prison has a large furniture factory that employs 250 to 300 prisoners. Other in-prison work includes metalwork, basket making, shoe making and tailoring. Many of these work programs also provide the prisoner with an apprenticeship degree that may assist in finding employment upon release from prison.

Prisoners who are not formally employed in prison businesses tend to work in agriculture or in the maintenance and daily running of the prison. For example, many prisoners work in agriculture to provide food for the prisons. Others work in the kitchens, cleaning the common areas of the prisons, or washing laundry. The daily work schedule in prison factories is from 7 a.m. to 3 p.m.; in agriculture from 7 a.m. to 6 p.m. Prisoners who

work do not have exercise opportunities, regardless of whether their work is inside or outdoors.¹⁷

One of the bright spots in the Romanian prison system is the employment of prisoners outside the prison. According to Colonel Chiș, approximately 18,000 prisoners work daily in employment that takes them outside the prison grounds (including agriculture). Approximately 2,000 of these work without guards. Many of those working outside the prison are guarded by other prisoners who are considered especially reliable.

According to the prison director in Tîrgu Mureș, the average monthly salary for a prisoner is 6,000 lei (\$33.50). However, prisoners whose work is solely for the maintenance and up-keep of the prison do not receive remuneration (Art. 12(2), Law 23). Prisoners are allowed to keep 10 percent of their income. The rest goes to the prison administration for the expenses of the prison. Of the 10 percent that goes to the prisoner, two thirds are placed in a savings account and given to the prisoner upon release. The other one third can be used by the prisoner to purchase items while in prison (Art. 12(3), Law 23).

Prison factories must meet the same health and safety requirements as other factories, and the Directorate must provide prisoners with the same protective gear. The Directorate of Prisons employs an inspector whose responsibility it is to monitor safety standards in prisoners' places of employment. According to Colonel Chiș, there were seven employment accidents involving prisoners in 1991 (four inside prison shops and factories, three in outside employment). Deputy Minister Duța reported that one prisoner died as a result of a work-related injury during 1991, and that three other prisoners were injured. These statistics, however, seem unrealistically low. Helsinki Watch observed at least two inmates in infirmaries for work-related injuries during its three week mission.

Before 1989, all prisoners who were able to work apparently had employment. However, recent efforts to privatize the economy and implement economic reforms have resulted in growing rates of unemployment in Romanian society and correspondingly fewer employment opportunities for prisoners. The prison director at Gherla reported, "I currently have about 100 prisoners who want to work but don't have a place. Some of them used to work on building sites but with growing unemployment, those jobs have evaporated."

Most prison directors acknowledged the importance of work for prisoners. As one director said:

It would solve many problems if we could employ all those who can work. It would make them forget for a moment that they are in prison and create a sense of freedom. They also receive more rights when they work, more food and money.

Article 26 of Law 23 provides that five days of work is equivalent to six days of the sentence.¹⁸

¹⁷ Article 21(1) of the U.N.'s Standard Minimum Rules requires that: "Every prisoner who is not employed in out-door work shall have at least one hour of suitable exercise in the open air daily if the weather permits."

¹⁸ Work/Time Served Formula: For those who produce 5 percent or less above average production norm, five days of work = six days of sentence; for more than 5 percent, but less than 10 percent above average, four days of work = five days of sentence; for those who produce over 10 percent above average, three days work = four days of sentence. (Art.

Therefore, those who work can significantly reduce the percentage of their sentence that they must serve before being released.

EDUCATIONAL PROGRAMS

Most prisons provide prisoners with the opportunity to complete at least a minimum of education. For example, Poarta Albă had classes for grades one through four. Other prisons provide education through the eighth grade. Teachers are trained by the Ministry of Education and teach the same curriculum as in regular schools. Diplomas granted by the prison school are recognized by the Ministry of Education.

Many of the prisons also have apprenticeship programs. For example, women prisoners at Tîrgşori were trained to be seamstresses. Poarta Albă had training programs for hairdressing and carpentry. Aiud had a metal working apprenticeship program. Gherla had a large program for furniture making.

ENTERTAINMENT

In addition to work and education programs, each prison Helsinki Watch visited had a small library. These libraries were poorly stocked and appeared to be full of books that were

of little or no interest to the average prisoner. At several of the prisons, it appeared that inmates have very little access to the books. At other prisons, inmates had books in their rooms.

Each prison has subscriptions to a variety of newspapers. Because of financial restrictions, there are never enough newspapers to go around. Inmates may also have personal subscriptions to newspapers. Prisons have very few televisions and radios, most of which are old and in poor condition. For example, Tîrgşori had three television sets and five newspaper subscriptions for a population of 600 inmates. Aiud, with a population of 2,000, had 20 television sets and 42 subscriptions.

Most prison directors reported to Helsinki Watch that they no longer censor the press that is available to inmates. The director at Tîrgu Mureş, however, stated that he decides which newspapers will be selected and attempts to choose only those that are "the most temperate, including both Hungarian and Romanian press."

Inmates complained that prison officials limit their access to certain types of papers. For example, an inmate at Mărgineni complained, "We get one single newspaper about twice a week. That is *Adevărul* because it is pro-Front." Another inmate from Poarta Albă stated, "We rarely get to see the newspapers, maybe every one or two weeks. It takes a bribe to get them more often. Some newspapers, ones that are anti-government, are not allowed at all."

Inmates spend most of their time in their rooms doing nothing. When asked what they do during non-work time, most prisoners were unable to answer without prodding from prison officials. Especially on weekends and when there is bad weather, prisoners have almost nothing to occupy their time.

When asked about the most difficult problems facing them, every prison director mentioned as a

26(a), Law 23).

serious obstacle to his work the lack of audiovisual equipment and other means of carrying out entertainment and education programs.

EXERCISE

None of the prisons visited by Helsinki Watch had any sports facilities or equipment. The typical exercise area was a walled courtyard where prisoners could walk in a circle. At Tîrgşori, for example, the exercise area measured approximately 39 x 16 feet. Typically, about 45 prisoners exercised at a time.

Article 21 of the U.N.'s Standard Minimum Rules require that each prisoner not working outdoors get at least one hour of exercise every day. Most Romanian prisoners rarely get sufficient exercise. An inmate at Mărgineni stated that "we are usually allowed to exercise about five to fifteen minutes a day, but today not at all." An inmate at Aiud reported, "We get fifteen minutes or so a day during the week, but never have exercise on Friday, Saturday or Sunday." Inmates consistently reported that they average between fifteen and twenty minutes of exercise a day, and that there are many days when they do not exercise at all. Inmates who work, inmates in isolation and those who have attempted to escape are not allowed to exercise at all.

While some prison directors claimed that inmates actually get up to two hours of exercise a day, Colonel Chiş acknowledged that often inmates get as little as ten minutes a day. He attributed this to the problem of overcrowding in prisons that makes exercise difficult.

RELIGIOUS ACTIVITIES

One of the changes in prison life during the last two years has been permission to hold regular religious services. Many of the prison directors were proud that various foreign religious organizations had been to their prisons and most directors agreed that religious services were a positive event in prison life. Orthodox and Catholic, as well as a host of evangelical religious services, appear to be conducted periodically. Helsinki Watch also observed reading materials from evangelical denominations in the rooms of several prisoners.

POST-RELEASE PROGRAMS

Prior to 1990, the Romanian Communist Party provided a certain amount of support and supervision of ex-prisoners. Party leaders within factories were obligated to find work for the recently-released inmate. Ex-prisoners were drawn in to a variety of social, political and work-related activities.

That infrastructure has not been replaced and inmates are left to fend for themselves upon release. In addition, the high rate of unemployment makes it increasingly difficult for ex-prisoners to find employment.

Several prison directors complained that there are no programs to prepare inmates for release and to help them to adjust to life on the outside. One prison director predicted an increased rate of recidivism due to the absence of support for ex-prisoners.

CONTACT WITH OUTSIDERS

All communications between inmates and outsiders are closely monitored by the prison staff. Families of inmates are allowed to visit from once a month to once a week depending on whether the inmate is in pre-trial detention or is a juvenile or pregnant. Inmates may also receive packages of food and personal items from their families.¹⁹ All visits are non-contact visits that take place in cubicles separated by metal grids. Occasionally, inmates may be authorized to meet visitors at a table. Such contact visits are usually a reward for good behavior, and are rarely granted.

Prison directors reported that visitors may stay for up to two hours. However, inmates consistently reported that visits were ended after fifteen to twenty minutes and that longer visits were only available to those who bribed the guard on duty in the visiting area.

All conversations are monitored by the guards on duty. Visits by lawyers are monitored as well.

¹⁹ Ministry of Interior Order (January 3, 1991)

Detainees awaiting trial

10 kilo package per month

1 visit

1 letter

600 cigarettes

100 lei (from family)

Non-Recidivists

Same as for detainees, except 5 kilo package monthly

Recidivists

5 kilo package every two months

1 visit every two months

1 letter every month

600 cigarettes

Pregnant Women

20 kilo package per month

4 visits per month

4 letters

400 lei

No cigarettes

Minors

Same as for pregnant women

Prisoners working without a Guard or Guarding Others

Same as for pregnant women, except can have all the cigarettes they want.

A new order in July/August 1991 allows all prisoners to receive an additional 5 kilos of fruits and vegetables.

Prison officials seemed especially concerned that inmates not discuss their trials or prison life with visitors. For example, the director of Tîrgu Mureş prison told Helsinki Watch that all visits are monitored "because during preventive arrest the inmate cannot discuss judicial matters about his trial with outsiders. He can only discuss family matters. He is also not allowed to discuss prison life." Prison regulations set out by the Directorate in 1988 and still in effect state that, in correspondence with family, the inmate should "not refer to problems regarding his activities in prison."²⁰

Visits may be conducted only in Romanian. Each visiting area seen by Helsinki Watch had a sign stating that all conversations must be held in Romanian, and that any conversation being conducted in another language would result in the visit being ended. Prison personnel insisted that they provide an interpreter for an inmate or visitor that does not speak Romanian, and that they never prevent the visit from taking place.

Helsinki Watch views the right of inmates to converse in their mother tongue with their families and friends as a fundamental right which can not be restricted. The burden is on prison officials to provide guards that understand the mother language of minority prisoners. However, the visit should not be prohibited from taking place when no such guard is available. Inmates should be informed of their right to speak in their mother language and signs in the visiting areas stating otherwise should be removed.

Conjugal visits are not allowed in Romania. Some directors strongly opposed such visits, but others felt that conjugal visits would be good for certain categories of inmates.

Since the revolution, inmates may be granted furloughs for up to five days for special occasions or for a family emergency. For example, Colonel Chiş reported that furloughs were granted to 108 inmates during 1991, the majority for Christmas or Easter holidays.

All incoming and outgoing correspondence is opened and read, including letters from attorneys. Packages are opened as a matter of course. Helsinki Watch received frequent complaints from inmates that guards held letters and packages for extended periods of time in an attempt to get a bribe from the inmate. Inmates at several of the prisons complained they had been refused pen and paper to write a letter. They also reported that letters and postcards addressed to their families frequently did not arrive at their destination.

²⁰ *Ce Trebuie Să Cunoaşteţi*, p. 36.

VIOLENCE IN PRISONS

After the revolution in 1989, prison officials were confronted with a new set of problems in the prisons. In 1991, almost every prison in Romania experienced riots and revolts, with property damage estimated in the millions of lei. Several guards were taken hostage and at least one inmate was killed during the violence. Prisons were also confronted with an increasing number of escape attempts. Before 1989, there were between five and seven escapes per year. As one prison director stated, "Why would anyone escape from a small prison merely to get to a larger prison - Romania." In 1990, there were approximately thirty-five escapes, and in 1991 there were fifty-seven.

SAFETY

Many prison directors identified security issues as a serious problem. Directors attribute this problem in part to the low number of guards inside the prisons. For example, at Tirgşori there is one guard for every 400 inmates, making it difficult for the guards to monitor inmates adequately. Dormitory rooms are another contributing factor to the security problem. At night, as many as forty to sixty inmates may be locked in a dormitory room without a guard. The director at Aiud stated, "One of the serious problems facing us is security within the prison. We need modern accommodations to separate inmates into smaller groups, and we need closed circuit television so that we can observe what is going on throughout the prison."

In most dormitory rooms the only security measure at night is the inmates' own monitoring system. Three inmates per cell are on call each night on a rotating basis. Each of the three must stand guard for a two-and-a-half hour period. The overhead light is also left on all night as a security measure.

Helsinki Watch received numerous reports from inmates about the beatings by prisoners that occur in prison. Such beatings appear to be particularly frequent at the reeducation schools for juveniles.

Prison directors also admitted that rape in prison is a problem. For example, the director at Aiud reported that he had received several complaints of forced sexual relations during the last year. Two cases of rape were currently being investigated. Similarly, the director at Gherla reported that one case of gang rape had occurred in the last year and that the three assailants had been tried and convicted. There do not appear to be any comprehensive statistics on the extent to which rape and sexual abuse between prisoners are problems. Several prison directors noted, however, that rape is a problem, and that victims are often afraid or ashamed to report such attacks.

Clearly, the security measures currently employed in the prisons are not sufficient to protect inmates who are held in dormitory rooms without a guard. Helsinki Watch received several reports of violence that typically occurred within the dormitory rooms at night. The director at Arad reported that, "We have too many in one room, making it difficult to control them and maintain security, especially at night."

SELF-MUTILATION

Self-mutilation is a common practice among inmates. Dr. Aruşoaiei, director of Jilava Hospital,

reported that inmates frequently swallow sharp objects or cut themselves. Helsinki Watch has no statistics on the number of cases of self-mutilation, but the director at Poarta Albă reported that there had been "several tens of cases during 1991. Several of them had to be operated on." Dr. Arușoaiei explained, "Self-mutilation is frequent, especially among the young in prison. They are trying to get out, especially out of the [reeducation] school. They can't stand the conditions there and prefer to stay in the hospital." Helsinki Watch talked to an inmate at Poarta Albă who had injected gas into his arm. He stated, "We get desperate. We cut ourselves and injure ourselves because we are desperate."²¹

THE "CELL BOSSES" SYSTEM

Each cell in Romanian prisons has a head or boss (*șef de cameră*) who has been selected by the prison administration. According to the director of Tîrgșori, the boss is responsible for organizing activities for the cell, reading the press to inmates in the cell and seeing to it that the cell is clean. The boss is also responsible for reporting to prison officials and visitors about the activities of the cell.

In theory, the cell boss is selected because he or she has more education, was convicted of a lesser crime, has family contacts and behaves well. However, inmates in several prisons reported that the cell boss was particularly abusive and frequently had a longer prison sentence. For example, an inmate at Aiud reported that the boss in his cell "was convicted of murder and sentenced to fourteen years. Even so, he seems to get special benefits, such as furloughs. The whole room has a problem with him. He refuses to let people lie in bed. We must sit on the edge of the bed or on a bench. He often beats us and swears at us. I wanted to get out of that room, but the boss told the guards I was lying and, of course, they believed him since they are all pals." Similarly, an inmate at Poarta Albă reported that "All the boss does is abuse others in the room. They pick the strongest one and give him a lot of privileges. He is their informer and so he can do no wrong. The chief in my room severely beat up one of the other inmates a few months ago. Sometimes they are worse than the guards." The director at Gherla also reported that a cell boss in one of the rooms beat another inmate with a club because he did not want to get out of bed.

Inmates also complained that the cell bosses are involved with the guards in corruption. For example, one inmate reported that "Cell bosses frequently take cigarettes from our packages and force us to share our food. The rules are not applied evenly for all. The head of the room will accuse another inmate of something just to stay in favor with the guards, so we have to get along with him."

During a visit to Jilava Hospital, Helsinki Watch met a young boy who had been beaten at one of the reeducation schools for juveniles and was getting medical attention:

I was arrested for stealing and sent to the reeducation school until my trial. I was put in the room with other boys who had already been convicted. The boss of the room had been convicted of murder and was in for five years. The first night, he and four others tried to force me to have

²¹ For more information on this phenomenon see the following Helsinki Watch reports:

Prison Conditions in Poland, An Update, January 1991

Prison Conditions in Czechoslovakia, January 1989

Prison Conditions in Czechoslovakia, An Update, August 1991

sex with them. They beat me up. I reported this to the guard. When the guard talked to the others and found out that the boss was involved, he said I was lying and punched me in the stomach and hit me with a hammer. I am afraid to go back there with what is going on. I am afraid to go to sleep. The guards know about the problem and pick the toughest one to be boss.

According to the hospital director, the boy's story is typical.

Helsinki Watch considers any system whereby a group of prisoners is given the power to determine privileges and punishments for other prisoners inherently abusive; such systems should be done away with.

REMEDIES

Inmates may report any complaint they have to the guard on duty who, in turn, is required to pass the complaint on to his or her superiors within the prison. Many inmates, however, complained that guards can be bribed not to report abuses by one inmate against another, and that it is nearly impossible to report abuses by a guard. As one inmate put it, "What guard will pass on to the director a complaint that involves himself?" A former prisoner also told Helsinki Watch that "We learned quickly that we shouldn't complain about abuse in prison. If we said anything about our treatment, we were threatened with worse abuse."

Even some of the directors admitted that prisoners are afraid to report abuses. At Poarta Albă the director conducts weekly meetings with the guards and inmates. During these meetings, a prisoner may ask to make a report to the director, either in front of the other inmates or in private. The director admitted, however, that sometimes prisoners are afraid to report abuses. Similarly, the director at Gherla stated that "many don't report that they were beaten. They are afraid they will be punished."

In order for the complaint procedure to function properly, every inmate must understand how a complaint is to be made and what mechanisms there are to protect him or her from the person against whom the complaint is made. Prison regulations in Romania require that the prisoner be informed of both his obligations and rights during the intake period (quarantine period).²² However, most inmates interviewed by Helsinki Watch reported that they had only been informed of their obligations and responsibilities. For example, an inmate at Găești said that "I was never told what the internal rules are. They made it clear that it was better not to ask about rights."

When asked how inmates are informed of their rights, the director of Poarta Albă showed Helsinki Watch a folder containing the rules and regulations of the prison, as well as a copy of the Universal Declaration of Human Rights. The director claimed that such folders were in every cell. Helsinki Watch representatives repeatedly asked to see such folders in the prisoners' cells. In most prisons they did not exist at all, and where they did, they contained only a list of the prisoners' responsibilities. None had a copy of the Universal Declaration.

One prisoner at Aiud reported to Helsinki Watch:

I was curious about our rights, and asked for a list of our rights on three occasions. I was never given a list. I went to my cell boss and asked for this list. I wanted to know what my rights were. He said no and punched me.

THE DRAFT PRISON CODE

²² The first twenty-one days that an inmate is in prison, he or she is held separate from the other prisoners. This period is called the quarantine period. During this time, inmates are given medical examinations, fill out medical forms and other papers, and are informed about prison rules and regulations. They are told about the types of punishments they may receive, the rewards they can earn, and what is expected from them. During this period, prisoners can sign up for work programs and school.

The Romanian Parliament has prepared a draft prison code that will probably be debated some time in 1992. Although it is not within the scope of the Helsinki Watch mission to comment extensively on the text of the draft, a general overview may be useful within the context of this report.

The draft draws extensively from French law, and also shows signs that the U.N. Standard Minimum Rules were considered. Although certain provisions of the draft are already contained in Law 23, the draft places more emphasis on prisoners' rights. Thus, for example, provisions prohibit torture, cruel, inhuman or degrading treatment, or medical or scientific experiments (Chapter II, Article 8); discriminatory treatment on grounds of race, color, sex, language, political or other opinion, ethnic or other origin, fortune or other status (Chapter II, Article 10); the use of prisoners in positions which allow them to take disciplinary measures against other prisoners (Chapter II, Article 22); and the use of instruments of restraint, such as handcuffs, fetters, irons, and straightjackets, as punishment (Chapter II, Article 23). Moreover, as discussed below, the draft outlines prisoner rights and provides specifically that such rights are to be respected by the personnel of the prison. Violation of the exercise of the rights of the prisoners is to result in penal or disciplinary sanctions (Chapter II, Article 7).

***Inter alia*, prisoners are given the right:**

a) to be informed about their rights and obligations in a language they understand (Chapter II, Articles 11 and 12);

b) to notify their families and lawyers of their whereabouts (Chapter II, Article 13);

c) to consult privately with their lawyers (Chapter II, Article 14);

d) to receive visits, particularly from family members, and to correspond with them. Visits are to be conducted in Romanian unless either the prisoner or the visitor does not know the language and then the visit may take place in the language that they know, with the prison administration assuring that the person who supervises the visit knows that language (Chapter II, Article 15; Articles 49-50);

e) to complain, along with their friends and others, about violations of the provisions of the law or the imposition of sanctions (Chapter II, Articles 20, 41, 51, 80);

f) to be entitled to his or her own bed with a minimum surface per prisoner of 6 square meters initially, to be increased as the prison modernization program is realized (Chapter II, Article 42);

g) to have suitable food and potable water (Chapter II, Article 43);

h) to have the right of rest and for prisoners who do not work in the open air, one hour of exercise in the open air each day (Chapter II, Article 44);

i) to receive packages of food, clothes, personal articles, cigarettes, as well as books, magazines, and newspapers (Chapter II, Articles 45, 46);

j) to have the right to medical care and to be examined by a doctor at the start of incarceration and during its term (Chapter II, Articles, 16, 47-48); and

k) to have the opportunity to reduce time served in prison through work (Chapter II, Articles 61-73, 76).

Unfortunately, the draft code provides a framework for prisoner rights which in large part lacks specific details. For example, there is no minimum requirement for family visits such as one per week and the method, duration, and frequency of the visits are to be established by regulation (Chapter II, Article 49). The use of isolation as a sanction can be imposed only after a medical examination of the prisoner and with daily visits of a doctor, but no specific provisions are made for the conditions of isolation (other than for no diminution of food), nor for the exact circumstances in which isolation may be administered (Chapter II, Articles 22,79).

A number of provisions deal with the right of prisoners to make complaints and the obligations of prison personnel to record, process, respond or arrange for the proper judicial organ to respond to such complaints. In view of the atmosphere of fear which pervades most institutions, it is advisable to explicitly establish an anonymous procedure to guarantee such rights.

While it is certainly true that the newly-established "judges for the execution of penalties" are charged with specifically examining the system for prisoner complaints (Chapter II, Article 51) and prosecutors have the right to inspect the prisons and verify adherence to the legal standards (Chapter II, Article 39), their responsibilities are not detailed in the draft and the penalties for violations of prisoner rights are not set out.

As a result of the lack of specificity in the draft as to the implementation of prisoner rights within a system already notable for failure to adhere to existing standards, it is not possible at this time to conclude that the adoption of the draft code will significantly improve protection of prisoner rights.

POLICE LOCK-UPS

Helsinki Watch requested permission from the Ministry of the Interior to visit police lock-ups as part of its investigation of conditions and treatment during detention. On September 19, 1991, then Minister of the Interior Doru Viorel Ursu granted Helsinki Watch's request to conduct such an investigation (see Ursu letter and Helsinki Watch correspondence attached as Appendix D). Thereafter, a Helsinki Watch assistant and translator in Bucharest contacted the Protocol Office of the Ministry of the Interior to discuss our plans and to set up a schedule for the visits. The Protocol Office promised to call ahead to let the police know of our plans and to inform the police that we had the Ministry's permission. However, when the Helsinki Watch delegation attempted to enter several police lock-ups the police claimed that they had never been contacted by the Ministry or that they had no detainees for us to interview. Later, repeated attempts to get additional assistance from the Ministry of the Interior failed. Helsinki Watch sent a protest letter to the new Minister of the Interior, Victor Babiuc, on January 15, 1992 (see Appendix E). As this report went to press, Helsinki Watch received a letter from Minister of the Interior Victor Babiuc, guaranteeing Helsinki Watch access to police lock-ups in Romania (see Appendix F).

Helsinki Watch made every effort to visit police lock-ups to see first-hand what conditions are like. Unfortunately, due to the Ministry of the Interior's failure to cooperate, we were unable to see the physical conditions of these lock-ups. It is, nevertheless, possible to draw some conclusions from the numerous reports that Helsinki Watch has received over the last two years of serious mistreatment of detainees by the police. These reports point to a consistent pattern of abuse and physical mistreatment of detainees, as well as the absolute failure by the police to inform detainees of their due process rights as now required under Romanian law.

It is the rule and not the exception that detainees are physically abused by the police during the initial interrogation period. The cases reported below are typical of complaints Helsinki Watch has received regarding treatment in police custody. All cases reported below occurred after the December 1989 revolution.

- **Prisoner D. from Poarta Albă stated, "I was beaten at Police Lock-up 16 in Bucharest by police who tried to get me to give facts that were not true. They used rubber clubs and hit me on the feet and back. I was beaten hard. I told them everything that I could about my case, but refused to admit to things I hadn't done. No one ever mentioned a lawyer."**
- **Prisoner P. was arrested in Slobozia, and reported that "the police saw that I had a criminal record and beat me to force me to admit to other crimes that were similar to the one I did. They just punched me with their fists, but I didn't agree to it."**
- **A nineteen-year-old inmate at Aiud reported that he was arrested in Aiud and held in the police lock-up for one month and two days. He stated, "Sometimes they beat me and sometimes they didn't. They beat me more in the beginning, but later they just let me see them beating other people. We were all beaten with clubs and fists. When they beat me, they turned on the music very loud and just hit. Other people [in the lock-up] told me that they had been tied to a stick and suspended**

between two tables and then beaten as they were turned. That didn't happen to me."

- The Romanian daily, *România Liberă*, recently printed an interview with a prisoner from Botoșani who described how he was beaten and threatened by the police, and held in leg chains and handcuffs at the police lock-up. Dumitru Agrigoroae reported that "I was forced to stand up with the leg chains and handcuffs for two days and nights without water and food. During this time I was . . . beaten, humiliated . . . After I received injuries in the back and kidneys, I urinated blood for three or four days."

Such physical abuse is not limited to adults, but also occurs with alarming frequency among the juvenile inmates interviewed. In interviews with inmates at Găești reeducation school, almost every boy reported physical abuse during detention. The following are typical complaints:

- A eighteen-year-old reported, "I was held eight months in Lock-up No. 19 in Bucharest. The police beat me with a wooden club and also a rubber club at the beginning of the time. After I confessed, it got better."
- Another teenager reported, "I was arrested in August 1991, and held at Lock-up No. 22 for over two months. I never saw a lawyer during that time. The police hit me with a club to make me confess. I was beaten daily until I confessed. After that, they still beat me from time to time -- it seemed just for fun."
- A lawyer practicing in Bucharest told Helsinki Watch of a case where he had represented several youths arrested for theft: "They were held at Lock-up No. 12 and were beaten during the initial interrogation process. But what shocked me was that after the investigation had been completed, the police continued to beat them to get them to admit to unresolved crimes that look bad on the polices' record. One of my clients was beaten in the stomach and liver. Another type of abuse that was used involved rolling the detainee up into a carpet and then jumping on him. This is called 'the pancake' (clătite)."

Detainees' allegations of abuse were consistent with statements made by many prison directors who reported that they occasionally receive inmates from the police who have been beaten. Some directors described how they tried to document the injuries in order not to be blamed themselves for having mistreated the prisoner. Several directors also reported that they had received inmates with injuries so severe that they were sent directly to Jilava Hospital.

The reports of physical abuse in detention were further confirmed by the director of the Jilava Hospital, who reported that he had seen detainees with injuries that were clearly due to beatings. Some of the detainees claimed that the beatings were from falling or inflicted from other inmates, but the director felt that often inmates were simply afraid to say that the police had beat them.²³

²³ Detainees may be especially reluctant to report police abuse to prison officials, including the hospital staff, who wear police uniforms and hats with the word "police" on the front.

Romanian lawyers also confirmed that abuse is common in detention. One lawyer described how a policeman she knew in school confirmed that abusive practices have continued two years after the change in government. She said:

I was having a pleasant conversation with this colleague who is a policeman, so I asked him if these reports of physical abuse are true. He confirmed for me that "the pancake" and "the rotisserie" (the detainee is tied to a stick and suspended between tables or chairs and then beaten) are still commonly used to force a confession, and that beatings with the fists or with clubs occur routinely. From my experience, those most susceptible are ones without families, without a lawyer and with a criminal record, especially if the crimes are serious. But it happens most of the time to one degree or another.

Lawyers also reported that Romanian judges frequently disregard allegations that a confession was made under duress. As one lawyer said:

It is common for defendants to retract their statements when they appear before the court. But the judge does not want to hear allegations of abuse. One judge referred to my efforts to introduce evidence of duress as a "typical defense trick." I know of only one case where a policeman was convicted of beating a citizen, and only then because it occurred on the street where there happened to be a witness. Usually, however, such abuse is difficult to prove because there are no witnesses.

In most western legal systems, the defense lawyer plays an important role in protecting the rights of the defendant against the police interrogators. In Romania, amendments to the Code of Penal Procedure guarantee a defendant access to a lawyer before the first statement is taken and require that the defendant be informed of that right. Interviews with current and former prisoners, however, revealed a systematic practice of disregarding these guarantees. For example, of approximately 100 juvenile offenders questioned by Helsinki Watch, only two inmates reported that they had had a lawyer present at the time a statement was taken by the police. In the overwhelming majority of cases, the police had not informed the detainee of his or her right to a lawyer and the detainee had not waived this right in writing.

There were, however, other prisoners who were informed of the right to an attorney and then presented with a paper to waive that right. As one inmate described, "I signed a statement saying that I didn't want an attorney. I didn't know what it meant. I gave my statement

without an attorney and I wasn't sure how one could help me." Other inmates interviewed by Helsinki Watch seemed puzzled by questions relating to representation by an attorney.

Romanians are typically unaware of their rights and unfamiliar with the role that an attorney might play in the criminal process. Additional guarantees must be implemented to ensure that these minimal rights are respected by the police. For example, the continued use of confessions that may have been beaten from a detainee, the failure to inform detainees of their rights, and the failure to investigate and prosecute police activities that violate Romania's own criminal procedure, do little to encourage the

police to end such abusive practices.

CONCLUSIONS AND RECOMMENDATIONS

Helsinki Watch welcomes the commitment of the Ministry of Justice and the Directorate of Prisons personnel to modernize and humanize the prison regime. However, there continues to be a wide gap between theory and practice because many aspects of the law are simply not implemented. Modernization programs for Romania's prisons, new legislation or regulations, or even good intentions will not be sufficient to overcome this obstacle.

Laws and regulations must be enforced, and mechanisms must be built into the system to guarantee oversight of prisons by non-governmental, as well as governmental, organizations. Prison officials, the Ministry of Justice, as well as independent organizations must take an active role in guaranteeing that current laws are respected and that prison personnel are held accountable for any failure to do so.

Helsinki Watch makes the following recommendations to the Romanian government:

- **Prisoners should never be employed by the prison to serve in a disciplinary capacity.**
- **The "cell boss" system should be abolished.**
- **Juvenile detainees should not be detained in adult prisons while awaiting trial. Furthermore, under no circumstances should adult "cell bosses" be placed in the cell with juvenile detainees.**
- **Physical restraints such as leg irons and handcuffs should never be used as a form of punishment. The use of restraints on a violent or dangerous prisoner should only be used during transportation or to subdue an inmate.**
- **Prisoners who are kept in isolation should be allowed to exercise for a minimum of one hour per day. Prisoners who work indoors, and all prisoners who are not working on a particular day, should be allowed to exercise for at least one hour per day.**
- **The practice of making inmates in isolation stand for seventeen hours a day should be ended.**
- **Inmates' heads should not be shaved.**
- **The Ministry of Justice and the Directorate of Prisons should issue new directives to all prison directors making clear exactly what rules and regulations are currently in effect. Such a directive should also specify that the failure to implement current rules and regulations will result in punishment and possible termination of employment.**

- **Prisoners should be allowed to conduct all conversations with visitors in their mother language. Signs in visiting areas that state otherwise should be removed.**
- **Confidential communications with a lawyer should be guaranteed.**
- **There should be no restriction on a prisoner's right to discuss judicial issues, prison treatment or conditions.**
- **Inmate access to newspapers and magazines should not be restricted on the basis of the political views expressed in the publication.**
- **Prisoners must be informed of their rights and the procedures that are set up for reporting abuses. Every prisoner should have access to the rules and regulations of the prison and to the laws governing prison administration.**
- **Prisoners must be permitted to complain to outside authorities about conditions and treatment in prison.**
- **Regular visits by independent individuals and organizations should be made to monitor prison conditions.**
- **Prison personnel should be civilians, instead of military officials. Efforts must be made by the Ministry of Justice not only to assert its authority over the prison personnel, but also to gradually build prison personnel committed to the democratic principles espoused by the Ministry of Justice.**
- **All visits should be contact visits, with no contact visits reserved as one of the harshest disciplinary measures.**
- **Visits should be longer than the fifteen to twenty minute periods reported by inmates.**
- **The one large women's prison should be replaced by two or three smaller ones, distributed around the country. Women serving their sentences far away from home should be compensated with a more generous furlough and visiting policy.**
- **As plans for building new prisons go forward, efforts should be made to eliminate dormitory housing and replace it with cell housing.**
- **New prisons should be equipped with sports facilities. The remodeling of existing prisons should include the construction of sports facilities.**
- **An agency not affiliated with the Directorate of Prisons should monitor health and safety standards in prison factories and workshops.**
- **Efforts should be made, perhaps by the Directorate authorities in cooperation with**

civic, religious and social organizations, to establish post-release programs for prisoners so that they are assisted in their return to society.

Romanian civil society can and should play a significant role in improving the overall situation of prisoners. In particular, Helsinki Watch suggests that:

- **Romanian lawyers, prisoners' rights and human rights organizations should become increasingly involved in monitoring conditions in prisons and the treatment of prisoners, including making regular visits to prisons.**
- **Romanian bar associations and lawyers' groups should encourage increased communication between defense lawyers and inmates, both during the pre-trial period and after prisoners have been sentenced.**
- **Lawyers should begin to bring test litigation in Romanian courts challenging prison conditions and the treatment of prisoners, thereby pressuring prison officials to implement the laws that are currently in effect.**
- **Helsinki Watch urges Romanian mental health professionals and psychiatric associations to conduct a review of the treatment of inmates with mental illnesses and make recommendations to the Ministry of Justice on ways to improve the care of these inmates.**