

# LOCKUPS IN ROMANIA

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## **INTRODUCTION**

**Police lockups in Romania suffer from many of the problems of a country in transition after decades of economic decline and authoritarian rule. There are shortages of medicine and material goods, sheets and mattresses are tattered, and light bulbs and toilet paper are in short supply. The facilities are typically old and neglected, with dilapidated bathrooms and nonfunctional ventilation systems. In several lockups arrestees sleep on beds made of stone.**

**Overcrowding appears to be a chronic problem. Many arrestees do not have the minimum space required by international standards. Some are squeezed into cells so crowded there is scarcely space between the beds and the walls to stand or walk. On occasion inmates are forced to share a bed or sleep on the floor.**

**The most serious abuses, however, have little to do with the country's economic woes. Physical brutality, the hallmark of the Ceausescu criminal justice system, has substantially declined in the lockups but continues virtually unabated during police interrogations. Nearly every arrestee reported having been beaten by police investigators before arriving at the lockups. In some cases arrestees were beaten after they admitted to the crimes for which they were arrested but refused to confess to other, unsolved crimes. A number of the beatings were serious and protracted. Reports of physical abuse by lockup staff were less frequent and concentrated at certain lockups. Chains, leg irons and isolation rooms continue to be used as punishment at some lockups, although much less frequently than in the past.**

**Even more painful to many inmates is the almost total isolation from family, friends, and the outside world. Radios are prohibited, newspapers and current reading materials frequently unavailable and visits totally dependent on the good will of the prosecutor or police officials. Many inmates are denied visits until the completion of the criminal investigation, which can take months. Those who complain are told they will receive visitors sooner if they cooperate with the investigation. Inmates are permitted to speak only with their cellmates, never with other arrestees.**

**The majority of arrestees expressed great anxiety at their lack of understanding of the legal process and their rights within it. Many arrestees never see a lawyer during the entire period of their pretrial detention and complain that the restrictions on outside communications unduly prevent them from obtaining legal advice. Assigned counsel frequently do not appear. Where lawyers do appear, confidential attorney-client communications are prohibited; a prosecutor or police official is present during all meetings between arrestees and their lawyers.**

**Government officials insist that the restrictions on communications with other arrestees, family and friends are essential safeguards of the integrity of the criminal investigation process designed to prevent arrestees from conspiring with accomplices to alter their stories or dispose of evidence. They are equally adamant that allowing detainees to speak confidentially with their lawyers would obstruct the investigation and open the door to perjured testimony.**

Arrestees are generally confined to their cells twenty-four hours a day, seven days a week, with no opportunity for fresh air or exercise. There are no toilets in the cells, and arrestees are often forced to use slop buckets outside the two or three brief periods each day when they are allowed to use the bathroom. The combination of the lack of ventilation and the odor of bodily waste makes the air in the cells foul.

The treatment of female arrestees is paradoxical. On the one hand officials display remarkable sensitivity toward women with infants, in many cases postponing detention until children are old enough to be separated from their mothers, and then allowing the women to remain in lockups close to their homes. Yet basic gynecological care is inadequate. Many women who believe they are pregnant are not given pregnancy tests. Sanitary napkins are rarely provided, and most women are obliged to tear up their clothing for use during their menstrual periods.

Romanian lockups sorely test the presumption of innocence. In many ways even convicted prisoners, who may also be held in lockups, have greater rights, including access to fresh air, exercise, radios, and contact with other convicted inmates and the outside world.

Helsinki Watch representatives met many guards and police officials who lament the shortages of basic materials and express a fervent desire for more funds to improve conditions for detainees. However, no government official was willing to acknowledge even the possibility that some human rights violations were unrelated to the lack of money, such as physical abuse, the systematic denial of fresh air and exercise, or undue restrictions on visitors and communications with legal counsel.

The Romanian government continues to express a commendable desire to comply with international standards for human rights. However, this will not happen until it takes a very close look at conditions within its lockups, recognizes the problems and makes a commitment to correct them.

## **METHODOLOGY**

In preparing this report, Helsinki Watch inspected eight lockups in six major counties in Romania<sup>1</sup> between July 18 and July 30, 1992. The delegation spoke with 522 arrestees and conducted in-depth interviews with 86. Helsinki Watch also interviewed officials of the Ministry of the Interior responsible for criminal investigations and the operation of the lockups; the commanding officer of each lockup it inspected; guards; and lawyers and human rights activists in Bucharest, Transylvania and Maramures.

With the exception of the main police lockup at the Calea Victoria in Bucharest, Helsinki Watch was required to give prior notice of the sites it intended to visit. As a condition of access, the delegation was accompanied to every lockup by Major Ilie Mattei, Specialist-Consultant to the Department of Investigation of the Romanian Police. Major Mattei is responsible for the overall operation of the network of lockups in Romania. Interviews with inmates, however, were conducted outside the presence of government officials.<sup>2</sup>

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<sup>1</sup> Helsinki Watch inspected the following eight lockups: Lockup 10, Lockup 16 and the central lockup at the Calea Victoria in Bucharest; and the county lockups in Brasov, Cluj, Tirgu Mures, Baia Mare and Iasi.

<sup>2</sup> Because detainees are strictly segregated from, and prohibited from communicating with, inmates other than their cellmates, the delegation was able to obtain independent confirmation of much of the information provided during these interviews. In most cases, information supplied by an arrestee concerning practices applicable throughout the lockup could be tested in interviews with other arrestees. At a given lockup, for example, reports of the denial of exercise, poor hygiene, physical abuse and the use of chains and leg irons were often remarkably consistent from cell to cell, despite the prohibition against communication between inmates in different cells.

The delegation was given access to all inmates and told it could inspect any area it wished in each facility. Government officials received the delegation with great courtesy and genuine hospitality.

### **THE SYSTEM OF POLICE LOCKUPS IN ROMANIA**

There are 100 police lockups located throughout Romania, containing a total of 15,140 beds.<sup>3</sup> There is at least one lockup in each county. As of July 1992, Romanian government officials reported that the occupancy rate was between 80 and 90 percent of usable beds systemwide, but noted that some lockups were operating over capacity.<sup>4</sup>

Romanian lockups fall within the jurisdiction of the General Police Inspectorate, a division of the Ministry of the Interior. The county chief of police is responsible for the day to day operation of the lockups in each county.

In Romania, lockups serve primarily to confine pretrial detainees<sup>5</sup> until the completion of the police investigation, after which they are transferred to penitentiaries to await trial.<sup>6</sup> Many lockups also hold a small number of convicted prisoners who either are serving short sentences or have received special permission to remain near their families. Although convicted prisoners share the same deplorable physical environment as pretrial detainees, they enjoy vastly greater privileges than those of their colleagues who, ironically, still benefit from the presumption of innocence. Unlike pretrial detainees, many of the convicted prisoners had access to fresh air, reading materials, radios and increased contact with the outside world.

Under Romanian law, the police can detain a suspect up to 24 hours for questioning. Further detention requires an arrest warrant issued by a prosecutor. Although the warrant is only valid for 30 days, the prosecutor can apply to a court for 30 day extensions. Arrestees typically are moved from police stations to county lockups after an arrest warrant is issued. Detainees have the right to seek release on bail or under judicial supervision and to request a hearing before a judge. The case must be heard within 24 hours of such a request.

Arrestees also have the right to be informed of the charges against them and to have an attorney present at all stages of the legal process. The police must advise arrestees of their right to counsel before obtaining any statement against them.

Although theoretically intended for brief stays, Romanian lockups are often used for extended detention. Police officials explained that the length of stay in a lockup depends on the complexity of the crime, but generally

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<sup>3</sup> Not all of these beds are currently in use.

<sup>4</sup> Interview with Major General Costica Voicu, Chief of the General Police Inspectorate, Lieutenant Colonel Dorin Mihaiasa, Deputy Chief of the General Police Inspectorate, and Lieutenant Colonel Constantin Trandafir, Deputy Chief of the Directorate of Penal Investigation, Bucharest, July 31, 1992.

<sup>5</sup> All of the pretrial detainees encountered in the course of the Helsinki Watch inspections were held on criminal charges. The delegation found no evidence of political prisoners in any of the lockups it inspected.

<sup>6</sup> Statistics on the number of arrestees released or held in lockups pending trial were difficult to obtain. Major Ilie Mattei estimated that approximately 25 percent of all arrestees in Romania are detained before trial. In Brasov, the only lockup where detailed statistics were available, Colonel Cristian Tudorache told Helsinki Watch that the percentage of arrestees detained before trial during the first six months of the year dropped from 36 percent in 1991 to 24 percent in 1992, reflecting "declines in the rates of criminality and social danger" in the Brasov area.

insisted that arrestees were rarely held longer than one to two months. Interviews with guards and arrestees disclosed, however, that many individuals had been confined between three and five months, and some for seven or eight months, or longer. Extended detention demonstrably exacerbates the effects of the poor hygiene, lack of exercise, primitive living conditions and restricted privileges prevalent in the lockups.

### **THE PHYSICAL ENVIRONMENT OF ROMANIAN LOCKUPS**

The lockups are housed in antiquated, often dilapidated buildings ill-suited to their current use. For example, the lockup in Cluj is in the basement of a 100-year-old building. The cells are chronically damp and musty because of faulty drains at street level, which leak after every rain.<sup>7</sup>

The typical cell contains between two and six beds, however some have as many as fourteen. It is usually barren except for an occasional table or shelf and the universally despised slop bucket, which serves as a poor substitute for a toilet during the substantial parts of the day when inmates are not permitted to use the bathroom. Rarely is there space for the few personal possessions each inmate is permitted to keep.

Many arrestees complained that their bodies ached from the hard beds and ancient mattresses. In Tirgu Mures and Baia Mare, inmates sleep on beds made of stone, unrelieved by a thin layer of worn bedding.<sup>8</sup>

#### **Ventilation and Overcrowding**

The most striking physical characteristics of the cells were the lack of proper ventilation and chronic overcrowding.

The United Nations Standard Minimum Rules for the Treatment of Prisoners ("Standard Minimum Rules") require all areas where prisoners live and work to have windows constructed to allow "the entrance of fresh air whether or not there is artificial ventilation."<sup>9</sup> Very few of the 138 functioning cells the delegation inspected met this standard. Many had no windows, and artificial ventilation systems were ineffectual, non-existent or rarely used.<sup>10</sup>

Upon entering most cells, the delegation was enveloped in a dense wall of air so stale and putrid that it required considerable effort to keep from gagging. When asked what was the worst thing about the lockups, the first thing most inmates mentioned was the lack of fresh air. Conditions were particularly abominable in Bucharest, Cluj, Baia Mare, and Iasi. In Iasi, for example, the cigarette smoke was often so thick that inmates with asthma and other respiratory problems reported difficulty breathing. In Cluj an arrestee was confined in an unventilated cell with an old man with pulmonary problems who constantly coughed. Many inmates said that the air made their throats sore. "Even

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<sup>7</sup> This information was provided by Colonel Dumitru Ciul, the commander of the Cluj lockup.

<sup>8</sup> Government officials informed Helsinki Watch that arrestees also sleep on stone beds in the lockup at Ploiesti.

<sup>9</sup> Standard Minimum Rules, Article 11(a).

<sup>10</sup> Although there is a ventilation system at the Calea Victoria lockup in Bucharest, arrestees reported that it is used only 30 to 40 minutes per day. The system was turned on during the Helsinki Watch inspection, to the obvious dismay of lockup officials who repeatedly attempted to turn it off -- apparently to cut energy costs -- and with little noticeable effect on the hot, foul air inside the cells.

ten minutes of fresh air a day would be a relief," said one man in Iasi.<sup>11</sup>

Some officials were less than candid about the sordid conditions in the cells. To the astonishment of the Helsinki Watch delegation, officials at one lockup attributed the poor air quality to the presence of "dogs in the courtyard outside."<sup>12</sup> There was no doubt, however, that the foul, suffocating odors in most of the cells resulted from a combination of open slop buckets, cramped space and inadequate ventilation. The lockup in Cluj, for example, had no artificial ventilation system, and the windows were permanently shuttered to prevent arrestees from communicating with co-defendants who might walk beneath them.

Many cells do not meet international standards for the minimum space necessary to sustain physical and mental health. In some cases arrestees are confined 24 hours a day with three to five other prisoners in cells so cramped that there is only a two-by-twelve foot strip between the beds and the wall for them to stand.<sup>13</sup> In a few cells there was no room for arrestees to move once they managed to stand up. Exacerbating the lack of space, several detainees even reported that they were punished if the guards caught them lying down on their beds during the day.

Although every individual in each lockup had a bed at the time of the inspections,<sup>14</sup> several arrestees at Lockup 16 in Bucharest reported that a number of inmates had been transferred to a penitentiary on the eve of the delegation's arrival in an apparent effort to ease overcrowding at the time of the visit. Prior to the inspection, they stated, there had been ten juveniles in a cell with six beds: four boys shared two beds and two slept on the cement floor. The cell was poorly ventilated, and one boy complained that it was "impossible to breathe." Inmates also reported overcrowding at the lockup in Tirgu Mures.

### **Fresh Air and Exercise**

Compounding the effect of cramped, poorly ventilated cells, arrestees at virtually every lockup are rarely allowed to leave their cells for fresh air and exercise.

The Standard Minimum Rules provide that each inmate must be afforded one hour of daily outdoor exercise, weather permitting.<sup>15</sup> With one exception,<sup>16</sup> officials insisted that exercise is generally provided six days a week.

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<sup>11</sup> However, even these rare privileges have their price. Many inmates said they were revolted by the stench of their cells when they returned from an extraordinary exercise period granted in anticipation of the delegation's arrival.

<sup>12</sup> Lockup 16 in Bucharest.

<sup>13</sup> Space was particularly cramped in Bucharest lockups 10, 16 and Calea Victoria, Cluj, Tirgu Mures and Baia Mare. For example, cells at Bucharest Lockup 10 measured 9'7" x 8'4"; cell 3 had eight beds and six people. At the Calea Victoria lockup, six people were in a cell that measured 8'6" x 5'4". Ceilings were generally 10 feet high.

<sup>14</sup> At several lockups, there was some evidence that arrestees had been transferred prior to the delegation's arrival to ease overcrowding. During one inspection, for example, the commander interrupted an interview to take a call from one of his subordinates, who was preparing a tour of the facility: "Of course we don't want three [inmates] to a [two-bedded] cell. Am I speaking to a wall?" Interviews with detainees at this lockup revealed that, prior to the inspection, at least one cell had three inmates in a cell with only two beds.

<sup>15</sup> Standard Minimum Rules, Article 21.

<sup>16</sup> Officials confirmed that there are no facilities for exercise at Lockup 10 in Bucharest. Some arrestees had been held there two or three months – one as long as 20 months – without exercise.

However, interviews with inmates revealed systematic violations of this rule. Except for occasional visits, brief trips to the bathroom, and interrogations, inmates are generally confined to their cells 24 hours a day, seven days a week.<sup>17</sup>

Although some lockups allowed arrestees one or two exceptional periods of exercise immediately before the inspection, many inmates reported that they had had no other exercise for two or three months. In Baia Mare, for example, arrestees said the frequency of exercise ranged from twice in three months to ten times in eight months; inmates in Iasi said they had been allowed no exercise in three months, and one man reported that he had been taken out for exercise only five times in seven months. Arrestees reported similar problems in Bucharest and Brasov. Many inmates complained that their bodies ached from lack of exercise.

When exercise is allowed, arrestees are taken, one cell at a time, to small outdoor rooms<sup>18</sup> where they are permitted to remain for ten minutes to an hour. Arrestees are not allowed to walk freely in an outdoor courtyard or to have contact with arrestees from other cells. There is no recreational equipment.

There was no satisfactory explanation for the failure to provide fresh air and exercise. Officials at the various lockups all asserted that inmates were regularly taken out for exercise and denied that staffing was a problem.<sup>19</sup> It was evident, however, that in most instances the provision of exercise is at the complete discretion of lockup officials.

### **Sanitation and Cleanliness**

The lockups were generally clean at the time of the inspections. Inmates said that the cells, corridors and bathrooms had been specially cleaned, and in some cases painted, in preparation for the delegation's arrival. Many arrestees complained that the lockups had been regularly infested with lice and roaches until shortly before the inspection, when special extermination programs were implemented.

During the inspection, many of the bedsheets were clean but tattered. Although lockup officials insisted that the linen is changed every week to ten days, inmates consistently said that they were forced to sleep on dirty sheets for three weeks to a month. In Cluj, for example, the delegation observed many cells with dirty sheets, including one where an arrestee was suffering from a skin infection, apparently related to poor hygiene. At the Calea Victoria lockup

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<sup>17</sup> Pretrial detainees in Romania are not permitted to work.

<sup>18</sup> With the exception of Lockup 10 in Bucharest, every lockup had one or more rooms available for what was described as exercise. All are outdoors, except for the room at the main lockup at the Calea Victoria in Bucharest. The dimensions are as follows:

Bucharest Lockup 10: None.  
Calea Victoria: one room, 21' x 10'9".  
Bucharest Lockup 16: one room, 21' x 5'.  
Brasov: three rooms, each 6' x 30'.  
Tirgu Mures: two rooms, each 10' x 10'.  
Cluj: eight rooms, from 10' x 10' to 15' x 10'.  
Baia Mare: two rooms, each 22' x 22'.  
Iasi: four rooms, each 13' x 15'.

<sup>19</sup> High officials of the Ministry of the Interior conceded that there have been staffing shortages which at times make it difficult to provide daily exercise. However, even allowing for such staffing shortages, there was no explanation for the nearly total denial of any opportunity for fresh air and exercise.

**inmates reported that their sheets had not been washed for almost a month and smelled horrible.**

**At several lockups the pillows and blankets were old and dirty. Many arrestees complained that they smelled terrible. In Tirgu Mures, many inmates had no pillows. Pointing to the massive economic problems afflicting Romania, officials frequently lamented that they simply did not have the funds to provide adequate bedding.**

### **Personal Hygiene**

**Each lockup has bathrooms with sinks, toilets and showers. There was no provision for privacy in either the showers or toilets. Hot water was generally available during the weekly shower, but daily washing is almost invariably done with cold water. The shower and bathroom facilities are for the most part primitive and decrepit. There are no toilets, sinks or other sanitary facilities in the cells.**

**With the exception of the weekly hot shower, Romanian lockups do not meet the International Minimum Standards for personal hygiene.<sup>20</sup> Arrestees are officially permitted to leave their cells three times per day to wash and use the toilet: at 5:00 a.m. when they awaken, at 3:00 p.m. and at 9:00 p.m. Inmates stated that they rarely have enough time to wash and use the toilet<sup>21</sup> and are often hit with rubber clubs if they exceed the time allotted them in the bathroom. Many lockups do not issue soap, towels, toothbrushes or other toilet articles to inmates who need them.**

**Although lockup officials often asserted that inmates could receive permission to use the toilets at other than scheduled times, few arrestees enjoyed this privilege, as evidenced by interviews with inmates and the stench emanating from the slop buckets in many cells. Bathroom privileges appear to be at the discretion of the guards. At Lockup 16 in Bucharest, arrestees reported that they are taken to the toilet only twice daily. Many inmates considered the denial of toilet privileges to be a particularly demeaning form of psychological abuse and insisted that regular, extended confinement in their cells with the odor of human waste was in some ways even more degrading than the beatings they had suffered at the hands of police interrogators.**

## **FOOD AND CLOTHING**

### **Food**

**Pretrial detainees are allotted 3,400 calories of food daily. Three meals are served each day. Breakfast consists of bread and tea, with a bowl of cabbage, bean, or pasta soup for lunch and dinner. Long term detainees could not recall ever receiving fresh vegetables, fresh fruit or meat. With the exception of Brasov, inmates complained that the food was insufficient and not nutritious. At Tirgu Mures and the Calea Victoria lockup in Bucharest, inmates reported finding worms and bugs in their food. There were no reports of spoilage.**

**Arrestees may receive packages from their families containing up to ten kilograms of food per month. This privilege, however, is at the discretion of the police interrogator or prosecutor. Although most arrestees said that they**

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<sup>20</sup> Minimum Standard 12 requires that "sanitary installations...be adequate to enable every prisoner to comply with the laws of nature when necessary and in a clean and decent manner." Minimum Standard 15 states that arrestees "shall be provided with water and with such toilet articles as are necessary for health and cleanliness." Warm showers are provided once a week, as required by Minimum Standard 13.

<sup>21</sup> The time varied from facility to facility. At some lockups arrestees said they were allowed between two and five minutes to wash, brush their teeth and use the toilet in the morning; at others up to ten minutes.



received packages, some reported that the interrogator had cut off the privilege for as long as two months because of lack of cooperation with the criminal investigation.

### **Clothing**

Every inmate was suitably clothed for the weather.<sup>22</sup> As a general rule, the lockups afford arrestees the opportunity to wash their clothes once or twice per week. The lockups, however, do not provide a change of clothing for those who have none. A number of arrestees fell into this category. At the time of the inspection, one man's clothing was caked with dried blood, the result, he said, of a beating incurred at his arrest several days earlier.

### **MEDICAL CARE<sup>23</sup>**

Each lockup has a physician and at least one nurse on staff or on call. The medical staff examines each arrestee upon arrival<sup>24</sup> and treats both inmates and employees of the lockups. Inmates had little confidence in the doctors offered by the lockups and in several cases chose not to report injuries or illnesses because they felt they had not received thorough examinations in the past.

The inspections revealed serious deficiencies, some -- but not all -- of which are related to the shortage of medical supplies throughout Romania.

According to Major Mattei, the greatest problem is the lack of antibiotics and basic medications to treat heart disease, hepatitis and other debilitating conditions. He insisted, however, that in all respects inmates receive the same medical care as guards and other employees of the lockups, who are treated at the same clinics.

Nevertheless, the delegation found numerous instances of untreated medical and psychiatric illnesses. For example, one arrestee's jaw was broken during a beating by the police shortly after his arrest in Cluj. Weeks later his jaw was still untreated, and he could barely speak or eat. Several inmates had untreated, hygiene-related skin infections acquired after they entered the lockup. In Cluj, arrestees reported that guards ignored inmates' cries for help for over one half hour, while a cellmate was having a seizure.

In a smoky, airless cell in Iasi the delegation discovered a sixty-one year-old man with a history of serious heart disease who was having difficulty breathing. He reported that the previous night he had suffered an attack during which he was scarcely able to move or breathe. He said that although he had repeatedly asked for medical help, none was forthcoming. Even his requests to be transferred to a cell with better ventilation and fresh air were ignored. Fearing for his life, his cellmates pleaded with the delegation to use its influence to secure him medical attention.<sup>25</sup>

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<sup>22</sup> The inspections were conducted during midsummer. Several arrestees complained that their cells were freezing cold in winter and they were not adequately clothed.

<sup>23</sup> The delegation was accompanied by a medical doctor during the three inspections of lockups in Bucharest.

<sup>24</sup> The admissions examination is relatively cursory.

<sup>25</sup> After the delegation explained the problem, the commander of the Iasi lockup agreed to provide medical assistance.

Also in Iasi, three men with diagnosed tuberculosis were confined in a cell with little ventilation, in the midst of the general lockup population. All coughed profusely; one reportedly coughed up blood, had night sweats and was losing weight. None received medication for their illness. All were left in an area where they could expose other inmates to the disease.

Even modest requests involving no expenditures of money were turned down. For example, an inmate with asthma was denied permission to be taken out for fresh air, despite having suffered an asthma attack.

A manic-depressive inmate with a history of hospitalizations suffered a breakdown six weeks prior to the inspection, but received no treatment. His cellmates reported that he cried frequently and seemed disturbed.

Gynecological care was inadequate. Without exception women arrestees reported having to tear up pieces of their clothing during their menstrual periods because they were not provided sanitary napkins. Several women thought they were pregnant but were not given pregnancy tests.

The national shortage of medical supplies explains only part of the problem of inadequate medical care. Lockup officials exhibited a deep mistrust of medical complaints, believing that many inmates feign illness in order to wheedle a transfer to a hospital, where visits are more frequent and care packages from relatives virtually unlimited.

## **PUNISHMENTS AND ABUSE, RIGHTS AND PRIVILEGES AND LEGAL ASSISTANCE**

In order to understand the system of punishments and privileges accorded pretrial detainees, Romanian lockups must be seen in the context of the criminal investigation process. Arrestees who are not released on bail or under judicial supervision are generally detained in lockups from the issuance of the arrest warrant, 24 hours after the arrest, until the conclusion of the criminal investigation. During this period, the police continue to question the arrestee and gather information to support the charges and prepare the case for trial.

Two broad kinds of human rights violations typically occur during this period: physical abuse; and the denial of basic rights within the institution, such as visiting, association with other inmates, fresh air and exercise, and access to information. During this time the arrestee is isolated from family, friends, meaningful legal assistance, and other possible sources of support. Virtually every aspect of pretrial detention acts to increase pressure on the arrestee to cooperate with the investigation and, ultimately, make a confession.

Arrestees who also had been in custody prior to the fall of the Ceausescu regime in 1989 unanimously agreed that there is far less physical abuse at the lockups now than before the revolution. However, they found little difference in the beatings they continue to suffer immediately after their arrest. Said one man, who said he had been severely beaten during a police interrogation: "There is a saying that the water flows but the rocks remain."

### **Physical Abuse During Interrogations Outside the Lockups**

According to human rights lawyers and arrestees, the most systematic and brutal mistreatment of arrestees occurs at police stations immediately following their arrest. Virtually all of the 86 inmates whom Helsinki Watch interviewed in depth reported having been beaten during police interrogations before arriving at the lockups. One man said that he was interrogated almost continuously for two days at the police station in Borsa. At one point he was tied to a chair, beaten with clubs and forced to drink from a large bottle of wine. Another man complained that a tooth

was knocked out during a beating, while another reported that police interrogators had broken his jaw. At the time of the Helsinki Watch inspection five weeks later, the jaw was still untreated. The arrestee was in pain, could scarcely open his mouth, and was unable to eat solid food.

Some arrestees were broken by the experience. One boy said he had been kicked and beaten by police officers, hit with a chair, and taken unconscious to the basement of a police station. Certain that he would be beaten again, he found a shard of glass and cut his wrist, hoping to avoid further punishment. "I am telling you this because I have nothing to lose," he said. "If they beat me again, I will kill myself." At the time of the inspection some five days afterward, he said that his ribs and head were still sore, there were bruises and scabs on his body, and his clothing was covered with dried blood.

Although the most systematic and serious abuse takes place shortly after the arrest, some arrestees reported that they were beaten with rubber clubs during police interrogations at later stages of the investigation.

Most inmates said that they were beaten in order to force a confession. A number of arrestees said they were beaten even after they had confessed, because they refused to admit to additional crimes which they had not committed. Human rights lawyers gave similar examples of clients they represented who refused to confess, were beaten and later exonerated.

One explanation for this conduct may be the premium placed on solving crimes and obtaining convictions in Romania. Lt. Colonel Trandafir said that the police solve 96 percent of the serious crimes committed in Romania. He said that, whereas in the United States the effectiveness of the police is judged by the number of crimes committed each year, the police are judged in Romania by the number of crimes they solve. The pressure to find a perpetrator may explain the dark side of this otherwise admirable statistic.

A second explanation may be the fear of an acquittal. Police officials repeatedly said that, unlike the American criminal justice system, where suspects may be placed under arrest without substantial proof, the Romanian system does not permit an arrest without overwhelming proof of guilt. In their view it is extremely unlikely that an innocent man would ever be arrested. As Major Mattei explained, "We don't pick up innocent people -- only people we know are guilty." Under the Romanian system, said Major Mattei, it is a great humiliation for a police officer to fail to obtain a conviction once an arrest is made.

Government officials, however, insisted that there was minimal abuse of arrestees. Lieutenant Colonel Dorin Mihaiasa, said that police investigators have no motive to force arrestees to confess, because a conviction cannot be based upon an uncorroborated confession.

He noted further that there are sufficient checks in the system to deter abuse. Arrestees can complain to the military prosecutor or a special parliamentary commission, both of which are empowered to investigate charges of police misconduct. Abuse of arrestees is punishable by up to seven years in prison. Despite the good intentions behind these safeguards, they appear to have virtually no practical effect. Most arrestees said that they are afraid to report beatings. The very few who had actually made complaints complained that they had never received a response from the military prosecutor. The Ministry of the Interior could not provide any statistics on the numbers of complaints or findings of abuse against police officers or guards since the revolution.<sup>26</sup>

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<sup>26</sup> Major Mattei observed that the success of an investigation requires that the arrestee be comfortable and relaxed in order to induce better cooperation. Beatings would harm, not further, the investigation. Unfortunately, this noble view of the investigative process appeared to be at odds with the practices at many police stations as well as with the general conditions of confinement at the lockups.

## **Physical Abuse in the Lockups**

In contrast to the police interrogations, there were many fewer reports of beatings in the lockups themselves, and those which did occur were generally less severe<sup>27</sup> and administered as a form of discipline rather than a means to coerce a confession. Arrestees said that the abuse, where it occurred, was not systematic but depended on the whims of the guards.

There were no reports of beatings at Bucharest Lockup 10 or in Brasov, and most inmates in Baia Mare said they had not been beaten in the lockup. However, arrestees at Bucharest Lockup 16 said they were beaten almost daily on the palms of their hands with rubber clubs for such infractions as taking too long in the bathroom or sleeping during the day. One boy's palms were so swollen from the beatings that he said he could not sleep. In Cluj most arrestees said they had been beaten on their hands at least once or had observed others being beaten. In Iasi one man said he was beaten when he asked for a light; two others said they were beaten because they did not want their hair shaved; and one person reported hearing a boy being beaten after he asked to use the toilet. In Tirgu Mureş there were several reports of beatings for swearing at the guards, and at the Calea Victoria lockup several arrestees said that they had been beaten on the palms for smoking too long, fighting, talking too loudly in their cells and taking too long in the bathroom.

There were no complaints of abusive strip or body cavity searches in the lockups.

## **Isolation, Chains and Manacles**

The Standard Minimum rules prohibit punishment in a dark cell<sup>28</sup>, close confinement or reductions in diet without medical certification<sup>29</sup> and the use of chains or irons as punishments or restraints.<sup>30</sup> There were no arrestees in solitary confinement or isolation rooms at the time of the Helsinki Watch inspections, and lockup officials said that no one had been placed in solitary confinement or darkened isolation rooms in recent memory. Indeed, with the exception of the Calea Victoria lockup, officials maintained that isolation rooms no longer existed. In interviews, however, inmates said that isolation, solitary confinement and leg irons had been used on at least several occasions in some of the lockups.

At the Calea Victoria lockup, the delegation was shown two windowless isolation rooms two-and-one-half feet by two feet, approximately half the size of a telephone booth. There was no light whatsoever, nor room to sit or stand comfortably. The Commander stated that these rooms had not been used for two years. Separate interviews with arrestees in non-communicating cells revealed, however, that several people had recently been placed in isolation for approximately one to two hours. One man who suffers from claustrophobia said he had suffered a severe anxiety

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<sup>27</sup> The delegation was informed that guards do not carry firearms inside lockups, only rubber clubs and handcuffs.

<sup>28</sup> Article 31 provides: "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."

<sup>29</sup> Article 32(1) provides: "Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it." There was no evidence of any such medical examinations.

<sup>30</sup> Article 33 provides: "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."

**attack when placed in one of these rooms.**

**In Bucharest Lockup 16, several arrestees from different cells independently reported that a boy had recently been placed in leg irons, handcuffed to the wall and kept in isolation for approximately seventeen hours.**

**An arrestee in Cluj reported that, two weeks prior to the inspection, a cellmate had talked too loudly and had been placed in isolation in complete darkness for approximately one hour. There was a bed with a mattress; he was not placed in chains.**

**In Iasi there were reports that Helsinki Watch could not confirm of an isolation room where arrestees are placed in chains, forced to sit on the floor, and provided food only on alternate days. There were confirmed reports, however, that at least two inmates had recently been placed in handcuffs and leg irons: one, apparently for speaking to someone outside his cell; the other for arguing with guards who had denied him permission to use the toilet. Inmates in non-communicating cells who heard chains clanking down the corridor said that the first man had been manacled for almost a week.**

**In Baia Mare, arrestees reported that a minor had been chained to a bed as punishment for aggressive conduct toward other inmates. They also said that two inmates who had gone on hunger strikes to protest conditions in the lockups had been placed in solitary confinement on separate occasions in cells with concrete beds and no mattresses. One inmate reported that he had been there four days without food.**

**It should be noted that Romanian lockup officials generally consider leaving arrestees alone, even in a normal cell, to be a cruel practice. "It is inhumane to keep arrestees alone," said Commander Dumitru Brinzei, chief of the lockup at the Calea Victoria in Bucharest. "You'll go crazy. You might commit suicide."**

**Nonetheless, in addition to the inmates who were isolated as a form of punishment, one woman said that she had been kept alone in a cell in Cluj for nearly a month because she apparently was the only female inmate there. "When I was alone, I often wanted to hang myself," she said. It was unclear why other female pretrial detainees whose investigations had been completed were not detained with her to alleviate her solitude.**

### **Visits, Packages and Contacts with the Outside World**

**Once in the lockup, the police carefully limit the arrestee's contact with other human beings for fear that they will compromise the investigation by conspiring with an accomplice to create an alibi or telling a spouse to dispose of stolen goods. Inside the lockup, arrestees are permitted to speak only with cellmates; lockup officials go to great lengths, even at the expense of inmates' health, to maintain this isolation. Thus, all cell windows in the Cluj lockup were kept closed, lest inmates have a chance conversation with an accomplice passing down the corridor. As a result, the cells were suffocating and malodorous.**

**Inmates are not permitted to make telephone calls from lockups. Many are denied visits until the conclusion of the criminal investigation. Nor were any inmates interviewed during the Helsinki Watch inspections permitted to send or receive correspondence. It is therefore not surprising that arrestees typically told Helsinki Watch that they felt completely isolated from the outside world and totally dependent on the police and prosecutors for the exercise of their most basic rights.**

**Packages from friends and family are also at the discretion of the police investigator or prosecutor. For most arrestees, packages are lifelines to the outside world, providing cigarettes, clean clothing, reading material and, above all, food to supplement the meager lockup fare. By making arrestees utterly dependent on the good will of the police and prosecutor, the Romanian criminal justice system places extraordinary pressure on the individual to**

cooperate with the investigation.

Although arrestees are theoretically allowed two visits with first degree relatives per month, this was rarely the case. Many arrestees told Helsinki Watch that they had received no visits during the month or six weeks they had been detained; others said that they had had three in four months; others reported being told that they would have no visits until the investigation was completed. In Cluj one man said he had been allowed no visits for three months. He wanted to tell his mother to hire a lawyer but could not. Another said that, after asking for a visit with his girlfriend, he had been told by the police investigator: "You're a rascal and so am I. If you confess to some of these charges, I'll let you see your girlfriend." One arrestee in Baia Mare told of having his visits and packages cut off for the past three and one-half months because he refused to plead guilty.

When visits are allowed, they are rarely private. In Iasi one inmate complained that he had been granted one visit in three months, at which he could not speak or shake hands and all questions, which had been approved in advance, were asked by the police.<sup>31</sup> No conjugal visits are permitted.

Few inmates have reading materials.<sup>32</sup> No pretrial detainee was allowed to listen to the radio or watch television.

When asked to describe the worst aspect of his confinement, an arrestee in Brasov said: "Being totally cut off from the world." A woman who was allowed only two visits with her husband and child in 45 days said she cried herself to sleep every night over a picture of her child. When a guard asked her why she cried, his superior told her that she would be beaten if she talked to the guard again.

### **The Right to Counsel**

Isolated from their families and other inmates, most arrestees had little understanding of the criminal justice system or their rights in it. Few reported being told how long the criminal investigation would last, when the next interrogation would be, or how soon they would be able to receive visits. One eighteen year-old said: "I'm going crazy because I don't know what's going to happen to me."

Those who wish to hire a lawyer can only do so through family or friends. Otherwise they must wait until the arrival of an attorney assigned by the state, which many inmates said meant they did not see a lawyer for months. Although by law the police are required to notify the arrestee's family within 24 hours of the arrest, arrestees and lawyers said this frequently did not occur for days, and in some cases weeks, outside of Bucharest. One inmate, a foreign national, said his wife had not been notified of his arrest for three months, and he was prohibited from writing to her himself.

Arrestees have no right to speak privately with their lawyers. All meetings are held in the presence of the police interrogator or prosecutor, lest the attorney persuade the arrestee not to cooperate with the investigation. Private attorney-client conversations, said Lt. Colonel Trandafir, would "destroy the criminal justice system" by "interfering with the gathering of proof." Yet this rule is apparently applied only to pretrial detainees. Defendants released pending trial presumably are free to speak with whomever they wish, including their own attorneys.

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<sup>31</sup> Standard Minimum Rule 37 provides: "Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits."

<sup>32</sup> Standard Minimum Rules 39 and 40 provide that arrestees should be given access to "items of news" through periodicals and newspapers, as well as access to books.

Although a lawyer is essential to protect an arrestee's rights during the criminal investigation, most inmates reported that they had never seen their lawyers – in some cases after several months of confinement. With a few exceptions,<sup>33</sup> the legal community's lack of interest in the conditions of confinement and abusive interrogations of arrestees further contributes to detainees' isolation, ignorance of their rights, and inability to advocate for themselves.

## **OTHER RIGHTS**

### **Religious Services**

Although arrestees often remain in lockups for weeks and months, there was no provision for religious services for those who wished them in violation of the Standard Minimum Rules.<sup>34</sup>

### **Separation of Juveniles and Adults**

On several occasions Helsinki Watch found juveniles commingled with adults, in violation of the Standard Minimum Rules.<sup>35</sup> However, no arrestee found this to be a problem. In one cell, the juvenile had been named chief and placed in charge of the other inmates, without any apparent resentment.<sup>36</sup> Nevertheless, juvenile detainees should not be held in cells with adult detainees.

### **Treatment of Ethnic Minorities**

There was no visible difference in the treatment of Gypsies, Hungarians or other ethnic minorities in the lockups. Other than one complaint that an inmate in Iasi is not allowed to converse with a visitor in his native language, Helsinki Watch received no complaints of disparate treatment during interviews with arrestees.

## **CONCLUSIONS AND RECOMMENDATIONS**

The system of pretrial detention in Romania subjects arrestees to harsh and at times punitive conditions which violate international standards and effectively deny the presumption of innocence.

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<sup>33</sup> In the course of this mission, Helsinki Watch interviewed a number of lawyers in Romania, including some lawyers with a relatively recently-formed association of lawyers called APADO which is dedicated to the preservation of human rights.

<sup>34</sup> Article 41 of the Standard Minimum Rules provides, in pertinent part:

"(1) If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of that religion shall be appointed or approved...

(3) Access to a qualified representative of any religion shall not be refused to any prisoner..."

<sup>35</sup> Article 8 (b) of the Standard Minimum Rules provides:

"Young prisoners shall be kept separate from adults."

<sup>36</sup> However, such situations can result in serious abuses (see for example the discussion of the "cell boss" system in *Prison Conditions in Romania*, A Helsinki Watch Report, June 1992, pp. 30-31.) Helsinki Watch opposes the use of detainees in a disciplinary capacity, including any form of "cell boss" system.

**Although the incidence of brutality inside police lockups has apparently declined appreciably since the fall of the Ceausescu government in 1989, reports of beatings are still commonplace during interrogations conducted at police stations immediately after an arrest. Throughout the pretrial investigation process arrestees are typically isolated from friends, family and meaningful legal representation. Heavy pressure is focused upon them to cooperate with the criminal investigation in order to obtain basic privileges such as family visits and rudimentary contact with the outside world.**

**In some cases economic instability and shortages of capital, energy and basic items such as blankets and sheets hamper the government's efforts to improve conditions in post-revolutionary lockups. Yet substantial improvements can be made at little cost to the government. Helsinki Watch makes the following recommendations to the Romanian government; most can be achieved with little or no expenditure of money:**

- **End the physical abuse of arrestees during police interrogations and in the lockups.**
- **Establish procedures for detecting and punishing police abuse of arrestees and creating a system whereby officers are held accountable for the physical wellbeing of individuals in their custody.**
- **Establish an internal monitoring process at each lockup and within the Ministry of the Interior to evaluate conditions and the protection of individual rights.**
- **Strictly enforce the abolition of the use of chains and leg irons for punishment.**
- **Guarantee each arrestee the right to confidential communications with his or her lawyer.**
- **Allow human rights and legal advocacy groups reasonable access to the lockups to speak confidentially with arrestees and monitor conditions. So long as the lockups remain closed to outsiders, there will be little likelihood of improvement.**
- **Provide one hour of daily, outdoor exercise to every inmate, weather permitting.**
- **Abolish the use of slop buckets in lockup cells and allow inmates to use toilets as needed.**
- **Guarantee each arrestee the right to frequent and regular visits with family and friends. Visits should not be at the discretion of the prosecutor or depend on the arrestee's cooperation with the criminal investigation.**
- **Guarantee each arrestee access to items of news through periodicals, newspapers, radio and books.**
- **Guarantee each arrestee the right to practice his or her religion and access to a qualified representative of the majority religions in each district.**
- **Guarantee each arrestee the right to send and receive mail.**
- **Strictly enforce the separation between juveniles and adults in lockup cells.**
- **Post a current notice in each cell of arrestees' rights and responsibilities that explains the disciplinary scheme in the event of infractions.**

**The following are Helsinki Watch's recommendations for necessary changes that require the expenditure of some money:**



- **Designate a team of independent medical and public health officials to evaluate the quality of medical care provided at each lockup and take immediate steps to ensure that sick and injured arrestees receive prompt, effective treatment in the lockup or at a hospital and that appropriate public health measures are taken to prevent the spread of contagious diseases.**
- **Provide sufficient and appropriate medication to treat arrestees' medical conditions.**
- **Provide gynecological services for every female arrestee, including sanitary napkins and pregnancy testing, where needed.**
- **Provide prompt, appropriate psychiatric or rehabilitative services for those arrestees who need them.**
- **Replace all stone beds and provide each arrestee comfortable bedding, including a serviceable mattress and a clean blanket and pillow. Provide clean bedlinen, changed at least once every ten days, as well as a change of clothing and items of personal hygiene for those who need them.**
- **Provide adequate ventilation and heating in each cell.**
- **Provide nutritious meals with fresh fruit and vegetables.**
- **Guarantee that each arrestee has a bed and enough living space to meet international standards. No arrestee should be required to share a bed or to sleep on the floor.**

**Professional and advocacy groups in Romania should begin to monitor human rights violations in police lockups. Specifically, Helsinki Watch suggests that:**

- **Medical professionals and medical organizations should undertake a thorough examination of the medical treatment provided arrestees at police lockups, make recommendations for improvements to the Ministry of the Interior, and, where appropriate, provide technical or *pro bono* medical assistance.**

**The Romanian legal profession, human rights organizations and advocacy groups should begin to focus public attention on the rights of arrestees in police lockups, to seek access to the lockups, to conduct reviews and issue reports on the status of human rights among pretrial detainees and to recommend necessary changes.**

- **Individual attorneys should pay close attention to the conditions of confinement of their clients who are held in police lockups, challenge violations and bring court actions to enforce existing laws.**

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*This report is based largely on information gathered during a Helsinki Watch mission to Romania in July 1992. Participants in the mission were Robert Levy, Senior Staff Attorney for the New York Civil Liberties Union; David J. Rothman, Bernard Schoenberg Professor of Social Medicine and Director of the Center for the Study of Society and Medicine at Columbia University; and Sheila Rothman, Director of the Externship Program in Medicine and Human Rights at Columbia University Medical School. The report was written by Rob Levy and edited by Lois Whitman, Deputy Director of Helsinki Watch.*

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