

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 14, 18, 36, 72 ; E/CN.4/1998/68/Add.1, paras. 340–342)

The Special Rapporteur (SR) expressed concern about cases of the misuse of firearms by law enforcement officials and noted information indicating that several persons were killed at the time of their arrest. The SR deplored the fact that some provisions of the Romanian Police Organization and Operation Act are not in keeping with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and referred to article 19 (d) of Act No. 26/1994 which authorizes a police officer to use force or a firearm "to arrest an offender caught in the act of committing a crime, trying to escape and not obeying orders to stop".

Allegations transmitted to the government related to three separate cases, involving: one person who was shot in the back by police officers, a member of the Rom community who was reportedly killed by an officer who was trying to arrest him, and the killing of one person by police when he was caught trying to steal a car. The government did not reply to the allegations.

The SR requested authorities to make impartial and in-depth inquiries into the use of force by police and ensure that any police officer suspected of having used firearms abusively is brought to justice. The SR also recommended that article 19 (d) of Act No. 26/1994 be amended to bring it into conformity with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Racism and racial discrimination, Special Rapporteur on: (E/CN.4/1998/79, paras. 46)

The report refers to cases of discrimination against Roma, particularly by skinheads. No examples or details of cases were provided.

Religious intolerance, Special Rapporteur on: (E/CN.4/1998/6, paras. 48, 50, 60, 63, 64, 66, 69, 85–86)

The Special Rapporteur (SR) referred to violations of freedom of religion and belief against Christianity, and Jehovah's Witnesses. The report outlines information indicating that the national Orthodox Church is hostile to members of the Greek Orthodox Church and Jehovah's Witnesses, and is trying to restrict the activities of other religious groups and communities. The SR also referred to the fact that the problem of restitution of goods and religious properties confiscated under the former regime has been raised, and noted information related to violations of physical integrity and health, including harassment, threats and mistreatment.

The government stated that measures have been taken at both the administrative and legislative levels to overcome

past injustices and to guarantee the freedom of religion. Referring to the situation of the Greek Catholic Church, the authorities stated that the process of restitution of properties confiscated under the former regime had been accelerated, and new legislation was passed in June 1997. The new law provides that the Greek Catholic Church is to be given back one church building in each locality in which the Orthodox Church has several church buildings, and in which there are local residents of Greek Catholic denomination. The authorities also stated that they were taking the necessary measures in relation to all manifestations of intolerance. With regard to the Jehovah's Witnesses, the authorities recalled that the faith was recognized by law, and their activities protected against any act violating human rights. In April 1997, the Department of Religious Affairs adopted an order addressed to all local public authorities in which full entitlement to have or build their own administrative buildings or places of worship was recognized for Jehovah's Witnesses.

Torture, Special Rapporteur on: (E/CN.4/1998/38, para. 161–162; E/CN.4/1998/38/Add.1, paras. 333–346)

Allegations were transmitted to the government in a number of individual cases related to arrest followed by ill treatment including: severe beating by three police officers in order to extract a confession, noting a complaint was filed with the General Prosecutor's Office of the Supreme Court of Justice and the General Public Prosecutor; death in custody reportedly following severe beatings by another prisoner acting on instructions of police officers, noting an investigation was initiated by the Iasi Military Prosecutor's Office; beatings with fists and rubber sticks in order to extract a confession and incommunicado detention for more than one month, noting a complaint was filed with the General Prosecutor's Office; beatings by three sergeants at a local police station during a detention period of about 24 hours, noting the three police officers were prosecuted and given suspended sentences of two years' imprisonment, no disciplinary measures were reportedly taken against them, and they continued in the same jobs they had occupied prior to the incident; kicking and beating with fists and rubber sticks, noting a medical examination revealed extensive bruising consistent with the use of a blunt object, a complaint filed with the Bihor District Police Inspectorate was unsuccessful and a complaint was also filed with the Military Prosecutor's Office; and a beating by four police officers, noting a medical certificate indicating injuries caused by a blunt object, reporting of the case to the head of the Bihor District Police Inspectorate without success and the filing of complaints as well with the Bihor and Oradea Military Prosecutors' Offices.

The report notes further allegations concerning: the arrest of three minors, followed by slapping and beating, noting a complaint about police ill treatment was filed with the Military Prosecutor; hitting with the handle of an axe on the chest and a rubber stick on the head, as well as use of electric shocks, causing hospitalization, noting the case was reported to the Military Prosecutor's Office; a beating by police resulting in damage to the spleen