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COMMISSION ON HUMAN RIGHTS  
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**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: TORTURE  
AND DETENTION**

**Written statement\* submitted by Romanian Independent Society of Human Rights  
(SIRDO), a non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2005]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

- (i) The Romanian Independent Society of Human Rights, organisation founded in 1990 for the protection and promotion of human rights and fundamental freedoms, has developed even from the beginning, programmes of counselling, information and education of persons deprived of freedom with preoccupations in a) monitoring the detention conditions and b) treatment in penitentiaries. The problems arise from activities developed in 2004, and SIRDO forwards them to the attention of the Commission of Human Rights.

- (ii) a) Detention conditions

According to the Report made by the Special Rapporteur on Torture following his visit in Romania in 1999 (E/CN.4/2000/9/Add.3), due to the overpopulation in Romanian penitentiaries they can be considered real torture instruments for the imprisoned persons. The reform of the penal system introduced by the new law of executing punishments (Law No. 294/2004) stipulates ways of executing penal sanctions that are not depriving of freedom, thus avoiding the overpopulation of the penitentiaries. This does not automatically mean that the detention conditions will improve.

There are penitentiary areas with serious infringements of the international norms referring to the period of using buildings for imprisonment reasons, especially for those under medical treatment for contagious diseases.

In the sense of facts presented above we request the attention of member states of the Commission on the Jilava Penitentiary, 30 km away from Bucharest. The initial building of the penitentiary was built in 1907 and other buildings were built in 1973 and 1991. Some improvements were made in time, but the quality of life in this penitentiary is incompatible with the minimum standards of existence for the imprisoned population. In the Jilava penitentiary there are prisoners with definitive sentences and prisoners in transit, brought from other penitentiaries in Romania for trials at the Bucharest Courts. The Jilava Hospital Penitentiary is a separate unit, both from the administration and personnel points of view. The conditions are inappropriate for hospitalisation and medical treatment (bad smell in the rooms, bed sheets impregnated with blood, urine, food, the lack of a temperature balance in the cold and hot seasons), bad food served in improper conditions, the continuous presence of rats and insects in detention areas, as well as organic impurities (worms, micro-organisms) and inorganic impurities (metallic dust) in the drinking water are themselves means of torture, seriously affecting the physical and psychological health of prisoners.

Another problem is related to the detention conditions in the Chilia Section of the Tulcea Penitentiary, in the Danube Delta, completely isolated from civilisation, with a possibility to reach it by boat and often without external relationship during winters. The Report of the European Committee against Torture (2004) makes recommendations to disestablish this improvisation of penitentiary, which subjects prisoners to complete isolation in improper conditions of existence. In spite of this the representatives of the National Administration of Penitentiaries invoke the need to maintain this section at

least from the perspective of maintaining a restraint group of prisoners during the summer. In SIRDO's opinion, this is extremely dangerous, as by keeping part of it, they can reactivate the entire objective as well.

(iii) b) Treatment in penitentiaries

The interpretation of data in the statistic Report published in 2003 by the Council of Europe referring to the European penitentiary system is that the Romanian penitentiary system can be considered performing from the point of view of safety, public order and prevention of negative events committed by persons deprived of freedom, considering the modest human resources and material means. The number of events is not necessarily an issue in our opinion, but the seriousness of events is, as an important factor in analysing an imprisonment system. In this sense we could number certain relevant facts which took place in 2004: the suicide of a prisoner under medical surveillance in the Maximum Safety Penitentiary Bucharest-Rahova; the murder of a prisoner in unclear conditions in the maximum safety Iasi penitentiary; the escape of a prisoner from a working point of the Tulcea penitentiary and the interdiction to be contacted by SIRDO after he was caught; the protest of minors in the Minor and Youth penitentiary in Craiova, resulting in the deaths of some of them subsequent to an act of self- setting on fire.

Unfortunately, the "performing aspects" are achieved in penitentiaries by using special groups of intervention from the Direction of Safety and Penitentiary Regime. Many of the statements from penitentiaries relate to events in relationship with the special intervention groups ("masked men" – in the colloquial speech of persons deprived of freedom). The organisation and functioning of these units of intervention and safety of detention are based on normative acts lacking any guarantee on the respect of human rights and fundamental freedoms. Thus, in the lack of an independent and efficient control system against actions of the "masked men", the prisoners have no means to inform on or obtain remedies against maltreatment. The psychological pressure, the intimidations, the actions during the night, sophisticated intervention instruments and the masks can be interpreted as torture made by persons without identity, thus the guilt can be entirely put on the shoulders of the National Administration of Penitentiaries, that orders such violent actions. The permanent character of masked intervention troops gives the impression that the Romanian penitentiary system is in a permanent state of alert. Even if the authorities invoke the need of such actions, we should mention that in the case of extreme manifestations which overpass the intervention possibilities of the National Administration of Penitentiaries they may request the support of the Ministry of Administration and Internal Affairs (article 30, align 4, Law No. 294/2004).

(iv) SIRDO vehemently requests the intervention of the UN Commission on Human Rights, of the UN Special Rapporteur on torture, of the Committee Against Torture (CAT) to make the Romanian Government adopt the following measures:

- the demolition of the Jilava Penitentiary, considering our previous requests, but also considering the negative impact on the collective awareness, with resonance in the communist past, as a totalitarian system prison;
- the complete disestablishment of the Chilia Section from the Tulcea penitentiary;

- the urgent creation of arrest houses, measure stipulated by the new law of execution of punishments, related to the need to maintain preventively arrested persons in individualised locations;
- the evaluation of the need of special intervention troops (“masked men”) in maximum safety penitentiaries and repositioning their activity with guarantees on the respect of human rights because they give collective punishments to the prisoners;
- reorganisation of the department of safety of detention which is now centralised at the level of the National Administration of Penitentiaries, thus exonerating the responsibility of penitentiary directors for their activity in this compartment;
- the organisation of arrest houses, measure in accordance with the provisions of Law No. 294/2004 for the need to maintain the persons preventively arrested in individual locations, other than penitentiary institutions;
- the disestablishment of the Independent Service of Protection and Anti-corruption (SIPA) as a secret information service, militarised and under the Minister of Justice (see previous statements: E/CN.4/2001/NGO/93; E/CN.4/2003/NGO/13; E/CN.4/2004/14).
- In our opinion, the existence of SIPA contravenes the principles of democracy, is not subjected to the democratic control, which opens a wide gate to abuse. Even if prisoners or penitentiary employees committed acts that may constitute threats to the national safety, there are enough secret services in Romania, with legal competencies and access to penitentiary areas, if necessary.

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