



Office for Democratic Institutions and Human Rights

Field Visit on Police and Roma relations, Romania

12-15 November 2007

OSCE Action Plan on Roma and Sinti (Maastricht MC 3/03)

Provision 28. Develop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.

GOAL

To identify concrete ways of improving dialogue and building confidence between police and Roma and to address situations in which disproportionate use of force on Roma is exercised by the police.

OBJECTIVES

- To assess the situation in Roma communities where incidents between police and Roma have recently occurred. Also, to observe the current status of relations between police and Roma in the respective localities;
- To explore and identify concrete methods of assistance to the Romanian Ministry of Interior and the General Police Inspectorate to implement the relevant provisions contained in the Governmental Strategy for Roma, with special attention to those provisions which follow the commitments contained within the OSCE Action Plan and international standards on policing in multi-ethnic societies.

FRAMEWORK AND MODALITIES

This initiative was part of the ODIHR's efforts to support the implementation of the OSCE Action Plan on Roma and Sinti, especially provisions under Chapter III (combating racism and discrimination /Police). The ODIHR has signed a Memorandum of Understanding with the Romanian Ministry of Interior and a number of activities were concluded, in cooperation with relevant authorities and Roma between June 2005 and December 2006.

Reports of incidents between police and Roma were sent to the ODIHR Contact Point for Roma and Sinti Issues (CPRSI) in the last several years. Disproportionate use of force and firearms, including against women and children have raised concerns. The decision to organize a field visit was prompted by the fact that similar incidents happened in different locations, therefore resembling a pattern.

A letter from the Director of the ODIHR, Ambassador Strohal, was sent to the Romanian Minister of Foreign Affairs informing about the visit and requesting support. The Romanian Ministry of Foreign Affairs has assisted the CPRSI in liaising with the Ministry of Interior and the General Police Inspectorate, ensuring their participation in the field visits. To assist the international team in conducting the field visit, two

Bucharest-based NGOs were contracted - the *Roma Center for Social Intervention and Studies (CRISS)* and the *Project on Ethnic Relations Regional Centre*. A portfolio was prepared and made available to the team, containing background information, field documentation, reports and responses of institutions, on the cases occurring in the places visited.

The international team was comprised of the ODIHR CPRSI, the OSCE Office of the HCNM, the OSCE SPMU and an expert of the ODIHR Tolerance and non-Discrimination LEOP programme (Law Enforcement Officer Programme on combating hate crimes). In the course of the visit, the team made clear that it does not aim to judge authorities or to put blame on the police. Rather the purpose of the visit was to assess the situation in order to better understand the circumstances and the context in which these incidents and use of excessive force by the police occur. The objective is to help identify and address those vulnerabilities and deficiencies, from both the police and Roma community, which contributed to these incidents.

In the course of the visit, the team met with Roma communities in which confrontations with police had occurred, including interviews with victims of incidents. This was then followed by meetings and discussions with local authorities, police representatives and local NGOs, hosted within the Prefect's office. The visit was concluded with a meeting with the State Secretary Mr. Vasile-Gabriel Nita, followed by a concluding roundtable organized on 15 November, in Bucharest, with participation of Romanian authorities. The main findings of the visit were discussed, along with ways to enhance dialogue between police and Roma, build trust and cooperation, focusing on prevention work and respect for human rights.

BACKGROUND /SUMMARY OF INCIDENTS

Pata Rat

Garbage dump of the Cluj Napoca city. The Roma community at the Pata Rat garbage dump is formed of approximately 200-250 Roma individuals, living in improvised shacks. Their main occupation is collecting recycling materials from the garbage and receiving money from collection points. During a raid by police in November 2005, conducted with dozens of policemen and based on information received that there were stolen goods hidden in these shacks, Roma individuals, both men and women, were abused and suffered various degrees of violence at the hands of police, some of which were caught on tape by a local media outlet. A number of men were handcuffed, brought to the police precinct and finger-printed. Various goods found in shacks were confiscated, without any inventory and signature from those from those whose property was seized. Another raid took place a short time after the first one. The community claims that their shacks were destroyed and burned by the police and they were simply left, including small children, under the open sky, in cold conditions. No formal charges following the raids were registered for any of the inhabitants of this community.

Bontida

On 8 March, 2006, the police precinct of the Bontida village and representatives of the Cluj gendarmerie undertook an action in the Bontida village, Cluj County. According to the Roma inhabitants of Bontida, 5 Roma youngsters were physically abused by the gendarmerie. Two of the five were minors. The Roma youngsters were taken to the local police precinct, three of them mentioned they had been beaten up in the police van, and the other two at the police station. Three of them have medico-legal certificates. Roma

witnesses have also declared that, for 30 minutes, two persons were abused in the police station. In addition, parents were not allowed to see their minor children, contrary to the legal obligations of public institutions' representatives. Only after some time was access granted to the parents. The Head of the Police from Bontida confirms that the gendarmerie reported that there was no abuse.

Apalina

The purpose of the intervention on 9 July 2006 was to carry out what should have been a routine task of handing out citations to two individuals involved in a previous altercation in which a police officer was physically abused. The disproportionate use of force during this intervention used by police, and their colleagues in the Police Department for Rapid Intervention in the Apalina community (Reghin–Mures County), resulted in thirty-seven victims. Of these victims, 20 male and 17 female of whom 32 were adults and 5 were minors. Twenty-two were hit with rubber batons, and fifteen hit or threatened at gunpoint. One cartridge of military ammunition was found at the location of the incident and is in possession of a Roma individual who keeps this as proof of the incident.

Ciurea

On 20 July 2007, around 6 a.m., an intervention by the Police Department for Rapid Interventions took place in Zanea village, Ciurea commune, Iasi County. The purpose of the intervention was to identify and arrest people who already had irrevocable convictions. One hundred and twenty-eight policemen, divided in teams, entered simultaneously to the 10 locations where the wanted people were presumed to be residing. Following the police intervention, 4 people were arrested and approximately 30 people (including women, children, elderly and ill persons) were injured or wounded by rubber bullets. Two girls, aged 12 and 14, were hospitalized because of wounds caused by rubber bullets. Also, a chamber of military ammunition was found at the place of intervention and is in possession of a Roma individual as evidence.

Chitila

On 19 September 2006, around 3 a.m., the Bucharest police precinct no.5 was patrolling near Chitila road and noticed 2 young men near a Dacia Papuc car. The two individuals tried to escape when they saw the police, one on foot and another by car. At an intersection with Chitila road, the car went off the road and the driver ran on foot while being chased by a policeman. At the corner of Moldovei and Oastei Street, the fugitive entered the yard of his own house and, while trying to climb a fence to jump into a neighbour's yard, the policeman followed him and shot him in the neck, eventually causing the death of the person. While the victim was bleeding on the ground, the policemen, who according to witnesses was talking with his superior on the phone, was begged by parents and urged by neighbours to transport the victim to hospital. Initially the policeman refused and did not call the ambulance. It was only after approximately 45 minutes, according to parents of the victim and neighbours, that the policemen transported the victim and his mother to hospital with the police car, without putting on the police siren.

OBSERVATIONS FROM THE FIELD VISIT

Position of Roma communities

In the communities visited, Roma reported that they are victimized without any possibility to access justice to address their situation. This, in turn, contributed to their negative feelings regarding the justice system and police institutions.

Ciurea

The health condition of the young girl, injured by a rubber bullet, requires prolonged and serious medical care and further surgery to extract the bullet which has migrated to her lungs. The family is left to deal with this problem by themselves, with no support from state.

Iasi

Roma organizations have requested that instructions from the chief of police be clear and respected by subordinates so that during police interventions innocent individuals are not victims of shootings and violence by the police.

Apalina

An elderly woman, wounded by a rubber bullet, requires further medical care. No attention towards this problem has been forthcoming by relevant authorities in the institution which caused the injury.

Pata Rat

In order to avoid being under constant threat of forced eviction and victimized by police violence, Roma living next to the dump site asked to receive a piece of legal land where they can settle and build their own houses. They feel completely neglected by the authorities with regard to their needs and the various problems they are facing, including, the lack of IDs and birth certificates, lack of social welfare, housing problems and no access to education for their children and health care.

Chitila

The international team and police representatives met with the parents of the young men who died after being shot during a police chasing. There were observed discrepancies between the statement of the police officer who used the firearm and the statements of the parents and neighbours. There are concerns regarding the way and thoroughness of the investigation by police and prosecution after such incidents involving police officers making use of firearms, especially when this causes fatalities. Considering the gravity of the situation when using the firearm causes death, there should be a strong and prompt message of no tolerance by the Police institution towards any abuses of such kind.

Position of law enforcement institutions and authorities

Prefect Institution Cluj

The sub-prefect of Cluj appreciated the expertise offered by the OSCE and is committed to pay more attention to ensuring transparency and a normal relationship between police and Roma. Support was also offered by the sub-prefect to ensure such cooperation and confidence was expressed that with the OSCE support a better relationship and

prevention of abuses can be achieved. A request to the Mayor's offices in Cluj County can be made by the Prefect institution in order to identify alternative legal locations for those Roma communities settled illegally and done in close consultation with the community.

Police, Cluj

With regard to the position of the Cluj Police concerning the interventions in Roma communities in Pata Rat and Bontida, the police representative stated that the action took place according to the purpose of the planned intervention and that the envisaged result were achieved.

Prefect Institution, Mures

The Prefect of Mures mentioned that after the incident in Apalina, a local police post was created in the village and since then a series of meetings and discussions between Roma representatives and the prefect, police and other authorities has taken place. It should be mentioned, however, that in the meeting with the Prefect of Mures, one of the members of the team was not allowed to address questions to the police representatives related to the incident in Apalina. We found this regrettable.

The prosecution's position was that the police action was legitimate and legal. The prefect mentioned that there were no complaints received that "collateral" victims has suffered wounds caused by gun injury nor that such persons were refused medical care, and that if such a situation exists it should be reported.

Police, Mures

The Mures Police spokesperson mentioned that the intervention in Apalina was an exceptional case and this is not representative of police work in Mures.

Prefect Institution, Iasi

The prefect of Iasi stated that situations of abuse of force by the police do not take place as the police are acting according to their mandate and responsibilities. In addition, the prefect noted that the situation regarding the intervention in Ciurea needs to be analyzed based on facts. With regard to relations with the Roma community, the prefect stated that a good dialogue and relations of partnership existed with Roma organizations. Support was provided for projects addressing education and various social problems faced by Roma. The prefect also stated that minor elements, such as the incident in Ciurea, cannot define the overall relationship between the authorities and Roma in Iasi.

Police, Iasi

The police representative mentioned that there is a tendency within the Roma community that each police action is countered with force by the community. He also stated that officers are carefully instructed regarding the use of firearms and how to prevent making use of them. He stressed the need to find alternative actions to prevent such incidents occurring which result in victims. Another issue brought up was that Police forces are sometimes at risk of panicking, due to the behaviour of the Roma community, which gathers in large numbers in proximity of activities conducted by police during

interventions or work. Regrets were expressed for abuses by police and the gravity of the situation of children being shot was acknowledged.

The police representative considers that more attention should be paid to the ways of conducting police interventions and enforcing the law by not carrying guns, as presented in the experience of the UK police. Acknowledgement of the importance and need for work on police attitudes towards the Roma community, in order to challenge prejudiced perceptions, was also mentioned. With regard to attitudes, it was observed that the officer on the street is often acting in ways which differ from how he /she is instructed by police managers, highlighting the fact that until instruction is fully internalized and respected, the attitude of police will not change significantly.

Meeting with the Ministry of Interior's State Secretary Mr. Vasile-Gabriel Nita

The State Secretary acknowledged the existence of problems regarding relations between police and Roma. He stressed that the police have used firearms only to defend themselves from violence of Roma, who attacked the police, destroyed cars and posed threats to the lives of officers. In this context the response of police was reactive in nature. The fact that women and children were injured was deplorable.

The reactive approach and the issue of disproportional use of force was raised by the international team, stressing that officers should be well trained, clearly instructed and even-tempered. They have to be able and skilful enough to control the situation and make use of weapons only as an ultimate means, and solely against, those who pose a real and evident threat to the personal security of the officer.

Concerns were raised that in a number of incidents described to the international team by witnesses, the police tasks were to conduct rather fairly routine work and activities. Yet the eventually outcomes exceeded the law and police conduct, and resulted in Roma victims, especially among elderly women and children. A closer review is required of situations when incidents between police and Roma occur, with a view to identifying methods of enforcing the law with much less use of force and firearms. It will be valuable that once such a review done, its findings are made public and disseminated to relevant authorities, along with a strong message towards not tolerating abuse and promoting non-discrimination and respect for human rights.

Members of the international team stressed that there are ways to achieve objectives and fulfil the responsibilities of the police without resorting to unnecessary and disproportionate use of force. Injuries caused to the local population could be avoided if a different approach is employed. Such a level of confrontation in the long term undermines confidence in the police and in its capacity to respond to such incidents and challenges. Implementation of recommendations on policing, devised by relevant actors, can greatly contribute to improve relations with the Roma community and work towards preventing tensions and abuses.

The State Secretary highlighted that the internal investigations of the police are related only to disciplinary measures and aspects related to violation of human rights. It was stressed that there is no difference between the ways Roma cases are treated as compared to others. The international team observed that there might be something missing in the way incidents involving police officers are examined after such events. Independent

external investigators for a thorough analysis of incidents involving police officers are required to ensure impartiality and objectivity. In other countries, when a police discharges a firearm, the weapons is kept under examination and a very thorough investigation is undertaken to examine the conditions and legitimacy in which the firearm was used.

The manner and length of the process for addressing the incidents and abuses involving police officers are other issues which may contribute to the mistrust by the Roma population in the police. People often feel that it takes too long for them to see final conclusions and affected people need to see that justice is done as soon as possible after such incidents.

Concerning the legislation and procedures regarding the use of firearms it was observed that there are some differences in comparison with the legislation, rules and norms of international standards regarding this matter. A review of the cases involving the use of firearms over the last several years was suggested, in order to assess if the national legislation is adequate and if it is being properly implemented. In this way particular needs for training and instructions can be identified and addressed.

The practice and initiative of encouraging and supporting Roma individuals to join the police as officers was presented and commended by the international team to be further developed and replicated nation wide. The policy of reserved places for Roma individuals in the Police Academy and Police Schools has started and it has the potential to develop, provided that the Roma community will show an interest to join the police.

It was generally agreed that improving dialogue and building trust is essential, along with increased transparency and diligence in upholding the law and applying it when police officers are also breaking the law. An honest approach, both by police and the Roma community, to acknowledge the problems, vulnerabilities and deficiencies is a prerequisite for addressing the challenges successfully.

Developments regarding police reform and modernization **Ministry of Interior and the Institute for Crime Research and Prevention**

Through the ODIHR–MoI Memorandum of Understanding, a self-assessment exercise was conducted in 2005-2006, realized mainly by the *Institute for Crime Research and Prevention*. It can be observed that the findings, recommendations and lessons learned are not yet fully accepted and utilized by the police. A Permanent Consultative Council was established in the last year as an expert body to analyze and provide advice regarding incidents and police interventions. Roma representatives are sometimes invited to participate in the discussions. A manual for police intervention was recently updated, which makes risk analysis mandatory. Training on policing in multi-ethnic communities and respect for human rights was provided to police officers.

The Ministry of Interior has initiated since last year the positive practice of allocating special places for Roma individuals to the Police Academy and Police Schools. This year 47 places were allocated, of which 11 were for the Police Academy. Information campaigns were launched for the purpose of familiarizing Roma communities with the existence of this opportunity, and to encourage Roma individuals to pursue their candidacy for these places.

Highlights of the roundtable discussion

One of the main issues discussed was the disproportional use of force during police interventions in Roma communities. The MoI and police considered that police actions were legal and legitimate. The escalation of tensions during the interventions and the use of force, were justified due to the alleged solidarity of the Roma community, who act violently against the police. Such allegations were contested by Roma representatives and suggest that there is a need to challenge the prejudice and stereotyped perception of Roma by the police.

Another issue raised was that of the situation of victims, especially of those injured by gun shots. It has been noticed that although some of the victims require extensive medical care, including surgery, the police and the MoI have not assumed any responsibility. In this context, it has been remarked that in similar situations in other countries the police are charged to pay compensation to victims.

Thirdly, the role of local police was discussed. It was observed that in some of the interventions the major role was played by municipal and /or county police forces. The valuable resource of local police in ensuring proper communication with the Roma community was overlooked.

Lessons learned

The need for review of the incidents and to use lessons learned in the process of planning and conducting police operations was reiterated, with emphasis on the essential role of risks analysis. (The lessons learned from Apalina are of particular importance; it does not appear that the intervention in Ciurea, which happened after more then one year, had been learned.)

Police management authorities should review carefully the statements of police officers and make sure that firearms are used without causing injury to innocent victims. An analysis should answer the question whether in the use of firearms all procedural preconditions were fulfilled. This also includes instances of military ammunition chambers found on the spot of intervention and currently in possession of Roma witnesses, which still require explanation.

RECOMMENDATIONS

- Bring Romanian legislation, regulations and norms regarding policing and use of firearms in line with relevant international standards;
- Increase efforts to review, update and upgrade legislation and strategies for interventions;
- HCNM recommendations on policing in multiethnic societies are equally applicable to Roma and Sinti;
- Evaluation by the Institute for Crime Research and Prevention of Romanian police to be disseminated to all levels of decision making in Romanian police and ministry of interior;
- In areas with large Roma communities, officers should have better knowledge and understanding of Roma specificities and the challenges they face;

- Strong enforcement of legal provisions and supervision by higher levels of the police is required;
- Reform and adequately implement legislation and procedures regarding the use of firearms. A review of the use of firearms over the last several years would assist in analyzing whether national legislation is adequate and if it is properly implemented. Particular needs for training and instructions could also be identified and addressed;
- Romania to engage in the ODIHR LEOP programme;
- Recruit Roma into the police and ensure proper development of their careers;
- Consider alternative ways to enforce law and fulfil police responsibilities with a minimum of force and of firearms;
- When comparing the situation with other countries (no similar examples of incidents in which firearms with rubber bullets were used are reported), patterns and trends are evident. This requires immediate attention. Thorough investigations of such cases, including on the side of the police, are required;
- Independent review mechanism for investigation regarding police matters;
- Ombudsman's office to be more active at looking into police interventions;
- Sharing know-how to design and unfold interventions in the Roma community, without using excessive force (maximum impact – minimum violence);
- More prevention work should be undertaken in cooperation with Roma organizations and representatives.

Members of the Field visit team

1. Mr. Andrzej Mirga, Senior Adviser on Roma and Sinti, ODIHR CPRSI;
2. Mr. Dan Doghi, Officer on Roma and Sinti, ODIHR CPRSI
3. Mr. Brendan Moran, Director, OSCE Office of the High Commissioner on National Minorities (joined the team on 15 Nov.)
4. Mr. Manuel Marion, Deputy Head, OSCE Strategic Police Matters Unit (joined the team on 15 Nov.)
5. Mr. Timothy Parsons, Law Enforcement Police Officers Programme (LEOP), ODIHR Tolerance and Non-Discrimination
6. Mr. Maldareanu Marin, Representative of the General Inspectorate of Police
7. Mr. Nicolae Maximilian, Institute for Crime Research and Prevention
8. Mr. Marian Mandache, Romani CRISS
9. Ms. Maria Koreck, PER, Regional Center, Romania
10. Ms. Oana Mihalache, Interpreter, Romani CRISS