

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture  
(Extracts for follow-up of CAT/C/ROU/CO/2)**

**ROMANIA**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Prolonged detention in police detention and arrest centres**

8. While noting the reduction in the number of pretrial detainees in 2014 owing to the use of alternative measures, the Committee is concerned about the continued use of pretrial and administrative detention during criminal prosecution in police detention and arrest centres, which can be extended to up to 180 days. It is particularly concerned at the continued and prolonged detention of sentenced prisoners in police detention centres. It is also concerned at overcrowding and at the poor material conditions in police detention facilities (arts. 2 and 11).

**The State party should put an end to the practice of prolonged pretrial and administrative detention in police detention and arrest centres and should ensure that their use is clearly regulated and is subject to judicial supervision at all times, which guarantees fundamental legal and procedural safeguards. The State party should consider alternatives to incarceration, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). All sentenced detainees held in police detention facilities should be promptly transferred to prisons under the National Administration of Penitentiaries. The State party should continue to renovate police detention centres with a view to bringing the conditions of detention into line with international standards.**

**Excessive use of force by law enforcement officials and statements made as a result of torture and ill-treatment**

9. The Committee is concerned at reports alleging cases of violence by law enforcement officials, including against minors, at the time of arrest, detention and interrogation, that has amounted to ill-treatment and torture, and is aimed among other things at eliciting confessions, some of which has allegedly resulted in deaths. It is particularly concerned about the treatment at the Ilfov Police Inspectorate of two persons reported to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, corroborated by medical reports,

which was of such gravity as to amount to torture. The Committee is also concerned at the low number of prosecutions and convictions in such cases. The Committee is further concerned at reports that police holding cells contain non-standard items which are not in conformity with regulations and which may allow for ill-treatment and torture (arts. 2, 15 and 16).

**The State party should:**

- (a) **Provide the Committee with information on the number of cases of violence by law enforcement officials that have been investigated, the number of perpetrators who have been prosecuted for acts of torture and ill-treatment and the penalties applied to those found guilty;**
- (b) **Carry out prompt, impartial, thorough and effective investigations into all allegations of the use of violence, including torture and ill-treatment, by law enforcement officials, prosecute and punish those responsible and provide information to the Committee on the outcome of investigations into the treatment of the two persons at the Ilfov Police Inspectorate;**
- (c) **Establish an independent monitoring and oversight mechanism, through the internal disciplinary procedures of the Ministry of the Interior, in order to avoid the investigation of complaints by peers;**
- (d) **Ensure that judges, and more particularly judges for rights and freedoms, are automatically notified of all cases of ill-treatment and torture in police detention facilities, regardless of the visibility of the injuries, and equip all places of deprivation of liberty with video devices for recording interrogations, and ensure that persons who have complained about allegations of torture and ill-treatment are protected from reprisals;**
- (e) **Reiterate at the highest political level its commitment to zero tolerance of the use of violence against persons deprived of their liberty, including to elicit confessions;**
- (f) **Ensure the removal from police stations of all non-standard items that may allow for ill-treatment and torture.**

(...)

**National preventive mechanism**

16. The Committee welcomes the establishment of the national preventive mechanism under the Optional Protocol to the Convention. The Committee is, however, concerned that it is reportedly not functioning as a fully operational national preventive mechanism (art. 2).

**The State party should allocate adequate financial and staffing resources to ensure the independence of the office of the Ombudsman, in order to**

**enable it to function effectively in its distinct role as the national preventive mechanism. It should also ensure that the mechanism has a multidisciplinary team that includes persons with medical and psychiatric expertise, and that the mechanism visits regularly all places where persons are deprived of their liberty. The Committee encourages the national preventive mechanism to take advantage of the experience of civil society organizations in this field.**

(...)

#### **Follow-up procedure**

21. The Committee requests the State party to provide, by 15 May 2016, follow-up information in response to the Committee's recommendations relating to: (a) prolonged detention in police detention and arrest centres; (b) excessive use of force by law enforcement officials; and (c) the national preventive mechanism (see paras. 8, 9 and 16 above).

(...)

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