

Ioan Ruta:



Minnesota Lawyers International Human Rights Committee



IOAN RUTA: A CASE STUDY OF HUMAN RIGHTS IN ROMANIA

A report of the
Minnesota Lawyers International Human Rights Committee
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PREFACE

The following report has been prepared at the request of the Board of Directors of the Minnesota Lawyers International Human Rights Committee ("the Committee"). The purpose of this report is to summarize the Committee's work in the case of Mr. Ioan (*pronounced "John"*) Constantin Ruta, a Romanian citizen presently living in Minnesota.

The Committee first became involved in Mr. Ruta's case in March 1986, shortly after he had been detained mysteriously by the Romanian authorities in Bucharest. After holding Mr. Ruta *incommunicado* for approximately four months, the Romanian Government eventually charged him with criminal bribery. Mr. Ruta was convicted of this offense in November 1986, at which time he was sentenced to seven years in prison. The Committee continued to work on Mr. Ruta's case for a year and a half, until June 6, 1987, when Romanian President Nicolae Ceaucescu granted Mr. Ruta a presidential pardon on the bribery charge and allowed him to join his wife and daughter in the United States.

The report will provide the factual background of Mr. Ruta's case, describe the activities of the Committee, and summarize the observations of Committee members Christine K. Solso and Samuel D. Heins, attorneys, who attended portions of Mr. Ruta's trial in Romania in September and October

1986. The report will also describe the conditions of Mr. Ruta's detention and summarize the events which occurred after conviction and leading up to his release. Last, this report will analyze the legal aspects of Mr. Ruta's arrest, imprisonment and trial.

The report was written and edited by Christine K. Solso with the assistance of Barbara A. Frey, Executive Director of the Committee, Paul W. Fraser, a member of the Committee's staff, and Samuel D. Heins. The Committee would like to express its gratitude for the assistance of Lloyd Hansen, Janet Liliemark and Nancy Muellner. The Committee would also like to acknowledge Ioan, Rodica and Alina Ruta, whose courage and perseverance made this report possible.

FACTUAL BACKGROUND OF THE RUTA CASE

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FACTUAL BACKGROUND OF THE RUTA CASE

The Committee first learned of Mr. Ruta's case in March 1986. Minnesota Congressman William Frenzel's office referred Mr. Ruta's wife, Rodica Ruta, to the Committee for assistance in obtaining information about Mr. Ruta's legal status in Romania.

Rodica Ruta had worked as an engineer for Control Data Corporation-Romania in Bucharest from 1974 to 1985. In November 1985, while she was in the United States on a business trip, Mrs. Ruta decided not to return to Romania. She contacted the United States Immigration and Naturalization Service and applied for political asylum. Mrs. Ruta was granted asylum by the United States Government on January 28, 1986. She immediately applied for admission for her husband, Ioan Constantin Ruta, and her fifteen-year-old daughter, Alina Gabriella Ruta, who were still in Romania. The United States Government quickly approved and issued the necessary visas in February 1986.

While these events were transpiring in the United States, Mr. Ruta began to experience problems in Romania. At the time, Mr. Ruta was the manager of *Cooperativa Electrobobinaj*, a large factory located in Bucharest which employs approximately 3,700 workers. *Cooperativa Electrobobinaj* specializes in the design and manufacture of hardware for home appliances.

Mr. Ruta became the top manager of the factory in 1976.

On December 7, 1985, just a few weeks after Mrs. Ruta decided not to return to Romania, Mr. Ruta was demoted from his position as the manager of the factory to a low-level engineering position. The specific reason given to Mr. Ruta for his demotion was that his wife had defected to the United States. In fact, this reason was expressly stated in the meeting at which Mr. Ruta was informed of his demotion. Despite this official sanction, Mr. Ruta and Alina applied for passports from the Romanian Government on December 20, 1985, so that they could emigrate to the United States.

Search and Detention in Romania

In the weeks following Mrs. Ruta's defection, Mr. Ruta heard rumors that members of the secret police were attempting to coerce some of the workers at *Cooperativa Electrobobinaj* into serving as witnesses against him. Apparently, the secret police summoned these factory workers early in the morning and sometimes detained them for the entire day. The secret police tried to obtain the cooperation of these workers by threatening them with unemployment and depriving them of food. The secret police also drafted written statements containing incriminating evidence against Mr. Ruta, which included information that he had accepted bribes in exchange for providing favors to his employees. Many factory workers were forced to sign these statements. The workers were promised that Mr. Ruta would never find out who furnished evidence against him. The rumors that Mr. Ruta had been hearing about the secret police were substantiated when five employees came to him before his arrest and reported that they were being asked by the secret police to supply incriminating evidence against him in written statements and to appear as witnesses against him at trial.

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On February 25, 1986, Mr. Ruta submitted a memorandum to the Military Prosecutor's office in Bucharest protesting his demotion at the factory. In the memorandum, Mr. Ruta complained that he had been unfairly demoted because his wife had decided to leave Romania. He outlined his outstanding record of achievements in the course of his employment with *Cooperativa Electrobobinaj*. The memorandum also stated that Mr. Ruta had information indicating that the secret police had been threatening people from the factory in an attempt to obtain incriminating evidence about him and to force these workers into testifying against him at a trial. Mr. Ruta charged that his experience was typical of the pressure that the Romanian Government and the secret police apply to Romanians who wish to emigrate.

On February 27, 1986, at approximately 8:30 a.m., two men came to the Rutas' apartment in Bucharest and knocked on the front door. Mr. Ruta's fifteen-year-old daughter, Alina, and her aunt were the only ones at home at the time. They did not answer the door. Later that morning, after Mr. Ruta returned, the two men again came and pounded on the door of the Rutas' apartment. Mr. Ruta answered the door this time. After walking into the apartment, these men presented police identification and said that they had orders to search the apartment. They did not, however, present the Rutas with any type of search warrant or paper authorizing them to enter and search the premises.

The men asked if the Rutas had any U.S. dollars, jewelry, or gold-- items which are illegal to possess in Romania. The Rutas told them that they did not have any of these things. The men then proceeded to dismantle the apartment completely by removing everything from the closets, cabinets, and bookshelves of each room. They examined the titles of all the family's books and checked for loose papers, yet they did not appear to be looking seriously for anything in particular. When the search was over, these two people

prepared a list of all the major items of property in the apartment, including furniture, rugs, kitchen appliances, and records of savings accounts. The men searched the apartment from approximately 10:00 a.m. until 6:00 p.m. They found no U.S. dollars, jewelry, gold, or any other contraband. As they left, the two police officers instructed Mr. Ruta to come with them to the police building and sign the property inventory that they had just finished compiling. They also told Mr. Ruta to bring property papers (titles) for his apartment and car.

Mr. Ruta complied with these instructions and, along with Alina and her uncle, accompanied the two police officers to the police building on the evening of February 27, 1986. Once they arrived at their destination, only Mr. Ruta was allowed to enter the police building with the two officers. Alina and her uncle waited outside the police building in below-zero temperatures until 11:00 p.m. They repeatedly inquired at the door of the police building about when Mr. Ruta would be allowed to leave. The police guards eventually informed Alina and her uncle that Mr. Ruta was not in the building and instructed them to go home.

From February 27, 1986, when Mr. Ruta disappeared, until the last week of May 1986, the Ruta family was unable to obtain any information from the Romanian authorities about where or why Mr. Ruta was being detained. On March 15, 1986, Alina received a postcard from her father which indicated that he was being held at Jilava Prison Hospital and that he needed food and warm clothing. Alina immediately tried to visit her father at Jilava, but no one would acknowledge that he was there. She left warm clothing and blankets for her father at Jilava, which he never received.

In June 1986, the Ruta family hired a lawyer who discovered that the police had obtained an order in February 1986 which authorized Mr. Ruta's

detention for thirty days. The detention period had been extended for successive thirty-day intervals from February 27, 1986, through June 27, 1986. These extensions were authorized without any type of notification to Mr. Ruta.

Conditions of Detention

On the first evening of his detention, Mr. Ruta was interrogated by a Mr. Popescu, who identified himself as a prosecutor. During the questioning, Mr. Popescu asked Mr. Ruta if he had ever accepted bribes from employees at his factory. Mr. Ruta firmly denied that he had ever accepted bribes. The prosecutor then presented this question to Mr. Ruta in writing and Mr. Ruta reiterated his denial in writing.

A short time later, seven men in civilian clothes entered the interrogation room carrying guns. One of these men told Mr. Ruta that he was under arrest. Mr. Ruta was neither informed of the charges against him nor was he shown any type of written authorization for the arrest.

Mr. Ruta spent the night of February 27, 1986, in a cell in the basement of the police station with two other prisoners. The following day, he was transferred to a very narrow, closet-like cell with concrete walls and a solid metal door. This cell was completely dark except for a beam of light that was allowed through two small air holes that had been drilled in the metal door. The dimensions of the cell were approximately 20" by 20" (.5 meters by .5 meters). The cell was so small that Mr. Ruta could not sit down and, consequently, he was forced to stand upright for approximately sixteen hours. While Mr. Ruta stood in this cell, he was subjected to a constant, loud noise which sounded like the grinding of an electric motor. Sometime during this sixteen-hour period, Mr. Ruta lost consciousness and it was later determined

that he had suffered a heart attack. Shortly thereafter, Mr. Ruta was transferred to Jilava Prison Hospital in Bucharest, which was supposed to have hospital facilities.

Unfortunately, Mr. Ruta never received medical treatment at Jilava Prison Hospital. Instead, he was subjected to a methodical course of mistreatment designed to humiliate him and influence his behavior. The clear purpose of this program was to convince Mr. Ruta to divorce his wife, denounce her decision to defect to the United States, and withdraw his application to leave Romania. The bribery charges were not mentioned or discussed during these frightening interrogation sessions with the prison officials.

During the first few months of his imprisonment, Mr. Ruta was interrogated every eight to ten days. On these interrogation days, he would be questioned by prison officials two or three different times during the day and night. The prison guards forced Mr. Ruta to undress completely and then they took him to an interrogation room in the prison while he was naked. During the interrogation sessions, the prison officials tried to convince Mr. Ruta to divorce his wife. They frequently told him stories about what a terrible woman his wife Rodica was. These men would harass Mr. Ruta, spit on him, and say many insulting things. When Mr. Ruta went on a hunger strike at Jilava, soon after his arrival there, the prison guards taunted him with lavish plates of food which were displayed in the interrogation room. They also teased Mr. Ruta, who is a heavy smoker, by offering him wax cigarettes.

During many of these interrogation sessions, the prison guards would chain Mr. Ruta's hands and legs and beat him with rubber truncheons. On some occasions, the guards would wrap Mr. Ruta in a rug and hit him

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repeatedly with rubber truncheons. Beatings done in this manner did not leave physical evidence of abuse. Mr. Ruta completely lost consciousness after one of these beatings. In the early months of his imprisonment, the prison guards beat Mr. Ruta two or three times a month. After his trial began in July 1986, Mr. Ruta was beaten approximately once a month. The beatings continued on a monthly basis throughout the course of his incarceration.

The prison guards at Jilava also threatened Mr. Ruta by forcing him to look at dead bodies and limbs that had been severed from human bodies. The guards told Mr. Ruta that he would "become like these bodies" if he did not cooperate with them. On one occasion, the prison guards tried to convince Mr. Ruta to divorce his wife by showing him a photograph that they had concocted with his wife's face superimposed on the body of a nude woman. The guards told him that Mrs. Ruta was an unfaithful wife. Mr. Ruta became very angry upon seeing the photograph and attempted to hit one of the guards. When the guard ducked to avoid the blow, Mr. Ruta's arm broke through a nearby window, severely cutting his wrist. Mr. Ruta never received medical attention for this injury.

During his detention, prison officials gave Mr. Ruta drugs disguised as medicine. He was administered small orange pills which caused Mr. Ruta to sleep a great deal and to feel extremely depressed and disoriented. After this first dosage, Mr. Ruta hid the pills under his tongue and discarded them upon leaving the doctor's office. In this way, he avoided the "brainwash" effects of the pills. The only "medicine" Mr. Ruta ever received at Jilava Prison Hospital was aspirin.

Attempts by family members to take medicine to Mr. Ruta at Jilava to treat his heart condition were unsuccessful. On some occasions, the prison

officials refused to accept the medicine and told Mr. Ruta's relatives that the prison hospital was already providing him with sufficient medication. On other occasions, the medicine was accepted and the prison officials made Mr. Ruta sign for the medicine. Mr. Ruta, however, was never allowed to have any of this medicine. Twice, the prison guards dumped the medicine into a pitcher of water in front of Mr. Ruta and said, "Here is your medicine!" They would not let Mr. Ruta retrieve this discarded medication.

At Jilava, Mr. Ruta was kept in a cell located many floors below ground level. The cell had concrete walls and a solid metal door. It was completely dark except when the guards turned on the lights to check on the prisoners. Two days after his arrival at Jilava, he was joined in his cell by another prisoner who seemed familiar with Mr. Ruta's situation and asked him many questions. Mr. Ruta immediately suspected that this man was an informer and refused to talk with him. For his first month at Jilava, Mr. Ruta's hands and legs were chained to the cot in the cell. The only time he was allowed to move about was when he went to the bathroom.

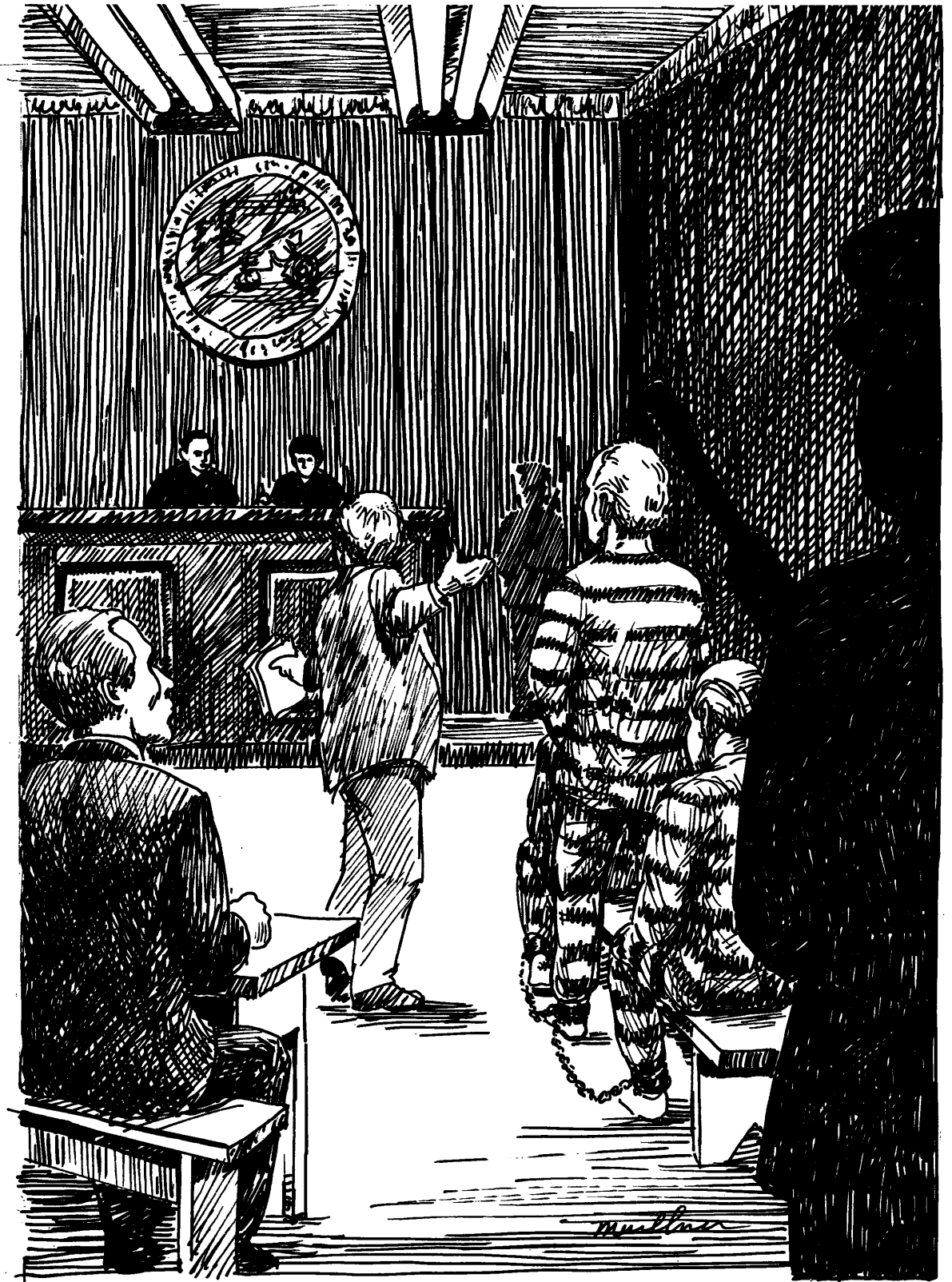
After one month at Jilava, Mr. Ruta was transferred to Rahova Prison, a few miles outside of Bucharest. Again, he was confined in a cell several floors below ground that was completely dark. The cell was very damp and did not have any heat. When he arrived at Rahova in mid-spring of 1986, the temperature was still so cold that there was ice on the ceiling of the cell. Despite the cold, Mr. Ruta was not allowed to have any warm clothing or even a blanket in his cell. The cell contained an iron bed with no mattress and a pipe with a tap and a small drain. The tap and drain were used as both a drinking facility and a lavatory.

At Rahova, meals consisted of tea each morning at 5:00 a.m. and a variation of cabbage, potatoes, and hot water sometime during the day.

These meals were often served in rusty bowls or plates. Prisoners were allowed exactly five minutes to shower outside their cells every three weeks, and the guards would beat any prisoners who took more than the allotted time.

Mr. Ruta spent his fifteen-month detention period alternating between Jilava and Rahova Prisons. There was no apparent pattern to the transfers. Mr. Ruta was never notified of these transfers in advance and his relatives were never advised of these changes either. Throughout his detention period, Mr. Ruta firmly and repeatedly refused to divorce his wife.

On May 10, 1986, Mr. Ruta was informed that he would be tried on charges of criminal bribery. It was not until early June 1986, however, that Mr. Ruta's lawyer found out that the Romanian Government planned to initiate bribery charges against Mr. Ruta. The government also brought bribery charges against one of Mr. Ruta's subordinates, Mr. Casapu. The lawyer hired by the Ruta family tried to see Mr. Ruta in prison on two or three occasions, but he was not allowed to visit his client in either of the prisons. Mr. Ruta finally met with his attorney for approximately ten minutes just before the first hearing of his trial on July 7, 1986. That meeting was not very productive, however, because Mr. Ruta suspected that this lawyer was actually working for the Romanian Government. As the trial progressed, however, Mr. Ruta gradually came to believe that this lawyer had been hired by his family.



THE TRIAL OF IOAN CONSTANTIN RUTA

Mr. Ruta's case was originally assigned to Committee member Christine K. Solso on March 19, 1986. Ms. Solso, a Minneapolis attorney, immediately made efforts to obtain information about Mr. Ruta's legal status and to find out where he was being detained by the Romanian Government. These were the Committee's short-term objectives. The Committee's long-term goal was to investigate whether the detention of Mr. Ruta was politically motivated as punishment for his wife's decision to live in the United States. In addition, the Committee wanted to encourage the Romanian Government to allow both Ioan and Alina Ruta to emigrate to the United States so that they could be reunited with Rodica Ruta. In this context, the Committee undertook an investigation of Mr. Ruta's disappearance and conducted several preliminary activities concerning his case, including contacts with U.S. public officials and letter-writing to Romanian officials.

Shortly after Mr. Ruta's trial began in July 1986, the Committee began to organize a trial observation mission to Romania to obtain first-hand information about the criminal proceedings against Mr. Ruta. The Committee worked with the United States Department of State from July 1986 through September 1986 to obtain Romanian visas for observers to attend the various hearings that were part of Mr. Ruta's trial. During this three-month period,

the Committee renewed the visa applications several times, but the applications were repeatedly denied by the Romanian Government.

On Saturday, September 27, 1986, the State Department notified Ms. Solso that the Romanian Government had finally issued visas for Ms. Barbara Frey, Executive Director of the Committee, and Ms. Solso to attend a hearing in Mr. Ruta's trial which was scheduled for the following Monday, September 29, 1986. Because of the travel time required to reach Romania, the Committee had only two hours to decide on a course of action. Ms. Solso agreed to attend the September 29th hearing on behalf of the Committee. Upon her return, Ms. Solso recommended that the Committee send another trial observer to the next hearing in Mr. Ruta's trial. Samuel D. Heins, a Minneapolis attorney, was selected to attend the October 13th hearing.

This section of the report will briefly describe information that the Committee learned about the procedures which govern criminal trials in Romania. Next, it will summarize information provided by the Ruta family and other reliable sources about the first two hearings in Mr. Ruta's trial. Last, this section of the report will provide detailed accounts of the two hearings observed by Ms. Solso and Mr. Heins, respectively.

The Format of Romanian Court Proceedings

In Romania, there is no right to a jury trial in criminal proceedings. Criminal trials are composed of several hearings which are scheduled to occur over a period of weeks or months. Two judges are assigned to preside over each case. One judge interrogates the witnesses and dictates a summary of each witness' testimony. The other judge listens to the testimony and observes the proceedings. The two judges who preside over the last hearing in a criminal proceeding decide the case jointly. Romanian law provides that

the same two judges should try to preside over a case from start to finish. In many cases, however, practical constraints cause judges to be reassigned in the middle of a trial.

The judge who questions the witnesses has a great deal of control over the subject matter and content of the witnesses' testimony and the characterization of the evidence in the court's record. After each question and answer, the judge dictates a very brief summary of the witness' testimony. The clerk of court immediately types the summary while the judge continues with his next question. Because of the constant typing, it is often difficult to hear the judge's questioning and the witness' answers in the courtroom. At the end of the witness' testimony, the clerk finishes typing the summary and the witness signs the summary. As a rule, the witness does not read the statement carefully to determine if it is an accurate record of the preceding testimony.

The format for the proceedings is set by the witness statements contained in the defendant's *dosar*. A *dosar* is a file or dossier that is compiled before a criminal trial begins. The judge who questions the witnesses uses the written statements in the *dosar* as the basis for his examination.

If the defendant or his attorney wishes to question a witness, he raises his hand and waits to be recognized by the interrogating judge. The defendant or his lawyer then presents the question to the judge and the judge decides whether the question may be asked of the witness. If the judge determines that the question is proper, then the judge, not the lawyer, asks the witness the question. As a result, cross-examination takes place intermittently during the judge's interrogation. This cumbersome process of interrogation gives the witness an opportunity to hear the cross-examination

questions several times before he or she is required to answer.

A criminal defendant must stand during the entire hearing on his case. During the proceedings, the defendant remains chained and handcuffed to other defendants whose cases will also be heard by the court. Accordingly, criminal defendants do not sit next to their lawyers in court. If a defendant needs to consult with his lawyer during the proceedings, the defendant has to beckon his attorney over to the area of the courtroom where the defendants stand. Communications between defendants and lawyers in the courtroom are not confidential; they are monitored by the guards who are in charge of the prisoners.

The First Two Hearings

Mr. Ruta and his subordinate, Mr. Casapu, were tried jointly for bribery. The first hearing in the case was held on July 7, 1986. Mr. Ruta was allowed to see his lawyer, Mr. Nicolae Cervini, for only one brief meeting immediately before the proceedings began. The conversation was monitored by prison guards. Mr. Cervini was a former political prisoner under the Romanian Government. He told Mr. Ruta that he had examined Mr. Ruta's file and that he was not optimistic about the outcome of the trial. He said, however, that he would do his best to defend Mr. Ruta.

Many of Mr. Ruta's relatives, including his daughter Alina, attended the July 7th hearing; it was the first time any of Mr. Ruta's relatives had seen him since his disappearance on February 27, 1986. His physical appearance and general health had deteriorated dramatically during his detention. Mr. Ruta's family estimated that he had lost approximately 60 pounds (27 kilos) during the first four months of his detention.

Three witnesses testified for the prosecution at the July 7th hearing. These witnesses told the court that they had paid money or given gifts to Mr. Ruta in exchange for favorable jobs or other benefits at the factory that he managed. One witness, who was a machinist at *Cooperativa Electrobobinaj*, tried to recant his testimony on the stand and told the court that he was beaten and forced to sign a statement against Mr. Ruta. The presiding judge responded by reminding the witness that he had already signed a statement against Mr. Ruta and that the punishment for perjury is very severe. Immediately after the witness tried to change his testimony, he was removed from the courtroom by a policeman.

Mr. Ruta was also allowed to speak at the July 7th hearing. He stated that the Romanian Government had initiated meritless charges against him because he had refused to divorce his wife and denounce her actions after she defected to the United States. Mr. Ruta also told the court that he suffered a heart attack shortly after he was imprisoned and that he had not received proper medical treatment and medication in prison.

Several workers from *Cooperativa Electrobobinaj* attended the July 7th hearing as a show of support for Mr. Ruta. Apparently, these people reacted loudly and skeptically to the testimony of the three witnesses called by the prosecution. At subsequent hearings, the attendance of these factory employees diminished significantly. It was rumored that many of the people who went to the first hearing were warned not to attend any more proceedings because they might lose their jobs. It should also be noted that Mr. Ruta's lawyer was fined 500 lei (about \$40) after the July 7th hearing because of the disorder caused by his "active" defense of Mr. Ruta.¹

¹ The lei is the official Romanian currency. The exchange rate varies between 12 and 15 lei to 1 U.S. dollar.