

# *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**  
430 Marquette Avenue  
Suite 402  
Minneapolis, Minnesota 55401

February 1988



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Printed in the United States of America

Bound copies available for \$5.00



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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.

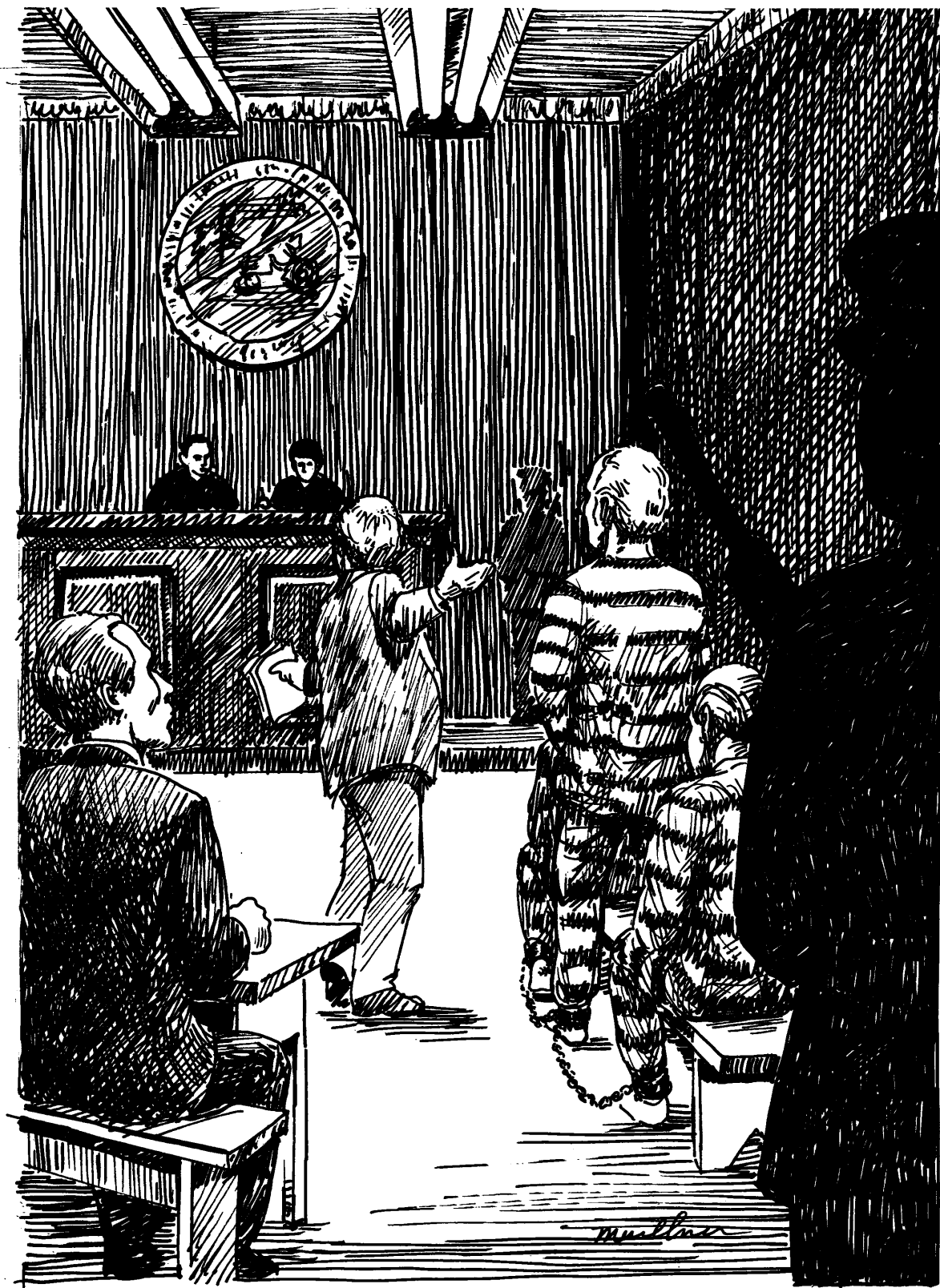
After one month at Jilava, Mr. Ruta was transferred to Rahova Prison, a few miles outside of Bucharest. Again, he was confined in a cell several floors below ground that was completely dark. The cell was very damp and did not have any heat. When he arrived at Rahova in mid-spring of 1986, the temperature 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.<sup>1</sup>

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



The next hearing was scheduled for July 28, 1986. Defense counsel requested a continuance, however, so that Mr. Ruta's health condition could be evaluated by a physician. Mr. Ruta's lawyer expressed doubt about his client's physical ability to continue with the trial. The court then ordered a medical examination of Mr. Ruta. In this first report to the court, three physicians from the Romanian Medical Legal Institute concluded that Mr. Ruta could not physically withstand the rigors of a prison environment. The prison doctor, however, reached the opposite conclusion and found that Mr. Ruta's diseases could be treated adequately in prison and that Mr. Ruta was fit to continue with the trial. The court accepted the prison doctor's conclusions and Mr. Ruta's trial was rescheduled for August 18, 1986, and then rescheduled once again for early September.

On September 8, 1986, the prosecution called sixteen witnesses, all of whom had signed statements against Mr. Ruta. The witnesses testified that they had paid cash, whiskey, cigarettes and coffee to Mr. Casapu, who worked for Mr. Ruta, in return for employment benefits or favors at the factory. Some observers reported that the interrogating judge seemed to lead these witnesses through their testimony. Instead of using the written statements for impeachment purposes, the judge apparently allowed the witnesses to change their testimony so that their oral testimony would be consistent with the material in the *dosar*. After all sixteen witnesses finished testifying, the next segment of the trial was set to continue on September 29, 1986, at which time the defendants were scheduled to present witnesses on their behalf.

#### The September 29, 1986 Hearing

Attorney Christine Solso arrived in Bucharest on Sunday afternoon, September 28, 1986. Mr. Ruta's hearing was part of a court schedule that

started at 8:00 a.m. on Monday, September 29, 1986. Ms. Solso obtained the services of a Romanian translator who worked at the United States Embassy to translate the court proceedings.

Mr. Ruta's trial was scheduled to be held in a Sector One courtroom in the Bucharest courthouse. Mr. Ruta's case was not listed on the schedule in the courthouse, but Alina Ruta found Ms. Solso in the crowded halls of the courthouse and took her to the courtroom where the proceedings were to occur.

The courtroom contained seating for approximately fifty people. Alina Ruta and many of her relatives sat on a bench in the front of the courtroom facing the area where the defendants were required to stand during the proceedings. Alina Ruta's location was just a few feet from where Ms. Solso was sitting so that they could communicate during the hearing. By the time the proceedings were ready to start, all of the available seating was filled and people stood along the walls and in the aisles.

Directly in front of Ms. Solso was a desk for the lawyers who would be appearing in court. Before the proceedings began, a man and woman sat down at the lawyers' desk. The man immediately got up and walked over to the clerk of court and pointed to Ms. Solso. The man made loud comments in Romanian while continuing to gesture toward Ms. Solso. Ms. Solso's translator seemed uncomfortable and said that she could not make out what he was saying. Both the man and woman sat at the lawyers' desk for the entire morning, although neither one was involved in any of the cases observed by Ms. Solso. During the proceedings, the man and woman leaned back toward Ms. Solso's bench so that they could hear her questions and the translator's responses.

The clerk of court read the names of all of the cases that were scheduled to be heard that day. Mr. Ruta's case was included in the list. The prosecutor entered the courtroom and sat down at a raised table located in the front of the room and next to the area where the defendants stood during the proceedings. The judges sat at a raised desk directly in the front of the courtroom. The interrogating judge was a young man, and the second judge was a woman. According to some of the people who had seen Mr. Ruta's previous hearings, the interrogating judge had been the second judge at the first two hearings and the woman had not been present at any of Mr. Ruta's earlier hearings. Ms. Solso tried to find out the names of the judges, but no one in the courtroom could provide that information. Ms. Solso also asked if she could meet with either of the judges, but was informed that it would be impossible to get permission to see the judges on such short notice.

Before Mr. Ruta's hearing began, Ms. Solso had an opportunity to talk to Alina Ruta. Alina explained that her father's lawyer had just been able to review new material in the *dosar* for Mr. Ruta's case. The *dosar* contained a new report which had been prepared by physicians from the Medical Legal Institute on Mr. Ruta's medical condition. Because Mr. Ruta's family had not been able to obtain any detailed information about his medical problems, Mr. Ruta's lawyer had copied the entire medical report by hand. With the help of the translator, Alina read the physicians' reports and explained their findings to Ms. Solso.

The court convened, and Mr. Ruta was brought into the courtroom along with five other prisoners whose cases were also being heard by the court that day. The prisoners were chained together in three groups of two and their hands were cuffed. The prisoners were required to sit in a straddle position on benches located along the side of the courtroom. There were three armed guards positioned around them. The prisoners were dressed in gray and white

striped uniforms and their heads had been shaved.

Mr. Ruta was in the first pairing of prisoners brought into the courtroom. He was slightly hunched forward as he walked and his coloring was grayish. He wore glasses. He appeared as if he had lost a significant amount of weight and his face was quite drawn. Although his actual age was forty-seven, he looked like a man in his sixties. Mr. Ruta tried to look at his daughter, who was seated across the room, but a guard grabbed Mr. Ruta's head and jerked it forward so that he could only see the front of the courtroom.

When Mr. Ruta's hearing began, he was required to stand and face the presiding judge. He was able to remain standing for the duration of the hearing, which lasted approximately forty minutes. As he stood, however, he held his left hand over his chest and his right arm was visibly shaking. He appeared to be very alert mentally and he reacted frequently to the proceedings. Mr. Ruta raised his hand often to prompt his attorney to ask a question. On some occasions, Mr. Ruta was allowed to question the witness himself.

Despite the schedule that had been set at the preceding hearing on September 8th, the court did not allow the defense to call witnesses on September 29th. Neither of the defense attorneys seemed surprised by this change in the agenda. The court began by calling a witness for the prosecution. This witness was a 23-year-old, single woman. She was a receptionist and telephone operator at *Cooperativa Electrobobinaj*. She testified that in order to get her job at the factory, Mr. Casapu, who was Mr. Ruta's subordinate and co-defendant, had asked her to pay him approximately 2,000 to 3,000 lei. She also stated that she paid Mr. Casapu 20,000 lei to get her sister into a training school. The witness testified that

she paid Casapu another 3,000 lei for more overtime or "premium" work.

At this point of the testimony, Mr. Ruta raised his hand and requested that his lawyer ask the witness if she had any direct evidence linking these payments to Mr. Ruta. The judge decided that the question was proper and asked the witness if she knew of any facts about Mr. Ruta's involvement in the transactions that she had just described. The witness responded by saying that "everyone" knew that the money paid to Mr. Casapu was really going to Mr. Ruta. She testified that she thought that Mr. Ruta personally arranged for her sister's enrollment at the trade school. Mr. Ruta's lawyer then asked the judge to ask the witness again if she had any direct evidence linking Mr. Ruta to any of these payoffs. The witness responded by saying that it was simply common knowledge that Mr. Ruta was "calling the shots."

Mr. Ruta raised his hand and was allowed to speak directly to the court. He said something to the effect that he was not in a position to make specific job assignments at *Cooperativa Electrobobinaj* and that, therefore, he could not have taken bribes to accomplish the favors described by the witness. Mr. Ruta's lawyer then asked whether the alleged bribery involved placement in a training school, rather than employment at Mr. Ruta's factory. The witness stated that she had paid money both for placement in a training school and for employment favors at *Cooperativa Electrobobinaj*. After the witness finished her testimony, she signed the summary that had been typed by the clerk of court.

Mr. Ruta's lawyer and the judge then discussed Mr. Ruta's most recent medical evaluation. The new medical report in Mr. Ruta's *dosar* acknowledged that he had suffered a heart attack while he was in prison. The doctor stated that Mr. Ruta's heart disease caused inadequate blood flow and pain. Mr. Ruta was also diagnosed as having chronic hepatitis. The report

concluded that the heart disease and hepatitis could be treated in prison. The final sentence of the report cautioned, however, that Mr. Ruta's heart condition could cause "serious accidents" with "unpredictable results."

Mr. Ruta's lawyer argued that this most recent medical report was faulty because it contained contradictory conclusions. On the one hand, the doctors said that Mr. Ruta's health problems could be treated adequately in prison and, on the other hand, they said that the prison conditions could aggravate his health and subject him to sudden or unexpected accidents. Mr. Ruta's lawyer requested that another medical examination be conducted by the Romanian Medical Legal Institute, but the judge denied this motion by finding that the medical examinations which had already been completed were adequate for the court's purposes. The judge ruled that the physicians' most recent report indicated that Mr. Ruta could continue with his trial and detention.

Mr. Ruta's lawyer said that his client had asked him to request testimony from eight witnesses. Mr. Ruta conferred with his lawyer and one of the guards stood with them while they spoke. Mr. Ruta's lawyer seemed to read the list of witnesses only at his client's insistence and said something to the effect that he knew they couldn't get all of these witnesses. Mr. Ruta's lawyer stressed the name of two witnesses, however, and the court granted approval for these witnesses to appear. The lawyer told the court that these two witnesses would prove that under the system of management at the factory, Mr. Ruta could not have delivered the favors claimed by the prosecution's witnesses. Mr. Casapu's lawyer also asked for leave to present witnesses, and the judge ordered both defense counsel to present their witness lists to the court the next day. The trial was scheduled to continue on October 13, 1986.

At the conclusion of the hearing, Ms. Solso had a final opportunity to talk with Alina Ruta. Alina reported that since her father's detention in February, she had been living with relatives. She stated that she was constantly watched and followed by the secret police. Alina also said that on three occasions, she had been visited by men who claimed to have been in prison with Mr. Ruta. These former prisoners told Alina that Mr. Ruta would be released from prison if her mother could get money together to pay off unnamed officials. Alina was very frightened and suspicious of these people, so she disregarded their advice. Alina also said that she had heard rumors that workers from the factory who wanted to testify in favor of her father had been threatened and warned by the secret police not to appear in court. Alina was very worried that there would be no witnesses to support her father's case due to this pressure from the police.

Ms. Solso asked Alina if her father's lawyer would agree to talk about Mr. Ruta's trial. Alina had already spoken to him about an interview and he had declined by saying that he was fearful for his wife and child. Ruta's lawyer had also consistently refused to speak with personnel from the United States Embassy in the past.

Before leaving Romania, Ms. Solso reviewed the status of Alina Ruta's passport and visa applications to emigrate to the United States. The U.S. Embassy indicated that as soon as Alina could obtain a passport from the Romanian Government, she would be able to emigrate immediately.

#### The October 13, 1986 Hearing

At the request of the Board of Directors of the Minnesota Lawyers International Human Rights Committee, Minneapolis attorney Samuel D. Heins attended the next hearing in the Ruta trial on October 13, 1986. On the

morning of the hearing, Mr. Heins met with the Vice Consul of the U.S. Embassy's Consular Section in Bucharest. The Vice Consul served as Mr. Heins' escort and translator throughout the day. The Vice Consul previously observed some parts of the trial of Mr. Ruta and had conferred with other Embassy personnel about their observations of previous hearings in Mr. Ruta's trial.

Mr. Heins proceeded to the Hall of Justice in Bucharest at about 8:30 a.m. He knew only that Mr. Ruta's case was to be called for further hearing on October 13, 1986, but did not know the place or the time of day of the hearing. He was able to find the appropriate courtroom only by examining the posted dockets which appeared outside each courtroom.

Thirteen cases were listed on the criminal calendar for October 13, 1986. The cases ranged from theft to embezzlement and speculation. In the morning, the courtroom was crowded. All of the benches for spectators were taken and all of the available standing room was occupied. A large crowd was gathered outside the courtroom as well. Before the proceedings began, Mr. Heins met Alina Ruta outside the courtroom. She was accompanied by other relatives. Mr. Heins' conversation with Alina took place under the observation of three or four armed guards and other observers not identified by uniform. Throughout the day, Mr. Heins was followed by uniformed officers or by obvious plain-clothed police.

Alina Ruta told Mr. Heins that she had heard from a Romanian official that her father had given his permission for her to emigrate to the United States. She had previously been advised that her passport application had been delayed because Mr. Ruta had refused to allow her to leave the country. Alina also informed Mr. Heins that Mr. Ruta's attorney had been approached by the President of the Romanian College of Attorneys and warned not to be



too vigorous an advocate on Mr. Ruta's behalf.

Mr. Heins sat in the front of the courtroom in a seat which had been saved for him by the Ruta family. Immediately before the judges came to the bench, armed guards required Mr. Heins and members of the Ruta family to move from the seats in the front of the courtroom to an area in the back. From that location, their view was partially obstructed by the crowds standing in the aisles.

Mr. Ruta was not allowed into the courtroom until early in the afternoon. He stumbled as he was escorted across the room. He smiled and silently mouthed a greeting to his daughter. He was then immediately directed by a guard not to communicate with his daughter or look in her direction. Mr. Ruta conferred briefly with his attorney before the proceedings began. As in previous hearings, Mr. Ruta was required to stand during the hearing on his case. Two extra guards, who had not appeared in the courtroom earlier in the day, were stationed behind him.

The court called the witnesses who had been subpoenaed on Mr. Ruta's behalf, but none appeared. The prosecutor then addressed the court and argued that Mr. Ruta should be found guilty and given a sentence commensurate with his high crimes and his influential position at the factory. The prosecutor mentioned that Mr. Ruta's co-defendant had admitted to the bribery charges and promised not to commit such crimes again. The prosecutor contrasted the co-defendant's contrition with Mr. Ruta's obstinate refusal to admit guilt. The only evidence cited by the prosecution was the testimony of one individual who stated that he was able to get an apartment through Mr. Ruta's intercession before such apartments were generally made available to persons who had been on a waiting list for some months.

Mr. Ruta's attorney then presented his closing argument. He spoke vigorously, loudly, and with many gestures. He argued that there was no proof connecting the alleged bribes that were given to Mr. Ruta and the benefits that were supposedly received in return. He referred at length to a letter of thanks from one of Mr. Ruta's subordinates, which had been sent after Mr. Ruta was no longer president of *Cooperativa Electrobobinaj*. Mr. Ruta's lawyer argued that this letter of thanks demonstrated that it was Mr. Ruta's practice to grant favors to his employees and not to require payment for them. Mr. Ruta apparently disagreed with his attorney's approach to the closing argument because he frequently shook his head "no" and laughed at various points of the presentation.

Finally, Mr. Ruta was allowed to address the court directly. He stated that the only reason that he had been charged with bribery was because his wife had stayed in the United States. He further noted that the government had not accused him of criminal acts until after he had filed an application for a passport. He thought that his application had given rise to this "unbelievable process." Mr. Ruta told the court that, while he was in prison, the officials said that he would have no further problems if he withdrew his passport application. He was also told by government officials that if he divorced his wife, his problems would be solved. Mr. Ruta stated that he was not, and never had been, a dishonest man. He said that he wanted to leave Romania with his reputation for integrity intact. Mr. Ruta continued his impassioned remarks by stating that he had been examined by two doctors. One doctor certified that he was in adequate health for the trial; the other found that he was not. Mr. Ruta said that he was not getting proper medical treatment and he could have another heart attack at any time.

Mr. Ruta directly charged that the chief judge and the prosecutor were aware of the political reasons for his arrest and detention. Mr. Ruta referred

at length to his past professional successes and the recognition that he had received from the Romanian Government for his outstanding achievements in engineering. Mr. Ruta reminded the court that he had been made the manager of *Cooperativa Electrobobinaj* and that under his direction the factory had become the most successful of its kind.

Next, Mr. Ruta told the court that he had been imprisoned in "circumstances that constitute abuse." He stated that he had worked hard for over thirty years and never had done anything against his country. He argued that it would not make sense for someone in his position to accept bribes. He said that his family had been comfortable on his salary and that the amount of the alleged bribes were insufficient to induce someone in his position to engage in criminal conduct. Mr. Ruta said that his co-defendant was not as well compensated as Mr. Ruta and that perhaps his co-defendant had a need for bribes. Mr. Ruta affirmed that he had never taken anything from anyone and that he had never solicited or received bribes from his subordinates.

Mr. Ruta then addressed evidence introduced during the trial regarding seven instances in which he allegedly moved people up on housing lists in return for payment from them. Mr. Ruta stated that the only changes he had ever made in the housing lists were done to help accommodate families with small children, and he flatly denied that he had received bribes for that assistance. Mr. Ruta concluded by stating that his hope for the future depended on the good will of President Ceausescu and efforts from abroad.

Mr. Ruta's speech was given passionately. A number of friends and family in the courtroom cried as he spoke. He addressed the court for approximately twenty minutes, after which the court adjourned and Mr. Ruta was led out of the room by armed guards.

In the hallway outside the courtroom, Mr. Heins approached Mr. Ruta's lawyer and asked whether he would discuss Mr. Ruta's case. The attorney politely declined and said that Mr. Heins must understand that he operates by rules different than his own and that he lives in "a different society." Mr. Ruta's lawyer stated that it would be "adverse" for him to talk to Mr. Heins and he left immediately. Mr. Heins also asked for an opportunity to meet with the judges, but this request was refused on grounds of the judges' unavailability.

After the hearing, Alina told Mr. Heins that her father was able to speak out vigorously in court only because of his presence. She stated that their only hope left was from the United States.

On October 14, 1986, Mr. Heins met with government officials who were purportedly from the Ministry of Justice. Present at the meeting were Teofil Pop, Director of the Ministry of Justice, Vasile Dumitru, Principal Inspector Chief of Protocol of the Ministry of Justice and Nicolae Zaharia, Counselor of the Ministry of Justice. The Committee later obtained information indicating that Mr. Dumitru is the commandant of a special unit of the secret police which handles political cases. In fact, Mr. Dumitru had interrogated Mr. Ruta in prison on several occasions.

Mr. Heins asked the Justice Ministry officials about the use of subpoenas and, in particular, about the failure of Mr. Ruta's witnesses to appear at the final hearing. The officials said that defendants are asked to identify the witnesses whom they wish to call and that subpoenas are served on these witnesses by government officials. Subpoenas are issued by the chief judge of the court. Mr. Heins specifically asked why the subpoenas issued for Mr. Ruta's witnesses had not been enforced by the court. The officials referred to the Romanian Penal Code and the Code of Criminal Procedure, Article 329,

which apparently provides that prosecutors and parties may waive the appearance of witnesses whom they have called. The Justice Ministry officials stated that this procedure must have been followed in Mr. Ruta's case or the witnesses sought on his behalf would have been required to appear. Mr. Heins then asked if he could review the record of the court with respect to that matter, but this request was denied on the grounds that foreigners cannot have access to court records.

Mr. Heins asked the Justice Ministry officials about the training of the judges who had presided over the Ruta case. Teofil Pop said that he did not know the identity of the judges in Mr. Ruta's case. Mr. Pop emphasized that the Ruta trial was simply one routine criminal trial among many. (Later in the interview, however, Mr. Pop admitted that he had a thorough knowledge of the Ruta trial because it had attracted so much attention in the United States. The names of the judges who were presiding over Mr. Ruta's case, however, were never provided.) Mr. Pop stated that all judges finish law school and then opt for training as a defense lawyer, a prosecutor or a judge. A government commission selects those to be brought into the Ministry of Justice as apprentice judges for two years. After six months of apprenticeship, an exam is given. Upon successful completion of that exam, apprentice judges are qualified to serve as the second judge on a team. A final examination is given after two years and a "people's counsel" then decides where to assign particular judges. Judges sit for a five-year term and are then subject to re-election by the Ministry of Justice.

Mr. Heins asked the Justice Ministry officials if it would be possible to visit Mr. Ruta in prison. He was told that prisons are the responsibility of the Ministry of the Interior and that the the Ministry of Justice had no authority to allow such a visit. The officials further advised Mr. Heins that judges have the power to verify that the conditions in the jail conform to

law and that prisoners have procedures available to them for obtaining judicial review of prison conditions. Mr. Heins then inquired if he could visit Mr. Ruta's attorney. Mr. Pop stated that it was not within his power to permit an interview with Ruta's lawyer and he told Mr. Heins to apply to the College of Lawyers in order to get such permission.

In closing, Mr. Pop stated that Mr. Ruta had committed very grave crimes. Mr. Pop said he had personally reviewed the charges against Mr. Ruta because of the interest shown in this matter by the United States. Mr. Pop was convinced that Mr. Ruta was guilty of bribery. He concluded that the Romanian Government had an obligation to proceed against criminals such as Mr. Ruta.

## POST-TRIAL EVENTS

### Mr. Ruta's Conviction

On November 5, 1986, Mr. Ruta's sentence was posted at the courthouse in Bucharest. Mr. Ruta was convicted of bribery and sentenced to seven years in prison with a fine of 100,000 lei (about \$8,000). Not until a week later, when Alina was allowed to visit her father at Rahova Prison on November 11, 1986, was Mr. Ruta informed of his sentence. Alina found her father in very poor health and not receiving any medical treatment. On November 15, 1986, Mr. Ruta's attorney applied for an appeal hearing. The appeal hearing was subsequently scheduled for December 17, 1986.

Shortly after her father's conviction had been announced, Alina received a written notice from Romanian authorities indicating that her passport application had been approved. She received the passport on December 5, 1986, and was required to leave Romania by January 26, 1987. Alina made one last request to the officials at Rahova Prison for permission to see her father before her departure. In the past, Alina had been allowed to visit her father every two months. Because her last visit had been on November 11th, Alina requested to see her father on January 11, 1987. Her request was immediately denied. Nevertheless, Alina decided to postpone her departure for

the United States until January 12, 1987.

On December 17, 1986, the court postponed the appeal hearing until January 8, 1987. At the end of December, Alina and another family member found out that Mr. Ruta had been transferred to Jilava Prison Hospital allegedly to treat his heart condition, chronic hepatitis and a "neurotic syndrome."

Alina visited the warden's office at Jilava Prison Hospital every day in an attempt to see her father and bring him medicine and food. Only on one occasion was food accepted by the prison officials. The officials assured Alina that Jilava was providing Mr. Ruta the appropriate medication. Finally, on January 7, 1987, Alina was allowed to see her father.

During this visit, Alina found that her father's physical condition had worsened. His skin was discolored due to his hepatitis, and he had lost even more weight. Mr. Ruta's hands had scratches and bruises on them and his left wrist was wrapped in a bandage. Mr. Ruta asked Alina for warm clothes. Despite the fact that Alina had brought her father more than enough warm clothing over the previous year, Mr. Ruta had received none of it. Mr. Ruta appeared grateful for his daughter's visit and asked Alina to fight to save his life following her emigration to the United States.

The next day, on January 8, 1987, during a short public session at the courthouse in Bucharest, Mr. Ruta's attorney explained why an appeal had been requested in Mr. Ruta's case. The court accepted the plea, but on January 16, 1987, rejected the appeal. The sentence remained unchanged.

Alina left Romania for the United States on January 12, 1987. After Alina's departure, other relatives applied to visit Mr. Ruta in prison, but their



applications were denied on the grounds that they were not direct relatives. Eventually, one relative was allowed to see Mr. Ruta for a very brief meeting.

After the appeal was rejected, Mr. Ruta's family began efforts to get enough money together to pay the 100,000 lei fine that had been imposed by the court. Friends and relatives sold possessions and obtained loans so that by spring 1987, the entire 100,000 lei had been raised. Mr. Ruta's family paid the fine at the prosecutor's office in May 1987.

After Alina was reunited with her mother Rodica in the United States, the Committee continued to make efforts to obtain Mr. Ruta's release. The Committee was able to arrange a written invitation from the University of Minnesota Hospital in Minneapolis to Romanian President Ceaucescu requesting him to allow Mr. Ruta to be treated in their facility. The Romanian Government never responded to this request.

#### Mr. Ruta's Release from Prison

On June 6, 1987, one of the directors of Jilava Prison Hospital told Mr. Ruta that President Ceaucescu had granted him amnesty on the bribery conviction. Mr. Ruta was given a set of ill-fitting clothes and told he was free. The gates to Jilava Prison Hospital were opened and Mr. Ruta was let out, with no money or possessions, to find his way back to residential Bucharest. After a walk of about two kilometers through a field surrounding the prison hospital, Mr. Ruta came upon a sympathetic passerby with a car. The man drove Mr. Ruta to a relative's home in Bucharest. Two weeks later, on June 21, 1987, Mr. Ruta boarded an airplane to the United States.

## LEGAL ANALYSIS

This section of the report will analyze the legal issues raised by the Romanian Government's pre-detention activities in Mr. Ruta's case. Next, it will compare the conditions encountered by Mr. Ruta at Jilava and Rahova prisons to the Romanian and international legal standards governing the treatment of prisoners. Last, it will discuss the most significant procedural aspects of Mr. Ruta's trial.

### Pre-detention Harassment and Intimidation

Before Mr. Ruta was detained by the Romanian authorities, he had already been the target of government pressure designed to force him into denouncing his wife's defection to the United States. Most notably, Mr. Ruta was summarily demoted from his position as the manager of the *Cooperativa Electrobobinaj* solely because of his wife's defection. At about this same time, Mr. Ruta learned that the government had undertaken an aggressive program of interrogating workers from his factory in an attempt to build a criminal case against him. The most direct pressure, however, came when the Romanian police performed an extended and intrusive search of the Rutas' apartment and detained Mr. Ruta *incommunicado*.

These pre-detention tactics are prohibited by both Romanian and international law. Article 31 of the Romanian Constitution guarantees the inviolability of the person, and the Romanian Code of Criminal Procedure establishes a very clear procedure for pretrial custody. No one may be arrested or detained unless there is well-founded evidence that the person in question has committed a criminal act. (Romanian Code of Criminal Procedure, Articles 143, 146 and 148.) Furthermore, pretrial detention may be imposed only by means of a detention order issued by the prosecutor or the court. (Romanian Code of Criminal Procedure, Articles 146 and 151.) The detention order must state the offense with which the person is charged and the specific reasons for the arrest. A copy of the detention order must be given to the accused so that he or she may be directly and immediately informed of the reasons for the detention and the pending charges. (Romanian Code of Criminal Procedure, Articles 137, 151 and 152.)

These Romanian procedural protections are consistent with the directives set forth in the International Covenant on Civil and Political Rights ("Covenant"), which has been ratified by Romania. Article 9, paragraph 1, states in part, "No one shall be subject to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law." Article 9, paragraph 2, of the Covenant specifically requires authorities immediately to inform anyone who is arrested of the reasons for his or her arrest. Article 4, paragraph 3(a) provides that an accused person shall receive a prompt and detailed explanation of the criminal charges that have been brought against him or her.

In Mr. Ruta's case, these procedural protections were not observed. First, there is no indication that the Romanian police had any well-founded evidence that Mr. Ruta had committed a criminal act when he was arrested on

February 27, 1986. According to information obtained by the Committee, the earliest dates on the witness statements contained in Mr. Ruta's *dosar* were April 1986, which is approximately two months after his initial detention. Second, although Mr. Ruta was briefly questioned on the first evening of his detention about accepting bribes, he was not informed that he was being charged with criminal bribery until he had been in custody for almost three months. Furthermore, the police interrogation of Mr. Ruta throughout his fifteen-month detention and imprisonment focused upon Rodica's defection and Mr. Ruta's application to emigrate, rather than on his alleged criminal activities. Last, Mr. Ruta never saw or received a written detention order specifying the reasons for his detention.

The Romanian Code of Criminal Procedure also contains very specific limitations on the period of time which an accused may be kept in detention. A person against whom criminal proceedings have been instituted may not be detained for more than five days. (Romanian Code of Criminal Procedure, Articles 146, 229, and 233.) If criminal proceedings have begun, the length of detention may not exceed one month. The one-month period may be extended only for specified reasons and after the proper authorities have examined the relevant documents and conducted a hearing of the accused. Such extensions will be granted on a maximum of three occasions and only for additional one-month periods. (Romanian Code of Criminal Procedure, Articles 149, 155 and 157.)

Under Romanian law, a person who has been detained has the right to express his or her objections to the detention. The responsible judicial bodies have the correlative duty to consider and resolve any such objections. (Romanian Code of Criminal Procedure, Articles 141, 152, 153, 157, 252, and 275.) These latter provisions of the Romanian Code of Criminal Procedure are consistent with Article 9, paragraph 4, of the Covenant, which provides that

anyone who has been detained shall be entitled to appear before a court to determine the lawfulness of the detention without delay.

The Committee was not allowed access to information regarding the procedural basis or authority for Mr. Ruta's pretrial detention. The facts that the Committee has been able to discern, however, indicate that Mr. Ruta was detained for approximately four months before his criminal proceedings were initiated and that there was never any hearing before judicial authorities to authorize an extension of his initial detention period. Mr. Ruta has also indicated that, although he frequently raised objections to his detention, he was never afforded the opportunity to have the lawfulness of the detention determined by a court of proper authority.

The questionable circumstances of Mr. Ruta's pretrial detention are further exacerbated by the Romanian police's initial refusal to tell his relatives where he was being held. This type of unacknowledged detention constitutes a "disappearance." For approximately four months, the Romanian authorities would not even acknowledge that Mr. Ruta had been arrested. This type of *incommunicado* detention not only increases the risk that the detainee will be subjected to torture and ill-treatment, but it also intensifies the level of intimidation that the government is able to exert over relatives and people who might otherwise be hesitant to serve as witnesses against the detainee.

In conclusion, it appears that the pre-detention activities of the Romanian Government were intended to intimidate Mr. Ruta into publicly denouncing his wife's decision to defect to the United States and into withdrawing his application to emigrate. When this pressure failed, Mr. Ruta was detained *incommunicado* while the government prepared a criminal case of bribery against him. The Committee respectfully recommends that the

Romanian Government take steps to ensure that the Romanian laws governing pretrial detention be followed diligently by police authorities to prevent suspects from being detained outside the circumstances and beyond the time limits provided by law.

#### Conditions of Detention

The most disturbing aspects of this case are the harsh and degrading prison conditions which Mr. Ruta was forced to endure for over fifteen months. The information gathered by the Committee indicates that the Romanian prison authorities routinely subjected Mr. Ruta to ill-treatment and torture. In addition, Mr. Ruta's general living conditions in Jilava and Rahova prisons lacked sufficient amenities to meet minimum standards of humane treatment. Last, prison authorities consistently denied Mr. Ruta access to basic medical attention, even after he suffered a heart attack and contracted chronic hepatitis.

There are many treaties and other international instruments which prohibit torture and other ill-treatment of prisoners. For example, Article 7 of the Covenant states, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." In addition, there are two other articles of the Covenant which contain principles relevant to the prohibition of torture. Article 9 provides, in part, that "[e]veryone has the right to liberty and *security of person*" (emphasis added). In the context of prisoners' rights, Article 10, paragraph 1, of the Covenant states that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Article 52 of the Romanian Penal Code expressly provides that the penalty of imprisonment must not subject prisoners to physical suffering or

degradation. Furthermore, Article 226, paragraph 2, of the Romanian Penal Code makes it a crime for anyone to use promises, threats or violence against a person during the pretrial or trial proceedings as a way of obtaining statements. Similarly, Article 567 of the Romanian Penal Code makes it a criminal offense to inflict cruel treatment on a person held in custody.

In Romania's Second Report on the Implementation of the International Covenant on Civil and Political Rights, CCPR/C/32/Add. 10, it was noted that there is no provision for corporal punishment or solitary confinement in the Romanian criminal legislation. The Report also states that torture, cruel, inhuman or degrading treatment are expressly forbidden by law. The Report acknowledges that the Romanian Application of Penalties Act (No. 23/1969), which regulates the penalties of imprisonment, takes into account the recommendations contained in the United Nations' Standard Minimum Rules for the Treatment of Prisoners.

When these legal procedures and assurances are compared to the facts of Mr. Ruta's case, there is little doubt that the Romanian Government has violated both international and domestic prohibitions against torture. Throughout his fifteen months of detention in both the Rahova and Jilava prisons, Mr. Ruta was routinely beaten, interrogated at all times of the day and night, given mood-altering drugs, forced to stand upright for prolonged periods of time, required to remain in total darkness for many hours at a time, and denied adequate food and rest. These cruel tactics were used on Mr. Ruta both before and after he had been convicted of the criminal bribery charges.

In addition, the living conditions of Mr. Ruta's imprisonment fell woefully short of the Standard Minimum Rules for the Treatment of Prisoners (the "Minimum Rules"). For example, Mr. Ruta was generally kept in a dark

basement cell without access to either natural or artificial light. (This violates Rule 11(a)-(b) of the Minimum Rules.) The cells in which Mr. Ruta was confined were not heated and, consequently, ice formed on the walls and ceiling during the winter. (Violating Rule 10 of the Minimum Rules.) Mr. Ruta did not have any warm clothing or blankets (Rule 17(a) and 19) and his cell did not have hot water or proper lavatory facilities. (Rule 12.) For the first few months of his imprisonment, Mr. Ruta was chained to the metal cot in his cell and restricted from moving freely about his cell. (Rule 33.) Mr. Ruta was never allowed to exercise outdoors or to breathe fresh air. (Rule 21.) He was frequently transferred between Rahova and Jilava prisons without proper notification of relatives, which had the effect of preventing Alina from knowing where she could visit her father. (Rule 44(1) and (3).) Furthermore, the visits that Alina was allowed after her father's trial began were infrequent and closely supervised by intimidating prison guards who had trained dogs and machine guns. (Rule 37.)

Mr. Ruta's precarious physical condition during his imprisonment raises fundamental questions about the standards of medical care that exist in Romanian prisons. Mr. Ruta suffered a heart attack shortly after he had been detained by the police and while he was being forced to stand upright in a small dark cell. The information received by the Committee indicates that Mr. Ruta never received any type of medical attention for his heart condition. After he had been imprisoned for a number of months, Mr. Ruta contracted chronic hepatitis. Again, he never received any treatment for this condition.

The Standard Minimum Rules for the Treatment of Prisoners contains very detailed guidelines about medical services that should be made available to prisoners. Rule 25(1) provides that the medical officer of an institution should supervise the care of the physical and mental health of the prisoners



and visit all sick prisoners on a daily basis. In addition, Rule 22(2) provides that prisoners who require special treatment shall be transferred to specialized institutions or to civil hospitals. The information received by the Committee shows that neither of these rules was observed in Rahova or Jilava. The Romanian prison officials refused to provide Mr. Ruta with proper treatment and medication, even when his family sent medicine to the prison.

In conclusion, Mr. Ruta was subjected to prolonged torture and cruel, inhuman, and degrading treatment. Although the Romanian Government has an Application of Penalties Act which is based upon the Standard Minimum Rules for the Treatment of Prisoners, these measures were not sufficient to protect Mr. Ruta during his detention in Romanian prisons. The Committee respectfully recommends that the Romanian Government conduct an immediate review of living conditions and methods of treatment in its prisons and take prompt action to correct the current intolerable situation.

#### The Trial

Because Romanian criminal proceedings are sporadically scheduled over an extended period of time, it is difficult to assess the procedural fairness of Mr. Ruta's trial as a whole. The Committee was only able to send two observers, Ms. Solso and Mr. Heins, to two of the four hearings that comprised Mr. Ruta's trial. Based upon these observations, however, it appears that the Romanian court observed the following procedural safeguards: the courtroom was open to the public and Mr. Ruta's relatives were allowed to observe the hearings; representatives of the U.S. Embassy were present at each of the hearings in Mr. Ruta's trial; Mr. Ruta was represented by an experienced and competent lawyer, who was allowed to make animated and pointed comments on behalf of Mr. Ruta; the chief judge appeared to make balanced evidentiary rulings, which enabled Mr. Ruta and his lawyer to

question the prosecution's witnesses effectively; and Mr. Ruta was also allowed to address the court directly on a number of occasions.

Nonetheless, it is significant to note that there were some procedural defects in the trial proceedings which could have contributed to the court's conviction of Mr. Ruta. For example, Article 31 of the Romanian Constitution and Articles 6 and 7 of the Romanian Code of Criminal Procedure guarantee the right of an accused to the assistance of defense counsel both during pretrial proceedings and during the trial itself. The Romanian Application of Penalties Act (No. 23/1969) also assures that all prisoners have the right to consult with a lawyer. Article 14, paragraph 3(b) of the Covenant specifically provides that any person charged with a criminal offense shall have adequate time and facilities to prepare a defense and to consult with counsel of his or her own choosing.

The information received by the Committee indicates that Mr. Ruta's lawyer unsuccessfully applied to visit his client in prison on at least two occasions. As a result, Mr. Ruta's lawyer was forced to prepare his client's defense without having the opportunity to consult with Mr. Ruta until ten minutes before the trial began. Most consultations between client and counsel were monitored by police or prison personnel. Furthermore, Mr. Ruta's lawyer was fined by the Romanian court after the first hearing of the trial for being too active in the defense of his client. He was also warned by the President of the Romanian College of Lawyers not to defend Mr. Ruta too vigorously. This official reprimand coupled with unofficial peer pressure in the early stages of the trial could have had a chilling effect on Mr. Ruta's lawyer's ability to act as an effective advocate on his client's behalf.

There is also some evidence to indicate that one of the early witnesses who testified against Mr. Ruta tried to retract his testimony in open court.

This witness reportedly told the chief judge that the witness had been forced to sign an untrue statement against Mr. Ruta. The court's response was to remind the witness that his written statement had been signed under oath and that he could be charged with perjury if he tried to change his testimony. The court's reaction was not geared to ascertain whether or not this witness' written statement was true or whether it had been coerced. In fact, this incident indicates that the court was willing to accept evidence and statements from witnesses who may have been forced by the government into providing evidence. This type of coercion is specifically prohibited by Article 226 of the Romanian Penal Code.

Another serious deficiency of the proceedings was the court's failure to enforce its subpoena power in order to compel the attendance of witnesses who had been summoned on behalf of Mr. Ruta. Article 14, paragraph 3(e), of the Covenant requires that an accused person be allowed to require the attendance and examination of witnesses on his behalf under the same conditions as witnesses who are compelled to testify against him. In Mr. Ruta's case, the court made no attempt to enforce the subpoenas that had apparently been served upon witnesses who might have been able to refute the criminal bribery charges. The court's failure to enforce these subpoenas created an evidentiary gap, which left the court to consider only the evidence presented by the prosecution.

In conclusion, the trial procedures followed in Mr. Ruta's case were marred by three significant defects. Most notably, Mr. Ruta was not afforded an adequate opportunity to prepare his defense with the help of counsel. Mr. Ruta's inability to see his lawyer before trial forced the lawyer to handle Mr. Ruta's case without being fully advised of the facts by his client. Second, there is some evidence indicating that the court's questioning of at least one of the prosecution's witnesses was not meaningfully directed toward

ascertaining the witness' true testimony. The court apparently disregarded the witness' desire to retract his written statement because it had been coerced by the secret police. Third, the court's failure to enforce the subpoenas served on behalf of Mr. Ruta created a one-sided evidentiary record favoring the prosecution's case. The Committee respectfully recommends that the Romanian Government review the procedures followed in the Ruta case in order to devise safeguards to ensure that those accused of criminal charges in Romania are afforded fair and impartial trials.



*Ioan Ruta and his wife Rodica were greeted by a large crowd of well-wishers upon Mr. Ruta's arrival at the Minneapolis-St. Paul airport on June 23, 1987.*

**Photo: Paul Fraser**

**CONCLUSION**

Mr. Ruta's experiences presented a rare opportunity for the Committee to be involved in a human rights case from beginning to end. Not only was the Committee the first human rights organization allowed into Romania to observe portions of a criminal trial, but it was also able to interview Mr. Ruta after he arrived in the United States in order to obtain information about his arrest and detention. Fortunately, Mr. Ruta's case had a happy ending. He has been reunited with his wife and daughter in the United States; he is regaining his health; and he studies English tirelessly so that he will soon be able to communicate and work with people in his new country.

Although the Romanian Government granted Mr. Ruta presidential amnesty, the humane resolution to his case does not justify the abuses described in this report. With knowledge of the entire case, it seems clear that the detention, trial and conviction of Mr. Ruta were politically motivated. The Romanian Government's claim that Ruta was a common criminal is disingenuous in light of the information that the Committee received indicating that Mr. Ruta was tortured and punished in prison to coerce him into denouncing his wife's decision to defect to the United States. Mr. Ruta's case poignantly exemplifies the dangers of a government which uses the power of its criminal justice system as a means for obtaining political objectives.

