



Police discriminated against Roma family by using ethnic profiling to justify raid on their home

The case [Lingurar v. Romania](#) (application no. 48474/14) concerned a raid in 2011 by 85 police and gendarmes on the Roma community in Vâlcele (Romania).

In its committee judgment in the case the European Court of Human Rights unanimously held, that there had been:

a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights as concerned the ill-treatment of the applicant family during the raid, and

two violations of Article 14 (prohibition of discrimination) in conjunction with Article 3 because the raid had been racially motivated and the related investigation had been ineffective.

The Court found that there had been no justification for the disproportionate use of force during the raid on the applicant family's home, which had left them with injuries requiring treatment in hospital. The applicants had been unarmed and had never been accused of any violent crime, while the four gendarmes who had raided their home had been highly trained in rapid intervention.

It found that the applicants had been targeted because the authorities had perceived the Roma community in general as criminal. That had amounted to ethnic profiling and had been discriminatory.

The judgment is final.

Principal facts

The applicants, Aron Lingurar, Ana Maria Lingurar, Aron Lingurar, and Elena Lingurar, are Romanian nationals who were born in 1949, 1994, 1985, and 1957 respectively and live in Vâlcele. They are all Roma.

According to the applicant family, several police officers and gendarmes wearing special intervention clothing, including balaclavas, broke down their front door during the raid in the early hours of 15 December 2011, dragged them out of bed and beat them. The two male family members were further abused in the yard, then taken to the local police station for questioning. They were released the same day with a fine for illegally cutting timber.

The family went to the local hospital after the raid for treatment of abdominal and chest pain, and bruising. Medical reports for three of the applicants concluded that their injuries could have been caused by them being hit with hard objects.

In 2012 the family lodged a criminal complaint accusing the law-enforcement authorities of violence. After an initial investigation concluded that there was not enough evidence to prosecute, the courts ordered the prosecuting authorities to carry out further enquiries, and in particular to justify the applicants' injuries.

The new investigation concluded that the male applicants must have been injured when the police had had to use force to immobilise them, while the women applicants' injuries could be explained by "behaviour specific to Roma", namely pulling their own hair and slapping themselves on their faces. The prosecutor also noted that most of the inhabitants of Vâlcele were known for breaking the law and being aggressive towards the police.

The courts finally dismissed the applicants' complaints about the prosecutors' decisions in 2014. They considered the prosecutors' explanations for the applicants' injuries to be plausible and found that the police officers had not used excessive force.

Both the prosecuting authorities and the courts dismissed the applicants' allegations that it was a systematic practice in the area for the police to attack the Roma community.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 28 June 2014.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination), the applicant family complained that they had been ill-treated by the police, that the investigation into their allegations had been ineffective and that the authorities' justification for the raid had been racist.

Judgment was given by a Committee of three judges, composed as follows:

Paulo Pinto de Albuquerque (Portugal), *President*,
Egidijus Kūris (Lithuania),
Iulia Antoanella Motoc (Romania),

and also Andrea Tamietti, *Deputy Registrar*.

Decision of the Court

Ill-treatment

The applicants had been left with injuries requiring medical care after the raid, which had attained the minimum level of severity under Article 3.

The Government had argued that the use of force had been necessary because of the applicants' aggressive behaviour. However, no proceedings had ever been taken against the applicants for any violent crime. Indeed, there was nothing to suggest that the four gendarmes responsible for the raid on the applicants' home, part of a group of 85 highly trained officers specialised in rapid intervention, had been overwhelmed by the unarmed applicants.

Moreover, there was no evidence, other than police statements, to corroborate the hypothesis that the female applicants' injuries had been self-inflicted.

The Court was therefore not convinced that the force used by law-enforcement officers during the raid had been proportionate and held that there had been a violation of Article 3.

Racist motives for the police raid

The Court noted that, to justify the raid, the Government had submitted a police intervention plan which had been drafted before 15 December 2011. The plan made it clear that the raid was to target ethnic Roma because of their anti-social behaviour and the high crime rate among that group. Similarly, the investigators had explained the applicants' alleged aggressiveness by their ethnic traits or habits "specific to Roma".

The applicants had thus been targeted because they were Roma and because the authorities had perceived the Roma community in general as criminal. That showed that the authorities had automatically connected ethnicity to criminal behaviour. The Court found that that had amounted to ethnic profiling of the applicants and that it had been discriminatory, in violation of Article 14 taken in conjunction with Article 3.

Lack of an effective investigation

The Court noted evidence provided by the parties showing that Roma communities were often confronted with institutionalised racism and were the victims of excessive use of force by the law-enforcement authorities in Romania. The applicants themselves had complained to the authorities about such systemic violence during the investigation into their allegations.

In such a situation, the authorities should have done everything possible to investigate whether discrimination had played a role in the raid. However, both the domestic authorities and courts had dismissed the applicants' allegations of discrimination without any in-depth analysis. Indeed, the prosecution had accepted the police's justification for the use of force based on a perception that all Roma were criminals.

It followed that there had also been a violation of Article 14 taken in conjunction with Article 3 as concerned the investigation.

Given that finding, the Court held that no separate issues arose under Article 3 alone as concerned the applicants' complaint that the criminal investigation had been ineffective.

Just satisfaction (Article 41)

The Court held that Romania was to pay each applicant 11,700 euros (EUR) in respect of non-pecuniary damage and EUR 2,251 in respect of costs and expenses.

The judgment is available only in English.

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