

To: Terry Davis, Secretary General of the Council of Europe  
Thomas Hammarberg, Council of Europe Commissioner for Human Rights  
Council of Europe Committee for the Prevention of Torture  
Javier Solana, EU High Representative for the Common Foreign and Security Policy,  
Secretary-General of the Council of the European Union  
José Manuel Barroso, President, European Commission  
Benita Ferrero-Waldner, Commissioner for External Relations and European Neighbourhood Policy  
Karel Schwarzenberg, Ministry of Foreign Affairs, Czech Republic  
Manfred Nowak, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment  
Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders  
Frank La Rue Lewy, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression  
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture

Cc: All diplomatic representations in Moldova  
Ambassador Philip N. Remler, Head of OSCE Mission to Moldova  
Vladimir Ristovski, Special Representative of the Council of Europe General Secretariat to Moldova  
Kalman Mizsei, EU Special Representative to Moldova  
Ambassador Cesare de Montis, Head of Delegation of the European Commission to Moldova  
Marianne Mikko, Member of the EU Parliament, Chairwoman of the Delegation to the EU-Moldova Parliamentary Cooperation Committee

13 April 2009  
Chişinău, Republic of Moldova

Your Excellencies,

We are writing to you to draw your attention to the recent and ongoing abuses of the rights of persons arrested in relation to the events of 6 – 8 April 2009 in Chişinău, Republic of Moldova.

We are deeply concerned by the **widespread violations of human rights, particularly of arrested persons**, specifically the right to life, the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment, the right to liberty and security, the right to a fair trial and the rights to freedom of assembly, association and expression. In response to the demonstrations in Chişinău, which started on 6 April, and included acts of violence and vandalism that took place on 7 April, the government authorities have begun an ongoing campaign of mass-arrests, in particular discriminating against individuals of student age.

According to lists published on 12 April by the Ministry of Internal Affairs of Moldova, by 11 April, 129 people had been arrested, out of which 88 people have been given between 2 - 15 days of administrative detention, 22 people have been fined, 4 people have been released and there is no information regarding the current status for 15 people. Additionally, according to the same source, criminal investigations have been opened on a further 86 detained people, the status of which is unknown. There is sufficient evidence to assert that the published lists of those detained are incomplete, including a number of individuals whose whereabouts have not been communicated to their relatives in due time.

There are repeated and consistent reports that the rights of many of those being detained are being violated. We have collected information regarding approximately 100 individuals, arrested between 7 – 11 April. From the statements of their lawyers, relatives or friends, and from our own observations, the following systematic violations are occurring:

- Individuals are not informed of the reasons for their arrest
- They are usually arrested by unidentified men in plain clothes
- Family or next of kin are frequently not being informed of the whereabouts of those detained
- Regarding access to lawyers:
  - o Detained persons are not being given access to a lawyer in due time and there are reports that people have been beaten for requesting a lawyer
  - o There are reports that people have been questioned without the presence of a lawyer
  - o There are reports that lawyers are not present during court proceedings
  - o Private meetings with a lawyer are not ensured
- Many people, including minors, have reported beatings and other cruel, inhuman and degrading treatment when being detained and during police custody
- Regarding criminal proceedings:
  - o Many pre-trial arrest hearings are taking place in district police commissariats
  - o Lawyers report that they are usually denied access to their clients before court hearings about pre-trial arrest
  - o Prosecutors are submitting unsubstantiated requests for pre-trial arrest
  - o Investigative judges are issuing unsubstantiated decisions about pre-trial arrest
  - o There is no public information about the place and time of these hearings
  - o Court hearings about pre-trial arrest are lasting no longer than 10-15 minutes per person and individuals are not given sufficient time or opportunity to provide their own arguments to defend themselves
  - o Decisions of 30 days of pre-trial arrest are being made as a rule, rather than an exception, and people are not being informed of their right to appeal against these decisions
  - o Other procedural rights violations.
- Regarding administrative proceedings:
  - o Lawyers or relatives are being given no information about these hearings or are being denied access to them
  - o Administrative detention is predominantly used

On 11 April members of the Consultative Council for the Prevention of Torture (National Preventive Mechanism), accompanied by the UN Human Rights Advisor to Moldova and a criminal defence lawyer tried to visit several police stations and penitentiary institutions

in Chişinău, where individuals were reportedly being detained or ill-treated. By law, the Consultative Council for the Prevention of Torture must be given access to any place of detention at any time with no prior warning. Nonetheless, the General Police Commissariat of Chişinău refused to give access and gave no reason for this refusal. The Central District Police Commissariat also refused access, stating that there were no detainees there, although the Supervising Prosecutor later confirmed that there were 5 people being held there. Access was only granted to the penitentiary institution No.13 after 3 hours of negotiations and with the intervention of the Ombudsman. (See Annex 1 for more information about this visit).

As a state party to numerous international human rights standards, including the International Covenant for Civil and Political Rights and the European Convention of Human Rights, as well as according to the Moldovan Constitution and other domestic legislation, the government of Moldova is obliged to respect and protect the rights of its citizens. As indicated above, and documented in Annexes 1 and 2, large scale and systematic human rights and procedural violations are taking place currently in Moldova. We are deeply concerned that these violations will continue.

We ask Your Excellencies to call on the Moldovan authorities to respect human rights and comply with their obligations under international law. We urge Your Excellencies to make an official visit to Moldova as soon as possible to assess the situation “on the ground” and demand that the Moldovan authorities stop all human rights violations and respect the rule of law in the country.

Sincerely,

Igor Dolea, Director, Institute for Penal Reform of Moldova  
Evghenii Goloşceapov, Lawyer, civil society activist  
Igor Grosu, Independent expert, civil society activist  
Vlad Gribincea, President, Public association Lawyers for Human Rights  
Vanu Jereghi, Vice President of the Consultative Council for the Prevention of Torture (OPCAT National Preventive Mechanism), Director of Moldovan Human Rights Institute  
Nadejda Hriptievschi, Lawyer, civil society activist  
Vlad Lupan, Independent expert  
Ion Manole, Director, Promo-Lex Association  
Sergiu Ostaf, Director, Centre for Human Rights Resources, CReDO  
Ludmila Popovici, Director, RCTV Memoria (Rehabilitation Centre for Torture Victims)  
Veaceslav Ţurcan, Defence lawyer and civil society activist  
Victor Ursu, Executive Director, Soros Foundation – Moldova  
Victor Zaharia, Lawyer, Institute for Penal Reform, State University of Moldova

## **Annex 1**

### **Observations made by members of the Consultative Council for the Prevention of Torture (OPCAT National Preventive Mechanism) on the visit to the penitentiary institution No.13, Chişinău, on 11 April 2009**

Penitentiary institution No.13 had received 68 detainees on 9 April and 22 detainees on 10 April.

The overwhelming majority of detainees were between 18 – 23 years old, allegedly with no prior criminal record.

Many detainees were allegedly processed through district police stations prior to being further processed through the General Police Commissariat and then on to penitentiary institution No.13. Through the initial two processing points, detainees were allegedly beaten, both in and outside of investigation rooms by plain-clothed law enforcement officers.

Evidence as to cruel, inhuman or degrading treatment or punishment was abundantly evident with regard to the majority of those interviewed. Detainees described beatings, administered using clubs, full, plastic water bottles, fists and feet. Video images of injuries sustained are available. All detainees claimed that not only they were beaten but that they had witnessed others also being beaten.

One group of detainees referred to two badly beaten women currently being held at the General Police Commissariat. The Consultative Council for the Prevention of Torture have still not been granted access to verify these allegations.

Detainees also claimed that they had been held in inhuman conditions with 25 – 28 individuals in a single cell, measuring 8 metres square and that they were denied food for 2 days and only had limited access to water and basic sanitary facilities.

A small number of detainees said that they had been forced to sign confessions, and/or other documents, which they were not allowed to read.

Detainees were brought before a judge in groups of 6 and were collectively charged although each had been given an individual charge sheet through a template document (copies of these template documents are available). At no point were the detainees granted access to a lawyer.

A list provided by penitentiary institution No.13 identifies 246 detainees and states where they will be detained. Those originating from the north of Moldova will be imprisoned in the south of the country and vice versa.

## Annex 2

### List of individual cases. Further information on all these cases is available.

- On 12 April Unimedia.md (<http://unimedia.md/?mod=news&id=10309>) and Jurnal TV (<http://jurnal.md/article/13863/>) published information about the death of a 23-year old man, Valeriu Boboc, in police custody. The victim's brother stated that although the victim died on 7 April, the family was only informed on 10 April. The family and the lawyer noted that the victim's body was covered in bruises while the official medical report cites the cause of death as intoxication from unknown gas during the violence on 7 April.
- On 10 April, at approximately 19.30, two lawyers witnessed police severely beating 2 people in front of the Criuleni Police Commissariat, who had been brought there by bus. The beatings stopped after the lawyers called the General Prosecutor's office, but all the individuals were then taken inside the police station. To date, no further information about their status has been made available.
- On 10 April several lawyers were unable to ascertain the whereabouts of their clients, whose initial detention terms were expiring. The lawyers were supposed to be representing their clients during pre-trial arrest hearings or hearings about administrative detention. One lawyer waited for 3 hours in court only to find out later that the judge had left through the back door and held hearings directly in a police commissariat. Although hearings outside the court accord with the Criminal Procedure Code, information must be made public about the time and place of the hearing and all fair trial guarantees must be upheld. Since Moldova declared independence in 1991, there have been no registered cases of hearings being held outside the court.
- Eight students have claimed that they were taken during a break at university and were severely beaten upon arrest and during detention in Chişinău. Two of them told their lawyer that they were forced to sign three documents stating: 1) they participated in the protests of 7 April; 2) they will not participate in future protests; 3) they were not beaten/ no force was used against them while in detention. Several lawyers confirmed that their clients were forced to sign similar documents.
- Parents and pupils from Chişinău and Orhei reported that police have been to senior schools, checking attendance registers, and detained some older pupils (from 11 and 12 classes, aged 17-18) directly from the schools. Two lawyers have stated that their clients, who are minors, showed clear signs of having been beaten.
- The media has reported several cases where people have been severely beaten upon arrest or while in detention in Chişinău. In one case a 23-year old Moldovan student, who studies in France, was severely beaten by police after being arrested for participating at the protests on 7 April. He claims he was only a witness during the protests and believes he was followed by police because he was translating for some Swedish journalists during the protests. He further stated that he believes he escaped death after informing the police he was a

French citizen (information in Romanian and pictures available at: <http://www.jurnaltv.md/?article=2041>).

- The mother of one arrested man stated that her son was severely beaten while in police custody. His lawyer complained about the beatings, after which the man was beaten again because of his lawyer's complaint. Another lawyer stated that his clients were scared to say they had been beaten, particularly as the interview with the lawyer took place in very close proximity to a police officer. The clients, trembling, said that they were beaten "only a bit", but that others have suffered much more.
- Many of those being detained, are charged under Article 285 (1) or (2) of the Criminal Code (mass disorder), which carries a sentence of 3 to 7 years' imprisonment. Others are charged under Article 164 of the Code of Administrative Offences (medium hooliganism), which is punishable with a fine or administrative arrest of up to 15 days.
- Ordinary people that participated in the protests on 7 April, and are currently being sought by police, report being too afraid to appear before police for the fear of being subjected to torture and inhuman treatment.
- One man who was detained, and released the next day, stated that while being interviewed, police had checked his personal information using the internal database of the Ministry of Information Development.