

URGENT ACTION

GRAVE HEALTH CONCERNS FOR DETAINEE WITH CIRRHOSIS

Moldovan businessman Serghei Cosovan is unable to access essential health care in pre-trial detention for his acute cirrhosis. The authorities are ignoring medical grounds to support treatment in an external specialised hospital and have recently remanded him to 30 more days in pre-trial detention. Serghei Cosovan's health is rapidly deteriorating and there are serious risks to his life.

Moldovan businessman and local councilor of Codru city, **Serghei Cosovan**, 46, was put in pre-trial detention on 26 September 2017 on charges of fraud and abuse of office. He was placed in Penitentiary Institution number 16 in Chisinau, Moldova's capital, and his pre-trial detention has subsequently been extended by the courts several times. While in detention, according to his lawyers and as visible to those present in the court room, Serghei Cosovan's pre-existing cirrhosis (scarring of the liver) worsened, resulting in repeated hemorrhages, which require surgery to be stopped. He also developed a hernia. Both conditions require specialised medical treatment not available in Penitentiary Institution number 16.

Serghei Cosovan's lawyers made numerous attempts to change his remand to judicial supervision, referencing Order 331 of the Ministry of Justice of Moldova from 2006, which stipulates that some seriously ill prisoners should be exempt from punishment. On 24 April, in recognition of the severity of his medical condition and urgent medical treatment required, a court in Chisinau acknowledged that the order should be extended to cover pre-trial detainees and instructed Serghei Cosovan to be released and placed under house arrest. As Serghei Cosovan was leaving the detention centre officers from the Police Department of Chisinau Municipality rearrested him, informed him he was being investigated for new fraud allegations, and placed him in remand for 72 hours. On 27 April, a court ordered Serghei Cosovan's return to pre-trial detention, ignoring his grievous health concerns. He was returned to the detention centre the same day.

Amnesty International is concerned about the standard of health care provided at Penitentiary Institution number 16's hospital, which is not equipped to provide essential care for Serghei Cosovan's condition. For example, during his initial detention, he had to be transported by ambulance at least three times to an external medical facility for emergency surgery to treat his cirrhosis, which can lead to extensive internal bleeding. Following each surgery, the medical professionals that performed it recommended that Serghei Cosovan not be in detention, be admitted to a specialised hospital, and be constantly monitored by specialists as his cirrhosis has entered its final stage and is life-threatening. On 24 May, a court in Chisinau extended Serghei Cosovan's pre-trial detention for a further 30 days, putting his rapidly deteriorating health at further serious risk due to the lack of adequate medical care in Penitentiary Institution number 16.

Please write immediately in Moldovan, English or your own language:

- Asking that Serghei Cosovan have access to timely and adequate health care, including being hospitalized in an external specialised hospital deemed necessary by health professionals;
- Highlighting that the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) require that "sick prisoners who require specialist treatment ...be transferred to specialised institutions or to civil hospitals" (para. 27 [1]).

PLEASE SEND APPEALS BEFORE 23 JULY 2018 TO:

Head of Penitentiary 16
Igor Patraşcu
sect. Buiucani
com. Pruncul, Chisinau, Moldova
Fax: +373 22 61-54-86

Salutation: Dear Mr. Patraşcu

Prosecutor General
Eduard Harunjen
str. Banulescu - Bodoni, 26
2005 Chisinau
+373 22 21-20-32
Email: proc-gen@procuratura.md
Salutation: Dear Prosecutor General

And copies to:
Mihail Cotorobai, Ombudsman of Moldova
str. Sfatul Ţării, nr.16
mun. Chişinău, MD-2012, Moldova
Email: ombudsman@ombudsman.md

Also send copies to diplomatic representatives accredited to your country.

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ADDITIONAL INFORMATION

On 18 May, the World Organization against Torture lodged an urgent appeal for Serghei Cosovan's release before the European Court of Human Rights. The businessman was also visited in detention by a delegation from the Ombudsman's Office of Moldova, which confirmed his serious health condition.

The Moldovan penitentiary system has chronic shortages of qualified medical staff and facilities to ensure prisoners in its care receive adequate medical attention. In Moldova, in order for a medical facility to be qualified, it must receive accreditation in accordance with national legislation. According to the latest European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) ruling (CPT/Inf (2016) 16), the Penitentiary Institution number 16 prison hospital lacks adequate equipment and most rooms are overcrowded. It is not an officially accredited medical facility. The CPT was also critical about the low number of staff present at the time of their visit.

In 2017, The UN Committee against Torture (CAT) noted concerns about the quality of medical care provided to detainees in Moldova's penitentiary system. In their report, they recommended that the Moldovan authorities intensify efforts to hire and train medical staff, establish and implement adequate procedures, and place hospital medical units under the supervision of the Ministry of Health to ensure compliance with accreditation requirements. Standards for the provision of medical care are set out in a number of international documents. In particular, Rule 27(1) of the Mandela Rules provides for the transfer of sick prisoners who require specialist treatment to specialised institutions or civilian hospitals.

The importance of provision of medical care in places of detention is further reiterated in the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Principle 24 states that medical care and treatment shall be provided whenever necessary [to a detained or imprisoned person] free of charge. More detailed criteria were developed by the European Committee for the Prevention of Torture (CPT) in its 3rd General Report. In particular, paragraph 38 states that "a prison health care service should be able to provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community."

The European Prison Rules of the Council of Europe state in paragraph 40.5 that "All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner for that purpose". Moreover, paragraph 46.1 states that "Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals, when such treatment is not available in prison."

The denial of medical care may amount to torture or other ill-treatment.

Name: Serghei Cosovan
Gender m/f: m

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