



To: Health Professionals
From: Health and Human Rights Team
Date: 7 September 2005

MEDICAL ACTION

Arbitrary detention and alleged torture

Moldova

Gheorghe Straisteanu, a prominent businessman and former Member of Parliament, was detained on 22 July 2005 while driving in his car and alleges that police officers placed a quantity of cannabis and three machine gun bullets in the back of his car to provide a pretext for detaining him. He has been charged under Article 195 of the Criminal Code of Moldova for “misappropriation of property on a large and especially large scale” which carries a prison sentence of between 10 and 25 years. He has been accused of carrying out a series of robberies on car drivers over the past year in Chişinău, the capital of Moldova. Gheorghe Straisteanu is currently held at the Ministry of the Interior temporary detention facility on Tighina Street in Chişinău.

Amnesty International is concerned that Gheorghe Straisteanu is being charged on the basis of evidence which has been extracted under torture. Amnesty International has information that a second individual gave evidence after being subjected to torture by investigating officers. However, he reportedly fears that he will be subjected to further ill-treatment if his name is mentioned.

The organization is also concerned that Georghe Straisteanu is being detained arbitrarily. On 18 August 2005 the central district court of Chişinău ordered the release of Gheorghe Straisteanu on bail, but police officers immediately re-detained him in the court room and took him back to the temporary detention facility despite the court decision. On 19 August, after his lawyer appealed against this arbitrary detention, the court declared that his detention was illegal. However, police officers again defied the court order and detained him in the court room. On 22 August Gheorghe Straisteanu was sentenced to ten days’ imprisonment by the court of Riscani district in Chişinău. The ten day period was due to expire on 31 August,

but the investigating authorities have declared that the investigation is closed and that the case has now been transferred to the court. This effectively prolongs Gheorghe Straisteanu's detention until the court hearing has been held.

Furthermore, Amnesty International is concerned about the conditions in which Gheorghe Straisteanu is being held at the temporary detention facility on Tighina Street. He is currently being held in a cell with ten to 12 other detainees. The only washing facility is a tap and a basin in the cell, and conditions are damp and badly ventilated. Gheorghe Straisteanu has contracted influenza since he has been in detention and his family report that he has difficulty breathing. He has not been given access to a doctor and he has only been able to receive the medicine that his daughter passed to him when she saw him in court.

Background

Conditions in the temporary holding facilities in Moldova where, according to domestic law, detainees can be held up to a maximum of 30 days fall far below international standards. They are all underground, or partially underground, inadequately ventilated and detainees do not have access to adequate toilet facilities. There is usually one large wooden platform where up to 12 detainees sleep, often in shifts because of overcrowding, and bedding is not always provided. In the report on its visit to Moldova in 2001 the Council of Europe's Committee for the Prevention of Torture stated that the "material conditions of detention in temporary holding facilities amounted to inhuman and degrading treatment". They drew attention to the fact that detainees were not taken out of the cell to see to their toilet needs, but were forced to use containers in the cell in full view of other detainees. The CPT also expressed concern about the medical care of detainees in temporary isolation facilities and has recommended that detainees should have all the drugs and medical care that is necessary. International standards also call for all persons who are detained or imprisoned to be offered a proper medical examination on admission, and to have access to medical care and treatment whenever necessary.

Torture and ill-treatment in police custody is a major problem in Moldova, and Amnesty International receives regular reports of torture and ill-treatment during pre-trial detention. The problem is aggravated by the high number of detentions and failure to use alternative methods such as bonds and bail.

RECOMMENDED ACTION:

Please send appeals to arrive as quickly as possible, in Romanian, Moldovan, Russian, English or your own language:

- expressing concern for the health of Gheorghe Straisteanu and asking for assurances that he will be given access to the medical care he requires in conformity with the UN Standard Minimum Rules for the Treatment of Prisoners;
- expressing concern at allegations that some of the evidence that has been used to convict Gheorghe Straisteanu has been extracted from another individual under torture;
- urging the authorities not to use any evidence extracted under torture in this case and reminding the authorities that as a party to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment they must ensure that any statement which has been made as result of torture is not used as evidence in criminal proceedings;
- expressing further concern at allegations that the police did not respect court decisions regarding the illegal detention of Gheorghe Straisteanu and that he was arbitrarily detained by police twice in defiance of court orders;
- urging an investigation into the allegations of arbitrary detention and asking for his release if the allegations are found to be correct

ADDRESSES:

Procurator General of the Republic of Moldova

Valeriu BALABAN

Mitropolit Benulesku-Bodoni Str. 26

277012 Chişinău

Moldova

Salutation: Dear Procurator General

Fax: + 373 22 22 14 70

(fax may be switched off outside office hours; 2 hours ahead of GMT. If someone answers, say “fax please”)

Minister of Internal Affairs

Gheorghe PAPUC

Stefan cel Mare, 75

Chişinău

Moldova

Salutation: Dear Minister

Fax: + 373 22 22 27 23 (If someone answers, say “fax please”)

COPIES TO:

Please send copies of your letters to diplomatic representatives of Moldova accredited to your country.