

AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: EUR 59/010/2009
30 November 2009

Moldova: Amnesty International urges new government to act on torture and impunity

Amnesty International has issued a briefing today calling on the new Moldovan government to take decisive action to end torture and other ill-treatment in police detention.

The briefing, *Police torture and other ill-treatment: it's still 'just normal' in Moldova*. November 2009 (AI Index: EUR 59/009/2009) describes the human rights violations against hundreds of detained protestors by police after events on 7 April this year in the capital, Chişinău. Demonstrations broke out following widespread claims of electoral fraud during the Parliamentary elections on 5 July, won by the Moldova's ruling Communist Party.

On the evening of 6 April, approximately 10,000 people gathered in the centre of Chişinău and dispersed peacefully. The next morning, the crowds gathered again and approximately 15,000 people marched from the main square to the Presidential and Parliamentary buildings. Although the demonstrations had been peaceful until then, the crowd became more agitated and then violent. This resulted in the storming of the poorly-policed Presidential and Parliamentary buildings with both buildings subsequently being left totally unguarded.

On the evening of 7 April, police started to indiscriminately detain hundreds of people, including minors, with many reporting that they were arrested by groups of men in plain clothes and transported in unmarked cars. Local non-governmental organizations (NGOs) estimate that as many as 655 people may have been detained. International and local NGOs have since collected testimonies from over 100 detainees, their families or lawyers, claiming that the detainees were beaten or subjected to torture and other ill-treatment.

In the briefing Amnesty International presents the testimony of victims of police ill-treatment.

Individuals claimed that they had been punched, kicked and beaten by police officers, using batons, rifle butts and other objects, including in one case a metal shoe-horn. There were several reports that groups of detainees were forced to walk through "corridors of death" in police stations, where police lined up on either side of the corridor and beat, punched and kicked the detainees as they passed. In other incidents, individuals reported that they were made to strip naked and do physical exercises in front of groups of officers who insulted them.

Others reported that they were not informed about their basic rights and that they were kept in overcrowded, unsanitary conditions without access to adequate food or water. In a number of cases, detainees were deprived of informing someone about their whereabouts and from contacting a lawyer of their choice. There were also reports that state-appointed lawyers asked for money and said they would not work unless they were paid in advance.

Individuals concerned and their lawyers described to Amnesty International how judges were brought into local police stations where they issued orders for pre-trial detention to groups of detainees, using template documents and changing only the names, sometimes without any opportunity for the individuals to defend themselves. On 9 April, three judges at the General

Police Commissariat reportedly processed at least 60 orders for pre-trial detention in one day. Some of the persons concerned were not even aware that they had been speaking to a judge.

The widespread human rights violations committed by police during the events in Chişinău in April exposed once again the underlying systemic problems that have created a general climate of impunity in Moldova. Amnesty International has previously and repeatedly expressed concern about widespread allegations of torture and other ill-treatment in police detention, the failure to conduct prompt, impartial and thorough investigations into allegations of torture and other ill-treatment, and conditions in pre-trial detention.

Torture and ill-treatment continue to be under-reported, the authorities fail to carry out effective and impartial investigations into allegations of abuse and the rate of conviction of police officers is still low. In July 2009, the Prosecutor General informed Amnesty International that 96 complaints of torture and other ill-treatment had been received following the 7 April demonstrations, but that only 10 criminal cases against police officers are currently ongoing. Of these, four are for torture, three for exceeding official duties, and three for other offences including robbery.

Victims face difficulties in lodging complaints, fear intimidation or retaliation from the police or have lost faith in the justice system.

Furthermore, Amnesty International continues to document cases of misuse of the criminal justice system for political reasons in Moldova. Following the demonstrations in April 2009 in Chişinău, a number of people were charged with criminal offences, and Amnesty International is concerned that they are being targeted for their political or social activism.

Amnesty International is concerned that the climate of impunity for torture and other ill-treatment in Moldova persists and calls on the new government to ensure prompt, thorough and impartial investigations into allegations of ill-treatment, for the perpetrators to be prosecuted, and for the victims to receive reparations including fair and adequate compensation and rehabilitation.

Since Amnesty International's 2007 report, *Moldova, Police torture and ill-treatment: 'It's just normal'* (Index: EUR 59/002/2007), Moldovan authorities' efforts have not resulted in a turnaround, but the climate of impunity for torture and ill-treatment requires decisive action by the new Moldovan government.

Background

Thomas Hammarberg, Council of Europe Commissioner for Human Rights, visited Moldova between 25 and 28 April and reported that "a large number of more than three hundred persons – certain of whom were minors – arrested in the context of or following the protests were subjected to ill-treatment by the police, some of it severe."

In November, the UN Committee Against Torture (CAT) issued its concluding observations on its examination of Moldova's second periodic report under the Convention against Torture. The Committee called on the authorities to "publicly and unambiguously condemn torture in all its forms, directing this especially to police and prison staff"; to set up an independent body to investigate allegations of torture and other ill-treatment; and to ensure that suspected perpetrators are suspended or reassigned during the investigations to ensure that they do not interfere with the investigations or continue to commit acts of torture and other ill-treatment.

In connection with the human rights violations committed by officials during the April events, the Committee called on the authorities to "promptly, impartially and effectively investigate all complaints and allegations of misconduct by law enforcement officers, to ensure that those found responsible are prosecuted and if found guilty convicted with appropriate penalties."

The Committee also called for an official apology to be made to the victims and for compensation to be provided to all victims.

Also in November, the UN Human Rights Committee (CCPR) published its concluding observations on the second periodic report submitted by Moldova under the International Covenant on Civil and Political Rights. The Committee expressed its concern at credible reports of grave human rights violations committed against protesters following post-election demonstrations in April. It noted, in particular, arbitrary arrests, violent crowd control tactics, including beatings, and the torture and ill-treatment of detainees.

The Committee also expressed concern that complaints of torture are often not properly investigated, or are rejected as being “manifestly unfounded”, while there are inadequate avenues for redress.

For further information see:

Police Torture and other ill-treatment: it's still 'just normal' in Moldova. November 2009 (AI Index: EUR 59/009/2009)

Moldova: Briefing to the Committee against Torture, November 2009 (AI Index: EUR 59/007/2009)