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Moldova: Urgent measures needed to stop torture or other ill-treatment

Torture and ill-treatment in Moldova remain widespread and systemic despite some initial legislative steps made by the government to change police practices in order to eradicate it, Amnesty International said today in its latest report, *Moldova: Torture and ill-treatment: "It's just normal"*.

"Although efforts have been made to bring legislation into line with international and European standards, practice and attitudes are lagging behind. Beatings and abuse of detainees remain the norm. Channels for seeking redress stay blocked. Lack of transparency breeds impunity," Heather McGill, Amnesty International's researcher on Moldova said.

"The fact that since 2005 the European Court of Human Rights has found in eight judgments that Moldova has violated the right to be free from torture and ill-treatment, including four which were handed down in 2007, illustrates the need for quick and resolute measures. The government must act now to eradicate torture once and for all."

Twenty-eight-year old Sergei Gurgurov was beaten everyday from 25 October until 3 November 2005 when he was released on bail. During this time he was taken in the evenings and at lunch time to police operatives' offices on the second floor of the police headquarters, and tortured. Police officers beat him on the spine and applied electric shocks to his body. Police officers from Rîscani district in Chisinau were trying to make him confess to a series of mobile phone thefts. Sergei Gurgurov has been left disabled by the torture and ill-treatment he suffered at the hands of police.

A.B. was beaten by three officers from the Internal Security Department of the Ministry of Internal Affairs; one officer used handcuffs to beat him, and one beat him with a rubber torch. The officers were allegedly assisted by the detention centre's medical assistant who held his legs, and expressed regret that the electric shock machine was not working. A.B. refused to give false testimony against a friend who was a policeman and was held in police detention from 25 February to 17 July 2006, and accused of theft. He told Amnesty International: "It is just normal to be beaten by the police. I thought: 'Well, they will beat me and then they will let me go.'"

The requirement to bring detainees before a judge as soon as possible after arrest is a very important safeguard for the protection of human rights of detainees as it removes the absolute power over a detainee that officials might otherwise exercise and exploit. Judges should ensure that all detentions are lawful and necessary, and should require the investigation of any evidence of torture or other ill-treatment, and order release if the detention is unlawful, or medical treatment is required. However, Amnesty International is concerned that judges are not doing all in their power to protect the rights of detainees and to prevent torture and ill-treatment.

Amnesty International is also concerned that the Prosecutor General's Office is not doing enough to combat impunity for acts of torture. The low rates of conviction of police officers, the difficulties that victims face in lodging complaints and the failure of the Prosecutor General's Office to conduct prompt, thorough, independent and impartial investigations, mean that many perpetrators of torture and ill-treatment are not brought to justice and victims remain without redress and reparation.

Amnesty International calls on the Moldovan government to increase safeguards against torture and other ill-treatment in police custody such as:

- o Shortening the detention period before being brought before a judge from 72 to 24 hours;

- o Compulsory confidential medical examinations on arrival at places of detention;
- o Ensuring that interrogations are held in designated interrogation rooms;
- o Prompt, thorough, independent and impartial investigation of all allegations of torture or other ill-treatment;
- o Suspension on full pay for the duration of the investigation of police officers for acts of torture or other ill-treatment;
- o Setting up a fully resourced and independent mechanism to investigate all allegations of torture or other ill-treatment by law enforcement officers as well as an effective and independent body to carry out monitoring of all detention facilities.

"The implementation of such safeguards will help close the gap between the government's stated good intentions and the reality in the country. Policing needs to change so that it is based on principles of legality, human rights and social justice, breaking the mould of investigations heavily reliant on confessions. Otherwise, old practices of using torture and other ill-treatment will persist," Heather McGill said.

Background

The information in this report has been gathered through interviews with victims, lawyers, non-governmental organizations (NGOs) and government officials. Amnesty International representatives conducted two fact-finding visits to Moldova in March and July 2007 and visited places of detention in Chisinau, Comrat, Taraclia, Ocnita, Edinet, Orhei and Straseni. The report does not include any cases from the self-proclaimed Trans-Dniestr Moldavian Republic (Transdniestria). This is not because of the absence of torture and ill-treatment in Transdniestria, but because of a greater reluctance on the part of those living in Transdniestria to report cases of torture and ill-treatment, a lack of NGOs working on this issue and low awareness among lawyers. In its report on a visit to Transdniestria in 2000 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated that "a significant number of the persons deprived of their liberty interviewed by the CPT's delegation alleged that they had been ill-treated by the police".

See: *Moldova: Torture and ill-treatment: "It's just normal"*, AI Index: EUR 59/002/2007, <http://web.amnesty.org/library/index/engeur590022007>

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