

PUBLIC

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UA 207/05 Fear of torture and ill-treatment/incommunicado detention/arbitrary detention

MOLDOVA **Mikhail Kaldarar (m), aged 21, Rom**
Vasilii Kodrian (m), aged 46, Rom

Mikhail Kaldarar, and Vasilii Kodrian, both of whom are Roma, are thought to be held incommunicado by police in the capital, Chişinău. Both men are detained without charge and are at risk of torture or ill-treatment.

Mikhail Kaldarar was reportedly detained by police during a raid on the Romani community in the town of Yedintsy, in the north of the country, on or around 18 July. During an armed raid on Romani homes in the town in connection with an investigation into several murders in Chişinău, police reportedly beat men, women and children. They detained more than 30 Romani men and boys, some as young as 12 years old. Most of the men and boys were held for two days in Yedintsy before a court in the town ordered their release. During that time they were allegedly repeatedly and severely beaten in order to force them to incriminate themselves or others. Most were released without charge.

According to his lawyer, Mikhail Kaldarar was transferred to the Ministry of Interior temporary holding facility (*izoliator vremennogo sodержaniia*, or IVS) in Chişinău shortly after his detention. An appeal court in the regional capital, Beltsy, ordered Mikhail Kaldarar's release on 25 July because of the lack of evidence against him. On 27 July, police officers reportedly told Mikhail Kaldarar's mother and representatives of the non-governmental organization, the United Alliance of Roma in Moldova, that he had been released that day, although his mother had waited all day outside the temporary holding facility in Chişinău without seeing him leave. On 3 August, an official of the Ministry of the Interior confirmed to Mikhail Kaldarar's father that his son was still being detained and that Mikhail Kaldarar would be released only if the real culprits of the murder were handed over by the Romani community. However, the authorities have not confirmed his whereabouts, and neither his lawyer nor his family have been allowed to see him.

Vasilii Kodrian was detained by police in Yedintsy on 5 August, allegedly on the grounds that his son, who the police have not yet apprehended, is a suspect in the investigation into the murders in Chişinău. Vasilii Kodrian has reportedly not been charged with any offence, and he is thought to be being held along with Mikhail Kaldarar in the temporary holding facility in Chişinău.

BACKGROUND INFORMATION

Torture and ill-treatment in police custody is widespread in Moldova. Members of the Romani community are frequent targets for police ill-treatment and torture. In its second report on Moldova, published in April 2003, the Council of Europe's Commission against Racism and Intolerance (ECRI), raised concerns about discrimination against Roma in Moldova and highlighted the frequent ill-treatment of Roma by members of the police force.

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

- expressing concern for the safety of Mikhail Kaldarar and Vasilii Kodrian, who are believed to be held incommunicado at the temporary holding facility (IVS) in Chişinău;
- calling on the authorities to inform both men's families and lawyers of their whereabouts, and grant them immediate access to their relatives, a lawyer of their choice, and any medical assistance that may be required;

- urging the authorities that Mikhail Kaldarar and Vasilii Kodrian should be treated humanely while in custody, and not tortured or ill-treated, and pointing out that Moldova is bound by its obligations under the Convention against Torture to prevent acts of torture and ill-treatment on its territory;
- calling for the immediate release of the two men if the police are not in a position to charge them with a recognizably criminal offence;
- reminding the authorities that they are also bound by the provisions of the Convention on the Elimination of all Forms of Racial Discrimination, and urging them to ensure that policing operations do not target entire ethnic groups or lead to people being detained on the basis of their ethnic origin;
- urging the authorities to investigate impartially and independently the allegations of torture and ill-treatment, and arbitrary detention of members of the Romani community during the events in Yedintsy.

APPEALS TO:

Procurator General of the Republic of Moldova

Valeriu Balaban

Mitropolit Benulesku-Bodoni Str. 26

277012 Chisinau

Moldova

Fax: + 373 22 22 14 70 (fax may be switched off outside office hours; 2 hours ahead of GMT)

Salutation: Dear Procurator General

Minister of Internal Affairs

Gheorghe PAPUC

Stefan cel Mare, 75

Chisinau

Moldova

Fax: + 373 22 22 27 23

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Moldova accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 September 2005.