

PUBLIC

AI Index: EUR 59/006/2005

18 November 2005

UA 292/05 Torture and ill-treatment/ medical concern/ legal concern

MOLDOVA Sergei Gurgurov (m), aged 27

Sergei Gurgurov is reportedly being denied the medical treatment he urgently requires for injuries sustained during torture and ill-treatment at the hands of police. Despite a court decision on 3 November that he should be transferred to house arrest, the police have brought new charges against him and continue to detain him. He may be at risk of further torture or ill-treatment.

Sergei Gurgurov was detained by police from the Ryshkan district in the capital, Chişinău, on 25 October, accused of stealing a mobile phone. Later that day, he was transferred to a temporary holding facility at the Chişinău police headquarters. On 3 November, he was brought before the District Court in Ryshkan after the District Procurator requested he be detained for questioning for a further 30 days. At the court hearing, Sergei Gurgurov was assisted to the fourth floor of the building by police officials as he was unable to walk. A video recorded by his lawyer shows Sergei Gurgurov being brought into the court building by two officers, his feet dragging as they pull him, and clearly unable to walk or stand without support. Sergei Gurgurov told his lawyer that he had been tortured while in detention, including by being beaten and subjected to electric shocks, in order to force him to confess to the theft.

Sergei Gurgurov's lawyer appealed against his continuing detention, in view of his visibly poor health, as well as the lack of evidence against him. The court refused the Procurator's request to extend the period of his detention and called for Sergei Gurgurov's immediate transfer to house arrest. However, after the hearing, police officers told Sergei Gurgurov that he had to complete some forms before he was transferred to house arrest. Instead of transferring him to house arrest, the officers then took him to an unknown location for over two hours, and then moved him to another temporary holding facility at the Department for Combating Organised Crime in Chişinău.

On 4 November, Sergei Gurgurov's lawyer learned from the authorities that his continuing detention was based on another order for his arrest dating back to September 2001, which also concerned a theft. It is not known why the authorities waited for four years before detaining him, and his lawyer claims that there is no evidence to link Sergei Gurgurov to the theft. On 4 November, Sergei Gurgurov's lawyer lodged an appeal, claiming that her client was being arbitrarily detained and asking for the arrest to be reviewed. However, the review only took place on 11 November, when the appeal was rejected. Sergei Gurgurov's lawyer believes that the authorities delayed the hearing until his injuries were less visible.

On 11 November, a medical expert visited Sergei Gurgurov in detention. The expert refused to diagnose his condition, saying that he needed to examine him in hospital in order to make a diagnosis, and demanded that Sergei Gurgurov be transferred to a hospital immediately. The authorities ignored this demand. The following day, at the insistence of Sergei Gurgurov's lawyer, the head of the neurosurgery department of a local hospital visited Sergei Gurgurov, and confirmed that he needed an urgent examination with equipment only available at the hospital. However, the authorities have still not permitted Sergei Gurgurov to be examined or treated in hospital and he is currently not receiving any medical treatment in detention.

BACKGROUND INFORMATION

Torture and ill-treatment are widespread in police custody in Moldova, aggravated by the high number of detentions resulting from the failure to use alternative methods such as provisional release, and from a system of quotas and rewards for police based on the number of crimes resolved. Conditions in temporary

holding facilities, where detainees can be held for up to 30 days, remain well below international standards. All such facilities are underground, inadequately ventilated and detainees do not have access to adequate toilet facilities. In its last report in 2003, the UN Committee against Torture expressed concern about the “numerous and consistent allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment of detainees in police custody” and “[t]he reported lack of prompt and adequate access of persons in police custody to legal and medical assistance, and to family members”. The Committee criticized the reported failure to ensure prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment, contributing to a culture of impunity among law enforcement officials.

On 30 June 2005, parliament amended the Criminal Code to add an article criminalizing torture. In a resolution adopted on 4 October, the Parliamentary Assembly of the Council of Europe called on Moldova to continue the reform of law enforcement agencies and to improve conditions of detention.

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

- expressing your concern at the allegations that Sergei Gurgurov is being denied access to medical care for injuries reportedly sustained during torture while in police detention;
- urging the authorities to allow Sergei Gurgurov to be examined in a hospital where his injuries can be properly assessed and treated;
- calling for an immediate and impartial investigation into the allegations that Sergei Gurgurov was tortured and ill-treated in custody, in accordance with article 13 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Moldova is a state party;
- urging that anyone reasonably identified as responsible for inflicting torture and ill-treatment on Sergei Gurgurov be brought to justice;
- calling for Sergei Gurgurov to receive full reparation and compensation for any injuries sustained while in police detention, in accordance with article 14 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, to which Moldova is a state party.

APPEALS TO:

Procurator General of the Republic of Moldova

Valeriu BALABAN

26, Mitropolit Benulesku-Bodoni Str., MD-2005, Chişinău, Moldova

Fax: + 373 22 21 20 32

Salutation: Dear Procurator General

COPIES TO:

Minister of Internal Affairs

Gheorghe PAPUC

75, Stefan cel Mare Blvd, MD-2012, Chişinău, Republic of Moldova

Fax: + 373 22 22 27 23

Parliamentary Human Rights Advocate

Mrs Raisa APOLSCHII

Director of Centre for Human Rights in the Republic of Moldova, 16 Sfatul Ţării Str., MD-2012, Chişinău, Republic of Moldova

Fax: + 373 22 22 54 42

and 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 30 December 2005.