

POLICE TORTURE AND OTHER ILL-TREATMENT

IT'S STILL 'JUST NORMAL' IN MOLDOVA

"A group of about 15 of us were taken ... into the garage. We had to stand with our faces to the wall, others were also there, we had to put our hands at the back of our heads and were beaten, some so badly that they fell, others lost consciousness."

SERGIU DUMINICĂ, APRIL 2009

Hundreds of people in Moldova were detained by police following demonstrations against the Parliamentary election results in April 2009. Many reported that they were ill-treated while in detention. These events highlighted many of Amnesty International's concerns with regard to torture and ill-treatment in police detention in Moldova and exposed underlying systemic problems. The new Moldovan government needs to address these systemic failures, and to commit to eliminating torture and ill-treatment in police detention.

THE ELECTION AND ITS AFTERMATH

When Moldova's ruling Communist Party won the parliamentary elections for the third time running in April 2009, there were widespread claims that the elections had been rigged, and civil society activists mobilized to express their discontentment.



Post-election demonstrations in Chişinău, Moldova, 6 April 2009.

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A stand-off between police and protesters on the steps of the Presidential building, Chişinău, Moldova, 7 April 2009.

On the evening of 6 April, approximately 10,000 people gathered in the centre of the capital, Chişinău, before dispersing 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 began detaining individuals. Hundreds of people, including minors, were rounded up and detained, with many reporting that they were detained by groups of unidentified 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. 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.”



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The stand-off between police and protesters continues on the steps of the Presidential building, Chişinău, Moldova, 7 April 2009.

TORTURE AND OTHER ILL-TREATMENT

Amnesty International spoke to a number of people who were detained following the demonstrations. Individuals claimed that when they were apprehended, and during their transport and detention in police stations, they had been punched, kicked and beaten by police officers. There were reports of 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. There were also reports of individuals losing consciousness as a result of the ill-treatment. 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. Edwin Berry, the UN Human Rights

Advisor for Moldova at the time, confirmed that he saw evidence of “acts of cruel and unusual punishment” when he visited the pre-trial detention centre (SIZO) No.13 in Chişinău on 11 April.

OXANA RADU

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Oxana Radu (pictured left) was among a group of 36 young people who travelled in two minibuses from Cahul, in the south of Moldova, to Chişinău to join the demonstrations. The minibuses were stopped as they set off to return to Cahul close to midnight on the night of 7-8 April. They were escorted in the minibuses to the General Police Station on Tighina Street in Chişinău where the men in the group were made to stand against the walls in the courtyard with about 100 other men from about 1am to 4am, with their legs apart and arms up.

Oxana Radu, her younger sister and one other woman were taken directly into the police station on arrival. She told Amnesty International "They led me to a room where there was a policeman and a policewoman. They forced me to strip naked and I covered myself with my arms because I was embarrassed and they laughed at me and

said: "You're cold, we will warm you up." They made me do squats. I don't remember how many. I have never heard such swear words. We don't use such words at home."

She said that she was then taken to a cell and held with four other girls and her sister. They were reportedly left for two days without food or water, access to a lawyer or the possibility of contacting their families. She said:

"I was so shocked by the lawlessness. I work as a lawyer and I know how things should be done. I tried to calm the others, but I just have no words to describe what I experienced."

Oxana Radu was accused of having shouted at a policeman, an administrative offence, and sentenced to five days' detention by a judge in the police station. She and two other women were taken to Drochia in the north of the country to serve their sentence. She was released at 2am on 14 April.

ALEKSANDR LARIONOV AND EVGHENII TANASIEV

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On the evening of 9 April, two friends, **Aleksandr Larionov** (pictured left), aged 20, and **Evghenii Tanasiev**, aged 21, were detained in the street by unidentified men in plain clothes. They were taken to Ciocana Police Station in Chişinău where they were interviewed in separate offices. Aleksandr Larionov said he was beaten by four or five men in plain clothes who were asking him why he had been at the demonstrations and thrown stones. He reported to Amnesty International that he was beaten for up to an hour all over his head, body and legs. After signing documents about his detention, Aleksandr Larionov was taken to a police cell. Evghenii Tanasiev was also questioned and taken to a police cell.

At about 3pm on 10 April, both men were taken from Ciocana Police Station to the General Police Station in Chişinău where they were allegedly beaten and made to strip naked and do physical exercises in front of police officers. They were then taken to a cell where they slept on a concrete platform with no mattresses or bedding, and used plastic bottles for pillows.

Later that day, they were taken again into separate offices. Aleksandr Larionov said he was beaten again by about five men who kicked and punched him and stood on his legs and back while he lay on the floor, telling him to answer their questions. Evghenii Tanasiev was allegedly beaten by seven men in plain clothes who also jumped on him, telling him to confess. Both of them said they were placed in front of a camera and told to confess but refused to do so and were beaten again.

On 11 April they were taken to court where their hearing lasted about 15 minutes. They were charged under Article 285 of the Moldovan Criminal Code (organizing mass disorder, which carries a sentence of two to eight years' imprisonment). The judge ordered that Aleksandr Larionov be placed under pre-trial house arrest for 30 days. He told Amnesty International that the *ex-officio* lawyer working on his case asked his parents for the equivalent of €175 in fees and also suggested that they pay the prosecutor €200 to stop him from appealing against the house arrest. His parents paid both bribes. The judge remanded Evghenii Tanasiev in custody for 30 days pending trial. Both men complained to the judge about the ill-treatment they had suffered.

The men were then taken back to Ciocana Police Station where police officers were waiting for them and allegedly beat them again for reporting at their hearing that they had been previously beaten. Aleksandr Larionov was released later that day. Evghenii Tanasiev was transferred to pre-trial detention in SIZO No.13 for 30 days.

NO SAFEGUARDS

International human rights bodies have identified the right of access to a lawyer for detained persons as a "fundamental safeguard" against ill-treatment which should be provided as soon as someone is detained. In a number of cases following the 7 April events, detainees were not

provided with prompt access to a lawyer of their choice. Furthermore, individuals reported that they were deprived of their rights to notify a third party of their whereabouts, to have access to a doctor or be informed of their basic rights and were kept in overcrowded, unsanitary conditions without access to adequate food or water.

IURIE CRACIUNEAC



Iurie Craciuneac (pictured above) was among the group of 36 young people who had come from Cahul in two minibuses and were detained in the early hours of 8 April. He was one of many made to stand in the courtyard of the General Police Station for hours before being taken into the building. He told Amnesty International that he was beaten by up to 15 policemen and started to lose consciousness, and made to strip naked and do exercises while police jeered him.

Later on 8 April he was questioned again and allegedly beaten. On the evening of 8 April he

was able to phone his wife and he was only given access to a lawyer on 10 April. He was charged under Article 285. He has complained to the Prosecutor General's Office about the ill-treatment, and the case is ongoing.

Other individuals in the same group from Cahul reported that they were denied lawyers of their choice. They told Amnesty International that one of the state-appointed lawyers beat his client in order for him to confess and there were also reports that state-appointed lawyers asked for money and said they would not work unless they were paid in advance.



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General Police Station in Chişinău, Moldova, 2009.

DAMIAN HANCU

Damian Hancu is 23 years old and studies in France. He acted as an interpreter for Swedish journalists on 7 April. He was detained by police officers at 10pm and taken to the General Police Station. He said he was severely beaten by police officers while in detention who tried to force him to confess to rioting and damaging the Presidential and Parliamentary buildings.

"We were beaten like animals ... it's hard to explain, but I was thinking that I would be dead. It is very hard when you are innocent and you try to prove, to tell them that you are innocent and

they cry out to you that you are guilty, you are guilty. I can show you on my back from when I was on the ground and I was beaten with those shoes, those military shoes ... It is hard when you are innocent and you want to prove it, but nobody wants to hear you."

When he asked to see a lawyer he reported that the police got angry and beat him again. He was released on 9 April and charged with an administrative offence. A criminal case has been opened with regard to his complaint of ill-treatment and is ongoing. Damian Hancu has since returned to France.

THE RIGHT TO A PUBLIC HEARING

The right to a public hearing in criminal cases is guaranteed by the Moldovan Constitution and the Criminal Procedural Code and by Article 14(1) of the International Covenant on Civil and Political Rights, to which Moldova is a state party.

In the days immediately following 7 April, there were widespread reports that judges were brought into local police stations and issued orders for pre-trial detention to groups of detainees, using template documents and changing only the names. On 9 April, three judges at the General Police Commissariat reportedly processed at least 60 orders for pre-trial detention in one day. A local NGO reported that on 10 April in the same station, individual judges were processing up to four orders in an hour.

SERGIU DUMINICĂ

Sergiu Duminică, aged 24, was detained in the early hours of 8 April.

"A group of about 15 of us were taken to Centru Police Station and into the garage. We had to stand with our faces to the wall, others were also there, we had to put our hands at the back of our heads and were beaten, some so badly that they fell, others lost consciousness."

He reported to Amnesty International that at about 11pm on 9 April, he was taken from his cell to a room with five or six other people and they were told that it was a court hearing. He reported that the hearing for all of them lasted about 15 minutes and that they were not given an opportunity to defend themselves. An hour later they were informed that they were all remanded in custody for 20 days pending trial.

Other detainees reported that they did not even know they were appearing before a judge. Oxana Radu told Amnesty International that when she was sentenced for an administrative offence by a judge in the police station on 10 April, she did not realize that she had been speaking to a judge.

POLITICALLY MOTIVATED CHARGES

Amnesty International continues to document cases of misuse of the criminal justice system for political reasons in Moldova. Following the demonstrations in April 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.

ANATOL MATASARU

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Anatol Matasaru has previously been detained by police for his peaceful protests on numerous occasions, in one instance using a pig and a donkey as part of a protest. In January 2009, he was detained for conducting a one-man protest outside the Prosecutor General's Office. He had dressed in a pig costume (pictured above) to complain about lack of action on a complaint he had lodged about his ill-treatment in police custody.

Anatol Matasaru was detained again on 8 April, following the demonstrations, and allegedly beaten by police officers. He was reportedly told by the police officers to lick their boots in order to stop them beating him, and following the beating, he required hospital treatment for his injuries. His wife was told that he had sustained the injuries during the demonstrations. According to his wife, other detainees reported that he was singled out by the police due to his previous activities. She told Amnesty International at the time,

"I just want them to leave him alive. I don't want them to release him, I just want to save his life."

His lawyer said he was charged on 10 April under Article 285 in a hearing which took place in the corridor of the General Police Station and which lasted approximately 10 minutes. His lawyer commented to Amnesty International: "They were charging people as if on a conveyor belt". He was also charged under Article 349 of the Moldovan Criminal Code for attacking a police officer. He was detained until 10 June when he was placed under house arrest by a court.

He was released from house arrest on Monday 13 July 2009, just hours before being detained again on suspicion of having stolen five kilos of *jumere* (homemade pork conserve), three kilos of pork skin, two bottles of wine, homemade biscuits and an expensive designer watch in 2007. The fact that he is accused of stealing pork products suggests a link with his previous demonstrations. Furthermore, the fact that the victim of the alleged theft chose to complain two years after the crime allegedly took place, suggests that the police fabricated these charges with the aim of ensuring that he remained in detention. He has been charged under Article 287 (hooliganism) and Article 187 (robbery).

IMPUNITY

Amnesty International concluded in its 2007 report, *Moldova, Police torture and ill-treatment: 'It's just normal'* (Index: EUR 59/002/2007) that torture and ill-treatment in Moldova was systemic and widespread and that failure by the authorities to carry out effective and impartial investigations into allegations of torture and other ill-treatment created a climate of impunity.

There are a number of factors which lead to impunity for torture and other ill-treatment in Moldova. These include 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.

Amnesty International is concerned that the official numbers of complaints do not

reflect the scale of the problem and that under-reporting of torture and other ill-treatment contributes to impunity. Lawyers expressed their frustration that many of their clients chose not to lodge complaints about torture and ill-treatment, either because they feared retaliation from the police or because they had no faith that the complaints would be acted on. Furthermore, Amnesty International has previously documented the problem that victims and witnesses in cases of torture and other ill-treatment have been subjected to intimidation and threats from the perpetrators.

One individual who spoke to Amnesty International about the ill-treatment he had suffered in police detention when he was detained on 10 April, subsequently asked Amnesty International not to use his name because, since he complained about the ill-treatment, there had been a

heavy police presence outside his home. Oxana Radu told Amnesty International that she did not initially complain about the sexual harassment she had suffered because she had no faith in the complaint system and because it was too much trouble for her to travel from Cahul to Chişinău for hearings.

CONCLUSION

Despite the Moldovan authorities' efforts to address the issue of impunity, very few criminal cases have been started against police officers following the April events, and this suggests that the problem continues. The government delegation reported to the UN Human Rights Committee that as of September 2009, 101 complaints had been received, and 25 criminal cases had been opened in connection with the events in April.

RECOMMENDATIONS

Amnesty International urges the new Moldovan government to:

- investigate all allegations of torture and other ill-treatment promptly, thoroughly and impartially, and bring anyone reasonably identified as responsible to justice;
- suspend any police officer or law enforcement official who is under investigation for having committed acts of torture or other ill-treatment, on full pay for the duration of the investigation;
- ensure that anyone found to be a victim of such violations receives reparations, including fair and adequate compensation and full rehabilitation;
- inform all detainees at the outset of their custody of the reason for their arrest, and their rights to access to a lawyer of their choice and a doctor, in private, and to have their relatives informed of their whereabouts;
- comply with the requirement of the Criminal Procedural Code that in criminal cases a lawyer is always present during police interviews;
- ensure that court hearings are public and that information about the dates and times of hearings are available publicly;
- stop the practice of targeting individuals for their political or social activism;
- ensure that the rights to freedom of assembly, association and expression are upheld.

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