

Amnesty International Report 2007

The state of world's human rights

MOLDOVA

Head of state: Vladimir Voronin

Head of government: Vasile Tarlev

Death penalty: abolitionist for all crimes

International Criminal Court: signed

Torture and ill-treatment were widespread and conditions in pre-trial detention were poor. A number of treaties protecting women's rights were ratified, but men, women and children continued to be trafficked for forcible sexual and other exploitation and measures to protect women against domestic violence were inadequate. Constitutional changes to abolish the death penalty were made. Freedom of expression was restricted and opposition politicians were targeted.

Torture and ill-treatment

In its report published in February, following a visit in 2004, the European Committee for the Prevention of Torture (CPT) found that torture and ill-treatment was still widespread in Moldova and that important safeguards for the prevention of torture were not observed.

The European Court of Human Rights ruled in three cases that Moldova had violated Article 3 of the European Convention on Human Rights. In one of these, the Court decided that the General Prosecutor's Office had failed to conduct an effective investigation into the torture allegations of Mihai Corsacov and, by refusing to open a case against the police officers concerned, had deprived him of an effective remedy against the ill-treatment he had suffered during his arrest in 1998. Reports of widespread torture and ill-treatment continued during the year.

- Vitalii Colibaba was arrested in Chişinău on 21 April, accused of injuring a policeman during a brawl. He was allegedly suspended from a crowbar and beaten on the head and neck by three police officers until he lost consciousness. Vitalii Colibaba was not granted access to a lawyer until six days after his arrest, and was allegedly beaten as a punishment when the lawyer wrote a complaint to the Prosecutor's office. A forensic examination carried out in the presence of the three officers who had allegedly tortured him found no evidence of ill-treatment. Vitalii Colibaba was released on bail in May and charges against him were still pending at the end of the year.

- On 18 January, the Prosecutor's office turned down a request to start criminal proceedings against police officers suspected of torturing Sergei Gurgurov in Rîscani district in Chişinău in October 2005, after he was detained in connection with the theft of a mobile phone. In April 2006, Sergei Gurgurov was again detained for violating his bail conditions, although his lawyer had explained that he was unable to attend the police station because he was undergoing medical treatment for injuries sustained when he was tortured. On 12 May, the Chişinău appeal court ruled that his detention had been illegal.

Harassment of lawyers

In June, lawyers Ana Ursachi and Roman Zadoinov, who had worked closely with AI on the cases of Vitalii Colibaba and Sergei Gurgurov, were informed that they would face criminal prosecution for spreading false information about human rights violations in Moldova and damaging the country's international image. In a letter to the Bar Association, the Prosecutor General's Office stated that the two lawyers could face prosecution under Article 335 of the Criminal Code for "misuse of official position" which carries a maximum prison sentence of five years.

Inhumane conditions in pre-trial detention centres

Reporting on its 2004 visit, the CPT described conditions in places of detention run by the Ministry of the Interior as "disastrous" and stated that in many cases the conditions amounted to inhuman or degrading treatment.

During the year AI expressed concern at conditions in the cells at the police Commissariat in Orhei. Located in the basement, they were intended to hold four detainees, but reportedly there were usually seven or more. Ventilation was poor and cells were infested with fleas and lice. Many detainees suffered from skin diseases but were rarely given access to a doctor. Toilet facilities amounted to a bucket for use in the cell in full view of others. Detainees were reportedly forced to sleep in turns, on a brick platform and without blankets, sheets or a mattress.

Violence against women

On 28 February, Moldova ratified the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women, and on 19 May it ratified the Council of Europe's Convention against Trafficking in Human Beings, the first country to do so. In February a draft law on preventing and combating violence in the family was presented to parliament. It did not provide adequate measures to protect victims or prosecute perpetrators.

In August, the UN Committee on the Elimination of Discrimination against Women considered Moldova's second and third periodic reports. It expressed concern at the level of domestic violence against women and the increasing trend of trafficking in young women and girls, and the lack of protection for victims. The Committee recommended that the draft law on preventing and combating domestic violence should be passed with some amendments.

Freedom of expression

There was concern about the apparent lack of respect by the Moldovan authorities for freedom of expression.

- On 28 April, the Mayor of Chişinău refused an application by the non-governmental organization (NGO) GenderDoc-M, to hold a Gay Pride rally in Chişinău on the grounds that religious groups had announced that they would organize protest actions if the rally went ahead.
- The Mayor's office in Chişinău refused permission for a demonstration demanding the erection of a statue in honour of a Romanian writer. Despite the fact that the NGO Hyde Park had been granted permission on appeal, police detained all the demonstrators for 40 hours in poor conditions in Buiucani district police station, without access to a lawyer, before releasing them and charging them with participating in an unsanctioned meeting, resisting the police, and insulting police officers. Audio recordings made on a mobile phone during the arrest did not provide evidence of such resistance. All charges were subsequently dropped.
- On 4 October, the Mayor of Chişinău refused permission for AI Moldova to hold a rally against the death penalty in front of the Belarus and US embassies on 10 October. On 15 November the Supreme Court declared the Mayor's actions to be unlawful.

Opposition politicians prosecuted

Some opposition politicians appeared to be targeted for their political views.

- Gheorghe Străisteanu, a former member of parliament, founder of the first private television company in Moldova and a well-known critic of government attacks on media freedoms, was detained on 21 August and charged with threatening to murder Mihai Mîstreţ, the Mayor of Vălgăneşti, in connection with a local council decision to cancel the lease on land he was renting. On two occasions cups of chlorine bleach were thrown into his cell, causing him to faint. He was released under house arrest on 28 November. Gheorghe Străisteanu had previously been detained in 2005 and charged with a series of large-scale thefts from cars.

Abolition of the death penalty

On 29 June the Moldovan parliament voted unanimously to amend Clause 3 of Article 24 of the Constitution, which provided for the death penalty in exceptional cases, thus abolishing the death penalty in law. On 29 July parliament ratified Protocol 13 to the European Convention on Human Rights and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Parliament had voted to abolish the death penalty in 1995, with all pending death sentences commuted the following year and provisions for this punishment removed from the criminal code.

Self-proclaimed Dnestr Moldavian Republic

On 17 September the internationally unrecognized Dnestr Moldavian Republic (DMR) voted in favour of continuing the region's de facto independence from Moldova and for eventual union with the Russian Federation. Tudor Petrov-Popa and Andrei Ivan? remained in detention in Tiraspol, despite a July 2004 judgement by the European Court of Human Rights which found their detention to be arbitrary and in breach of the European Convention on Human Rights. They were members of the "Tiraspol Six", sentenced to prison terms in 1993 for "terrorist acts", including the murder of two DMR officials. The four men convicted with them were released in 1994, 2001 and 2004. On

10 May the Committee of Ministers of the Council of Europe adopted a fourth interim resolution in the case, asking for execution of the judgement of the European Court of Human Rights. The resolution asked Moldova to continue its efforts to secure the release of the two men and requested the Russian Federation to comply with the judgement.
