

Press Release

Office of the Commissioner for Human Rights

Communication Unit

Ref: 357a09

Tel. +33 (0)3 88 41 35 38

Fax +33 (0)3 90 21 50 53

Internet: www.commissioner.coe.int

e-mail: press.commissioner@coe.int



47 member States

Albania
Andorra
Armenia
Austria
Azerbaijan
Belgium
Bosnia and Herzegovina
Bulgaria
Croatia
Cyprus
Czech Republic
Denmark
Estonia
Finland
France
Georgia
Germany
Greece
Hungary
Iceland
Ireland
Italy
Latvia
Liechtenstein
Lithuania
Luxembourg
Malta
Moldova
Monaco
Montenegro
Netherlands
Norway
Poland
Portugal
Romania
Russia
San Marino
Serbia
Slovakia
Slovenia
Spain
Sweden
Switzerland
"The former Yugoslav Republic of Macedonia"
Turkey
Ukraine
United Kingdom

Human rights were violated in Moldova, concludes Commissioner Hammarberg

Strasbourg, 28.04.2009 - More than three hundred persons were arrested in Chisinau, Moldova, in connection with the post-electoral demonstrations in early April. A significant number of them were subjected to ill-treatment by the police, some of which was severe. This was the conclusion of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, after a visit in the Moldovan capital from 25 to 28 April 2009.

The Commissioner met the Ministers of Interior, Justice and Foreign Affairs, a parliamentarian from the Communist Party, the Prosecutor-General, the Ombudsman, members of the national mechanism for the prevention of torture, leaders of the political opposition as well as representatives of civil society and media.

The Commissioner interviewed various persons who were, or had been, deprived of their liberty in connection with the post-electoral demonstrations and violence. Some of those under investigation were interviewed in Prison No. 13. The Commissioner also visited the General Police Directorate in Chisinau, where many of the people who had been arrested in connection with the demonstrations had been held. The medical expert in the Commissioner's team reviewed numerous police, prison, and emergency hospital medical records.

Commissioner Hammarberg noted that, though the majority of the demonstrators had behaved peacefully, some of the protesters used violence and committed acts of vandalism. Groups of people broke into the Parliament and the Presidential building on 7 April 2009. A number of policemen had been injured by stones thrown by protesters. The riot control measures appeared to be largely ineffective.

According to information that the Commissioner obtained, persons were apprehended by plainclothes policemen who reportedly did not identify themselves. Arrestees reported that they were beaten on apprehension, during transport and in police stations, including during questioning. They described being kicked, punched, or struck with truncheons or wooden sticks, as well as being humiliated or subjected to verbal abuse.

The files studied by the Commissioner's medical expert contained records of injuries which were consistent with the accounts of physical ill-treatment given by the people who had been in police custody. The scope and severity of this ill-treatment is illustrated by the fact that 105 persons had to be treated at the emergency hospital in Chisinau; of them, 24 had to be hospitalised. According to the Ministry of Interior and the Prosecutor General, as of 28 April 2009, more than 50 complaints concerning ill-treatment were being processed, and one criminal prosecution had been initiated.

Several of the people who had been arrested complained that they had not been given the possibility to notify their relatives of the fact of their custody, or that they had not been allowed access to a lawyer until their first appearance before a judge. Many of those people, as well as their lawyers, said that remand hearings proceeded very fast, that defence was made difficult and that the judge did not respond to complaints about ill-treatment.

./.

Press Release

The Commissioner's official interlocutors accepted that the police had abused their powers in the aftermath of the protests when dealing with persons deprived of their liberty. The Prosecutor General stated that he will investigate each case brought to his attention and also take initiatives himself upon information indicative of ill-treatment even in the absence of a complaint. The Minister of Interior referred to the possibility of disciplinary punishment within the police such as demotion, suspension or dismissal.

It is clear to the Commissioner that there is a need to review not only the behaviour of individual policemen, but also the responsibility of their superiors. It is of great concern that these violations could take place in spite of a legal ban of torture, formal preventive safeguards, a code of conduct for the police and a number of training courses. Full clarity must be established on the responsibility of this breakdown of professionalism and respect for basic standards. Impunity in this case would set a negative precedent.

Instead of requesting media outlets and non-governmental organisations to justify their critical reporting, the government authorities should encourage victims and witnesses to come forward and contribute to the investigations. It is a positive step that special prosecutors which have not had working relations with police departments implicated in the events are being assigned to these cases.

Parallel to the criminal and disciplinary procedures, there is a need to review once again the recruitment and training of policemen; to strengthen the safeguards for persons apprehended and held in police custody, including to ensure their immediate access to a lawyer; to provide more resources and support to the office of the ombudsman and the national mechanism for the prevention of torture and to ensure their unhindered access to all places of detention.

A full report from the Commissioner's office will now be drafted, submitted to the Moldovan government for comment and then made public.

Press contact in the Commissioner's Office:

Stefano Montanari, +33 6 61 14 70 37; stefano.montanari@coe.int