

**Moldova: Research and compiled by RDC on the 3 March 2009**

**Any recent information on Police Corruption in Moldova; in particular allegations in respect of unlawful detention and unlawful beatings by members of the Police.**

The Summary of a *United Nations Human Rights Council* report refers to allegations of torture by the Moldovan police as follows:

“On the basis of discussions with public officials, judges, lawyers and representatives of civil society, interviews with victims of violence and with persons deprived of their liberty, often supported by forensic medical evidence, the Special Rapporteur concludes that ill-treatment during the initial period of police custody is widespread. He also received serious allegations of torture in some police stations. A number of cases of ill-treatment were reported to the Special Rapporteur in institutions under the Ministry of Justice, mainly in terms of inter-prisoner violence. While recently some torture cases have reached the courts, the Special Rapporteur found that, overall, most complaints mechanisms are ineffective.” (United Nations Human Rights Council (12 February 2009) *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Manfred Nowak : mission to the Republic of Moldova*, p.2)

In a section titled “Police custody” (paragraph 26) this report states:

“The Special Rapporteur received consistent and credible allegations of frequent beatings and other forms of ill-treatment and torture at some police detention facilities, mostly during interrogation, but also during arrest. This was the case in particular in Comrat and surrounding police stations and district police stations in Chisinau. He also visited police stations, where he received no allegations of violence, e.g. Cimislia. In light of the information received in private interviews with individuals who were or had been in police custody, the corroborating results of independent forensic medical examinations of injuries, he concludes that ill-treatment during the initial period of police custody is widespread.” (ibid, p.11)

Paragraph 27 of this report describes methods of torture as follows:

“Torture methods such as severe beatings, with fists, rubber truncheons, and baseball bats, including on soles, electro-shocks, asphyxiation through gas masks, putting needles under fingernails and suspension are used in order to extract confessions from suspects. In general these acts are performed when suspects refuse to 'cooperate'. The torture and ill-treatment is normally inflicted avoiding visible marks (by putting cloth around the wrists when suspending, beating on soles, fabric around the baseball bat used for beatings etc.)” (ibid, p.11)

In a section titled “Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment” the *US Department of State* country report for Moldova states:

“The law prohibits such practices and criminalizes inhuman treatment and torture; however, there were credible reports that police used cruel and degrading arrest and interrogation methods and that guards beat prison inmates.” (US Department of State (Bureau of Democracy, Human Rights, and Labor) (25 February 2009) *2008 Human Rights Report: Moldova*)

This section also states:

“According to the UN special rapporteur on torture, mistreatment of suspects during their initial period in police custody was widespread. Torture was often used to obtain confessions from suspects, including in the Transnistrian region. Although the law provides victims of torture and mistreatment the right to file complaints, in practice, they had little chance of being heard. At times courts declined to hear their complaints, and long delays in legal process caused petitioners to abandon their claims. Victims carried the burden of proving that they had been mistreated, which was difficult since prisoners often remained in detention for months before having access to courts. By the time they were able to appear in court, the physical evidence of abuse had disappeared.” (ibid)

In a section titled “Prison and Detention Center Conditions” this report states:

“Conditions were particularly harsh in pretrial and presentencing facilities, where suspects were sometimes held for months or years awaiting trial. Pretrial detention facilities remained dark and overcrowded. Inmates' access to healthcare was also inadequate. Juveniles were routinely held together with adults, and prisoners suffered from insufficient ventilation and low quality food. Prisons did not provide for recreational activities. Cell sizes did not conform to local law or international standards. Incidence of malnutrition and disease, particularly tuberculosis, was high in all prisons.” (ibid)

A section titled “Arbitrary Arrest or Detention” states:

“An ombudsman regularly visited various places of detention, including police stations and detention rooms at psychiatric hospitals, railway stations, and the Chisinau airport. The ombudsman found that many arrestees were not registered in log books, and that railway police arbitrarily arrested citizens before their trains departed and released them after their trains left the station. Police at the airport often detained travelers for document checks, and then released them without explanation. Most of the persons placed in detention at police stations were arrested for petty crimes, insulting policemen, or for document checks, even though they were carrying valid documents.” (ibid)

A section titled “Role of the Police and Security Apparatus” refers to bribes allegedly paid to the police, stating:

“A Transparency International survey conducted between February and March reported that 51 percent of the persons interviewed said they paid bribes to the police. In 2007, according to the latest available statistics, 600 citizens lodged complaints regarding abusive police behavior with prosecutors' offices. Following the complaints, 258 criminal cases were opened, 32 police officers were

dismissed, 12 were prosecuted for bribery, and 24 former officers were imprisoned.” (ibid)

The introduction to an *Amnesty International* report published in 2007 states:

“Moldova is failing to fulfil its obligations under international human rights law to ensure individuals’ right to freedom from torture and other cruel, inhuman and degrading treatment. In this report Amnesty International shows that despite measures taken by the Moldovan government to bring legislation into line with international and European standards, torture and ill-treatment in police custody remain widespread and people who are ill-treated and tortured while detained by the police do not have adequate protection or recourse to justice.” (Amnesty International (23 October 2007) *Moldova – Police torture and ill-treatment: “It’s just normal.”* AI Index: EUR 59/002/2007, p.1)

This introduction also states:

“In researching this report, Amnesty International found that the changes to legislation and some practices may have resulted in a reduction of incidences of torture and ill-treatment. One young policeman informed Amnesty International delegates in March 2007 that the use of physical violence was frowned upon and that police investigators now use more psychological pressure. Amnesty International has come across cases where police used relatives to apply pressure indirectly to detainees by first threatening the relatives, and where they threatened detainees with more serious criminal convictions to get them to confess to minor crimes.” (ibid, p.2)

This report refers to alleged ill-treatment in police custody as follows:

“However, despite some positive developments, Amnesty International continues to receive allegations of torture and ill-treatment in police detention, and there is reason to believe that the problem is widespread. According to a survey carried out by the Institute for Penal Reform in 2004, 60.7 per cent of judges, prosecutors and lawyers thought that the rights of the accused were violated; 42.8 per cent of the same group thought that investigation bodies applied violence or other means of pressure against suspects. Heads of regional police stations and police investigators, whom Amnesty International met during visits to police stations in July 2007, were unwilling to acknowledge the problem, and displayed a lack of understanding of human rights standards.” (ibid, pp.2-3)

In a section titled “Excessive time spent in police detention” this report states:

“All detainees are held in IDPs for up to 72 hours until they are brought before a judge. At that stage they are either transferred to a remand prison (InstituNia penitenciara – IP or the Russian acronym SIZO) run by the Ministry of Justice, or their detention in the IDP may be extended. The period of time that detainees actually spend in police detention is not laid down in the Criminal Procedural Code, but on visiting IDPs Amnesty International representatives were told that detainees could be held for 10 days. This is presumably laid down in internal regulations. However, it is common practice for pre-trial detainees to be returned

frequently to the IDP from the SIZO for further interrogation or investigative work. When visiting IDPs in July 2007, Amnesty International delegates found that most of the detainees who were suspects in criminal cases had been brought repeatedly to the IDP during pre-trial detention to meet the investigators or prosecutors dealing with their cases. Each visit would last a maximum of 10 days before they were returned to the SIZO. This practice had a negative effect on the detainees: not only were they held in poor conditions for an excessive period of time, but they were also frequently deprived of the possibility of family visits.” (ibid, p.8)

In a letter-writing campaign *Amnesty International* states:

“Sergei Gurgurov was arrested in Chisinau, Moldova, on 25 October 2005 on suspicion of stealing a mobile phone. He said that police officers tortured him to force him to confess to further mobile phone thefts. He did not see a lawyer until 3 November, when he was taken to court to appear before the investigation judge. He was unable to walk unaided into court and had to be dragged by two policemen. He was also unable to move his fingers and had difficulty talking. At the hearing the judge ordered his release on bail but Sergei Gurgurov was taken back to detention by police officers with the excuse that some paperwork needed to be completed. He did not receive the specialist neurological care that he needed until after 9 December 2005, when he was released on bail.” (Amnesty International (29 October 2008) *Moldova: Sergei Gurgurov [Global letter-writing marathon 2008]*, AI Index: EUR 59/002/2008)

An *Amnesty International* press release states:

“On the morning of 29 January 2009, Prosecutor Day in Moldova, Anatol Matasaru was detained outside the offices of the Prosecutor General in Chisinau, as he held a one-man protest dressed in a pig suit and using audio equipment to play the sound of a pig squealing. He was protesting about allegedly being ill-treated by police officers in 2006 and the failure by the prosecutors' office to open an investigation following his complaint about the incident. Additionally, he was complaining about two criminal investigations against him which he claims were based on fabricated evidence.” (Amnesty International (30 January 2009) *Moldova: Authorities harass peaceful protestor*)

An article published by the Transnistria-based newspaper *The Tiraspol Times* states:

“The institution most affected by corruption in Moldova is the police. It is followed by medicine, political parties, juridical sector and the legislative. The data are included in the latest Global Barometer of Corruption, compiled by American firm Gallup for the anti-corruption NGO Transparency International. On a scale from one to five, with five being the most corrupt, Moldovan police corruption reaches 4.1 points. As Gallup explains, a score of one means no corruption, and five is the equivalent of extremely corrupt.” (Tiraspol Times, The (8 January 2008) *Moldova police most corrupt, report reveals* Oroveanu, Marius)

See also article from *The Tiraspol Times* which, in a section titled "Corruption, poverty and unemployment", states:

"Crossing the border in and out of Moldova, crooked customs officers demand their baksheesh 57.2 % of the time. And if that wasn't enough, once you are inside Moldova you will be forced to cough up even more cash: In dealing with police, bribes are required in 51.2% of all cases." (Tiraspol Times, The (25 April 2008) *Corruption breaks new records in Moldova* Ryan, Karen)

An *Associated Press* Report states:

"Moldovan President Vladimir Voronin says that the country's force of traffic police should be halved because of corruption. Voronin said late Monday that corruption among traffic police has become 'a real danger for state security' and for citizens. He accused police officers of illegally collecting protection fees and said that potential police recruits pay bribes of euro1,500 to euro3,000 (\$2US,300 to \$4US,600) to get into the service. Several internet sites have recently posted footage of policemen taking bribes, and the police security service detained two traffic inspectors who took bribes of euro1,500 (\$2US,300) in one day. The monthly salary of a traffic policeman is euro137 (\$213US)." (Associated Press (20 May 2008) *Moldovan president says traffic police should be halved due to corruption*)

A report from the Chisinau-based news agency *Info-Prim Neo* states:

"Other 9 policemen are suspected of committing offenses. The Deputy Minister of Interior, Andrei Pogurschi, has told a news conference Tuesday that the suspects have been arrested for money extortion and for influence peddling, Info-Prim Neo reports. According to the vice minister, on August 8, an officer from the Ialoveni police was caught red-handed. He was taking 4,500 lei from a person not to start a penal inquest. The case was not unveiled earlier not to damage the inquest. A traffic police officer from Chisinau was caught as he was receiving 290 lei from a citizen to return number plates of several vehicles, which were arrested, illegally, the same day under the pretext of not matching technical requirements. Penal probes have been started in both cases. The policemen may get fined from 60 to 100 thousand lei or be jailed from 5 to 10 years. An officer with the drug traffic countering service of the Chisinau Com missariat was caught red-handed as he was extorting 1,000 and 1,200 lei from a citizen not to start probing him for keeping drugs. On 3 September, an penal inquest police officer from Straseni was arrested as he was receiving 2,000 euros not to start probing an act of hooliganism. Two officers from the Buiucani commissariat have been arrested under suspicion of impelling a citizen to sell drugs, menacing him to start an inquest. Three accomplices were identified in the same operation – two police officers and a 29-year old citizen. If found guilty, the policemen may get jailed from 5 to 7 years. 4 employees of the police commissariat of Buiucani district of Chisinau were taken into custody on September 4 as they were trying to sell half a kilo of heroin. In the first 8 months of the year, over 160 policemen have been probed for different offenses." (Info-Prim Neo (9 September 2008) *Other 9 policemen suspected of committing offences*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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