



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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COMMITTEE AGAINST TORTURE
Thirtieth session
28 April-16 May 2003

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture

REPUBLIC OF MOLDOVA

1. The Committee considered the initial report of the Republic of Moldova (CAT/C/32/Add.4) at its 563rd and 565th meetings (CAT/C/SR.563 and 565), on 8 and 9 May 2003, and adopted the following conclusions and recommendations.

A. Introduction

2. The Committee welcomes the initial report of the Republic of Moldova, although it regrets the nearly five-year delay in the submission of the report and the paucity of information on the practical enjoyment in the State party of the rights guaranteed by the Convention.
3. While taking into account the inability of the State party's delegation to arrive on time for the examination of the report due to force majeure, the Committee notes with disappointment that most of its questions remained unanswered, and reminds the State party of its request to receive further information in writing.

B. Positive aspects

4. The Committee welcomes the following positive aspects:

(a) The indications given by the State party's delegation that the new Criminal Code will provide a legal framework for more humane treatment of detainees;

(b) The fact that the State party has agreed to publicize the reports and responses resulting from the visits of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Furthermore, the State party has established a specialized Standing Coordinating Committee in regard to the matters dealt with by the CPT;

(c) The efforts of the Moldovan authorities to improve prison conditions, inter alia by removing 89 per cent of the metal shutters which covered cell windows in remand prisons; increasing efforts regarding the treatment of tuberculosis patients; and increasing labour offers for detainees;

(d) The acceptance of article 20 of the Convention.

C. Subjects of concern

5. The Committee expresses concern about:

(a) The numerous and consistent allegations of acts of torture and other cruel, inhuman or degrading treatment or punishment of detainees in police custody;

(b) The reported lack of prompt and adequate access by persons in police custody to legal and medical assistance, and to family members;

(c) The deletion of the definition of torture in the new Criminal Code, which was in conformity with that of the Convention;

(d) Administrative police detention in temporary holding facilities under the jurisdiction of the Ministry of the Interior;

(e) The reported failure of the State party to ensure prompt, impartial and full investigations into the numerous allegations of torture and ill-treatment, thereby contributing to a culture of impunity among law enforcement officials;

(f) The absence of an independent oversight mechanism competent to deal with complaints against the police;

(g) The lack of judicial supervision of temporary holding facilities that are under the jurisdiction of the Ministry of the Interior;

(h) Allegations of a dysfunctional criminal justice system, apparently caused in part by a lack of independence of the procuracy and the judiciary;

- (i) Allegations concerning the heavy emphasis put on confessions as a primary source of evidence in criminal proceedings;
- (j) Reports alleging that immigrants are apparently being detained in poor conditions in temporary holding facilities;
- (k) Allegations regarding the expulsion of aliens that seem to occur without taking into consideration the safeguards contained in article 3 of the Convention;
- (l) The poor material conditions prevailing in police detention facilities and prisons, and the lack of independent inspections of such places. The Committee expresses particular concern at reports alleging that juveniles are in some cases held together with adults where they lack education and meaningful activities;
- (m) The lack of training in the prevention of torture of law enforcement personnel, including doctors dealing with persons deprived of their liberty.

D. Recommendations

6. The Committee recommends that the State party:

- (a) Ensure that the fundamental safeguards against torture and ill-treatment of detainees, including those held for administrative offences, are available in practice, including their right to medical assistance and legal counsel and to contact with their families from the earliest stages of their detention;**
- (b) Incorporate in the new Criminal Code a definition of torture as a separate crime that is in conformity with article 1 of the Convention;**
- (c) Ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities, the prosecution and punishment of the perpetrators, as appropriate, and the provision of just compensation for the victims;**
- (d) Discontinue the practice of administrative police detention;**
- (e) Establish an independent administrative body competent to deal with complaints against the police and law enforcement personnel;**
- (f) Take effective measures to ensure a fully independent procuracy and an independent judiciary in conformity with the United Nations Basic Principles on the Independence of the Judiciary, if necessary by calling for international cooperation;**
- (g) Take measures to ensure that evidence obtained under torture is not invoked in court;**
- (h) Take measures to ensure that the requirement of article 3 of the Convention is taken into consideration when deciding on the expulsion, return or extradition of aliens;**

(i) Transfer the responsibility of detained persons in temporary holding facilities from the Ministry of the Interior to the Ministry of Justice;

(j) Issue directives on the proper conduct of interrogations of persons in police custody, including the total prohibition of ill-treatment and torture;

(k) Provide an information sheet in the appropriate languages in all police stations to inform all detainees of all their rights immediately after their arrest;

(l) Improve the conditions of detention in police stations and prisons so as to bring them into conformity with article 16 of the Convention, and establish an independent and systematic system to monitor the treatment in practice of persons arrested, detained or imprisoned;

(m) Reinforce human rights education and promotion activities regarding the prohibition of torture, particularly for law enforcement and medical personnel, and introduce training in these subjects in official education programmes;

(n) Provide in the next periodic report detailed statistical data, disaggregated by crime, region, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, as well as related investigations, prosecutions and disciplinary sentences and redress offered to victims;

(o) Widely disseminate the Committee's conclusions and recommendations in the State party in all appropriate languages.

7. The Committee requests the State party to provide responses to the questions asked by its members by 31 August 2003.

8. The State party is invited to submit its next periodic report, which will be considered as the second, by 27 December 2004.
