

## MDA 270209

### **Torture and ill-treatment/ Threats/ Lack of an effective investigation/ Risk of impunity/ Fear for safety**

The International Secretariat of the World Organisation Against Torture (OMCT) requests your **URGENT** intervention in the following situation in the **Republic of Moldova**.

#### **Brief Description of the Situation**

The International Secretariat of OMCT has been informed by a reliable source and Antenna International, a member organisation of OMCT SOS-Torture Network, about the torture and ill-treatment suffered by Mr. **Alexei Tretiacov**, 31-year-old resident in Chisinau, during his detention, the lack of an effective investigation into these allegations, and the continuous threats and harassment he and his family are facing for having denounced the acts of torture and ill-treatment.

According to the information received, Mr. Alexei Tretiacov was arrested by police officers, on 4 April 2008, in Chisinau, on alleged charges of hooliganism after trying to defend his sister who had reportedly been harassed and insulted by a security guard in the café where they were having dinner. He was then taken to Centru district police station in Chisinau and detained there ten days, without access to this family. Mr. Alexei Tretiacov was first remanded by the court to 30 days in detention and then to 8 months of house arrest for alleged knife possession, charge challenged by Mr. Alexei Tretiacov. According to the same information, this new charge was reportedly changed on 8 April 2008, after his family reported the allegations of torture and ill-treatment to the Ombudsman office. Mr. Alexei Tretiacov was under house arrest until 4 December 2008 and still awaits trial. A hearing was reportedly planned on 24 February 2009 but was then postponed.

During the ten days police custody, Mr. Alexei Tretiacov was reportedly detained in an overpopulated, small and humid cell, without proper food and water, and severely beaten all over his body, in particular on his head, face, back and hands especially in the first days of arrest. He allegedly had to choose between being beaten on his kidney or hands and was then burned with cigarettes on his hands. On the second day of his arrest, the prosecutor requested a medical examination of Mr. Alexei Tretiacov, following which he was brought to the hospital. While the doctors reportedly recommended his hospitalisation, the police officers, who had accompanied him, decided to take him back to the police station.

During his house arrest, he was also reportedly not able to access adequate medical assistance. He was only once allowed to be examined by a family doctor and a neurologist, but was not permitted by the court to be hospitalised despite the doctors' recommendations.

Due to the acts of torture and ill-treatment, Mr. Alexei Tretiacov reportedly sustained a closed cranio-cerebral trauma, cerebral concussion, contusion to the head and face soft tissues, contusion of soft tissues on the right hand and distal part of right forearm. Moreover, due to the lack of medical care, he reportedly now suffers from a bad wounded fracture at his right hand (5<sup>th</sup> metacarpian bones) which would require a surgery.

According to the same information received, Mr. Alexei Tretiacov and his family are also repeatedly harassed, intimidated and threatened with further detention if he continues to disclose the acts he suffered. While he and his family have presented several complaints before different national instances, no proper investigation has been reportedly launched into these allegations. Furthermore, the district prosecutor delivered an ordinance not to start a criminal prosecution against the alleged police officers, which was later confirmed by the general prosecutor.

OMCT is gravely concerned for the physical and psychological integrity of Mr. Alexei Tretiacov and of his family, in particular following the reported intimidation and threats. OMCT is further concerned by the reported lack of an effective, thorough, independent and impartial investigation into these

allegations and fears that the perpetrators may enjoy impunity. OMCT recalls that the Republic of Moldova is a State party to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (ICCPR), which both prohibit torture and other cruel, inhuman or degrading treatment. In line with their obligations under these treaties, it is incumbent on the authorities of the Republic of Moldova to consider seriously any allegations of torture and ill-treatment made by the victim, and to undertake a prompt, effective, thorough, independent and impartial investigation in this regard. Moreover, OMCT would like to recall article 13 of the Convention against Torture which stipulates that “*Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given*”.

### **Actions requested**

Please write a letter to the authorities in the Republic of Moldova urging them to:

- i. Guarantee, in all circumstances, the physical and psychological integrity of Mr. Alexei Tretiacov and of his family;
- ii. Call upon the competent authorities to carry out a prompt, effective, thorough, independent and impartial investigation into these events, in particular the allegations of torture and ill-treatment, the result of which must be made public, in order to bring those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- iii. Ensure that adequate rehabilitation and compensation is awarded to Mr. Alexei Tretiacov and his family;
- iv. Take all necessary measures to ensure that Mr. Alexei Tretiacov is given a prompt and fair trial, in which his procedural rights are guaranteed at all times;
- v. Guarantee the respect of human rights and the fundamental freedoms throughout the country in accordance with national laws and international human rights standards.

### **Addresses**

- Mr. Vladimir Voronin, President of Republic of Moldova, Fax: + (373 22) 251035, 251040.
- Mr. Marian Lupu, Speaker of the Parliament. Bd. Stefan cel Mare 105 Chisinau, MD-2073, Fax: + (373 22) 233921. E-mail: [info@parlament.md](mailto:info@parlament.md)
- Ms Zinaida Grecianii, Prime Ministre, Piata Marii Adunari Nationale 1, MD-2033, Chisinau, Fax : (+373 22) 242696 ; e-mail: [petitii@gov.md](mailto:petitii@gov.md).
- Mr. Gheorghe Papuc, Minister of Internal Affairs, MD - 2012, Chişinău, bd. Ştefan cel Mare, 75; Fax: (+373 22) 22 27 23; e-mail: [mai@mai.md](mailto:mai@mai.md).
- Mr. Vitalie Parlog, Minister of Justice, str. 31 August 1989, Nr. 82, or. Chişinău MD 2012, Fax. (+373 22) 234788, 234797. E-mail: [secretariat@justice.gov.md](mailto:secretariat@justice.gov.md).
- Mr. Valeriu Gurbulea, General Prosecutor, MD 2005, mun. Chişinău, str. Mitropolit Bănulescu-Bodoni, 26, FAX: (373 22) 21-20-32. E-mail : [procuror@gov.md](mailto:procuror@gov.md).
- Mr. Anatol Munteanu, Director of Centre for Human Rights in the Republic of Moldova, 16 Sfatul Tarii Str., MD-2012, Chişinău, Republic of Moldova, Fax: (+373 22) 22 54 42, [cpdom@mdl.net](mailto:cpdom@mdl.net).
- Ms. Larisa Catrinici, Minister of Health, 2009, Chişinău, str. Vasile Alecsandri, 2; Fax: (+373 22) 738781.
- Permanent Representations of Republic of Moldova, UN office in New York, Head of the mission: H.E. Mr Alexandru Cujba, Address 35 East 29th Str., New-York, NY, 10016, Phone +1212 447-18-67, Fax +1212 447-40-67, E-mail [new-york@mfa.md](mailto:new-york@mfa.md).

- Permanent Representations of Republic of Moldova, UN office in Geneva, Head of the mission H.E. Tatiana Lopicus, Address 1209 Geneva, 28 Chemin du Petit Saconnex, Phone +4122 733-91-03, Fax +4122 733-91-04, E-mail [geneva@mfa.md](mailto:geneva@mfa.md)
- Permanent Representations of Republic of Moldova, European Communities, Head of the mission H.E. Mrs Daniela Cujba, Address Avenue Franklin ROOSEVELT, 55, 1050 Bruxelles, Phone +322 7400660, Fax +322 7400669, E-mail [mission.bru@mfa.md](mailto:mission.bru@mfa.md),
- Permanent Representations of Republic of Moldova, European Council, Head of the mission H.E. Mr . Eugenia Kistruga, Address 67000 Strasbourg, 16 allée Spach, Phone +33388 36-55-64, Fax +33388 36-48-96, E-mail [strasbourg@mfa.md](mailto:strasbourg@mfa.md).

Please also write to the embassies of in the Republic of Moldova in your respective country.

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Geneva, 27 February 2009

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.