

Institute for Human Rights (IDOM), Resource Center for Human Rights (CReDO)

Liberty, Security and Torture: April 2009 events in Moldova

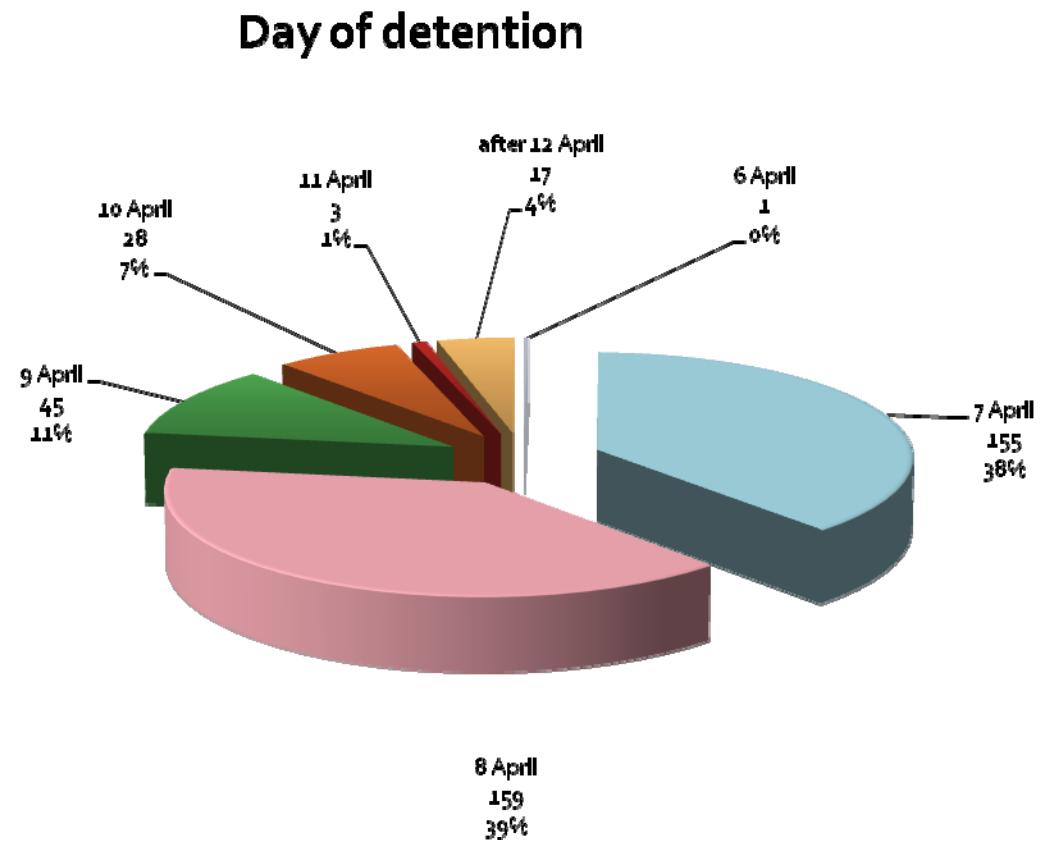
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Detention and detained persons' profile

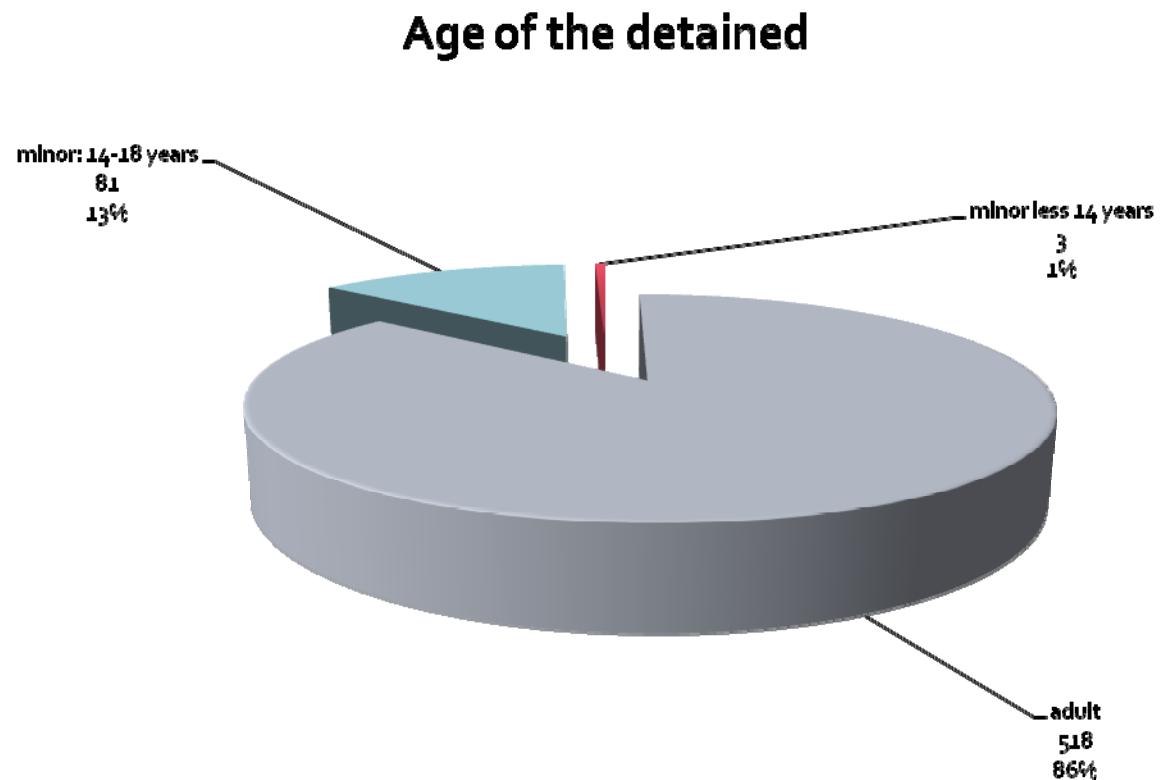
- Most of the persons have been detained on 7th (38%) and on 8th (39%) April,

- Detention of persons continued on 9th, 10th, 11th and after 12th April with decreasing rate:



Age of the detained

- 14% of the detained have been minors of up to 18 years;
- Available data shows that around 100 minors have been detained by the police.

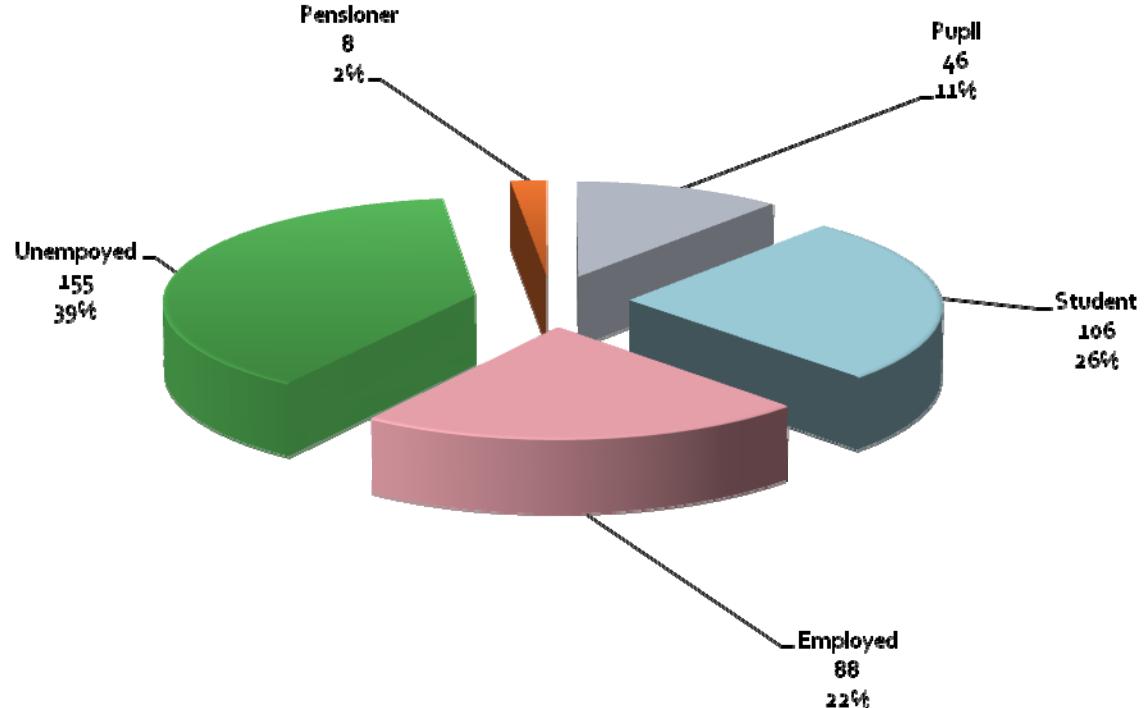


Social profile of the detained

- Most of the detained persons are the unemployed (39%),

- Students come with 22% and pupils with 11%;

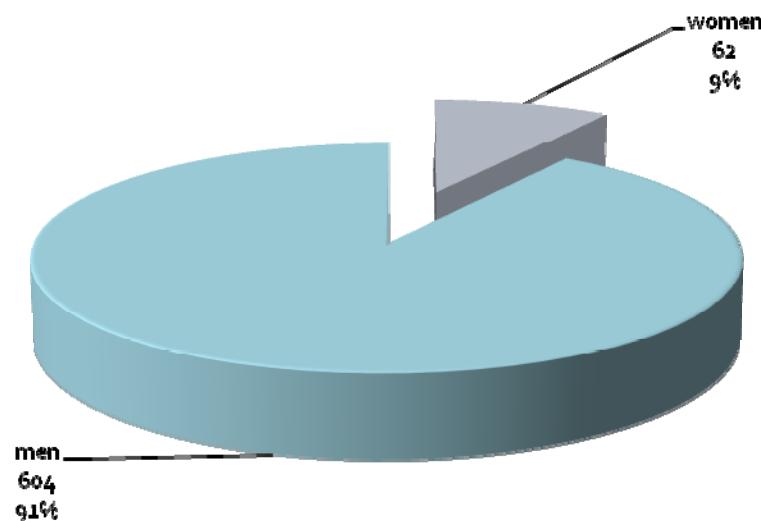
Social Profile of the detained



Gender

- 9% of the detained are women, mostly of student age;

Gender Perspective of detained persons

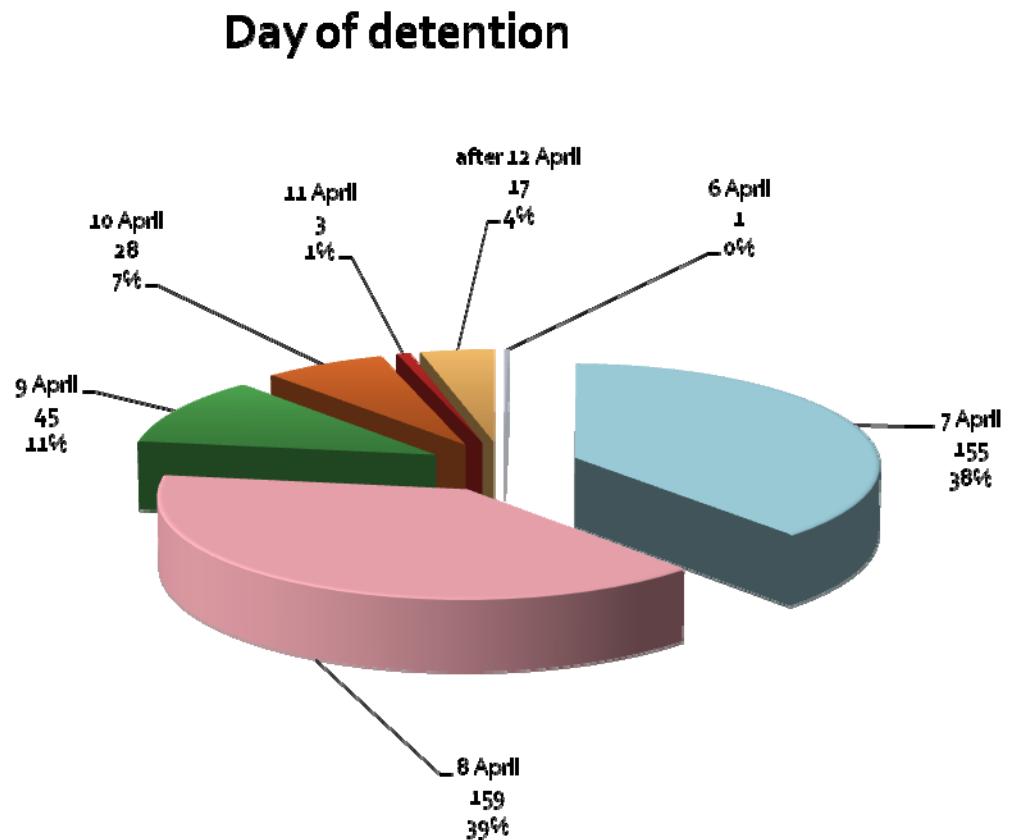


Detention Processes

Day of detention

-38% of detentions took place on 7th of April and 38% on 8th of April;

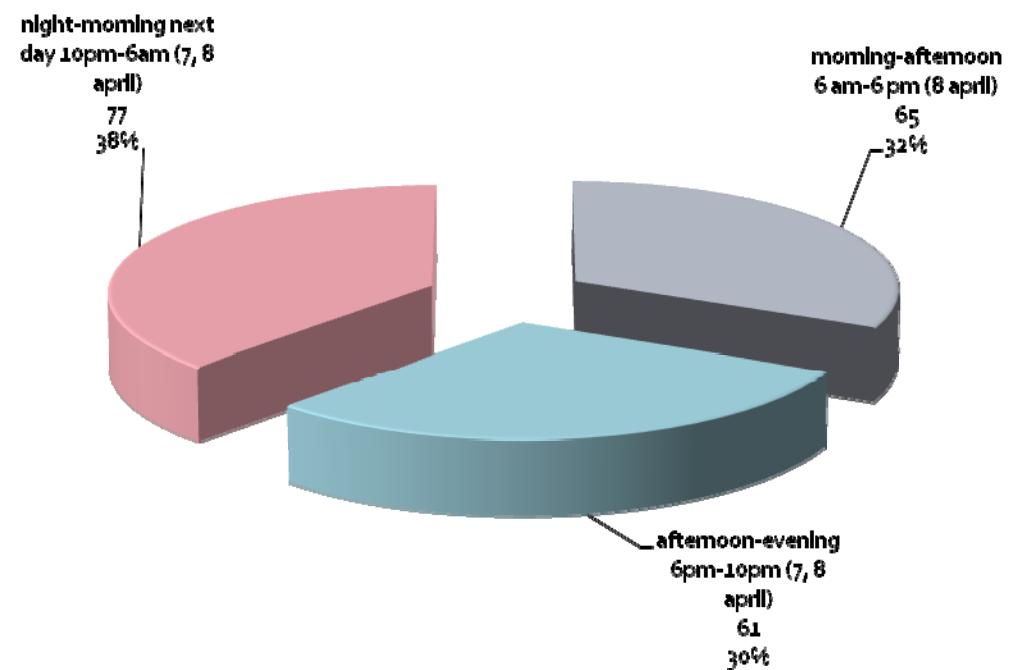
-Detentions followed on other days, even after 12 of April;



Time of detaining

- Most of the detention took place on 7-8 of April;
- 38% of detention took place on the evening of 7th of April and in the early morning of 8th of April;
- 32% of detention took place during the day of 8th April;

Time of detaining

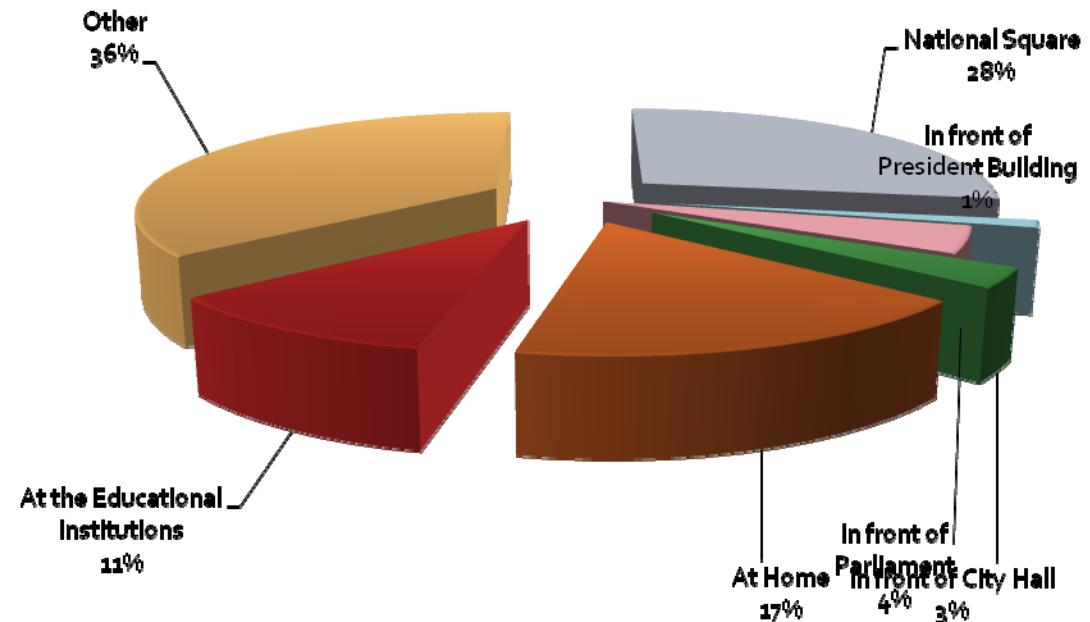


Place of initial comprehension

-11% of the detained have been comprehended at schools; 17% from their homes;

- 36% of the detained have been comprehended elsewhere then in front of the Presidency or Parliament or National Square (effectively meaning on the streets, bus/train stations, while going home, etc);

Place of initial comprehension

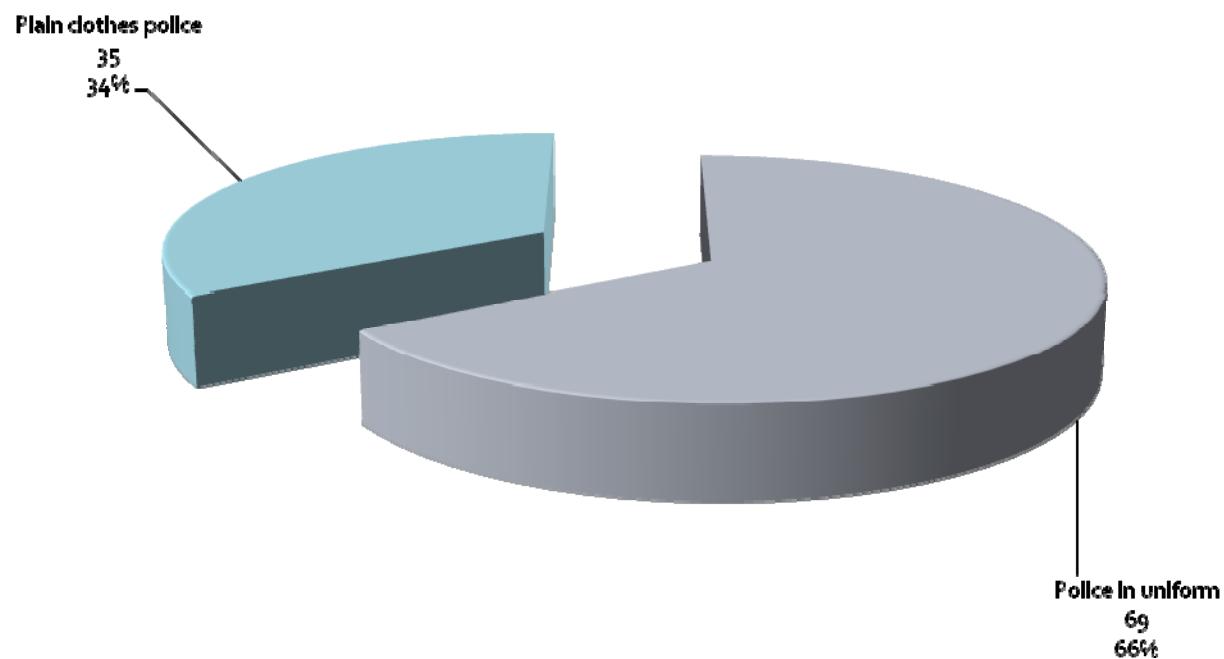


Who detained?

-34% of the detained interviewed claimed they were detained by the plain clothes persons acting as in behalf of public order agents;

-In most cases persons have not identified themselves as police;

Who detained?



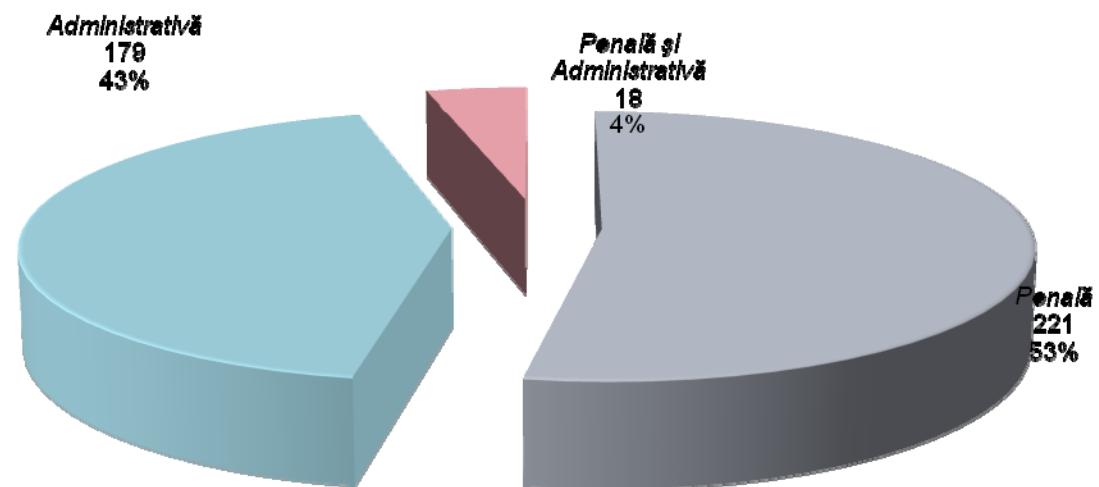
Sanctions and detention

Types of sanctions

-Administrative and penal sanctions have been used, yet, penal sanctions prevailed;

-4% of the persons have been prosecuted under the penal and administrative grounds;

Type of sanction



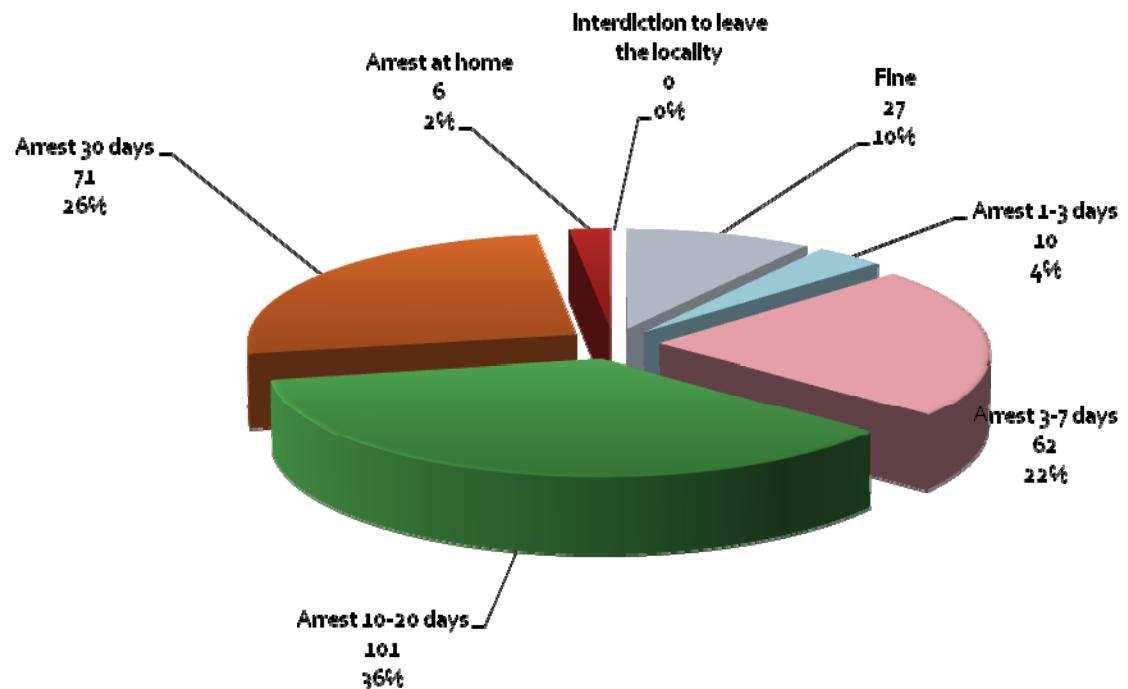
Severity of sanctions

- Most widely used sanction has been the administrative arrest for 10-20 days (36%), followed by 30 days arrest (26%);

- Arrest at home (2%), interdiction to leave locality (0%), fine (10%) amounts to only some small fraction of all detentions;

- Authorities prefer administrative arrest for maximum period of time;

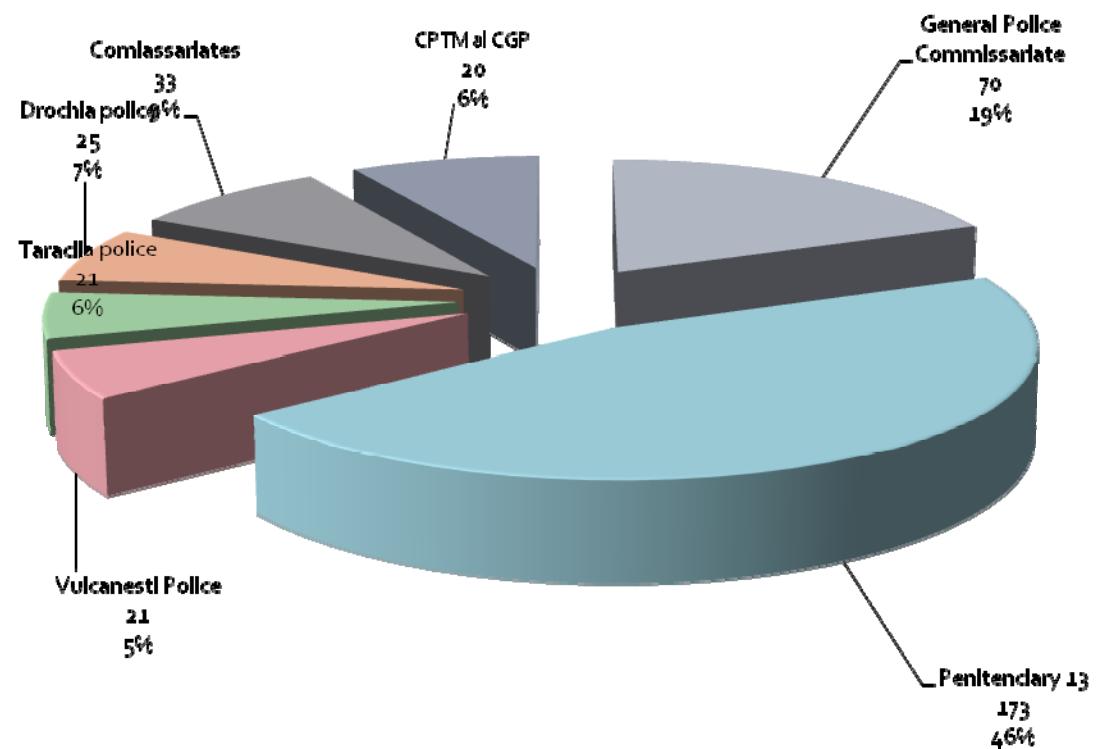
Severity of the detention sanction



Place of detention

- More than 50% of the administrative arrests have been executed in the places of detention under the Ministry of Interior (various police commissariats);
- 18% of the arrested administratively have been moved out in the remoted parts of the country (Vulcanesti, Taraclia-extreme South; Drochia-extreme North);

Place of detention execution



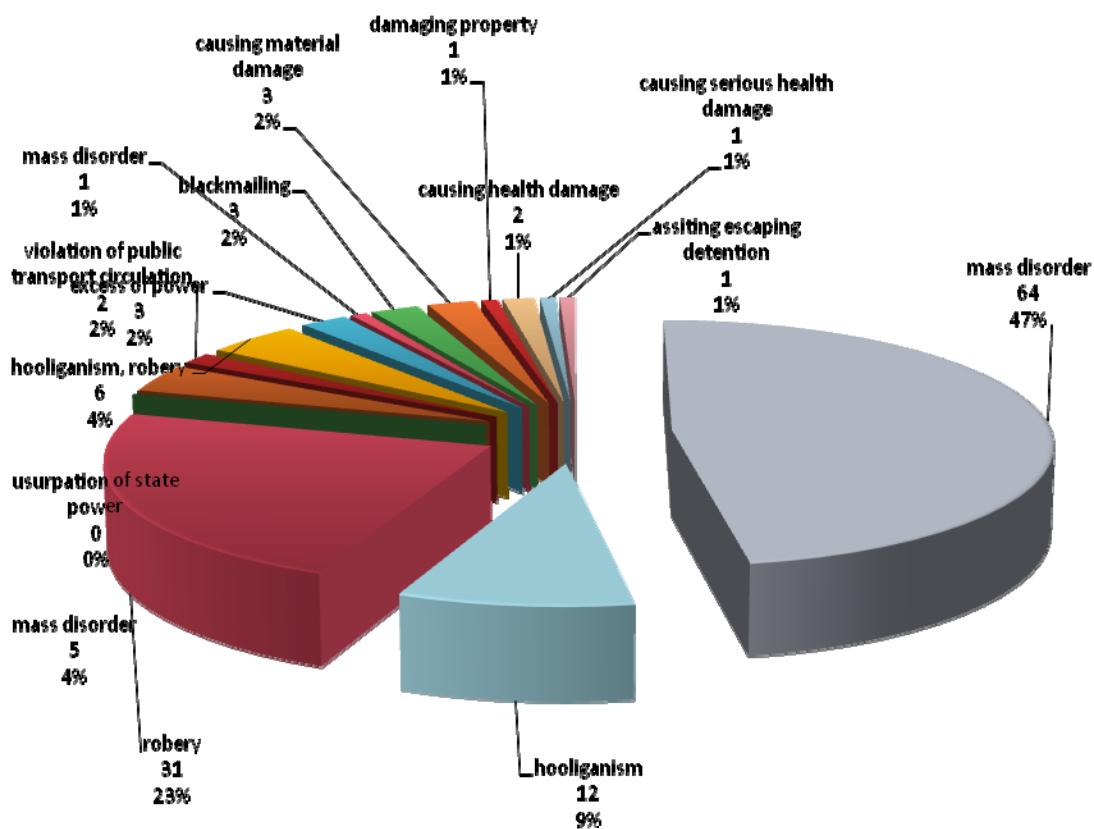
Penal sanctions

-47% of the detained have penal charges of “mass disorder”;

-28% of the
detained have penal
charges of
“robbery”,

- 13% of the detained have penal charges of “hooliganism”,

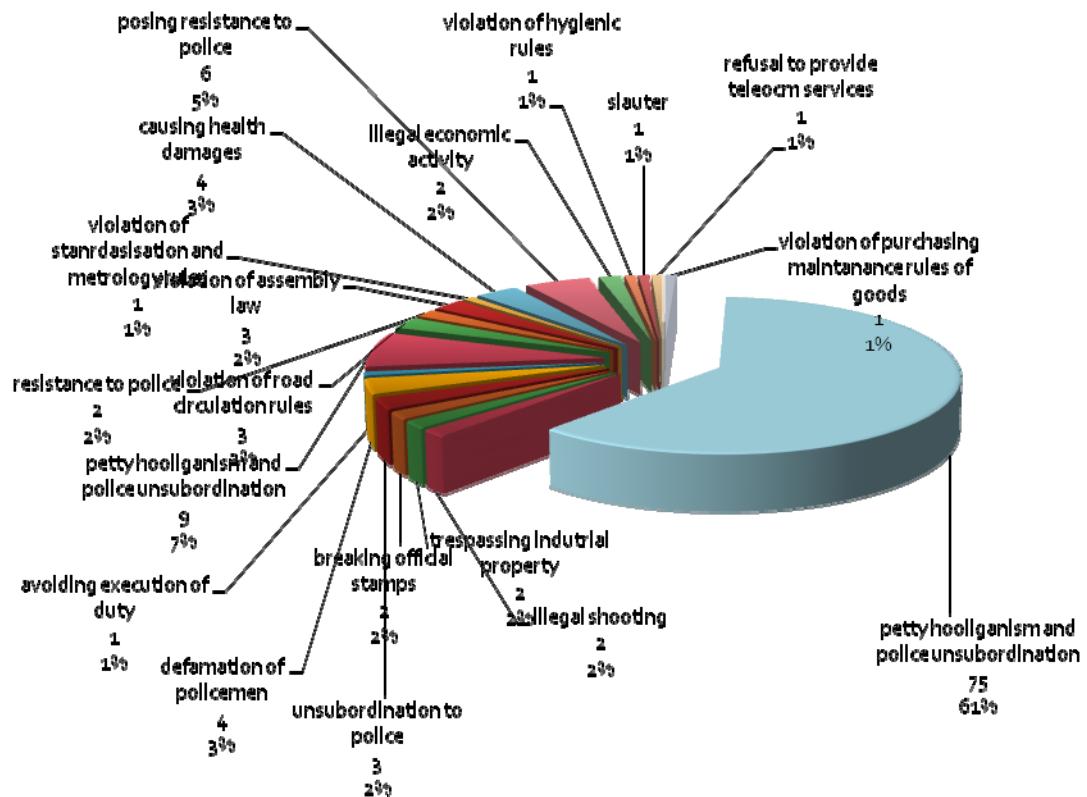
Penal sanctions: April events aftermath



Administrative sanctions

- 70% of the detained received administrative sanctions “petty hooliganism” and “police un-subordination”;

Administrative penalties and sanctions

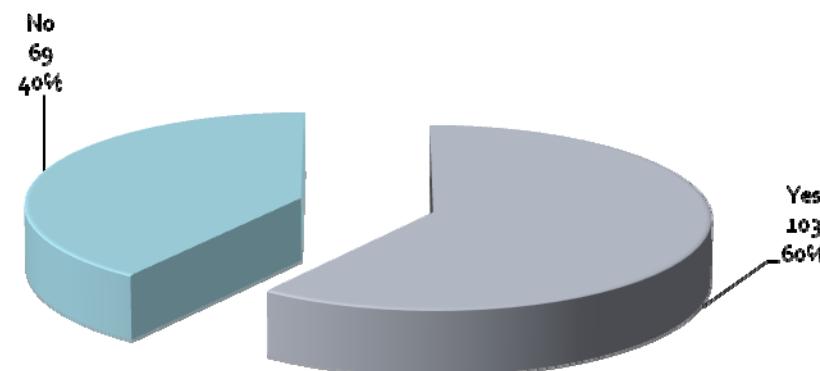


Procedural rights: access to lawyer, medical services

Access to lawyer

- 40% of the detained claim they have not had access to the lawyer within the legally provided term under the law;

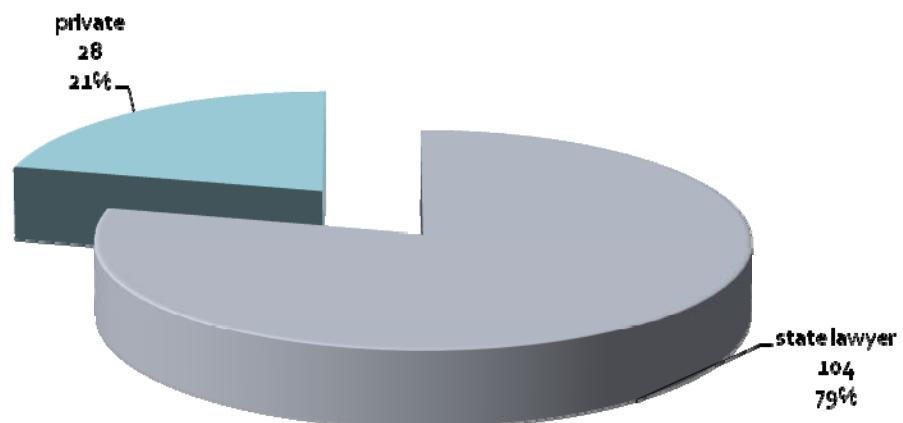
Access to lawyer (3 hours adult, 1 hour minor)



Legal aid provisions

-79% of the detained say they have been given state lawyer to represent their interests;

Legal aid provision

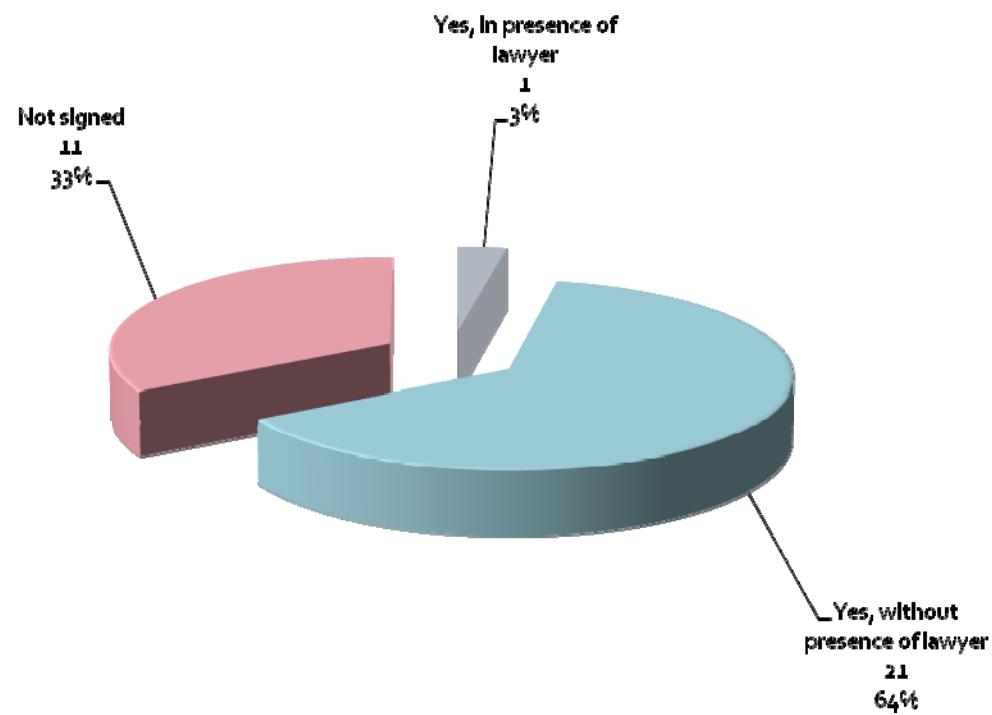


Access to lawyer

- 64% of the detained say they have been asked to sign documents on the accusation and depositions, they did so in the absence of the juridical assistance;

- only 3% of the detained say they have signed the accusation and deposition documents in the presence of the juridical assistance;

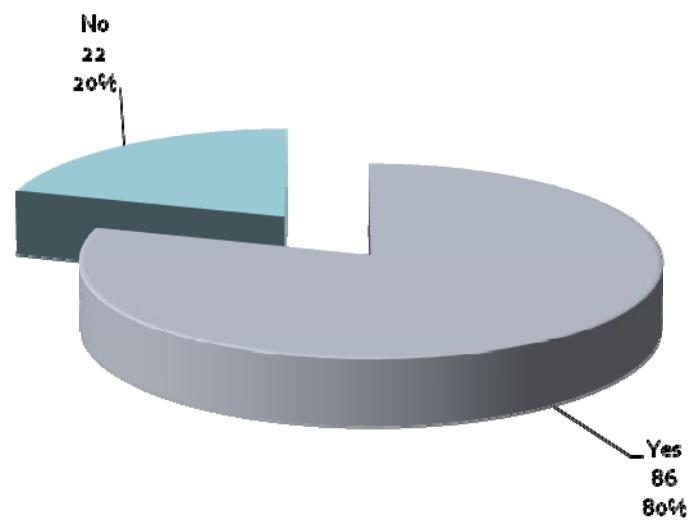
Access to lawyer in procedure when signing documents



Presence of lawyer to court

- 20% of the accused detained say they had not juridical assistance during the court proceedings against them (resulting in arrests);

Presence of the lawyer in court

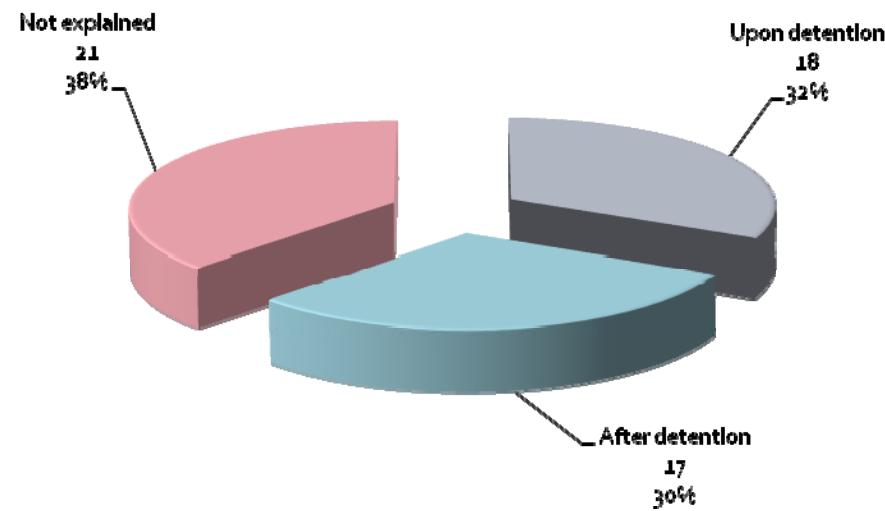


Explanations for reasons of detention

-38% of the detained say they were not explained the reasons and motives of their detention;

- 30% of the detained say they were given reasons and motives of the detention only after being detained;

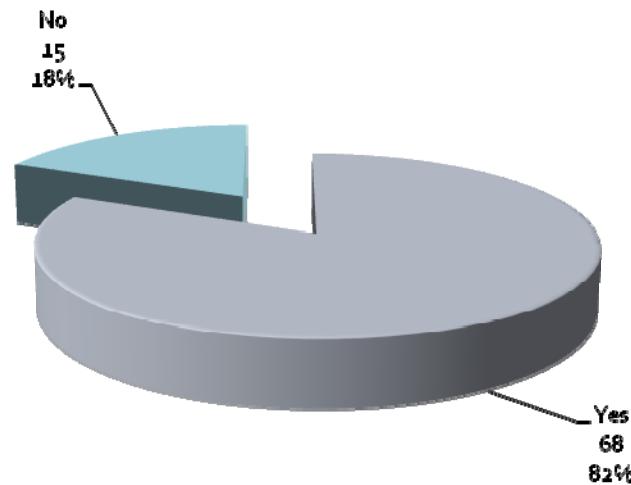
Reasons for detention explained



Access to doctor

-Access to doctor in detention did not have 18% of the detained;

Access to doctor

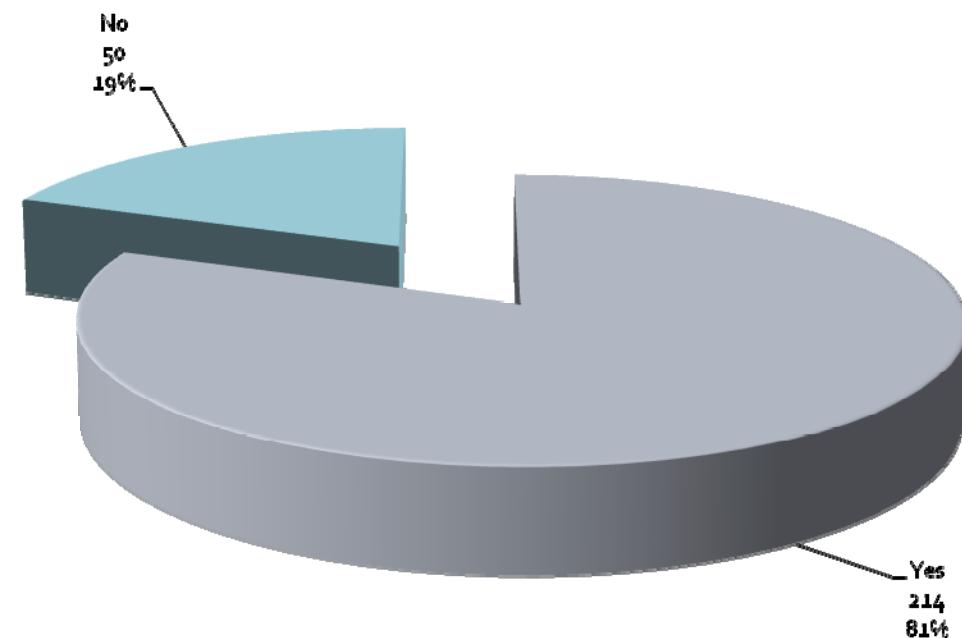


III-treatment and Torture

Beatings at apprehension

- 81% of the detained have been beaten and ill-treated in the moment of apprehension;

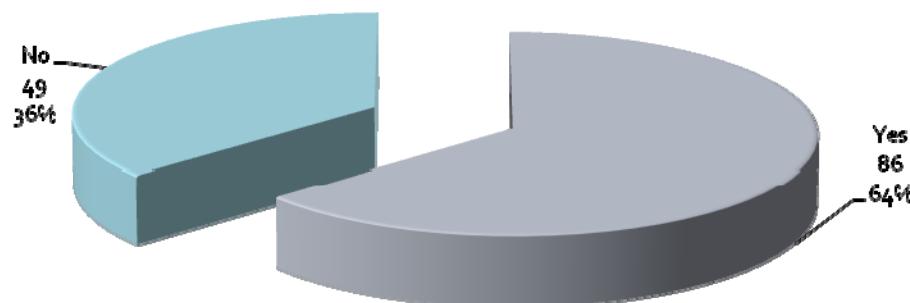
Beaten upon apprehension



Beatings in detention

-64% of the detained state they have been beaten and abused while in the detention custody;

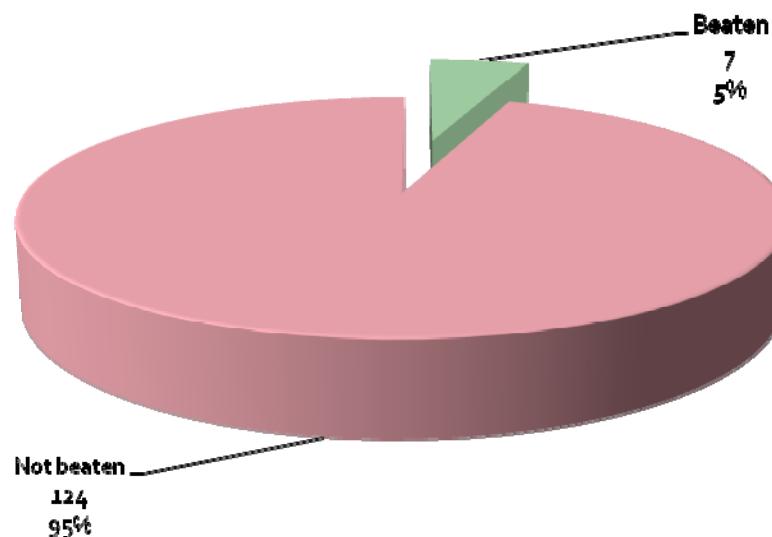
Beaten while in the detention



Beatings while transported

-5% claim they were also beaten in the police cars while transported to the places of detention;

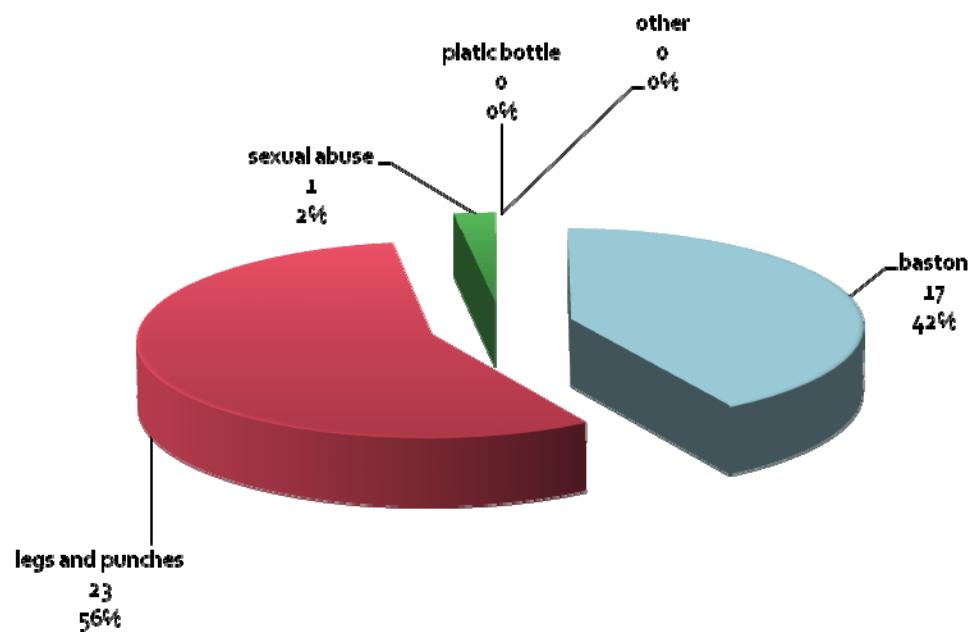
Beaten or not while transported to place of detention



Beatings instruments

- Of those beaten in detention, 56% witness they have been beaten with legs and punched; 42% were beaten with ribbons (bastons);
- 2% of the detained claimed sexual abuse by the police;

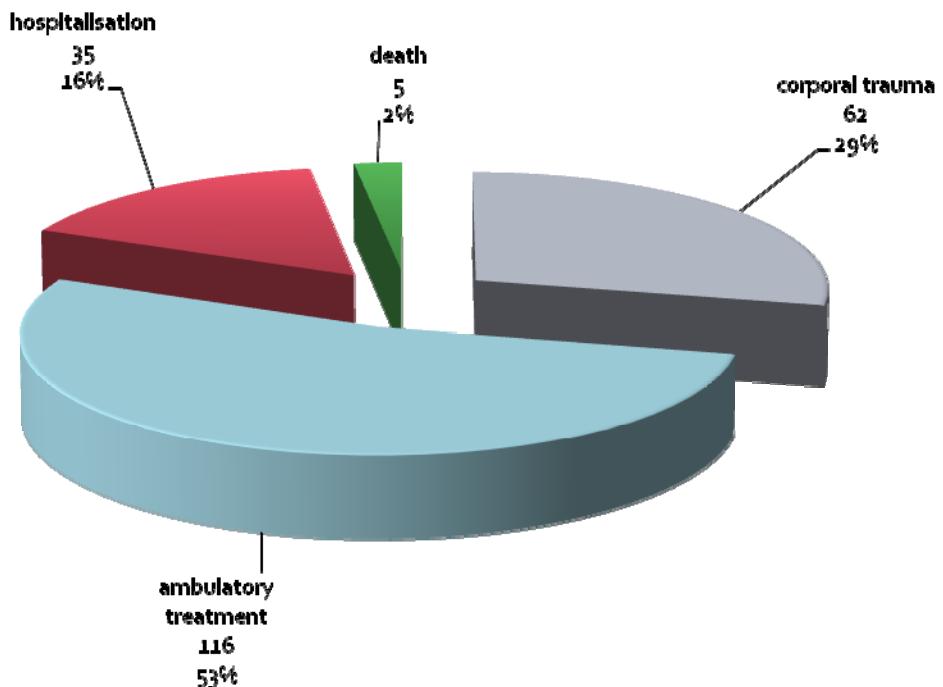
Beatings instruments and modes



Consequence for beatings

- 5 cases of the alleged death as a result of the police brutality are reported and documented (2 with strong evidence, filed cases at the European Court of Human Rights);
- 16% of the detained say they underwent the hospital treatment after ill-treatment by the police;
- 53% of the detained state they underwent ambulatory medical treatment;

Consequence of beatings



**Mihailov Vitalie –
eye hemorrhage,
bruises on neck
and head,
echimoze - 35
years, stopped in
the street by 3
policemen in front of
Ministry of Interior
on 15 April 2009.
Have not
participated in the
event, has been
requested to be
identified, later
beaten with legs.**



Andrei Ivantoc

Ivantoc Andrei-
cerebral commotion,
fracture of finger,
contusion of
muscles : former
political detainee in
Tiraspol in Ilascu
group, 48 years,
peaceful protestor,
beaten in the street
by police on 7 April
in front of
Presidency,
transported to
Emergency Hospital
by a group of young
persons



Gumenii Chiril

Gumenii Chiril – cerebral comotion, open fracture leg, multiple contusion -
pupil of 8 A grade, from Nr.52 Chisinau, school, born 1988. Not participated in protests, detained on 9 April, in front of Government, beaten by unknown plain clothes persons, taken to the car, interrogated on the way on how many bottles he threw to the Parliament, beaten again.



Gheorghe Moisei

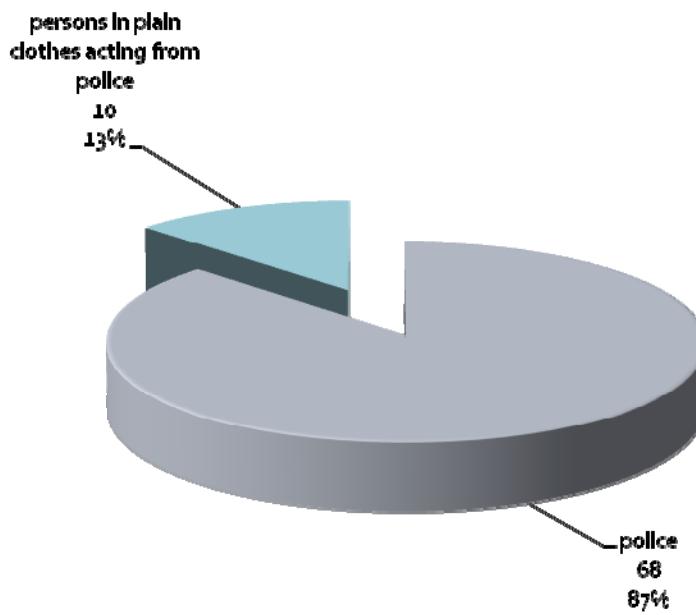
Gheorghe Moisei – leg fracture and cerebral commotion, 47 years, farther of 2 children, participant in protests, detained on 11 April, brought to Buiucani Commissariat and beaten, later to Center Commissariat and beaten again to sign documents and acknowledge participation



Perpetrators of ill-treatment

- In 13% cases, the detained identified the ill-treatment perpetrators as the “persons in plain clothes” acting with the police consent and on police behalf while the detained in police custody;
- In 87%, police itself has been identified as ill-treatment perpetrator;

Perpetrators involved in beatings and ill-treatment



Alleged life casualties as a result of police actions

- Valeriu Boboc – beaten to death in National Square
- Ion Tibuleac – beaten to death in Police custody
- Dumitru Rotaru -
- Eugen Tapu -
- Maxim Canisev -
- 7 more cases claimed

Case of Valeriu Boboc

- “On the night of April 8, Valeriu Boboc and other men were peacefully sitting near the Triumph Arch in Chisinau's downtown, watching the events on the Great National Assembly Square. Suddenly we were surrounded by 50 armed policemen. The police ordered us to lay on the ground and started to beat us with clubs, legs and weapons,” the lawyer read out from the witness's testimonies. He was called to lay testimonies on June 1. “Valeriu Boboc tried to cover his face with his hands, but after several hits he stopped moving,” the witness is reported to have said.
- Initially, Boboc's death certificate reported he got intoxicated by an unknown substance. The coroner's points out another cause of death – “acute cardio-vascular insufficiency, determined by heart stop, following application of force in the throat area.”
- Valeriu Boboc, aged 23, was taken in the police's custody on reason he would have participated in the April 7 violent events. Prosecutors keep saying he died because of unidentified intoxication. His family claim he was beaten to death by police. He left a wife and a child.

Boboc's funerals

- Beaten to death in National Square;
- Died on the way to police commissariat;
- Credible evidence and witnesses' available;
- Case referred to the European Court of Human Rights;



Case of Ion Tibuleac

- On the night of April 7, following the events of the capital, the body of a young man was thrown from a car of the Moldovan Ministry of Internal Affairs in the courtyard of the Emergency Hospital in Chisinau. The victim had broken ribs, deep wounds in the head and a fractured leg. According to witnesses, the lifeless body of a young 22 years was thrown from a white car; brand Niva, the Ministry of Internal Affairs. The next day, parents and Tatiana and Semion Tibuleac received news from doctors at the Emergency Hospital that their son had died electrocuted. They were asked to come to the hospital morgue with clothing for the deceased.
- Tibuleac Ion, a young village Bolohani, Orhei district, suffered several injuries - broken ribs, internal bleeding, and broken leg.

Case of Ion Tibuleac

- More on YouTube:

<http://www.youtube.com/watch?v=0Yal24ZLw4&feature=related> ;

-Apprehended by police, allegedly beaten severely,
-- died in the custody of police and delivered to Emergency hospital dead by police car;

Conclusions on findings

Conclusions 1

- Police responded with blunt brutality and untargeted, largely unjustified arrests, beatings and intimidation;
- Arrests and detention in the Ministry of Interior custody has been widely and systematically used as a response by the police;
- Comprehensions and detentions went in a substantial number of cases with no explanations of the motives and reasons;
- An important number of minors and children have been detained (some ill-treated);

Conclusions 2

- Police has widely and systematically used ill-treatments upon the apprehension, and in the places of detention;
- Access to legal aid and juridical assistance has not been provided in a substantial number of cases (amounting to systematic);
- Access to doctor and medical services have not been provided;
- Police actions resulted into life casualties (at least 2, with strong evidence) and required hospital and ambulatory treatment;

Recommendations

Reforms and changes in Moldova

- Relevant leadership of the Ministry of Interior accountability;
- Prosecution of the perpetrators of the ill-treatments;
- Prosecution of the violent persons during the demonstrations in accordance with human rights standards;
- Establish a process of national reconciliation and truth finding on the events of April;

To EU

- EU to support a comprehensive fact finding mission on ill-treatments with wide participation of the civil society and international authoritative bodies (CoE Commissioner on human rights, CPT, OPCAT, UN Special Rapporteur on Torture, etc);
- EU Rule of law mission to closely review the mechanisms of the accountability system and practice in Moldova to be tightened to the political process of Moldova obligations;
- EU Parliament to debate periodically the progress against the Resolution on Moldova;
- EC to allocate resources for the support to the civil society to watchdog the human rights progress, holding accountable perpetrators;

To CoE

- Deploy CPT visit to Moldova as part of the international comprehensive fact-finding mission;
- Committee of Ministers to oversee closely the Police reform, police accountability in the aftermath of the April events and particularly CoE Commissioner on Human Rights;
- PACE to closely monitor Moldova obligations on police reform, police

To OSCE/ODIHR

- OSCE Police Strategic Matters Unit to look into the reform of the police in Moldova;

Methodology

Methodology

- Crises group established by SFM, human rights ngos (IDOM, CReDO, Amnesty International Moldova) involved + NPM;
- Collection of data and information from various sources (incl: official information, local authorities, people direct contacts, via announcing telephone line),
- Interviews (more 50 questions) with the compiled list of persons detained, based on a detailed questionnaire,
- Making up personal files with relevant information on persons detained, collecting individual cases information and papers;
- Data base (more than 700 individual case entries) in excel with quantitative information based on interviews

Methodology

- Use of various sources of information to identify persons detained in order to organize inquiries and hold individual interviews;
- Sources are not exhaustive;

