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Moldova: Serious human rights concerns remain

Amnesty International is concerned that two months after the demonstrations in Chisinau - which followed the parliamentary elections on 5 April and led to rioting from 7 April 2009 - little progress has been made in investigating the hundreds of allegations of police ill-treatment and torture. The organization is also concerned that civil society activists and opposition politicians are being prosecuted and may face imprisonment for the peaceful exercise of their right to freedom of expression and that local NGOs are being targeted apparently for their human rights monitoring activities. Repeat elections are scheduled for 29 July and Amnesty International fears a new wave of human rights violations.

Torture and Ill-treatment

Amnesty International has repeatedly drawn attention to the fact that torture and ill-treatment in police custody is a systemic problem in Moldova and that the failure to conduct effective investigations into torture allegations and to prosecute the perpetrators has led to widespread impunity for such acts.

In a judgment issued against Moldova on 16 June 2009 the European Court of Human Rights concluded that Sergei Gurgurov had been subjected to torture in 2005, that his complaint had not been investigated properly and that he had been denied an effective remedy. The judgement stated that “the prosecutor’s office did not make any genuine efforts to investigate the case and discover the truth. On the contrary, there are strong indications that it was trying to cover up the facts and to create impediments in such a manner as to make it impossible to identify and punish those responsible.”

Hundreds of people were detained during and immediately following the demonstrations and continue to be detained as police investigators study video footage of the events. The exact number of detentions is not known, but according to local NGOs, Memoria, PromoLex, the Institute for Human Rights, CReDO and others, over 150 people gave testimony that they were ill-treated by police. Lawyers representing victims of torture and other ill-treatment by the police complain that little progress is being made with the investigations of these allegations; worryingly, one defence lawyer confirmed that the majority of his clients have withdrawn their complaints of ill-treatment, citing harassment from local police officers.

Amnesty International welcomes the fact that the Moldovan authorities have invited an international forensic expert to take part in the autopsy of **Valeriu Boboc**, who died during the demonstrations on 7 April under disputed circumstances, but calls on the authorities to ensure that all cases of alleged police ill-treatment are promptly, independently, impartially and thoroughly investigated and that anyone reasonably identified as responsible is brought to justice, in accordance with Moldova’s obligations under international human rights law.

Politically motivated criminal charges

Following the demonstrations a number of people have been charged with criminal offences. Amnesty International is concerned that police and prosecutors may be failing to distinguish between those who have been peacefully exercising their rights to freedom of expression and assembly, and those who are suspected of having committed violent acts.

On 12 June **Dorin Chirtoaca**, the Mayor of Chisinau was charged with “organizing mass disorder” and an attempted coup d’etat, a crime which carries a maximum sentence of 15

years' imprisonment. According to his lawyer, the charges are politically motivated. Dorin Chirtoaca is a member of the opposition Liberal Party, and has declared his intention to stand in the parliamentary elections on 29 July. He has also publicly condemned violations committed by the police during the demonstrations. His lawyer told Amnesty International that he was present at the demonstrations on 7 April, but that he was exhorting people not to resort to violence.

Amnesty International remains concerned that **Natalia Morari** and **Ghenadie Brega** have also been charged with "organizing mass disorder". Both were amongst a group of civil society activists who organized a peaceful "day of mourning" on 6 April to protest against the results of the Moldovan parliamentary elections. They had informed the authorities about their plans, in accordance with the law. They announced the vigil on social networking sites, by texting on mobile phones and by word of mouth. Natalia Morari told Amnesty International that they expected no more than 300 young people to come and were amazed when as many as 10,000 people joined them, including the leaders of all major opposition parties. They are currently awaiting trial.

In a standard reply to Amnesty International's appeals on behalf of Natalia Morari and Ghenadie Brega, the General Prosecutor's office has claimed that "only active participants in illegal actions, qualified by criminal law and namely the persons who applied violence against representatives of law enforcement bodies, destroyed, or called for arson and destruction of the public property have been detained and are prosecuted."

Amnesty International considers that **Natalia Morari**, **Ghenadie Brega** and **Dorin Chirtoaca** have been charged with criminal offences for the legitimate exercise of their right to freedom of expression and, as such, if sentenced Amnesty International will consider them prisoners of conscience.

Harassment of human rights defenders and civil society organizations

In a letter to the Prime Minister on 29 April, Amnesty International expressed concern that at least seven NGOs, including the local office of Amnesty International, had received letters from the Ministry of Justice dated 16 April. The letters requested that each organization explain its position towards the riots, and any measures taken by the organization to prevent and stop the violence, as well as to enforce the Law on Assemblies. These seven organizations and four other organizations also received unexpected subpoenas from their local tax inspectorates dated 24 April, asking them to present financial documents for 2008 and 2009, and to identify their sources of income and expenditures by 28 April. On 28 April, the Amnesty International office in Moldova was visited by representatives from the local tax inspectorate, who requested that the organization provide a copy of the list of members who had paid membership fees. In addition the Amnesty International office in Moldova appeared to be under surveillance from unidentified men in plain clothes for several days starting from 9 April.

In a reply to Amnesty International on 22 May the Ministry of Justice replied that the actions of the state tax authorities were unconnected with the actions of the Ministry of Justice and that the Ministry of Justice was acting in accordance with the law. No explanation has been offered by the state tax authorities.

Amnesty International urges the Moldovan authorities not only to ensure that human rights defenders are able to carry out their activities unhindered, but also to protect them against any "violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action" as a consequence of their human rights activity in accordance with the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

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