



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE: CAT/Follow-up

29 November 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the third periodic report of the Republic of Moldova, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of the 62<sup>nd</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/MDA/CO/3, para. 33) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 9, 14 (i) and 16 (c) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 31 July 2019 providing your Government's response on the above-mentioned paragraphs (CAT/C/MDA/CO/3/Add.1) and to make the following comments:

Fundamental legal safeguards (para. 9)

The Committee appreciates the extensive information provided by the State party on provisions in existing laws and regulations, but considers that it does not fully address its recommendations concerning the need to ensure that all fundamental legal safeguards against torture are enjoyed in practice by all detained persons from the outset of their deprivation of liberty. While welcoming some initial positive steps taken by the State party in this regard, such as the existence of meeting rooms for the detainees to meet with their lawyers, the Committee regrets the very limited information available about the monitoring activities conducted to ensure compliance in practice with these fundamental legal safeguards, especially during police custody, and the sanctions imposed during the period under review. In this connection, it is concerned about reports indicating that the independence and confidentiality of medical examinations of detainees are not always guaranteed (see Council for the Prevention of Torture's submission, p. 6) (2/B2).

H. E. Ms. Oxana Domenti  
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Impunity for acts of torture and ill-treatment - Mr. Andrei Braguta's death (para. 14 (i))

The Committee appreciates the explanations provided by the State party regarding the disciplinary measures imposed and criminal prosecution opened in relation to the death of Mr. Andrei Braguta on 26 August 2017. It would also appreciate receiving further information on the outcome of the criminal proceedings against the accused in this case, as well as on the measures taken by the State party to prevent such incidents in the future. (3/B1).

National preventive mechanism (para. 16 (c))

The Committee regrets that the information provided by the State party concerning the annual budget allocation for the People's Advocate Office does not specify the actual amount of funding received by the national prevention mechanism. It also regrets not having received any information regarding the measures taken to implement its recommendation to formalize the selection and appointment process of its members (O/C).

Implementation plans (para. 33)

The Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of the Republic of Moldova is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of the Republic of Moldova.

The Committee looks forward to a continued constructive dialogue with the authorities of the Republic of Moldova on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture