



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

21 May 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of the Republic of Moldova (CAT/C/MDA/3) by this Committee, at its 62nd session, held from 6 November to 6 December 2017. At the end of that session, the Committee's concluding observations (CAT/C/MDA/CO/3) were transmitted to your Permanent Mission. In paragraph 33 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 6 December 2018, further information regarding areas of particular concern identified by the Committee in paragraphs 9, 14 (i) and 16 (c). It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective (see, doc. CAT/C/55/3).

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's concluding observations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/MDA/CO/3)

REPUBLIC OF MOLDOVA

(...)

C. Principal subjects of concern and recommendations

(...)

Fundamental legal safeguards

(...)

9. The State party should ensure that all fundamental legal safeguards against torture are enjoyed in practice by all detained persons, including arrested persons and those in pretrial detention, from the outset of their deprivation of liberty. The State party should monitor the provision of such safeguards and ensure that any official who fails to provide them in practice is subjected to disciplinary or other appropriate punishment. In particular, the State party should ensure:

(a) The right of detainees to have prompt and confidential access to a qualified and independent lawyer immediately after arrest and during all stages of detention, including hearings;

(b) The right of detainees to request and receive a medical examination conducted in confidentiality by an independent doctor within 24 hours of their arrival in a place of detention;

(c) The right of detainees to have information concerning their detention, including the application and duration of special measures, recorded in a register at the place of detention and in a central register of persons deprived of their liberty that their lawyers and family members can access, in line with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(d) The disciplining or prosecution of officials who deprive detainees of fundamental legal safeguards, as required by law.

(...)

Impunity for acts of torture and ill-treatment

(...)

14. The State party should:

(...)

(i) Ensure that the allegations surrounding Mr. Braguta's death, including the alleged complicity of officials in his beating and in the denial of prompt medical care, allegations of medical negligence, and reported failure by many officials to report evidence of his treatment to the appropriate authorities, are effectively and impartially investigated and that the perpetrators are prosecuted.

(...)

National preventive mechanism

(...)

16. The State party should:

(...)

(c) Enable the council to carry out its mandate independently and effectively, including through the formalization of a clear, transparent and participatory selection and appointment process, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and provide it with a sufficient budget and administrative and staffing resources;

(...)

Follow-up procedure

33. The Committee requests the State party to provide, by 6 December 2018, information on follow-up to the Committee's recommendations regarding the provision of fundamental legal safeguards to persons deprived of their liberty, the death in custody of Andrei Braguta, and the national preventive mechanism (see paras. 9, 14 (i) and 16 (c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
