

# **Amnesty International**

## **Moldova**

### **Briefing to the Human Rights Committee**

#### **Introduction**

Amnesty International submits this summary of concerns for the consideration of the Human Rights Committee (HRC) for its examination of Moldova's second periodic report on implementation of the International Covenant on Civil and Political Rights (ICCPR). This submission aims to provide information on particular concerns of Amnesty International about some of the areas in which Moldova has failed to fulfil its obligations under the ICCPR. In particular, this submission highlights the organization's concerns with regards to the failure of the government to respect its obligations under the ICCPR to:

- Absolutely prohibit torture and other cruel, inhuman or degrading treatment or punishment (Article 7)
- Guarantee the right to liberty and security of the person (Articles 9 and 10)
- Ensure the right to a fair and public hearing by a competent, independent and impartial tribunal (Article 14)
- Guarantee the right to freedom of peaceful assembly (Article 21).

#### **Background**

Since the HRC last considered the country's obligations under the ICCPR Moldova has made substantial progress towards improving the protection of human rights by ratifying a number of international human rights conventions, and by making changes to some of its legislation to bring it closer in line with international human rights standards. For example, Moldova was the first country to ratify the Council of Europe Convention on Action against Trafficking in Human Beings in 2006, and in September 2006 Moldova acceded to the Optional Protocol to the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment. In 2005 Article 309/1 criminalizing torture was added to the Criminal Code, and in April 2008 a new Law on Assemblies came into effect which significantly improved protection of the right to assembly.

However, Amnesty International is concerned that despite these positive steps and the government's willingness to admit to the existence of human rights problems, there is a lack of political will to change practice to eliminate torture and other ill-treatment in police detention, to guarantee the right to a fair and public hearing and to ensure the right to freedom of peaceful assembly.

The actions of police officers following demonstrations which started in the capital, Chişinău, on 6 April 2009 which led to rioting on 7 April demonstrate the urgent need for the authorities to take action to bring police practice in line with international human rights standards, including the prohibition of torture and other cruel, inhuman or degrading treatment enshrined

in Article 7 of the ICCPR. Hundreds of people, including minors, were indiscriminately detained by police, and international and local non-governmental organizations (NGOs) collected testimonies from over 100 detainees, their families or lawyers, claiming that they had been beaten or subjected to torture and other ill-treatment. Despite the new Law on Assemblies police officers continue to detain people for organizing and taking part in peaceful assemblies.

## **Torture and other cruel, inhuman or degrading treatment or punishment**

### **Article 7 “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”**

The Moldovan government has made a number of legislative changes over the past four years aimed at improving the protection of detainees from torture and other cruel, inhuman or degrading treatment and at combating impunity for such acts, including the introduction of Article 309/1 in the Criminal Code criminalizing torture. In April 2008 the National Preventative Mechanism for monitoring places of detention, in compliance with Moldova's obligations under the Optional Protocol to the Convention against Torture, became operational.

Despite these positive steps, Amnesty International's research indicates that torture and other ill-treatment in police custody remains widespread and systemic. The European Court of Human Rights concluded in a number of cases that Moldova had violated its obligations to prohibit torture and other ill-treatment in police custody under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Three of these judgments were handed down in 2009, and referred to actions that took place in 2002, 2005 and 2004 respectively.<sup>1</sup> In its report on its visit from 14 – 24 September 2007 the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment found that the problem of ill-treatment by police was a significant and continuing problem and that one-third of the people interviewed by the Committee had alleged that they had been ill-treated in detention.<sup>2</sup> In his report on his visit to Moldova in July 2008, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment reported that ill-treatment in police custody was widespread and that he had received serious allegations of torture in some police stations.<sup>3</sup>

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<sup>1</sup>, *Buzilov v. Moldova*, (Application no. 28653/05), 23 June 2009; *Gurgurov v. Moldova*, (Application no. 7045/08), 16 June 2009; *Breabin v. Moldova* (Application no. 12544/08), 7 April 2009.

<sup>2</sup> *Report to the Government of Moldova relating to a visit to Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment*, December 2008, <http://www.cpt.coe.int/documents/mda/2008-39-inf-fra.pdf>

<sup>3</sup> *Report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment, Mission to the Republic of Moldova* (4-11 July 2008), <http://daccessdds.un.org/doc/UNDOC/GEN/G09/107/71/PDF/G0910771.pdf?OpenElement>

On 23 October 2007, Amnesty International launched a report highlighting its concerns about torture and ill-treatment in police custody (*Moldova, Police torture and ill-treatment: 'Its just normal'*, AI Index: EUR 59/002/2007).<sup>4</sup> The report concluded that torture and other ill-treatment was widespread and systemic in Moldova, and that the failure by the authorities to carry out effective and impartial investigations into torture allegations created a climate of impunity.

The actions of police officers during and after the demonstrations that followed the elections on 5 April 2009 revealed that recent legislative and organizational changes have had little influence on police practice, and that many of the existing safeguards against torture and ill-treatment are ineffective in practice. Hundreds of people were detained by police, many of them peaceful protestors, and many of them were subjected to beatings and other forms of ill-treatment. In a meeting with Amnesty International in July 2009 the Director of the Centre for Human Rights of Moldova (Ombudsmen's Office) stated that 300 people had been detained during the events following the elections. Local non-governmental organizations estimate that the figure may have been as high as 655. Amnesty International believes it is very likely that the number of detainees could be higher than 300 because some of the former detainees told Amnesty International that they had not been registered in police stations or that they had been hidden from prosecutors. Others claimed that the time and date of their detention had been falsified.

By 13 April 2009, Amnesty International had been contacted by 46 people, many of whom had reportedly been beaten or otherwise ill-treated in police custody. People who had been detained by the police in this context reported to Amnesty International that they had been punched, kicked and beaten by police officers in police stations. There were reports of beatings using police batons and other objects; in one case a metal shoe-horn was used. Some reported that groups of detainees were made to walk down "corridors" of police officers who beat, punched and kicked them as they passed. A young man who had been detained in Ciocana police station reported that this was done because one detainee complained to the judge about being beaten. In some cases detainees reported that they were deliberately humiliated by being forced to strip naked and perform gymnastic exercises. The UN Human Rights Advisor for Moldova confirmed that he saw evidence of "acts of cruel and unusual punishment" when he visited the pre-trial detention centre (SIZO) No. 13 in Chişinău on 11 April. The Council of Europe's Commissioner for Human Rights reported that when he visited detention centres following the events in April 2009, the majority of people interviewed by his delegation alleged that they had been ill-treated by police officers.<sup>5</sup>

**Oxana Radu** was among a group of 36 young people who had come from Cahul in the south of the country in two minibuses to see what was happening in Chişinău. The minibuses were stopped as they were returning to Cahul close to midnight on the night of 7-8 April. They were escorted in the minibuses to the General Police Commissariat on Tighina street. Oxana Radu,

<sup>4</sup> The report is available at: <http://www.amnesty.org/en/library/info/EUR59/002/2007/en>.

<sup>5</sup> Report by Thomas Hammerberg Commissioner for Human Rights of the Council of Europe Following his visit to Moldova - 25 to 28 April 2009, Strasbourg, 17 July 2009, CommDH(2009)27.

her sister and one other woman were taken directly into the police station. She told Amnesty International that she was led into a room where there was a female police officer and a male police officer. She reported that she was forced to strip naked and the male police officer asked her if she was cold and said "We will have to warm her up then". She stated that she was forced to do squats and that while she was doing this she was threatened and sworn at. She said that she was then taken to a cell with four other girls and her younger sister. They were reportedly left for two days without food or water, access to a lawyer or the possibility of contacting their families. Oxana Radu was accused of having shouted at a policeman and sentenced to five days' administrative detention by a judge in the police station. She and two other women were taken to Drochia in the north of the country to serve their sentence. She was released at 2 am on 14 April.

### **Impunity for torture and other ill-treatment: Articles 2 and 7**

In its 2007 report on torture and other ill-treatment in police custody, (*Moldova, Police torture and ill-treatment: 'Its just normal'*, AI Index: EUR 59/002/2007), Amnesty International identified a number of factors which it considers have led to impunity for torture and other ill-treatment including low rates of conviction of police officers for torture and other ill-treatment, the difficulties that victims face in lodging complaints, as well as the failure of the Prosecutor General's office to conduct prompt, thorough, independent and impartial investigations.

Amnesty International is concerned that the lack of independence of the prosecution authorities is one of the main barriers to impartial investigations of allegations of torture and other ill-treatment. In Moldova, prosecutors are responsible for overseeing criminal investigations carried out by police officers as well as being responsible for the investigation of police misconduct. Amnesty International considers that the lack of independence of the investigating body has resulted in cases against law enforcement officers being inadequately investigated, delayed or stalled, or not opened at all. As far back as 2003 the UN Committee against Torture expressed its concern over the "absence of an independent oversight mechanism competent to deal with complaints against the police," and recommended that the Moldovan government should "establish an independent administrative body competent to deal with complaints against the police and law enforcement personnel".<sup>6</sup> In his report on his mission to Moldova in July 2008, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended that "an independent authority with no connection to the body investigating or prosecuting the case against the alleged victim should investigate promptly and thoroughly all allegations of torture and ill-treatment ex-officio."

To date, such a mechanism has not been established, but the Prosecutor General's office has responded to criticism, and since 19 November 2007 allegations against police officers in Beltsi, Cahul and Chişinău have been investigated by a special group within the Prosecutor General's office which includes military prosecutors. In an effort to ensure their impartiality, these prosecutors are specially trained and do not interact with police officers in the normal

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<sup>6</sup> *Conclusions and Recommendations of the Committee against Torture on Moldova*, CAT/C/CR/30/7, 27 May 2003.

course of their work. In a further interesting development, on 14 March 2008 the Moldovan parliament passed a law amending the Criminal Procedural Code and adding Article 3-1 which states that the burden of proof in cases of torture lies with the institution in which the detainee was held which must disprove the act of torture. This would appear to be a positive development, but Amnesty International has not yet been able to monitor the use of this article in practice.

However, despite these changes, the very low number of criminal cases that have been started against police officers following the events in April 2009 suggests that there is continuing impunity. The Prosecutor General informed Amnesty International in July 2009 that 96 complaints of torture and other ill-treatment had been received following the 7 April demonstrations, but that only 10 criminal cases against police officers are currently ongoing. Of these, four are for torture, three for exceeding official duties, and three for other offences including robbery.

Amnesty International is concerned that the numbers of complaints do not reflect the scale of the problem and that under-reporting of torture and other ill-treatment contributes to impunity. Lawyers expressed frustration to Amnesty International that many of their clients who had been subjected to torture and other ill-treatment at the hands of the police chose not to lodge complaints either because they feared retaliation from the police or because they had no faith that the complaints would be acted on.

One person with whom Amnesty International spoke, **I.C.**, asked Amnesty International not to use his name because, since he had complained about the ill-treatment, there had been a heavy police presence outside his home. **Oxana Radu** told Amnesty International that she did not complain about the sexual harassment she had suffered because she had no faith in the complaint system and because it was too much trouble for her to travel from Cahul to Chişinău for hearings.

### **Intimidation of victims and witnesses**

Amnesty International has previously documented the problem that victims and witnesses in cases of torture and other ill-treatment have been subjected to intimidation and threats from the perpetrators.

In February 2008, **Viorica Plate** informed Amnesty International that she and her lawyer had been harassed by police. Viorica Plate was tortured by police officers in Chişinău in May 2007, and on 1 November 2007 two of the officers who had been convicted on charges of torture were sentenced to six years' imprisonment and one was given a suspended sentence. She accused the police officers, who had been convicted of torturing her, of harassment and said that two of the officers had not been detained. On 6 March 2008, the Prosecutor General's Office stated in a letter to Amnesty International that the officers in question had not been detained because they were appealing against their sentence, and that it was not considered necessary to take protective measures on behalf of Viorica Plate.

## Procedural rights of detainees

- Article 9.1** “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”
- Article 9.3** “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.”
- Article 10** “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”

### Access to a lawyer

Prompt access to a lawyer by persons arrested is a “fundamental safeguard” against ill-treatment and this right should apply from the outset of custody. Article 167 of the Criminal Procedural Code stipulates that within three hours of their arrest all persons detained in connection with violations of criminal law must be informed of their right to legal assistance, as well as the reasons for their arrest, and all their other rights. According to Article 64 of the Criminal Code they have the right to confidential legal advice “before the first interrogation”. In July 2007, a new legal aid law was passed which guarantees legal aid for all defendants who cannot pay for legal counsel.

Amnesty International is concerned that despite these guarantees many detainees are not granted prompt access to a lawyer and are often subjected to torture and other ill-treatment at the hands of police officers before they are granted access to a lawyer.

**Vitalii Colibaba** was detained on 21 April 2006 by police officers from Buiucani district police station in Chişinău, the capital city. He stated to Amnesty International that the police tortured him to force him to confess to injuring a police officer in a drunken brawl. He was not allowed to see a lawyer until he had been in custody for six days.

Amnesty International is concerned that interrogations are often carried out without the presence of a lawyer and that in many cases the quality of assigned legal counsel is inadequate. The Organization for Security and Cooperation in Europe (OSCE) conducted a trial monitoring project in Moldova from April 2006 to May 2007 and concluded that “about 20

per cent of defence lawyers were unprepared, not interested in the case and/or passive". The project report noted that the performance of ex-officio defence lawyers was particularly worrying and that there had been "instances when an ex-officio defence lawyer asked clients for payment even though those services were paid for by the state."<sup>7</sup>

**A.B.** was detained on 25 February 2006. He stated to Amnesty International that he was severely beaten by police officers from the Department for Internal Security of the Ministry of Internal Affairs to force him to testify that a police officer had stolen petrol coupons. Police officers called a state-funded lawyer, but according to A.B., he did not even take notes when A.B. told him about the beating he had just suffered, and was not interested in the fact that he was covered in blood. The lawyer reportedly asked A.B. to hand over the US\$150 he had on him at the time of arrest and then left. According to A.B., the police initially recorded the fact that A.B. had handed over the money to the lawyer, but the lawyer reportedly asked the police officers to destroy that report, and there is now no record that the money was taken.

One young man, who asked to remain anonymous, was detained on 10 April 2009 and reported to Amnesty International that he was beaten in police custody. He saw an ex-officio lawyer on 11 April 2009, who reportedly told him that if he paid 500 Euros he would not be beaten any more. According to the young man, the lawyer took no action to report the allegations of ill-treatment.

### Use of the administrative code

In its 2007 report, *Moldova, Police torture and ill-treatment: 'Its just normal'*, AI Index: EUR 59/002/2007, Amnesty International expressed concern that those detained under the Code of Administrative Infractions did not have access to the same safeguards as those detained under the Criminal Code, and that the Code made it possible for police to detain people for extended periods of time under various clauses without bringing them before a judge. Lawyers have told Amnesty International that police officers commonly detain people for administrative offences while seeking evidence for criminal offences. Such administrative detainees were reportedly identifiable because they were held in the police cells reserved for criminal suspects rather than in the cells reserved for administrative detainees.

Those detained under the Code of Administrative Infractions were not automatically given the right to legal defence. When **Oksana Radu** was detained on 8 April 2009 and charged with an administrative offence, she was only granted access to a lawyer of her choice on 13 April.

On 31 May 2009, a new Code of Violations was adopted which replaces the Code of Administrative Infractions. The Code of Violations guarantees those deprived of their liberty for infractions of the Code access to a lawyer of the detainee's choice or to an ex-officio lawyer. The Code permits the police to detain people for some offences for three hours before being brought before a judge, and still permits police to detain people for 24 hours without being

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<sup>7</sup> *Analytic Report of the Trial Monitoring Programme for the Republic of Moldova: Observance of Fair Trial Standards and Corresponding Rights of Parties during Court Proceedings* (April 2006 – May 2007), OSCE Mission Moldova, p.9, [http://www.osce.org/documents/mm/2008/06/31833\\_en.pdf](http://www.osce.org/documents/mm/2008/06/31833_en.pdf).

brought before a judge if they are suspected of an offence that could carry a short prison term ("arrest") or for an unspecified period of time in certain circumstances including if they are suspected of minor hooliganism, sell goods that are beyond their expiry date, trade in an unauthorized place, or wilfully fail to act on the instructions of the prosecutor or a police officer.

### **Politically motivated criminal charges**

Amnesty International continues to document cases of the misuse of the criminal justice system for political and corrupt reasons.

**Gheorghe Straisteanu**, a former Member of Parliament, founder of the first private television company in Moldova, a well-known critic of the government, and the owner of a desirable piece of land on a lakeside in Onesti district was detained twice in 2005 and 2006, and charged with two different criminal offences. Gheorghe Straisteanu and an employee were subjected to torture and other ill-treatment, and his family were repeatedly harassed by police officers. A video which was shown on state television showed President Voronin at a meeting with high-ranking officials, among whom was the Prosecutor General, the head of the Anti-Corruption Department, and the prefect of the county where the applicants' land was situated. He was seen expressing dissatisfaction with the fact that in spite of his clear indications to numerous State bodies, the Straisteanu family property had not been returned to the State and a monastery. While in detention Gheorghe Straisteanu was approached by police officers, who proposed that he sell the property in exchange for his release. His wife was told that she should sell the family property or she would not see her husband again. In April 2009 the European Court of Human Rights ruled that there had been a violation of Articles 3, 5, 6 and 13 of the ECHR (concerning the prohibition of torture and other ill-treatment, the right to liberty and security, the right to a fair trial and the right to an effective remedy). The court held that the hardship endured by the applicant during both his 2005 and 2006 detentions reached a threshold of severity contrary to Article 3 of the Convention.

Following the demonstrations in April 2009 in Chişinău, a number of people were charged with criminal offences, and Amnesty International is concerned that they are being targeted for their political or social activism.

Civil society activist and journalist **Natalia Morari** was charged on 14 April 2009 with "organizing mass disorder" (Article 285) - a crime that carries a sentence from two to 15 years' imprisonment. She was among a group of civil society activists who organized a peaceful "day of mourning" on 6 April 2009 to protest against the results of the Moldovan parliamentary elections. They had informed the authorities about their plans, in accordance with the law. The vigil was announced 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. The meeting dispersed peacefully at about 8.30pm on 6 April.



**Anatol Matasaru** has previously been detained by police for his peaceful protests on numerous occasions. In January 2009 he was detained for conducting a one-man protest outside the Prosecutor General's office, which according to information received by Amnesty International was peaceful, during which he dressed in a pig costume to complain about lack of action on a complaint about ill-treatment in police custody that he had lodged. He has previously brought a pig and a donkey with him when staging a protest. He was detained again on 8 March 2009 and allegedly badly beaten by police officers requiring hospital treatment for his injuries. Anatol Matasaru was reportedly also forced by the police officers beating him to lick their boots so that they would stop. He has been charged under Article 285 for organizing mass disorder and was detained on 8 April. He was detained until 10 June when he was placed under house arrest by a court. He was released from house arrest on Monday 13 July 2009 just hours before being detained again on suspicion of having stolen five kilos of *jumere* (home made pork conserve), three kilos of pork skin, two bottles of wine, home made biscuits and an expensive designer watch in 2007. The fact that he is accused of stealing pork products suggests a link with his previous demonstrations and the fact that the victim of the alleged theft chose to complain at this time when the crime is alleged to have occurred in 2007 suggests that the most recent charges have been fabricated by the police with the aim of ensuring that he remains in detention. Furthermore, on 29 of June a further criminal investigation was started into allegations that Anatol Matasaru shoved a cameraman from Moldova 1 television station, during the demonstrations on 7 April, damaging his camera. This investigation has been added to the case concerning the allegation of theft in 2007. On 10 August Anatol Matasaru was released on bail, and the two cases against him are ongoing.

## Fair Trials

**Article 14**      **“All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”**

### The right to a public hearing

The right to a public hearing in criminal cases is guaranteed by the Moldovan Constitution and the Criminal Procedural Code. The Criminal Procedural Code allows for this right to be restricted when morality, public order or national security are threatened or to protect minors or the private lives of the parties. In practice, the right to a public hearing is often restricted for reasons that do not fall into these categories, such as because of a lack of suitably equipped court buildings, or the preference of judges or prosecutors. The OSCE Trial Monitoring Programme reported that: “Out of 2,395 hearings monitored by the Programme, proceedings were held in a courtroom in 36% of the hearings (860 hearings) and in the judge's office in 51% of the hearings (1,227 hearings). The remaining 13% of the hearings (308 hearings) includes hearings which were unofficially postponed after having been held in

other places such as waiting rooms or in the corridors of the court, sometimes without the participation of the judge.”<sup>8</sup>

Court hearings that are held in judges' offices are reportedly frequently interrupted when people come in to ask questions or when the phone rings. In many cases there reportedly is not enough room in the office for any members of the public to attend. According to the OSCE report this practice had the effect of making people behave less professionally and made it impossible to allow for the proper physical separation between the various participants in the case. Amnesty International is concerned that this has a particularly negative effect in prosecutions related to trafficking in human beings, where witnesses are forced to sit in close proximity to those they are testifying against.

In the days immediately following 7 April 2009 judges reportedly drew up arrest warrants in local police stations using template documents and thus depriving the detainees of a public hearing. In some cases the hearings were so informal that the detainees were unaware they were before a judge. **Oxana Radu** told Amnesty International that when she was sentenced for an administrative offence by a judge in the police station on 10 April, she did not realize that she was speaking to a judge.

### **Impartiality of the judiciary**

The Constitution and the Criminal Procedural Code both guarantee the right to an independent and impartial tribunal. Articles 25 and 26 of the Criminal Procedural Code provide for the right to a trial before an independent and impartial tribunal established by law. However, the OSCE trial monitors noted that there were many instances of behaviour in court rooms which indicated lack of independence from outside pressure, and in one case the judge actually complained of being put under pressure including from the Ministry of the Interior.

In 2003 **Iaroslav Sarupici** was accused of having murdered someone in Moldova. He was detained in Ukraine and secretly transferred from Ukraine to Moldova without any extradition procedures. He was allegedly tortured to extract a confession while he was detained at the temporary isolation facility (IDP) in Chişinău. On three occasions in the course of the legal proceedings the judge stated that “the case is under the direct supervision of the President” and “I am regularly called to report on this case”. Iaroslav Sarupici was convicted of murder in September 2003, but on 1 March 2008 the Supreme Court overturned the conviction of Iaroslav Sarupici and other defendants in the case and noted the numerous violations of law and procedure. Iaroslav Sarupici has filed an application with the European Court of Human Rights alleging that his rights under the ECHR have been violated in the course of the proceedings against him.

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<sup>8</sup> OSCE Trial Monitoring Programme report, p.21.

## Freedom of assembly

**Article 21** “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

On 22 February 2008 the Moldovan parliament passed a new law on assembly which came into force on 22 April 2008. The new law, drafted after extensive consultation with civil society, was considered to be a significant step towards better respect for the right to freedom of peaceful assembly in Moldova, and was described by the OSCE/ODIHR Expert Panel on Freedom of Assembly as a “significant improvement” that “may well serve as an example of good practice in the OSCE region.”<sup>9</sup>

Under the new law, organizers of public events are required to inform local authorities of the event, but are no longer required to seek permission, and assemblies of less than 50 individuals can meet spontaneously without notification. The law also specifies that assemblies may only be prohibited by a court. However, Amnesty International remains concerned that despite these progressive provisions, police and local authorities continue to unduly restrict the exercise of the right to freedom of peaceful assembly. According to monitoring carried out by a local non-governmental organization, the Resource Centre for Human Rights (CReDO), police presence at demonstrations, the number of detentions and the use of force by police have increased since the new law came into force. It reported that people were prevented from demonstrating peacefully or detained for short periods if they did, although most people brought before the courts were acquitted.

On 30 April 2008, **Oleg Brega**, a member of the freedom of expression organization Hyde Park, was detained by police for protesting peacefully and alone in the centre of Chişinău on the anniversary of the founding of the state broadcasting company. Police tried to prevent him protesting and charged him with hooliganism. On 8 May 2008, the court sentenced him to three days’ detention for swearing in public. His brother Ghenadie Brega was fined for protesting in public against Oleg Brega’s detention. Oleg Brega was acquitted by the Court of Appeal on 27 May 2008.

Amnesty International has documented several incidents when police officers failed to uphold the right to freedom of association by protecting peaceful demonstrators from counter-demonstrators. For example, on 8 May 2008, the Chişinău Mayor’s Office banned a demonstration by lesbian, gay, bisexual and transgender (LGBT) activists on the basis that he would be unable to guarantee their protection from counter demonstrators. When the activists decided to try and hold their demonstration on 11 May 2008, they were surrounded by

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<sup>9</sup> OSCE/ODIHR *Opinion on the Draft Law of the Republic of Moldova on Assemblies*, Warsaw, 2007, <http://www.legislationline.org/countries/country/14>.

approximately 300 aggressive counter-demonstrators, who prevented them from leaving the bus. Onlookers reported that there were very few police officers present at the scene, and despite the rising tension the police took no action to protect the LGBT activists, who were forced to leave the area. Nobody was injured. On 3 February 2009 police took no action when several participants at a peaceful demonstration, including the Chair of Amnesty International Moldova were attacked and injured by masked counter-demonstrators. The demonstration was organized by Amnesty International Moldova, CReDO, Hyde Park, Promo Lex and the Institute for Human Rights to protest against previous failures by the police to uphold the right to freedom of assembly and expression, and to call on the Prosecutor General's office investigate these violations.