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REFERENCE: jmm/mmm/fg/follow-up/CAT/Moldova

7 March 2006

Mr. Ambassador,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, I refer to the examination of the Republic of Moldova's initial report (CAT/C/32/Add.4) by this Committee at its 30<sup>th</sup> session, from 28 April to 16 May 2003. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/CR/30/7) were transmitted to your Permanent Mission. In paragraph 7 of those conclusions, the Committee asked, pursuant to its rules of procedures, that the Republic of Moldova provide responses to the questions asked by its members (see extracts of summary records annexed) and to the issues raised in the conclusions and recommendations by 31 August 2003 (see extracts annexed).

The information originally sought by the Committee has not yet been provided, although the deadline of the Committee's Conclusions and Recommendations has elapsed. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on these matters, and when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further information or action is needed.

The Committee looks forward to pursuing the constructive dialogue it has started with the authorities of the Republic of Moldova on the implementation of the Convention. In this context, the Committee seeks to receive your response to this enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in cursive script, reading "Felice D. Gaer".

Felice D. Gaer  
Rapporteur for Follow-Up on Conclusions and Recommendations  
Committee against Torture

H.E. Mr. Dumitru Croitor  
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Conclusions and recommendations of the Committee against Torture  
(Extracts for follow-up)**

**REPUBLIC OF MOLDOVA**

(...)

**D. Recommendations**

6. The Committee recommends that the State party:

(a) Ensure that the fundamental safeguards against torture and ill-treatment of detainees, including those held for administrative offences, are available in practice, including their right to medical assistance and legal counsel and to contact with their families from the earliest stages of their detention;

(b) Incorporate in the new Criminal Code a definition of torture as a separate crime that is in conformity with article 1 of the Convention;

(c) Ensure prompt, impartial and full investigations into the many allegations of torture reported to the authorities, the prosecution and punishment of the perpetrators, as appropriate, and the provision of just compensation for the victims;

(d) Discontinue the practice of administrative police detention;

(e) Establish an independent administrative body competent to deal with complaints against the police and law enforcement personnel;

(f) Take effective measures to ensure a fully independent procuracy and an independent judiciary in conformity with the United Nations Basic Principles on the Independence of the Judiciary, if necessary by calling for international cooperation;

(g) Take measures to ensure that evidence obtained under torture is not invoked in court;

(h) Take measures to ensure that the requirement of article 3 of the Convention is taken into consideration when deciding on the expulsion, return or extradition of aliens;

(i) Transfer the responsibility of detained persons in temporary holding facilities from the Ministry of the Interior to the Ministry of Justice;

- (j) Issue directives on the proper conduct of interrogations of persons in police custody, including the total prohibition of ill-treatment and torture;
- (k) Provide an information sheet in the appropriate languages in all police stations to inform all detainees of all their rights immediately after their arrest;
- (l) Improve the conditions of detention in police stations and prisons so as to bring them into conformity with article 16 of the Convention, and establish an independent and systematic system to monitor the treatment in practice of persons arrested, detained or imprisoned;
- (m) Reinforce human rights education and promotion activities regarding the prohibition of torture, particularly for law enforcement and medical personnel, and introduce training in these subjects in official education programmes;
- (n) Provide in the next periodic report detailed statistical data, disaggregated by crime, region, ethnicity and gender, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, as well as related investigations, prosecutions and disciplinary sentences and redress offered to victims;
- (o) Widely disseminate the Committee's conclusions and recommendations in the State party in all appropriate languages.

7. The Committee requests the State party to provide responses to the questions asked by its members by 31 August 2003.

8. The State party is invited to submit its next periodic report, which will be considered as the second, by 27 December 2004.

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COMMITTEE AGAINST TORTURE  
Thirtieth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC) OF THE 565th MEETING  
(Extracts for follow-up)

Held at the Palais Wilson, Geneva,  
on Friday, 9 May 2003, at 3 p.m.

Chairman: Mr. BURNS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 19 OF THE CONVENTION (continued)

Initial report of the Republic of Moldova (continued)

(...)

32. Mr. RASMUSSEN, Country Rapporteur, acknowledged that, due to its late arrival in Geneva, the delegation had not had much time to prepare its answers to the questions put by the Committee. He welcomed the fact that the delegation had offered to provide any outstanding replies in writing at a later date and would like to know when the Committee could expect to receive them.

33. He had been very impressed by the replies concerning reforms to the prison system. He had been disappointed, however, to learn that no changes had been made to the system of police custody. For example, he had not been able to ascertain whether or not food was provided to persons detained in police custody.

34. He had not received a reply to his query as to whether the remand centres (EDPs) had been transferred from the control of the Ministry of Internal Affairs to that of the Ministry of Justice and he asked the delegation to submit an answer in writing.

35. Similarly, he had not received a reply to his question as to whether migrants, including children, were being held at the Chisinau Vagrants Centre, which was an EDP in fact and thus totally unsuitable for holding non-criminal migrants. He had also asked for information on other centres where migrants were being held and would like to receive all such information in written form.

36. The delegation had also failed to reply to his question concerning the staffing problems of health-care personnel in detention facilities. There again, he would like an answer in writing.  
(...)

38. The CHAIRMAN, speaking as Alternate Country Rapporteur, said that he was disappointed with the replies from the Moldovan delegation which had contained little of substance. The Committee had received none of the information it had requested on the status of the judiciary, the ill-treatment of persons held in detention centres, the investigation of allegations of ill-treatment or the fate of individuals in specific cases. However, he recognized that the report was Moldova's first and that the delegation had possibly not known what was expected of it. He therefore asked it to respond fully in writing on its return home.

39. The members of the delegation of the Republic of Moldova withdrew.

(...)