



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
19 November 2009

Original: English

Committee against Torture
Forty-third session

Summary record of the 912th meeting

Held at the Palais Wilson, Geneva, on Thursday, 12 November 2009, at 10 a.m.

Chairperson: Mr. Grossman

Contents

Consideration of reports submitted by States parties under article 19 of the Convention
(*continued*)

Second periodic report of Moldova (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Second periodic report of Moldova (continued) (CAT/C/MDA/2; CAT/C/MDA/Q/2 and Add.1; HRI/CORE/1/Add.114)

1. *At the invitation of the Chairperson, the members of the delegation of Moldova resumed their places at the Committee table.*
2. **Mr. Cerba** (Moldova), replying first to the question on the preparation and training of officials, said that in 2009 three seminars had been organized for law enforcement personnel on the subject of crowd control. In May and July, two tactical training classes had been held at national level, as well as lectures and seminars with deputy police commissioners on the use of force to maintain public order, and an OSCE seminar on the subject had been conducted for the special police task force.
3. With regard to the questions on interrogation methods and access to lawyers, he said that, with a view to ensuring strict compliance with the provisions of Moldova's Code of Criminal Procedure prohibiting torture and ill-treatment during the questioning of suspects, recommendations for protecting the rights of suspects had been sent to all criminal investigation bodies. Criminal investigation officers attended annual seminars on the rights of suspects during interrogation and the importance of keeping a written record of the questioning. In line with a recommendation of Amnesty International, each police station posted a notice on the rights of detained persons. All activities in connection with persons in custody or under arrest were carried out in the presence of a lawyer, who was either chosen by the person concerned or appointed by the State. Suspects had the right to see a lawyer as soon as they were arrested.
4. In relation to questions on corruption, reference had been made to the Centre for Combating Economic Crimes and Corruption. Since 2007, the Centre had brought to light eight criminal cases of corruption involving the staff of the Ministry of Internal Affairs, one involving staff of the Prosecutor's Office and one involving staff of the judicial system. In 2008, proceedings had been initiated against police officers in 14 cases involving corruption, and in 1 case against a staff member of the Ministry of Justice. In addition, the Ministry of Internal Affairs had a department of internal security which, in cooperation with the Prosecutor's Office, had brought actions against police officers in 35 cases in 2007, 53 in 2008 and 27 in the first 10 months of 2009.
5. Considerable efforts had been made in recent years to renovate remand facilities and detention centres. Health-care facilities had been modernized, exercise yards had been installed, and inmates could take exercise outside once a day. Medical services had been improved, and facilities had been created for unrestricted confidential meetings with lawyers. Three meals a day were provided, and food quality had been upgraded. Eight substandard remand facilities had been closed down. In 2003, a parliamentary decision signed by the President had provided for the transfer of responsibility for remand facilities from the Ministry of Internal Affairs to the Ministry of Justice and for the creation of new remand facilities, each with 250 places. A number of decrees had also been issued on the subject. Repairs funded by the Ministry of Internal Affairs had been carried out at the Orhei facility to improve conditions of detention.
6. **Ms. Dumbraveanu** (Moldova) said that her country had signed the Convention on the Rights of Persons with Disabilities and was preparing legislation for its ratification. A national strategy had been drawn up for the protection of such persons. Moldova had ratified the Convention on the Rights of the Child in 1993, and had submitted three reports to the Committee on the Rights of the Child on the implementation of that instrument. It

had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict in 2004 and had submitted one report on its implementation. It had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2007.

7. As to Moldova's legislation on trafficking in persons, she said that in 2005 a law had been enacted to prevent and combat such practices and to protect and assist victims. Subsequently, parliament had adopted a plan of action for establishing a national strategy for protecting and assisting victims and potential victims of trafficking. Its main focus was on prevention, assistance and transnational cooperation. To strengthen the institutional framework, the Minister of Labour and Social Protection offered assistance to families and had set up a centre to protect actual and potential victims.

8. The Criminal Code provided for criminal sanctions for trafficking in persons. Offenders could be imprisoned and excluded from certain types of employment, and legal entities implicated in trafficking could be fined or even dissolved.

9. **Mr. Cerba** (Moldova) said that in 2007, 250 cases of trafficking in persons had been detected, of which 150 had been brought to court; in 2008, 215 cases had been detected, 96 having been brought to court; and in the first 10 months of 2009, 172 cases had been detected, 88 having been brought to court. The discrepancy between the number of cases detected and those brought to court was due, inter alia, to the lengthy nature of the investigations and the number of requests from other countries.

10. A national committee was the Government's standing advisory body for coordinating activities to prevent and combat trafficking; its work had a high priority. It was composed of representatives of the public authorities, including law enforcement bodies, and NGOs and international organizations active in the field. The national committee had met three times in 2007, four times in 2008 and four times in 2009. At the latest meeting, held on 9 November and chaired by the Prime Minister, it had adopted a two-year national plan to combat trafficking.

11. **Ms. Dumbraveanu** (Moldova) explained that the Complaints Committee, about which questions had been asked, had been set up to review complaints lodged by persons in detention. Its membership included a judge or prosecutor, a physician, and representatives from the social welfare services, the childcare authorities and an NGO working in the field. The committee, of which she herself was a member, was working effectively, visiting prisons and looking into complaints from detainees. To optimize its activities, active participation by civil society must be encouraged, its mandate must be broadened to include other NGOs, and it must be provided with adequate funding.

12. With regard to the recommendation that the Government should establish a gender equality unit, she said that such bodies already existed within the Ministry of Labour and Social Protection, the Ministry of Justice, the Ministry of Internal Affairs and the General Prosecutor's Office. A commission on gender equality had been mandated to promote a comprehensive approach to that question and to coordinate the activities of national and local authorities and cooperation between the Government and civil society. With the help of educational institutions, the media and NGOs, the national office for statistics had published data disaggregated by gender for use in the formulation, implementation, monitoring and assessment of gender policies in the areas of social protection, employment, health care, education and women's participation in politics.

13. In 2008 a new law had come into force which established the organizational and legal basis for addressing the problem of domestic violence and victims' reluctance to report such acts. It determined which bodies and institutions took action, set up a complaints mechanism for victims and regulated the handling of complaints. Moldova had shelters for victims of domestic violence and institutions which provided day-care facilities

for children, legal assistance, rehabilitation and other services. A bill to amend the Criminal Code, the Code of Criminal Procedure, the Family Code and the Police Act would require prosecutors and judges to determine whether the wishes of victims of domestic violence had been freely expressed, and would establish a more detailed procedure for action in cases of domestic violence.

14. As to questions on national minorities, and Roma in particular, she said that the problems which existed in that area were given priority attention at the highest level of government, and discussions on ways of addressing them were being held with representatives of the Roma community. A plan of action 2007–2010 had been introduced to assist Roma. Specific measures had been taken in the areas of education, culture, health care, child protection, welfare and employment with a view to involving Roma in all spheres of life. In areas with a high Roma population, the Government, together with NGOs active in the field, channelled financial support from international organizations to projects designed to train social and health-care workers from the Roma community at the local level. Initiatives to foster a healthy way of life were particularly important, as were efforts to prepare young people for playing a role in the community. To promote access to higher education, a 15 per cent quota had been introduced for certain categories of persons, which included young Roma.

15. **Mr. Cerba** (Moldova) referred to a number of problems relating to the training of police officers in Roma communities. The Ministry of Internal Affairs had formulated and approved a set of measures to support Roma in accordance with the plan of action mentioned by his colleague. In that connection, the police academy had introduced a study programme for police officers on the culture of ethnic minorities and the elimination of all forms of racial discrimination; the programme included lectures and seminars by specialists. In 2008, three seminars had been held in areas with large Roma communities.

16. **Mr. Padure** (Moldova), replying to questions about mentally-ill patients, said that such persons were administered only minimal doses of medicines. They had occupational therapy and were permitted to take part in sports. Measures were planned to increase the space available for recreational activities. Patients or their legal representatives gave written consent to psychiatric treatment. Treatment of children was provided using a new generation of psychotropic substances; the doses were calculated in accordance with international standards and in consultation with specialists on that subject. The focus of paediatric care was on psychiatric treatment, sports, occupational therapy and physiotherapy.

17. Tuberculosis patients received a balanced diet which included meat, fish and dairy products. In 2006, a rehabilitation unit had been set up at one penitentiary institution, with places for 80 tuberculosis patients. Following the introduction of a number of measures, the incidence of tuberculosis among prisoners had declined from 495 in 2006 to 245 in 2008, and to 159 in the first nine months of 2009. Cases of initial tuberculosis had been halved, from 314 cases in 2006 to 153 in 2008. The number of recurrences had fallen by 40 per cent between 2006 and 2008. Of the 159 cases registered in the first nine months of 2009, 100 were initial cases, and 59 were recurrences. The rate of tuberculosis among detainees had declined from 1,152 cases in 2001 to only 278 in the first nine months of 2009. Between 2001 and 2007, tuberculosis mortality among detainees had fallen by half; 15 prisoners had died in 2008, and 9 in the first nine months of 2009. A committee had been set up within the Prison Service to involve detainees in the DOTS-plus programme, and a centre equipped with 40 beds had been opened to provide prisoners who had resistant forms of tuberculosis with a full course of treatment; 80 prisoners had been treated to date. As of 1 October 2009, 52 patients were undergoing such treatment. With the support of the Global Fund to Fight AIDS, Tuberculosis and Malaria, patients with resistant forms of tuberculosis

received monthly packages containing special food, and most patients continued to receive assistance even after treatment was completed.

18. The above statistics had been confirmed by the European Committee for the Prevention of Torture following its latest periodic monitoring visit in September 2007.

19. **Mr. Harunjen** (Moldova) said that, while torture had been included in the Criminal Code as a separate offence in 2005, torture and other forms of ill-treatment at the hands of State officials had always been investigated previously in an attempt to prevent abuses of power. Complaints could be lodged by alleged victims or by their legal counsel or other representative. The General Prosecutor's Office took up cases directly or ordered an inspection of prison facilities. The media had also alerted the authorities to the need for investigations in the past. The General Prosecutor's Office was often responsible for working with alleged victims of torture or ill-treatment to persuade them to lodge complaints or to cooperate with investigations in supplying evidence. In January 2009, legislative amendments had been enacted establishing a number of posts of special prosecutors, who were solely responsible for upholding the rights of citizens involved in criminal proceedings. In the three regions where there were military special prosecutor's offices, the special prosecutors were in charge of all investigations into allegations of torture and ill-treatment in order to ensure total impartiality and independence from the police.

20. Responding to the question on statistics, he said that in the first nine months of 2009, some 64 cases of torture or ill-treatment had come to light, 20 of which had gone to court. Analysis of those offences revealed that the most common methods of torture were beatings with clubs or plastic bottles filled with water, low-voltage electric shocks and smothering. No specific tools of torture had been identified, and so there were no legislative provisions covering trade in such tools. Most of the cases involving torture and ill-treatment that did not go to court had been brought too late after the event, when it had been impossible to substantiate alleged victims' claims. Such cases were dismissed, but alleged victims had the right to appeal that decision if they felt they could prove their allegations.

21. The Government attached great importance to eliminating torture and ill-treatment and the judiciary made every effort to study all international judgements, particularly those of the European Court of Human Rights, and take appropriate measures in response. The case of Mr. Gurgurov, for example, was currently being investigated and all the documentation re-examined, including the records that had been submitted in the European Court case. In other instances, the European Court judgements had resulted in amendments to legislation or procedure which had subsequently helped prevent other cases of torture and ill-treatment. The case of Mr. Colibaba had been reconsidered since the authorities had erroneously had the victim examined by the same medical team against whom he had lodged his complaint.

22. During the events of 7 April 2009, the police had detained some 170 individuals believed to have been involved in hooliganism, of whom 117 had been kept in custody for more than seven hours. Over 20 individuals had been put under house arrest. In all, the General Prosecutor's Office had investigated some 104 cases of alleged torture or ill-treatment against protesters or detainees and 32 criminal cases had been brought. Actual bodily harm had been identified in 15 cases and grievous bodily harm in 9. In the case of Mr. Valeriu Boboc, the blows inflicted by riot police had resulted in death. For the most part, it had been impossible to trace the perpetrators as the riot police had been wearing dark masks at the time they had taken action against protesters. As a result, the authorities who had ordered the intervention of the riot police had been taken to court. Several cases, including that of Mr. Boboc, were being investigated by the General Prosecutor's Office and others were under consideration by a team set up following those events. Four police officers had appeared in court accused of torture or ill-treatment of detainees in connection

with the protests and cases against 19 other police officers were pending. The suspects had been suspended from duty in the meantime. In response to the call by the General Prosecutor's Office for all potential victims to come forward, two individuals had lodged complaints in October 2009 and one in November 2009.

23. **Mr. Padure** (Moldova) said that the autopsy carried out on Valeriu Boboc's body had revealed that, while there had been no damage to internal organs that could have resulted in death, there was no conclusive evidence of the real cause. Of the two possible causes of death — heart attack or injuries to the chest — neither had been ruled out. Those conclusions had been confirmed by an independent expert who had examined Mr. Boboc's exhumed body.

24. In the wake of the events of 7 April 2009, the Ministry of Health had not issued any instructions concerning the lack of medical assistance or medical certificates in cases of torture or ill-treatment.

25. **Mr. Grosu** (Moldova) said that, given the complexity of the work before the parliamentary commission established in October 2009 to investigate the events of April 2009, it was highly probable that its mandate would be extended. The commission was composed of members of parliament from the governing coalition and opposition parties, and representatives of civil society and human rights NGOs. At the most recent of the commission's three sessions to date, it had decided to launch a public appeal for information, particularly in the form of audio or video footage of the events, which it would thoroughly analyse. The commission would be assisted by several international experts from bodies such as the Council of Europe and UNDP at the evaluation stage, as well as national human rights and legal specialists. The commission would also examine possible responsibility at the political level and present its findings to the General Prosecutor's Office if appropriate.

26. **Mr. Chisnenco** (Moldova) said that a series of training sessions on the prevention of torture and ill-treatment had been held in 2009 for the police, judges, lawyers and staff of the General Prosecutor's Office, with expert assistance from the European Commission. At one such session in September 2009, the police had been given instruction on article 3 of the European Convention on Human Rights concerning torture, with recommendations including the organization of pilot projects to train all law enforcement personnel nationwide in the prevention of torture.

27. Turning to the issue of stateless persons, he said legislation on refugees had been adopted in December 2008, based on several EU directives and international practice. Under the new legislation, all persons requesting asylum were allowed into the territory of the Republic and could not be turned away or deported if they sought humanitarian protection. Stateless persons, foreigners and refugees who had lived in the country for eight years could apply for Moldovan citizenship.

28. In May 2008, the Government had adopted legislation on protection for witnesses, victims, suspects, convicted persons and others involved in criminal trials if their life, integrity or property was at risk. Over 200 people had been provided with such protection since the year 2000. Measures implemented had included changes of identity, changes of place of residence and provision of bodyguards.

29. **Mr. Harunjen** (Moldova) said that no action taken against women solely for having abortions. Doctors or other persons who performed abortions in unsafe conditions outside medical facilities or did not hold a licence to perform such operations were held criminally responsible. In the case of "Ms. Z.", she had given birth to two live baby boys in May 2006. In order to hide the fact from her family, she had killed them with a spade and buried them, according to medical evidence. The case did not therefore concern abortion. "Ms. Z." had

been sentenced to imprisonment following psychiatric examinations proving that she had acted voluntarily. The sentence had been upheld by the Supreme Court.

30. **Mr. Padure** (Moldova) added that under legislation adopted in 2006, if doctors suspected criminal involvement in an abortion, they were obliged to inform their superiors, who communicated the information to the legal authorities. Women who underwent abortions were given medical treatment for as long as it was required.

31. **Mr. Harunjen** (Moldova) said that the special military unit responsible for investigating cases of bullying in the army had identified 24 such cases in 2007, 24 in 2008 and 27 in 2009. All the cases had been heard by a court and the perpetrators sentenced. The prosecutors had reported that the officers in charge of units where bullying took place were dismissed from the army. Preventive measures had also been taken at national level, including the reduction of the length of military service to one year.

32. In June 2006, the General Prosecutor's Office had sent a letter to the Bar Association recommending that it examine the activities of some young lawyers who, in violation of national human rights procedures, had sent unverified information on alleged cases of torture to international organizations. The Government had been inundated with letters of concern and the country's image had been severely damaged. While the letter had constituted a recommendation only, it had been considered a tactical error on the part of the General Prosecutor's Office.

33. **Mr. Grosu** (Moldova) said that, after signing the Rome Statute in 2001, the Government had begun work to bring domestic legislation into line with that international instrument. Provisions on genocide, war crimes and crimes against humanity had now been incorporated in the Criminal Code. Ratification of the Rome Statute was a priority for the new Government. Until it attained that goal, it was closely following international case law, particularly that of the International Criminal Court, and making further amendments to the Criminal Code where necessary. Under a recent amendment, anyone who intentionally committed a criminal offence while carrying out orders from a superior was criminally responsible. If they did not carry out the order they were excluded from criminal responsibility. That provision covered acts of torture, genocide and crimes against humanity.

34. Article 62 of the Criminal Code provided for penalties other than deprivation of liberty. They included fines, exclusion from certain posts or in certain activities, and unpaid community work, which was also covered by a provision of the Labour Code adopted in 2003. Other alternatives to imprisonment included probation or a suspended sentence, and postponement of enforcement in the case of pregnant women or women with children under 8. Community service was now the most common alternative measure applied by the courts. Moldovan legislation in that regard was thus fully in line with that of EU States.

35. Both the Criminal Code and the Code of Criminal Procedure contained provisions regarding juvenile justice. Although there were no juvenile courts, judges and other judicial staff with expertise in juvenile justice were attached to the courts of first instance, the appeal courts and the Supreme Court. If minors and adults were involved in the same case, the judges did everything in their power to ensure that the proceedings were separate. A legal representative was present at all hearings. Pretrial custody was an exceptional measure in the case of minors. The maximum duration of such custody was 72 hours for adults and 24 hours for minors. The maximum duration of hearings in the case of minors was two hours per session or four hours a day.

36. All trials were held in public. Moreover, if a person had not been duly summoned to attend a hearing, the proceedings could be declared null and void. The time and place of each hearing were posted at the entrance to the court.

37. The national preventive mechanism under the Optional Protocol to the Convention had been operating for just over a year. During the events of April 2009, some members had found it difficult to gain access to penitentiary institutions, but the Ombudsman had intervened and the issue had been resolved.

38. The European Court of Human Rights had issued 25 judgements concerning violations of article 3 of the European Convention on Human Rights, including 11 concerning ill-treatment of detainees by police officers. There was no judgement concerning incommunicado detention. One complaint had been filed with the Court, but the Government had proved that the person concerned was not in incommunicado detention and he had turned up three months later in Ukraine.

39. Article 10, paragraph 3, of the Code of Criminal Procedure required the facility in which a person had been detained to prove that it had not used torture. The article reflected the jurisprudence of the European Court of Human Rights, which required States parties to prove that torture had not been used against alleged victims who filed a complaint.

40. The penalty of two to five years' imprisonment for torture related to cases involving less serious bodily harm. Article 152 of the Criminal Code provided for a prison term of between 5 and 12 years where torture resulted in grievous bodily harm, and article 171 provided a similar penalty for cases of torture involving rape.

41. Pursuant to article 94 of the Criminal Code, evidence obtained through the use of violence or torture was inadmissible and could not be invoked to convict an accused. Citing a number of examples, he said that a person had complained to the Chisinau Appeal Court earlier in the year that he had been subjected to acts of torture. The judge had ordered the prison authorities to provide him with medical care, if necessary in hospital. A judge in a court of first instance had ordered the prosecutor to launch a criminal investigation into allegations of torture in connection with the events of April 2009. In February 2006 the Supreme Court had issued a decision based on articles 12 and 13 of the Convention against Torture, in which it had declared the evidence gathered in the case in question to be inadmissible inasmuch as the investigating body had not taken the requisite steps to ascertain whether acts of torture had occurred. In a decision rendered in March 2008, the Supreme Court had overturned a judgement by the appeal court because it had failed to consider complaints of torture by the accused. The Court had again cited articles 12 and 13 of the Convention as well as the European Convention on Human Rights.

42. With the support of the Council of Europe, the Moldovan authorities had published 50,000 copies of the Police Code of Ethics, which was distributed to all police officers and included directives concerning the prohibition of torture.

43. **Ms. Sveaass**, First Country Rapporteur, thanked the delegation for its comprehensive replies. She was concerned to hear that complaints of torture regarding events that had occurred more than 10 months previously were not considered because guilt was difficult to establish in such cases. Was the difficulty related to medical or legal evidence? Persons exposed to humiliating forms of torture often delayed seeking a therapist or making a complaint. Sound evidence could certainly be lost during that period but an investigation should not be ruled out. If such time limits were applied, numerous complaints of torture before both national and international jurisdictions would have to be dropped.

44. She asked for clarification of the process whereby a detainee could obtain a medical examination. What happened to the doctor's report? It was unclear whether doctors were required to disclose the outcome of an examination without the patient's consent. Of course, where there was evidence of torture, the doctor and patient should file the complaint together and it should be acted upon immediately. At what stage did the Centre for Forensic Medicine become involved in medical examinations and was it truly independent? She

assumed that international manuals on the detection of torture were used. It would also be interesting to hear whether the reports of independent organizations such as the Memoria Rehabilitation Centre for Torture Victims were taken into account in investigations of torture.

45. She understood that the Complaints Committee was a multidisciplinary proactive group that investigated complaints concerning the Prison Service, but she was unsure whether there was an independent body responsible for investigating complaints concerning breaches of police ethics. Would the specialized prosecutor referred to by the delegation and the national preventive mechanism be involved?

46. As rehabilitation was not normally provided by mainstream health services, she encouraged the State party to give even greater support to Memoria so that it could provide training for health professionals.

47. She welcomed the information given by the delegation about action against tuberculosis, which presumably related to patients in the penitentiary system. She asked for further information about the decision of 7 August 2009 regarding involuntary hospitalization of members of the general public with symptoms of tuberculosis.

48. With regard to the events of April 2009, she was pleased to hear that the work of the parliamentary commission would be extended. The delegation had described the medical condition of Valeriu Boboc, but she understood that the autopsy had brought to light more serious injuries. Investigations were reportedly still under way to clarify the causes of significant injuries incurred by other complainants and to verify whether they had been turned away by certain hospitals. It was essential to prohibit the wearing of masks by police officers and to require them to display their badges and wear a uniform, since some persons had allegedly been arrested by persons in civilian clothes. There had also been allegations of ill-treatment in prisons after the events of April 2009, including beatings with bottles and forced nudity.

49. **Mr. Kovalev**, Second Country Rapporteur, thanked the delegation for its clear and detailed replies to all his questions, including those about human trafficking. He asked whether the State party was intending to ratify the 2002 Council of Europe Convention on Action against Trafficking in Human Beings.

50. With regard to the events of April 2009, he agreed with Ms. Sveaass that the masking of police officers was unacceptable. He was pleased to hear that senior officers who had issued orders in connection with those events would be called to account. Had such action already begun?

51. He commended the measures that were being taken in support of the Roma community, the direct application of provisions of the Convention in the State party's courts, and the transfer of responsibility for detention facilities from the Ministry of Internal Affairs to the Ministry of Justice.

52. Although the April 2009 events had led to a temporary human rights setback in Moldova, he was confident that the situation would be reversed and that the State party would continue working to eliminate torture and all forms of ill-treatment.

53. **Ms. Belmir**, referring to the penalties for different forms of torture, drew attention to the difficulty of jumping from one article of the Criminal Code to another when sentencing perpetrators or instigators. Article 1 of the Convention contained a very specific definition which referred to the status and intention of the person performing the act of torture, for instance to obtain a confession or information. The elements of the article were complementary and should be reflected in all criminal codes.

54. Solitary confinement in facilities run by the Ministry of Internal Affairs was something that should be abolished since it was conducive to all kinds of abuse. Moreover, all stages of criminal proceedings should be controlled by the Ministry of Justice.

55. **Ms. Kleopas** requested statistics for minors who were being held in pretrial detention, and additional information on the circumstances leading to such detention. Regarding the inadmissibility of a confession obtained by torture, she asked what procedure was followed to decide inadmissibility. She enquired whether the decision on admissibility was made by the judge who would try the defendant or by trial within a trial. She wondered whether in the course of arriving at the decision on admissibility, the trial court learned the content of the confession. Decisions on admissibility should be decided by trial within a trial and by a judge other than the one hearing the case.

56. While she appreciated that a parliamentary commission had been set up to inquire into the events of 7 April 2009, she wished to remind the State party of its obligation to proceed promptly and impartially to investigate such cases. She hoped that it would not wait for the results of the commission's investigation before doing so.

57. **Mr. Mariño Menéndez** said that some questions remained concerning the national mechanism for the prevention of torture that had been set up by Moldova in compliance with the Optional Protocol to the Convention. He would appreciate clarification of the respective roles of the Parliamentary Advocates and the Consultative Council. According to reports, the members of those bodies were required to pay their own work-related travel costs, and their personal safety was sometimes at issue. He would appreciate having the views of the delegation concerning those points. He asked whether the Government had plans to strengthen the national preventive mechanism by endowing it with all the necessary powers, immunities and funding to carry out its work.

58. **Ms. Gaer**, referring to the officially sanctioned policy of the hazing of recruits by army officers, asked how a change in the length of military service of recruits would affect that problem.

59. With regard to the case of "Ms. Z" that had been described by the delegation, she enquired how many women had been charged or sentenced for murder or infanticide. She wished to know at what stage in the termination of a pregnancy the domestic law considered infanticide to have occurred.

60. Reports of inaction on the part of the Moldovan police in the face of violent attacks against lesbian, gay, bisexual and transgender (LGBT) protesters in an attempted peaceful march against discrimination on 11 May 2009 had, in her mind, given rise to questions about the role of the police in protecting the freedom of assembly. She wished to know what guarantees existed in such cases for citizens in Moldova. She asked whether there was an independent and impartial oversight mechanism for the police whose findings were made public. It would also be helpful to know whether training in non-discrimination and tolerance given to law enforcement personnel also included issues relating to sexual orientation.

The meeting was suspended at 12.30 p.m. and resumed at 12.45 p.m.

61. **Mr. Padure** (Moldova) said that the reason for not considering complaints of torture regarding events that had occurred more than 10 months previously was that the more time that elapsed after the alleged acts had occurred, the less chance there was of identifying traces of torture or establishing a link between the circumstances alleged by the victim and the consequences identified as torture.

62. According to law, medical examinations of prisoners in correctional institutions were confidential and were obligatory upon arrival at the pretrial detention facility or prison. The doctor who carried out the examination was required to inform the prosecutor

and the parliamentary advocate if the prisoner's body showed signs of torture, and to note those facts in the prisoner's medical record. Prisoners were entitled to demand medical certification by a doctor of their choice, and the findings of such doctors were treated on an equal footing with those of prison doctors. As to the question of the independence of the Centre for Forensic Medicine, it acted in accordance with the provisions of the Criminal Code and the Code of Criminal Procedure.

63. The information provided in the second periodic report on the number of tuberculosis patients related to prisoners and not to the general public. Prisoners who refused treatment provided in an attempt to prevent the spread of the disease were issued a court order requiring them to undergo treatment.

64. **Mr. Harunjen** (Moldova) said that the success of an investigation into torture depended on taking immediate action. In addition to medical certification, it required searching for material evidence, such as instruments that might have been used to inflict torture. All forensic medical documents and any other information that might shed light on the events being investigated were examined. Given the presumption of innocence, however, if there was insufficient evidence or if the collection of evidence was no longer possible, there was no legal basis for bringing the case to court.

65. The Government was currently coordinating closely with international organizations for the purpose of establishing an independent unit for the judicial investigation of all cases of torture and cruel, inhuman or degrading treatment or punishment. The existing unit attached to the General Prosecutor's Office was only temporary. Moldova was giving serious consideration to replicating a model used in Norway for the same purpose.

66. The issue of hazing new recruits by senior army officers was a tradition that had been inherited from the armed forces of the former Soviet Union. Persons responsible for injuries to recruits had been prosecuted in the courts and sentences had been handed down in some cases.

67. The case of "Ms. Z" had involved two infanticides and was one of the worst cases of domestic violence ever recorded in Moldova. There had been two additional cases in the past two years: one case had been taken to court and the other two were at the investigation stage.

68. **Mr. Grosu** (Moldova) said that the detention of minors could not last longer than 24 hours in the first phase, following which the minor was either released or was ordered by the judge to be held in pretrial detention. In the first 10 months of 2009, 65 minors had been held in police custody, after which 19 had been released. Currently, 45 minors were being held in pretrial detention.

69. **Mr. Chisnenco** (Moldova) said that the role of the police in maintaining law and order was governed by law; however, it was recognized that further refinements to the law were needed.

70. Moldova had been the first country to ratify the Council of Europe Convention on Action against Trafficking in Human Beings. With regard to the parade of 11 May 2009, the harassment of the demonstrators was not attributable to the Government or city hall but rather reflected society's rejection of such parades.

71. **Mr. Grosu** (Moldova) said that the national mechanism for the prevention of torture, which had been in operation since April 2008, had encountered many difficulties. The Government needed to take stock of the situation by holding discussions with the actors involved.

72. **Mr. Cerba** (Moldova) thanked the Committee for its efforts in support of Moldova.

The meeting rose at 1.05 p.m.