

Torture and Ill-Treatment

Special points of interest:

- Torture and Ill-Treatment
- Situation in detention facilities in the Transnistrian region of Moldova

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Human Rights Without Frontiers International¹ in collaboration with Promo-LEX Association has published the third and fourth article in a series dedicated to the human rights in the Transnistrian region of Moldova.

The articles are approaching subjects of torture and ill-treatment and the situation detention facilities in the eastern region of Moldova.

The “*criminal legislation*” in the Transnistrian region does not expressly contain the crime of “torture”; however, it contains the crime of “torment” (Art.114 of the so-called Criminal Code), with “application of torture” being listed as an aggravating circumstance. Thus, victims cannot make complaints against the illegitimate authorities for acts of torture.

The persons arbitrarily arrested by the

¹ www.hrwf.org

illegitimate bodies are often subjected to different forms of torture in remand institutions and investigators' offices for forced confessions. Victims reported that while in militsiya's custody they were ill-treated, including by being kicked, hit with blunt objects, rubber truncheons to the kidneys, by being threatened, or by being subjected to mock executions, etc. To make them confess, some victims were confined in narrow solitary cells, without water, food and access to the bathroom.

Another form of torture is the psychological one. Victims are threatened with the arrest or infliction of damages or suffering to family members, with detention in cells shared by inmates who have infectious diseases, with refusal to provide medical assistance, etc. It is also very concerning that because of unbearable detention conditions or abusive behaviors, prisoners see no other way of defending their

rights than to resort to such forms of protest as hunger strikes or self-harm (like lip-sewing or abdomen cuts). Generally, prison administrations don't react in any way. As disciplinary measures, such prisoners are denied medical assistance, family visitation or the right to receive parcels.

Several examples:

In the Dubasari remand center, in 2011 several prisoners went on hunger strike because doctors had refused to provide emergency care to a very seriously ill inmate. At *Prison no.1* in Hlinaia, Grigoriopol district, a group of inmates went on hunger strike because it was very cold in their cells and the latrine hadn't been cleaned up in a long time. The administration argued that those were aimed as correctional measures. A prisoner was held in solitary for 30 days after he invited from the window of his cell the members of a international commission

that was on a visit at *Prison* no.3 in Tiraspol. Other inmates in the cell were denied visitation. Another prisoner declared a hunger strike to protest the conduct of the *investigator* in his case. The Moldovan constitutional authorities and law enforcement bodies as well as international organizations were notified of all these cases.

As Mr. Manfred Nowak, the UN's Special Rapporteur on torture, indicated in his report, a serious problem which may be considered as a form of inhuman treatment is the way prisoners are transferred. Transfers are conducted by the *militsiya*, in old trucks with metal boxes, with or without windows and with no proofing against exhaust fumes and dust.

Being in these wagons in the summer is unbearable because of the heat, and in the winter because of the cold. Prisoners are mixed during these transports with sick inmates.

These trucks break often during the transfers because of their poor technical condition and the prisoners remain inside throughout this period. Sometimes, because of these delays, judges postpone sittings for several weeks or months.² When the trucks are filled with gas at filling stations, prisoners are left inside the metal box as the guards get out of the trucks to stay away from any potential explosion.

² http://www.un.md/news_room/pr/2009/PR_raport%20torture%20ro.pdf

Situation in detention facilities in the Transnistrian region of Moldova

The *detention facilities* in the Transnistrian region are not part of Moldova's penitentiary system. Neither national authorities nor international organizations have free access to these facilities. Therefore, these facilities can be considered private, as they are illegal and run by persons with self-assigned functions.

According to information provided by the regional (Transnistrian) *department of penitentiary facilities*, in 2011 the region's 3 correctional institutions for men, 1 correctional institution for juveniles, 1 correctional institution for women and 1 prison accommodated 2,819 inmates, which is around **508** incarcerated persons **per 100,000 population**. To compare, the rest of Moldova has a prison population of 6,300 in 19 facilities, which is a ratio of **180** incarcerated persons per 100,000 population. In CoE member states in 2008 the average was **105**¹.

¹ http://www.un.md/key_doc_pub/doc/romanian/A%20HRC%2010%2044%20Add%203%20torture%20Moldova_ROM.pdf

Of the 2,819 incarcerated persons, 165 were women, 83 were juveniles, 70 were people sick with tuberculosis, 167 were sick with HIV/AIDS, and 671 others were confined in *remand facilities*. According to unofficial sources, the actual number of persons in *remand facilities* is higher, considering their overpopulation (the average area per inmate is just 2m²)².

For instance, Prison no.1 in Hlinaia houses 1,000 persons, Prison no.3 in Tiraspol 1,100 persons, and Prison no.2 in Tiraspol around 1,120 persons. The detention conditions in the region's *prisons* and *remand facilities* do not meet international standards or at least average standards for long-term "accommodation" of persons.

² <http://pmr.name/catnews/nr2-bridnestrove/38610-v-bridnestrove-namereni-reshit-problemu-plohih-usloviy-dlya-grajdan-v-izolyatorah-vremennogo-soderjaniya.html>

According to prisoners' and relatives' accounts:

One of the *remand facilities* in Tighina (Bender) is located in a basement that is two floors underground. Its only source of light is artificial lighting, the prisoners being deprived of sunlight. There is no ventilation system (the prisoners can get some fresh air in their cells only when the small windows in the doors are opened when they receive food). The quality of the food is very poor. Often prisoners refuse to eat it fearing that it might contain some substances. The toilet in the cell is a bucket with a cap. The facility does have a common latrine, next to the bathroom, but it hasn't been cleaned up in a long time, with the unpleasant smell persisting throughout the *remand facility*.

To somehow kill the odor, prisoners smoke very often. The bathroom is a separate room with 3 washstands and 2 wash bowls (1 of metal and 1 of plastic). There is only cold water available and the walls are damp and infested with mold and moss. Inmates wash together, men and women, in one of these bowls. Cells don't have running water, so the prisoners have to take water in plastic bottles with them for all day.

The bathroom concomitantly serves as the facility's walking area. The cells' walls and floor are made of concrete, very cold and damp. The bunks are made of wood planks placed against the wall. There isn't any bed linen. A medical assistant comes to see the prisoners very infrequently, asking them questions about their health through the window of the cell door, that is, without examining them directly, and suggesting them not to ask for anything because there are no medicines.

In the cells of a *remand center* in Tiraspol there is a persistent smell of sweat and mold and the air is very damp; the toilets in the cells are in a terrible state and exude a strong foul odor; the floor is made of concrete and

is not covered with anything; there are no hygienic products; most sinks in the cells are covered with rust and the taps never stop leaking. The water is also rusty and the inmates have to drink it. The inmates wash and dry their underwear right in the cell. It is impossible to get a normal sleep because of the overcrowding and because of the insects. Shower is allowed only once a week.

The shower rooms are filthy, with cases of foot fungus contamination being reported. Outdoor walks are limited to an hour a day.

In the Hlinaia *Prison*, because of the untreated and inadequate water, prisoners complain of dental and intestinal pains and severe skin problems. More details on the detention conditions in this prison are available in the ECHR's Judgment in the Case of Ilaşcu and others v Moldova and Russia (§ 434-454).

Medical assistance is inadequate and some *detention centers* don't even have medicines or skilled health professionals. According to unofficial sources, prisoners suffering from tuberculosis or other serious diseases often die in one of the *prisons* in the region because they didn't get any medical assistance.

For the treatment of tuberculosis in *detention facilities* there is only one specialized doctor in the region. His agenda is quite busy, and because there is no specialized equipment available in the region, he often cannot help the sufferers. Prisoners generally have to take care of their treatment on their own. Under a local internal regulation, there is one pair of scissors for every 50 inmates, which obviously puts them at risk of contamination.

The first two articles can be found in Promo-LEX Newsletters, No. 52 and No. 54 on the Promo-LEX Association web page www.promolex.md, e-Bulletin section.

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Mission – To advance democracy in the Republic of Moldova through promoting and defending Human Rights and strengthening Civil Society.

Promo-LEX continues to offer free legal advice on issues related to military service for youth from the Transnistrian region. For any questions or complaints regarding the violation of recruits rights contact: tel: 373 (22) 45-00-24, email: tiras.army@gmail.com

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