

Promo - LEX

Advancing democracy and human rights

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URGENT APPEAL

Special Rapporteur on Torture
c/o Office of the High Commissioner for Human Rights
United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland
E-mail: urgent-action@ohchr.org

Mr. Nils Melzer

10 May 2018

Your Excellency,

Association "Promo-LEX" would like to draw your attention to the case of Cosovan Serghei held in pre-trial detention in hospital- Penitentiary no.16 from Pruncul, a penitentiary institution that can not provide the proper treatment to keep the victim alive.

This case points out about the problem of excessive and unjustified use of pre-trial detention in Republic of Moldova, as well as the issue of insufficient provision of medical assistance in prisons, endangers human lives.

*Through the current appeal the victim kindly request urgent action **in order to save his live**, because he continue to be subject of torture through the fact that starting with 26 September 2017 until now, the extended pre-trial detention puts in peril his life.*

In the context of the current appeal, we respectfully request that your office, urgently inquire into this matter and request the Government of Republic of Moldova to take all necessary measures in order to save the victim's life.

I. Identity of the person(s) subjected to torture

A. Family Name	Cosovan
B. First and other names	Serghei
C. Sex: Male Female	Male
D. Birth date or age	30 July 1971
E. Nationality	RM
F. Occupation	businessman; Local councilor Codru city
F. Activities (trade union, political, etc.)	Local councilor
G. Residential and/or work address	mun. Chisinau, MD-2004, Street Stefan cel Mare, 127, Republic of Moldova.

II. Circumstances surrounding torture

1. The defendant is a citizen of the Republic of Moldova, the owner of two companies operating in the field of trade. He has 3 dependent minor children (4, 12 and 15 years old) and his mother (*Annex 1*).
2. From 2015, the victim found he suffered from cirrhosis of the viral type "C". After some medical treatments, doctors recommended Serghei Cosovan to perform the relevant procedures in order to include him in the waiting list for liver transplantation, but he failed because he was arrested. Before being arrested, this disease was kept under control, his condition being satisfactory.
3. After being arrested, his health condition has become dramatically worse, there is an imminent risk of death.
4. On March 29, 2018, the European Court of Human Rights communicated, under the urgent procedure, the Serghei Cosovan's complaint, filed by the Promo-LEX Association on March 20, 2018. Moreover, the Court ordered that the case be examined as a matter of priority.¹ (*Annex 2 and Annex 3*).
5. The case of the applicant, Serghei Cosovan, reveals several serious issues that exist for a very long time, both in the judiciary and in the penitentiary systems.² *Thus, the excessive and unjustified use of pre-trial detention, as well as the issue of providing medical assistance in penitentiary, still remain extremely serious problems in the Republic of Moldova.*³

¹ <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Cosovan%22%5D%2C%22itemid%22:%5B%22001-182524%22%5D%7D>

² <https://www.youtube.com/watch?v=1J41EHy4kw> Press conference on *Cosovan case*

³ The frequent use of the pretrial detention in the Republic of Moldova <https://promolex.md/5802-utilizarea-frecventa-a-detentiei-preventive-in-republica-moldova-discrus-la-consiliul-onu-pentru-drepturile-omului/?lang=en>

6. In the above case, the applicant, held in custody pending trial, risks dying in the penitentiary. Despite the existence of confirmed serious illnesses, the authorities do not display diligence in saving his life. The person is in the end-stage of liver cirrhosis (*survival indicator – Child-Pugh C*), which is the terminal stage of the disease. Despite the fact that these serious maladies are documented, his pre-trial detention has been continuously prolonged by the court since September 28, 2017.⁴
7. Statistics show that the measure of pre-trial detention is being excessively used in Republic of Moldova, although the legislation provides for alternative measures, not less effective. The high rate of pre-trial detentions is still maintained in 2017. About 90% of the prosecutors' requests for pre-trial detention are accepted by the courts. Almost the same rate is recorded with respect to the acceptance of the prolongation of pre-trial detention.
8. In addition to the continuous pre-trial detention, this case highlighted an earlier problem – the quality of medical assistance in prisons and lack of a legal framework that would provide for the appropriate medical assistance for people in custody.
9. According to the information provided by the Department of Penitentiary Institutions, the penitentiary system suffers from a shortage of medical staff, considering the ration of the number of prisoners existing in the Republic of Moldova in 2017 (about 8000) to the current number of medical *workers* – 205 in the 17 penitentiaries (*Annex 4*).
10. On December 21, 2017, in their final report,⁵ the experts of the UN Committee Against Torture expressed their concern about the lack of medical care in penitentiary institutions, their inadequate quality, the increase in the number of deaths and the lack of independence of the medical staff in the penitentiary system in relation to administration of penitentiaries.

A. Date and place of arrest and subsequent torture

11. For the first time, the victim has been arrested on September 26, 2017, being accused of committing the offenses provided by art. 335 paragraph (11) Penal Code (abuse of service) and Article 190 (5) Penal Code (scam).
12. The arrested victim was transferred to the Provisional Detention Isolator from Police. Since September 28, 2017, examining the prosecutor's request for the application and /or prolongation of the arrest, the victim's lawyers presented conclusive and sufficient evidence demonstrating the applicant's serious health

⁴Abusive detention endanger human lives <https://promolex.md/12172-dispunerea-arestarii-abuzive-de-catre-instantele-de-judecata-pune-in-pericol-vietile-omenesti/?lang=en>

⁵ Concluding observations on the third periodic report of Republic of Moldova

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMDA%2fCO%2f3&Lang=en

condition and the imminent risk of death. However, the court gave no appreciation, on the contrary, considered that the conditions in Penitentiary No. 13 (Preventive Detachment Isolator) and Penitentiary No. 16 in the Republic of Moldova, would be sufficiently equipped from the medical point of view to guarantee the treatment of patients-detainees, such as the victim. The Chisinau Court of Appeal each time dismisses the victim's appeal and maintains the arrest, using as justification standard formulas and text blanks for arguing and justifying the arrest.

13. Only after 6 month of preventive detention, on April 24, 2018, the preventive measure in respect of victim was modified from pre-trial detention to that of house arrest. The Center District Court of Chisinau finds that the risks, alleged by the prosecutor to request the application pre-trial detention, have not been confirmed (*Annex 5*).

The Center District Court findings:

- The court notes that it appears from the case file that defendant Cosovan Sergei suffers from a chronic illness. Thus, according to the copy of the document entitled "Hospital exit ticket", dated December 14, 2017, to the defendant, according to the clinical and anamnestic data, instrumental and recently obtained by the laboratory, the patient finds decompensated Hepatic cirrhosis; Child Pungh C stage (according to international standards - *the final stage of the process*).
- The copy of the certificate issued by "Toma Ciorba" Clinical Hospital of Infectious Disease of March 2, 2018 confirms that the defendant suffers from a "chronic disease in the advanced stage - decompensated hepatic cirrhosis of viral etiology" C "(Child-Pungh "C" stage) complicated with chronic hepatic failure (encephalopathy - precoma), severe hypersplenism, portal hypertension, , asteroid-ascites syndrome, the condition after repeated haemorrhages in the esophageal veins (the last hemorrhage treated surgically in February 2018.) Based on the above-mentioned diagnosis (given the current life-threatening condition of the patient) - the patient requires treatment under stationary conditions to a hepatologist."
- Thus, in a letter sent by Penitentiary no. 16 to the Department of Penitentiary Institutions it is mentioned that the pathology by which Cosovan Sergei suffers is included in the Somatic Disease List, which is the basis of the presentation of the seriously ill convicts for the release of the punishment, according to Annex 2 of the Regulation on the exempt of seriously ill convicts from punishment (Order of the Ministry of Justice no. 331 of September 6, 2006).⁶

⁶ <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=319609&lang=2>

- In this context, ***the court mentions that although the order refers to the release of the execution of the criminal sentence of convicts, it is absurd that a person in pre-trial detention does not enjoy the same rights.*** The reason for adopting the respective normative act is obvious, namely the avoidance of inhuman and degrading treatment of the detainees, given the poor health conditions in which the execution of the punishment would no longer lead to the desired goal, but on the contrary would cause an unjustified interference with the law not to be subjected to torture, inhuman and degrading treatment.
- Thus, the court mentions that a person in pre-trial detention is to be released immediately if it is found that she is suffering from a disease indicated in the Order of the Ministry of Justice no. 331 of September 6, 2006 on the approval of the Regulation on the way of presenting seriously ill convicts for the release from execution of the punishment, ***the fact that the state bodies did not expressly regulate the situation of the persons in pre-trial detention and who also suffer from a disease can be a justification of the court to continue to hold a defendant in preventive arrest.***

14. In spite of these findings and completely ignoring the findings of the court, on April 24, 2018 immediately after being released from Penitentiary no.16,⁷ he was again detained for 72 hours by the Police Department of Chisinau Municipality, mentioning that the prosecutor filed another criminal case against Cosovan for the same offense pursuant to a complaint of another victim (art.190 par. 2 Penal Code (scam)) (*Annex 6*).
15. In the same date, due to his significantly aggravated health, an ambulance was called, which rendered him first medical aid.⁸ Despite the fact that Serghei Cosovan has passed through several public medical institutions, health officials not only refused to hospitalize him, but also did not provide any clear information about his location. At about 9:00 p.m., attending the Provisional Detention Isolator from Tighina Street, his wife found out that he was returned in the Police Department of Chisinau Municipality Isolator. On April 25, 2018, victim was not rendered the necessary medical assistance and was kept hungry all the day, which for a person with this medical diagnosis, is a form of torture.
16. After 72 hour of detention in the Police Isolator, the prosecutor made a request for applying the pre-trial detention in respect of Cosovan Serghei. In spite of the fact that there is already a preventive measure in respect of Cosovan - home arrest and

⁷(Video) The case of Cosovan: Released from the penitentiary to be detained in the police isolator <https://promolex.md/12194-video-cazul-cosovan-eliberat-din-penitenciar-ca-sa-fie-retinut-in-izolatorul-de-politie/?print=print&lang=en>

⁸ <https://promolex.md/12194-video-cazul-cosovan-eliberat-din-penitenciar-ca-sa-fie-retinut-in-izolatorul-de-politie/?print=print&lang=en>

there is conclusive and sufficient evidence demonstrating the victim's serious health condition and the imminent risk of death, another judge has decided to apply another unjustified and excessive pretrial detention for 30 days (Annex 7). This decision was appealed, but has not yet been examined (Annex 8).

17. Cosovan Sergei is now held in Prison No. 16-Pruncul.

B. Identity of the force(s) responsible for the initial detention and/or torture (police, intelligence services, armed forces, paramilitary, prison officials, other)

18. The violations results from the direct actions of the state authorities of Republic of Moldova: prosecutor, judges who admit the prosecutors' unjustified requests of preventive arrest, prison officials that didn't notify the competent body about the lack of the proper medical assistance in the penitentiary system.

C. Describe the applied methods of torture

19. After being placed in arrest, first in Penitentiary No. 13, later in hospital Penitentiary No. 16 - Pruncul, and then in the Provisional Detention Isolator from Tighina Street, his condition has worsened dramatically due to the lack of medical care corresponding to the illness he suffered.
20. By way of comparison based on medical documents and the information provided by Penitentiary No. 16, between September and December 2017, the survival index was higher than today (*see § above*).
21. During the period 05.10.2017 - 12.10.2017, the victim was in steady state treatment in Penitentiary No. 16 with diagnosis: viral cirrhosis "C", slowly progressive, active, complicated with hepato splenomegaly, esophageal varices III group , ascites, **Child-Pugh B⁹** stage, decompensated (*Annex 9 and 10*).
22. Liver is one of the vital organs of the body. When there is any kind of irreparable or irreversible damage to the liver, the life expectancy reduces greatly. In order to assess the prognosis of a liver disease, especially cirrhosis, doctors follow the Child-Pugh score. This assessment score helps doctors determine the type of treatment, as well as the need for a possible liver transplantation. Child-Pugh score uses five clinical measures to indicate the progress of the disease. Each of these measures are scored on a scale of 1 to 3. According to the table, patients falling under Class C have

⁹Life Expectancy <https://healthhearty.com/cirrhosis-of-liver-life-expectancy>; Child-Pugh Score for Cirrhosis Mortality: <http://medicineonlinepk.blogspot.md/2014/03/child-pugh-scoring-and-interpretation.html>

just 35% chances of survival after two years of diagnosis of the disease. This is because Class "C" indicates high-risk of death of patient.¹⁰

23. All of the above-mentioned medical acts denote the applicant's serious health condition, namely that in detention, the risk of death has increased (*according to the International Life Expectancy Classificatory: from Child-Pungh B⁹ to Stage Child-Pungh C*), complicating with pre-coma condition, severe hyper splenism, portal hypertension, the condition after repeated hemorrhages in the esophageal veins.
24. As a result of the insistence of lawyers, on December 14, 2017 the victim was subjected to a medical examination as a result of which doctors from PMSI SCBI "T. Ciorba" found that Cosovan Serghei is at risk of worsening of the illnesses he suffers and there is imminent risk for life that can lead to liver pre-coma, including death.
25. Between 2015 and 2018, Cosovan Serghei was hospitalized several times in the Surgery Department at the „T.Ciorba” Institute for Emergency Medicine. During detention, he suffered multiple hemorrhages from esophageal veins. Bleeding esophageal varices is a life-threatening complication, and is often associated with a very high mortality rate.
26. According to medical records (see medical extracts of 08.12.2017, 14.12.2017 and certificate issued on 02.03.2018), the victim has several surgeries for band ligation of esophageal varices⁷, the latter being performed in February 2018. This surgery is performed to stop bleeding that occurs periodically. The occurrence of these spontaneous bleedings is unpredictable, and this procedure cannot be performed in the conditions of Penitentiary No. 16. Every time an ambulance was called in order to transport the applicant to the Clinic Hospital "T. Ciorba", putting his life in danger.
27. Furthermore, the serious condition of the victim was confirmed at the consideration of the appeal against the arrest, during the hearing held on 14.12.2017, by the specialist doctor Dmitrev Oleg who stated that: *Serghei Cosovan suffers the end-stage of liver cirrhosis and is to be monitored by several qualified specialists. Moreover, the specialist doctor (the infectious doctor, the hepatologist) declared that **he felt a scent of raw liver when he passed by** and that Clinical Hospital of Infectious Disease "Toma Ciorba" is ready to provide such qualified treatment (to see Annex 11).*
28. We draw your attention to the fact that according to the medical extract of January 19, 2018, although the surgery of **Band ligation of esophageal varices**¹¹ took place on January 22, 2018, the victim being in a very serious condition due to this

¹⁰Life Expectancy <https://healthhearty.com/cirrhosis-of-liver-life-expectancy>

¹¹ Band ligation of esophageal varices <http://www.fdhs.com/faq-procedures/band-ligation/> ; Esophageal variceal hemorrhage is a life-threatening complication of portal hypertension associated with a mortality rate significantly higher than that of other causes of gastrointestinal bleeding: [http://www.archivesofpathology.org/doi/pdf/10.1043/0003-9985\(2002\)126%3C1197:EVHPAS%3E2.0.CO%3B2?code=coap-site](http://www.archivesofpathology.org/doi/pdf/10.1043/0003-9985(2002)126%3C1197:EVHPAS%3E2.0.CO%3B2?code=coap-site)

- intervention, on January 23, the Court ignoring the medical records orders the prolongation of the applicant's arrest in the conditions of Penitentiary No. 13.
29. The last medical act which reveals the seriousness of the applicant's situation, is the Certificate issued on 02.03.2018 by the Clinical Hospital of Infectious Disease "Toma Ciorba". By this certificate, Public Medical Sanitary Institution Clinical Hospital of Infectious Diseases "Toma Ciorba" confirms Cosovan Serghei, suffers from an *advanced chronic disease – decompensated hepatic cirrhosis of viral etiology "C" (Child-Pugh C stage) which has been complicated with chronic hepatic failure (encephalopathy – pre-coma) severe hypersplenism, portal hypertension, asteroid-ascites syndrome, the condition after repeated hemorrhages in the esophageal veins (the last hemorrhage treated surgically in February 2018)*. Based on the above-mentioned diagnosis (given the current life-threatening condition of the patient) – the patient requires treatment under stationary conditions to hepatic-specialists not in the Penitentiary (*Annex 12*).

ORGANISATIONAL FAILURE OF MEDICAL SYSTEM IN THE SYSTEM OF PENITENTIARY INSTITUTIONS

Prison Hospital no.16 - Pruncul

30. In Republic of Moldova, the health facilities are accredited on the basis of the Law of the Republic of Moldova No 552-XV of 18.10.2001 on Health Services Evaluation and Accreditation and of the Government Decision No 780 of 03.07.2007 approving the amendments and addenda to the Government Decision No 1108 of 20.08.2002. According to the national legislation, health service accreditation **is a procedure aimed at recognizing a health facility's** (hereinafter referred to as facility) competence to carry out specific activities for its area of expertise.
31. As there was **no accreditation** in accordance with the law of the Pruncul Prison Hospital n.16 (*to see Annex 4*), the applicant distrusted the qualifications of the medical staff and the technical and material conditions that would be used to treat him.
32. According to the latest European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/Inf (2016) 16) report, in Pruncul Prison Hospital no.16¹² in most parts of the hospital, rooms were crowded and poorly equipped. As regards health-care staff, the CPT is critical about the existing vacancies and the low number of staff present on the wards. The health-care teams in most of the prisons visited by the member of the CPT, were under-

¹² <https://rm.coe.int/16806975da>

resourced. We draw attention to the fact that, besides the lack of medical personnel, medical devices and medical equipment necessary, in Pruncul Prison Hospital No. 16, are detained prisoners who have a vital necessity to respect a diet but as in the case of the applicant, they do not have the possibility to do it. Thus, the rapporteurs have found that: many patients interviewed by the delegation complained that the food provided to them lacked variety and that certain products (meat, dairy products, fresh fruit and vegetables) were rarely present on the menu. Indeed, the stock of food in the storage rooms seen by the delegation was limited and fresh fruit and vegetables were missing.

33. After 2016, the situation related to the health care of prisoners didn't change much. In October 2017, a detainee, who was at treatment in Pruncul Prison Hospital No. 16, died under suspicious circumstances on October 12, of the current year. The deceased was 26 years old. According to sources, the detainee would have died as a result of a reaction to an injection administered by prison doctors. On that day, Marina, suffering from a backbone problem, had undergone medical investigations.¹³
34. The same serious problems in the system of medical care provision in prisons were also revealed in the report presented by the UN Committee against Torture (CAT) experts in 2017 (CAT/C/MDA/CO/3)¹⁴, recommending the Government of Moldova to:
- *Intensify its efforts to improve health care in penitentiary facilities, including by hiring adequate numbers of qualified medical staff and providing them with training on the Istanbul Protocol;*
 - *Establish and ensure the implementation of rules to facilitate requests from inmates for private medical assistance and referrals to outside specialist services and to accommodate the needs of inmates with disabilities in the penitentiary environment;*
 - *Transfer responsibility for penitentiary medical units from the Department of Penitentiary Institutions to the Ministry of Health, Labour and Social Protection; ensure that the penitentiary hospital is affiliated with the Ministry of Health.*
35. In 2017 as well as on April 12, 2018, administration of P. 16 confirms that in hospital penitentiary No. 16
- There is no gastroenterologist and hepatologist (*Annex 13*);
 - Penitentiary No. 16 - Pruncul and the Department of Penitentiary Institutions (DPI) has not signed a contract with the Republican Clinical Hospital or another medical institution specialized in severe hepatic disease and liver transplantation

¹³ <https://crimemoldova.com/news/social/o-de-inut-din-penitenciarul-nr-16-a-decedat-n-condi-ii-suspecte/>

¹⁴ Concluding observations on the third periodic report of Republic of Moldova: § 19-20
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMDA%2fCO%2f3&Lang=en

that Cosovan Sergei is suffering from (*Annex 14, Annex 15*);

- Insufficiency of medical staff in all penitentiary institutions, including penitentiary hospital No.16.
- Instead of a reanimation and intensive care salon, **there is a "wake-up salon", and it does not guarantee the safety of patients detained in P. 16 in critical situations.**
- Pour providing with medicines: the amounts are insufficient with a narrow range.
- Lack of independence of the medical staff from the penitentiary system in relation to the administration of the penitentiaries due to the subordination of the hospital - Penitentiary No. 16 to the DPI.

Prison No. 13 Chisinau

36. Chisinau Prison, with an official capacity of 1,000 places, remains the largest prison establishment in the Republic of Moldova and operates primarily as a remand facility, with a very high turnover of prisoners. According to the Report of the National Mechanism for Prevention of Torture regarding the preventive visit to Chisinau Penitentiary No. 13, on May 20, 2017, at the time of the visit, 1191 persons were detained.¹⁵

- The worst problem is the vacancy of a radiologist, which seriously jeopardizes infectious control in the institution and exposes a major risk of tuberculosis infection to detainees and prison staff. Thus, in 2016 out of 4943 detainees arrived in Penitentiary no.13 Chisinau -, only 27.6% (1364 persons) were examined radiologically at the entrance to the institution, representing a serious violation of the normative acts in force, which require the first 72 hours of radiological examination from the placing in detention. At the new prisoners arrived in 2016, 15 cases of tuberculosis were detected compared to 17 cases of tuberculosis diagnosed at the repeated radiological examination. **These data point to degraded conditions of detention that lead to the transmission of tuberculosis to prisoners and prison staff, and are an extremely worrying sign.**
- The medical service is not provided with safe containers for the collection of medical waste. Medication and supplies are insufficient (about 50% of the need). At the end of 2016, in Chisinau Penitentiary No. 13 – at the 1029 detainees from the institution were found 886 maladies. The most common diseases were the diseases of the digestive system - 336 persons (during the year -1240). These

¹⁵http://ombudsman.md/sites/default/files/document/attachments/raport_cnpt_p13_vers_finala_07.07.2017.pdf

diseases require continuous surveillance and special medical assistance for increased ambulatory care, which is difficult to achieve under medical conditions of the penitentiary.

37. According to the statistics provided by the Department of Penitentiary Institutions, in 2015 the Chisinau Penitentiary No. 13, according to the number of deaths, ranked second with a weight of 16% (8 cases out of 49 detainees deaths.) In 2016, the deaths in Chisinau Penitentiary No. 13 - is on the rise and ranks 1st, with 22.2% (12 out of 54).

D. What was believed to be the purpose of the torture?

38. Upon arrest, the victim was Local Councillor in Codru City Council, representing the political party „Our Party” – a party in opposition to today’s government in the Republic of Moldova. The victim claims he is actually subjected to persecution and torture in order to take over his business. This is evidenced by the fact that being in a serious medical condition that is incompatible with detention, illegal actions are taken for the purpose of placing in preventive detention where he cannot receive the treatment necessary to save his life.
39. At the moment serious violations are admitted against Cosovan Sergei. Thus, at present, there are **two preventive measures at the same time** ordered by the court against Cosovan Sergei:
- 1) **The house arrest** - ordered by the Judge decision of 24 of April 2018 (*to see Annex 5*), which is in force today.
 - 2) and **the pretrial detention** - ordered by the Decision Buiucani Court of Chisinau, of 27 of April 2018 (*to see Annex 7*), which is in force today.
40. An unprecedented abnormality in the Moldovan justice, which reveals a blatantly interest in destroying the health of Cosovan Serghei that would result in his death.

III. Remedial action

A. Were any domestic remedies pursued by the victim or his/her family or representatives (complaints with the forces responsible, the judiciary, political authorities, etc.)? If so, with what results?

41. On 26 January 2018, the victim notified the General Prosecutor's Office of the Republic of Moldova of the acts of torture admitted against him (*Annex 16, Annex 17*). However, on 15.02.2018, it was decided not to bring criminal proceedings on the fact of Cosovan’s complaint regarding the actions of inhuman and degrading

treatment within the examination of his criminal case by Centru Court for lack of offense (*Annex 18*).

42. On 25 of April 2018, the victim informed again the Department of Combating Torture of the General Prosecutor's Office of the Republic of Moldova about the illegal actions admitted by the authorities, which caused him suffering and threatened his life. But no response has been received by the victim to his complaints until today (*Annex 19, Annex 20*).
43. On April 12, 2018, the experts of Ombudsman's Office during the repeated visit to Hospital Penitentiary No. 16 - Pruncul found that:
 - Serghei Cosovan's state of health is constantly aggravated in the context of hematological disease worsening and progressing.
 - - At the moment, Cosovan Serghei urgently needs a consultation of a hepatologist in order to initiate the liver transplant procedure. The delay / dragging out of this process could lead to aggravation of the state of health or even to the death of the person.
44. ***Penitentiary No. 16 – Pruncul/ Department of Penitentiary Institutions have no health care contracts signed with the PMSI Republican Clinical Hospital or another medical institution specialized in the field of liver transplantology,*** which may impede the right to life and health of the patient Cosovan Serghei, who is in State custody (*to see Annex 14, 15*).
45. At the same time, we also informed People's Advocate (Ombudsman), who in turn urged the medical and penitentiary authorities to immediately identify prompt solutions to ensure the right to life, integrity physics and health of Cosovan Sergei. Regretfully, no prompt action has yet been taken.
46. Promo-LEX Association has urgently informed the EU Delegation to Moldova, the UN Resident Coordinator in Moldova the US Embassy in Moldova and the People's Advocate Office of this case and requested to intervene within their functional competencies.

IV. Requested action

Given the above and the fact that the victim is in a bad state of health, we kindly ask Your Excellency to send this appeal to Moldovan authorities, urging them urgently:

Individual measure:

- To transfer of the victim to an accredited medical public institution: namely "the Timofei Mosneaga Republican Clinical Hospital",¹³ or another accredited medical public institution specializing in severe hepatic disease and liver transplantation, for making all investigations necessary to include Sergei Cosovan in the liver transplant waiting list;
- To transfer of the victim to an accredited medical public institution specializing in severe hepatic disease ensuring the continued victim's adequate treatment under stationary conditions to a hepatic-specialist;
- To take urgently all necessary measures to ensure the victim's health and life.

General measure:

- To take urgent measure to stop overuse of pretrial detention in Republic of Moldova;
- To implement the CAT's recommendation (CAT/C/MDA/CO/3 from 21 December 2017, §19)¹⁴ concerning the health care in penitentiary system.

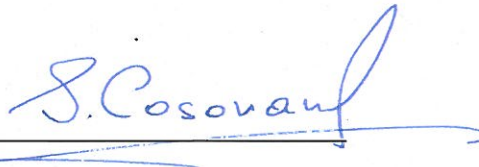
V. Information concerning the author of the present report:

Information concerning this appeal was presented by POSTICA Alexandru - Lawyer, Director of Human Rights program of "Promo-LEX" Association, Vadim VIERU and Nicoleta HRIPLIVII - lawyers from "Promo-LEX" Association, based on the evidences attached and the statements of the victim's, who countersigned this Urgent Appeal.

We are ready to provide you further information or to clarify any issues in relation to this matter if necessary. Please feel free to contact Mrs. HRIPLIVII Nicoleta, tel./fax +373 22 450024; GSM (+373 69279133); e-mail: nicoleta.hriplivii@promolex.md, if you have any questions.

The victim:

Serghei COSOVAN

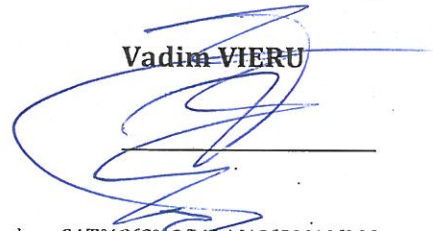
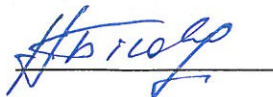


Signature of the representatives:

Alexandru POSTICA

Nicoleta HRIPLIVII

Vadim VIERU



¹³ <http://www.scr.md/>

¹⁴ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMDA%2fCO%2f3&Lang=en

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