

Court decisions on abusive detention endanger human lives

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.

The Court asked the Government of the Republic of Moldova to submit its observations on the submitted complaint. [The High Court posed questions](#) on the way, in which the measure of pre-trial detention was ordered with respect to the person and whether the person was offered the necessary medical assistance (Articles 2, 3 and 5 of the Convention).

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. *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.* 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\[1\]](#)), 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.

Statistics show that the measure of pre-trial detention is

being excessively used in 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.

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.

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.

On December 21, 2017, in their final [report](#), 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.

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[\[1\]](#) According to the Child-Pugh scoring, the severity of liver cirrhosis correlates with the patients' survival indices: survival duration for patients referred to **Class C is of 2-3**

months (according *The National Clinical Protocol PCN-24, on the treatment of chronic hepatitis and liver cirrhosis of viral etiology C in adults, approved at the meeting of the Council of Experts of the Ministry of Health of the Republic of Moldova of 28.12.2013*).