

7 April 2009: FIVE Years of Ignorance!

Public Declaration

Hundreds of people were subjected to torture and ill treatments in police stations during the April 2009 events. In a few days, the 5-year limitation period to punish the perpetrators responsible for the events of April 7, 2009, will expire! The vast majority of victims are still waiting for justice!!!

In all these years, Amnesty International, along with other NGOs in Moldova, sent tens of requests to bodies responsible for punishing the perpetrators. We organized public actions, debates and other activities, and warned of the importance of shedding light on the application of mass torture and ill treatment during arrests and detention in police offices, in the events of April 2009.

ALL FIVE YEARS, WE DEMANDED TO SHED LIGHT ON THE APRIL 7, 2009, CASE, WE ASKED FOR A CHANCE TO BELIEVE IN JUSTICE AGAIN!

Remember that, officially, there were 108 complaints of torture or ill treatments as a result of the events of 7 April 2009. However unofficial data showed that over 600 people were tortured during that time. 71 criminal cases were initiated on those complaints. Subsequently, 10 cases were closed, 31 were suspended because those to be put under accusation could not be identified. To date, 14 police officers were convicted in the April 7, 2009, case and received suspended punishments; 22 police officers were acquitted, criminal proceedings on another police officer were stopped. Examination of cases is delayed in trial and appeal courts. The European Court of Human Rights condemned Moldova in 7 cases with reference to April 7, 2009, and another 40 applications with reference to

Article 3 of the ECHR (torture) were rendered admissible and are awaiting examination.

THERE IS NO IRREVOCABLE COURT RULING on the perpetrators of April 7. NOT ONE PERSON is in prison for torture or ill treatments committed in April 2009.

We point to the principle of non-retroactivity of criminal law. If a person is not sanctioned for torturing young people in April 2009 during these five years, then, even if there is evidence to prove their guilt, and that acts of torture were committed during the events of April 2009 or that they did exceed their duties, the offense cannot not be invoked in the courts, and the perpetrators cannot be duly punished.

Today we say with conviction: SORRY – WHAT WAS DONE SO FAR IS NOT ENOUGH!

HERE IS OUR LAST APPEAL – several days are left before the limitation period for the crimes committed on April; 7, 2009, expires! Give us the chance to believe that we live in a RULE OF LAW STATE!

Statement by NGOs that attended the Public Action on 30 March 2014

CRISTINA PERETEATCU, Executive Director, Amnesty International Moldova: “We have reached the end of the movie “April 7, 2009”. It lasted for 5 years, with big promises from the government, while some victims of torture were forced to leave their country in despair. We find that law enforcement people easily juggle the law on torture cases and the lives of victims, and seldom ask themselves if there is still a place for law and justice here. How can we talk about the rule of law when we got to the end of the limitation period, and the perpetrators were punished by payment and suspended convictions? Today, on 30 March, we give the government the right to reply, to shed light on April 7, because after April 7, 2014, it will not matter that we all had and have rights,

as the right against torture is a myth in Moldova!”

CREDO: “If the lessons of the events on 7-8 April 2009 are not learned, the quality of democratic reforms does not cost a thing!”

Promo-LEX: “We find that the prosecution of April 7 cases remains ineffective due to the poor work of prosecutors. The cases litigated by Promo-LEX at the European Court of Human Rights (Calancea, ap. no. 50425/11, Crăciuneac, ap. no. 77407/11, etc.) allege the failure of the State to effectively investigate torture that was committed in April 2009. In those cases, the government has acknowledged the violation, and proposed a friendly settlement of the case. Promo-LEX states that prosecution and other bodies responsible for conducting criminal investigation must strengthen their capacity to investigate crimes of torture, and Parliament should ensure the rapid reform of the Prosecution in accordance with international standards.”

Legal Resources Centre of Moldova: “The evolution of the investigation and examination of cases related to April 2009 shows the true face of the Moldovan justice. The prosecutors delayed or investigated the cases of torture only superficially. The few cases that have reached courts targeted individual police officers and not those who gave orders for abuses, which took place in April 2009. Cases brought to court were protracted by the parties or repeatedly sent for retrial. In about half the cases of torture on the events of April 2009, the respondents were acquitted or judges terminated the cases. In other cases, the penalties imposed by judges were close to the minimum required by law or even milder than those required by law. It seems that not one person went to jail as a result of the torture committed in April 2009. The political factor also bears a great responsibility for the fact that the events of 2009 have not been elucidated. The findings and recommendations to Parliament Decision no. 159 of 08.07.2009 on the report of the Commission to investigate the causes and

consequences of the events after 5 April 2009 remained valid – and largely not implemented. Prosecution and courts should draw lessons from the inadequate examination of cases related to the events of 2009, and politicians must endeavor to elucidate events and present a complete information to the society.”

RCTV MEMORIA: “It is unfortunate that rehabilitation is not a priority for state institutions and donor organizations working in Moldova. It is unfortunate that Moldovan justice system did not have its say in the cases of maltreatment in April 2009, and in other cases of torture. Of 136 survivors of the massacre in April 2009 assisted by RCTV Memoria team, 52 people left Moldova, temporarily or permanently. Some young people do not want to return home, and many of those remaining here are looking for ways to leave the country where they were mistreated and wronged. It is unfortunate to note that impunity persists regardless of the growing awareness of the phenomenon of torture, and survivors were and still are silenced by injustice and discrimination. From the point of view of those whose rights have been and continue to be violated, especially victims of torture, the perception of justice is a disaster.”