

The frequent use of the pretrial detention in the Republic of Moldova – Speech at the UN Human Rights Council

Statement of the 34th Session of the UN Human Rights Council
Item 6 of the agenda: Consideration of the UPR
report for Republic of Moldova
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Delivered on behalf of International Federation for Human Rights and Promo-LEX Association

Mr. President,

FIDH and Promo-LEX Association welcome the recommendations made by states calling the Moldovan authorities to pursue the judicial sector reform and appreciate Moldova government's commitment to implement them. However, we are disappointed that the issue of the extensive use of pre-trial detention has not been raised.

International human rights norms and national law of Moldova imposes that an accused be freed while he awaits his trial and that detention pending trial should be exceptional, always objectively reasoned and must correspond to the public interest. Abusive use of pre-trial detention in Moldova, however, remains a serious problem: courts routinely fail to provide relevant and sufficient reasoning to support detention awaiting trial and limit themselves to abstract and stereotypical restatements of legal grounds of detention.

According to the data of the Ministry of Justice, as of May

2016, out of 7892 people detained in penitentiary system institutions, 1421 were being detained pending trial. At the same time, over 1400 people were released from pre-trial detention in 2016 following discontinuance of prosecution (118), change of pre-trial detention to other form of restraint (803), withdrawal of proceedings (145) or punishment without deprivation of liberty (334)[\[1\]](#).

Therefore, plans to reform the penitentiary system and modernize prisons in Moldova should include measures to reduce the excessively high number of pre-trial detentions that will have a direct impact on the detention conditions, especially those related to overcrowding.

Thank you Mr. President.

Delivered by: Ion Manole, Promo-LEX Executive Director

[\[1\]](#) Overcrowding in penitentiaries strategy of lessening/Department of Penitentiary Institutions/Ministry of Justice of the Republic of Moldova/Kyiv2016/http://webcache.googleusercontent.com/search?q=cache:5nr94uDR2egJ:kvs.gov.ua/zmi/5_Moldova_penitenciary_overpopulation.pptx+&cd=1&hl=ro&ct=clnk