

Supplementary Declaration

Superior Council of Magistrates
Ministry of Justice
Ciocana Sector Court
Rîșcani Sector Court
'Ziarul de Gardă' newspaper

SUPPLEMENTARY DECLARATION

As a result of certain appeals and letters received by our organisation from various magistrates who disagreed with our mention of several judges as being suspected of having examined cases concerning the protest actions of April 7 2009 on the premises of Police Commissariats, we are making this declaration to qualify the complaints submitted on March 31 and April 2, 2010.

In the complaints addressed to the Ministry of Justice and the Superior Council of Magistrates, the human rights organisations Promo-LEX and IDOM stated that nine other judges had committed violations while examining cases involving individuals arrested in connection with the protest actions of 7 April 2009, namely: 1) that rulings on the application of preventive measures and administrative sanctions were made based only on reports and notes prepared by police; 2) that the respective rulings were reached in the absence of a lawyer (state-appointed); 3) that the rulings and decisions were made in conditions of mass terror, a state of affairs present in the Police Commissariats in Chisinau between 7-10 April 2009 owing to the illegal use of physical force by police against those arrested and held there; 4) that the examination of cases took place without a clear elucidation of the circumstances in which people were arrested, maltreated and held.

We have been contacted by Mr. Mardari, president of the

Ciocana court, who maintains that judges Igor Mînescurtă and Ion Bulhac did not examine cases on the premises of Police Commissariats. Similarly, Judge Oleg Melniciuc, vice president of the Rîșcani sector court, sent us an official letter declaring that he did not examine any cases in Police Commissariats. All of them insist that we publish a retraction of the claim that the three judges in question – Oleg Melniciuc, Igor Mînescurtă and Ion Bulhac – had examined cases on the premises of Police Commissariats.

Following these responses, we must reiterate that the information contained in the complaints made were based upon materials to be found in administrative and criminal files, as well as upon personal statements made by individuals detained by the police during the period in question, which raise reasonable suspicions concerning the impartiality of the judges and the rulings they made. The violations listed are to be found in both the rulings made on court premises and those made on the premises of Police Commissariats. Unfortunately, the case records do not indicate clearly where the cases were examined, whether in the courts or the Commissariats.

Therefore, we cannot say that some judges did not examine cases in court at this time, as is the case with judges Oleg Melniciuc, Igor Mînescurtă și Ion Bulhac. But there exists definite proof showing that there exist rulings that refer to the examination of cases on the premises of Police Commissariats, at least according to rulings made by the President of the Rîșcani court and victims' declarations. Clarifying the matter regarding the location where cases were examined, and regarding the illegalities committed by the judges, is the duty of the Superior Council of Magistrates, which has direct access to all the case materials, unlike the signatory organisations.

It is incumbent upon human rights organisations such as Promo-LEX and IDOM to alert the Superior Council of Magistrates to the existence of certain reasonable doubts, bearing in mind

the serious human rights violations that were committed in the period in question. We remind that the prohibition upon torture and any other forms of maltreatment is absolute, and there is no justification for the fact that some judges overlooked the signs of maltreatment that were visible on some of the young people being held. The place where the cases were examined is only one of many elements involved in the complaints referred to the Superior Council of Magistrates, which should investigate all the elements and make a final decision.

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