

# Promo-LEX: Torture in Moldova is Worth MDL 1000

Promo-LEX Association is concerned about the fact that Moldovan law enforcement bodies continue to investigate torture crimes inefficiently. The investigation deadlines are excessively large, and torturers receive minimal punishments.

Cahul Court of Law pronounced, on 15 June 2017, a sentence in connection with a case of torture and excess of power or acting in excess of authority. Three MIA employees were convicted according to Articles 166/1 and 328 of the Criminal Code, being sentenced to three years and six months imprisonment with conditional suspension and deprivation of the right to run for a position for a seven-year period. The Court paid to the injured party MDL 554 for pecuniary damage and MDL 1000 for non-pecuniary damage.

On 21 April 2010, N.S., being at a gas station from Taraclia district, Balabanu village, has been ordered to accompany three MIA employees, Taraclia PS, to the hospital for testing drunkenness. Mr. N.S. refused to go on the grounds that he wasn't driving the vehicle, but was staying in the café. MIA employees, without drawing up any procedural act and by force, transported him to the police station and, subsequently, to the Taraclia Police Commissariat, unlawfully depriving him of liberty for longer than eight hours.

Mr. N.S. was hand and feet cuffed without any legal ground, despite his severe disability of the left leg, wearing a prosthetic device. According to evidence submitted by the prosecutors, between 5 p.m. and 8 p.m., N.S. was beaten using fists, legs and other means of applying force. Subsequently, he was transported by force to the district hospital for testing alcohol level and was taken blood samples against his will. In case the person refuses to pass the medical expertise

to determine the alcohol level, the police officers must draw up a protocol (Article 273 of the CPC) describing the refusal grounds, but, by no means, should oblige the person to pass the medical testing.

N.S. lodged several complaints against MIA employees' actions. The criminal prosecution phase of his criminal file brought against them lasted five years and the trial phase – two years, a total of over seven years.

According to Promo-LEX Association lawyer, Dumitru Sliusarenco: *'The prohibition of torture and inhuman or degrading treatment is one of the absolute rights, guaranteed by the international conventions and treaties, which can never be violated, in any form, regardless of justification. Unfortunately, Moldovan authorities still encounter difficulties in prosecuting and sanctioning such cases, although the European Court of Human Rights has repeatedly convicted Moldova for similar cases. The inefficient criminal prosecution, excessive investigation deadlines and minimal punishments are the key issues the authorities remain outstanding at. Another major problem is the recovery of the injured party and the assurance of a fair satisfaction. In this case, the amount paid for the pecuniary damage is ridiculous, that is MDL 1000, which is an insult to the person who suffered both from an abusive behaviour of the law enforcement bodies and from seven years of file examination'*.

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