



**PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA  
TO THE UNITED NATIONS OFFICE IN GENEVA**

No. 494/R-ONU-286

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, Special Procedure Branch and has the honour to transmit herewith the response of Moldova's Government to the urgent appeal, file No UA G/SO 218/2G/SO 214 (53-24) MDA 2/2012, regarding the case of Mr [REDACTED], detained in central Moldovan isolator, in Chisinau KPZ -13.

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedure Branch the assurances of its highest consideration. *v.v.*

Geneva, 12 April 2012

Enclosed: 2 pages

**Office of the High Commissioner for Human Rights  
Special Procedure Branch**  
*Geneva*

The Republic of Moldova stands committed to its human rights agenda, the respect of international standards in the promotion and protection of human rights and fundamental freedoms, prevention of torture and inhuman or degrading treatment.

The national authorities have examined and taken necessary actions in order to clarify the allegations envisaged in the joint appeal of the Chair Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, and intend to communicate the following facts.

It was established that citizen ██████████ was detained on 16 April 2011 by prosecution officers, on the ground of art. 166 of the Criminal Procedure Code, being suspected of committing crimes stipulated under art. 145, para 2, let. a), g) and j) of the Criminal Code.

As a result of the decision of the Central District Court of Chişinău dated 18 April 2011, the preventive measure of arrest of 30 days was applied, according to art. 145, para. 2 of the Criminal Code. Subsequently, this term was extended twice for additional 30-day periods (on 13 May 2011 and, accordingly, on 13 June 2011). The detainee was placed in Penitentiary no. 13 in Chişinău on 2 June 2011, where was detained until 14 June 2011, and subsequently – from 21 June 2011 to 19 July 2011 – when was transferred to the Public Medical Sanitary Institute of the Clinical Psychiatric Hospital in Chişinău. During the period of 14-21 June 2011 Mr. ██████████ was held in section 31 of the Institution of judicial and medical-legal assessment. The pre-trial detention facility was subject to daily checks of the supervising prosecution officer with regard to the legality of detentions of persons, non-admission of cases of ill treatment or inhumane and degrading conditions.

According to the data provided by the Department of Penitentiary Institutions, the medical examination of the detainee ██████████ was conducted at the moment of placement in the penitentiary. The examination review sheet no. 478 envisaged no body injuries that would reveal acts of torture, cruel, inhuman or degrading treatment of Mr. ██████████ while in police custody.

During the period of detention in Penitentiary no. 13 in Chişinău, Mr. ██████████ didn't file in the name of the penitentiary administration any petitions with regard to application of torture or ill treatment. At the same time, the *Register of evidence of medical assistance requests by detainees placed in pre-trial detention* shows that Mr. ██████████ asked medical assistance for back pain and insomnia only, on 21 April 2011 and 22 April 2011.

At the same time, the General Prosecutor's Office has examined, on the ground of art.274 of the Criminal Procedure Code, the allegations of ill-treatment while in police custody. All possible investigations showed non-existence of those crimes. As a result, on 1 June 2011 it was disposed not to initiate prosecution, on the ground of art. 275, para 1 of the Criminal Procedure Code. Mr. ██████████ was informed of the adopted decision and methods of appeal.

According to the psychiatric-legal assessment report no. 61s-2011 dated 24 June 2011, it was established that citizen ██████████ suffers of paranoid schizophrenia and, at the moment of committing the crime, did not have the capacity to direct and deliberate his actions, thus being recognized irresponsible. Taking into consideration those ascertained by the psychiatric experts, on the basis of the request of the Prosecutor, the Central District Court of Chişinău authorized on 13 July 2011 the transfer of Mr. ██████████ to the Public Medical Sanitary Institute of the Clinical Psychiatric Hospital in Chişinău, for psychiatric treatment under rigorous supervision.

Simultaneously, the preventive arrest measure was revoked from this date, according to the procedural provisions contained in art. 490 of the Criminal Procedure Code.

The General Prosecutor's Office asserts that at the present moment there was no derogation from the criminal procedural legislation on the application of the constraint measure of medical character, fact also confirmed by the position of agreement of Mr. [REDACTED] and his lawyer with regard to the prosecutor's grounded request.

It is necessary to underline that, according to art. 501 of the Criminal Procedure Code, the constraint measure of medical character, can be revoked or changed at the proposal of the chief physician of the health care institution, to which the medical facility of detention is subordinated.

Art. 501 also establishes that the Court will periodically, but not more rarely than once at 6 months, verify the need of continuing the application of constraint measures of medical character. In this regard, the request of the Clinical Psychiatric Hospital for extending the constraint measure with rigorous supervision on the case of Mr. [REDACTED] was registered on 2 February 2011 at the Central District Court of Chişinău. According to the medical assessment report no. 05-9/x-29 of 27 January 2012, Mr. [REDACTED] suffers of paranoid schizophrenia of a mix character and during the undergone treatment, his state of mind remains unstable, with psychopathological symptoms in the stage of decompensation, lack of judgement, and dissociated reasoning. On the basis of the medical institution's notification, the Central District Court of Chişinău authorized on 5 March 2012 the extension of the medical constraint measure applied to Mr. [REDACTED].

At this stage, having verified all the materials and allegations submitted, the Moldovan authorities did not observe any illegal criminal procedural acts and actions as to the detention, arrest, and placement in the psychiatric institution of citizen [REDACTED].