

REPORT

On the Monitoring Visit to the Temporary Detention Isolation Facility of the Căușeni Police Inspectorate

I. Background information

The temporary detention isolation facility (TDI) of the Căușeni Police Inspectorate (Căușeni PI) is located in the basement of the police inspectorate building. The isolator is made up of four functional and three non-functional cells, space for the distribution of meals and bathing space. The Căușeni PI is connected to the heating system, and so is the TDI.

In accordance with the Criminal Procedure Code (CPC), the persons suspected of committing a crime may be apprehended by the police for up to 72 hours from the moment of their deprivation of freedom. Before the expiration of this timeframe, the suspect must be brought before a judge who shall decide if he/she must be placed in pretrial arrest or imposed upon another preventive measure (for example, home arrest, bail, etc.), or be released.

The persons suspected of committing an administrative offence in principle may be apprehended by the police for maximum three hours. For identification purposes, persons may be apprehended for maximum six hours.

At the beginning of its visit, the monitoring group was informed that the persons serving administrative punishments and those placed in arrest were not regularly kept in the TDI but rather escorted to the Penitentiary 13.

III. Deficiencies signaled by the Căușeni PI representatives:

- Lack of financial resources for repairing the TDI;
- Shortage of surveillance and escorting staff in the TDI service;
- High depreciation of the transport used to escort the detainees.

IV. Information about the visit

Date of the visit: 23 May 2017

Duration of the visit: 11.30 – 13.00

Members of the monitoring team: Vanu Jereghi, Olesea Doronceanu, Radu Nicoară, Dumitru Russu – representatives of the Civic Association “Moldovan Human Rights Institute”.

Objectives of the visit:

To monitor and assess the level of implementation of the recommendations previously set forth on improving the detention conditions in the pretrial detention isolator of the Căușeni Police Inspectorate.

V. General findings

The access to the institution monitored was restricted to the team members for about 30 minutes because no one from the management was present at the inspectorate (neither the chief of the Căușeni PI, nor the chief of the TDI or their deputies), and the authorized person declined their right of making a decision in this connection. Later on, the deputy chief of the Căușeni PI returned to the premises, the situation was settled and the team was provided access to the TDI.

During the interview with the deputy chief of the Căușeni PI, he communicated to the monitoring team that no capital repair works had been conducted in the TDI since 2011. Funds were allocated from the institution’s budget only for current/cosmetic repairs.

There are three surveillance cameras installed in the TDI of the Căușeni PI: two in the hall and one in the office for meetings with the lawyer. One can follow through the cameras who enters and who leaves both the isolator and the cells. According to the TDI representative, the information recorded is stored on the server of the General Police Inspectorate and kept there for six months.

Inside the Căușeni PI, there are billboards for posting informative materials about the rights of the persons held in police custody or the institutions where they could report human rights violations. The reference information from inside the Căușeni PI is obsolete and insufficient //see image no.1//

At the time of our visit, there were two persons (men) held in the isolator who were to be transported to the court. During the interviews held with them during our visit, neither detainee complained about any ill-treatments applied to the detainees.

VI. Physical conditions in cells

As mentioned above, the TDI is located in the basement of the Căușeni PI building, composed of 7 cells, of which 4 functional and 3 non-functional. The size of the cells varies between 9 m² and approximately 14 m². In the functional cells, there is a bathroom divided by just one wall. *//see image no. 2//*

The general condition of the cells is unsatisfactory. Each cell has two two-storey sleeping spaces (of wood) that can hold up to 4 persons.

The cell has one floor-mounted table with chairs. There is no place allocated for keeping personal belongings. The personal belongings, according to the isolator staff, are kept inside the cells or in the room for the distribution of meals.

According to the staff, the heating system of the isolator and of the entire inspectorate building is functional. The cells are heated in a centralized manner. The temperature in the isolator's rooms is relatively satisfactory. The detainees had no objections whatsoever about this.

The isolator cells have windows and lamps. Natural ventilation is relatively acceptable. At the same time, the ventilation system works bad due to its heavy depreciation.

We also found unsatisfactory hygiene conditions, which injures the human dignity of the persons placed in the isolator and also has negative effects on their health condition. From the interviews held with the detainees, we retained that the lack of complaints on the conditions in the isolator are exclusively due to the short period of stay therein.

We also found that bed linen is old, sometimes missing. In some cases, it is the relatives of the apprehended persons who bring them bed sheets. During the interviews with the detainees, we found that some bring in their sheets from the penitentiary. The problem of bed linen and mattresses was confirmed by the inspectorate staff as well *//see image 3//*.

VII. Meeting room

The meeting and interrogation room is located at the TDI entrance. It has one floor-mounted desk and two chairs. The video surveillance is functional. According to the Căușeni PI representatives, the work schedule of the meeting and interrogation

room is flexible; it is occasionally used for holding meetings/consultations with the attorneys, or for procedural actions.

VIII. Bath/shower conditions

According to the Căușeni PI responsible persons but also as found during the interviews with the apprehended persons, the detainees avoid using the bath, due to the unsanitary conditions but also to the short-term stay in the isolator. *//see images 4 and 5//*

Warm water is supplied from an electric boiler but the shower space is not delimited and has poor conditions.

IX. Laundry

The institution's representatives mentioned that the laundry is not done in the building. Usually the detainees do not request to do laundry as they bring their clothes with them from the penitentiary or they are brought to them by their relatives.

X. Walking courtyard/fresh air walks

The detainees with whom we spoke stated that their right to one hour of fresh air walks per day was observed. The inspectorate has a courtyard for walks, of reasonable size. The walking space has acceptable size and is covered by a metal net. In addition, the walls are tall (circa 3 m). At the same time, the courtyard does not have any recreation accessories *//see images 6 and 7//*.

XI. Parcel receipt

According to the institution's representatives, family and relatives visits for delivering parcels are allowed every three days. The institution keeps a register in this sense, while the necessary formalities are done in an office at the Căușeni PI. During the interviews with the staff and detainees present, none signaled any difficulties in this sense. One must fill in a sample form to deliver a parcel. The parcels are checked by the escort service and then delivered to the isolator users.

XII. Meals

According to the inspectorate management, meals are provided to the persons held in the isolator three times per day, by contracting a local canteen to prepare the

food. The conditions of meal distribution at TDI are unsatisfactory. The interviews with the detainees showed that they are provided meals upon request.

XIII. Medical care

The medical care to the persons detained in the TDI of the Căușeni PI is provided upon request by a public medical facility or emergency care service. The position of feldsher has been vacant at Căușeni PI for nearly one year. The persons kept in the isolator during the visit had not been examined by a doctor, and the inspectorate representatives invoke there had not been such requests.

The detainees may request medical care verbally or in writing, via the TDI staff. Regarding the quality and quantity of the medical services provided, no reasons for concern were signaled with the monitoring team, although it must be noted that those detainees had never requested such services.

XIV. Ill-treatments

The persons interviewed by the monitoring team said they had been treated fairly while in police custody, at the Căușeni PI. The monitoring team also noted the respectful attitude to the detainees by the institution's staff.

Prevention of ill-treatments

According to the CPT standards, in view of preventing ill-treatments, the three fundamental rights (the right to access legal services, the right to be consulted by a doctor, and the right to communicate about the apprehension to a relative or third party) must be ensured from the actual deprivation of freedom of the person as well as at each stage of entering or leaving the isolator. Such protection measures shall apply not only to the persons apprehended by the police in connection with a criminal or administrative offence but also to those who are required to remain in police custody for other reasons (for example, as witness or for identification purposes).

As the monitoring team noted, the right to be seen by a doctor upon apprehension apparently is not ensured.

At the same time, we found that the 'non-functional' cells were not duly sealed; hence, excluding their use was not ensured, which may induce abuses and ill-treatments. *//see image no. 8//*.

We found an imperative need of ensuring non-admission of overcrowding in the isolator cells. In this connection, we would like to recall that the CPT standards require that a person be provided 6 m² of actual space (without the space designated for sanitary installations) and other 4 m² for each additional person in the cell.

Regarding the sanitary conditions of the sanitary installations, we retained the pronounced smell of feces in the cells due to the insanitary toilet. The detainees are made responsible for keeping cells and sanitary installations clean. Its location in relation to the sleeping beds does not ensure the due intimacy and directly injures human dignity//*see image 2*//

The bed linen is inadequate and insufficient, and the same can be said about personal hygiene items (WC paper, soap, and toothpaste/brush).

Cumulatively, these circumstances may raise the issue of observance of human dignity at the level of intensity of degrading or inhuman treatment.

XV. Material means of evidence

During the monitoring visit, we held interviews with the representatives of the Căușeni PI, with the persons held in the TDI, and we made pictures inside the TDI.

XVI. End of visit

XVII. Conclusions and recommendations

1. The members of the monitoring group appreciate the progress achieved by the Căușeni PI management regarding the transfer to Penitentiary 13 of the persons held in pretrial detention and those held in administrative arrest, which is confined in the European Prison Rules¹. We recall that further detention in the police premises, especially after the person has been brought before a judge, increases the risk of intimidation and ill-treatments.
2. In its report to the Moldovan Government, the CPT reiterated the recommendation that additional efforts had to be made to ensure that the

¹ Rule 10.2 of the Rules, [http://www.coe.int/t/dghl/standardsetting/prisons/Rec\(2006\)2%20Romanian.pdf](http://www.coe.int/t/dghl/standardsetting/prisons/Rec(2006)2%20Romanian.pdf)

return of persons under arrest to the police premises be requested and authorized only in exceptional cases, for certain security reasons and for the shortest period possible; judges must carefully examine the transfer of the detainees done by the police².

3. In the current situation, when the physical conditions in the TDI are unsatisfactory, it is imperative to ensure adequate hygiene conditions in the detention cells as well as in other rooms. It is also imperative to take the necessary actions to ensure intimacy in the space meant as a toilet within the cells in the isolation facility.

Making reference to the previously signaled findings as well as to those specified in this Report, we would like to draw attention to the following adjustments to be made in view of improving the detention conditions within the TDI of the Căușeni PI:

- a. Ensure the immediate medical examination of the persons entering or leaving the isolation facility by the medical staff/feldsher;
- b. Ensure the actual right of the apprehended person to request medical examination that can be done at one's own expense by an independent doctor, indicated by the apprehended person. The results of any medical examinations of the apprehended person, including those conducted by independent doctors, shall be attached to the medical card of the apprehended person, after they have taken notice of the content of the examination against their signature.³
- c. Provide each detainee with mattresses and clean bed linen;
- d. Provide to the persons detained over night with a basic sanitary set to include soap, toilet paper, a towel, toothpaste and toothbrush;

² P. 14 of the CPT/Inf Report (2016) 16, <http://www.cpt.coe.int/documents/mda/2016-16-inf-eng.pdf>

³ The medical cards of the apprehended persons are prepared by the TDI feldsher and contain the diagnosis and the patient's evolution plus the special examinations conducted and treatments. In case of a transfer, the card must be passed over to the doctors of the institution where the detainee will arrive. In case of release, the card must be given to the person released. The content of the medical cards is confidential. They must be kept separately from the personal files of the apprehended person and be accessible only to the medical workers and to the detainee, except when there is a therapeutic contradiction and, with the latter's consent, to his family or lawyer.

- e. Ensure sanitary conditions inside the cells, with focus on the sanitary installations and on the bath. Avoid making the detainees responsible for their tidiness.
- f. Avoid placing persons in cells without observing the CPT standards, according to which each person is actually provided 6 m² (without the space designated for the sanitary installations) and other 4 m² for each additional person in the cell.
- g. Avoid keeping in the TDI persons apprehended for over 72 hours (24 hours – for juveniles) and ensure that the stay of arrested persons in the police premises, for whatever reason, is not allowed unless for the shortest time possible and only on an authorized request when there is no other option;
- h. Provide meals to the detainees in accordance with the provisions of the Government Decision no. 609 of 29 May 2006 on the Minimal Daily Meals and Toilet and Household Items for Detainees. Measures must also be taken to ensure that the apprehended persons enjoy meals that take into account their age, health and physical conditions, religion and culture⁴;
- i. Ensure that the non-functional cells are not used for detaining persons by having their entrances sealed;
- j. Exclude the practice of using a 24-hour work schedule for the staff, which contravenes the legislation in force.

Regarding the CPT standards on the prevention of ill-treatments, we recall the need to take the following steps:

- Ensure the actual right of the person deprived of freedom to notify immediately a relative or close person about it;
- Ensure that the persons taken in custody enjoy the right to a lawyer (the right to confidential consultations with their lawyer during the interrogations/when making statements) from the moment they are placed in custody and ensure their actual exercise of the right to request legal assistance at any procedural stage;
- Take the necessary measures to ensure that the recordings made after the mandatory examination by a medical worker contain: (i) a full description, based on objective medical findings, following a thorough examination; (ii) a full

⁴ P. 78 of the Order 223 of 6 July 2012 on Approving the Instructions on the Work of Temporary Detention Isolators of the Ministry of Interior. The persons apprehended shall enjoy meals that take into account their age, health and physical conditions; p. 22.1 of the European Prison Rules”.

description of the statements made by the respective person that are relevant to the medical examination (including a description of their health condition and any maltreatment allegations) and (iii) the conclusions of the medical worker, taking into account (i) and (ii), indicating, to the extent possible, the compliance between any statements made and the objective medical findings; - All the medical examinations of the persons held in police custody must take place out of the audio scope and, if the medical worker requests it expressly, out of the visual scope of the police officers; - The medical data usually are inaccessible to the non-medical staff;

- Take measures to ensure that all the persons apprehended by the police – regardless of the reason – are fully informed about their fundamental rights, from the very moment of their deprivation (i.e. from the moment they are required to stay with the police). This shall be ensured by supplying clear verbal information even from the very beginning that shall be completed in the shortest time possible (i.e. right after the arrival at the police premises), by supplying written information on the rights of the detainee in an accessible manner. The form must be accessible in an adequate range of languages (Romanian and Russian);
- Update the information on the billboards within the inspectorate and directly in the isolation facility on the rights of the persons apprehended and the institutions where they may request free legal aid as well as on the institutions and bodies responsible for the protection of human rights / persons held in police custody.

Image no. 1



Image no. 2



Image no. 3



Image no. 4



Image no. 5



Image no. 6



Image no. 7



Image no. 8

