

REPORT

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

I. Preliminary information

The temporary detention isolation facility (TDI) of the Florești Police Inspectorate (Florești PI) is located adjacently to the building of the police inspectorate. The isolator is made up of 5 functional and 2 non-functional cells, meals distribution space and shower space. The Florești 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 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 kept in the TDI but rather escorted to the Penitentiary 17 of Rezina.

II. Human right deficiencies previously signaled in the institution's work:

As a result of the visit of 20 Feb 2014 of the Bălți Representative Office of the Human Rights Center of Moldova (currently, the Ombudsman), the following recommendations for improving detention conditions were made:

- Take sanitation measures regarding both toilets in the TDI and install doors, which will ensure the intimacy of the detainee, according to the legal provisions;
- Provide each detainee with due linen (pillow, pillow cases, sheets, blanket) from the inspectorate's endowment;
- Remove the household wastes from the isolator's yard and take measures for the permanent surveillance of the sanitary-epidemic situation in the TDI;
- Ensure the placement of detainees in the TDI in accordance with the material provisions of the national legislation in force and, in this sense, avoid keeping them for too long in the isolator.

From the previous report, prepared by the Moldovan Human Rights Institute (hereinafter IDOM) on the detention conditions in the TDI of the Florești PI for August 2013, we deduce the following stringent deficiencies:

- Lack of sanitary installations and drinking water inside the detention isolator cells;
- Lack of a sewerage system;
- Bed linen and mattresses must be changed and their number increased.

III. Deficiencies signaled by the Florești PI:

- Lack of funds to put into operation the sewerage and water supply systems in the isolator's cells;
- Lack of surveillance and escort staff in the isolator's service;
- Problem with transportation of detainees to the Rezina Penitentiary (distance of 70 km).

IV. Information about the visit

Date of visit: 9 Nov 2016

Duration of the visit: 15.30–16.40

Members of the monitoring team: Ion Schidu, Radu Nicoară, Dumitru Russu – representations of IDOM.

Objectives of the visit:

To monitor and assess the level of implementation of the recommendations previously issued for improving the detention conditions in the pretrial detention isolator of the Florești PI.

V. General findings

During the interview with the chief of the Inspectorate and chief of the operational management service, the monitoring team was communicated that capital repair works had been carried out in the detention isolation facility in 2014. Funds have been allocated from the institution's budget only for current/cosmetic repairs.

There are 3 surveillance cameras installed in the TDI of the Florești PI: 2 in the hall and one in the meeting room. 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 Inspectorate, 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. However, this information is missing from the detention isolator.

At the time of our visit, there were three persons (men) held in the isolator who were to be transported to the Rezina Penitentiary. During the interviews held with them during our visit, none of the detainee complained about the detention conditions.

VI. Physical conditions in the cells

As mentioned above, the TDI is located adjacently to the Inspectorate's building and is made up of 7 cells, of which 5 are functional (the other 3 were not sealed). The size of the cells varies between 6.5 and 6.9 m². The sanitary installations are missing from the cells.

The general condition of the cells is satisfactory. Each cell has two two-storey sleeping spaces (of wood), with two persons in each. In such circumstances, we can conclude that during our visit, a detainee accounted for about 3.5 m² of living space.

The cell has one floor-mounted table with chairs. We did not notice any trashcans. There is no place allocated for keeping personal belongings. The personal belongings, according to the isolator staff, are kept in the feldsher's office.

During the visit, the heating system of the isolator as well as of the entire Inspectorate building was functional. The cells were heated in a centralized manner, through pipes located under the cell windows. The temperature in the TDI rooms was relatively comfortable. No objections whatsoever was received from the detainees in this regard.

The cells in the isolator have windows and so, there is sufficient natural light and ventilation. At the same time, the institution's ventilation system works relatively well; the staff mentioned it was renovated in 2013. However, there are some ventilation flaws in the isolator's last cells.

The situation with the inexistence of toilets that are replaced with big iron pots that usually are kept in the cells all day long, persists. In addition to emanating a strong odor, one must use the pot in non-isolated space, in the eyes of the other detainees. Such circumstances lead to an injury to human dignity of the persons placed in the isolator but also have a negative effect on their health condition. During the interviews with the detainees, we found that the odor in the cells is often sharpened by cigarette smoke, which has caused a worsening of their health condition, and this led to the emergency medical service having to be called. The interviewee told the monitoring team that such cases happen periodically when he is brought to the Florești detention isolator for criminal investigation actions from the Rezina Penitentiary.

We also found that the bed linen is old, often 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 but assurances were made that this problem would be settled shortly through some donations.

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 Florești PI, the work schedule of the meeting and interrogation room is flexible; it is occasionally used for holding meetings/consultations with the attorneys.

VIII. Bath/shower conditions

According to the responsible persons of the Florești PI, but also as found during the interviews with the apprehended persons, we deduced that the bath was used by the detainees upon request, given they spend little time in the isolator.

Warm water is supplied from an electric boiler but the shower space is not delimited and has satisfactory 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. We did not even find any laundry equipment.

X. Walking courtyard/fresh air walks

The detainees with whom the IDOM representatives spoke stated that their right to one hour of fresh air walks per day was observed. The inspectorate has a courtyard for walking, of 23 m². The walking space is of acceptable size and is covered by a metal net. In addition, the walls are tall (circa 3 m). The courtyard does not have any accessories.

A problem flagged by IDOM is again the strong toilet odor in the entire courtyard perimeter, due to keeping there the cell toilet pots (often not cleaned enough) and the outside toilets. In such circumstances, we conclude that the detainees are followed by the strong toilet odor practically everywhere in the isolator, which may have the above-mentioned consequences (a detainee's worsened health condition).

XI. Parcel receipt

According to the institution's representatives, family and relatives visits for delivering parcels are allowed every time they are requested. The institution keeps a register in this sense, while the necessary formalities are done in an office at the Florești 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 detainees.

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 food distribution at TDI are satisfactory. The interviews with the detainees about the quality and quantity of meals did not signal any reasons for concern among the monitoring team.

XIII. Medical care

The medical care to the persons detained in the TDI of the Florești PI is provided by a feldsher who cumulates his duties in the TDI with his work in the Florești PI. In its previous reports to Moldova, CPT stated that such a situation may give rise to an obvious conflict of interest. Acknowledging at the same time the fact that the persons apprehended

by the police are entitled to a medical examination by an outside expert, the CPT thinks that the medical staff who works in TDI must preferably be independent from the police.

The feldsher's office is located inside the inspectorate's isolation facility. The medical assistant/feldsher monitor the medical condition of the persons apprehended and provide medical aid upon request. For serious cases, the emergency medical service may be called.

During our visit, the medical assistant was not in the inspectorate. The staff said she was requested during apprehensions of suspects of crimes.

The detainees may request medical care verbally or in writing, or via the TDI staff. Regarding the quality and quantity of the medical services provided, no reasons for concern were signaled with the monitoring team.

We were also told that the TDI did not encounter any difficulties with provisions of first aid medications.

XIV. Ill-treatments

The persons interviewed by the monitoring team said they had been treated fairly while in police custody, at the Florești 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 seen 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 ensured.

XV. Material means of evidence

During the monitoring visit, we held interviews with the representatives of the Florești PI as well as with the persons held in the TDI; and we took pictures inside the cells; we used a device for measuring cell perimeter, temperature and humidity.

XVI. End of visit

As a result of the monitoring visit, we had a follow-up discussion about our findings with the chief of the Florești PI.

XVII. Conclusions and recommendations

1. The members of the monitoring group appreciate the progress achieved by the management of the Florești PI regarding the transfer to Penitentiary 17 of Rezina of the persons held in pretrial detention and those serving 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 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; prosecutors must carefully examine any requests for the transfer of detainees done by the police².

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)

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

3. Given the lack of sewerage and water supply systems in the TDI, it is imperative to ensure adequate hygiene conditions in the detention cells as well as in the walking courtyard. It is also imperative to take the necessary measures 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 order to improve the detention conditions within the TDI of the Florești PI:

- a. Stop using toilet pots in the cells of the temporary detention isolator of the Florești PI and create proper toilets that would be connected to an adequate sewerage system;
- b. Find an adequate solution for ensuring that the walking space is not dominated by a permanent toilet odor: effective sanitation of the outside toilet and identify an alternative place for keeping the toilet pots/replace them by an adequate sanitation system;
- c. Provide mattresses and clean bed linen to the persons who must spend the night in the isolator;
- d. Provide to the persons detained for more than 24 hours a basic sanitary set to include soap, toilet paper, a towel, toothpaste and toothbrush);
- e. 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, be requested and authorized only when there is absolutely no other option and it is for the shortest time possible;
- f. Ensure that upon a person's entry or exit of the TDI they are immediately examined by a medical specialist. At the request of the apprehended person, the medical examination may be conducted 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
- g. Ensure that meals are provided 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;
- h. Ensure that the non-functional cells are not used for detaining persons by having their entrances sealed or welded;
- i. 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:

- Strengthen efforts in view of an effective realization of the 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 police custody;
- Take the necessary measures to ensure that: - all the persons placed in the TDI are examined without delay by a medical worker and all the recordings prepared after the examination contain: (i) a full description, based on objective medical findings, following a thorough examination; (ii) a full 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

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.

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 Penitentiary Rules".

(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 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.

Report prepared by the members of the Monitoring and Reporting Program of IDOM







