

EXECUTIVE SUMMARY

The main objective of the 2022 *ad hoc* visit was to re-examine the treatment and conditions of detention of persons held in prison. To this end, the CPT visited Prison no. 4 in Cricova, Prison no. 13 in Chişinău and Prison no. 18 in Brăneşti. Particular attention was paid to assessing the progress achieved by the Moldovan authorities in addressing inter-prisoner violence and intimidation.

The cooperation received by the delegation throughout the visit, both from the national authorities and staff in the establishments visited, was excellent. However, the principle of cooperation is not limited to facilitating the work of a visiting delegation but also requires that decisive action is taken to ensure that recommendations made by the Committee are effectively implemented in practice. Although the CPT noted progress in certain areas, it is regrettable that many key recommendations repeatedly made by the CPT in previous visit reports remain unimplemented. This concerns in particular recommendations related to the phenomenon of informal prisoner hierarchy and the resulting inter-prisoner violence and intimidation, to the poor material conditions for the majority of persons held in prison, the poor regime of activities offered to incarcerated persons and the low staffing levels in prisons insufficient to effectively control the establishments.

The vast majority of persons interviewed by the delegation in the three prisons visited made no allegations of ill-treatment by staff. However, a few isolated allegations were received at Chişinău Prison of excessive use of force by staff when dealing with recalcitrant prisoners. Further, at Brăneşti and Chişinău Prisons, the delegation heard a few allegations of verbal abuse of prisoners by staff.

As mentioned above, the findings of the visit showed that the problem of inter-prisoner violence remains largely unaddressed and prisons still generally fail to ensure a safe environment for incarcerated persons. Once again, a high number of persons held in prison described to the delegation the overall atmosphere of intimidation and violence created by the informal prison leaders and their close circles. The documentation examined by the delegation again registered numerous cases of persons held in prison who were found with injuries indicative of inter-prisoner violence. Due to the atmosphere of fear and the lack of trust in the staff's ability to guarantee safety, persons found by staff with injuries refused to provide a plausible explanation as to the origin of their injuries. Moreover, although all cases of inmates bearing injuries were registered and reported to the prosecutor's office, in none of the cases was an investigation initiated.

The situation of persons considered to be "humiliated" or "untouchable", that is, those on the lowest "caste" of the informal prisoner hierarchy, remains a matter of serious concern to the CPT. Once again, the delegation received many complaints of frequent verbal abuse, systematic demeaning behaviour by other persons held in prison and threats of physical violence. As already stressed in previous visit reports, the CPT considers that their situation could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights.

Many persons held in the prisons visited perceived segregation from the general prison population pursuant to Section 206 of the Enforcement Code as the only way to escape the threats posed by the informal prisoner hierarchy. However, for a number of reasons explained in the report, this measure, as implemented at the time of the visit, cannot be regarded as an efficient solution. In particular, segregated prisoners were held in former disciplinary isolators which provided poor material conditions, and were subjected to impoverished regimes.

The CPT considers that the continuing failure of the Moldovan authorities to ensure a safe and secure environment for persons held in prison is directly linked to a number of factors, most notably the chronic shortage of custodial staff, reliance on informal prisoner leaders to keep control over the inmate population and the existence of large-capacity dormitories. At the same time, there is no proper risk and needs assessment of persons upon their admission to prison, nor a classification of persons to identify in which prison, block or cell they should be placed.

In light of these findings, the Committee once again calls upon the Moldovan authorities to take resolute action, without further delay, to tackle the phenomenon of informal prisoner hierarchy and to prevent inter-prisoner violence and intimidation throughout the prison system. To this end, the authorities should put in place a clear holistic strategy, with timelines for its implementation, which should include a number of concrete steps set out in the report.

Material conditions in the establishments visited in general were poor, many cells/dormitories being dilapidated, dirty and poorly equipped. Although the prison system operated below its official capacity, the delegation again observed overcrowding in a number of cells and dormitories at Chişinău and Cricova Prisons. Moreover, at Brăneşti and Cricova Prisons, most persons were accommodated in large capacity dormitories which provided no privacy. Further, the delegation observed a strikingly uneven distribution of prisoners within the establishments visited, a situation closely linked with the phenomenon of informal prisoner hierarchy; certain privileged prisoners were dwelling in spacious rooms or even small flats consisting of several rooms, with abundant equipment. The CPT recommends, *inter alia*, that prisoners be fairly distributed in cells/dormitories and be provided at least 4 m² of living space per person, and that all cells/dormitories be kept in adequate state of repair and hygiene and be suitably equipped.

As regards regime, persons held at Brăneşti and Cricova Prisons benefitted from an open-door regime, could move freely around the establishments and some efforts were being made to offer them work and a few other activities. Despite that, the fact remained that a significant proportion of them were not engaged in any purposeful activity. The situation was even more problematic for adult remand prisoners at Chişinău Prison who continued to be locked up in their cells for up to 23 hours per day, without being offered any out-of-cell activities, apart from one or, at best, two hours of daily outdoor exercise. It is a matter of particular concern that juveniles held on remand in this establishment were subjected to a similarly impoverished regime. The CPT recommends that the authorities redouble their efforts to increase the number of persons held at Brăneşti and Cricova Prisons in organised activities and explore ways in which persons held on remand at Chişinău Prison could at least be offered more out of cell time. As regards juveniles in this establishment, the Committee requests that they be transferred to Goian Juvenile Prison.

The CPT noted the efforts made by the current staff to provide good quality healthcare to persons held in prison as well as to carry out healthcare screening of newly admitted persons and to record and report injuries detected upon admission or during imprisonment. However, staffing levels of healthcare staff were low and it is particularly worrying that no general practitioner attended Brăneşti and Cricova Prisons. The current staff in both establishments were *de facto* obliged to assume responsibility for medical acts which were outside the scope of their professional competence and should be performed by a general practitioner.