

of lower courts in similar cases and uncertainty remained about the application of military jurisdiction.

In April, proposed reforms to the Code of Military Justice to exclude human rights violations were blocked. By the end of the year, the new Congress had not taken up legislative proposals to bring the Code into line with the Inter-American Court or SCJN judgements. The federal government failed to issue instructions to prosecutors to ensure that all preliminary investigations were conducted solely by civilian authorities.

Amnesty International visits/reports

🚗 Amnesty International delegates visited Mexico in March and November.

📄 Mexico: Documentation of the case of José Ramón Aniceto Gómez and Pascual Agustín Cruz – prisoners of conscience (AMR 41/035/2012)

📄 México: Carta abierta a la y los candidatos a la Presidencia de la República (AMR 41/038/2012)

📄 Mexico: Briefing to the UN Committee on the Elimination of Discrimination against Women (AMR 41/041/2012)

📄 Known abusers, but victims ignored: Torture and ill-treatment in Mexico (AMR 41/063/2012)

MOLDOVA

REPUBLIC OF MOLDOVA

Head of state: **Nicolae Timofti (replaced Marian Lupu in March)**

Head of government: **Vladimir Filat**

There were reports of torture and other ill-treatment committed by the police with impunity. The state failed to protect people from discrimination on the grounds of sexual orientation and state of health.

Torture and other ill-treatment

In spite of changes to the law, impunity for torture and other ill-treatment continued. Of 128 complaints received by the Prosecutor General's Office in connection with incidents following demonstrations in April 2009, only 43 had reached the courts and only three police officers had been convicted by the end of 2012. In all three cases the officers received suspended sentences.

Parliament passed amendments to the Criminal and Criminal Procedural Codes in November to bring

Moldova closer to its obligation to eradicate torture. The maximum sentence for torture was increased from 10 to 15 years, the statute of limitations for torture was abolished, and those convicted of torture were no longer eligible for amnesties or suspended sentences. Other procedural changes required police to record the state of health of detainees upon arrival at the place of detention and provide them with written confirmation of the reasons for the arrest.

■ On 8 May, the Supreme Court rejected an appeal by Eugen Fedoruc against his detention in Chişinău Psychiatric Hospital, and in July his detention was extended for a further six months. Eugen Fedoruc was first held by the police on 2 April 2011 in connection with a series of murders. He alleged that he was tortured when he was held in Chişinău General Police Directorate from 16 April to 17 June 2011. He said he had been suspended with his hands and legs bound together and given electric shocks to force him to confess. He was then transferred to Chişinău Psychiatric Hospital for 10 days for psychiatric assessment, and remained in detention until December. Eugen Fedoruc had been previously treated as an outpatient for schizophrenia, but his doctor said in June 2012 that he was calm and presented no threat to the public, and that there was no reason for him to be held as an inpatient. The torture allegations were not investigated.

Cruel, inhuman or degrading punishments

On 24 May, Parliament approved a new law to introduce compulsory chemical castration as a punishment for violent child abusers, despite a veto by the President in April.

Discrimination

In May, Parliament passed a Law on Ensuring Equality, due to come into effect on 1 January 2013. However, provisions fell short of international standards by omitting sexual orientation, gender identity and state of health from the list of forbidden grounds of discrimination. Discrimination against some individuals and groups continued.

■ In February, I.H., a 48-year-old HIV-positive woman, with severe deterioration of a hip joint (osteonecrosis), was refused a hip replacement operation on the grounds that she was HIV-positive. On 21 November 2011, the Deputy Director of the Traumatology and Orthopaedics Hospital in Chişinău told her that such

surgery could not be performed on HIV-positive patients. The NGO the Institute for Human Rights and the UN Development Programme human rights representative both intervened, pointing out that hip replacement operations were regularly carried out on HIV-positive patients throughout the world and that such surgery did not result in complications if the immune system before the operation was healthy. The hospital refused to carry out the operation.

■ In March, in the run-up to the passage of the Law on Ensuring Equality, several local councils across the country adopted discriminatory measures against different groups in their communities. Bans on “aggressive propaganda of non-traditional sexual orientation” targeted LGBTI individuals, and Muslims were discriminated against through bans on public Muslim worship. Only one council repealed its decision upon intervention by the Ombudsperson.

■ On 12 June, the European Court of Human Rights ruled that the banning of an LGBTI demonstration in May 2005 had violated the right to freedom of assembly as well as the right not to be discriminated against, and ordered the Moldovan government to pay the organizers, GenderDoc-M, €11,000 within three months.

Amnesty International visits/reports

🚗 An Amnesty International delegate visited Moldova in April and September.

📄 Unfinished business: combating torture and ill-treatment in Moldova (EUR 59/001/2012)

📄 Towards equality: discrimination in Moldova (EUR 59/006/2012)

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MONGOLIA

MONGOLIA

Head of state:

Tsakhia Elbegdorj

Head of government:

**Norov Altankhuyag (replaced
Batbold Sukhbaatar in August)**

Mongolia took one step closer to abolishing the death penalty by acceding to the Second Optional Protocol to the ICCPR. Trials of high-profile individuals, including political figures, failed to meet international standards of fairness. Lack of due process led to forced evictions in *ger* districts in Ulaanbaatar.

Background

Parliamentary elections were held on 28 June.

The majority Democratic Party formed a coalition government with the Justice Coalition and the Civil Will Green Party.

Death penalty

There were no executions. In March, Mongolia became a party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

Unfair trials

Lawyers and government officials reported that unfair trials were common, particularly those involving officials or political figures. Lawyers were given little time and access to case files prior to going to court. Defendants’ right to confidential communication with a lawyer of their own choice was restricted.

■ Former President N. Enkhbayar was convicted in August on corruption charges along with two other former officials and one civilian. He was refused bail on the basis of insufficient evidence in May, prompting Amnesty International to raise concerns that he had effectively been arbitrarily detained. He was released shortly afterwards. According to his lawyers, officials undermined N. Enkhbayar’s right to confidential access to legal counsel. They restricted his lawyers’ access to case documents and gave them very little time to prepare before the first court hearing.

Forced evictions

Families were evicted from their homes without prior consultation and other appropriate legal protections. In some cases, families were coerced or threatened by representatives of the local authorities and private construction companies. Some families fell prey to deals between local authorities and private developers, and were expected to pay for whatever alternative housing was offered.

■ After being notified verbally in 2010 that their area had been slated for development, families in 7th micro-district of Ulaanbaatar were not formally consulted and access to the plans remained restricted.

International justice

Mongolia, a state party to the Rome Statute of the International Criminal Court since 2002, had still not implemented its obligations under this treaty. Likewise, the ratification of the International