

# Human Rights in the Transnistrian region of Moldova

*Journalist's opinion*





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# 1. Hostages of the Cyrillic script

The EU summit in Vilnius raised the profile for Moldova. Teams of foreign journalists do not cease to come here. They don't want official meetings – they come to analyze Moldova and its people. They want to see how similar we are and if we don't pose any dangers to the EU. At the airport departures, they tap me on the shoulder and emit their 'verdict': "Too confusing!" In Chisinau, many politicians defend the "Moldovan language" against Romanian and Russian. On the left bank, Romanian is taught in Cyrillic script, in violation of fundamental rights - another generation is raised with a twisted mentality. NGO activists do not see any indication of a state plan that would stop or lessen the magnitude of this process.

In Transnistria, strange things happen even to those on the right bank who do not go too often in the eastern region of Moldova. There are only eight schools subordinated to the constitutional authorities that teach in the Latin script in the self-proclaimed "TMR" (Transnistrian Moldovan Republic). Most of the region's schools are Russian (122 schools), only three teach in Ukrainian, and 32 schools teach in Romanian/Moldovan based on the Cyrillic script.

In Transnistria, strange things happen even to those on the right bank who do not go too often in the eastern region of Moldova. There are only eight schools subordinated to the constitutional authorities that teach in the Latin script in the self-proclaimed "TMR" (Transnistrian Moldovan Republic). Most of the region's schools are Russian (122 schools), only three teach in Ukrainian, and 32 schools teach in Romanian/Moldovan based on the Cyrillic script.

## Tools of indoctrination

The flag of the unrecognized state waves above all the schools. At the entrance, on the wall there is a large head portrait of the separatist leader Evghenii Sevcuic, and quotes about patriotism copied from the works of Lenin, and outdated Soviet symbols of the phantom state. The "anthem of Transnistria", which begins with the words: "Long live Transnistria, the mother", is also there - the whole package of indoctrination of the young generation, copied from the Soviets. All this comes to convince the students that Transnistria is a country, Sevcuic is its president, Moldova is enemy number one, and Russia is a friend who provides generous support.

In some schools, the old heating system is replaced with a new one. Old Soviet-time pipes and radiators are replaced with modern equivalents made in Turkey. All on Russian money – money that is not provided directly for the schools for renovation but is allocated via a "presidential" program and gives Sevcuic the chance to reap the laurels of a 'thoughtful leader' Another "presidential" program raised the teachers' salaries – also on generous Russian money.

## "It's all we could save"

Strangely, the teachers don't seem to shy away from journalists. They don't like to be photographed though, and one can have a frank conversation with them provided you don't ask their

names. “We know that some badmouth us across the river. Yes, we do tolerate certain untruths, and hang all kinds of slogans on the walls. It doesn’t make us proud – at least some of us. But what can we do? Nobody needs us. We were abandoned here, we are like hostages. True, it’s not ok to study Romanian language using the Cyrillic script. But, when a ship is drowning, one must save what one can. It’s all we could save,” we were told by some of the teachers during our many discussions; for obvious reasons, they asked to remain anonymous.

In some places, they often hold additional lessons after the classes in school. Students gather at their homes, and teachers come and teach them Romanian with Latin script, using textbooks approved by the Moldovan Ministry of Education, smuggled past the so-called Transnistrian customs. The students don’t do it for political reasons or out of patriotism for a country that abandoned them, but because they and their parents are aware that they can’t have a Soviet future with a Cyrillic script, and that their chance to escape from the separatist camp is to continue their post-secondary studies in Chisinau. [Romanian in] Cyrillic script is no longer used anywhere. In the absence of alternatives, they often deem it more convenient to go study in a Russian school, as they are usually more equipped.

“We are clinging to every thread to give them a different future. It’s not easy to convince a student who was born and raised here that his motherland is Moldova, not Transnistria, and that he must honor other state symbols (than the ones posted in the school hall). And, despite our efforts, they leave the school with some distorted habits. Imagine being asked to sing an anthem of an inexistent entity, “Transnistrian motherland”, every day in school... They serve in the army and swear allegiance. To whom? To separatist Transnistria. That cannot go without consequences,” the teachers say.

## **Chisinau, helpless**

Deputy Prime Minister Tatiana Potang, who is responsible for social issues in central government in Chisinau, told us that the constitutional authorities cannot run the schools in Transnistria because access to those schools is restricted by the region’s separatist forces. “They will not even tell us how many students study in those schools. They refuse any contacts with us. We managed to bring eight schools from the other bank of Nistru into the legal circuit (it is where Romanian using Latin script is taught - ed.) but, as you know, those schools are constantly harassed. For this reason many parents give up and take their children to other schools, run by the separatist regime. We have facilitated access to post-secondary education on the right bank to the students from the other schools. All talks stumble on the political component of the Transnistrian settlement. The principals of these schools are afraid to talk to us, including by phone,” Tatiana Potang told us.

Experts from Promo-LEX, an organization that monitors human rights violations in Transnistria, argue however that the constitutional authorities’ behavior and actions in Transnistria are virtually invisible and discouraging to those who would dare to take a public stance against the illegal regime. “Mrs. Potang is right - people are afraid to talk to the representatives of the Moldovan government, especially on the phone, which is most probably tapped. If those in Tiraspol learn

about such conversations, the teachers could be charged with ‘treason’ or would fall victims to staged workplace disputes. As a result, in both scenarios, teachers would lose their jobs, which provide them a minimum for survival. Why would they risk it – and what would be the outcome of such discussions with the authorities? Experience shows that the government did not provide any support to victims in the region in such cases. Absent a comprehensive state policy to support the residents of the region, it all seems confusing,” says Ion Manole, director of the “Promo-LEX” Association.

The incident a week ago at the “Lucian Blaga” Lyceum in Tiraspol (one of the eight institutions using Latin script), when the local militia stormed the school and questioned the principal, reveals a paradox: the repressive forces unlawfully assume certain rights and powers (to interrogate, conduct searches and prepare and sign protocols), while the constitutional authorities fail to apply the law and comply with mandatory legal procedures. They don’t always identify the perpetrators who entered the high school building without permission. The perpetrators are not summoned to the prosecutor’s office. At the same time, ironically, the local militia puts administrative and financial pressures on the high school’s management.

### **Interview with Ion Manole, Executive Director of the “Promo-LEX” Association:**

*Where do you think have thing gone wrong that it came to this state of abnormality, when Transnistrian children have to learn Romanian in Cyrillic script ?*

**Ion Manole:** After the Moldovan- Russian war of 1992, the separatist administration of the region forced all educational institutions in the region to return to the Cyrillic alphabet. There have been numerous attempts by several groups of teachers, parents and students to defend their right to study under the Moldovan education program and remain in a legal educational field. However, because of the indifference and incompetence of the Moldovan constitutional authorities, these people ended up giving in to pressure, intimidation and persecution, to which they had been subjected directly or indirectly by those who took over the country 's eastern region. Let me give you the example of four schools from the district of Grigoriopol, which asked to be allowed to return under the control of the constitutional authorities back in 1999-2000. A single institution managed to accomplish this (it’s the Theoretical Lyceum “Stefan cel Mare”, later evacuated to another location) . Representatives of the other three schools gave up after numerous stances of pressure and intimidation, and all the constitutional authorities did was to assert this fact in some political statements. After the inhabitants of Transnistria assumed such risks in vain, and especially after the attacks on these institutions in 2004, there were no more requests to pass from the Cyrillic to the Latin alphabet.

*There are however eight schools in the Transnistrian region where Latin script survived. How was it possible for them - and not for other Romanian language schools?*

**Ion Manole:** They succeeded only because of the courage and insistence of parents, students and especially teachers from these eight schools. Over the last 10 years, I had the opportunity to talk

and participate in various discussions about the problem of these schools. Sometimes I had the impression that some officials in Chisinau would like it better if school administrators would simply agree to pass under the control of the de-facto authorities, thus exempting them the efforts, incurring issues and criticism. The real champions of the right to education in the eastern region of Moldova are the teachers of those eight educational institutions (these are: “Alexandru cel Bun” Lyceum in Tighina, “Stefan cel Mare” Lyceum in Grigoriopol, “Lucian Blaga” Lyceum in Tiraspol, “Evricea” Lyceum in Ribnita, “Mihai Eminescu” Lyceum in Dubasari, the gymnasiums in Corjova, and Roghi, district Dubasari, and the boarding school for orphans in Tighina). It is namely the principals, teachers and parents of the students studying there who endured numerous acts of intimidation, persecution and threats.

***According to the OSCE, in recent years the number of children in the eight schools from the region teaching in Latin script fell from 5,500 to only 1,500. Why do children leave these schools? Where do they go?***

**Ion Manole:** In general, the number of students has been decreasing steadily throughout Moldova in the recent years, but only the persecuted schools in Transnistria are in such a dramatic situation. The ongoing harassment and bullying of the parents, and the fear of many parents to let their children study in a school under constant pressure, are the main reasons of the decrease in the number of students. We also noted a decrease in the number of people who think freely. In the past 20 years, another generation has grown in the region, influenced and educated by the local propaganda - a generation that does not know the reality and rejects any idea of reintegration. Young families cannot imagine their kids studying in the Latin script. At the same time, perhaps the most obvious cause of the declining number of students in these schools is a dramatic decrease in the number of speakers of Romanian in the region - a consequence of the harsh policy of Russification of the local people. Although there are three declared ‘official’ languages in the region (Moldovan /Romanian, Russian and Ukrainian), only Russian is used as such.

***What are the chances of integration of children who studied in Transnistrian schools using the Cyrillic script in the post-secondary education circuit of Moldova?***

**Ion Manole:** For now, the chances are quite real, because the constitutional authorities created accessible terms of integration and adaptation for those who wish to continue their studies in Moldovan legally recognized higher education institutions. However the situation changes. Conflicts arise between those who studied in the eight Latin-script schools in Transnistria and those who finished schools that were controlled by the separatist regime – the former feel that the latter get undeserved benefits in Chisinau, and are outraged by this.

***Russia supports the modernization of the heating system in some schools from the region; some Western states and international institutions provide financial support for the diverse needs of other schools. Why doesn't Chisinau do the same thing?***

**Ion Manole:** Many Moldovan officials have no idea about the real situation on the ground. And if one doesn't know the problems and the reality on the ground, one cannot analyze the situation

and come up with effective remedies. We have found that some functionaries are unable to comprehend the meaning of the recommendations coming from the civil society, the residents of the region, or international organizations. Funding social projects in the Transnistrian region must be a priority for the constitutional authorities, and these procedures must be performed in accordance with the national legislation and with the involvement or participation of constitutional structures.

***How can we bring those schools back to normality?***

**Ion Manole:** Speaking of schools, the Ministry of Education in Chisinau must analyze every aspect: from the content of the textbooks, teaching methodologies, and observation of the fundamental rights of students, parents and teachers to providing a minimum of furnishing and equipment of all the schools in the region to ensure minimum equal conditions for all students and teachers, as they are residents of the region and citizens, of whom the Moldovan state is responsible, without exception or discrimination. Only an analysis of all aspects of the situation can help make up a list of specific steps needed to return to normality. No miracles will happen without a deep understanding of how things stand, and a coordinated effort in that regard.

***Promo-LEX represents the interests of children and parents of the Romanian language schools attacked and devastated by the separatist forces in 2004 at the ECtHR. Have there been any findings of Russia's involvement in those events?***

**Ion Manole:** The main conclusion of the Court is that the separatist regime could not survive without a continued military, economic and political support from the Russian Federation. Unfortunately, Russia continues to apply a policy of double standards. On the one hand, in words, it recognizes and respects the sovereignty and territorial integrity of Moldova, while, on the other hand, it interferes in a brutal, shameless and illegal way in the internal affairs of our country, thereby encouraging and tolerating violations of the rights and freedoms of a number of Moldovans. After Russia was condemned in the schools case (*case Catan and others v. Moldova and Russia*) and was ordered to pay over one million euros to those 170 victims, many residents of the region thought that Russia would scale down its aggression and demand the separatist administration to respect some basic human rights. Unfortunately, we note that Russia is willing to pay damages instead of observing human rights and respect its international commitments.

***Several days ago, the local militia raided the "Lucian Blaga" Lyceum in Tiraspol again. It appears that the separatists use the schools as a lever of pressure on Chisinau. How likely is it that the 2004 scenario will be repeated now?***

**Ion Manole:** The schools subordinated to the Moldovan legal authorities remain some of the most sensitive levers in the destabilization of the situation. Schools: namely the teachers, students and their parents, remain hostages of the separatist regime, which is serious, even unacceptable, given that so many different actors: the OSCE, Ukraine, which have a very clear mandate, can and should help de-escalate tensions and address these issues. I dare say that the situation today results first of all from the incompetence of the constitutional authorities of Moldova, and those involved in identifying a solution to the conflict: firstly, Russia and the OSCE. How else can we explain the fact that, after 20 years of alleged talks, yet there still are no instruments

for defending the rights of those approximately 500 thousand people living in the region? There never were and there still are no tools to monitor the situation in the region from the standpoint of basic human rights and freedoms.

Now, with regard specifically to the latest pressures on the schools, we believe that it is a consequence of the poorly thought-out recommendations found in an OSCE report. In January 2013, an OSCE report recommended these eight schools to register with the local de-facto authorities, contrary to the provisions of the Moldovan legislation and European Court's findings. It was believed that, after registering the schools in Tiraspol, the pressure on these educational institutions will scale down or disappear. We saw the high risk behind this procedure and asked the OSCE not to include this as a recommendation to avoid complicating the situation of the schools. Today, schools are under new pressure, and the reason for is that they are now registered and must comply with the conditions imposed by the de facto administration of the region.

Moreover, the registration procedure is illegal from the juridical point of view, because these schools are registered as educational institutions under Moldovan law, which prohibits them to have any other status or additional registration on the territory of Moldova.

## **2. Moldovan Un-Justice Produces Monsters across the Nistru River**

A study of domestic violence in the Transnistrian region reveals a shocking reality. To sum it up, through its inaction and failure to enforce the law, Chisinau left the people from the eastern region on their own. And, by doing so, it did everything to lose the trust and respect of its citizens from Transnistria for their country, Moldova, for democratic values and for the rule of law. For over 20 years now, out of carelessness and sometimes the fear of losing budget funds or some international aid, many officials in Chisinau have adopted attitudes that are hard to explain or legally justify, thus inadvertently fortifying the illegal Tiraspol regime on money from the international community. The government in Chisinau hesitates to enforce its constitutional authority in Transnistria, throwing the people out there in the arms of corrupt, non-transparent and undemocratic quasi-institutions, which are outside of any control or monitoring and were established by the illegal regime only to enforce the illusion of a functioning unrecognized “state”.

For 20 years, Chisinau failed to enforce its constitutional authority in Transnistria, which has discouraged even the most vehement opponents of the local separatist regime. Chisinau simply did not create any constitutionally recognized institutions for those on the left bank to go to.

It's been over two decades since Russia, using war, tore Moldova in two, and openly established a “Transnistrian Moldovan Republic” to harass the rest of the country and keep it in its sphere of influence. Russia does not officially recognize the formation, relying on any occasion that it respects the territorial integrity of Moldova. This causes confusion, and state officials in Chisinau don't know how to handle this situation. Often they are caught acting like a hangover crew of a

submarine at a 100 meters under water, which has control of the ship, but operates it hectically, lashing at the levers and thrusters or suddenly dropping them. Naturally, instead of heading to the surface, the ship goes down.

For 20 years, Chisinau failed to enforce its constitutional authority in Transnistria, which has discouraged even the most vehement opponents of the local separatist regime. Chisinau simply did not create any constitutionally recognized institutions for those on the left bank to go to. Why? Formally, “to avoid aggravating the situation”, as “they (the named institutions) would not work anyway”, “because Moldova does not control the eastern region”... These are some of the official replies that NGOs and journalists receive for interpellations submitted to the constitutional authorities. These awkward and formal responses unveil a total lack of interest of the Chisinau authorities to dismantle the pyramid of the separatist regime, unit by unit, and establish a certain order of things, to create effective tools to defend the constitutionally guaranteed fundamental rights of persons living or passing through the region.

### **The laws are there, but they are not enforced**

Moldova’s development partners, its Western and European friends, have consistently called on Moldovan politicians to implement reforms to bring order, respect and transparency to the democratization of the society and the state. Laws and amendments designed to drive Moldova out of the period of instability and transition were passed, and Chisinau found itself in front of a control desk with lots of buttons, each representing a strong legal, peaceful and necessary lever, capable of helping the government to honor its obligations to all the residents and citizens of the country, including to those in the Transnistrian region.

The amendment, in 2003, of Law 514-XIII on Judicial Organization is just one example. Under the law, passed by the Parliament in Chisinau, district (local) courts were to be established for the cities of Tighina (Bender) and Tiraspol, and districts Rabnita, Dubasari, Grigoriopol and Slobozia. Residents of Camenca were assigned to the district court of Rabnita.

### **43 vacancies of judges**

To date, the Tiraspol court, where they were to work 17 judges, has not been established (!). The Camenca court hasn’t been created either, and the district courts of Rabnita, Grigoriopol, and Slobozia do not meet the court functioning criteria. They do not have a separate building or sufficient staff, using space in the premises of other courts (the ones in Rezina, Chisinau, and Stefan Voda, respectively). The number of judges is smaller than required by law. The Bender Court of Appeal has three judges out of 10 needed, the court of Bender - 4 of 6 judges, the court of Slobozia - 1 of 5 judges, the court of Grigoriopol - 1 of 4 judges, the court of Rabnita - 1 of 9 judges, and the court of Dubasari has two judges instead of four, as provided by law. We found that there was a total deficit of 43 judges in the courts for the Transnistrian region of Moldova.

Only Dubasari and the city of Bender have a complete national mechanism in place. These regions have police, prosecutors and courts (this is not to talk about how these institutions exercise their power). In the rest of the region, the system was simply not created, and constitutional authorities voluntarily yielded their justice making duties to a clandestine, unrecognized system.

## **Arguments**

In TV debates, politicians from Chisinau often say that opening such institutions in localities under constitutional control to serve residents of Transnistria is unnecessary, citing the assumption that residents of the region will not use them. This false assumption serves as basis for giving up on an important lever and ignoring the law (including the law mentioned above). When writing “false assumption”, I cite the belief that, once opened, people from the left bank would not suddenly flood those institutions. But if the staff of these courts shows integrity and professionalism, surely everyone will benefit, and the citizens will get real protection and support from their state. Here are just three reasons. Firstly, NGOs dealing with human rights issues in the Transnistrian region are flooded with complaints from residents of the eastern region claiming outrageous acts of injustice. Secondly, the alleged “state” structures invented by the separatist regime are so corrupt and compromised that locals see them but as extortion houses and venues for beatings, terror and blackmail. And, thirdly, the number of disputes settled by the courts of Bender (based in the village of Varnita) and Dubasari (based in village Ustia) prove that people turn to these Moldovan institutions once the mechanism is in place.

And, after all, politicians should not be the ones to decide on the application of laws already in force. The law is the law, and no one is allowed to violate or ignore it. Those courts must be created, must have their venues, judges must be appointed, and, once there, they will establish their own mechanism under which they will perform their duties under the law.

## **Thugs with a Soviet mentality, and mercilessly battered women**

Without the constitutional authorities there to help, residents of the eastern regions are forced to go to the local militia, prosecutors and the unlawfully created quasi-courts, controlled by the separatist regime. These bodies have a tacit understanding with the regional administration, and have a free hand at extorting goods and money from the people, often under pretense suspicions, fabricated or intentionally distorted evidence that guarantee them fatter bribes.

With such harmful levers in their hands and having an embittered Soviet mentality, people from the Transnistrian “law enforcement” are also called to intervene in cases of domestic violence. Victims of such violence have no alternative when they are abused. They ask the militia for help stop, the physical violence they had been subjected to, at least for now, while being aware of the upcoming humiliation at the police section. There the machist local militiamen will lecture the battered women on the superiority of the man over the woman. This is a common situation throughout Moldova; in Transnistria however, victims are deprived of the few legal instruments that exist on the right bank.

There is no rehabilitation center for victims of domestic violence or a center for perpetrators in Transnistria. The only working temporary placement shelter can accommodate six people. However, to get admitted, victims must meet two conditions: they must have a baby under six months old or be in the last month of pregnancy.

## **Ivan Cebotaru: “We are searching for the perpetrators”**

Bender police commissioner Ivan Cebotaru told us that the police are trying to enforce the law with regard to cases of domestic violence in Transnistria, but the Transnistrian militiamen often prevent them from doing that. “First we summon the perpetrators to come talk to the investigator. If they don’t, they are put in the wanted list, and we go on by the procedure,” the commissioner said. Asked how the Transnistrian militia cooperates in such cases, Cebotaru said, “The officers are quite helpful, but their bosses cause us all kinds of obstacles. The issue immediately becomes politicized and things get complicated.” So any crime, violence or lawlessness can be shoved behind the curtain of politics. If that’s the case, Transnistria is a heaven for those who want or break the law. As those who violate human rights, legal rules and principles cannot be held accountable or sanctioned, impunity is a pervasive phenomenon in the region, and those who serve the illegal regime (most of them, too, citizens of Moldova with all credentials) have no restraint when they or are required to torment a person.

## **A phenomenon of frightening proportions**

Although the illegal force bodies and “official” statistics tend to conceal the extent of domestic violence, the issue is getting worse in the region and affects the mental integrity of children. There is a “hotline” in the region for reporting difficult cases in the family. According to the data gathered by some NGOs, approximately one third of the calls received by the hotline in November 2013 are about domestic violence. However, in absence of the needed mechanism, victims usually can’t solve the occurred problem and are forced to suffer their consequences further.

## **Interview with Promo-LEX lawyer, Lilia Poting, about the extent of domestic violence in the Transnistrian region:**

*What mechanisms to combat domestic violence are applied in the Transnistrian region - given that Moldovan laws or international conventions do not apply there?*

**Lilia Poting:** There is no “special law” in the eastern region of Moldova to prevent and combat domestic violence, so cases involving domestic violence are treated and punished under the provisions of the region’s criminal code or code of administrative offences regional - for example, under provisions of murder, causing medium or serious injuries, attempt at one’s life, etc.

There is no rehabilitation center for victims of domestic violence or rehab center for perpetrators in the region. The only working temporary placement shelter there can accommodate no more than six people. But, in order to get in, victims must meet two conditions: the attacked woman must have a baby under six months of age or be in her last month of pregnancy.

*What happens in practice when a resident of the Transnistrian region complains to the Moldovan police of ill treatment in the family? What do the constitutional authorities do?*

**Lilia Poting:** A part of the Transnistrian region is outside the control of the Moldovan constitutional authorities, which means that victims of domestic violence cannot benefit from effective

protection from the Moldovan state. This is one of the reasons why the victims hesitate to seek help with the legally recognized authorities. Recently, Promo-LEX provided indirect legal aid to a victim of domestic violence from Tiraspol. According to her, the militia in the region refuse to intervene in cases of domestic violence under various pretexts, often exerting psychological pressure. Moreover, they quote biblical theses, which postulate that a woman must submit herself to a man. The lady was scoffed at and sent home, to the source of the conflict, and her complaint was not registered. The local police told her that they do not get involved in family problems. The constitutional authorities did not respond adequately either. While an application for a protection order for victims of domestic violence under the provisions of national law was submitted, the judge at the Grigoriopol court verbally refused to accept the application, arguing that there was no point in issuing a protection order in her case, and that it was not going to help the victim in any way.

***Help us understand the extent of domestic violence in the region. Is there any report on that topic?***

**Lilia Poting:** According to the latest reports from the field, every fourth woman in the Transnistrian region (living in a couple or in marriage) was subjected to physical violence at home. In the first 9 months of 2012, the hotline on issues of domestic violence in the region received 134 calls related to domestic violence. And the number is growing - only in November 2013, there were 52 domestic violence related calls.

***How often do victims of domestic violence dare to seek the help of militia? And what does militia do?***

**Lilia Poting:** Our data show that, in the absence of an effective mechanism, most of the victims are reluctant to call for help from the local authorities - taking into account the specific procedures and humiliation that is part of the investigation and court trial. A case of domestic violence in the Transnistrian region typically ends with the isolation of the offender for a set amount of time (depending on the consequences of his attack), and a forced reconciliation between the parties, or with the victim's departure from their home. In the absence of an effective remedy, most victims are reluctant to seek help from the local bodies because of the humiliating ensuing procedures.

***Is there a "law" or "official" act issued by the separatist authorities that offers any kind of protection to victims of domestic violence?***

**Lilia Poting:** The region does not have a special law to prevent or fight domestic violence (a bill is underway).

### 3. 22 Years of Raider Attacks and 1937-like Terror

“Going to prison in Transnistria is not a punishment for the “convicts” but for their families, who have to tighten their belts in order to be able to pay fees into the “obschyak” (criminal slang for common fund), and dues to the “smotryaschiy” (criminal slang for gang supervisor) and the “sledak” (criminal slang for investigative police). Those refusing to pay run may be forced to hang themselves on the bed sheets.” Choosing this quote as an epigraph for an article on the right to property of the inhabitants on the left bank may seem strange to some, but jail is virtually unavoidable for anyone operating a successful business in the region controlled by the separatist regime. It’s a quote I extracted from a conversation with a very close relative of a businessman who’s been lingering for years in the region’s prisons.

The formal participation to trial of a Transnistrian lawyer costs between \$200 and 1,500. The local legal counsels understand their role as mere assistants to the trial. They usually try to convince their clients to admit guilt. Why? Because it’s the safest and easiest thing to do. Because its best for everyone expert the victims themselves.

Everything has a price and is resolved with money behind bars in Transnistria:

- Phone - \$100 for one month
- Receiving a parcel from home and its full contents - \$20
- Receiving a parcel from home missing items the guards liked - \$10
- Medical assistance - \$300
- Informal bailout of the inmate (businessman) - \$100,000 to \$200,000
- Informal bailout of the inmate (a simple person) - \$ 20,000
- Permission to the relatives to embrace the defendant on the way to the courtroom - \$40
- Extra 30 minutes during the walk - \$60

Let’s face it: Transnistrian settlement is merely simulated. This becomes clear to anyone trying to look into any single case of imprisonment of people in Transnistria, especially if those people are into business. There are people lingering in Transnistrian prisons who interfered with the financial interests of Chisinau while doing business in the region. Some didn’t stop in time, and since Europe is watching the justice system on the right bank, they were thrown in jail arbitrarily across the river – where there is no law and where their businesses are up and running, waiting to be seized.

#### **Blackmail Without Remorse**

A new portion of blackmail awaits them in the dark preventive detention isolators: “Take the blame, sign the papers and do jail time or tomorrow your son will be caught with drugs and he does it... {His ass might be very popular in jail.}” These are some of the methods the so-called law enforcement officers employ to easily get confessions in many of the cases opened to extort money.

Then come the pseudo-trials, whose primary aim is not to establish the truth but to morally destroy the defendant and his family, and extort money from them.

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Participation of a lawyer from Chisinau to a trial in Transnistria costs \$1,000 and more. Add here the transportation costs and the fact that they are faced with huge impediments, and it is no wonder that few of them put up with it, accept the challenge and want to represent anyone in a Transnistrian court.

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Life in Transnistrian prisons is a true ordeal. Those who don't pay are held in cells for 60 people - some with TB, AIDS or full of lice. There are cases when the inmates' families are allowed to renovate the cells or bring in a TV... Sometimes however, when the renovation is over, the cells are "sold" to other inmates who know their way around the prison's financial turnover better. During the holidays, it is expected that the influential "guards" receive gifts from inmates' relatives. Those should be expensive gifts or envelopes with money. This may give the inmate certain privileges, and their duration depends on how impressed the "guard" was with the gift received.

## **Underground Reintegration Is Complete!**

Vitalie Eriomenco lived for 11 years in raion Slobozia, south of Tiraspol. He founded four companies and headed three of them: a bakery, a brewery and a soft drink production company. His businesses were huge in the region. They had 500 employees and had revenues of over \$800,000 a year. He registered his companies in Chisinau, at the State Registration Chamber, and started selling his cheap bread on the right bank, in raions Causeni and Anenii Noi. This affected six local bakeries from these raions that incurred losses, and they sent a joint petition to then interim president Mihai Ghimpu, complaining that a bakery from Transnistria was allowed to sell poor quality bread on the right bank. The letter got to the Government. In a meeting on the subject, the Center for Combating Economic Crimes and Corruption, the Customs and the Ministry of Interior were instructed not to allow the trucks from the "Slobozia Bread Factory" Ltd to cross the so-called "customs" and get on the right bank. The CCCEC (currently National Anti-Corruption Center, or NAC) asked the Department of Standardization to withdraw the license issued to the Slobozia bakery.

The Standardization Department executed the order immediately and was sued by the bread supplier from Slobozia. The EUBAM mission monitored the court proceedings and the Department of Standardization gave in, but "Slobozia Bread Factory" Ltd stopped selling bread on the right

bank. It was simply not allowed anymore. This happened in 2010; in March 2011, Vitalie Eriomenco was arrested in Tiraspol by the local *YBOII-ic* (a local department fighting alleged economic crimes). The head of the department at the time was **Andrei Viktorovici Mejinski** (now director of Transnistrian company “Tirotext”), none other than the brother of **Valentin Mejinski**, former head of the Center for Combating Economic Crimes and Corruption in Chisinau. The story of Eriomenco’s arrest and detention is complicated and long. We will return to it. In short, it goes like this: a shareholder in the companies, **Victor Petriman**, separatist politician, member of the Slobozia raion council, nephew of local “deputy” in the Supreme Soviet in Tiraspol (Vasile Moraru), wanted to seize Eriomenco’s share in the business as well as his house and property. This is how things work in Transnistria, an artificial state with a mafia government, where the militia uses its resources to extort money from people.

*“What happened to Vitalie Eriomenco is defined as a ‘raider attack’,” says Promo-LEX lawyer Alexander Zubco. “Someone sees a business that is doing well and uses their resources and political connections to create a legal context to justify seizing it.”*

In the last 22 years, a parallel system has developed in the eastern region of Moldova, with its own rules, in disregard of constitutional norms and international law. Those regulations favor a group of people that turned the region into a gray area in the middle of Europe, where human rights cannot be guaranteed.

### **The “Bed Sheet” Solution**

The local police make up criminal records and cases. If all methods of physical torture have been exhausted and the detainees still refuse to sign false statements, the police take their mothers, pregnant wives, children or elderly fathers as hostages and harass them. It's a fail-proof recipe: an exhausted man will do whatever he is asked to do to have his loved ones left alone.

Those who get arrested by the militia are all but lost. They have no instruments for defense in a state unrecognized by the international community. Some die, others “commit suicide” in the region’s prisons. Every week, 2-3 inmates hang themselves on bed sheets in Transnistria. Apparently it’s the new trend. And these

deaths are more than suspicious considering the fact that none of them happened when the suicide victims were alone in the cell. There are no prison cells in Transnistria with less than 6 people in.

### **Alexandru Postica, Program Director at Promo-LEX Association:**

In the last 22 years, a parallel system has developed in the eastern region of Moldova, with its own rules, in disregard of constitutional norms and international law. Those regulations favor a group of people that turned the region into a gray area in the middle of Europe, where human rights cannot be guaranteed.

The local (“tmo”) constitution guarantees the right of property, but not the obligation to ensure property claims on any legal or political accountability for violating property rights. This inconsistency and impossibility results from the declarative provision that anyone can be deprived of his property following an alleged court ruling, without giving the reasons for which a person may

be deprived of their property. Thus deprivation of property is left to the alleged courts, which are known to be politicized, more so because the de facto leader of the region appoints all local “judges”. Moldovan national legislation is rejected and ignored in the region by those who have control over the territory despite the fact that many of those serving the illegal regime are, in fact, Moldovan citizens themselves. It’s quite confusing, don’t you think?

Although the administration of the breakaway region tried to emulate the Russian legislation in all areas, the implementation and interpretation of property rights in the region is done in the interests of a certain group of people. In other words, in practice, ownership is formally governed by the rulings and administrative acts issued by the President, supreme soviet, municipal soviets, and by the decisions of the so-called ministries.

Under international law, the “tmr” has no right to sell the assets of the Moldovan state or any private property. Any such sales may be challenged and recalled. This means that the regime of occupation may *de facto* control the economic resources of the region, but they remain in the *de jure* property of the rightful previous owners.

### **Chisinau Takes the Easiest Position**

According to the Moldovan Law on Privatization, the state does not guarantee the ownership of assets located on the left bank of the Nistru river and in the city of Bender, which had been privatized without legal coordination with the central government. At the same time, Parliament urged the Government to develop a procedure to coordinate the privatization of assets in the region – which has not been done.

The Moldovan government has reiterated that it could recognize ownership of economic goods from Transnistria, which had been privatized outside the legal framework of the Republic of Moldova, once the conflict is settled. In most cases, ownership in the region was acquired naturally, based on transactions between persons that do not raise many questions, such as purchasing housing, free privatization of houses, obtaining ownership titles for farmland plots, inheritances, registration of certain inventions, etc. On the other hand, large industrial enterprises of major importance for the national economy were privatized in a very non-transparent way, without any monitoring from the constitutional authorities, let alone the fact that funds obtained from such privatization were used to support and consolidate the illegal regime. Under international law, the “tmr” has no right to sell the assets of the Moldovan state or any private property. Any such sales may be challenged and recalled. This means that the regime of occupation may *de facto* control the economic resources of the region, but they remain in the *de jure* property of the rightful previous owners.

### **“Kozak Memorandum”, the Investors’ Stake**

Although Transnistria is an illegal entity, virtually all businesses with significant potential from the region were “privatized”, via the secessionist authorities, by foreign investors. They were encouraged by the position of the Russian Federation, presented in the failed “Kozak memorandum”, which provided that Moldova needs to recognize all the transactions that were signed in the region after 1992. This attitude of the Russian Federation is not surprising because it was largely Russian economic entities that became the owners of the most important companies in the industrial and energy sector in the region.

In the vast majority of cases in Transnistria, there are no domestic remedies, and these violations can be examined under international or regional jurisdictions. Therefore one cannot speak about any national mechanisms to protect ownership in Transnistria.

Another issue that has become known far beyond the borders Moldova is the limited access of Dubasari farmers to their farmland, which is located across the Rabnita-Tiraspol road, controlled by paramilitary checkpoints of the region's de facto administration. The farmers' drama has become a burden to everyone except the groups controlling that part of the country. For 10 years, the Government has been providing compensations that benefit only those who do not work the land. Meanwhile, the owners bear great losses and damages, they cannot use their property freely, and their farms cannot grow because of the constant instability and uncertainty in the area.

As for the privatization – or, rather, dubious alienation – of big enterprises from the Transnistrian region of Moldova, nobody talks about their changing hands via illegal routes and offshore regions anymore. The Moldovan constitutional authorities do not demand any explanations about these facts and actions. Why would that be? It might seem paradoxical, but we know what the officials would say – and it's an obsolete argument only kindergarten children still believe: "We have no control over this territory." But if they were to be asked for a specific and short answer to the question if they tried to make any efforts in that regard, they would say from the start that there is no point in doing so anyway. And that is too bad. One needs to look hard on the world map to find another such state. And I wonder if it's incompetence, indifference or could it be certain group interests?

I wrote before that, according to the law, the Moldovan state cannot guarantee the property right of assets located on the left bank of Nistru and in the city of Bender, which had been privatized without coordination with the central government. But who would need or want to legally coordinate any such privatization is the recognized central government has no institutions, procedures of clear regulations in place to help legalize privatizations? It's a rhetorical question, of course, and a despicable approach. And the effect is as such. Don't look for those responsible in Moscow, Tiraspol, Rabnita, Dubasari or in the off-shores. The correct answer is right here, with the lack of action of Moldovan dignitaries.

## **4. Criminal Business: Trading In Rights and Freedoms**

The Transnistrian region is a trap for those used to acting freely. Those who live or visit there lack any legal protection from a constitutional authority. Anyone taking a picture at the market or on the street could be seized by the separatist militia and accused of espionage. One could be arrested arbitrarily for 2 main reasons in Transnistria: (1) for ransom (\$1,000 equals 1 year of prison), and (2) to put political pressure on Chisinau (where the political or professional status of the detainee allows separatists to fabricate a media-oriented story).

You are on your own in "Transnistria", and you can't count on any help from the local police or the alleged (Russian) peacekeepers. When you pass through the so-called "customs", you have to

Given Chisinau's boundless tolerance, separatist forces in Transnistria had plenty of time to put together the most odious human rights trading system that mankind has even seen.

be very careful that the "border guard" officer doesn't slip a pack of drugs into your bag or car while checking your belongings. And if you get to be "tried" in the region, find someone with money to bail you out as soon as possible.

It may sound harsh, but this is the reality drawn from real cases. And it must be said loud and clear that, for 22 years, 15% of Moldova's population are kept captive and the **efforts** of the constitutional authorities to identify an

international mechanism to give these people a minimum of guarantees and access to justice is so timid that it goes unnoticed. Given Chisinau's boundless tolerance, separatist forces in Transnistria had plenty of time to put together the most odious human rights trading system that mankind has even seen. It's a "business" with guaranteed returns and without any risks: you put a man to jail, torture him, and if he doesn't give in, you seize his children, blackmail his mother until the money start coming into the pockets of the local militia, judges, guards and prosecutors (all in quotes).

What does the Moldovan state do at the same time? It negotiates, expresses its concern and verbally condemns such acts... What do officials paid to "build tracks" to return to normalcy do? They meet and have tea with Nina Stanski, take her on limo rides through Chisinau, and at the end of the round of talks, write up another press release and send it to the press. That's about it.

## Nobody's Citizens

Moldova abandoned its citizens on the left bank. This is obvious to any foreign journalist visiting Transnistria and to any nongovernmental activist monitoring the situation in the eastern region. In 22 years, the Republic of Moldova simply failed to provide the residents of Transnistria with mechanisms to protect and defend their constitutional rights and freedoms. Huge amounts are spent on "bringing together the leaderships" of Chisinau and Tiraspol, but the people are abandoned... for the sake of justifying some funds. However, political and diplomatic negotiations are useless in absence of clear mechanisms, instruments and guarantees for basic human rights. Respecting human rights of the region's population should be a prerequisite for any political talks, as it will allow people to unleash their potential and freely express their choices. Now, it seems, one party in talks decides the fate of these people, while the other party could not care less about what is happening to them.

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Unfortunately, in reality, the situation is even worse. Juggling mellow words and appeasing speeches to deceive the naïve hope of the officials in Chisinau, Transnistrian clandestine forces have already expanded to the right bank of Nistru.

## Militia Crossed the Nistru River

For years, the Moldovan police officers guarding the Dubasari Power Plant dam have been asking for electricity from the Transnistrian “border guards” to warm up the wheel-less service “Volga” car. (Recently they did get a separate power cable). They drank coffee and played cards together when their bosses weren’t looking. In other cases, in Bender or Dubasari, Moldovan policemen are humiliated by the Transnistrian militia who ask them to undress or seize them.

And yet they work together. The number of cases when Moldovan police transferred people from the right bank into the custody of non-constitutional enforcement bodies on the left bank has gone up in the recent years. There were instances when the Moldovan police joined in with representatives of the separatist authorities to detain persons or carry out searches at the residence of persons in the “custody” of the illegal militia.

A youngster from Transnistria wanted to escape military drafting in the region and fled to his grandmother who lives in Drochia. The Transnistrian militia came after him. They went to the local police officer and asked him to surrender the boy. Done and done. They crossed the bridge near Molovata-Noua and put the boy in jail. Another young man, whose case has already made it to the ECHR, was surrendered to the separatists by the Ciocana sector police (from Chisinau). There are many such cases. Just last week Promo-LEX started working on a similar case.

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## Interview with the Promo-LEX Attorney at law, Vadim Vieru:

*To what extent is the right to liberty and security guaranteed in Transnistria? Do we have reasons to be more vigilant than usual when we are across the river?*

**Vadim Vieru:** We must say it bluntly: the right to liberty and security of person is not guaranteed and protected by the Moldovan state in the Transnistrian region of Moldova. The illegal administration of the “tmr” formed its own system of institutions: the police, prosecution, courts, prisons, etc. and this is a worrisome fact. People who live in the area and those who visit the eastern region may become victims of abuse from these pseudo-institutions. Moreover, there is no effective remedy at the national level to protect the right to freedom and personal security in the region. Even if a person complains to the Moldovan law enforcement on an instance of illegal detention or even conviction by the illegal institutions in Tiraspol, most times the prosecutor or police body will start a formal case, which later gets suspended or closed on grounds that those accused could not be identified. Or worse: no elements of a crime were found (although often the complaint contains the full name of persons who committed the crime and even their town of residence). In the past (before 2010), the prosecution refused from the start to initiate

criminal proceedings, arguing that they had no control over the Eastern region and invoking the territorial reserve made by the Republic of Moldova to the ECtHR (which was found inconsistent with the European Convention in the Ilascu case).

***In practical terms, what exactly should one watch out for when crossing the barrier?***

**Vadim Vieru:** We must pay attention to all that surrounds us. Be wary of local “border guards”, “customs officers”, “peacekeepers”, “prosecutors”, “judges” and other elements of the local pseudo-judiciary. The region’s institutions are not subject to international scrutiny, and human rights is a matter left to the discretion of those appointed by Russia to manage the affairs in the occupied region.

***What is the role of peacekeeping forces in ensuring security in the security zone?***

**Vadim Vieru:** First, let’s try to answer the question whether the parties that fight against each other today can work together to ensure peace tomorrow. Can perpetrators become peacekeepers overnight? Normally no, but in Moldova this was possible... and had consequences. But that’s another story. Apart from this anomaly, while in theory the peacekeepers’ role is to ensure peace in the region, in reality, it’s the opposite. The peacekeeping format was imposed by Russia at the signing by Moldova and Russia of the 21 July 1992 peace agreement. In the absence of an actual conflict, the peacekeepers ensured that the illegal regime can grow stronger in peace. Nobody cared about the rights and freedoms of the people in this area. For some reasons which we can guess, the peacekeepers are actually increasing tensions in the region regularly, and sometimes their actions go clearly beyond their mandate. The case of Vadim Pisari is a good example. A person who did not present any threat was shot in the back simply because he did not stop at the illegal request a drunken peacekeeper. What is worse is that the peacekeeper was not punished in any way. On the contrary, he was protected by getting transferred to the Russian Federation and perhaps decorated or promoted (the Russian side terminated the criminal proceedings). Such examples of impunity encourage the criminal intentions of the peacekeepers. But I would like to point out that what happened to Vadim Pisari was not a singular case – check the Joint Control Commission registers to see for yourself. In 2005, Promo-LEX representatives were themselves involved in an incident at the same peacekeepers’ checkpoint. In that case, we managed to avoid a tragedy because a police officer pushed up the barrel of the gun of the Russian peacekeeper.

In 2007, in Corjova, several Moldovan journalists witnessed an incident when a so-called Transnistrian police scolded some peacekeepers from the Russian peacekeeping checkpoint between Cocieri and Corjova. Normally such things should not happen.

***Based on the cases that you are aware of, should one seek the help of the Russian peacekeepers if one doesn’t feel safe in Transnistria or is it better to deal with it on their own?***

**Vadim Vieru:** Believe me: it’s better to deal with it on your own. The peacekeeping mission on the Nistru river is indeed a trilateral endeavor. It consists of peacekeepers from the Russian Federation, the Republic of Moldova, and the “tmr”. If you are in danger (facing arrest, for example)

and you seek the help of Transnistrian peacekeepers, they will at best not help with anything. But chances are they will hand you over to the Transnistrian militia. In 2007, in Corjova, several Moldovan journalists witnessed an incident when a so-called Transnistrian police scolded some peacekeepers from the Russian peacekeeping checkpoint between Cocieri and Corjova. Normally such things should not happen.

***The media wrote that Vadim Pisari was killed by a Russian peacekeeper. Was that a person from Russia serving here or was he a resident of Transnistria with a Russian passport? Where is that man now?***

**Vadim Vieru:** The so-called peacekeeper's name is Veaceslav Cojuhari. He was originally from the Transnistrian region, but held a Russian passport. We don't know if he also had Moldovan citizenship. Immediately after he shot Vadim Pisari, he was urgently evacuated to Russia. According to our sources, he is now in Bryansk region. The Russian Prosecutor terminated the criminal proceedings. In fact, I should say, it has become a fashion that Russian peacekeepers are recruited among Transnistrians with Russian passports. It's easy to do: both financially and ideologically.

***I have seen some Promo-LEX statements denouncing cases of "transmission" of people by the Moldovan constitutional police to the illegal militia. It seems a bit absurd, so please elaborate for us how this happens so that we can all understand.***

**Vadim Vieru:** Even if the region's administration is illegal, the Moldovan law enforcement bodies cooperate informally with the local militia and other structures in the region. Before 2003, the cooperation was "formalized" under an agreement between the Moldovan Ministry of Interior and region's militia (police force). Pejoratively speaking, the *accomplishment* of that "collaboration" is the extra-cases we are handling at the ECtHR. One of those cases is Filin v. Moldova, which was already communicated by the High Court. In that case, there is reasonable doubt that the person was handed over to the separatists by police officers from a section in Chisinau. Or another case: on 9 September 2011, at about 20.00 hours, Vasile Fricatel, a Moldovan citizen living in Anenii Noi, was handed over by the Moldovan police to a group of Grigoriopol militia (6 people). Police officers took him from home, brought him to the commissariat for a hearing and then released him. It was late and the police offered to give him a lift home. The young man agreed and got into the police car. They took him to the Nistru river, beat him, got into a boat and carried him across the river. There they handed him over to the Grigoriopol militia.

***Are there cases when the Transnistrian militia seizes people on the right bank?***

**Vadim Vieru:** Yes – especially in the villages from the security zone.

***Why was the "cooperation agreement" between the Moldovan MOI and the Transnistrian militia terminated in 2003? Is the agreement still used today?***

**Vadim Vieru:** The constitutional authorities have no legal basis to sign agreements with illegal

structures installed on their territory. This procedure was illegal from the start, but it was officially dropped only after a court declared it contrary to the Moldovan Constitution. However, even after the judgment, in some case, the “institutional memory” of the police makes them continue this practice.

A statistical analysis shows that 563 of every 100,000 people are in detention. For comparison, there are 180 people in detention per 100,000 people in the penitentiaries controlled by Moldova, while the average figure in the EU is 129 people.

For example, see Eriomenco case - <http://www.promolex.md/index.php?module=press&cat=0&item=1157>

### *Why are the Transnistrian jails so overcrowded?*

**Vadim Vieru:** The penitentiaries in the region are overcrowded because the so-called criminal norms in the region are extremely harsh. There are three penitentiary institutions under the control of the Tiraspol administration in the

Transnistrian region of Moldova control: a special regime prison, a colony for minors, and a prison for women. The exact number of persons held in preventive detention is unknown, but it is estimated to be at least 1,000 people. One can spend 3-4 years in preventive detention (pending “sentence”) in the region. (e.g. Eriomenco case – 2.5 years in preventive detention) . A statistical analysis shows that 563 of every 100,000 people are in detention. For comparison, there are 180 people in detention per 100,000 people in the penitentiaries controlled by Moldova, while the average figure in the EU is 129 people.

And when it comes to “trial”, the chance of a prison sentence is as high as 90%. There is virtually no alternative to detention in the breakaway region’s “legislation”. This “cycle”: arrest-preventive detention-trial-prison has been transformed by the prison administrations in a very lucrative sort of business. It is possible for a “convict” to be released from prison early. Negotiations start at \$1,000 for each year of imprisonment established by the “judge”.

When we seek protection or help for persons in detention, even some foreign experts manage to surprise us. There is a certain degree of tolerance for such crimes - under the pretext that the situation in the Moldovan justice system is not much better. While we don’t deny that there are serious problems there, we believe that such comparisons have no place here. What many fail to understand that the victims are Moldovan citizens, and their rights are violated by other Moldovan citizens, on Moldovan territory. Legally speaking, in this situation, the constitutional authorities of Moldova bear full responsibility for the fate of the people from the region. But the most important thing the international community and Moldova’s partners need to understand is that one cannot tolerate certain situations only because they are incomparable with other situations. Firstly, the Moldovan authorities are legal and represent a recognized state, while the Tiraspol administration has no legitimacy. This makes the constitutional authorities accountable on the one hand, while on the other, the illegal administration enjoys and makes extensive use of its complete impunity. They reject attempts to monitor the respect for human rights, there are no credible, legal and efficient mechanisms to defend basic civil rights, there are no international standards, no reforms are conducted, there is no active civil society, media and intellectuals who would be able to provide the people the opportunity to see and understand things and events that occur around them in a different way. In these circumstances, I believe it is time to be candid and call a spade a spade.

## 5. The fate of the eastern region boys: prone for prison by default

The truth about the formation of the so-called Transnistrian “army” needs to be known, including by those born in Transnistria after 1992. There is only one truth, and it is based on irrefutable documents, not shouted or waved by propaganda. In an extensive investigation that I carried out in November 2004 as part of a team from the German radio station “Deutsche Welle”, we were able to prove, based on Russian documents, the military occupation of the Republic of Moldova by the Russian Federation, during the war of 1992. The only person in Chisinau who showed any interest in our investigation was former President Mircea Snegur. Otherwise – it was just sad silence.

We managed to obtain official documents from the Russian Government archives, which confirm the transfer of weapons to illegal paramilitary groups, and the illegality was admitted by the Russian Prosecution itself. Between 1992 and 1996, a Russian military unit (14<sup>th</sup> Army) stationed on the territory of Moldova, but *de facto* controlled by the breakaway administration, transferred 150 units of fighting equipment and over 3,000 tons of “military property” (as officially indicated) to the region’s paramilitary structures.

### Who helped Smirnov build his “army”?

To help strengthen the separatist regime of Igor Smirnov, which had just established its own army, on 26 January 1995, by Order no.125-p, the Russian government transferred 35 units of military equipment and 160 tons of weapons and ammunition from the storage of the Operative Group of Russian Troops in the region to the so-called Transnistrian army. It was the first authorized transfer of this kind authorized by the Russian Government. Later there were other similar transfers. One wonders how lawful they were, especially since Russia claims to be a mediator, peacemaker, and guarantor state in the conflict. It is unfortunate that these roles were accepted, and it managed to transform itself from a party to the conflict (see peace agreement on 21 July 1992, signed namely between Moldova and Russia) into a peace-keeping party. Surely one could not find such a scheme anywhere else in the world. I think you can understand why no one in Chisinau is ready to speak out when asked about these things.

Today, Russian military units act essentially as guarantors of instability and disaster in Moldova, reinforcing a separatist regime, which has not been officially recognized by Russia, supporting the durability of the “tmr”, and making reintegration more difficult by providing material, knowledge and other support to a regime governed only by the unwritten rules of some narrow circles in the Kremlin.

On 30 August 1996 the Military Prosecutor of the Russian Federation, Grigory Nosov, sent a letter to Russian Defense Minister at that time, Igor Rodionov, warning about some “dangerous irregularities” committed by the head of the Operative Group of Russian Troops in Moldova, General Vladimir Yevnevich, during the transfer of Russian military assets to the separatist pseudo-republic. Attached to the letter from Nosov to Rodionov was

a document entitled “Proposals for removing irregularities committed in the Operative Group of Russian Troops in Transnistria”; all that is known about it is that it referred to a transfer weapons to the separatist army, dated 17 July 1996. Officials in Moscow and their pawns in Tiraspol refuse to provide any details on the types of weapons transferred to the illegal paramilitary groups at the time.

In the same letter, Russian prosecutor Nosov argued that, upon a request of the regional administration of 23 January 1996, the deputy commander of the bomb squad troops of the Russian Ministry of Defense, Nikolai Antonenko, signed an additional agreement with the illegal administration containing a list of military property that was to be divided between Russia and “Transnistria”. According to the document, Russia (contrary to its status and international obligations and commitments, and in defiance of international law) sold 179 units of military equipment and 3,000 tons of allegedly obsolete military assets. Nosov says that “Transnistrian armed forces” also received “functional military assets”, including more than 30 different mobile power stations of various capacities, which were also badly needed in the Russian army.

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The illegal paramilitary forces subordinated to the separatist regime have grown exponentially stronger since 1992. Many plants and factories in the region went bankrupt and were closed or continue to operate at a minimum capacity, with a reduced number of employees. The “army” and other alleged force structures remain among the few job providers for large numbers of the unemployed, making them dependent on such “job offers”.

Reaching age 18 and refusing to be “drafted”, regardless of their nationality or religious beliefs, young Transnistrians become virtually automatically liable to go to jail. It sounds vile, absurd and unfair, but this statement contains absolutely no exaggeration. Article 325 of the alleged “criminal code of the tmr” stipulates that residents of this territory “who refuse or evade military service” risk jail time. On the other hand, Article 282 of the Moldovan Penal Code provides a penalty of 5 to 10 years in prison “for participation in illegal paramilitary formations.” Young people are forced to choose the lesser evil and take advantage of the fact that the constitutional authorities do not actually enforce this provision. They enroll in the “Transnistrian army” willy-nilly, some get out of there crippled, other lose their lives from the maltreatment to which they are subjected. And this is not an exaggeration.

## **No mechanism in place for Chisinau**

Promo-LEX " brought to public attention several cases of murder in the so-called “Transnistrian army” since 2008. Anatol Mospan was brutally murdered in a military unit in Tiraspol. The official position of the separatist administration was that he died due to heart failure. But the boy’s parents opened the coffin and saw that his face was practically disfigured. They took pictures,

but the so-called “local representative of the ombudsman in the region” seized them. The separatists hurried to promise the family support, compensation and help for their murdered son. Later, according to neighbors, suspicious persons “drowned” the parents’ grief and pain in alcohol.

Chisinau does not have a mechanism for integrating young people from the Transnistrian region in the constitutional field, and doesn’t seem to think about getting one in place. But they are the next generation - their mindset, vision, principles and understanding will determine whether or not the so-called conflict will be resolved. Everyone realizes now that this conflict cannot be solved overnight. The settlement requires significant investment, including invested time. Most importantly, solving the problem requires an increase in the number of people who have a truthful picture of the situation.

Anatol Mospan was a citizen of Moldova, and so are his parents. The state did nothing to defend their rights. The Moldovan Prosecutor General's Office opened a criminal case on the incident, but did not work on it. Why? - Does it matter, now?

In another case, Eugen Colobisco (a citizen of Ukraine) “deserted” from the “Transnistrian army” twice, complaining to his parents that he had been repeatedly beaten and humiliated by the superior. Later he was found drowned in the Nistru river bearing signs of a violent death.

In 2010, Alexander Stomatii was killed; his case was sent to the European Court of Human Rights, which already notified the respondent governments (Moldova and Russia).

The Promo-LEX Association counseled several young men who fled from the “Transnistrian army”. They came to Chisinau to ask for the help of the constitutional authorities, and were confused to find that here they were referred to as “criminals” and the authorities perceived them as a burden, not having a mechanism in place to integrate them into the constitutional circuit. They are sent from one institution to another, they are given shelter for several days where they can, and those who cannot resist are put in shelters... This is happening now, after 22 years since this phenomenon appeared, and Chisinau officials prefer to give extensive and pompous talks about measures to bring the two banks closer together and increase confidence between the two sides.

## **Constitutional authorities have failed the test**

We did a simple experiment – we went to Bender and posted the following ad in a station of public transport: “To learn how to avoid being drafted into the illegal paramilitary structures of the “tmr” call the Office of Reintegration in Chisinau”, and included the telephone number. We then hid to watch what happens. Twenty-three people read the ad over the course of one hour (perhaps future “recruits” or their relatives). Nineteen wrote down the phone number. Back in Chisinau, I called the Office of Reintegration and told an officer there: "I am from Cocieri. A boy from Transnistria fled from their “army” and is hiding in my house. He’s asking for help. What should we do? Where should he go?” The answer was hallucinating: “Why did you let him in?”

Chisinau does not have a mechanism for integrating young people from the Transnistrian region in the constitutional field, and doesn’t seem to think about getting one in place. But they are the

next generation - their mindset, vision, principles and understanding will determine whether or not the so-called conflict will be resolved. Everyone realizes now that this conflict cannot be solved overnight. The settlement requires significant investment, including invested time. Most importantly, solving the problem requires an increase in the number of people who have a truthful picture of the situation.

### **Interview with Promo-LEX Lawyer, Alexandru Zubco:**

*What is the difference between a separatist group that has usurped power in a region of a state, and forcedly created a sort of an “army” there, and a terrorist group that equips its guerillas with weapons to help in their fight against the constitutional order?*

**Alexandru Zubco:** At a first glance, there is no difference. Criminal law criminalizes both usurpation of power and terrorism, providing a maximum penalty of 20 years in prison for both. The problem lies in the ability of the law enforcement to protect citizens by preventing illegal acts and punishing the eventual perpetrators. In general, Russia presents the Transnistrian issue in a very twisted way. If the Moldovan constitutional authorities were to be able to explain and emphasize the correct understanding of the situation, this equation could be solved – and Moldova would have everything on its side, both legal norms and the support of the international community. In order to be able to achieve positive results, Moldova must come up with proposals and recommendations. It must prove that it understands, is willing and able to solve the so-called Transnistrian conflict, and thus guarantee the basic rights and liberties of all those who live there.

*What punishment do the people that run Transnistrian paramilitary forces risk and why, in your opinion we haven’t heard the law enforcement authorities in Chisinau to open criminal proceedings against any of them?*

**Alexandru Zubco:** Many people are involved, willingly or unwillingly, in these paramilitary structures. There are citizens of Moldova and of other countries among them. Regardless of their nationality, they constitutional authorities can and should criminally sanction them because, under the Criminal Code of Moldova, organizing or leading a paramilitary group outside the scope of the Moldovan law and participation in such groups is punishable with 2 to 7 years in jail (CC Article 282). The central database of the Interior Ministry mentions a single criminal case initiated by the Bender Prosecutor Office in 2004 under Article 282 of the Criminal Code. The case was suspended because the perpetrators were not identified. It is unclear why the national legislation is ignored. We can only guess: it may be the incompetence of those involved or a fear of possible economic or energy-related sanctions on behalf of the Russian Federation. They may be other reasons. But it doesn’t really matter. The fact is that, for over 20 years, the law is ignored, and, inexplicable as it may seem to any law student, these illegalities have become the norm in

Many people are involved, willingly or unwillingly, in these paramilitary structures. There are citizens of Moldova and of other countries among them. Regardless of their nationality, they constitutional authorities can and should criminally sanction them because, under the Criminal Code of Moldova, organizing or leading a paramilitary group outside the scope of the Moldovan law and participation in such groups is punishable with 2 to 7 years in jail (CC Article 282).

Moldova.

***In reality, young people from the region are summoned to swear allegiance to an illegal and non-existent regime... How can they resist this while living there?***

**Alexandru Zubco:** I mentioned that the constitutional authorities do not sanction this group of citizens in any way, because, it seems, the state realizes that it failed to provide them with a legal solution and institutions, it failed to inform or defend them in any way. We cannot blame the people there. All the blame is on the authorities. Young people from the left bank have no possibilities to resist. The local so-called criminal law penalizes them for refusing to draft. Their only solution is to leave the region for an unlimited period of time (at least until the conflict is resolved).

***What happens if a young man refuses to be “drafted” in Transnistria?***

**Alexandru Zubco:** For example, avoiding “conscription” may cost a young man up to 2 years in jail or a fine of up to 500 euros.

***What should the Moldovan state do to protect these young people, to bring them into a constitutional military field?***

**Alexandru Zubco:** Back in 2007-2008, while working on a study, we suggested the Moldovan authorities to take the following steps: Develop programs to inform the local population about their constitutional rights and obligations, including pertaining to the military; Open a military center for the Transnistrian region responsible for maintaining military records resolving the problems of recruits from the eastern region, etc.; Draft capable young men from the Transnistrian region into military service in the Moldovan Armed Forces; Start criminal proceedings on the organization and leading of illegal paramilitary units in Transnistria, and punish those responsible; include all young men from Transnistria who applied for Moldovan ID documents in the military records, with the help of subdivisions of the Ministry of Communications and Information Technology in collaboration with the Ministry of Defense; Send citations to young men from Transnistria to pass the military-medical commission, as per the home address in the “Registru” database between 1 September and 1 January; Issue drafting certificates to young people from the region at the time of passing the medical examination; Amend section 9 of the military record book issued to citizens of Transnistria who completed their military service within military departments, with the mention: Mandatory military service completed as per Article 5 of Law No. 1245 of 18 July 2002 of Moldova; Adoption of an effective system and mechanism to protect the rights and freedoms of Transnistrian residents; Active involvement of the participants in the 5+2 format of talks in addressing the issue of withdrawal from the conflict zone of paramilitary units (stations), deployed in defiance of the Moldovan-Russian Agreement of 21 July 1992 on the settlement of armed conflict in the Transnistrian region of Moldova.

***The Soviet practice of demonstrating the superiority of the military is well known. Do you have any information on cases of ill treatment of young people in paramilitary structures? If so, how serious are those cases?***

**Alexandru Zubco:** Yes. Many of our beneficiaries and their relatives claimed various forms of maltreatment. These include: beatings; kicks in the ear (the so-called ‘telephone’ method), in the abdomen (‘plywood’), and in the face (‘festal’); hitting with a wet towel or salted wet towel; hits with the belt buckle over the fingers; kicks in arm muscles (‘laukik’); blows performed by officers over the cap so that the military badge leaves a mark on the forehead (‘snickers’); burning various objects on the body to cause physical pain; blows behind the head; nighttime push-ups in the courtyard of the barracks; sinking down the toilet; forced harmful works; extorting money; shifts over 3 days long, without any breaks; strangulation; seizing food, etc.

*If one would like to file a complaint against those who have abused them, where should they go?*

**Alexandru Zubco:** Anyone can submit a complaint on a case of ill treatment at the Moldovan Prosecutor General office or a local Prosecutor office. They are obliged to register the complaint and initiate proceedings, and, if the victim is in danger, use legal safeguards to protect them.

## 6. Free movement... for Sevciuc’s militia

We are approaching the barrier installed by the separatists at the so-called customs point near Bender. There are two Romanian journalists in my car. We go to Transnistria, to the USSR museum, to “hunt” for topics. Officially, we are on our way to my brother's christening in the village Doi-bani-2. One of the passengers, a stylish fellow sporting a rooster haircut, is utterly curious. He opens the window and greets the peacekeepers in Russian, with a strong Romanian accent. They don’t answer, but don’t lose us from their sight until we reach the barrier to see that we don’t take any pictures from the car. A “border guard officer”, dressed in a Soviet military uniform, opens the barrier. When they see Romanian passports, they react like the devil facing a cross. After three failed attempts to speak to us in Russian, he switches to a broken “Moldovan”: “Go to that green cabin!” Then we get interrogated for 20 minutes by ‘the boss’... about the purpose of our visit, the duration, my brother’s name, the name on the newborn...

The illegal checkpoints installed by the separatist regime also represent a real challenge for farmers from the eastern region trying to transport their produce to Chisinau to sell it at a better price. There have been many cases when the goods were seized and the owners ended up beaten and even jailed.

They turned our car upside down. They even brought a stick with a mirror at one end and looked under the car. Obviously, they found nothing. All of our shooting equipment was already in Tiraspol. We got it there on a taxi cab with Transnistrian plates. The driver passed through “customs” just by greeting the people at the post, they didn’t even check his papers.

We did most of the shooting in Tiraspol on the sly. We shot the city market and visited “Proryv”. The group’s headquarters is full of young girls in tiny skirts. On the walls, there are portraits of Putin everywhere, along with those of Soin and Che Guevara.

## **“10 Euro each and I put my pen down”**

On our way out, I decided for myself that I wanted to show the foreign journalists another, more remote exit road – the one via Varnita. We were stopped. “Oh, so you entered by Bender... You should have left the same way,” a man wearing green Soviet military clothes told us in Russian. “Now you’re in big trouble. You cannot go back...” They took our papers and left. In about 10 minutes, the man returned: “The driver with the Moldovan passport, go see the chief.” After a 5-minute lecture about the ‘infraction’ we had committed, the ‘chief’ said: “If I start writing down this paper (the protocol of the incident), I will not stop. And you will be in big trouble.” We got it - he wanted money to put his pen down. Ten euros each – that was about it. So we paid. It’s better and safer to pay than to have problems with them.

The whole control mechanism of the so-called Transnistrian “customs” is built so that the “customs” and “border guard” officers can collect their wages from bribes. No “cutsoms” and “border guard” officers have even been convicted of corruption. Zero in 22 years. This term is not popular very there in general. The separatist administration cancelled the “official” fees to be paid at the ‘border’ crossing back in 2009. At the same time, the bribes more than doubled.

Below are the sizes of bribes:

- Introduction into the region of books in Latin script - \$100 (no more than 30-35 books)
- Crossing without ID - 80 Euros per person
- Crossing without a warrant for the car - 40 Euros
- Introduction of a computer into the “tmr” - \$20
- Withdrawal of 1 ton of apples from the “tmr” - \$40
- Withdrawal of 1 ton of frozen chickens from the “tmr” - \$170

Residents of Transnistria who own cars with Moldovan license plates are ordered to pay a so-called temporary fee for “importing” the car in the region. This fee amounts to 0.18% of the cost of the car and is valid for 60 days. After that period, the owner must fill in a “customs declaration”. And if the period of stay in the region, stated in the “declaration”, is violated, the owner is given a fine amounting to 50% to 100% of the cost of the car – this works as a method of intimidation, which helps extort huge amounts from people. I, as a journalist, fail to understand how any of this is possible. How does a group of people that controls a part of the territory of a recognized state (which is a member of the UN, CoE, OSCE, etc.) manage or is allowed to operate like a real state? How can their alleged currency function? If it's so easy to do, I'm surprised that there are only a few such areas in Eastern Europe. And, in this case, seeing my state (Moldova) intimidated like that, as a taxpayer, I wonder why my government keeps paying contributions to these international organizations? What are the meaning, role and mandate of the OSCE Mission to Moldova? Some time ago, I overheard some civil society members wondering about the accomplishments of the Mission in its 20-plus years in Moldova. It appears (every year) that millions of dollars (which could have been managed more effectively elsewhere) were wasted just to watch and tolerate the violation of all the values that they and others like them call on other occasions?

The illegal checkpoints installed by the separatist regime also represent a real challenge for farmers from the eastern region trying to transport their produce to Chisinau to sell it at a better price. There have been many cases when the goods were seized and the owners ended up beaten and even jailed.

## **Russia, denounced at the ECtHR**

The case of brothers Viorel and Petru Panteleiciuc is already well known and we can refer to it in public without causing them additional distress. Although they were properly authorized by the Moldovan authorities in Varnita to conduct their business, the two brothers were attacked in that same locality by representatives of the illegal structures of the Transnistrian region. Viorel was kidnapped by the “customs” officers from the region and taken to the municipal “militia” section in Bender, while his brother, a sportier type, managed to flee and sought the help of the Moldovan police. This in fact saved them both. Members of the Joint Control Commission did not show up at the site of the incident, arguing that it was a ‘dispute’ between the Moldovan authorities and the administration of the self-proclaimed ‘tmr’, which was to be resolved by the parties. An alleged ‘court’ in Bender convicted the applicant for the administrative offense of resistance and sentenced him to three days of administrative detention. The case is pending with the ECtHR, and Moldova and Russia have been called on again as respondents.

Foreign delegations wishing to visit the left bank are still required to notify the region's de facto government in advance and seek authorization. Foreign journalists are required to obtain an alleged accreditation to avoid arrest and allegations of espionage during their stay in that region of Moldova. Let’s not forget the “arrest” and “conviction” of Moldovan journalist Ernest Vardanean, who was freed in the end thanks to the concerted effort and pressure by the international community. In 2010, Vardanean was found “guilty” of espionage (analytical reports based on open sources) and “treason” (of a non-existent homeland). This is as funny as it is tragic.

## **Interview with Dumitru Paduret, victim of separatist repressions**

*Dumitru Paduret from village Cocieri, raion Dubasari, was “detained” in 2010 by Dubasari “customs officials” right in Cocieri (a village under the control of the constitutional authorities). They seized his car and 2,500 kg of onions or the grounds that he had circumvented the “customs control” by crossing Nistru river by ferry near Molovata. His case is now pending examination by the European Court.*

***We know that the Moldovan police from village Ustia started a criminal case against the two men who attacked you. What is the current status of the case?***

**Dumitru Paduret:** The case has been suspended. I don’t hear anything about it. But please know that I don’t have any expectation that the police will do me justice. If they wanted to, they would have arrested the two Transnistrians who attacked me long ago. They’ve been in our village more than once. They met our police...and nothing happened. They talk amongst themselves, strike deals, make schemes on how to extort more money, while we delude ourselves that we will get justice. I’m all grown up now, I do not believe in fairytales anymore.

***But you were seized by those two representatives of the separatist regime on the territory controlled by Chisinau, right?***

**Dumitru Paduret:** That is correct. They said that I was avoiding paying taxes. But why should I pay their taxes? How and where to pay them so long as there are no clear instructions or guidelines? According to the [Moldovan] constitutional authorities, we need to pay taxes to them, and we should not pay anything to the illegal unconstitutional regime. Whom should I listen to? What rules or laws have I broken? And I don't understand why I was not defended by the constitutional bodies since the police told me that I did not violated any law. Later however I learned that some officials in Chisinau called me a "smuggler". I don't seem to understand anything – some say one thing, and others another. Don't the various constitutional bodies coordinate their work or talk among themselves? And if they do, what's the difference between them and Sevciuc's militiamen? And I am called a "smuggler" because I did not pay taxes in Tiraspol? I've seen so much injustice in the recent years that I got used to it. I'm afraid that soon I will no longer acknowledge the rather abnormal things that happen to us here.

***What do you do now? Do you keep transporting your goods?***

**Dumitru Paduret:** I do. That is all I can do to make a living. It's a daily risk to take the merchandise and cross the river by ferry near Molovata. Winter is coming, the water in Nistru will freeze and then I don't know what I will do.

***In the end, did you pay the so-called "fine" demanded by the separatists?***

**Dumitru Paduret:** I did. I wouldn't have gotten my car and merchandise back otherwise. I paid 1,500 Euros. They are laughing at our expense here. They testing us like lab rats to see how patient we are. All my hope now goes to the ECtHR. My case is already there, it was admitted, so we are waiting.

After these stories, one realizes once more that the Republic of Moldova has not affirmed itself as a state yet, and it does not enforce its laws. And if a state cannot instill order and respect for the law, the people receive a very clear message, namely that the Moldovan society is based on the rule of the jungle, where everyone is doing what they can and only the luckiest survive. It is unfortunate however is so few of the numerous journalists, diplomats or national and foreign experts realize these things. Many see them as normal even if they have a clear mandate when they come to work in Moldova.

## **7. National Office for Social Insurance maintains a Rotten System that Divides the Country**

He has lived all his life in Grigoriopol. Once every two weeks, he comes to Chisinau "to see the tricolor", as Dumitru jokingly puts it. In reality, he comes to the market to sell his cheese. That's where I met him. He never let any Transnistrian "customs" or "border guard" officer " to touch

his identity card issued by the authorities in Chisinau. He does it out of principle. When he passes through the so-called “customs”, he holds his ID with two hands, by its edges, at the post’s window to let them enter his data into the computer. The separatists got used to him and laugh at him and every time: “You see now that you were wrong? We managed to keep our ground... Uncle, face it - Russia can do anything...” For Dumitru his Moldovan ID card represents his honor, and letting representatives of the separatist regime touch it would mean to desecrate it. I’m not exaggerating and I assure you that the man is absolutely okay ... and very cultured.

Two years ago however, Chisinau forced him to become (as he puts it) “legally a separatist”. Two years ago, Dumitru retired. He came to Chisinau, to the constitutional authorities, to demand his civil right to get a Moldovan pension. But he was sent away. He was told to go back and register with the separatist authorities. He tried three times, and got the same result. Realizing that one cannot live their senior years feeding only on the love for the tricolor and devotion to Moldova, he became a “Transnistrian citizen”, got a separatist “passport” and now receives a pension in Transnistrian rubles plus the monthly supplement from Putin (as they call the 15 dollars, allocated by Russia and paid every month to every Transnistrian pensioner). “It was the cruelest humiliation I had to go through in my life. I realized then that my love for the country is one-sided. Could you love a woman forever without ever being noticed or having her send her “bachelors” to beat you?” – a sad and emotional Dumitru asked me.

And although I wasn’t responsible, I suddenly felt like I was naked in the middle of Central Market. This legendary man managed to describe, in a single sentence, the absurdity of the whole rotten system in which, for 22 years, politicians in Chisinau in tandem with some people in Tiraspol, like to wallow.

### **Chisinau got it completely wrong**

There is absolutely no social security mechanism established by the Moldovan constitutional authorities for the residents of the left bank, and this is worse than any other shortcoming admitted with indifference by Chisinau in relation to its citizens from the Transnistrian region. Neglecting the state’s constitutional power to ensure equal social rights for all citizens without exception, and the tacit transfer of 15% of the country’s citizens and residents in the care of illegal structures that usurped power in Moldova will have terrible long-term consequences. This amounts to classical discrimination, but also means that the state has abandoned a part of its citizens. The longer is the abandonment, the less likely it will be to win back, politically or diplomatically, those people and therefore that land. Human rights have no borders and, whether they admit it or not, it is the obligation of the constitutional authorities to provide all citizens and residents of the country, including those from the Transnistrian region, wide access to constitutional services, mechanisms and guarantees and social protection.

It is very important to know that the Moldovan legislation does not provide for the possibility of deprive citizens (especially those living in the country) of the right to receive social allowances on grounds that they receive other such allowances from an “unrecognized fund”. In addition, the law does not provide for a definition or explanation of the notion of “Transnistrian pension” or “Transnistrian allowance”, as this would be illegal and unconstitutional.

In reality things are tough. I would even call it criminal. Maria Borta, president of the National Office for Social Insurance of the Republic of Moldova, admitted that the institution she leads exchanges information with similar structures in Transnistria to prevent people from receiving pensions from both sides. ***“We get their data and send them our data. Politics is politics, but if one gets a pension there, they are not entitled to one here. Nobody gets a double pension, not here, not Russia nor with Romania,”*** says Maria Borta, who would normally be talking to prosecutors after making such statements. How can a state official equate a part of their country to a neighboring country? Unfortunately, there are many questions in Moldova we cannot find the answer or explanation to.

If, hypothetically, we accept this logic, Dumitru from Grigoriopol was to receive a Moldovan pension, because he came Chisinau three times with that specific request. But he was shunned away by the constitutional authorities because: 1. It was the easiest thing to do, and 2. “let the Russians pay his pension”. Is this some kind of a tactic officials use to save money from the national budget? How lawful are those refusals from the rule of law perspective in Moldova?

It is very important to know that the Moldovan legislation does not provide for the possibility of deprive citizens (especially those living in the country) of the right to receive social allowances on grounds that they receive other such allowances from an “unrecognized fund”. In addition, the law does not provide for a definition or explanation of the notion of “Transnistrian pension” or “Transnistrian allowance”, as this would be illegal and unconstitutional.

## **Cases pile up at the ECtHR**

Paradoxically, in such situations, Moldovan judges make serious mistakes. See, for example, the case of Oxana Sutac, also originally from Grigoriopol, who raises four children by herself. She applied at the National Office for Social Insurance (CNAS) for an allowance at the birth of her youngest child, and for a regular child allowance for all her children. The application was rejected on the grounds that she allegedly received such payments from the Tiraspol administration. The Supreme Court ruling reads: *“The applicant resides in the district Grigoriopol, under the jurisdiction (sic!) of the Transnistrian state, and receives compensation for each child.”* Thanks to Promo-LEX lawyers, this case is already pending at the ECtHR and Moldova is likely to be convicted for failing to honor its human rights obligations. But how many other such cases are there? Will other residents from the region choose to be humiliated by the incompetent bureaucrats or the national justice system?

Here's what Deputy Prime Minister for Reintegration Eugen Carpov said, in November 2013, in connection with the mutual payment of pensions: *“There is a project that mentions a mutual commitment to taken over the payment of pensions by the other side if a person changes their residence to the other side. There are also technical issues that must be completed by experts. I think that, in theory, a positive decision in this regard is possible.”* I wonder what the content of such a law would be, in particular, how would the act (which is unconstitutional from the start, as it refers to an illegal, nonexistent authority) refer to those that occupied the region and the separatist core of the system on the left bank? There is no way a law would provide such clear definitions.

“These things are so intricate and interwoven that it is extremely difficult to explain or untangle them. It’s like a cobweb for people out there. If you don’t fall into the first net, you will fall into the second or the third - you get caught in any case. Chisinau authorities did not have the courage or maybe never really wanted to enforce their laws, often invoking childish excuses. Now we have what we have - a well established illegal regime, a whole generation raised and educated in an environment that is hostile to everything Moldovan, European or Western, to democracy and human rights. Chisinau needs a strategy to slowly but surely establish a clear, predictable and effective consolidated legal system. In general, one thing should be clear to all: we're not against regulating these or other issues. What we demand is clarity, transparency and legality. Either change the law or stop breaking it. Legal rules cannot be ignored under alleged political pretexts or arguments,” says Promo-LEX executive director, Ion Manole.

## **Yet Sometimes Things Can Be Changed. So Yes We Can!**

To avoid the impression that I am ill intended and only use negative examples, I will mention one of the few positive aspects, which prove that things can be changed.

In 2011, only 3,400 Moldovan citizens residing on the left bank had free compulsory medical insurance. In 2012, “as part of the confidence building measures among the people from the two banks of the Nistru river”, the Moldovan government decided to extend the list of citizens entitled to free medical insurance. Thus, in addition to Moldovan citizens residing in the localities from the left bank, compulsory medical insurance will be provided to citizens residing in the towns and villages along the administrative division line, many of whom receive pensions in the Transnistrian region. The beneficiaries from this decision can get their medical insurance at the special offices opened in Varnita, Rezina and Cosnita, Dubasari. Since 2011, when the new provision came into force, and to date, the commission in Rezina, for instance, issued 1853 medical insurance cards.

In order to receive free health insurance, the applicants must register with a family doctor in Rezina (or in another locality, as appropriate) and submit an application and the required package of documents to a specialized commission that convenes once a month. The commission is composed of representatives of the National Office of Health Insurance, state company “Registru”, National Employment Office, State Chancellery, Social Aid and Social Protection Divisions, and medical doctors. The National Medical Insurance Office of the Republic of Moldova is responsible for covering the cost of services covered by the health insurance.

### **Alexandru Zubco: CNAS sends away residents of the eastern region**

Failure to pay pensions and other social benefits guaranteed by law to Moldovan citizens residing in Transnistria on the grounds that they live on a territory outside of the control of the constitutional authorities or receive a pension from some unrecognized funds represents a serious violation of human rights.

Moldova is perhaps the only European state in which there are two different and separate systems of social protection, of which one is legal, and the other – illegal. Moldova is probably the only European country which, with no legal grounds, allows or tolerates the discrimination of its citizens residing in the Transnistrian region in relation to its other citizens residing west of the Nistru in terms of access to health and social security services, says Promo-LEX lawyer Alexandru Zubco.

The amounts of salaries, allowances and other social benefits paid from the social funds of the Moldovan recognized government and the separatist region's administration are generally not so different. Disparities arise when we analyze the details and character of these social payments. For example, the retirement age on the left bank is 55 years for women (52 for women with three children and 50 for those with five children) and 60 for men. On the rest of the territory controlled by constitutional government, the retirement age is 57 years for women and 62 for men. Although the average amount of the paid pension does not differ substantially between the two banks, the Transnistrian pensioners receive a monthly supplement of 15 dollars (paid by Russia). These are quite visible benefits - especially for a large part of the population that has no other sources of income.

According to local data, some 200,000 people of the total approximately 555,000 receive "social insurance" in Transnistria. The vast majority of them are full-fledged citizens of Moldova, entitled to all their rights, including the right to social protection and aid. National Office of Social Insurance (CNAS) goes beyond the law when they refuse to establish and pay social allowances to beneficiaries from the Transnistrian region on the grounds that they "receive" money from some bodies that unlawfully assumed official social functions in the region. CNAS has no information about the social situation of Moldovan citizens in the region and does not budget any social payments for the left bank. In fact, this state institution applies a differentiated treatment to different Moldovan citizens. Discriminating against people from the Transnistrian region in terms of pensions decreases their confidence in the Moldovan constitutional authorities. The attitude and loyalty of the people for the country is what it is today because, while Russia pays supplements to all the pensioners in the region, Moldova chooses to ignore its obligations towards these people completely.

Failure to pay pensions and other social benefits guaranteed by law to Moldovan citizens residing in Transnistria on the grounds that they live on a territory outside of the control of the constitutional authorities or receive a pension from some unrecognized funds represents a serious violation of human rights. The Moldovan legislation does not have any provisions on depriving people of their pension or allowance on the grounds that they receive a similar payment from an "unrecognized fund". So long as these payments are outside the legal field and have no legal basis, they may be regarded as private cash benefits, and therefore they cannot be taken into account in determining the social allowances and cannot constitute legal grounds to deny people from the region their social protection, says lawyer Alexandru Zubco.

## **8. A Separatist Barter: Loyalty to the Regime vs. Torture to the People**

No one has even been convicted for torture in Transnistria, although it is a known fact that it is widely practiced there. Rarely, and only when the victims are particularly persistent and hire a lawyer in Chisinau, are there criminal proceedings started on cases of torture and ill-treatment reported by the victims. In most cases however, the officials manage to convince the victims to

give up, saying, ironically: *“You can file your complaint after the conflict is settled.”*

Files of this type are seen as a burden by the right-bank prosecutors who simply carry them around without actually working on them. The prosecutors call them “canned cases” (“cold cases”). There is no one in the management of the General Prosecution in Chisinau to holding the prosecutors accountable for shelving these “canned cases” for years. Moreover, they found some the template arguments to use when responding to petitions from victims, lawyers and journalists:

- “Lack of effective control over Moldova's eastern districts make any investigative operations impossible...”

- “The political situation in the region does not permit us to document the facts described in your complaint...”

- “The case described by you could be examined only after the reintegration of the country; currently no investigative measures can be carried out in the eastern region...”

These excerpts are taken from official responses sent by the constitutional authorities to people who were seized and severely beaten in the basements of the region’s repressive institutions. A closer look at things shows that the laziness and apathy of some bureaucrats got Moldova stuck in dealing with the illegalities committed on its territory. They fail to use the leverage they have as an internationally recognized state, and resort to mere arguments and excuses which are hard to accept. Meanwhile, the repressive forces in Tiraspol continue to harass people with “summons”, all sorts of “searches”, they write “protocols”, start “cases”, etc. One would think that things turned upside down (the illegal structures act as if they have legitimacy and international recognition, while the constitutional authorities act as if they were illegal).

## **Unused Leverage**

As a recognized state, Moldova has many international levers to bring order to the country. One such tool could be issuing international wanted persons’ notices for its own or foreign citizens responsible of certain offenses. If used, these notices could be very effective also as a confidence building measure, as it would render back the human and civic dignity of many of the residents of the region under the control of the de facto administration. This procedure does not even require sending prosecutors or police to do operative work on the left bank, which could lead to tensions or provocations staged by the separatists. It’s a procedure that can be initiated simply on grounds that the suspect ignored a prosecutor’s subpoena.

There are legal procedures that must be observed regardless of the circumstances. And suspension or termination of legal proceedings should also be based on legal norms, and not on political arguments. Transnistria might resemble a cage, but in fact it is not a cage. Those who torture

Although Transnistria believes it is “independent”, it is the Republic of Moldova that is responsible for respecting human rights on that territory. ECtHR judgments and the UN Human Rights Committee both highlight Moldova’s responsibility in that regard.

The worst situation regarding torture in the region was found in the prisons subordinated to the illegal regime. People are kidnapped in the street every day, they are thrown in jail, kept in inhuman conditions (where they are beaten, deprived of food and water, with no access to sanitation) and tried for crimes that many might have not committed.

people in local prisons or militia basements today will want to travel to other regions of the country or even abroad tomorrow – say, to visit family. Detained at the border and sent to Chisinau, they will have to answer for their deeds when they were all hunky and had strong fists. But in order to start this procedure, the perpetrators need to be included in wanted persons notices.

Unfortunately, adults, who are believed to be more resilient, are not the only victims of inhuman and degrading treatment. The media reports regularly on such cases that occur in Transnistrian prisons. Nastea is a 14 year-old orphan girl from village Ploti (Plopi) from the eastern region. At her age, she has been through ordeals that are hard to

imagine even for an adult. They all left their mark on her face. The Roma family she lived with sold her twice to the local militia (each time for 100 dollars). They got her an ID, with the help of a notary, and sent her to Russia to beg. Before getting there however, she was raped and beaten by the militia men as punishment for having to pay for her twice. Her case became known when she was repatriated for the third time by “Save the Children – Moldova”. How many other such cases are there?

## Endless Powers to Executioners

In exchange for their loyalty, the illegal structures in the region that defend the separatist regime in Tiraspol get unchecked powers. They have grown intertwined with criminal organizations and, using terror, keep nearly 500,000 people in fear, like in a huge prison. In this connection, Secretary General of the International Federation for Human Rights, Artak Kirakosyan, said: ***“The Moldovan authorities must find clear and transparent methods to help their citizens from Transnistria. Recognized or not, Transnistria is part of Europe, and therefore we need to know whether or not human rights are violated there.”***

Although Transnistria believes it is “independent”, it is the Republic of Moldova that is responsible for respecting human rights on that territory. ECtHR judgments and the UN Human Rights Committee both highlight Moldova’s responsibility in that regard. In its concluding observations of November 2009, the Committee recalls that despite Moldova’s difficulties in exercising effective control over the territory of Transnistria, the Moldovan state is obliged to ensure respect for the rights recognized in the International Covenant on Civil and Political Rights to the population residing in the region. For its part, in its decision, the European Court for Human Rights recognizes the responsibility in that regard of the Republic of Moldova - but also that of the Russian Federation, given its military and economic presence in the region.

The worst situation regarding torture in the region was found in the prisons subordinated to the illegal regime. People are kidnapped in the street every day, they are thrown in jail, kept in inhuman conditions (where they are beaten, deprived of food and water, with no access to sanitation) and tried for crimes that many might have not committed. A comprehensive UN report on human

rights in the Transnistrian region of Moldova, published in February 2013, contains some of these alarming findings. The U.S. Embassy also stated that “it has credible information about cases of torture, deprivation of the right to a fair trial, and detention conditions in the region that do not meet international standards.”

### **The “Ombudsman” of Terror**

Promo-LEX executive director Ion Manole argues that even so-called “ombudsman” of the left bank region has adopted a wrong approach to the issue: “Signals that we get from the region show that the holder of the local so-called “Ombudsman” position all but tries to cover up serious cases and to polish the image of the local regime. In one case, the local ‘ombudsman’ was asked by ombudsmen from Chisinau to pass on some medicine to a detainee who complained of mistreatment to Moldovan and international institutions. The local ‘ombudsman’ went to see the detainee, threw the medicine in his face and yelled at him, warning that the detainee will die in horrible pain right there, in jail, if he files another complaint. It was a shock for the victim’s relatives – and even more so for us,” Ion Manole said.

At the same time, the local ‘ombudsman’ is the only ‘official’ who can monitor how investigations are conducted in the Transnistrian region. However, the ‘ombudsman’ cannot start denunciations of inhuman and degrading treatments on their own, and the information they collect is to be sent to the region’s “prosecution” and the so-called “investigative committee” established by “presidential decree”.

Representatives of international organizations who monitor the situation in prisons have virtually no access to the prisons in the eastern region of Moldova. In the absence of effective tools for protection and monitoring of the treatment of detainees, their situation is hard to imagine.

### **Interview with Promo-LEX Lawyer , Alexander Zubco**

#### ***How do you find out about cases of torture in Transnistrian prisons?***

**Alexandru Zubco:** A component part of Promo- LEX’s Human Rights Program provides for a continuous monitoring of cases of torture and the situation in detention facilities in the eastern region. We analyze the evolution of local punitive rules, study local statistics and media reports, but also the findings of international organizations in that regard. We are also frequently contacted by the relatives of people in the custody of the facto administration of the eastern. In some cases, we act on notice.

#### ***Is starvation and deprivation of water still used in Transnistria today as a means of pressure on detainees?***

**Alexandru Zubco:** We receive numerous reports of acts of torture and ill-treatment of suspects, which are aimed at obtaining self-incriminatory confessions or useful information. They use horrifying things: suffocation, electrocutions, even “Palestinian hanging”. Deprivation of food and water is used against suspects in police stations, in the early days of detention. Victims are kept without food and water for hours until they admit their “guilt”.

*What defense mechanisms are there available to those subjected to degrading treatments by the illegal regime?*

**Alexandru Zubco:** At the national level there are several legal mechanisms of protection; they are however inaccessible and inapplicable in the eastern region. Moldovan authorities prefer to hide behind excuses instead of enforcing the law.

*Secretary General of the International Federation for Human Rights, Artak Kirakosyan, said, referring to the use of torture in Transnistria, that “Moldovan authorities must find clear and transparent methods to help citizens of Transnistria.” What could Chisinau do and has not done yet?*

**Alexandru Zubco:** There are many things the constitutional authorities could do, from adopting policies and strategies to settle the conflict to prompt lawful interventions every time a human right is violated. Furthermore, it is important that these policies and methods be transparent.

*Is there a national mechanism here in Chisinau to prevent, rehabilitate and protect torture victims from Transnistria?*

**Alexandru Zubco:** No. The Ombudsman institution has an advisory board that provides consultation and assistance in the work of the parliamentary advocates as the National Preventive Mechanism against Torture. However the NPM monitoring does not cover the eastern region of the country.

*There is a lot of discussion about torture in Transnistrian prisons. I do not recall however any ECtHR decision that would find that detention conditions there are inhumane or amount to ill-treatment. Why is that?*

**Alexandru Zubco:** In 2004, the ECtHR pronounced a decision in the case *Ilascu and others v. Moldova and Russia*, in which the Court condemned the respondent States for the applicants' ill-treatment in Transnistrian prisons. This decision to date is the only precedent in that sense. Note however that, between 2010 and 2013, the ECtHR communicated over 20 cases, represented by counsels from Promo-LEX, which claim violations of Articles 2 and 3 (right to life and ill-treatment in the region's prisons) of the Convention.

## **9. Transnistrian Region - Media Can Still be Won Over**

Chisinau made every possible mistake in Transnistria, by tolerating or not taking action against the strengthening of a harmful regime with a Soviet mentality, which is maintained only because it manages, through media and propaganda, to dominate the subconscious of the people there. The regime invented virtual enemies and threats, adopted some Soviet slogans (which proved their efficiency in the past) and publicized them, thus keeping 15% of the country's citizens hostages for 22 years. Chisinau lost the media war in Transnistria without firing a slew of a media "bullet". It simply surrendered.

The Romanian Center for Investigative Journalism and SCOOP (one of the biggest supporters of investigative journalism in the world) organized in Chisinau a meeting with journalists from the Transnistrian region to share info about funding opportunities for investigative projects. No personal invitations were sent out. They just made sure that the ad was properly publicized in the region. Several “press officers” of Transnistrian institutions working for the clandestine regime came to the seminar along with journalists employed by newspapers subordinated to the separatist regime, etc. Asked by the organizers if they deem themselves potential investigative journalists, they admitted they came to the seminar because they were sent there by the bosses.

Other cases of taking on journalists from the left bank in investigation teams funded from abroad had even worse effects. In one case, thanks to a Transnistrian “team member’s” connections with certain services working for the illegal regime, we were about to be thrown into a KGB basement in Tiraspol.

### **A wide open secret**

The shady mandrake bush that is the Transnistrian separatism left no room for grooming even a handful of real journalists. I do not blame them – I am just stating the facts. And I state that in spite of the despicable level of professionalism of Transnistrian journalists, the separatist regime wages a very effectively media war against Moldova. A simple analysis of informational portals via the search engine [www.domainwhitepages.com](http://www.domainwhitepages.com) provides clear evidence of the origin of so-called Transnistrian media attacks against Moldova.

Some of the most influential Transnistrian information portals are hosted by two servers located in the Russian Federation, and are managed almost entirely from a single command center. By the way, a superficial check of information portals in Abkhazia and South Ossetia (using on-line tools available to everyone) points a route to the same virtual command center in Russia. This means that there is a whole team of manipulators in Russia paid to maintain and fuel apocalyptic myths and lies designed to divert any attempts at analytical thinking of the people from the occupied territories.

There is another detail that popped out without any effort during our analysis of Transnistrian online portals. These lies with made up enemies and apocalyptic stories that present the EU as a huge concentration camp are packed in an extremely skillful and treacherous way, leaving the consumer virtually no option but to fall prey to this sort of media manipulation. Another observation is that all these portals have their “English” pages perfectly translated from Russian, to manipulate foreign explorers of the web (search engine users).

80 % of Transnistrian media outlets are officially funded by the separatist administration, reports by international organizations show. For this reason, and because the local media “legislation” is very restrictive, about 60% of cases of human rights violations in Transnistria remain out of reach to anyone.

### **“You have here untilled soil”**

Chisinau had to do the exact opposite. It had to encourage the media to provide good, fair, fast, and wide information to the inhabitants of the left bank. It

should have invited the best specialists in communication and give them the primary task of informing the public in the eastern region and communicating the TRUTH about issues such as: what amount of wealth did Igor Smirnov and Evgheni Sevcuic accumulate? What happened to enterprises and factories in the region? Where do the huge amounts “generously” offered by Russia go? What problems can be solved in Russia with the money Moscow sends to Tiraspol? Why does Dmitry Rogozin like Transnistria so much and what did he do in Moldova during the Moldovan-Russian war? How is sports money stolen in Transnistria? How is humanitarian aid from Russia misappropriated and who are the (Russian and Transnistrian) beneficiaries of so-called “pay-offs” of the aid? As some political operatives would say (in Russian), “you have some untilled soil here.”

There are no independent media in Transnistria! Neither are there absolutely free journalists. There is press controlled and financed by the local administration, which praises the illegal regime, and there are newspapers and journalists who don't praise the regime just as loud, but who silently tolerate the usurpation and abuse committed by the group in power.

Such an initiative would be scrapped in Chisinau immediately: “There's no point. It is impossible to obtain such information. Transnistria is too obtuse in terms of access to information.” One could get the impression that Moldova's leadership for 22 years has been made up of prophets and seers. These “sons” of Baba Vanga are the reason why Chisinau has not created courts for the residents of the Transnistrian region or failed to establish mechanisms for providing social benefits to people from over the river, etc. These legitimate rulers have no idea how the levers of investigative journalism work. It's much easier to bury an initiative and to walk around with ribbon-cutting scissors. Transnistria needs a current of opinion to change the minds of those who say today: “What's the point of telling the truth if nothing changes anyway?”

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## **The “independent” media and “free” journalists confusion**

One can often find online labels such as “...*independent* journalists from the Transnistrian region say” or “an *independent* newspaper from Transnistria writes...” There are interviews on Youtube with those journalists or editors of ‘independent’ outlets, who refer to the ‘tmr’ as “their country” and talk about imperfections in the ‘tmr’ “constitution” while defying Moldova and its laws just like those others compared with whom they deem themselves “independent”.

There are no independent media in Transnistria! Neither are there absolutely free journalists. There is press controlled and financed by the local administration, which praises the illegal regime, and there are newspapers and journalists who don't praise the regime just as loud, but who silently tolerate the usurpation and abuse committed by the group in power. Freedom of speech means being allowed to express different points of view. But if the alternative is the silence of those calling themselves “journalists”, we are better off without it, because this alternative gives

an outside observer the false illusion that there is “independent press” in the Transnistrian region, which is exactly the argument Sevcuiuc needs to escape the seal of an illegal dictator.

Another aberration that fascinated fellow journalists from Germany was our habit to call publications of so-called opposition parties from the region “independent”, and those who write party press releases that get published in those newspapers – “independent journalists”. The Germans find it difficult to understand such an approach.

## **Prohibited unwanted websites**

In May 2013, by order of separatist leader Evgheni Sevcuiuc, access to a number of websites and forums was restricted: [www.rodinapmr.ru](http://www.rodinapmr.ru), [www.tiras.ru](http://www.tiras.ru), [www.dniester.ru](http://www.dniester.ru), [www.forum.pridnestrovie.com](http://www.forum.pridnestrovie.com), [www.forum.dnestra.com](http://www.forum.dnestra.com), [www.openpmr.info](http://www.openpmr.info), [www.pmr-rf.ru](http://www.pmr-rf.ru), [www.forum-pridnestrovie.ru](http://www.forum-pridnestrovie.ru), [www.nistru.net](http://www.nistru.net), and [www.forum-pmr.net](http://www.forum-pmr.net). That even if the criticisms of the Transnistrian administration that appeared on those websites have been at the most shy. Sevcuiuc ordered all regional information portals to register with the unconstitutional authorities as media outlets so that they could be controlled and sanctioned. “We don’t need anonymous dumps,” Sevcuiuc was quoted as saying. This happened after he had banned local NGOs from getting funding from abroad. “Tiras” news agency writes that after the unwanted websites were restricted, debates on social networks intensified. Soon after, many “opposition” journalists and politicians from the Transnistrian region reported that their social media and email accounts had been “hacked”. In July 2013, a rally against the closure of the respective websites was held in Tiraspol. The authorized rally only lasted half an hour, drew about 100 people, and mostly opposition politicians from Tiraspol took the floor.

## **Solution: expose, educate, and fund... from a distance**

A solution for Transnistria’s liberation must come from the right bank of Nistru and from Ukraine (should it seek democratization and a European path). But we need a system that works in a concerted way and is easy to understand by ordinary people there. They may not be afraid, but they feel abandoned and lost all hope that their lives can change in any way. We interviewed people in a clothes market in Tiraspol.

They were not afraid of the camera. When they learned that I was a foreign journalist (the material was for German ZDF), they left their stalls and gathered around me to share their pain. These people are not completely lost to us. They simply need to be uninhibited (which is the task of the media) and helped to escape poverty (which is the job of the Republic of Moldova).

In a large national project to reunify the country, some tracks may fail. This is what happened, for instance, with a project funded from abroad that was to end with the launch of six blogs by journalists from the Transnistrian region:

<http://tiraspol.wordpress.com>

<http://ziarulluceafarul.blogspot.com>

<http://blogusorulmeu.blogspot.com>

<http://natashkalove.blogspot.com>

<http://vicusea.blogspot.com>

<http://skorpion4ik.blogspot.com>

None of these blogs is active at this time. Some online publications have had the same fate. Where did it go wrong? They were physically located on the left bank and, obviously, they were pressured by the regime. But one does not necessarily need to live in Transnistria in order to write about the illegalities in the region. On another note, online media is outside of official control. Another step may be to include Transnistrian journalists in international professional networks for exchange of experience, trainings and scholarships for journalists from the region with international professional organizations. Had we started this and managed to install a constitutional authority 20 years ago, results could be palpable today.

### **Gheorghe Budeanu: Sevciuc worse than Smirnov in oppressing media**

After the 1992 war, journalists from the right bank significantly cut on their travel in Transnistria – some out of fear, others out of boredom. In 2003-2004, journalist Gheorghe Budeanu tried to learn about the region as part of a project called *“Two banks of Nistru: journalists shake hands”*, aimed at bringing closer journalists from both sides. Given the project mission, he was able to learn quite well how journalists from the region work. That is why I decided to ask him some questions.

*Is there now free press or free journalists in Transnistria who can make us believe that normality may be restored in the media over Nistru?*

**Gheorghe Budeanu:** I was an incurable optimist in this regard at the beginning of last decade, as I thought to myself that although Smirnov’s regime controlled almost all the media in the region, there are journalists there who can secure and promote freedom of expression. Other newspapers, radio or television channels that influence public opinion were “mouthpieces” of the local administration or political movements that represented the local administration. The situation did not improve after the arrival of Evgheni Sevciuc who replaced Smirnov. But there are journalists capable of making a free press possible in Transnistria.

*Why is all Transnistrian media pro-Russian?*

**Gheorghe Budeanu:** It’s very simple: because the region’s official policy is pro-Russian. The people there have been raised in pro-Russian spirit – except for several years during World War II. On the other hand, even if there are journalists who realize that Russia’s policy in the region is hostile and are sympathetic towards Western freedoms and Moldova’s strive to reach them, their instinct of self-defense does not allow them to openly promote their beliefs.

*From your observations, how much do media consumers from Transnistria want to receive accurate, un-manipulated information?*

**Gheorghe Budeanu:** Well, that's precisely the root of the matter, to use a colloquial Russian expression. Official propaganda of the separatist regime seeks to turn the population of the region into a mass of *mankurts*, in Aitmatov's sense, using the most effective soviet manipulation tools. Transnistrian residents largely don't realize that they are manipulated, and often take truthful information as disinformation. It may sound evil, but that's reality.

*What risks are there for a journalist should he try to do his job honestly in Transnistria?*

**Gheorghe Budeanu:** A journalist, no matter how honest, has an instinct of self-preservation, like any person, hence the need for self-censorship, which slowly enrolls them with those who are ideological soldiers of the regime or with local "officials". This symptom is very pronounced in the region. When one doesn't know what will happen tomorrow or how will they feed their families, when they know that the KGB are alert and always watching, they are forced to adapt to the reality if they want to keep their job. A journalist who does his job well will say truths, and telling political truths in a breakaway region may lead to being declared an enemy, Western agent or advocate for democratic movements from the right bank.

To give you an example to illustrate this, after a meeting with journalists from Dubasari, where we discussed, among other things, professional journalist honesty, a local newspaper editor told me that even the leaves on the trees under which we sat listened in. The next day, the editor was all but sacked... A man was killed in undisclosed circumstances in Camenca – probably in an attempt to warn his wife, editor of the local newspaper, not to allow herself too much "honesty". Or take the situation of newspaper "Chelovek i ego prava". Someone threw hand grenades into the newsroom venue to plant fear into the paper's chief-editor. I could mention another example, deemed by many as a model in this regard – that of journalist Ernest Vardanean. This case however needs a special comment.

*How can Transnistrian journalists be "unshackled", in your opinion? What can Chisinau or the EU do?*

**Gheorghe Budeanu:** I remain convinced that projects such as the one I was involved in 2003-2004: "Two banks of Nistru: journalists shake hands" can help "unlock" the potential of our colleagues from the region. Sure, it's harder to carry out such projects now, but, given the geopolitical situation in the region, nothing goes down easy, and leaving things as they are may lead, in time, to a situation when nothing can be done anymore. One could at least intensify collaboration via a connection such as "Journalists without Borders" to help promote a sense of brotherhood and belonging with our colleagues from the left bank. This in turn will help with the unchaining or promoting freedom of expression...

*Is online media a solution?*

**Gheorghe Budeanu:** It's a solution, one good for anyone who fears hardships and problems. As I said, online media is a solution. We know, however that the regime has already taken action against such solutions, blocking even social networks. Online media has less credibility and cannot reach that part of the population has a greater need for accurate information. Nevertheless, all "solutions", including online media, should be used.

## **10. The Transnistrian Conflict, A Source of Underground Income for Some in Chisinau, Tiraspol, and Moscow**

For over 20 years we hear the phrase: “Chisinau cannot honor its commitments to the residents of the Transnistrian region because it does not have effective control of that territory.” To be able to exercise control over a territory, one must have institutions and, through them, impose their rules. Chisinau inherited such structures in the Transnistrian region from the USSR, but it wasted them or simply gave them in. The Tiraspol separatist administration did not have such structures, but it took advantage of the inaction of Chisinau and Russia’s support, and took them over.

On 6 September 1991, the so-called Transnistrian supreme soviet transferred all bodies of public administration, enterprises, subdivisions and services of the Interior Ministry, Prosecutor Office and the KGB (except for Soviet army units deployed in the eastern region of the Republic Moldova) under the jurisdiction of the unrecognized “tmr”. All this was done with the backing of the Russian 14<sup>th</sup> Army, which served as a shield to strengthen separatists.

### **“Caring” separatists vs. indifferent Chisinau**

Chisinau seems to have accepted it since. It does not take advantage of the Transnistrian political quagmire to overthrow the local leadership. It doesn’t even try to dominate Tiraspol in terms of propaganda, although it has international support, good arguments and sufficient media levers at hand. It’s all reduced to the famous saying: “Why sow corn if the sparrows will eat it anyway?” Why create courts of law for residents across the Nistru if they might not be allowed to work, why give Transnistrian residents pensions and allowances if they remain loyal to the separatist regime, etc. This scheme “buried” dozens of initiatives that, were they implemented from the outset, could have proven successful already today. Transnistrian people could feel real support from the constitutional government. However, a lasting settlement of the conflict is not possible if the separatist rebels are able to show their “care” for the people across the Nistru in a more obvious way than does the legitimate state. And it doesn’t matter that the separatist regime receives money from Russia to buy the loyalty of the people. For the common man, a palpable result is what matters.

ECtHR issued at least two decisions that relate to Chisinau’s claimed inability to address certain situations related to human rights violations. Those are cases Ilascu and Catan. The latter case refers to schools teaching in the Latin alphabet in Transnistria. In both cases, the Court noted that, “Although Chisinau does not exercise effective control over the eastern districts of Moldova, constitutional authorities should endeavor to take control and do everything possible to ensure respect for human rights throughout the country.” The ECtHR also urged Chisinau to prove that it attempted to solve the two problems raised in the cases by applying principles of international law, but failed.

### **Why does the separatist regime survive?**

Reality is seen differently from outside than we see it here. A group of American lawyers investigated the reasons behind the resilience of the Transnistrian separatist regime. Their conclusions are disarming for both Chisinau and Tiraspol and Moscow: “A wide spectrum of actors manipulate both sides against each other, maintaining links to both the Moldovan government and the “tmr” in an effort to keep the lucrative (and often illegal) trade arrangements resulting from the parallel economy and customs policies of the “tmr”. These business people from Ukraine, Moldova and Russia represent a well-funded lobby that wants to keep intact the situation as much as possible.”

Transnistrian prisons are filled with innocent people who were naive to believe that they can do business in the region. These people were not given the opportunity to appear before a legal court. Rather,

### **Interview with Victor Puscas, former chairman of the Constitutional Court**

*According to Moldovan law, there are 43 vacant judge positions for the Transnistrian region, that have not been filled in by Chisinau for years, sensing that they could not work because of the separatist regime. How justified do you think this argument is?*

**Victor Puscas:** Of course we can reproach ourselves that a provision of the law is not observed, but we have an abnormal situation when the central authorities do not exercise control over a part of the territory. With the 1996 reform of the judicial system, courts have been created for residents of Transnistria. For example, the Slobozia court sits in Stefan Voda. There is a judge there serving citizens from the left bank of Nistru. Another judge from Rezina serves citizens from Ribnita and Camenca, and the central district court (in Chisinau) serves residents of Grigoriopol. Opportunities have been created. Yes, maybe it's not too convenient, but people have been given an opportunity to address legitimate courts. Unfortunately, not all judge positions in these courts have been filled, because they do not have the opportunity to fulfill their duties, but what could be done was done.

*Do you think people from over Nistru have enough leverage to defend their constitutional rights in these courts?*

**Victor Puscas:** In any case they are not deprived of the right and the opportunity to appeal to legitimate courts. But they have to be willing to do

### **Interview with Valentin Krilov, member of the first Parliament of Moldova**

*According to Moldovan law, there are 43 vacant judge positions for the Transnistrian region, that have not been filled in by Chisinau for years, sensing that they could not work because of the separatist regime. How justified do you think this argument is?*

**Valentin Krilov:** I think it's time to realize that, unfortunately, Chisinau's jurisdiction does no longer extend over the eastern region of Moldova. And this situation is not new. It has been a reality for over 20 years. And jurisprudence is not the only field where such problems occur. Today, the Transnistrian region of Moldova operates outside Moldovan law. In every area. Now, regarding the reassignment of judges in districts that you mentioned, I can say that the current Moldovan legislation that covers Transnistria has lot of the gaps. What is worse thought is that no one deals with these issues.

*How can citizens from across the Nistru River defend the rights, in these circumstances?*

**Valentin Krilov:** If we speak about Moldovan citizens, they can go to courts on the right bank. I think they will not be rejected if they come here.

*In your opinion, how can privatizations taking place in Transnistria be legalized given a possible political settlement of the conflict?*

**Valentin Krilov:** I think that we should take those privatizations as a fact and treat them as

that. They must understand that they must ignore the so-called courts created by the separatists. In addition, I want to mention that the path to the ECtHR as a last resort is also open to them.

***In your opinion, how can privatizations taking place in Transnistria be legalized given a possible political settlement of the conflict?***

**Victor Puscas:** This is not just a question of Moldova alone. This involves several countries and I think that the issue will be addressed when negotiating a lasting political solution to the Transnistrian conflict. But if we look at things from a different perspective, there have been illegal privatizations not only in the left bank, but also on the right one. In this case, law enforcement can investigate, cancel some unlawful privatizations or confirm the legality of other privatization cases. I mean, these acts of privatization are not eternal. If the privatization process entailed crimes, they can always be investigated and their results - canceled.

***Who is the legal owner of that property today - the legitimate or the illegitimate authorities?***

**Victor Puscas:** One thing must be clear: all properties on the left bank of Nistru belong to Moldova. We are talking about state property. It says so in the Declaration of sovereignty, it says so in the decree on state power, as the Republic of Moldova proclaimed its independence in the administrative boundaries as of 1 January 1990. There cannot be other interpretations of this fact. But I want to recall a very interesting fact, which needs to be known. When it joined the Council of Europe, our government has the nerve to make some reservations with regard to Transnistria, saying that it could not guarantee observance of human rights on that territory. Strasbourg however did not recognize this reservation and made it very clear that the central government of Moldova was accountable for the entire territory of the country.

such. Nothing can change in that regard. I am not alone in that thought. These are the realities. The situation does not stand still awaiting a political resolution to the conflict. Life goes on, it evolves. In effect, agreements and other legal documents that have been coordinated and signed in 1992 are virtually non-functional today because realities changed. I personally see the solution of the problem in creating a new state composed of two parts – Moldova and Transnistria. In my view, there is no other way out. And what has already happened in the Transnistrian region must be taken as an accomplished fact. I say this with regret, but this is the reality.

***Who is the legal owner of that property today - the legitimate or the illegitimate authorities?***

**Valentin Krilov:** Different companies have different owners. There are foreign and local investors. And those privatizations should be recognized even if they took place under the protection of unrecognized authorities.

***Promo-LEX reported several cases in recent years when young people fleeing from the so-called Transnistrian army came to the right bank and asked for help from the constitutional authorities. Here however the Moldovan police arrested and handed them over to the separatist forces, that put them in jail. How would you comment this state of things?***

**Valentin Krilov:** If this really happened, it's bad. I can only assume that there are some "working arrangements" in place. And this confirms once again – whether we like it or not - the reality that we know: there is a parallel state in Moldova that is not legally recognized by anyone, yet whose functioning is tolerated. Some dub it a "ghost state". But there are hundreds of thousands of people who live in this "ghost state", where there is an administration, legislation, etc. We have seen the recent Transnistrian settlement talks

*The “Promo-LEX” Association reported several cases in recent years when young people fleeing from the so-called Transnistrian army came to the right bank and asked for help from the constitutional authorities. Here however the Moldovan police arrested and handed them over to the separatist forces, that put them in jail. How would you comment this state of things?*

**Victor Puscas:** From a legal perspective, any offense should be investigated by the law enforcement. However, a so-called desertion from the Transnistrian pseudo-army cannot be treated as a crime, so it is difficult for me to understand how this was possible. I think the Ministry of Defense and Ministry of Interior should look deeply into such cases.

*What do you think about the theory that the Transnistrian conflict is maintained because some of Chisinau, Tiraspol and Moscow extort money using this state of uncertainty?*

**Victor Puscas:** I think we have enough arguments to consider this aspect of the problem. But the geopolitical interests of major powers, especially the Russian Federation, remain the biggest issue. I know how the conflict started. I have a lot of evidence that points to Russia’s interest in what happened then. All our attempts to resolve this conflict by legal means, by providing a special status for the Transnistrian region, are blocked namely by the Russian Federation. That is why I say that the problem lies with the great powers.

fail, and a lot of discussion about “concrete baby steps”, which is pure mystification – this is an imitation of a process, which cannot lead to success.

*What do you think about the theory that the Transnistrian conflict is maintained because some of Chisinau, Tiraspol and Moscow extort money using this state of uncertainty?*

**Valentin Krilov:** There is evidence confirming this theory, but I don’t think that the overall situation amounts to that. I have the feeling that the conflict is contrary to the basic interests of both the right and the left banks of Nistru. Only together are we stronger and have better prospects. I advocate for a reunited republic that would include Transnistria based on a federate or confederate model. I mean, creating a common state within the 1990 borders of former MSSR.

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