



ASOCIAȚIA **Promo - LEX**

STUDIU

DREPTURILE OMULUI ÎN REGIUNEA
TRANSNISTREANĂ A MOLDOVEI

ИССЛЕДОВАНИЕ

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РЕГИОНЕ МОЛДОВЫ

RESEARCH

HUMAN RIGHTS IN TRANSNISTRIAN
REGION OF MOLDOVA



CHIȘINĂU 2007

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STUDIU "DREPTURILE OMULUI ÎN REGIUNEA TRANSNISTREANĂ A MOLDOVEI"

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■ INTRODUCTION

Together with the Baltic states, Moldova was one of the first Soviet republics to start the process of democratization, thus speeding up the inevitable fall of the “Soviet empire” (the USSR). In order to prevent the territories from gaining total or partial independence, the Soviet leadership resorted to diversions, including the creation, consolidation and support of several separatist entities on the territories of newly created states. The same scenario is used in many regions; however, there are three conflicts that have not yet been settled: in Georgia - Abkhazia and South Ossetia, and in Moldova – Transnistria. Even though they all had a common start, today the Baltic States are EU and NATO members, being prosperous and stable, while Moldova continues to be the poorest and most instable European country. Obviously, this difference is mostly due to the problems related to the lack of national security, which discourages foreign investors, diminishes the development of the country, and stimulates corruption and iniquities. The Eastern region of Moldova (Transnistria) was rapidly transformed into a “black hole”, in which a restricted group of individuals occupied once prosperous and strategic companies for the development of the country. Moldovan inhabitants, including those from Transnistria, were deprived of any right to public assets, which were abusively and illegally distributed by those who had taken and still hold control over the region.

Being the poorest of European countries, Moldova became known for the level of poverty, massive migration, trafficking of human beings and organs. At the same time, during the last few years the international community has become increasingly aware of Moldova’s problems due to the issue related to Transnistrian separatism.

The breakaway Transnistrian region of the Rep. of Moldova, also known as “Transnistria”, “Transnistria”, “Mrt”, “PMR” or “Pridnestrovia”, is a separatist zone situated in the Eastern part of the country, which, in its turn, gained “notoriety” due to the presence of Russian troops, depots with impressive quantities of weaponry, its illegal manufacture and commercialization, contraband, money laundering and mass violation of human rights.

The self-proclaimed *MRT* (hereinafter *mrt*, region or Transnistria) is spread across approx. 4000 sq. km, i.e. 12% of the territory of the Rep. of Moldova. It borders Ukraine to the East. Its administrative center is situated in Tiraspol town, the region being divided into five districts and two municipalities. In 1989, 39.9 % of local inhabitants were Moldovan/Romanian speakers, 28.3% were Ukrainian speakers 25.4% - Russian speakers.¹ According to the preliminary results of the 2004 census, there are 555,500 th. people residing in the territory controlled by the separatist administration, 170,000 th. less than in 1989. If we were to trust the results of the census carried out by the separatist authorities, Moldovan nationals constitute only 31.9%, while Russian and Ukrainian nationals constitute 30.3 and 28.8%, respectively.²

Since 1990 the region has been “governed” by practically the same group of individuals, led by Igor Smirnov, Vladimir Antiufeev and Valerii Lițkai. Over 17 years those individuals have transformed the region into a private territory, in which inhabitants have become hostages from an economic, social and political point of view who do not enjoy an efficient mechanism of protection and enforcement of fundamental rights and liberties. The families and

1 M.Grecu, A.Țăranu, Study on „The policy of linguistic expurgation from Transnistria”, Chisinau 2005. Goskomstat. The results of the 1989 Union census. Moscow, Gosstatizdat, 1990

2 M.Grecu, A.Țăranu, Study on „The policy of linguistic expurgation from Transnistria”, Chisinau 2005 I. Kramarenko, Olyvia-Press, 7.09.2005

relatives of those “leaders” are the main beneficiaries of the process of division of public property in the region, and this is a continuing phenomenon since Igor Smirnov’s relatives are being appointed to key-offices (for instance, one of his sons *head Customs*) are involved in the *political process* (another of his sons being the leader of a *pro-presidential party*). This situation was further emphasized by the antagonist nature of relations between the separatist administration and the public held under control through repressive and manipulative tools.

The de facto separation of the country generated all the aforesaid problems and contributed decisively to its general economic decline, by creating perfect prerequisites for the development of an underground economy, corruption³ and poverty.⁴ Both the West (controlled by constitutional authorities), as well as the East (controlled by the separatist regime) registered a continuous instability of the economy and society, so that the standard of living of the majority of the population was severely affected. While the West of the country benefited from various international programs and financial resources for reforms and development (its population is involved in this process and is granted freedom of speech as a priority), Transnistrian inhabitants were mostly isolated and excluded from this important exercise of the democratic system. This was, in our opinion, one of the fundamental errors of the civil society and constitutional authorities during the 15 years following the Moldovan- Russian war of 1992. The progress registered during the last few years in the West of the country is mainly due to this slow, but (hopefully) irreversible process of transition and democratization of the society and public institutions, and Transnistrian inhabitants have the right to equal treatment and access to the social, political and economic life of the country. It is time that the civil society and, most of all, the constitutional authorities assume certain obligations regarding the inhabitants of the region in order to contribute to the acceleration of the process of their democratization, access to information and education in the spirit of democracy, tolerance and non-discriminatory observance of fundamental rights.

The Transnistrian problem is a constant concern for society and constitutional authorities, and significant resources were spent on “negotiations”, exceptions to the law, compensations or subsidies granted to the “peace-keeping” mechanism. At the same time, the losses and prejudices related to the lack of control over the Eastern border, as well as over the country’s industrial potential, had a decisive influence on Moldova’s social-economic development.

Under the given circumstances, human rights were totally ignored in the region, and constitutional authorities and various international institutions limited their actions to merely observing facts instead of taking efficient measures for preventing and fighting the phenomena. Hence, the separatist regime from Tiraspol that was instated through foreign military violence has constantly improved its mass and international public opinion manipulation methods and tools, by consolidating its positions at the level of *de facto* administration.

3 www.ipp.md Oazu Nantoi, Sudiu cu privire la situația în raioanele de Est a R.Moldova (1992-2000)

3) The area placed under separatist control was transformed into an efficient mechanism of enrichment through smuggling, by taking advantage of the lack of a firm and consecutive position of Moldova’s leadership toward this area’s statute (the lack of an economic boarder created by Chisinau);

4) through the corruption of certain public officers, politicians etc. of the Rep. of Moldova and their financial stimulation for the existence of the existing anti-constitutional regime and, respectively, for the infinite settlement of the conflict;

5) through an amalgamation of the Tiraspol leadership with criminal structures that control the business sphere in the area; the ministry of security from Tiraspol is involved in a fight for influence in the underground economy, and even recurs to the physical elimination of opposing individuals or groups (for instance, physical neutralization (16 people from the part of “Sheriff’s competitors were murdered in 1998). Even in Chisinau there are cases of physical elimination of “wrong” individuals...”.

4 For instance, the Report on „Corruption and quality of governance”, Moldova 2001, Transparency International and the Strategic Investigation Center, page 10

The authors of this report intend to describe the situation from a human rights perspective in order to point out the effects of the inaction of constitutional authorities and of the tolerance of the situation in the region by the international community. Moreover, we shall echo the conclusions of a thorough Report of the Association of the Bar of the city of New York ("Thawing a frozen conflict: Legal aspects of the separatist crisis in Moldova"),⁵ regarding the total lack of legal precedent for Transnistrian autonomy. In fact, taking into account the sequence of events during years 1990-2007 we can conclude that the separatist leadership was interested in preserving the illegal status of the region and holding total control and governance of the economic and industrial potential in the region,⁶ to the detriment of any elementary legal and moral norms, of the observance of human rights and dignity of local inhabitants.

Based on the conclusions of experts of the Association of the Bar of the city of New York,⁷ we shall further analyze and refer to the separatist regime from Tiraspol as to a *de facto* regime. Such regimes can be treated as partial subjects of international law, so that they can, eventually, be sanctioned for the breach of human rights.

The term *Transnistria*, used herein is a geographic appellation, not attributable to an entity subject to international law. However, the terms of *constitution, law, president* etc. are used for the local qualification of the tools of the *de facto* governance of the region. The analysis and pointing out of local *legislation* cannot be interpreted as its recognition. On the contrary, the study of *local norms* at highlights the causes that lead to a mass violation of individual and collective rights of the locals, who are kept as hostages to various political and geopolitical interests.

Contrary to the norms of international law as well as to its international undertakings, the Russian Federation conditions the withdrawal of the troops from the region by manipulating the public opinion and taking advantage of the public's misperception of true Russian values and culture.

Finally, we shall note that on 22 July 2005 the RM Parliament adopted a Law **on the fundamental provisions of the special legal status of the districts from the left side of Nistru river (Transnistria), which define the democratization and demilitarization of the region as prerequisites for the country's reintegration and the access of locals to national democratic institutions and mechanisms. However, after approximately two and a half years we do not note any positive reforms or changes in the rights and interests of local inhabitants, which shall be further proved by analysing the matter in this Study.**

5 <http://www.nycbar.org/Publications/reports/index.php?type=subject> Research of Association of the Bar of the City of New York Thawing a Frozen Conflict: Legal Aspects of the Separatist Crisis in Moldova http://www.nycbar.org/pdf/report/NYCity_BarTransnistriaReport.pdf

6 MSSR's economic resources were concentrated in the East of the republic

7 <http://politicom.moldova.org/stiri/rom/16452/>

Main conclusions:

- from the viewpoint of international law Transnistria does not have a legal basis for declaring an autonomy, for being able to opt for territorial separation or to promote a policy of independence through self-determination
- the privatization process in Transnistria (massive transfer of its assets in the favor of Russian business) is of an illegal nature
- the role of third party countries is important for the settlement of the conflict; and since Russia has been supporting the separatist regime from Transnistria starting from 1992 to date it is disqualified as a guarantor or mediator state. Moreover, Russia still keeps its military force on Moldova's territory, contrary to the political will of Moldovan authorities and its international undertakings. At the same time, reporters qualify Ukraine as an important factor in the prevention of illegal commodity, human and weaponry trafficking from Transnistria

■ INSTITUTIONS

The Transnistrian region of the Republic of Moldova (hereafter the Region) is administered *de facto* by an illegal regime, which claims to be democratic. The administrative system that has been imposed concurrently with taking control over this territory in 1990-1991 remains. Except for a few political evolutions at local level, the situation remains unchanged. The region is administered by a group of individuals alien to the this territory¹ who through violence, including military upport from abroad, usurped power.² Behind the *process of negotiations and peace keeping* that had been imposed and supervised by Russia as the guarantor state the separatist regime was consolidated during the post-conflict period. As a result, the region has almost all the elements of a state entity³ (i.e., leadership, legislation, structures, local currency and symbols).

Local legislation copied the Russian model of legislation. It has been communicated and published exclusively in Russian.⁵ Initially the former Moldovan Soviet Socialist Republic's (MSSR) regulations were used.

The *constitution of the mrt* (Moldovan Republic of Transnistria) from 1996 served as the first fundamental law in the region, which was however amended in 2000 to clear away the limited president mandates an individual can get.⁶ Both the constitution and other legal regulations from the region are of exclusively declarative nature as it will be demonstrated hereinafter.

The *constitution of the mrt*⁷ states that *the bearer of sovereignty and the only source of power is the people of the country; it is the nation that exerts power directly, as well as through central government and local public administration authorities.* The constitution provides that *central governing authorities are the Supreme Council Board, the President, Local Public Administration, the Authority of Justice, Magistracy, the System of Defense, Security and Human Rights Committees.*

1 Most of those who have taken power by violence and who hold control over the region are Russian natives and/or natives: I. Smirnov, president of the mrt was born in Petropavlovsk- Kamchatsk town, Vladimir Antiufeev (Vadim Sevto), minister of security, was born in Novosibirsk town; V. Litkai, minister of the exterior – in Tver town, V. Krasnoselskii, minister of the interior – in Chita region, S. Hajeev, minister of defense – in Chelyabinsk region, G. Urskai, minister of justice – in Bryansk region, E. Cernenko, minister of economy – in Bryansk region, P. Stepanov, minister of industry – in Chuvashia, O. Kaleakin, minister of ecology – in Orenburg region; Iu. Platonov, administrator of Rabnita district – in Novgorod region, V. Kostyrko, administrator of Tiraspol town – in Khabarovsk. At the same time we would note that the central administration and the local one is not represented by Moldovan nationals, even though they constitute a majority even in this part of Moldova.

2 There are certain former officials of the Transnistrian region, who had denounced the Smirnov regime: V. Iakovlev, former SS member from Tiraspol and V. Lucik, former prosecutor of the mrt. Both of them supported the separatist ideas during the 90's, and in 1996 quit and openly protested against the Smirnov regime. Just as well M. Bergman, former commander in Tiraspol town, published information about the financial operations carried out in 1993 through "Polevoi Bank" (exchange of significant amounts of soviet rubles into US dollars). www.humanrights.md

3 Further on, for the respective separatist entity, self-defined as MRT, we shall use the term of mrt.

4 The region still uses Soviet and communist symbols. Without any explanation, the separatist leadership has simply preserved the old symbolistic of the MSSR. Even though they have never approved nor disclaimed the communist doctrine, its symbols are still preserved in the region.

5 Even though the local constitution states that there are 3 official languages in the region.

6 Meaning that it allowed to the Smirnov regime to hold unlimited control under foreign occupation

7 <http://vsprm.org/Law/?ID=291>

1.1. Supreme Soviet

The *legislative power* in the region is represented by the *Supreme Soviet* (hereinafter the *SS*), which according to art.59 of the *constitution of the mrt* is a *representative body and the single legislative authority of state power* in the region. The numeric composition of the *SS* includes 43 *deputies* elected for a five-year term. *SS deputies* are elected by equal, universal and secret vote. The office of *deputy* can be held by *mrt citizens* only, who reside permanently on the territory of the region and have reached the age of 25.

Even though the *SS* is the single *legislative body* of the *mrt*, *executive's immixture*, i.e. that of the *president of the mrt* in its activity is obvious. For instance, every *legislative act* that is approved by the *SS* is issued under *mrt president's* name and not under that of the *SS*.

1.2. President of MRT

The region is administered by the *mrt president*, I. Smirnov,⁸ who is assisted by a *board of ministers* as *executive power representatives*.

The *mrt legislation* provides that the *president* is the *guarantor of the constitution and laws*, human rights and liberties, who undertakes to *secure the performance of constitutional and legal provisions in force*.⁹ Thus, *mrt president's* role can be analysed according to three criteria:

a. *Guarantor of mrt constitution and laws*. This is also a competence of the *mrt Constitutional Court* (hereinafter the *CC*), because its objective is to secure the supremacy of the *constitution* as supreme law on the entire *mrt territory*.¹⁰ We are thus facing a situation in which a single function is attributed to different *structures* without a specification of differences between these two prerogatives.

Due to the fact that the *CC* is formally part of the *court authority*, and the *CC president* is appointed by the *mrt president*, we can conclude that an immixture of the *executive power* in the activity of *legislative power* is clearly admitted in the region, which comes in conflict with the power separation principle and would, respectively, raise question as to the *constitutionality* of such norms. In our opinion such an immixture is illegal even from this point of view and is nothing more than power usurpation by a single person, i.e. I.Smironov.

b. *Guarantor of human rights and liberties*. *mrt constitution* sets forth almost all fundamental human rights and liberties; however, there is a strange idea stated in para.1 art.16 saying that an obligation of the *state (mrt)* is only to defend human rights and liberties, without further specifying that it also has an obligation to observe them. As a result, the *mrt president* is presented as guarantor of rights and liberties, who is presumed to have undertaken the obligation of respecting them, and exempts other structures from this burden. Such logic presents a situation in which human rights are only proclaimed, while their observance is secured by one individual. Moreover, fundamental rights and liberties are secured in the region by their proclamation in *laws* and *other local normative acts*. According to the provisions of para.1 art.59 of *mrt constitution*, the *SS* is the single legislative body. Therefore, we can note that the conferment of the power to secure fundamental human rights and liberties to the *mrt president* implies his involvement in the *law-making process*, which is an exclusive competence of the *legislative power*.

⁸ He holds control over the region since 1992.

⁹ Para.2 art.70 *mrt constitution*

¹⁰ Para.1 art.86 *mrt constitution*

c. *Secures the performance of the mrt constitution and laws.* This is basically a prerogative of the executive power (represented in the region by the *mrt president*), which makes implies that all attributions related to this field are observed. However, all facts stated above prove that the *mrt president* can and does not hesitate to interfere with the activity of other *administrative branches*, which only evidences and certifies a non-conformity between the existing *system* in the region and democratic principles. Therefore, the *political power* in the region is under the control of a single individual, who dominates through propaganda, absolute control over the society and power centralization. Propaganda is an extremely important control mechanism. Old Soviet ways, new experimental mass control and influence methods are being used (various *state* or public *structures* are created). In the authors' opinion, the main purposes of propaganda are as follows:

- a). To preserve the image of *savior of the Transnistrian nation*, conferred to the *mrt president*;
- b). To promote the image of *aggressor*¹¹ regarding the Republic of Moldova, and that of *victims* saved by Russia regarding the localities placed under the control of separatist authorities;
- c). To promote the image of the Russian Federation as exclusive friend and *guardian-state*.

Obviously the *mrt president* cannot dominate the region on his own, which is why a pyramidal administration system was created, topped by loyal, trustworthy people and Smirnov relatives.¹² According to a study on „Separatism and its impact on the process of edifying Moldova's statehood,” conducted by the IPP, the Tiraspol regime is extremely personalized since the „MRT” serves the interests of a small group of individuals close to Smirnov and involved in the activity of „Sheriff” company. In addition to controlling the political sphere, Smirnov is a central person in the economic field and individuals who do not belong to his entourage are deprived of any possibility to start a legal business or any business that could compete with the „Sheriff.”

For instance, during the period when the office of „minister of interior” was held by a friend of the Smirnov family, V. Kurisico, 40 contract killings were committed in Transnistria, which in some way benefited the „Sheriff.” The murders have not been solved.

Smirnov resorts to open fraud and physical elimination of those who stand between him and his interests.¹³ Repressive bodies secure the Tiraspol regime's control, while popular support is less important.”¹⁴

1.3. Local public administration

An equally severe problem is related to the *local public administration (LPA)*. The preamble to the *mrt law on local authorities, local self-administration and state administration*,¹⁵ states that the entire power in the region belongs to the people, who can exercise it through *soviets of people's deputies (SPD)*, the *president* and *state administration (SA)*. Art.3 provides that *representative structures (SPD)* are superior to *executive* ones. In fact, such provisions are merely a formality because local administration is exercised by the *SA* district administrator, who is appointed by the *mrt president*. Therefore, the administration at a local level is

11 The separatist propaganda promotes the idea of a plot of Moldova's constitutional authorities and the West against the mrt. Consequently, the separatist leadership and propaganda appear as a savior of Russian interests and outpost of Russia in Europe.

12 For instance, one of Smirnov's sons is head of the mrt customs committee.

13 See the 2007 Promo-Lex Report on the observance of human rights in Moldova, www.promolex.org.md

14 <http://www.ipp.md/biblioteca.php?l=ro&idc=34>

15 <http://www.vspmr.org/Law/?ID=297>

conferred to individuals who are loyal to the Smirnov regime.¹⁶

Moreover, LPA leaders from villages are subordinated both to *local SPDs* as well as to the *SA district administrator*, who by the way is also the representative of *central executive power*. Hence, the *local executive* is under double subordination, and there are no limits on interference from higher authorities in case of conflicts of interests.

This situation conflicts with the decentralization principle provided by the European Charter of Local Self-Government. Thus, *village soviets* are not viable and are unable to make local decisions in the interest of their communities without first consulting and receiving the approval of *district authorities*, which de facto govern the rural localities from the respective territory. A locally adopted decision risks to remain unrealized should this serve the interests of *district authorities*.

Local administration financing is not sufficient, particularly in rural areas. Given such circumstances, Camenca, Grigoriopol and Dubasari districts, for instance, receive subsidies from Tiraspol and we believe that such a state of things is convenient for the separatist regime, which can more easily blackmail local authorities by means of economic „arguments“.

1.4. The judiciary

An equitable judiciary is the basis of self-government. An effective judicial system relies on the existence of an ensemble of structures able to perform judicial activity.

The Transnistrian secessionist regime pretends to have its own judicial system, which in fact is totally separate and different from the constitutional one. We shall note from the beginning the fact that the existence and activity of a *local judicial system* cannot be qualified as legal, since it is created by an illegal regime. However, *local courts* issue decisions that give inevitable turns to the lives of their subjects (citizens, organizations, companies etc.). Constitutional authorities have not yet found any solution for this situation, even though they have formally appointed a judge for each district in the region. Nevertheless, they have their offices on the territory placed under the control of constitutional authorities and cannot always be efficient or able to examine a cause or situation occurring in the territory placed outside the control of legal authorities and state institutions in all its aspects. At the same time, decisions issued by constitutional courts are mostly non executed.

Hence, *volens nolens* the local population solves its problems in courts placed under the *jurisdiction* of separatist authorities, which in our opinion is a clear violation of their right to equitable trial and evidences the lack of an effective remedy.

The creation of a judicial system in the region began with the appointment of the *Supreme Court president (SC)* on 14.01.1992, and later on followed by staff recruitment, *legislative base* development and other activities meant to secure its orderly functioning. The development of a *legislative framework* is under the *competence of the SC*, which is invested with the right to take *legislative initiative*.

Structure of the judicial system

According to art.5 of the *mrt Law on judicial system* of 09.08.2005,¹⁷ justice in the region is carried out by the following courts:

- *Constitutional court (CC)*;

16 3 out of 7 local administration representatives are Moldovan natives, 2 of them are from Ukraine and 2 from Russia. The latter govern the most important areas of the region: Tiraspol town (numerous strategic companies, the military force of the Russian Federation are placed here, and the city has the statute of capital) and Rabinita district (here they have a Metallurgic Factory, Russian ammunition depots, etc.)

17 <http://www.vspmr.org/Law/?ID=373>

- Common law courts: *Supreme court (SC), District courts and „judges in people's court“*;
- *Court of arbitration (CA)*.

The legislation of the region does not attribute prosecution bodies to the judicial system, but only confers them the authority of enforcing the *constitution* and other local laws, as well as the power to participate in court sessions.

Theoretically, common-law instances are represented on three hierarchic levels already specified herein. However, only two of them function in practice.

The first level is represented by the institution of „judges in people's court“, which functions because there is no *legislative framework* that would regulate its way of functioning directly. According to the *law on judicial system*, *district courts* are hierarchically superior to „judges in people's court“, and the SC together with the CC and CA are the supreme authorities of the *judicial power* in the region.

The lack of a small-instance court („judges in people's court“) limits once more the access of local inhabitants to justice, constrains their right to appeal a decision before a superior court, reduces the possibility to observe a reasonable deadline for case examination in court, as well as the possibility to reinstate citizens' legal rights and interests.

Appointment of judges and term of their mandates

The *mrt constitution* states that *judges in people's court* shall be appointed for a term of five years by local inhabitants, who belong to the group of *citizens* with higher education and an experience of five years minimum. In our opinion, the separatist leadership still prefers to appoint individuals for various offices or functions and does not „venture to accept“ in the local *judicial system* individuals elected by the people for rendering justice. If judges were elected, the regime's influence upon these people would be minimized. Most *court decisions* issued in the region are not decided by an independent judiciary. The issue of an inferior, yet correct decision could make locals believe in a positive sequence of events in the region, based on such principles as civic participation and respect toward the individual and his/her fundamental rights.

The procedure of selection and appointment to the office of *judge* in *district courts* is set forth in the provisions of the *mrt law* on the statute of judges.¹⁸ They state that the *president of the court* that has posted a vacancy for the position of *judge*, shall notify the *qualification college* of such vacancy within 10 days. In its turn, the college shall further make such information public through the press.

The *mrt law on Supreme Court* stipulates that *qualification college* members are elected, in their turn, from among the most qualified judges of the SC. Their number is determined by the *SC Plenum*, to whom the *qualification college* shall report all the results of its activity. In such a context we shall note the provisions of the *mrt law on judicial system*, which state that only scientific and other creative activities are compatible with the office of *judge*. When comparing these two norms it is impossible to not notice a non-concordance of functions, which, obviously, does not appear in practice. The obligation of a member of the *qualification college*, as any other activity, limits to a certain extent judge's disposability to solve the disputes attentively and in reasonable time, which was even stipulated by the European Charter regarding judges' statute, adopted at Strasbourg in July 1998.

18 <http://www.vspmr.org/Law/?ID=372>

The candidates have to pass an examination before an *examination board*. The local *legislation* does not expressly establish the structure of such an *examination board*, nor the requirements regarding the qualifications of its members, which make us doubt this structure's evaluation and decision-making capacity.

Just as well, local *legislation* provides for the existence of a *qualification college* of judges in district *courts*, as well as a *qualification college* for *SC* and *CA* judges. For instance, the *qualification college* for *SC* judges includes the judges from this *institution*, who have longer experience, and the number of its members is determined at the *CS Plenum*, before which the *college* must report on its results.

After having passed the promotion examination, the candidate is entitled to address to the *qualification college* the request to be recommended for the vacancy, which shall further certify the accuracy of the presented documents and analyze the results of promotion examinations, and then issue a decision, by which it shall recommend one of the candidates for the given vacancy. The said decision shall be presented to the *president of the court* that announced the vacancy for the position of judge. Should the decision be accepted, the recommended candidate shall be appointed judge; otherwise, the president shall return the decision to the *qualification college* for reconsideration. If the same candidate shall be recommended after a repeated examination, such decision shall be transmitted to the *mrt president* for examination and approval.

The existence of two different judicial systems on the territory of the Rep. of Moldova creates numerous difficulties for its inhabitants, regardless of their citizenship, whose fundamental rights and liberties are not secured.

The most relevant example in this sense is the case of a beneficiary of Promo-Lex association. The *Transnistrian courts* sentenced him to eight years imprisonment. During the same period of time, the said individual was tried by the constitutional authorities (while being detained by separatist *law-enforcement structures*) for another offence, being further condemned to 10 years. Hence, even though he is serving his sentence on the left bank of Nistru river, he is subject to reimprisonment after his release. Normally, in his case they should apply the norm of repeat offences, according to art. 88888 of the PC of the RM.

1.5. Public prosecutor's office

According to the provisions of the *mrt law on public prosecutor's office*,¹⁹ *Prosecutor's office* is an authority that monitors the correct and uniform implementation of the *constitution and other laws* on the territory of the *mrt*. To be able to exercise its authority the *prosecutor's office* was invested with rights that exceed those related only to supervision, which proves once more this *authority's* immixture with other activity fields.

Art.10 of the *mrt law on public prosecutor's office* establishes that *prosecutor's office* has the authority of taking part in *SS* sessions and that of its *subdivisions*, as well as in the sessions of the *board of ministries*; district and city *prosecutors* have the secured right to take part in any session held by *central or local public administration authorities*. This right would not be a problem if such participation were limited to *prosecutors'* rights and authorities. However, the lack of strict regulations regarding *prosecutor's* participation in the sessions held by aforesaid *authorities* creates all necessary prerequisites for exercising pressures upon decision makers.

19 <http://www.vspmr.org/Law/?ID=300>

A provision set forth under letter c), para.1 of art.22 of the *mrt law on prosecutor's activity* invests the *public prosecutor's offices* with another right, namely monitoring the „legal conformity of normative acts issued by the responsible officers from executive and representative structures of the state power, local public administration and military administration“. Hence, *public prosecutor's offices* are entitled to interpret all *normative acts* issued by various *entities*, persons and *organizations* through the prism of local *legality*. An interesting fact is that according to the provisions of the aforesaid *law*, the *public prosecutor* shall notify the *SS and mrt president* on the non-conformity of the issued acts with the *constitution* and other *laws*. This norm already comes in conflict with the *mrt law on the CC*, which provides that the *mrt public prosecutor* is authorized to address to the *Court* an interpolation regarding a *law's constitutionality*; however, the provisions of the *law on public prosecutor's office* obstruct partially direct interpolation by setting the obligation of notifying the entity that issued the act (the *SS and the mrt president*). We say partially because it is not clear which *law* provisions should be *public prosecutor* be governed by, while both have equal *legal value*. At the same time, the vague nature of the provisions can be an obstacle for exercising a *secured right*.

There are also many doubts regarding *public prosecutor's* authorities guaranteed by the *provisions* of art.23 of the same *law*. Hence, based on a verbal notification and after having performed a general monitoring the *public prosecutor* is entitled to receive all documents and materials regarding the matter. From a legal perspective we believe this right to be irrational, because it can encourage the appearance of certain abuses by people in control. Such problems particularly appear in cases when private entities are to pass such a control.²⁰

Another negative aspect is related to *public prosecutor's* right to make unilateral decisions regarding the *legality* of depriving one of individual liberty. According to this *law*, the *public prosecutor* has the obligation of releasing each individual detained without legal grounds, regardless of the existence of a *court decision* for this.

In such a way, the *public prosecutor* interferes and decides upon the *legality* of the arrest, thus assuming the authority and role of a *higher-ranking judicial authority*. Contrary to any logical principle district *public prosecutor's offices* have a prerogative,²¹ which affects the activity of the *judiciary*.

Since *public prosecutor's* interference has legal grounds, including even the ability to decide upon the validity of a decision, this violates the double jurisdiction principles. Another relevant fact is that the *mrt public prosecutor* is appointed by the *mrt president*.

1.6. System of defense, security and human rights protection authorities

1.6.1. Human rights protection authorities

*The militia*²²

The *mrt law on militia*²³ describes the activity of the *militia* as an armed authority responsible for keeping public order, securing and defending human rights and liberties. This *law*

20 Promo-Lex association registered multiple complaints regarding the abusive control performed by local public prosecutor's offices

21 Council of Europe, Guide on "The right to equitable trial", Chisinau 2003. „The court must have to power to adopt a mandatory decision, which cannot be modified by a non-judiciary authority“

22 The name comes from Soviet times. After the declaration of independence, constitutional authorities retook the notion of police.

23 <http://www.vspmr.org/Law/?ID=302>

stipulates the rights and responsibilities of *militia officers*. After having analysed it, we noted that local *militia structures* benefit unjustly from certain rights. Moreover, the *law* specifies *militia's* responsibilities, at least two of which are flagrant violations of human rights. First: *militia officers'* obligation to supervise former prisoners, which comes into conflict with the legal principles that guarantees equal rights to all individuals and the confidentiality of private and family life. Since the individual has served the sentence given to him by a court decision, any other interference with his/her private life shall constitute an abuse and attempt to breach his/her fundamental rights and liberties. Second: documentation of the population, their registration according to the Soviet „residence permit” and follow-up of the observance of this regime. The functioning of such a system affects the right to free circulation, to which the Council of Europe responded by approving the Recommendation 1544 (2001).²⁴ This system affects the right to private and family life of local inhabitants, who are already aware of this.²⁵ At the same time, between 06:00 AM and 22:00 PM local militia officers can break into people's homes, regardless of whether the owner or tenant agrees or not, and a „residence permit” violation can be punished²⁶ with fines, which affect property right.²⁷

Militia officers may enter private property to investigate „if there are sufficient grounds to believe that an offence was committed on the said territory, ... as well as in other extreme situations, which represent a peril for citizens' public or personal security”. In other situations, the said *provision* can lead to the violation of the right to private and family life, once the interference with it continues to be at the discretion of a *militia officer* and not of a court that could examine the need for such interference.

Militia officers can „stop vehicles to check the driver's documents certifying the right of use, as well as for their search if they suppose the vehicle is being used in illegal purposes”. This *provision* affects the right to free movement of individuals, because it allows the *militia* to control the vehicles not only in the case of Traffic Regulations or other offences, but also allows for the unauthorized investigation of the vehicle, which is another abuse of authority. In fact, this abuse became a tacitly accepted rule in the CSI area.

Parliament attorney. In the region, the *law on attorney regarding human rights*²⁸ recently introduced the *institution of parliament attorney*. He/she exercises the *state control* regarding the observance of constitutional human rights and liberties on the mrt territory. The independence of *parliament attorneys* is not directly provided by the *law*. Both the *SS* (which appoints the *parliament attorney* to his office and is his *control authority*)²⁹ and the *executive administration* (which finances the *institution*) can interfere with their activity. The parliament attorney does not have the power to initiate proceedings for fighting against actions that affect his/her activity, and has therefore to pass such information to the *militia*, which further documents the case.³⁰

24 The said system was qualified as non-constitutional in Moldova still on 19.05.1997

25 O. Beleakov: „The «Law on MRT passport», «Law on MRT Citizenship» needs to be amended. We are advocating reconsideration of the modifications regarding MRT citizenship, namely those referring to the notion of «place of permanent residence». This law provides that in order to receive MRT citizenship one has to reside on MRT territory for one year, i.e. one will become an MRT citizen after having resided on its territory. Taking into account that we have introduced such notions as «temporary registration», «residence permit» and «permanent registration», in practice we deal with totally different things. For instance, a young man from the Rep. of Moldova was enrolled in the TSU (Transnistrian State University), studied there for five years, dwelled in student housing, and married an MRT citizen. They had a child. The authorities refused to register their child because his father is not a MRT citizen.” www.tiras.ru, 29.05.2007 Note: The separatist regime qualifies Moldovan citizens as foreign citizens.

26 Art. 186, 188, 189, 192 Mrt code on administrative contraventions

27 Constitutional Court decision nr.16, MO nr.037 of 05.06.1997

28 <http://www.vspmr.org/Law/?ID=299>

29 Article 66 of the constitution of the mrt

30 Oleg Beleakov: „We have several ways of reacting – applications for reinstating the violated rights, presentation – we request the reinstatement of citizens' rights to a certain extent, resorting to a court by the Attorney, as well as the right to address a public officer in view of initiating a penal investigation or bringing to disciplinary or administrative responsibility. They also provide for administrative and penal responsibility for opposing a Human Rights Attorney. www.tiras.ru, 29.05.2007

In such a way, the role of an *ombudsman* is formal, because he cannot personally react or initiate sanctioning procedures against people who do not comply with the requirements stipulated in the regional *legislation*.³¹

Another issue regarding the activity of the *institution* is related to the generality of provisions regarding the petition examination term. The *law* does not stipulate a petition examination term, thus allowing for their possible non-registration and non-examination. In the same order of ideas, we shall mention that even though there is a petitioner notification procedure, it does not specify the term of notification of the results of its examination.

One of the attributions of the *parliament attorney* consists in the dissemination of knowledge in the field of human rights. This is still a purely declarative function, because it is totally ignored by this *institution*. Except that the parliament attorney is bound to develop an annual report on human rights' observance, he/she does not also have the direct obligation of performing other public education and information actions/activities and of disseminating the knowledge in the territory.

We regret that the activities of the current *ombudsman* of the region, Vasili Kaliko, conflict with the duties of his office, since he expresses certain political ideas³² in his statements to Russian and local mass media. For instance, he denied the power of international treaties and ECHR decisions³³ by interpreting the rights of certain groups of people in comparison.³⁴ Most of his statements are of a political nature and ignore the most severe transgressions of human rights in the region. In fact, his competence is to ascertain and fight against all cases of violation of fundamental human rights and liberties, as well as to promote such rights. Up to date, one of his few positive activities, taking into account the situation in the region, was the examination of some major problems in the field of medical assistance.³⁵

1.6.2. Security authorities

An analysis of Transnistrian governing structures demonstrates that the territory is a "police state," a situation characterized by authorities' use of *force* and by their lack of respect for fundamental human rights and liberties. The *mrt law on state security authorities*³⁶ is a discriminatory act because it provides that the "state shall secure social and legal protection to citizens, public organizations and other types of unions, which contribute to guaranteeing the security." This can be interpreted as a "public invitation" to local residents to *cooperate* with the illegal security structures. This *norm* does not offer an alternative to the residents by forcing them to "cooperate." According to the provisions of the *law*, the security of various spheres is guaranteed in the region, priority still being given to socio-economic and political security, as well as military. In our opinion, the *ministry of security* and *customs committee* of the region are the *state authorities* responsible for guaranteeing socio-economic and political security.

According to the *mrt legislation*, the **ministry of state security** (*MGB*) is a structure that performs *investigative* activities.

31 The given situation is first of all related to individuals employed in the administration of the region

32 http://tiras.ru/news/show_archives.php?subaction=showfull&id=1175510161&archive=1178810789&start_from=&ucat=22&

33 <http://www.regnum.ru/news/756950.html>

34 <http://www.regnum.ru/news/879460.html>

35 <http://www.regnum.ru/news/852869.html>

36 <http://www.vspmr.org/Law/?ID=301>

In fact, most of their activities restrict and breach fundamental human rights and liberties. Obviously, the actions undertaken by security authorities are restrictive anywhere; still, these limitations have to be necessary and legal. Since we speak of a regime instituted by military violence,³⁷ the role attributed to security authorities was that of holding illegal control over an occupied territory through various means of intimidation and persecution used against promoters of other opinions or ideas.

The *mrt law on state security authorities* pretends to be a democratic one that protects human rights; however, the reality is different. According to the *law*, the information related to one's private life received through the interference of this *structure* cannot be further transmitted to third persons without one's approval; however, there is no stipulation of the notification procedure of the individual in question. Consequently, the *norm* is purely formal, which is why it can violate the right to private and family life of all individuals residing on this territory. Another negative aspect is the *provision* referring to the approval of certain *operational-investigative measures for fighting against foreign special services and international organizations*. Hence, one of the scopes of these structures is to fight against foreign organizations (including those from the rest of the Rep. of Moldova) without providing justification, which allows such illegal structures unlimited interpretive freedom and the possibility to select the "target group" or *mrt* "enemy."³⁸

It is obvious that *MGB* officers benefit from immunity, which, in our opinion, is another serious issue, because it is not expressly provided by the *law*. Art.15 of the *law on state security authorities* stipulates only that "during the exercise of their duties, *state security authority's* officers are not subject to apprehension or administrative detention, as well as body search and investigation of their assets, vehicles or goods used by them." At the same time, the *law* does not include any *norm* that would regulate the possibility of applying sanctions against individuals involved in *MGB* operations. It is also important that *secret service* employees from the Transnistrian region benefit from a larger immunity than that offered to *regional deputies* or the *ombudsman*.

The **Customs Committee** is an *armed state authority* and pertains to the system of *executive authorities*, its activity being regulated by the *mrt customs code*.³⁹

This *authority* is responsible for guaranteeing the economic security of the Transnistrian frontier and benefits from broad powers, subordinate only to the *mrt president*. Since the committee is led by V. Smirnov, son of *mrt* President I. Smirnov, we can conclude that the activity of the local customs is totally under the control of the Smirnov family.

1.6.3. Defense authorities

Regular armed forces of the *mrt* constitute the nucleus of the *military structure* in the region and the basis for guaranteeing military security in the region. According to art.4 of the *mrt law on armed forces*, the system relies on voluntary satisfaction of military service with its mandatory accomplishment. In other words, young people who refuse *mandatory registration for military service* must have alternative solutions for performing their military

37 www.ipp.md, Oazu Nantoi, Study on the situation in the Eastern districts of the Rep. of Moldova (1992-2000). „... 5) an efficient security service (through close relations with the political reaction forces of the Russian Federation; as a tool of repression and gathering information from the state authorities of the Rep. of Moldova, as well as an instrument of blackmail of certain public officers from the right bank with KGB files transported to Tiraspol in the fall of 1989, etc.). At the same time, the „ministry of security” was a repressive authority beyond any control from the very moment of its constitution on 16 May 1992;”

38 The *MGB* cooperates with the respective structures in the Russian Federation and ignores contact with Moldovan ones. For example, during the 2006 investigation of explosions in Tiraspol's public transport only Russian authorities had access. Offers of support and assistance from constitutional Moldovan authorities were ignored and denied.

39 <http://www.vspmr.org/Law/?ID=388>

service. Since the *law* does not expressly provide such alternatives, all individuals in the region must undergo mandatory registration, which is purely formal and has the purpose of creating a democratic picture of the situation. In fact, those who refuse to be enrolled are declared fugitives, their names added to lists maintained by the *local public administration authorities* and *territorial militia*. Most recent data published by the separatist authorities in October 2007 list 701 young fugitives⁴⁰ who refused to perform *military service* in illegal military units.

Moreover, locals' enrolment in the *Transnistrian army* is punished by constitutional authorities. The Penal Code of the Republic of Moldova⁴¹ stipulates that its citizens can receive a penal sanction for enrolling in illegal paramilitary structures.⁴² Hence, young people from the region find themselves between a rock and a hard place. Since constitutional authorities have no control over this territory they cannot secure young people's access to the national enrolment mechanism. Separatist representatives take advantage of the situation forcing young men to enrol by initiating *penal cases* against those who *evade* or refuse enrolment. Constitutional authorities have inexplicably tolerated this situation for more than 15 years, while thousands of young people are practically hunted by structures of the secessionist regime.⁴³

At the same time, in our opinion, non-Russian nationals are discriminated against even in the *process of training and enrolment*. Even though there are three *official* languages in the region (Cyrillic alphabet Moldovan, Ukrainian and Russian), in fact the training of troops is performed exclusively in Russian in conformity with the provisions of the *law on armed forces*.⁴⁴ Discrimination is often based on ethnicity, and many cases of ill treatment, *non-statutory* relations and suicides were reported among the recruits.

Internal troops are an integral part of the *regular army*, except that they are subordinated to the *ministry of the interior* and, respectively, to the *ministry of justice of the mrt*. These forces are controlled by a single individual, the *mrt president*, who is also *responsible* for establishing the numerical quantity of such *forces*. As in the case of *militia officers*, *internal troops* are invested with numerous rights, which in essence affect locals' fundamental rights and liberties.

Such rights include the right to freely or forcedly break into individuals' private property, institutions, or organizations for the "purpose" of preventing or ceasing an administrative contravention or offence. This is how another arbitrary violation of one's private and family right is also "validated."

The **Republic Guards (RG)** is a paramilitary *structure* created during 1990-1991. It is namely this *structure* (a predecessor of the *regular separatist armed forces*) that opposed the lawful constitutional army in 1992. Its activity is regulated by provisions of the *mrt law on republic guards of the Transnistrian Soviet Socialist Republic*.⁴⁵ As compared to the rest of the *armed forces*, the *RG* is subordinate to the *SS*. Hence, each of the three administrative *powers* in the region control one military structure, which is not incidental, because this is how each *administrative branch* is secured with its own military force.

40 <http://www.justice.idknet.com/web.nsf/News/5A32EE79A6527775C2257364003BF53E>

41 The Penal Code of the Rep. of Moldova, art.282 Organization or administration of a paramilitary structure constituted outside the provisions of Moldova legislation, as well as participation in such a structure.

42 In the Transnistrian region there are more than 400,000 Moldovan citizens.

43 Local administrators draw up lists of people who refuse enrolment in illegal paramilitary structures. These lists are further passed to local militia, secret services and customs posts of the separatist regime. Often, the listed individuals are apprehended and threatened with imprisonment should they further refuse to be subject to immediate enrolment.

44 According to the 2005 census, Russian nationals constitute approx.30% of the population of the region.

45 <http://www.vspmr.org/Law/?ID=403>

Cossack units. Cossack units were created in the Transnistrian region during 1990-1991, and included Cossacks from various regions of the former Soviet Empire. A Congress of Russian Cossacks was organized on 30 June 1990 in Moscow. Immediately following this event, similar structures appeared in Transnistria, their purpose being *to participate in and defend the Transnistrian Moldovan Republic*. Armed Cossacks, together with guardsmen, took illegal control over numerous localities in the region and further took an active part in the battles against constitutional peacekeeping forces.⁴⁶

Following the Moldovan-Russian war of 1992, all Cossack nationals from Transnistria contributed enormously to the consolidation of the separatist regime. The locals still manifest an obvious fear toward the Cossacks, who settled there after 1992.

Formally, the Cossacks in the region constituted a *public movement of a cultural and patriotic nature*, as well as a military structure, whose activity is regulated by the *mrt law on the Cossacks*,⁴⁷ whose main objective is to *defend the mother country*.⁴⁸ Officially, the Cossacks in the region are a part of the Cossack troops of the Territorial Circumscription of the Black Sea, which also includes other Cossack units from other former members of the USSR that border the Black Sea. We suppose that the said provision of the *law* is dictated by two circumstances. First, it allows the Cossacks from former Soviet countries to participate *legally* in the *defence* of the secessionist regime and second, it allows the Cossacks that reside in the Transnistrian region of Moldova to participate in the *defence* of another “*Motherland*”, i.e. in military actions on the territory of other former Soviet states. It is important that the Cossack units in the region are still subordinate to the *mrt president*.

“**Popular resistance**” is a *voluntary military structure*, whose activity is regulated by the *law on popular resistance*.⁴⁹ Since it is part of the *regular mrt army*, its purpose is to take part in actions aimed at *defending the motherland*. This military structure can include individuals not in the *armed forces reserves*. Thus, the separatist leadership secures the participation of all volunteers in possible military acts, and at the initiative of the *mrt president*, almost all volunteers may be enrolled and armed, in which case the region would transform into a veritable military polygon or war scene, with the involvement and arming of all local and foreign volunteers. Even though this is a “*voluntary*” *structure*, the separatist leadership encourages its activity and offers its members various social facilities and financial rewards, which compromises the notion of volunteering and exposes its real purpose.

Military units of the Russian Federation. The presence of Russian military in Moldova continues to be illegal for three serious reasons. First, Russian armed forces dislocated in the eastern part of the county have contributed to the organization of paramilitary structures and arming of guardsmen and Cossack units in Transnistria.⁵⁰ These forces subsequently took an active part in the military actions against constitutional Moldovan authorities.⁵¹

46 8.07.2004. ECHR Decision on Case nr.48787/99 Ilaşcu and others vs Russia and Moldova, § 66. [... On 5 March 1992, the Parliament of the Republic of Moldova protested against the silence of Russian authorities, qualified by it as complicity in the support of the separatist regime of Transnistria through Cossack armed groups arrived from Russia, attached to the Cossack Union, which is a recognized association by Russian authorities. The Moldovan parliament requested the Supreme Soviet of the Russian Federation to condition the immediate withdrawal of the Cossacks arrived from Russia on Moldovan territory...].

47 <http://www.vspmr.org/Law/?ID=404>

48 The separatist propaganda continues to promote the idea of a „Great motherland”, meaning Russia and territories of the former USSR

49 <http://www.vspmr.org/Law/?ID=405>

50 8.07.2004. ECHR Decision on Case nr.48787/99 Ilaşcu and others vs Russia and Moldova, § 78. [... In a letter addressed in April 1992 to the heads of the member-states of the UNO Security Council, the OSCE and CIS, Mr. Snegur accused the leadership of the Fourteenth Army for the fact that in December 1991 they had armed the Transnistrian forces and denounced the attitude of the 6th congress of Russian Federation deputies, which requested the maintenance of Russian armed forces in Moldova in the quality of „peace-keeping forces”. In conclusion, Mr. Snegur pointed out that an essential prerequisite for a peaceful settlement of the Transnistrian conflict was the most rapid withdrawal of the Russian army from Moldovan territory and requested the international community to support the fragile and young Moldovan state in its fight for liberty and democracy...].

51 Ibidem, § 79.[... On 20 May 1992, the presidency of the Moldova Parliament protested against the occupation of 19 May 1992 of other regions of Transnistria by the armed forces of the Fourteenth army supported by Cossack and Russian mercenaries and

Second, the Moldovan-Russian agreement of 21 July 1992⁵² provides for the settlement of the problem regarding the withdrawal of Russian armed forces from the Transnistrian region of Moldova by the parties. Further, on 21 October 1994 the Rep. of Moldova and Russian Federation signed an Agreement on legal status, procedure and terms of withdrawal of the Russian army, dislocated temporarily on the territory of the Rep. of Moldova, which sets forth that “the presence of Russian military structures on the territory of the mrt is temporary, and the Russian part, taking into account the technical possibilities and necessary time for restationing its troops elsewhere, shall withdraw the aforesaid military forces **within three years** following the conclusion of this Agreement.” At the same time, the document conditions army withdrawal through a synchronization of the political settlement of the Transnistrian conflict and the definition of the special status of the Transnistrian region of the Rep. of Moldova.” Third, the Russian Federation undertook the obligation to withdraw all its ammunition and troops from Moldova during the OSCE Summit in 1999.⁵³ Not even this time did Russia respect its obligations. On the contrary, against any international undertaking and norms of international law, the Russian Federation continued to support the separatist regime, including military support.⁵⁴

The presence of Russian military forces in the Transnistrian region is *regulated* by the *mrt law on the statute of Russian military forces occupying the territory of the mrt*,⁵⁵ by which their presence as *peace keepers* is *legalized*, argued by the fact that they *keep the peace, security and stability in the region*.

This *law* allows for the occupation of the air space in the region, i.e. offers the possibility for armament traffic, which is certified in numerous journalist investigations.⁵⁶ Because the entire process lacks transparency, and constitutional authorities do not control the territory, the uncontrolled air traffic through the airspace by foreign and hostile military forces causes the public to react negatively, as well as be concerned about constitutional authorities’ inability to check air freight. The *law authorizes* the preservation of all military equipment, weaponry, ammunition and real property belonging to the former Soviet army on the territory of the separatist regime.

by the paramilitary forces of Transnistria. According to the presidency of the Parliament, this military aggression from the part of the Russian Federation violated Moldova’s sovereignty and the norms of international law, rendering the ongoing negotiations for settling the Transnistrian conflict illusory. After having accused the Russian Federation of having armed the Transnistrian separatist regime, the presidency of the Moldovan Parliament requested the Supreme Soviet of the Russian Federation to cease this aggression and to withdraw its military troops from Moldovan territory...].

Ibidem § 82. [... On 22 June 1992, the Moldovan Parliament launched an appeal to the international community and opposed a “new aggression carried out in Transnistria on 21 June 1992 by the former Fourteenth Army”, which through its actions of violence and robbery forced a significant number of civilians to leave their homes. The international community was determined to send experts in situ to cease this “genocide” against local population.

52 www.ipp.md Oazu Nantoi, Study on the situation of Eastern districts of the Rep. of Moldova (1992-2000). „By signing this document the Moldovan leadership accepted the Russian Federation to act as mediator in this conflict. In fact, this would also mean that the Moldovan leadership is aware of the fact that the conflict can be ceased only through signing an agreement with the Russian Federation, because the latter was directly involved in it both with the military troops of the fourteenth army staying in Transnistria, as well as through the direct information and military support of the separatist regime. We may suppose that they believed at the moment that the Russian Federation was in a state of transition to becoming a democratic state. This supposed further equitable relations between Russia and Moldova, the withdrawal of Russian troops, of its political, economic, military and informational support granted to the secessionist regime. It is not excluded that the Moldovan leadership even believed that Moscow shall “tune up “ the separatists since the separatist regime was supported first of all by political forces that were hostile to B. Eltin...”.

53 Ibidem, § 124. [... In their statements during the Istanbul Summit on 19 November 1999, the heads of States and governments of OSCE member countries pointed out that they expected a rapid, corresponding and complete withdrawal of Russian troops from Moldova and congratulated each other on the occasion of Russian Federation’s undertaking to withdraw its forces from Moldovan territory before the end of 2002. Finally, they recalled that an international evaluation mission was ready to proceed immediately to the examination of Russian weaponry and ammunition withdrawal and destruction...].

54 for instance, by signing in October 2001 an agreement regarding the withdrawal of Russian military forces with the separatist leadership. Hence, the secessionist regime from Tiraspol was to receive in exchange for the withdrawal of a part of the Russian military equipment stationed in the region a part of the said equipment as well as a discount of 10.000.000\$ to Tiraspol’s debts for the consumed gas imported from Russia.

55 <http://www.vspmr.org/Law/?ID=402>

56 <http://www.crji.org/folder.php?id=7&l=1>

Russian military presence in the region is also “complemented” by peacekeeping troops. Thus, the Russian military has transformed its image from aggressor to peacemaker.⁵⁷ Numerous posts of peacekeeping troops, which were exclusively headed by Russian officers, were dislocated in the *security area* established according to the Moldavian-Russian agreement of 1992. Contrary to this important international act, the strategic dislocation of the posts, the imperfect mechanism, Russia’s dominant position, as well as the inequitable commanding staff favoured the rapid and efficient consolidation of the separatist regime. Under such circumstances, the authorities and civil society insist, still without success, on the replacement of the military staff dominated by Russian-speakers with one composed of civil observers.⁵⁸

Even though constitutional authorities continue to allege that Moldova is and will be a neutral state, the illegal presence of Russian troops and ammunition hinders the state’s development because foreign investors avoid Moldova for fear of uncertain security in its Transnistrian region.

57 8.07.2004. ECHR Decision on Case nr.48787/99 Ilaşcu and others vs Russia and Moldova §56. „In 1991–1992, as a result of a military confrontation with Moldovan forces, several military units of the USSR and of the Russian Federation in turn, transferred their ammunition on behalf of the separatist regime of Transnistria, while numerous military equipment of the Fourteenth Army was seized by separatist authorities”.

Ibidem §59. „The Parcani sapper battalion of the Fourteenth Army, at the order of general Boutkevitch, took the side of the separatists. This information was confirmed by the Russian government. The applicants also added that because of this “transfer”, battalion military men had in their possession a significant number of Kalashnikov rifles, bullets, TT and Makarov pistols, grenades and grenade launchers, as well as air land missile launchers. It is namely this battalion that destroyed the bridges from Dubasari, Gura Bacului- Bacioc and Cosnita districts”.

58 “As to the existing peace-keeping mechanism, the head of Moldovan diplomacy pointed out that this “has become a part of the issue “. In this order of ideas, Chisinau authorities repeated the “urgent need” for the replacement of current peacekeepers dislocated in the Transnistrian region with an international mission of civil observers. Andrei Stratan expressed again his regret about Russia’s withdrawal from the Treaty of Conventional Forces in Europe (FACE), and noted at the same time that the withdrawal of all military troops and ammunition from Moldova is a prerequisite for Chisinau to ratify this document”. www.moldova-suverana.md/index.php

■ MASS-MEDIA

2.1. General reflections

Today the situation of the Transnistrian mass media is still a difficult one both from the viewpoint of their activity regulation and from the viewpoint of their editorial independence and access to information.

An analysis of the circumstances under which the local mass media perform their activity revealed the imperfection of the local *legal framework*. In Transnistria there are no laws that regulates access to information or *limit* compensations for prejudices caused by journalists. However, the *press law* is of a restrictive nature rather than of a regulating one.

The influence of the separatist administration on the press is apparent. Most of the mass information sources are subordinated to the *Ministry of Information and Telecommunications (MIT)*, which registers publications, and regulates local audiovisual structures. The registration requirement secures the direct dependence of local media sources on the said *structure*.

The publications registration procedure is restrictive, given that the *MIT* can deny, without explanation, the registration of mass information sources with a circulation of less than 1,000 copies. This provision is as tendentious as well as perilous given the fact that the number of local readers is very limited because of mass migration and the low level of purchasing power. It is to be noted that many publications cannot afford to reach such a circulation from the very start even on the right side of the Nistru River (where the population is seven-times larger).

The situation of the local press is characterized by a total lack of transparency. The *MIT* does not publish the data regarding mass media or the statistics regarding the *official* number of local mass information sources.

The Tiraspol regime uses information resources to manipulate not only local and regional public opinion, but also international opinion. The electronic press plays a very important role in this respect. The most relevant example is the Tiraspol Times,⁵⁹ which is an important tool for separatist propaganda⁶⁰ financed exclusively by the Russian Federation. It is to be said that even today the constitutional authorities and the mass media from the right side of Nistru River are loosing the informational war to Tiraspol.⁶¹

2.2. The structure of the Transnistrian information area

The local press can be divided into three conventional categories: newspapers and magazines; radio and TV channels; press agencies and information portals. In its turn, the first category can be divided into:

59 www.tiraspoltimes.com/our_3_products_website_magazine_newspaper.html

60 www.edwardlucas.blogspot.com/2006/08/gotcha-2.html

61 Initially, before the creation of local structures, the Soviet and, afterwards, the Russian mass media contributed in a decisive manner to the misinformation of the local public on the real problems and the evolution of the Transnistrian situation, inclusively on an international level.

2.2.1. Newspapers

a) Official. This category includes publications financed from budget means. It includes: "Pridnestrovie", edited in Russian, "Adevarul Nistrean" edited in Moldavian (Cyrillic alphabet) and "Gomin" – published in Ukrainian - founded by the *mrt president* and *SS*,⁶² as well as "Za Pridnestrovie" – established by the *mrt Ministry of Defense*, also edited in Russian.

b) The party press is still fairly developed. In fact, the first political structure in the region that tried to use actively the party press was the *Communist Party of Transnistria*, which edits two newspapers: "Pravda Pridnestrovia" and "Komunist". During the last years, together with the appearance of new political parties in the region, the use of mass media sources for political purposes has become increasingly intense. Take for instance the case of "Obnovlenie" newspaper, a publication owned by a political party with the same name. The newspaper alleges to have a circulation of 120000 copies, which in experts opinion is not realistic and evidences the party's intention to manipulate local public opinion. This practice was used during the first years of independence, (1992-1996) by national political parties. Another party publication is "Svedenia", owned by the political party called *Respublika*, which appeared in 2006. All aforesaid publications appear exclusively in Russian.

c) Organization press. This is a local media segment, that has shown relatively dynamic development (as compared to other segments of the regional press). Examples are: "Novii dnestrovskii kurier", founded by "Fapt&Illicenko" organization, and replaced by "Dnestrovskii kurier"; "Celovek i ego pravo" – a publication of the Human Rights Protection and Effective Policies Fund (formerly „Glas Noroda"); "Profsoiuznie vesti" – a publication of the trade-union movement; Russian community publications - "Russkii rubej", "Proryv" and "Russkii proryv", which are the most aggressive, manipulative and propaganda-laden sources in the region. For instance, "Russkii proryv", founded by the *party-organization* bearing the same name, is a joint project of "Novyi Dnestrovskii kurier", "Proryv" and "Russkii rubej" publications that includes information of a pro-Russian orientation, excluding Moldovan and Western views. In order to attract young readers from the region, the newspaper publishes pictures and articles of an obscene and sexual nature. All above-mentioned publications appear exclusively in Russian.

d) Local newspapers. These publications exist in all local district centers. In Tiraspol the *local public authorities'* press body is "Dnestrovscaia Pravda"; in Bender/Tighina it is "Novoe Vremea"; in Rabnita - "Novosti" (there is one more local newspaper, "Dobrïi Deni", which is qualified by the experts as one of the best in the region and appears to be relatively independent, being edited by „Kombrig" Ltd.); "Zarea Pridnestrovia" - in Dubasari; "Slobodzeiskie Novosti"- in Slobozia; "Dnestr" - in Camenca; and "Drujba". - in Grigoriopol. All local publications, except "Dobrïi Deni" newspaper, are founded by *local authorities* and reflect their individual opinions exclusively. Their circulation varies between 1500 and 3500 copies and they appear in Russian only, except "Drujba" newspaper, which sometimes publishes materials in Romanian/Moldovan (Cyrillic alphabet). Most local inhabitants subscribe by force to local publications, namely the *budget-paid staff* by deducting the subscription price from their salaries.

e) Press founded by natural persons. This segment could contribute to the harmonization of local mass media with international standards, but for various reasons it is the

62 Even though in the region there are 3 official languages, these 2 publications are the only ones in Romanian (Moldovan) and Ukrainian, the rest of them being in Russian. At the same time, on 31.10.2007 the staff of those publications warned the regional administration, and particularly their founders (the *mrt president* and *SS*) with suspendint the editions in case if the problem of the rented premises would not be solved. As a result of mass privatizations in the region, their head offices had been alienated, and the new owners requested their evacuation into premises with no relevant conditions for performing journalistic activities. <http://www.regnum.ru/news/908064.html>

most underdeveloped segment, represented only by "Novaia Gazeta" publication, founded and edited by A.Safonov and G.Volovoi.

f) *Specialized editions.* This specific group includes the following publications: "Is-toriceskii almanah Pridnestrovia" and "Ekonomika Pridnestrovia" which are published in Russian and financed from the budget. The main difference between this group and other aforesaid *budget-financed* publications is their thematic specificity.

g) *The press from the rest of the country.* Even though the presence of periodical publications from the West of the country is reduced, such publications still exist. Transnistrian readers buy certain Russian publications edited in Chisinau, but in a very small number ("Nezavisimaia Moldova", "Komunist", "Moldavskie Vedomosti", "Ekonomiceskoe obozrenie", "Monitorul Oficial", "Sport Kurier", "Comersant Plus"). Generally, a 100% *customs duty* is imposed on the press edited in Chisinau, which means that Transnistrian subscribers and readers must pay double price for it. Taking into account the poverty in the region and the persecutions against Latin script, there are no Romanian publications and literature in the Transnistrian distribution network.

h) *Foreign press.* This market segment is mainly represented by a series of publications edited in the Russian Federation, which have remained popular in the region since Soviet times. The publications of great importance are "Komsomolskaia Pravda", "Trud", "Argumenty i Fakty".

2.2.2. Radio and TV

The radio and television market is relatively narrow. At the beginning of the 90's, together with the dissolution of the Soviet empire, all national radio correspondent bureaus were closed.

The intention of separatist authorities, which was not very hard to understand, was to liquidate all information sources that would eventually *put at risk* the pretended *Transnistrian state* and the policy promoted in the region. The former correspondent bureaus were to be replaced and this is how *mrt state* radio and TV stations - „*Radio PMR*” and „*TV PMR*”, appeared.

For a long time the two stations were the main information sources for local inhabitants. Other electronic information sources, including two cable TV networks became accessible to the local public later on. However, the appearance of other TV programs in the region did not change anything and did not diversify the information sources. The information was still transmitted in a unilateral way through packages proposed by cable TV stations, which included Russian, Ukrainian and local channels. As to the presence of Occidental TV stations in the information area of the region, they accepted only the "less offensive" ones for the separatist regime and propaganda (such as "Discovery"). Initially, "TV Moldova" was included in the offer of local cable TV channels. However it disappeared as a result of the interference of the local *Minister of Information Technologies*.

"Sheriff" company did not limit its presence on the local media market to cable television, by having created the „TSV” channel (that enjoys sufficient popularity among locals). Even though officially the channel is not a *public* one or one that would have something in common with regional *administration* structures, it cannot be called independent or oppositional because it does not reflect the situation from all aspects and does not offer to the public access to a diversity of opinions and information.

"Inter-FM" and "Radio Jelannoe" (founded by „Lik” radio and TV company) are among the most popular radio stations in the region. As to the rest, the FM frequency in the region

is dominated by Russian radio stations ("Şanson", "Retro FM2, "HIT FM" etc.), which are retransmitted by local companies that do not interfere during transmission, so that local news and personalized transmissions are totally lacking.

"Novaia Volna" radio station is an innovation for the local audio-video market. Newly launched by journalist G.Volovoi, its future is uncertain for now. "Novaia Volna" is the single local radio station that acts within the legal framework of the Rep. of Moldova, being also registered by the constitutional authorities.

2.2.3. Press agencies

For a long time the media market segment held by press agencies was "covered" only conventionally in the region. The only press agency that exists in the region was the *official* one, namely "Olvia-press", which acted as a propaganda tool and not as an information source. However, during the last few years, this market segment has attracted the increased interest of Russian media sources resulting in dynamic development. Thus, new agencies appeared, such as: "Novyi Region – Pridnestrovie" and "Regnum", as well as local agency - "Lenta PMR". These agencies are only marginally more objective than "Olvia press". The editorial policies reflect pro-separatist lines supporting Tiraspoland events are described in a biased way.

In spite of being foreign representatives in a region of Moldova, these agencies usually relate the events through the prism of separatist administration ideas while ignoring the position and arguments of civil society and constitutional authorities.

In general, "Lenta PMR" agency is suspected of being financed, as well as of acting under the leadership, of local *special services*.

Local journalist G.Volovoi believes that the Transnistrian mass media can be classified more simply into *official* and *non-governmental*. The first group would include mass information sources founded by *administrative structures*, including local/regional ones, while the second group would include sources founded by political parties, public organizations, natural persons and even companies. The most influential and financially stable sources are those financed from the local *budget*. Thus, all important settlements in the region are provided with newspapers that exist at the expense of *public* money. In addition, the local *administration* benefits massively from the support of certain pretended independent newspapers ("Proryv", "Novyi Dnestrovskii Kurier"). Grigore Volovoi says that there is a hypothesis stating that "Proryv" newspaper is financed by Russian officials. One of the founders of the "Proryv" movement (led by Dmitri Soin⁶³) in the region is Modest Kolerov⁶⁴ head of the Department of Inter-Regional and Cultural Relations with Foreign Countries for the Russian Federation. Kolerov may also be the main founder of "Regnum" Agency. "Novyi Dnestrovskii Kurier" is financed by Transnistrian *secret services*.⁶⁵

Among regional opposition newspapers, i.e. publications not affiliated with *power*, are the following: "Novaia Gazeta" (considered to be the most influential opposition newspaper in the region), "Dobryi Deni" and "Celovek i ego pravo". The influence of the last two newspapers is still limited. Here we can also note the publication of the trade-unionist movement in the region – "Profsoiuznye vesti". Even though it might seem that its thematic orientation is a strictly determined one, the newspaper broaches several major-interest topics for the local population, and the viewpoints do not always suit the separatist administration. This

63 Soin is declared in international pursuit for extremely serious crimes (murder)

64 Research " Mass-media situation in Transnistria. 2005", author Grigory Valovoi

65 Research " Mass-media situation in Transnistria. 2005", author Grigory Valovoi

was the reason why there were cases of intimidation of the publication⁶⁶ and harassment in courts.⁶⁷

One important aspect of the local information area is its total russification. Even though there are three *official* languages, and the population includes Moldavian, Ukrainian and Russian nationals in an approximately equal share of one-third each, most of local mass information sources in the region are in Russian, except two - "Gomin" (edited in Ukrainian) and „Adevărul nistrean" (edited in Moldovan with Cyrillic script).

2.3. The lack of a common information area of the two sides of Nistru River

The weak development of local press can also be explained by the lack of a single information space for both sides of Nistru River. Certainly, such a common area would favor an increase in circulation and in the volume of publicity in the region, which would lead to securing a high-level editorial independence and to decreasing the dependence on *administrative structures*. There is a legal framework for the creation of a single information area, but it is not applied. On 16 May 2001, almost immediately following his designation to the office of president of the Rep. of Moldova, V. Voronin together with the separatist leader from Tiraspol, I.Smirnov, signed a Protocol "on support measures for the activity of mass information sources, distribution of periodical publications and transmission of radio and TV programs on the territory of the Rep. of Moldova and Transnistria". However, the *document* was never applied.

Experts believe that the unofficial boycott against the creation of a unified information area has political and ideological reasons. This is particularly true in the case of the Tiraspol *administration*, which does not allow this area to access sources that would promote the position of constitutional authorities and the civil society of Moldova. This would endanger the existence of the pretended Transnistrian *state*, because access to various information sources would allow locals to see the difference.

Moldovan journalists have limited access to the territory under control of the separatist regime because the separatist administration imposes certain restrictions. For instance, the publication registration rule applies to all foreign journalists, including Moldovan, practically requiring their repeated registration to receive accreditation from the pretended *Ministry of Information Technologies*. The experience of journalist Gh. Budeanu from "Timpul" publication is typical of the situation.

In 2003 it took him more than two months to receive *accreditation*, meaning a permission from the separatist administration to interview several *veterans* of the 1992 war. Even after having received the *accreditation* he was nevertheless detained by the *frontier-men*, and during his interview with the *veterans* he was assisted by *MGB* officers. Gh. Budeanu further declared that he could not be sure of the fact that the *veterans* expressed their own opinions, given that they had been warned about the nature of discussions, and *MGB* representatives assisted during the interviews.

66 The night before 3 February 2006 the editorial office of „Celovek i ego prava" newspaper was devastated and all office equipment was stolen (telephone, fax, printer, scanner, hard disks (computer memory), printing colours for the newspaper etc.). Under such circumstances, the attackers did not have another purpose than to paralyse the activity of the organization.

67 The request was addressed by a regional judge, who was „offended" by the publication of a joke about corruption of the regional justice. The joke did not refer to a certain individual; nevertheless, the judge received the amount of 20000\$ as compensation for „moral damages", which is an enormous amount for any newspaper in Moldova, particularly for one edited in the Transnistrian region. The publication managed to solve this situation as well as other similar attempts of local officers.

Thus, we can conclude that the local information area continues to be dominated by Russian and regional mass information sources controlled by the separatist administration. They do not offer diverse opinions to the public. Instead, they justify the policy promoted by the separatist regime and treat the issues regarding the resolution of the Transnistrian conflict in a unilateral way. The distribution of certain national information sources (those of the Rep. of Moldova) in the area controlled by the separatist regime and transmitted information is sometimes distorted by the regional propaganda.

A journalist from Moldova observed that the Transnistrian mass media has not evolved since the Soviet era. It is still an important ideological tool in the hands of the Tiraspol administration. In order to change the situation it is necessary that constitutional authorities, donors, journalists from the Western part of the country as well as from various international structures provide increased assistance to their Transnistrian colleagues.

MIT's unchecked regulation of mass media is a severe obstacle to its development. Reforming the situation would require elimination of the publication process. Second, it is necessary to create a provisory body (until the political resolution of the Transnistrian problem), which would deal with the issue of TV and radio licenses for local transmitters. The regional accreditation requirement for journalists from the rest of Moldova, foreign journalists and correspondent bureaus, should be abolished.

2.4. Relationships between journalists from the two sides of Nistru River

The project "Two Nistru banks – journalists cooperate", implemented by "Timpul" publication with the support of the "Press Now" Fund, and a round table organized by the Journalist Union of Moldova (JUM) were the two most important attempts by journalists to establish professional relations. The project financed by "Press Now" had better results than the UJM roundtable.

One of the reasons for this small success was, probably, the longer period of implementation, during which it was easier to notice a clear change of attitude in most participants. During one year project participants developed tolerance and trust, that facilitated dialogue. However, lasting results were considerably reduced by pressures that the separatist administration imposed on certain journalists from the region.⁶⁸ Even so, the program had positive effects due to the fact that it created partnerships and cooperation between the participants.

The international donor community can and must be encourage press development in Transnistria through projects similar to those implemented by "Timpul" and the JUM, which have the purpose of encouraging professional relations between journalists. At the same time, special attention must be paid to projects supporting the appearance and activity of certain powerful mass media organizations, which could become democratization centers in time and support the local press. Today local journalists cannot meet and discuss or get legal counseling and protection. And last, but not least, efforts should concentrate on creating an independent printing house, that would reduce local press dependence on the separatist administration.

These problems need to be resolved in order for the Transnistrian press to develop. Certainly, most of the solutions are hard to implement, but there is no alternative, at least for

68 Journalist Gheorghe Budeanu, project participant and coordinator, stated in this respect that Vladimir Koval from „Adevărul Nistrean”, Iulia Dujak from the Rabnita newspaper, the journalists from „Novaia Gazeta” from Tighina are known to have suffered as a result of taking part in this programme.

now. Achieving Transnistrian press democratization and increased profesionalization at least matching the level of that from the right side of Nistru River is a difficult but a worthy goal. This is the price that is to be paid for intensifying the democratization of the entire Transnistrian region of Moldova.

The lack of a direct national telephone line between the two sides of Nistru River is another important obstacle in the way of establishing and maintaining cooperative relations.⁶⁹ During the last years the ability of Transnistrian publications to access the Internet has improved communications.

2.6. Intimidation of Transnistrian journalists

During the last few years the separatist administration has strenghtene its ability to intimidate the Transnistrian press. Most common is the administrative method.

First, there are practically no independent printing houses in the region, which allows the *administration* to interfere with the editorial policy and hold publications under strict control.

For example, the "Poligrafist" printing house in Tighina told the "Novaia Gazeta" newspaper to cease production of critical materials addressed to the separatist regime, or it would stop providing printing services. "Celovek i ego prava" newspaper reported an identical situation.

Another tactic used to control publications is legal harassment. There are two relevant cases in this sense, which both involve the "Profsoiuznye vesti" newspaper. In 2002 a certain *judge* received an amount of \$20,000 from the newspaper as compensation for *moral damages*.⁷⁰ In the second case the director of "Tighina" factory pretended that he failed to sign a contract providing for a foreign investment amounting to €20,0000 as a result of the publication of a critical material regarding his attitude toward the company's trade union. He requested compensation for damages from the newspaper in exchange for avoiding a financial *sanction* against the newspaper. Obviously, such situations have a negative influence upon the editorial policies of publications.

Tariffs and rent increases, and *frequent security and tax officers* visits are indirect intimidation methods used against editorial houses. The most severe and "efficient" persecution methods used against journalists and unsuitable publications continue to be the organization of intimidation and vilification campaigns in the local press financed and controlled by the separatist administration. Thus, local journalists are divided. One of the most relevant cases is that of Nicolae Buceați from "Celovek i ego pravo" newspaper. He was accused of Satanism and was harassed for a long period of time in the press loyal to the regime.

As a result, journalists use self-censorship, which can sometimes be more severe than censorship itself. The separatist administration's control of local and regional mass information sources constitutes a serious impediment to local mass media development. State-controlled media should be de-nationalized.

Just as well, the lack of public television is a major issue. Several years ago the current *president of the SS*, Evgheni Șevciuk (the former *vice-speaker*) suggested a *draft law* in this sense, which was never discussed. At the same time, from a *legislative* point of view, it is necessary

69 The separatist regime has unilaterally changed the telecommunication system. As a result, citizens from both sides of Nistru river who are subscribed to fixed telephonic services pay international tariffs for local calls. For instance, in order to call from Grigoriopol town to Dorotcaia village (situated at approx. 10-15 km of distance) they have to dial 14 figures.

70 See page 25 (footnote 67)

to abrogate the *press law*, because it includes several provisions that are incompatible with the press law and to adopt a *law* on access to information.

2.6. Professional journalist organizations in the Transnistrian region

There is a Journalist Union and a Union of Creation of Young Journalists (UCYJ) in the Transnistrian region. The UCYJ was founded in 2003 and registered in 2004 on the initiative of students studying journalism in „T. Şevcenko” University from Tiraspol. It deserves special attention because it is focused on the development of a viable civil society in the region. UCYJ members try to express their opinions and reflect society’s problems in an equitable manner. It already managed to take part in NGO organized activities and we believe it could serve as a driving force for the democratization of the Transnistrian press. However, we must note that the associative sector on the media market is still underdeveloped and lacks the necessary influence.

THE CIVIL SOCIETY

3.1. Political parties

The primary law governing the activity of political parties in the region is *mrt's law on political parties*,⁷¹ (2000).

The founders of political parties can be *citizens of mrt* over 18 years old, who have an electoral right not restricted by a court order and who are not in detention. In order to create a political party one only needs an application that bears the signatures of at least 200 *mrt citizens*. One year following its registration the political party must include not less than 500 members.

According to art.6 of *mrt's law on political parties*, the existence of foreign political parties, as well as their representative structures, is prohibited.⁷² Nevertheless, those provisions have an exactly opposite effect. On this territory the activity of national political parties (that are registered by constitutional authorities) is prohibited, while other numerous parties that openly manifest their affiliation to Russian political structures can exist and are registered. Moreover, there is a local branch of the Russian Liberal and Democrat Party (LDPR, lead by Vladimir Jirinovski) with an almost identical name – *LDPR Pridnestrovia*.

Thus, the local *legislation* is one that allows misinterpretation in certain aspects, which gives the regional *administration* the opportunity to promote a pro-Russian vector and, at the same time, persecute Moldovan residents. This discrimination is further evinced by the absence of a local political party that would promote on the reintegration of the country, even though there are numerous followers of this idea. Such ideas are grounds for criminal accusations, because separatist regime representatives consider it to be an attack on Transnistrian „statality“.⁷³ However, the idea of annexing the region of Transnistria to Russia is promoted both by the *official* local propaganda as well as by local mass media, which are not submitted to intimidation or persecution because of their views and are not considered to be *anticonstitutional*.

Let us enumerate and summarize the leading leftist organizations, since there are no right parties in the region.

The Communist Workers' Party of Transnistria (CWPT), founded in 1993, declared itself to be the follower of political and economic provisions included in the programme of the SUCP (Soviet Union Communist Party). In 1996 it splintered into two parties, the CWPT itself and the *CPT-SUCP*.

The region has not repudiated communist symbols since Communism has been promoted throughout all those 15 years of isolation as a pro-separatist argument, even though the Tiraspol regime distances itself from all political doctrines, especially Communism. Nostalgic *arguments are used to divert* public attention away from the fact that the economic and

71 <http://www.vspmr.org/Law/?ID=535>

72 The creation and activity of political parties whose main purpose or actions are focused on the forced transformation of the fundamentals of the «constitutional system» and violate «MRT's integrity», detriment of «state's» security, creation of military formations, unleashing social, race, national or religious discrimination.

73 In 1995 the «Party of sovereignty of the people» was created and in 2001 it was liquidated by a court decision. The reason invoked by the separatist administration was the following: „the unlawful propaganda for the Communist Party of the Republic of Moldova“. The formation was led by Alexandr Radcenko.

industrial potential of the region is being robbed and occupied. the propaganda calls for the continued *fight* for the „Great motherland“ and for its *defense*, referring obviously to the former Soviet empire. It is to be mentioned that in August 1991 the separatist leaders from the region of Transnistria supported without reserves the coup d'etat in Moscow. Still, after the victory of the Russian pro-democrat forces, the separatist regime was further supported by the Russian Federation.

In 2007 the Communist Party of Transnistria, led by Oleg Horjan, organized one of the few protest actions in the region. However, the event was immediately compromised by the actions and statements of the separatist administration, which accused the organizers of *complicity* with the constitutional authorities and of having made an attempt to organize an *orange revolution in Transnistria*.

The Unified Soviet of Work Collectives (USWC) was established in August 1989 as a *structure* responsible for coordinating the activity of Moldovan strike committees and companies that acted against democratic transformations. It was governed from Chisinau by pro-democratic forces. Since 1992 this structure has had no influence on the political life of the region.

MRT's Defenders' Union, formed in April 1994, joins together the participants of the 1992 military conflict. This *organization* along with the Black Sea Cossack army and the Union of Afghanistan veterans is a part of the patriotic block named «*Amalgamated Union of public organizations, political parties*». DU's stated political goals are to increase mrt's *defensive capacity* and *secure its independence*. The main field of activity is protection of its advocates' economic interests. The block does not actively participate in politics.

The following leading central movement is the **Union of Manufacturers, Agrarians and Entrepreneurs (UMAЕ)**, or the so-called "managerial body". On the threshold of the 2000 elections to the SS a new political arm, the СПАПП, was established along with the Public Political Movement (PPM), and "Transnistrian Unity" or "Unity", which proved to be very close to the Russian party in power.

The fight for a large electoral group, supporting state ideas in July 2001, was joined by the popular movement **For the union of Ukraine, Byelorussia, Russia (UUBR)**, chiefly formed by deputies elected to the SS on the platform of a public movement called "*Renewal*". At present "*Transnistrian Unity*" and the "UUBR" are not active.

The Federation of Trade Unions, according to *official* data, is the most massive *public organization* in the region that has preserved many of the specificities of trade union organizations of the Soviet period. The Federation of Trade Unions is characterized by a high loyalty to the local authorities. However, most of its members are not aware of this.

Party activity in the region peaks during *electoral campaigns*. In the meantime, the *majority electoral system* that secures the process of elections to the SS compels the representatives of the illegal regime to consider their party appearance in each electoral cycle. For instance, their participation in the 1995 electoral campaign resulted in the creation of a centrist organization called "*Movement for Transnistrian Development*". The 2000 elections gave birth to two public movements: "*Renewal*" and "*Unity*".

The first right-wing parties to appear in the beginning of the 1990s, such as, the *Democratic Party of Transnistria* (founded in 1991, leader – G. Blagodarniy) and the *Party of Economic Freedom* (founded in 1992, leader – S. Manukyan), could not count on a lasting existence.

In 2007 several other parties appeared. They were the *Popular Democratic Party "The Burst!"* (the creation of scandalously popular ideologist Dmitry Soyn), the *Republican Party "Renewal"* (a successor of the public movement "Renewal" founded in year 2000), the

“LDPR Pridnestrovia” (an actual branch of the famous Russian party), the *Patriotic Party of Transnistria* (mostly popular for the fact that it was led by one of I. Smirnov’s sons) and the *“Popular Will of Transnistria”*.

The appearance of numerous political parties in Transnistria has the purpose of creating the false impression of a democratic evolution of the society and of the regional administration.

3.2. Non-governmental organizations

*The Law On public associations*⁷⁴ has developed the first *legal* basis for the creation and activity of a large number of public associations, including funds, organizations, movements, and institutions. The regional *legislation* does not include separate *laws* that regulate the activity of charitable, non-profit organizations and some other public associations.

The existing public associations are rather diverse in nature. They differ in their social base, structure, and scope of activity, as well as in their place and role within the regional *political system*, and ideological and programme directives. Depending on the classification criteria, we can highlight the following types of public associations that are functioning today in the Transnistrian region of Moldova:

- according to their organizational and legal form: organizations, movements, funds, social institutions;
- according to membership specificity: with fixed and non-fixed membership;
- according to the direction and field of activity, specified in their statutes: charitable, ecological, cultural, educational, sport and other kinds;
- according to the subject composition: women, veteran, youth and other;
- according to the political slant of the association's activity: political and non-political;
- according to the territorial field of activity: republican (regional) and local;
- according to their internal organizational structure: centralized and decentralized;
- according to their social and legal status: with formation of a legal entity and without legal entity.

Classification helps observers understand and work with the large number of existing public associations by explaining all the different types of associations and giving an idea about their registration.

The previously used regional *legislation* entitled only *its own citizens* to establish such associations. The 1993 law was similarly named *On the association of citizens*. This may be the reason people still speak of *citizens’* right of association rather than every individual’s right of association. This formulation is used even today in art.33 of the regional *constitution*, as well as in art.1 of the new *Law On public associations*. The new *law* includes a concept for regulating the right of association, securing this right for all people, not only *citizens*. This concept conflicts with the constitution. Because constitutional law is supreme, and art.33 of the local *constitution* limits the right of association to local *citizens*, *all non-citizens are denied the right to free association*.⁷⁵

According to the *legislation* working within the region, public associations must annually inform the *registrar* of their activity. Any such notification should also include the present location of the administrative body of the association, its name and other important details.

⁷⁴ <http://www.vspmr.org/Law/?ID=536>

⁷⁵ It has to be mentioned that there are still people in the region who do not accept Transnistrian citizenship.

The “public association” is the main organizational and legal form (approximately 70%) of non-profit organizations from the Transnistrian region of Moldova.⁷⁶ Regional NGOs also include military and patriotic organizations established by the secessionist administration. Such associations unreservedly promote and support all the initiatives coming from the local administration.

The number of NGOs in the region continues to increase. In 2004, there were approximately 600 NGOs. This figure jumped to 723 in 2007.⁷⁷ We must note that this figure does not include regional organizations registered with the constitutional authorities, some of them have been registered at the national level by the Ministry of Justice of the Republic of Moldova, while others have been registered at a local level by local public authorities. At the same time, more and more organizations from the region prefer to be registered by constitutional authorities, which leads to double registration.

Most organizations are established in Tiraspol town – approx.44.64%, followed by Bender (Tighina) town – 22.86%, Dubasari district – 11.07%, Grigoriopol district – 6.43%, Slobozia and Rabnita districts – 6.07%, and Camenca district – 2.86%.⁷⁸ At the same time, we must mention that regional civil society activity is chiefly aimed at young people.⁷⁹

The not-for-profit sector from the Transnistrian region is still in the nascent phase, so that we cannot compare their situation with the situation in the rest of the country. There are still very few non-governmental organizations in the Transnistrian region that have a medium level of development, competence and capacity to promote democratic values and educate local inhabitants. Under such circumstances, it is important to stress the development phases of the associative sector in the region:

- **1990-1996.** Creation of certain movements of *defense of the Transnistrian region* – structures created and controlled by the Soviet (ulteriorly Russian) security services. Their purpose was to confer to the secessionist phenomenon a mass character, to fight against local resistance and manipulate local and international public opinion. This phenomenon was immediately followed by the creation of various unions based on the criterion of „resistance”: war veterans, labor veterans, Cossack unions, workers soviets, unions of various „defenders” or former military men, etc.
- **1997-1999.** The region saw an increase of the number of non-governmental organizations. This fact was due again to the secret services, which contributed to the registration of numerous organizations in view of creating an imitation of a democratic process and reforms. Most Transnistrian organizations are under the direct or indirect control of the MGB (a structure identical to the former KGB). Some are even administered by MGB employees.
- **2000-2007.** This is the period of creation of some organizations that really focus on the promotion of democratic ideas and values. The trend resulted in the establishment of the first true non-governmental organizations, i.e. apolitical organizations. However, the organizations from the region were prevented from collaborating with their colleagues from the right bank of Nistru river, being obliged to obtain MGB approval. The so-called „curators” are MGB employees who supervise all activities performed in the associative sector in the settlements under control of the illegal regime from Tiraspol. The representatives of certain local NGOs stated that they had to receive the approval of *curators* in order to be able to

76 Catalog of Non-profit Organizations from the Transnistrian region, 2007

77 „Third sector in the Transnistrian region: public opinion and inter-sectoral interaction”, Study elaborated by the NGO „Choice of Youth” of Bender

78 Catalog of Non-profit Organizations for years 2004, 2007.

79 Ibidem

undertake certain activities.⁸⁰ We believe such statements to be true, since the activity of all other NGOs from the rest of the Republic of Moldova within the region is practically forbidden. The main task of local secret structures is to create obstacles and annihilate or compromise the population's access to legal literacy and education in a spirit of civil activeness and equality, promotion, knowledge and defense of human rights, democratic and general human values. In this respect, there are many cases of intimidation, threats, harassment and even ill treatment of civil society representatives from the western region of the country,⁸¹ for lacking registration. Even Promo-Lex Association representatives were warned that the organization had to be registered in Tiraspol in order to be able to continue its activities on the territory under the control of the illegal regime.

Today there are very few Transnistrian organizations that are viable, efficient and stable, and whose activities could have a notorious impact in their field. The main reason for such a state of things is, first of all, the political regime from the region, which is authoritarian and closed – a regime, in which the „ministry of security“ (MGB) is a perfect control tool of the opposition, that feels free to persecute any initiative coming from non-governmental organizations.⁸² Here we mostly refer to activities related to issues concerning the political situation in the region and to the improvement of the mutual trust that inhabitants from both sides of Nistru River have for each other. An additional factor is, of course, an isolated information environment, which molds public opinion according to the ideology of the aggressive regime. During the entire existence of the self-proclaimed *entity*, the EU and the USA have both been regarded as enemies, and Moldova has been considered as a potential aggressor; all the events that take place on the right side of Nistru River are misinterpreted and used for misinforming and manipulating the local public.

80 Information presented by some Associations from Tiraspol and Bender.

81 On March 14th, at Tiraspol town Court, Maxim Belinschi was assaulted by 3 unknown persons, who put a black mask on his had and forced him into a VAZ 2109 vehicle with the registration number CEW 858. When captured, the vehicle accelerated very fast into unknown direction. In the car, the unknown persons fastened his hands behind and bended with his head down so that he could not be seen by pedestrians, put the gun to his head and threatened with death. Maxim Belinschi, assistant to „Monitoring and Promotion of human rights in Transnistria“ project, implemented by CHDOM, was to participate as observer to examination of an administrative case. The offender was accused of initiation and carrying on of a protest meeting against increase of tariffs on household services and of prices. The separatist authorities considered these protest actions illegal and unauthorized, at the same time discrediting the organizers and participants through mass media and local propaganda. www.humanrights.md
It was not the only case, being followed by other: assault of representatives of CHDOM in Tiraspol, assault of members of the Fund for human rights and effective policy (A. Radenco and N. Buceatchi), assault of president of local organization „Interaction“ (Oxana Alistratova) in July 2004, physical and moral pressures on members of the Fund for human rights and effective policy in December 2004 – January 2005, the incident from Vadul lui Voda with assault of members of „Promo-Lex“ and an American citizen, pressures against educational institutions from the region that teach according to National Program of the Republic of Moldova (the 8 institutions that teach in Latin script), devastation of „Lucian Blaga“ Lyceum from Tiraspol, evacuation of other 2 educational institutions, as well as banning access of representatives of some international organizations to educational institutions besieged at Tighina/Bender in 2004, etc.

82 Novaya Gazeta №24 (233) of 29 June 2004: Oxana Alistratova, who was the leader of the public association «Vzaymopomyanye», helped organize the meeting. She even took her 9-year-old daughter with her during the round table, and showed Tiraspol to the guests afterwards. She said good-bye to the guests and received a mobile phone call from a person who introduced himself as Nikolay Struchkov, responsible person for extraordinary situations of the Ministry of Security. He proposed a meeting. Naturally, she asked him if it would be possible to postpone the meeting until the next day, although she was not even sure about the need for the meeting. However, the next morning, having taken her daughter with her (she had no one else to leave her with, since her husband was at work), Oxana went to the Ministry. Struchkov started the discussion in a casual way. He asked her to speak about the public association, while starting to write an explanatory letter under her name. Alistratova told him that she would not sign anything and, if necessary, she could write it herself. The officer started asking questions about her private life, her husband, and all sources of income.

After several hours Struchkov was replaced by another officer. He was not very eager to introduce himself, but he did in the end, naming himself Tarantino Mihail Nikolaevych. He began asking questions in a more forceful way, and then asked Oxana to present some evidence that the organization was not created for her personal enrichment. The next questions were even more shocking: «Why were you born on Putin's birthday? This implies certain responsibility. Are you intending to become president?»

After awhile Dmitry Rudnev, another officer, came to help Tarantino. He acted as the «mean» officer, shouting and demanding answers to his questions. His questions were similar to the typical «Why do I love my Country?» This is good, because this is a topic known to us from our school days. It is likely that Rudnev reared his child according to the example of the mother. After that, he asked Oxana directly «how much did Oxana receive in the ISS?» (Moldovan Information and Security Service – author's remark). And he asked it so loudly, that the 9-year-old child could not bear it any more and started crying. This line of questioning continued for more than five hours. Oxana did not receive any water. When she asked for water, they only said that she would receive it if she signed! When they could not stand it any more and had to go to the bathroom, Oxana told the officers that she

In our opinion, the interests of local inhabitants must be represented by independent NGOs, who would actively participate in the process of democratization of the region, as well as consultants working to establish the accurate identification of the future status of the Transnistrian region. However, Transnistrian NGOs do not benefit from total freedom and cannot assume the entire responsibility for stating things as they are because of existing local *legislation* that stipulates that any opinion favoring reintegration of the country can be qualified as crime against the *state* (i.e. separatist *entity*).

Certain organizations registered during the last four years in the Transnistrian region⁸³ are contributing to making the local associative sector more active by intensifying their cooperation with NGOs from the rest of the country and from Western Europe. The secessionist administration, in its turn, is creating new tools for fighting this phenomenon. For instance, separatist authorities have established „anti-NGOs“ to promote very extremist and aggressive activities. These NGOs have the same goals and objectives of the illegal regime because the founders and/or supporters are people close to the regime or people employed within the regional and local administration.⁸⁴ Under such circumstances, the success or failure of the implemented project is quite predictable. These NGOs sometimes organize demonstrations as seen when certain foreign guests (diplomats inclusively) are met with placards calling for hatred and violence, or are denied access to the *Transnistrian territory*.⁸⁵ At the same time, we must say that some projects have been implemented by ad-hoc organizations created for this purpose instead of being run by those who elaborated them.⁸⁶ This reality raises suspicions related to the complicity of the local secessionist authorities with representatives of certain international donor organizations established in Chisinau.⁸⁷

In order to „keep“ local inhabitants and civil society under their control, local repressive authorities try to impede the development of local non-governmental organizations and „keep them away“ from other organizations active throughout the entire country. Recently, there were registered cases of persecution and intimidation of some local activists (people, who think freely and believe that they can be free). Some of them have been dismissed from their jobs; others were threatened with physical and mental abuse.⁸⁸ All rural settlements in Moldova, including those situated in the Transnistrian region, are small communities whose members have close and relatively transparent relations. The intimidation and even sanctioning of local activists is usually accompanied by their denigration. Such activities are intended to serve a „prophylactic“ purpose, i.e. to warn local inhabitants about all *allowed* and *forbidden* activities. Consequently, the impact of such persecution activities on the entire community is rather obvious and does not require any additional explanations. It is at a local level that relations between NGOs are difficult; the local public authorities and security services are the main problem for organizations from Grigoriopol, Rabnita and Dubasari.⁸⁹

would not go into the office again. After having tried to convince her without result, Tarantino grabbed her arm so aggressively that she retains marks from the incident. He said “don’t you like that” and tried to push her into the office again. The situation was finally resolved by a general passing by. He had a quick talk with the responsible officers, after which they released Oxana and her daughter....” Material signed by Grigory Melehov.

83 Catalogue of Non-profit Organizations from Transnistria, 2007, pg.13

84 “In the separatist republic they have created over 600 non-governmental organizations, almost all of which are placed at least under the informative control of Russian services, and many of which are even financed by the latter. For example, an under-cover information officer, Dmitri Soin, coordinates the activity of two Transnistrian NGOs. Soin is wanted by Interpol for two crimes and is accused of trafficking of munition.” (www.ziua.net/display.php?id=223688&data=2007-07-11)

85 RDCT Bulletin No.5, April 2007

86 Case examined by Promo-Lex.

87 Representatives of the victim organization solicited to stay anonymous, and the case may be made public with their agreement only.

88 Cases from Promo-Lex experience.

89 Transnistrian Non-profit Organizations: development level and prospectives, 2006

The Transnistrian region of Moldova is a very small territory that is efficiently controlled by local secret services, which have been trying for the last 17 years to fight against any opinion that is contrary to the policy promoted by the separatist regime. Thus, we can note numerous obstacles to local NGOs implementing their projects. Promo-LEX's experience serves as an example. At the beginning of 2007, several representatives of local civil society groups were invited to participate in a live TV talk show⁹⁰ as part of the project "Democracy for all", organized by "Evrika" Association from Ribnita town. Most of the people invited said that they did not wish to appear in a televised debate. They later confessed that the real reason they refused was that the local security services visited them and required them to stay away from such events.

Local civil society lacks all the key elements for proper functioning: **cooperation** between non-governmental organizations, the presence of **public authorities** willing to work with civil society representatives, and **promotion of civil society activities** through press releases and conferences, interviews, participation in shows and public debates, organization of public events, or freedom to express opinions publicly. The organizations from the region do not have the capacity and possibilities to promote sustainable activities aimed at satisfying their own needs. The situation causes NGOs to perform most of their activities in silence promoting them only to a close circle of trusted people. Minimal advertising results in minimal impact at local and regional levels.

The situation of the so-called *tick-organizations* (those loyal to the separatist regime) is totally different. Usually what is "monitored" is the activity of organizations that specialize in such fields as the promotion and defense of human rights in the region, the development of civil society, freedom of the press and access to information. At the same time, we know of cases involving certain local authorities who request „fees“ from local NGO representatives for the implementation of social projects,⁹¹ or when they themselves create similar structures after having received consultation regarding the signing a cooperation agreement (a mandatory condition imposed by the financing body).

Only 22.9% of organizations are regional,⁹² the rest are local associations with non-political approaches but with certain power as to changing the mentality. It is the local organizations that represent a problem for the Tiraspol organizations and in this regard we believe that the civil society from Transnistria must not be represented only by urban organizations. The development and consolidation of rural organizations would also contribute to lowering the risk of financing some pseudo-NGOs from the region. Also, encouraging local NGOs diminishes the quantitative imbalance between urban and rural organizations. We can state with certainty that civil society from the Transnistrian region is in its infancy. These NGOs need training in human resource management (volunteers, members, employees) and a minimal technical endowment (computer and access to Internet). Under circumstances in which local public administration is not open to civil society, the associative sector has the double responsibility and obligation towards the fate and future of this region.

Experts believe the activity of donor organizations to be limited in the Transnistrian region of Moldova.⁹³ The separatist regime creates numerous obstacles in order to control and/or limit the financing of non-governmental organizations. For instance, „...there are obstacles concerning money transfers when a grant is accepted. The sponsor, as a rule, is not able

90 „Elita TV“ TV station produces its materials in Rezina town, and it covers the Transnistrian region as well, especially Ribnita and Camenca districts.

91 S.e. an officer from Camenca town has requested 50% from the amount of the project won by one of the local organizations.

92 Catalog of Non-profit Organizations from Transnistria, 2007.

93 Stuart Hensel, "Moldova Strategic Conflict Assessment", November 2006 (www.peacebuilding.md/library.htm?lang=ro&idc=9)

to transfer the money; most often these organizations receive the money on a separate account opened outside the region and collect the received amount...."⁹⁴

We believe that the problem concerning insufficient financing is due both to the attitude of non-governmental organization members and to the mentality of local inhabitants. These organizations normally make little effort to develop the sector, while other organizations consider the activity of NGOs as a political or profit generating tool, trying to hide the lack of positive results and visible and direct impact behind the lack of democratic conditions and the existing political and administrative situation in the region.

Donor organizations that donate to NGOs in the Transnistrian region of Moldova must ask a basic question: "What are we financing; activity reports or activities and programmes for civil society development?" Previous experience has led donor organizations to conclude that some projects implemented by Transnistrian NGOs will result in almost zero impact, because they either prefer or are forced to coordinate their activities with local security services. The Tiraspol regime is interested in reducing the impact of such activities on the local population.

The activities promoted by donor organizations are usually transparent, which allows local security structures to take all necessary steps to counter-act these activities. This is why we believe that the continuity of projects initiated in the region must be secured; otherwise, all previous efforts will prove to be in vain, and their results will be null.

If donor organizations decide to finance the democratization process by influencing local events, law enforcement structures and the creation of a public control system (which is considered to be a rather long and difficult process), they must be ready to assume certain risks and to adapt to local conditions. We must point out that among such potential risks are the political and operational problems: the lack of credibility of civil society from the region, the lack of a direct telephone connection between the two banks, the limited access of NGOs to Internet, the limited possibility to monitor the projects, the fear of all people involved in the project to freely promote its activities and results, and the impossibility of many activities due to obstacles artificially created by Transnistrian authorities.

It is very important that the donor community does not exclude Transnistrian NGOs from their programmes for our country. Thinking along these lines, it is worth mentioning that there appear to be organizations that are not influenced and controlled by the separatist regime. These are organizations that intend to provide a real contribution to the development and democratization process within the region. The local propaganda aims to spread the idea that such organizations are a real *peril* for the „*Transnistrian statehood*,“ namely because of external financing.⁹⁵ Regardless of the circumstances, we can conclude that what is important for these organizations is the possibility to learn and participate together with their colleagues from other parts of the country in programmes financed by donor organizations.

Finally, it is clear that, even though we know of negative experiences regarding relations between local non-profit organizations and donor organizations, past experience should not be a reason for suspending or ceasing charitable activities or civil society programs in Transnistria. On the contrary, these programs must be strengthened and analyzed in order to prevent such situations from reoccurring, and to encourage local inhabitants to get involved in the process of democratization of the region, as well as to harmonize the associative

94 Forum Civic Nr.21, interview with Mr. John Balian, Public Affairs Officer, USA Embassy in Moldova

95 In fact, such a perception still exists in some other regions of Moldova, being something like a syndrome (or secondary effect) of Soviet mentality.

sector throughout Moldova, eliminating duplicate programs for the Transnistrian and Gagauz regions.

We believe the most effective means of developing the non-governmental sector in the Transnistrian region is to promote cooperation among organizations from both sides of the Nistru River. Such cooperation would allow national organizations to share their accumulated expertise, technical means and resources.

A network of NGO resource centers could play an essential role in disseminating expertise by offering a wide spectrum of trainings, consultations, various information and support services, and equipment. Existing centers work at national and local levels, offering general support to the non-governmental sector (CONTACT Center) or working as resource centers for specific fields, such as human rights (CREDO), mass media (Independent Journalism Center), women's rights (National Center of Researches and Information on Women Issues –ARTEMIDA NGO), young people (National Youth Resource Center), etc. Another center that is already functioning rather successfully is the Resource and Development Center for Transnistria (a project of Promo-Lex Association), which is regionally focused. All of these, in our opinion, can play a vital role in the development and consolidation of civil society from both sides of the Nistru River and for their interaction. One extremely important recommendation from our point of view is that the resource centers, especially those that focus on the Transnistrian region, should serve as a facilitating agent or catalyst for identifying and promoting the NGOs of good faith, as well as play the role of an incubator of development and consolidation elements of civil society.

Financing NGOs in societies with authoritarian political regimes serves to open them toward democratic values. This is what should be done in Transnistria, since no such evolution has occurred during the last 15 years. Constant, multilateral support of civil society is key to solving the problem regarding the region's political status. Being one of the so-called „frozen conflicts“ of the former Soviet era, the Transnistrian issue is justifiably considered to be the easiest to solve, and a decisive role in its solution could be played by civil society. Here we first of all refer to the creation of certain favorable conditions for communication and information that will improve the region's access to alternative information sources. At the same time, civil society activities could contribute in a substantial way to making people think positively and to eliminating the aggressive message and stereotypes that have consciously, efficiently and insistently been promoted in the region for almost 17 years.

■ ELECTORAL SYSTEM

4.1. De facto situation

The electoral right becomes increasingly important when a democratic system based on the rule of law implies the consultation of the public in the administration (governing) and decision-making process. Due to Soviet mentality and practices, public opinion manipulation and misinformation, tough dictatorship and total control over the area, as well as because of the lack of electoral traditions, the electoral right in the region of Transnistria of the Republic of Moldova is a formal voting process, skillfully manipulated by representatives of the authoritarian regime whose main objective is to maintain control over strategic territory. Most of local inhabitants don't understand civic participation, the decision-making process or the right to participate in the governing of the country.

During the last 15 years the separatist regime, which administers the region of Transnistria, deprived the population of alternative information and electoral education sources. Moreover, the citizens of the country were deprived of their right to take part in the elections organized by constitutional authorities, which obviously violated their fundamental rights to elect and be elected in central and local structures of the Republic of Moldova.

Taking the risk of repeating ourselves, it is notable that the separatist regime from Transnistria took up control of the region by illegal and violent means and maintain such control due to the economic, political and military support from abroad (the Russia Federation). After having signed the Moldovan-Russian armistice (Agreement) of 21 July 1992, the separatist regime administered the region without any control or monitoring from constitutional authorities and the international community. Under the circumstances in which one of the belligerent parties (the Russian Federation) got the role of „guarantor state”, and the regime installed by it became a plenipotentiary party to the „negotiation process”, the only thing that occurred over 15 years was a consolidation of the illegal regime by non-democratic methods. The numerous cases of violation of human rights and absolute control of local paramilitary and security structures over the population are evidence of the absence of minimal democratic conditions. Public will, transparency, freedom of speech, expression and information, freedom of meetings and an adequate legal mechanism are mandatory conditions for holding veritable elections, which are totally missing in the region.

When Transnistria proclaimed its „independence”, four *presidential* elections,⁹⁶ four *parliamentary* elections and six *referenda* were held in the region.

Elections organized in the Eastern part of the Republic of Moldova were not recognized by constitutional authorities and the international community. On the contrary, international organizations and constitutional authorities stated each time that the *elections* organized and held by the separatist regime cannot be recognized both because of the non-compliance with minimal validation principles and standards, as well as because of the conditions and aspects related to the illegal status of the administration.

96 Igor Smirnov, citizen of the Russian Federation, won the 4 „presidential” elections in the region

Until today, none of the elections in Transnistria complied with the minimal requirements for an eventual validation of their results. On the contrary, every time various actions allowed for a certain predictability of the result. Beside the lack of veridical information sources for the public, the *electoral structures* and other local illegal structures harassed, intimidated or annihilated any mere attempt to change the regime by democratic means and through a fair electoral competition. There is generally no political debate in the region. A slight normalization tendency in this sense was noted during the last few years, when opposition political parties and mass media sources were allowed to be registered. However, they are limited in their actions, being constantly persecuted and intimidated by representatives of the Smirnov regime, including through local courts.⁹⁷

Publicly expressed ideas regarding Moldovan citizens' rights in areas controlled by the separatist regime have not been accepted since 1991. We would mainly mention their right to freely express their opinions regarding the integrity of the country. Such opinions are prohibited and immediately submitted to persecution, being qualified as "*attempts to country's sovereignty*" or "*attempts to undermine the power*".⁹⁸ At the same time, all options regarding the annexation of the region to Russia are encouraged and promoted "*officially*" by secessionist leaders and even by RF Duma officials.

Starting from 1991 Moldovan political parties and electoral candidates have not had access to this territory, no voting sections have been opened and any kind of electoral agitation has been prohibited and persecuted.⁹⁹ Thus, most local inhabitants were deprived of their right to get involved both in the administration of the region as well as in the governing of the country. An important role in maintaining such a state of things was played by local *security structures*.¹⁰⁰ Some MGB administration officers are wanted criminals. The minister's office is held by Vladimir Antiufeev (Vadim Şevţov), wanted by Latvian authorities for his crimes committed before having left Riga for Tiraspol (in 1990). Another international fugitive wanted for homicide is Dmitrii Soin. He holds a high office in the MGB.¹⁰¹

Contrary to the fact that neither the OSCE, EU, Ukraine nor Russia recognized the *elections* from Transnistria, the problem of Russian influence in the region, its involvement in the electoral field and other aspects is still an issue, that does not always concern constitutional authorities.

Particularly in *pre-election* and *election* periods numerous Russian officials were present in the region of Transnistria and influenced the public by making statements, by adopting a specific behaviour, attitude and actions. For example, on 13.12.2000 the Ministry of Exterior of the Republic of Moldova forwarded to the Embassy of Russia from Chisinau a protest note related to the participation of a group of deputies from the Russian State Duma as observers during the *elections* in the region of Transnistria. The document stated that the participation of certain Russian officials at such events "constituted a new attempt to compromise the efforts input by the OSCE and the mediator countries in regulating the political situation in the area". The participation of representatives of the legislative power of Russia in illegal and anti-constitutional elections discredits Russia as a mediator in the process of solving the Tran-

97 During the 2006 presidential elections, the candidacy of an opposition member (A. Safonov) was rejected by the electoral structures, and in a short time before the elections the registration of his candidacy was enforced by a court decision.

98 www.humanrights.md, The separatist regime does not legitimacy and is not representative for the Transnistrian population. Being conscious of this fact, it pretends to be legitimate by holding elections before any process of democratization in the region. Usually in the electoral period they introduce a state of urgency, the activity of political parties and NGOs is suspended, the activity of multiplying equipment is reduced and the activity of radio and TV posts is limited.

99 Constitutional authorities tried to create a minimal set of requirements for Transnistrian inhabitants regarding their information and attendance during the voting process; however, such efforts were insufficient and lack the necessary insistence.

100 The Corjova events of 3 and 17 June 2007 certainly prove this fact.

101 He is also the founder and ideologist of an extremist non-governmental organization called "Proryv" (The Break) and of the party bearing the same name; he is also the director of the subsidiary of the Council for the Russian national strategy.

snistrian issue. Moreover, it was noted that certain (unsubstantiated) statements made by Russian deputies call into question the validity of international documents, chiefly the 1999 Istanbul summit of the OSCE regarding the withdrawal of the Russian army from the territory of Moldova. Russian actions encourage the separatist leaders to take irresponsible action and to ignore human rights and democratic values. Meanwhile, Russian electoral technology and PR experts are present in the region during the *electoral* and *pre-electoral* periods. These experts do not notify constitutional authorities as to their presence, purpose and activities on the Moldovan territory.

At the same time, the last parliamentary elections from Russia constituted a new opportunity for Russian authorities to defy international law. On 2 December 2007, contrary to the protests of civil society and recommendations of constitutional authorities of the Republic of Moldova, 23 voting sections were opened in the region of Transnistria, while in the rest of the republic only one more section was opened (at RF's Embassy in Chisinau). Even though not even Russia recognized the validity and legitimacy of the results of Transnistrian elections held during the period of 1991-2007, it did not hesitate to approve the creation of numerous voting sections. The situation is difficult because even the elections held in Russia were not considered to be democratic by the international community. If elections in Russia did not meet international standards the conditions under which *elections* were held in an occupied territory were, obviously, inadequate and could not have complied with the necessary criteria for validating the results.

Thus, the observance of electoral rights of Transnistrian inhabitants is practically impossible. If constitutional authorities cannot secure a fair electoral process because of the lack of control, and the *elections* organized in the region do not have legal legitimacy then they cannot be recognized and monitored. At the same time, a third state who appears to be a guarantor of the normalization of the situation holds elections in the region against the will of constitutional authorities, after having offered its citizenship to any person interested from this area and continues to do it even today. Under such circumstances we can at least speak of an act of discrimination.

It is so that Russia, under the pretext of observing of the electoral rights of the approximately 100,000 Russian citizens from Moldova, defies international law, while the Republic of Moldova as a righteous subject of international law actually ignores the rights of its 400,000 citizens from this region.

At the same time, while pro-Russian political parties, information activities and electoral campaigns are accepted, such similar pro-Moldovan ideas are prohibited, the latter being qualified and deemed as *anti-constitutional* and *anti-state*.

For the time being there are no ways to improve the observance of local inhabitants' electoral rights. However, we believe that constitutional authorities and the international community must insist upon the creation of equal conditions for holding elections throughout the entire Moldovan territory in order to avoid further discrimination against Transnistrian inhabitants. It is the local population who must decide upon its future and not a group of people who have usurped power through violence and maintained it for almost 17 years due to substantial foreign support. In order to make a informed decision, local inhabitants need better access and diversification of information sources, free circulation of people and commodities throughout the entire territory of the country (i.e. elimination of all *customs*, *frontier posts*, *militia* and *MGB stations*). We believe that in three years, under such circumstances, it would be sufficient for local inhabitants to get a "taste" of democracy and freedom. At the same time, it is necessary to stop the process of manipulation of the inhabitants called "brainwashing" and to secure the necessary conditions for the return of

refugee families in the area if they wish to return.¹⁰² We believe that only subject to the observance of such conditions the Tiraspol separatist administration would have the moral and legal right to request the organization of a referendum regarding the region's status.

4.2. De jure situation

The elections in the region of Transnistria are held according to *mrt's electoral code*, adopted by the SS on 3.08.2000. Even though formally speaking the *code* seems to be a democratic one, as well as most of local *laws*, in fact the situation is under the control of separatist structures and forces. According to the *code*, the vote must be expressed freely, secretly and directly. However, it also *sets forth* specific restrictions that refer to the electoral right of people qualified as unable to vote by a final court decision, as well as of people condemned to prison. The right to be elected belongs to *mrt citizens*, who have reached the age of 18 prior to or on election day and who reside on the territory under control of separatist authorities.

The central electoral committee (CEC) is a tool that allows the *mrt president* to make unilateral decisions, while limiting opposition access to the respective structure. The CEC includes 17 members with a five-year mandate. Five of the CEC members are designated by the SS, seven of them are designated by the SDP (one from Tiraspol, Tighina, Camenca, Slobozia, Grigoropol, Rabnita, Dubasari) and five are appointed by the *MRT's president*. None of the specified persons can hold CEC membership for more than two consecutive mandates. During the first session CEC members choose by a secret vote the president, vice-president and secretary, subject only to the restriction that these offices must be held by people with higher education. This single requirement for holding such an important office does not reveal anything else than the formal nature attributed to regional *administrative institutions* and the lack/insufficiency of qualified staff in the region. Under such circumstances, it is obvious that the said persons become totally loyal and docile to the regime and system.

The already cited aspects, the unilateral composition of the CEC, the *centralized administration system* and the lack of independence of regional *justice*, as well as a large number of electoral rights violations, demonstrate the arbitrary nature of CEC decisions and *court* decisions. Electoral structures and other *administrative structures*, as well as *courts* are tools used by the separatist regime against potential electoral competitors. A recent case registered during the last *presidential electoral campaign* from the region is an example. Andrei Safonov, the candidate of the regional opposition was registered only five days before the elections of 10.12.2006. His registration was delayed because of an action in court that was filed in the meantime.

In order to prevent the „change“ of the separatist regime, led by Igor Smirnov, in year 2000 *mrt's constitution* was amended, so that term limits for the office of *mrt president* were excluded.¹⁰³ *mrt presidential elections* are held based on a relative majority of votes for a five-year term. The vice president is *elected* after the *president*.

In order to be able to hold such an office one must be an *MRT citizen* for ten years and reach the age of 35 prior to or on election day.

mrt's legislation governing the election process allows the observers, i.e. people of trust and mass media sources, to supervise the *election process* and to have access to all electoral materials. In the case of partisan observers, their authorities must be certified in writing by

¹⁰² Both the issue of the refugees as well as the freedom of circulation are provisions of the Moldovan- Russian Agreement of 21 July 1992

¹⁰³ In 2006 this fact proved to be true when Smirnov was „reelected“

the respective party or social-political structure, with the specification of their surname, first name, father's name, place of residence, and number of voting section. Should the observer act on behalf of a group of voters, he/she must provide the CEC a list bearing the signatures of at least 20 citizens entitled to vote, and independent observers (who represent a group of voters) are personally liable for the accuracy of the data presented in the signed list.

International observers can receive an *accreditation* only on the basis of an *invitation* coming from the mrt *president* or a *competent structure of the executive power*, whose competence includes issues related to *external policy* (the SS and the CEC). At the same time, this *right* is also conferred to political parties, social and political organizations, voters' organizations and electoral blocks. Journalists are also obligated to get an accreditation from the *electoral authorities*. We believe such procedures to be formal and to have the main purpose of selecting the people who could be accepted for *monitoring the election process* in the region. At the same time, the *accreditation procedure* supposes the provision of an *official* application will make national and foreign experts recognize the *official quality* of separatist representatives. Such kind of requests as well as similar actions¹⁰⁴ are used as local propaganda. Such procedures are particularly avoided by experts and journalists from the rest of the Republic of Moldova.¹⁰⁵

Regional *electoral law*, as well as many other aspects, mimic the model and example of the Russian Federation. For instance, the *law* sets forth an option „against candidates”, that is found in Russian law and is missing from the law of the Republic of Moldova.

Apparently, the local *electoral legislation* seems to be a relatively democratic one, while the existing situation in reality is similar to the Soviet period. *Electoral procedures* are purely formal and have the purpose of imitating a democratic exercise in the region. The formality of the process serves as argument against demarches about the illegal regime's lack of *recognition of the right of self-determination*. In fact, local inhabitants lack alternatives and are forced to accept the situation. Those who show any interest and civil activity are persecuted by the MGB, being first of all threatened with job dismissal, although usually things are not limited only to threats.¹⁰⁶ When „rebels” do not „conform”, various intimidation and persecution methods are used against them to prevent the regime from being „compromised” and to set an example for the rest of the inhabitants.

104 For instance, the organization of various events, the participation or visit of people from abroad (including potential experts) or of foreign officials and diplomats, etc.

105 At the same time, there were cases when Chisinau journalists were refused „accreditation”

106 There were cases of intimidation and ill-treatment of electoral competitors and their followers

■ RIGHT TO EDUCATION

5.1. General information

According to the provisions of art.13 of the International pact on economic, social and cultural rights, higher education should be accessible to all individuals according to their capacity. Similarly, this right applies to secondary education, in all its different forms, including secondary vocational education. These forms must be generalized and become accessible to all through corresponding means, particularly by providing free public education. The application of such objectives in the Transnistrian region continues to be affected both by objective and subjective factors, such as the socio-economic and political situations in the region, the tense political life in the framework of the unified space of the Republic of Moldova, and external influence.

According to local *legislation* (art.41 of the *mrt constitution* and art.6 of the *law on education*), all individuals have the right to education, including mandatory education for school-age children. However, the same article (para.4) provides an express limitation of this right: „A restriction of citizens’ right to education is allowed only in cases provided by the law in the interest of the state, public order, protection of good mores, public health, other people’s rights and liberties.” Consequently, this evidences the ability of the separatist regime to violate human rights and the fundamental rights and liberties of other individuals. The formulation „A restriction of citizens’ right to education is allowed only in cases provided by the law [...] other people’s rights and liberties” can be qualified as false, because all international norms specify for an equality of rights.

The secessionist regime defies all national and international norms, which stipulate parents’ right to secure the education of their children in conformity with their own religious and philosophical beliefs. Hence, beginning in 1992, locals’ attempts to defend this right have been repressed. Parents, students and teachers pleading for Latin-script education were persecuted, arrested or intimidated.¹⁰⁷ The issue remains unresolved and is suspended until political decisions and compromises can be reached,¹⁰⁸ but the separatist regime can always use this situation as a tool for blackmail. Moreover, because of the closure of these schools, constitutional authorities cannot secure the observance of the right to education and must instead limit their actions to giving statements regarding the issue. The public no longer insists upon the functioning of such institutions in the MRT. Under such circumstances, many children from the region are forced to travel a great distance in order to study in their native language. Approximately 100 pupils from Camenca district travel every day to the Sanatauca lyceum, situated on the right side of Nistru River. Grigoriopol and Dubasari lyceums from neighboring areas under the jurisdiction of constitutional authorities were abandoned and „Evrica” Lyceum from Rabnita continues its activity in a kindergarten building because the new school building was occupied by the local *administration*.

¹⁰⁷ See the 2005 and 2006 Promo-Lex Reports

¹⁰⁸ Note that given the said circumstances and situation in the Transnistrian region of the Rep. of Moldova, both the international community and constitutional authorities do not insist upon the unconditional observance of human rights in the area, and thus are complicit in Russia’s political and geopolitical games.

The persecution of Latin-script schools and universities illustrates the violent and intolerant methods the separatist regime uses to suppress human and democratic values. Hence, this situation was qualified as linguistic expurgation, i.e. ethnic expurgation through non-violent means.¹⁰⁹ The notion of “linguistic expurgation” belongs to the ECHR High Commissioner for national minorities, Mr. Rolf Ekeus, who used this term in reference to the policy applied by Transnistrian *authorities* against Moldovan Romanian-speaking, Latin-script schools. The Transnistrian militia’s provocations were carried out merely one day after the High Commissioner’s visit to Tiraspol. Local *leadership* promised Mr. Ekeus that all schools would be allowed to register within one week. “I am deeply disappointed by the illegal and inhuman action of Tiraspol,” the High Commissioner said. “It again evidences the ignorance of the most elementary human rights and educational standards,” he added and accused the separatist regime from Tiraspol of using thousands of children as pawns in a political game.¹¹⁰

The imitation of human rights observance and democratic processes, based on equality, human values and cultural, economic and political diversity in the region is particularly highlighted in the educational system. Theoretically local *legislation*¹¹¹ charges the *mrt educational system* with forming and developing human personality and promoting spiritual, national and human values. In fact, human personality is suppressed by the imposition of foreign values.¹¹² Educational methods and techniques used are mimic the Soviet regime and are based on discrimination, „brainwashing” and lies. Education continues to be exclusively and overly oriented toward the Russian Federation, teaching the *theory of internationalism*, which promotes anti-western ideas and the role of Russia’s as „savior.”¹¹³ For instance, Transnistrian educational institutions may only cooperate with similar institutions in Russia and Ukraine. Relationships with foreign institutions are encouraged, namely those from the CIS area,¹¹⁴ but such relationships with colleague institutions from the right side of Nistru River are mostly avoided.

Even though there are three official languages in the region (*Moldovan i.e. Cyrillic-script Romanian, Ukrainian and Russian*), representatives of ethnic majorities, i.e. Moldovan and Ukrainian-speakers, have access only to pre-school, elementary and secondary education.¹¹⁵ Secondary vocational education, university and postgraduate education (except the department of philology and pedagogy)¹¹⁶ are accessible only to Russian-speakers.¹¹⁷ Representatives of ethnic minorities also do not have access to studies in their native language (for instance, Bulgarian or Polish). The process of total Russification of the region has been greatly intensified, especially after 1992. Thus, pupils coming from localities that are partly or totally inhabited by Moldavians and/or Ukrainians (Cuzmin, Ocnita, Valea-Adinca, Merenesti, Chitcani, etc.), as well as Bulgarians (Parcani), are deprived of the right to study

109 See www.promolex.org.md/ro/publications.html. According to certain studies and the 2004 census results, the separatists have constantly promoted a policy of ethnic and linguistic expurgation of the ethnic majority. Hence, if in 1989 Moldovan nationals represented approx. 40% of the population, in 2004 their share diminished to 31.9%. At the same time, the same sources specify that the share of Russian nationals increased from 24 to 30%. See www.worldwindow.md/trans_ru.html#population, www.regnum.ru/news/transdnestria/509073.html.

110 Mihai Grecu, Anatol Țăranu „The policy of linguistic expurgation in Transnistria”, ULIM 2005, pg.26

111 Art.2 of the Law on education, issued in the name of the mrt president, I.Smirnov

112 See details in the 2005 and 2006 Reports on human rights violations in Moldova, www.promolex.org.md/ro/publications.html

113 N.V.Babilunga, B.G.Bomeško, Motherland History for 6-7 grades, 2005, page 3, Introduction: „...Run through the distant past of Kiev and Moscow Russia, the Russian Empire, the Soviet Union...”

114 Such relations are encouraged to create the impression, for propaganda purposes, of at least partial international recognition.

115 <http://www.olvia.idknet.com/educru.htm> In the region there are 135 Russian-script institutions (70.3%); 33 (17.2%) Moldovan-script institutions; 16 (8.4%) Russian-Moldovan-script institutions; 2 (1%) Ukrainian-script institutions and 6 (3.1%) Romanian-script institutions (the latter teach according to the National Education Programme of the Rep. of Moldova and are persecuted by the separatist regime from Tiraspol).

116 See other details under & 5.4. of the Report on human rights violations in Moldova: 2006 retrospective. www.promolex.org.md

117 www.spsu.ru/?mode=abiturient&smode=abiturient&id=248

in their native language, because the educational establishments from such regions teach in Russian only.¹¹⁸ Russian studies are promoted by improved conditions and services for Russian-script institutions at the expense of those that teach in Moldovan (Romanian) or Ukrainian.¹¹⁹ The technical and material endowment is secured both by the regional administration and by certain structures from the Russian Federation. In fact, textbooks used in Russian-script institutions come from Russia. Hence, these conditions and the lack of alternatives¹²⁰ force parents to accept the Russian-based *mrt's educational system* for their children, which is in harmony with the Educational System of the Russian Federation. Under such circumstances, just as in Soviet times, the separatist regime justifies the existence of Russian-script schools in localities inhabited by non-Russian speakers by *attributing* their existence to the „parents' request.”¹²¹

A Russian educational system is applied in the region regardless of the teaching language.¹²² In May 2000 a cooperation agreement signed by Russia and the mrt (the Smirnov-Jukov agreement) came into force; it provides parties' cooperation, inclusively in the field of education and adherence of the educational system from the region with that of the Russian Federation.¹²³

5.2. Pre-school education

There are 203 officially registered Russian-, Moldovan- and Ukrainian-script pre-schools in the region. However, most of them teach in Russian, less than 20% teach in Moldovan, while there are practically no Ukrainian-script pre-school institutions on the left side of the Nistru River. The number of institutions that teach in various languages does not correspond with the number of inhabitants. Also, there is the issue regarding the excessive educational curriculum imposed on children.

118 See the annexes

119 Mihai Grecu, Anatol Țăranu „The policy of linguistic expurgation in Transnistria”, ULIM 2005, pg.31. Romanian schools teaching in “Moldovan” and using the Cyrillic script, function under very difficult circumstances; they are poorly equipped and lack didactic materials and manuals. Most of them use old manuals that are left from Soviet times. At the same time, pupils from Russian and Ukrainian schools use new manuals provided by the Russian Federation and Ukraine. As a result, the number of Moldovan parents, who enroll their children in Russian schools is constantly growing, and the number of pupils in Romanian schools decreases year after year. According to a report of the “mrt ministry of education, “in 1999 Romanian-speaking pupils from Moldovan schools constituted 32.6% from all pupils in Transnistria, their share being the highest in Grigoriopol (69%), Camenca (44%), Slobozia (43%) and Dubasari (40%) districts. Nevertheless, only 13 percent of Transnistrian children studied in their native language in elementary schools. Only 6% of students from higher and vocational education establishments studied in “Moldovan language.” Hence, even though “Moldovan” is declared to be a “state language” in the self-claimed “mrt”, it is still underdeveloped, and the access to studies carried out in this language is still very much restricted. According to the OSCE Mission in Moldova and the UN High Commissioner's Office for Refugees, most pupils, parents and teachers from Romanian-script schools in Transnistria learn Romanian using the Cyrillic alphabet. They prefer to use Latin script but are deprived of this right by separatist authorities.

120 The manuals edited in Chisinau and the access to the National Education System are discouraged and even prohibited in the region. The studies received in Moldovan institutions (using Cyrillic script) do not comply with modern requirements and conditions. The graduates of these schools, in practice, have no future, being discriminated against as compared to their colleagues. The graduates that study under the National Education System and those who study under the Russian study programme are advantaged from the very start, because they receive better and more qualified studies and, further on, are granted access to prestigious higher education establishments from Moldova, Romania, Ukraine, Russia, etc. Higher education establishments from the region provide only studies in Russian. See other details under & 5.4. of the Report on human rights violations in Moldova: 2006 retrospective. www.promolex.org.md

121 For instance, this is how this topic is manipulated on the mrt official website www.olvia.idknet.com/educur.htm: „Taking into account the needs of the population, the education process in educational establishments is carried out in one of the official languages of the republic. It is to mention that regardless of the learning language, the state educational standard in the republic is unified and oriented toward the educational system of Russia”.

122 <http://www.materik.ru/index.php?section=analitics&bulid=147&bulsectionid=15597>

123 <http://www.olvia.idknet.com/edic.html>, <http://www.regnum.ru/news/712772.html>

5.3. Undergraduate education

The undergraduate educational system in the Transnistrian region includes 187 elementary and secondary educational establishments (elementary schools, gymnasiums, lyceums, general schools, evening schools and special schools), including: 133 (71.1%) Russian-script institutions, 33 (17.6%) Moldovan-script institutions (Cyrillic alphabet), 18 (9.6%) are mixed (14 Russian-Moldovan and four Russian-Ukrainian), three (1.7%) are Ukrainian-script institutions. The six Romanian-script institutions (Latin alphabet) from the region are under the jurisdiction of constitutional authorities from Moldova.

Another issue is related to grade equivalents. Educational establishments from the territory evaluate their pupils' knowledge according to a five-point grading scale, while those placed under the jurisdiction of Moldovan authorities use a 10-point grading scale. Hence, the grades of Transnistrian graduates of any level, who decide to continue their studies in other institutions in the country are „transformed”, so that they can get a maximum 9.5 points for a 5. Under such circumstances, children are discriminated and disadvantaged in relation to those who are graded according to the grading system applied in the rest of Moldovan territory.

At the same time, we have to note that the problem related to freedom of movement affects the right to education in a substantial manner. Pupils in the region are often prevented from participating in various contests, Olympiads and educational events held on the right side of Nistru River.

Even today there is an obvious unwillingness from the part of Transnistrian authorities to guarantee proper functioning of the eight Moldovan Latin-script schools. In 2004 regional authorities refused to register Romanian Latin-script schools and required them to adopt the curriculums instituted by local authorities in Cyrillic alphabet. In such conflicts between Moldovan school pupils and teachers and non-constitutional authorities, the latter do not hesitate to use local militia forces. Some parents or teachers who had pleaded for the Latin script were even arrested.

The Transnistrian education system promotes and mimics the Russian education system. Graduates of non-Russian schools who wish to study in countries other than Russia face difficulties or barriers because of the difference in education systems (this generally applies to graduates of Moldovan schools from the region).

5.4. University education

Nine elementary, 16 secondary and two higher education schools offer vocational education in the region. There are five Russian and one Ukrainian university subsidiaries. However, even in this field graduates from Moldovan and Ukrainian schools in the region are discriminated against, since most departments teach in Russian.

Among other things we must note that these specialists are poorly qualified.¹²⁴ Statistical data show that the number of people who continue their studies in vocational establishments dropped dramatically during the last few years.

124 www.tiras.ru/education.php?subaction=showfull&id=1182855788&archive=&start_from=&ucat=14&

Table 1

Period	1997-1998	2006-2007
Number of students enrolled in elementary vocational education	2,694	2,335
Number of students enrolled in secondary vocational education	12,358	6,830

Even though there was a considerable increase of the number of people enrolled in higher education establishments (1997-1998: 9,868 students as compared to 19,083 in 2006-2007), the number of medal holders who studied in the region dropped to 223 in 2006, only 30 of which decided to continue their studies in local universities. Most of the graduates (89% according to data from 2006) were enrolled in education establishments from Moldova, Russia and Ukraine, i.e. 39% more than in 2003-2004.

Starting from 2000, Russia and Ukraine yearly provide a certain number of scholarships for graduates from the region. Lately, Ukraine doubled the number of such scholarships (from 100 to 200), and the basic requirement is to be proficient in Ukrainian. Both Russia and Ukraine grant scholarships to young people in the region, while constitutional authorities annually reserve a certain number of places in higher education institutions for Transnistrian graduates.

Harmonization of the regional higher education system with unified European standards has not yet been initiated. Since the Transnistrian education system is based on the Russian model, any intention to modernize or develop it would only be a result of direct changes implemented in the Russian education system. The Russian Federation, which is a signing party to the Bologna Declaration of 2003, intends to begin implementing the new system in 2009,¹²⁵ yet the Transnistrian education system lags behind. Moldova signed the Declaration in 2005 and is today implementing reforms in its higher education system in conformity with the unified European standards.

Graduation documents are recognized by Moldova, Russia, Ukraine, and several other CIS countries. However, they are not valid in Europe or the rest of the world. In order to settle this situation, their holders must receive an equivalent from the Ministry of Education and Youth (according to the Regulations of the MEY of RM nr.41 of 30.01.2004). At the same time, graduation documents issued by foreign institutions¹²⁶ are accepted both by educational establishments and employers in the region only when recognized as equal according to the provisions of the *decision of the mrt ministry of education* regarding the equalization procedure of foreign diplomas and certificates.

The local education system is affected by wide-spread corruption. Thus, the diplomas and certificates issued by certain local education establishments can be purchased for a minimal price of 250 USD. At the same time, regardless of the fact that *Transnistrian legislation* provides for the independence of education from ideology and political decisions, students enrolled in higher and secondary vocational education establishments are forced to promote and take part in political actions.

125 www.tiras.ru/education.php?subaction=showfull&id=1177773554&archive=&start_from=&ucat=14&

126 Educational establishments from the rest of the country are qualified as foreign.

5.5. Conditions of study: education and health

The aforementioned aspects are not the only drawbacks of the *education system* in the region. Another major drawback is the lack of conditions and elementary means for carrying out vocational education in rural areas. The situation regarding „children and young people’s health” in the region is increasingly alarming. Relevant information regarding the situation is included in the appendix to the *mrt law on the approval of the „Education and health” programme (2005-2009)*. According to the document, pupils’ health is worsening year after year. This is particularly true in the case of general education establishments. Official data of the *mrt ministry of health and social protection* show that in 2002 52% of the pupils pertained to the first health group (healthy children), while this index was reduced by 5% only during the last year. In 2002 there was an increase of 24% in general morbidity of pupils per 1,000 inhabitants. The majority of ailments include poor eyesight, digestive dysfunctions, locomotor apparatuses, and neurological disorders. Nevertheless, the morbidity rate in advanced education establishments (gymnasiums and lyceums) is one-and-a-half to two times higher than in general secondary schools.

The following serve as factors of the negative influence of education upon pupils’ health:

1. Over-demanding school curricula. The content of curricula is established for a six-day workweek, even though most schools function according to a five-day working regime. Moreover, the content and volume of information presented in manuals is not adapted to the psychological and intellectual capacities of pupils at their specific age.

2. Pupils are forced to sit most of the time. Materials presented in small font contribute to the pupils’ poor eyesight. These teaching conditions contradict children’s nature, which requires physical activity, as well as biological needs of a growing body.

3. The violation of elementary physiological and hygienic conditions in the study process continues. Air conditioning and heating are often not provided.

4. Inefficient educational methods based on the „knowledge” paradigm and programmed thinking predominate. In fact, the education system still uses extensive technologies, which damage the child and slow modernization of the education system.

5. Authoritarian pedagogy and stress tactics used to control and evaluate pupils leads to children and youngsters’ social misadaptation. As a result, the number of teenagers and young people using drugs is increasing.

6. School meals offer an unbalanced diet and lack necessary vitamins and minerals. Approximately 30% of students receive a single meal at school; many children do not receive a full meal at home. The quality of medical services provided to pupils in urban and rural areas is also poor; moreover, taking into account the introduction of expensive privatized medicine, many parents must treat their children themselves at home.¹²⁷

As in the Soviet period, there are various programmes in the Transnistrian region intended to redress the situation. In this sense we shall mention the Programme on „Development of education in Moldovan language in the mrt during 2005-2009” and the Programme on „Development of education in Ukrainian language in the mrt during 2005-2009,” which are not implemented in practice in either way.¹²⁸ In our opinion they are purely declarative and lack any real financial support.¹²⁹ A simple analysis of the matters (highlighted by the separatist leadership itself in the content of the aforesaid appendix) requires concentrated efforts and considerable financial resources. From the total amount of 26,000 rubles (approx. 3,000 USD) allotted in the framework of the „education and health” programme, each pupil from the region only received 0.03 USD in 2007,¹³⁰ which is insignificant and does not contribute to solving the problems identified by the ministry from Tiraspol.

5.6. Teaching staff

The situation of the teaching staff in the region has not changed dramatically during the last decade. Regardless of their workplace, teachers always face numerous problems of social, economic and cultural order. In this context, we shall note that the situation of rural teachers is even worse than that of their urban colleagues. The „ageing” of the teaching staff from rural schools is also an urgent issue. The situation described in this chapter is most severe in Dubasari district, where approx. 29% of the teaching staff are over age 60.¹³¹

Teachers from the region plead for exchange of experience with their colleagues from the rest of the Republic of Moldova and European countries, because they are practically isolated at the moment. They also say that the textbooks translated into Russian have many grammar mistakes and do not correspond to requirements. Hiring is done according to a person’s ideology. Persons that have a critical attitude towards the educational administration¹³² or the political regime are dismissed or are placed in unbearable work conditions.

128 For comparison, www.olvia.idknet.com/educru.htm states the following: „Didactic and methodical materials for most disciplines are provided by Russian editorial houses. In the framework of the state programme “Учебник” (Manual) they created a centralized system of wholesale purchase of titles for Russian and Ukrainian-script schools, as well as of development, translation and publishing of programme, didactic and methodical literature for all-level education institutions teaching in Moldovan language. The direct agreement signed with the State Russian Editorial House “Prosveshenie” (Enlightenment) allowed for the purchase of 69 new generation titles in 2000 for the amount of 100,000 USD”

129 The 2007 budget of the region provides for the allotment of an amount of 26,192 rubles for the first project, 191,600 rubles for the second project and 166,663 rubles for the third one. At the same time, an amount of 1,000,000 rubles was allotted for the “Manual” programme. Since most local schools use Russian script, education in Russian is, consequently, supported 10 times more than education performed in the native languages of the ethnic majority. For comparison, in 2007 the separatist administration allotted an amount of 922,740 rubles for the Programme of „monument security, preservation and restoration” (most of them being Soviet symbols). Based on these figures, we can conclude that propaganda and „Motherland” symbols (Soviet Union, Russia and mrt) are more important to the separatist regime than educating the ethnic majority.

130 There are 88,071 pupils in the 182 state institutions in the region. www.olvia.idknet.com/educru.htm

131 www.psychology.net.ru/news/content/df343fcd99a8d36d13eef5c94b05af8e.html

132 Most of heads are appointed no matter the lack of necessary professional experience and qualifications, but support the regime’s actions and policy (there are known cases when persons without pedagogic education were appointed as directors).

■ SOCIAL ASSISTANCE AND HEALTH PROTECTION

6.1. Social protection

Social protection is defined as an ensemble of actions performed by specialized institutions and aimed at preventing, diminishing and/or eliminating the consequences of certain events regarded as social risks.

The European Social Charter provides that social protection refers to health protection, social and medical security, and the right to benefit from social services. Special protection of certain groups of people includes children, teenagers, mothers, families, disabled people, immigrants and elderly people. During the last few years, together with the illegal privatization of the economic potential in Transnistria, poverty and social exclusion in the region increased, which are two very important aspects related to human dignity. At the same time, the lack of any direct international obligations and of monitoring by the international community allowed the illegal regime to give priority to people employed in local military structures, i.e. those who serve the *regime* and not those who pertain to the categories specified in international documents.

Moldova's National Social Protection System, which is undergoing a long process of transition, is still making certain progress and tends to comply with European standards, even though there still are numerous problems.

At the same time, after a long period of stagnation the reforms adopted in Transnistria follow exclusively the Russian model, while avoiding any kind of cooperation with or advice from the constitutional authorities of Moldova. Moreover, the separatist leadership prohibits the cooperation and interaction of experts from both sides of the Nistru River.

Thus, post-Soviet Moldova was supported by various international organizations and institutions in its efforts to develop different strategies to reform its social protection and health care system. Due to its (self)isolation the Transnistrian region was obviously excluded from this process, which caused its separate evolution (which cannot be qualified as development).

Formally, social assistance in the region seems to be perfect. Numerous *normative acts* provide for generous facilities, subsidies and exemptions (hereinafter facilities) for almost all social categories and groups.¹³³ Depending on the group, such facilities supply medication; dental and orthopedic prothesis; treatment in health rehabilitation centers; annual leave; housing assistance; preferential lending; telephone installation and service price discounts; tax exemptions; payment exemptions for natural gas, electricity, thermal energy and other utilities; and payment exemptions for public transportation, etc. All such facilities are possi-

133 The groups include prosecutor's office employees and their family members; the MRT president and vice-president, as well as the SS president after the end of their mandates and their family members; victims of Chernobyl catastrophe; war veterans; former military men from internal bodies, the penitentiary system, tax subdivisions, customs services and their family members; disabled people; work veterans, veterans of military service and pensioners; families with many children.

ble due to substantial foreign (Russian Federation) economic and multilateral support, and are aimed at motivating the population to further accept the existing regime.¹³⁴

It must be noted that most *normative acts* are declarative, since each year most of those social *facilities* are suspended based on *budget law* provisions. At the same time, numerous bureaucratic obstacles are created in order to reduce to a minimum the *guaranteed* assistance.

Another major problem for the separatist regime is the financial crisis in the region. For instance, the 2007 budget for the region was approved with a deficit of approx. 45%. Nevertheless, pensions in 2007 were paid on time (which is not true for salaries, which were delayed).¹³⁵ In the opinion of local experts, under such circumstances the quality of medical service, social assistance and education will continue to decline.¹³⁶ This is how the population is manipulated and oriented toward a potential unification with Russia, which promises them humanitarian aid, medication, high-quality medical assistance and pensions.¹³⁷ Even though for many years various structures and people from the Russian Federation have promised or offered support to the Transnistrian region, we cannot yet refer to an integral social system, since the existing system is totally isolated and reticent to any kind of cooperation with the National System of Social Assistance of the Rep. of Moldova.

The presence of two different social systems in Moldova generates enormous problems for local inhabitants, whose fundamental rights are often violated. The most affected are people who work and pay their social contributions on one side of the Nistru River while residing on the other bank.

Consequently, they do not benefit from equal conditions and are discriminated against as compared to their fellow citizens or co-workers. In this sense, a relevant case is the one examined by Promo-Lex legal experts. Pensioners from secessionist-controlled settlements, being citizens of the Rep. of Moldova, including disabled people, can benefit from public social assistance only if they receive a pension. The insurance policy is issued gratis to all pensioners in Moldova, except those from the Transnistrian region, since most of the latter do not receive a pension from the National Budget. Lacking effective control over the region, constitutional authorities cannot serve pensioners and cannot distribute their pensions.¹³⁸ As a result, regardless of the fact that they are Moldovan citizens and reside on its territory, in order to receive an insurance policy Transnistrian pensioners must travel each month to neighboring localities under Chisinau's jurisdiction. For aforesaid and economic reasons,¹³⁹ local pensioners and disabled people who benefit from a *Transnistrian pension*

134 All efforts in this sense were also doubled by the (aggressive and efficient) propaganda of separatist leadership, which manipulates and misinforms local public opinion, trying to create the impression that the standard of living on the two banks of the Nistru River differs significantly. Obviously, the separatist propaganda declares that the level of development and standard of living of Transnistrian inhabitants is certainly superior to that of other Moldovan citizens, pointing out the lower prices paid by locals for gas, electricity etc. Lower prices are a result of the Russian policy of support toward the Smirnov regime.

135 This fact proves secessionist authorities fear social unrest. Employees are threatened with being dismissed if they rebel, while pensioners still receive even more severe threats.

136 The newspaper "Человек и его права" (Man and his rights), «New violation of citizens' rights»: «... The MRT Law "on 2007 republican budget" provides for the interruption (i.e. annulment) of MRT legislative acts on the provision of facilities to three categories of people and nine types of facilities. Disabled people were deprived of eight types of facilities. Work veterans, military services and pensioners were deprived of four such types of facilities. However, the law stipulates for the first time an allocation of 1.1 million rubles for financing the activity of the Inter-parliament Assembly of Abkhazia, South Ossetia and Transnistria (page 55). Also, for the first time, 22,000 rubles were allotted from the budget for financing a guarantee for the first SS president of the MRT (Grigory Maracuta). Enormous funds were allotted for the organization of Transnistria Days in Moscow..." www.cip.nm.ru

137 The "Pridnestrovye" (Transnistria) newspaper of 24.06.2006 (material of V. Ostrovsky "Our purpose is determined – work!": "the head of the affair management department of the ministry of health and social development of the Russian Federation, S.E. Dontsov, expressed his hope that this year Russian Federation citizens residing in the Transnistrian region of Moldova will receive all kinds of social security and assistance, including the provision of medication, social insurance, and the payment of pensions."

138 Pensioners from the Transnistrian region benefit from a pension paid by the Tiraspol leadership. In fact, such pensions are just a little higher than those paid by constitutional authorities from the Rep. of Moldova.

139 At the same time, the pension offered by the Tiraspol regime, being higher than the one offered by constitutional authorities, is more attractive to pensioners.

cannot receive free medical assistance, being discriminated against as compared to pensioners and disabled people from the rest of Moldova. The situation is even more difficult for the disabled who cannot travel, because the competent national structures do not have access to this territory.

Disabled children and their parents from the region are also deprived of minimum development conditions and are not supported in their integration in the society. There are no specialized institutions and structures designed for this group of people in the region, which is why children with severe physical and mental disabilities, for instance, are totally dependant on their parents or relatives and do not benefit from the assistance of education and/or rehabilitation experts.

In most cases the parents are the ones who look for solutions in order to overcome the crisis, one of the most frequent solutions being that one parent leaves abroad in search of a job, while the other stays with the child. Under such circumstances, local *legal norms* provide that such a family cannot benefit from an elementary prophylactic treatment, because treatment tickets, for instance, are issued by Trade Unions, which is why one of the two parents must be employed with a local institution or company. It is to be noted that the pension amount for taking care of a child constitutes approx. 30 USD, which does not even cover the necessary minimum for his/her sustenance and causes many parents to leave their children into the custody of boarding schools.

There still are more optimistic situations. Lately we have noticed an appearance of new NGOs dealing with redressing the situation in this field, although their number is small as compared to the number of children who need such assistance. At the same time, local or regional administration representatives take advantage of the condition of people in difficulty and create various structures in view of reorienting a part of the resources designed for vulnerable people from the Transnistrian region.

6.2. Medical assistance

Because of political instability and ongoing economic problems the Transnistrian health system has registered a continuous decline since 1991. Public health is characterized by an increased number of pathologies and several diseases that become chronic in time.

This situation is a result of the high level of poverty in the region, particularly in rural areas, in which public poverty is more severe. The financial problems and public health system, which copies the Soviet model, are the main causes of the existing situation.

Local *legislation secures* the right to health protection by offering free medical assistance, hospitalization and treatment in *public* medical institutions.¹⁴⁰ In fact, such services are paid, either officially or unofficially. Hospital conditions are inadequate and technical equipment is old. Local disadvantaged groups do not benefit from facilities, which the separatist leadership reserves for military men.

Our own investigation affirms that a hospitalized patient must bear the cost of treatment. At the same time, we know from various sources that sometimes certain hospitals or medical institutions distribute medication gratis as humanitarian aid, while such medication is expired, which has been indirectly confirmed by several news agencies.¹⁴¹ Because consti-

140 Constitution of the region, art.39

141 For instance, according to the data provided by the local prosecutor's office, «Remedium» Ltd. delivered a drug called «Cysplatin» for the treatment of oncology patients. Half of the drugs were later withdrawn because of expiration. The loss amounted to 170,000 rubles (20,500 USD). www.nr2.ru/pmr

tutional authorities lack of control over the region, the medication is often forged and there is no guarantee regarding the safety or effectiveness of the treatment. This situation can no longer be hidden from the public.¹⁴²

The situation of public health employees is similarly disastrous. They receive salaries considerably lower than the average wage. Thus, a doctor's salary amounts to 700-800 rubles (1,200 Lei or approx. 100 USD); the average salary of a medical assistant is 447 rubles (approx. 600-700 Lei); the salary of nurse amounts to 339 rubles (approx. 400 Lei), while the minimum monthly consumption average is 1,056 rubles (approx. 1600-1800 Lei). Only employees from Tiraspol medical institutions receive higher salaries, which can be explained by the level of their specialization.

It must be noted that lately there have been intense discussions regarding a potential amendment to the *legislation* that would introduce mandatory medical insurance similar to the model applied on the rest of Moldovan territory. Representatives of the *MRT ministry of health* believe that the implementation of such a model is necessary, while the population is still skeptical because of high poverty, the unemployment rate, the massive labor force migration, and the exaggerated number of military personnel.

We stress that a big number of region's inhabitants seek medical treatment in Odesa (Ukraine) or the country's capital, Chisinau, where they can get specialized assistance and treatment.

At the same time, during several *official* visits of representatives of the separatist regime in the Russian Federation, the Russian Insurance Fund promised to offer them support and assistance in the implementation of mandatory medical insurance. Russia each time ignores the fact that the Transnistrian region is a part of the Rep. of Moldova, which is certified in multiple international acts, including Moldavian-Russian ones. In its turn the separatist leadership encourages exclusively CSI agreements while limiting the cooperation of local experts, including those from the health field, with their colleagues from the rest of Moldova.

Another major issue is that of employees from constitutional institutions residing in the region, who cannot benefit from any assistance from the part of Transnistrian medical institutions. The situation of local Latin-script school and university teachers, who receive their salaries from the National Budget of the Rep. of Moldova, offers an eloquent example. Even though they make all necessary medical insurance payments, most local medical institutions will not serve them. Instead, they are *directed* to medical institutions placed under the jurisdiction of constitutional authorities, which cannot serve citizens and insured people residing on the territory controlled by the separatist regime. In exceptional emergency cases, the life and health of such people is not secure, because ambulances and specialists from medical institutions subordinated to constitutional authorities do not have access to their patients (including insurance policy holders).

The problems faced by the health system in the region are also evidenced by the continuously increasing number of people suffering from tuberculosis, cancer, and respiratory diseases. At the same time, the number of people with HIV/AIDS grows by at least 200 people per year. For each such patients the *mrt budget* provides only 0.32 rubles per day for their treatment.¹⁴³

142 Recently, at the request of an SS Committee, they have initiated investigations of several criminal cases involving officers and structural subdivisions of the ministry of health, related to the delivery of expired medication and preservatives to the clinical hospital in Tiraspol.

143 www.regnum.ru/news/medicine/928041.html

One of the main causes the increase in HIV/AIDS patients is drug addiction, since there are 1,866 officially registered drug-addicts in the region (900 of which are in Tiraspol only).¹⁴⁴ In fact, their number is a lot higher.¹⁴⁵ Thus, a simple calculation shows that approx. 4-5% of local inhabitants face drug addiction.

The drug-consumption phenomenon among young people in the region is continuously growing and has become a serious factor negatively influencing the development of the population. Infectious diseases are considered to be one of the most severe consequences for human health, which can further determine an important increase in health-care costs in the near future. We note that there are many cases when HIV-infected people also suffer from tuberculosis. A separate center for 30 patients suffering concomitantly from two infectious diseases was established in Tighina/Bender town in 2006. Their situation is aggravated even more by the lack of certain medication that can definitively treat or stop the process of destruction of the body generated by such viruses.

According to *official* regional data, over 900 cases of tuberculosis were registered at the beginning of 2007.¹⁴⁶ The disease is seemingly out of control in the region.¹⁴⁷ The financial and economic situation as well as the lack of an adequate social and medical system led to dramatic increase of the number of tuberculosis cases.¹⁴⁸ Despite these facts, there is no education programme that would help the population fight the phenomenon in the region.¹⁴⁹

Insufficient health care financing, small wages, lack of modern diagnostic and treatment equipment, as well as other aspects of the situation are main causes of declining health care standards in the region. As a result, the population suffers the consequences of poor quality medical services, lack of specialists and modern medicines, and sometimes from the indifferent and irresponsible attitude of doctors or medical personnel. Most public health workers from the region do not tolerate patients who appeal to health institutions from the right bank of the Nistru River.

At the same time, Transnistrian inhabitants consider the regional medical institution to be of an inferior quality compared to those in Chisinau. Even in serious cases, most regional doctors do not recommend or do not allow patents to be transferred to specialized institu-

144 www.nr2.ru/pmr/150864.html

145 The director of the narcological dispensary stated to the press that „in order to get the clearest and most real picture of the existing situation, official figures should be multiplied by 10.” Ibidem

146 According to the relatives of certain prisoners, in some penitentiaries there is an „unwritten law,” by which certain prisoners are intentionally placed as punishment in a cell with other prisoners suffering from TB, which only contributes to increasing the number of TB patients in the region.

147 The international community is earnestly concerned with the catastrophic increase of the number of people suffering from pulmonary tuberculosis in Transnistria during the last few years. 574 cases were registered in 2005 constituting an increase of 32%. The most unfavorable situation was that of Rabnita district (167.5 cases per 100,000 people). 102.7 cases were registered in Bender. Last year, experts were assessing the situation of TB in Transnistria as “double epidemics.” The head doctor of the republican tuberculosis hospital, Petr Dermendji, provided the following data: 98 patients in MRT were registered per 100,000 inhabitants, while under favorable circumstances this indicator does not exceed 20, and we can speak of epidemics in case of 50 registered cases per 100,000 people. Today we can already speak of a “triple epidemics.” www.cip.nm.ru, article “Life or image?” by Valentina Sorocian

148 «... By unfavorable living conditions of most local inhabitants, by the lack of hygienic means, by unhealthy nutrition, by the lack of necessary medication, by the low level of prophylactics. In Rabnita district there is no hospital for people suffering from tuberculosis. And most Rabnita inhabitants suffering from this disease refuse to go to Bender hospital because of the lack of money. The lack of a fluorobus in the district is also affecting the situation. Because of the lack of preparations the chemioprophylactics of family members of people suffering from TB cannot be organized. Only 36% of Transnistrian population can take part in prophylactic activities. The fight against tuberculosis is becoming increasingly difficult because of the fact that the disease is becoming resistant to common medication, and many patients require expensive treatment.

The fact that DOTS anti-tuberculosis programme in Transnistria, funded by the World Health Organization, ends in 2008 is of deep concern. Doctors fear that the situation will worsen. In experts' opinion, the Republic of Moldova and Transnistria have the leading number of TB cases in Europe. The international community is concerned with the fact that Transnistria has become a tuberculosis incubator for neighboring European countries...” Ibidem

149 Most internationally financed programmes implemented in Moldova exclude the Transnistrian region of the country. From our point of view, such an approach and attitude are mistakes because they negatively impact the rights and interests of local inhabitants.

tions in Chisinau.¹⁵⁰ Cases exist in which patients died from an incorrect diagnosis.¹⁵¹

Until 2005, cancer patients from the Transnistrian region were directed to Chisinau for diagnosis and treatment. However, this became even more difficult when the mandatory medical insurance system was implemented.

Even with the lack of necessary conditions, experts, knowledge and experience, Tiraspol medical institutions still receive cancer patients for treatment, which initially resulted in the loss of many human lives. Later, the regional *ministry of health* declared itself ready to treat cancer patients without repeating previous errors.¹⁵²

150 Promo-Lex Association has registered a case, in which a person hospitalized for treatment in a specialized institution in Chisinau was threatened with having his/her disability group nullified if he/she would not exchange treatment in Chisinau's institutions for treatment in Tiraspol.

151 Study case from Promo-Lex practice: Having been initially hospitalized with "diphtheria," the patient died in the intensive care ward after seven days. His relatives did not have access to him while doctors held daily general meetings. During this period, the victim was diagnosed five times with different results. His relatives had to buy different medication each time the diagnosis changed. They requested his transfer to Chisinau but their request was denied.

152 www.cip.nm.ru, Article „Health protection also needs treatment, by Marina Dovgali

■ DEMOGRAPHIC SITUATION

Today the international community focuses intensely on the Transnistrian region of Moldova. EU enlargement to include neighboring Romania is one of the main reasons for increased interest. Suddenly Europe, to its own surprise, discovered that some of its neighbors face unresolved territorial conflicts (following the same scenario and involving Russian assistance) involving illegal and internationally unrecognized separatist zones, i.e. Transnistria – in Moldova, Abkhazia and South Ossetia – in Georgia.

From an administrative point of view, the Transnistrian region includes five districts: Camenca, Rabnita, Dubasari, Grigoriopol, Slobozia, and two municipalities: Tiraspol and Bender/Tighina. The main part of the region, except Bender town and its subsidiaries (Gisca, Chitcani and Proteagailovca villages), lay on the left bank of Nistru river. At the same time, eight settlements from the left riverbank are still under the jurisdiction of constitutional authorities (Dorotcaia, Pohrebea, Pirita, Cosnita, Vasilievca, Corjova, Cocieri and Molovata Noua).

In the Soviet period current Moldovan territory was one of the most inhabited regions of Europe. Once Moldova acquired its independence and the Moldovan-Russian war started on the Nistru River, followed by a strong economic recession, the demographic situation in Moldova registered a continuous decrease on both riverbanks.

At the beginning of the 90's the eastern part of the Rep. of Moldova was inhabited by approximately 750,000 people. Most recent data show that only 540,000 people remain, and the numbers continue to decline due to natural death, as well as because of negative migration. In 2006 the number of local inhabitants was by 6,900 or 1.3% less than in 2005 (8,306 people died, while only 4,868 were born). The fertility index constituted 8.9 newborn and 15.4 deceased per 1,000 inhabitants. Generally speaking, local population decreased dramatically during the last 16 years, reaching the level registered in 1924, and this is a continuing tendency.¹⁵³

Also, if in 2003-2004 the population decreased mainly because of migration (62% in 2003 and 57% in 2004), in 2005 the number of inhabitants decreased because of high mortality rates: 52% from total mortality constitute natural deaths,¹⁵⁴ which is a great peril to the reproductive gene pool of the population (birthrate reduction and excessive migration of reproductive-aged population).

The high mortality level is also due to the low quality of local medical services. Local press releases state that, because of low-quality medical care, in certain Transnistrian areas the sickness rate is increasing far more rapidly than the average rates for the entire region.¹⁵⁵ Cardiovascular and oncology diseases are the main medical causes for high mortality rates. The indirect cause includes low socio-economic standards, as well as a high level of alcohol abuse by a significant number of the population. According to statistical data, 10,000 regional inhabitants are addicted to alcohol; however, the real figure is at least five-times higher. 2,000 are addicted to drugs.¹⁵⁶

153 www.economy-pmr.org/publik_stat.php

154 www.versii.com/telegraf/material.php?id=7953&nomer=391

155 www.nr2.ru, 19.06.2007

156 www.rambler.ru/news/world/monuments/10364753.html?print=1

Before the 90's, the region registered a positive migration balance. Moldova's migrational attractiveness, in general, and that of Transnistria, in particular, was determined by a comparatively high living standard, stability, high rate of ethnic tolerance, favorable natural conditions, mild climate, and fertile soils.

At present, however, labor migration has reached critical mass. The problem is nationwide and the number of people who left, „in search for a job” cannot be counted. The number of Transnistrian emigrants only registered in 2006 (total of 10,908 people, exceeding by 3,500 people the immigrants) are alarming and do not reflect the real size of labor migration, given that local *statistical bodies* take into account only those who have changed their residence to outside Transnistria and have officially notified the local *authorities* about this fact. These are people who have left for good. On the other hand, labor migrants leave for limited time. In experts' opinion the main causes of labor migration are as follows: a continuous and lasting economic stagnation in the region, public dissatisfaction because of low salaries, the living standard and social security, the continuous decrease of the number of workplaces, and the unclear political and legal status of the region.¹⁵⁷

Recent sociological surveys of local population show that the population's highest priority is stability. The public is tired of the continuous instability of its status. However, the stress related to the first post-Soviet years has long passed. And if common people do not foresee any opportunities for themselves they change their lives in a cardinal way, and they simply leave.

Thus, migration plays a decisive role in the negative evolution of the demographic situation in the region, through the catalyzation of negative demographic phenomena. According to *official* data, migration in the Transnistrian region has registered negative dynamics throughout the entire period following 1992. The number of people who left the region in 1992 was the same as in 1996.¹⁵⁸

We have to say that most of those who left the region either voluntarily or by force were Moldovan nationals, whose number, according to the last census in the region, dropped from over 40% in 1989 to approx.30-33% in 2005, while the share of Russian nationals increased from 25% to 28-30%, and that of Ukrainians remained practically unchanged (approx.25-26%).¹⁵⁹ The most affected areas are Dubasari and Bender towns, whose population decreased by 40% and 30%, respectively, during the last 15 years.

Those figures reveal and serve as evidence of the ethnic purge in the region. First, we shall note that it was namely the Dubasari¹⁶⁰ and Bender¹⁶¹ area that was the epicentre of pre-conflict period and the 1992 Moldavian-Russian war because of its strategic importance, and for the consolidation of separatist positions. The Dubasari area is exactly in the center of the region and there was a risk of „tearing” the Transnistrian region into two parts (the North – Rabnita and the South - Tiraspol), which would have limited the separatist control only to Tiraspol.¹⁶² Local Latin-script educational establishments, including three such insti-

157 www.rambler.ru/news/world/monuments/10364753.html?print=1

158 <http://demoscope.ru/weekly/2002/073/analit02.php>

159 According to the data of the last population census held in 2005, the population of the Transnistrian region decreased from approx. 750000 people in 1990 to 555000 in 2005, i.e. by over 20%. According to certain unofficial data („Sovety naroda” newspaper), the real number of local inhabitants is below 420000 people. The demographic decline and the current situation in the region have changed its ethnical compondence, given that there is an information revealing a certain equality between the 3 main ethnical groups (Moldovan, Ukrainian and Russian nationals).

160 Situated on the left bank of Nistru river, but inhabited mainly by Moldovan nationals, whose resistance was repressed by separatist paramilitary troops, supported by the Russian Army from the region.

161 Plus several settlements within its territory, situated on the right riverbank and bearing a significant strategic, as well as historical value for Moldova.

162 The situation would have resulted into the loss of control over the munition warehouses and certain important enterprises from Rabnita area. The fight for Bender town was as important, because it guarantees the calmness for Tiraspol town, given that it was namely the settlements that provided free access to Tiraspol (Chitcani village) that were occupied.

tutions from Dubasari area and two in Bender town, are the arguments that suggest that at least these areas were occupied by violence and are kept under separatist control against the will of most of their population. In the same context, we shall also mention the example of the eight Transnistrian settlements that continue to be under the jurisdiction of constitutional authorities, and which were finally deserted by the paramilitary troops scarcely because they are not so important from a strategic or economic point of view.

The number of divorces are almost equal to that of marriages. For instance, during January-April 2007, 688 marriages and 623 divorces were registered in the region.¹⁶³ Such unstable marital relations also reveal the unfavorable social and economic state of citizens and affect the demographic situation in the region.

At the same time, most young people who study in Chisinau or other West-Moldovan institutions are „encouraged” to leave the region by being forced to pass various „tests” and „evaluations.”¹⁶⁴ The separatist administration is not preoccupied by the development of pro-nationalist policies, which would contribute to improving the situation and would take into account the new demographic realities and the social and economic values of a modern society.

In the region there are 134,000 registered pensioners. In 2007 the number of people entitled to a pension, who were born in the post-war years, is rather large. They include men born in 1947 and women born in 1952.¹⁶⁵

In local rural settlements, as well as in the rest of the Moldovan territory, most people who are left are pensioners, which creates the so-called *populations ageing phenomenon*. At the same time, certain settlements face the risk of disappearing (for instance, Iagorlac, Dubasari settlements).

Thus, the demographic crisis from Moldova and, particularly, from the Transnistrian region, is first of all due to the political and military instability in the area. The first migration wave in Transnistria resulted from the military conflict, and included an enormous number of refugees.¹⁶⁶ Just as well, the locals who have another opinion than the one imposed by the illegal regime and its paramilitary structures were submitted to unbearable pressure and persecutions, being either determined or forced to leave the area. Many of those who openly pleaded against separatist ideas have disappeared without a trace,¹⁶⁷ they were either murdered or forced to leave the region through illtreatment or threats.¹⁶⁸ The most affected settlements in this respect were those from Bender and Dubasari areas (in comparison, we shall note that if between June 1941 – August 1944 in Lunga village, Dubasari, for instance, 3-4 civilians died, then only during the five months of the 1992 Moldavian-

163 Informational statistical bulletin for January-April 2007, published by mrt's ministry of economy

164 The diplomas received from educational establishments placed outside the region are only recognized if the candidate has passed a certain procedure called «evaluation». The candidates holding Russian and other CIS diplomas bear an advantage.

165 www.rambler.ru/news/world/monuments/10364753.html?print=1

166 Internal migrants

167 www.garda.com.md/144/interviu/, Andrei Ivantoc: „On every opportunity I explained to the prisoners that they should defend their rights. When they saw me discussing with prisoners from other cells, they isolated me, and punished those who listened to me. There are numerous cases when citizens from the left bank of Nistru river are forced into cars and driven to unknown places, disappearing without any trace. I often remember Anatol Romanciuc, who also used to be a prisoner in the Tiraspol penitentiary. He had repeatedly went on hunger strikes. He had health problems and often vomited blood... Several years ago, he sent me a letter, in which he asked for my help. This is how we said good-bye to each other. I was in prison at that time and I could not get in touch with the outside world. He asked me to notify his parents in case if he passed away, and tell them to take him home and bury him according to all Christian traditions. He wrote to the OSCE, to the Russian embassy, but instead of having his problem solved, his letters were sent back to the prison administration, which only punished him harsher by imprisoning him at Hlinaia under even more savage conditions, where he was not even allowed to receive packages or write letters. I would be satisfied if an International committee, such as the Red Cross, for instance, would try to assess the true situation of prisons from the left side of Nistru river, as compared to the one showed by Gonciarenko and others like him”.

168 Most relevant are namely the cases from Dubasari, Corjova, Lunga, as well as from other settlements from the right side of Nistru river, that are still under the control of the separatist authorities: Bender/Tighina and Chitcani.

Russian war 13 civilians were murdered, even if no fights were registered within the settlement).¹⁶⁹

All such circumstances led to the depopulation of the region, which is a phenomenon caused mainly by continuingly ignoring the problems of a society that remains hostage to certain political, geopolitical and economic games and interests. Another argument of depopulation is the continuous negative dynamics of the demographic situation and, respectively, the decrease of density.

Finally, we can conclude that the most important causes of the Transnistrian demographic crisis are the political, military and economic instability; family break-ups due to mass migration; the lack of a democratic environment; the lamentable observance of human rights and, particularly, the discrimination and „ethnic purge“ in the region; and the lack of democratic prerequisites for the development and assertion of human personality and dignity.

169 Data provided by the inhabitants of these areas

■ THE STATE OF AGRICULTURE

Initially, the link between human rights and the state of agriculture may seem tenuous. This is why we must explain that today the rights of local inhabitants, particularly those from rural areas, are severely affected by the lack of respect for personal property, specifically agricultural lands. Rural communities cannot develop if this right is not observed, given that today agriculture is the main source of subsistence for rural Moldovans. Since this fundamental right is violated, it is impossible for local inhabitants to survive, given that their interests, rights and liberties are closely related to subsistence farming.

The favorable climate and rich soil in Moldova, including the Transnistrian region, is actually a "national treasure." The quality of life for people involved in agriculture depends on the level of management and administration of the agricultural sector. The majority of the Transnistrian region is suitable for agricultural works, although the climate is rather prone to drought. The close presence of an important water source needed for irrigation compensates for the dry climate. Experts believe irrigation to be the most severe problem for local agriculture. Therefore, we shall analyse existing problems according to this perspective. We believe that it is namely the attitude and sequence of events in field irrigation that determined regional agricultural policy and led to the current state of the agricultural sector.

In 1990, approx. 38% of irrigated soils in the Republic of Moldova were situated on the left side of the Nistru River, i.e. in Transnistria, while the region occupied approx. 11% of the territory of the country. If in 1977 approx. 58,000 hectare (ha) were irrigated in the region, throughout the following 14 years this area doubled, reaching a maximum of 118,100 ha, i.e. almost half the total agricultural lands. For instance, in 1991, 88–94% of the lands prepared for irrigation in Slobozia and Grigoriopol districts were irrigated, while the same figure for Rabnita and Dubasari constituted 42 - 56%. It is not by chance that during Soviet times the Transnistrian region of Moldova was considered to be the "garden of Soviet Union."

After 1991 the situation changed radically. By 1996 the surface of lands prepared for irrigation dropped to 109,900 ha, and by 2001 it reached the level of 91,900 ha. In Dubasari and Rabnita the surface of irrigable land was reduced by 50% and 58% respectively. During the same period of time the de facto irrigated land dropped from 73% to 21%. In 2004 the situation of irrigation in agriculture was even more drastic, since merely 4% of the lands were irrigated, and even less so, 1.8%, in Grigoriopol (see Table 1).

A similar situation was registered in the field of soil fertilization. The cultivated lands that were treated with organic fertilizers dropped from 5,200 ha in 1994 to 0.9 th. ha in 2000 and 0.09 th ha in 2004. Mineral fertilizers are used almost exclusively for winter wheat and in low doses. At present, the fertilization of cultivated lands with phosphorus and potassium is not practiced at all. The quantity of active substance applied annually per hectare constitutes on average 5-10 kg, while during years 1975-1979 the same quantity could reach up to 96-120 kg.

Table 1

Land prepared for irrigation (PPI, th. ha) and de facto irrigated land (I, th. ha and %)

Irrigation system	1991			1996			2001			2004		
	PPI	I		PPI	I		PPI	I		PPI	I	
		ha	%		ha	%		ha	%		ha	%
Tiraspol	39,5	37,2	94	39,0	29,5	74	36,0	6,5	18	33,3	2,1	6
Grigoriopol	28,9	25,5	88	29,0	22,6	78	24,9	8,1	33	24,9	0,4	1,8
Dubasari	19,4	10,9	56	10,7	5,3	50	9,7	0,2	2	9,7	0,3	3,1
Tighina	-	-	-	5,4	4,8	89	3,7	3,4	92	3,7	0,2	5
Rabnita	30,3	12,7	42	25,2	10,7	42	17,6	17,6	5	17,6	0,6	3,3
Total	118,1	86,3	73	109,9	72,9	66	91,9	19,0	21	89,2	3,6	4,1

8.1. Soil degradation

Certainly all of the above contribute to declining soil quality, a fact proved by experts and well-known to farmers. The issue regarding soil fertility improvement is closely related to the structure of inseminated land. During the last 10 years the share of Gramineae and industrial crops in crop rotation increased by 6-15% at the expense of vegetable and fodder crops. At first glance, nothing unusual seems to have happened, but a more thorough analysis shows that out of the 22-27% of fodder crops 10-13% are attributed to maize, and annual and multiannual crops (first of all, alfalfa) represent only 4-5%, while their share in an optimal crop rotation should constitute 25%. It is to be noted that the land surface cultivated with sunflowers increased up to 16-28% (and even more on certain farms), while its optimal size should constitute 10-12%.

The decrease of irrigated land (10 times), of the used quantity of mineral (two times) and organic fertilizers (five times), and the failure to observe the optimal structure of agricultural crops led to a drop in harvest (particularly that of vegetable and fodder crops), which is greatly dependent on the amount of spring/fall precipitation.

As to the irrigation and composition of seeded fields the scientific data presented by the Regional institute of scientific research in the field of Agriculture are rather convincing. They prove that the financial expenses related to the production of one ton of harvest in case of irrigated vegetable crops are much lower than those related to non-irrigated crops, while profits are much higher.

Fewer and fewer agricultural experts are left in the region. This could be one of the reasons for the deteriorating situation in the field of agriculture. Consequently, the experts opine that it is necessary to train and improve the qualification of specialists and those involved in agriculture, who could further contribute to improving knowledge in the field and changing the attitude toward the region's agricultural potential.

8.2. Solutions for overcoming the crisis

The aforesaid objective and, most of all, subjective reasons have contributed to a substantial reduction of crops and overall production in the region (first of all that of vegetables, which secured the highest profits). Consequently, vegetable processing plants ceased op-

erations and traditional markets were lost. At the same time, the undefined political status and self-isolation policy of the region promoted by the separatist leadership caused land-owners to suffer other negative effects.

Farms went bankrupt and were not able to pay salaries. This generated a series of other problems: the reduction of the number of people involved in production, massive migration, increased poverty, and social decay. The 2007 drought almost entirely destroyed the agricultural sector and the approx. 10,000 farmers who continue to work in agriculture.

When agriculture was completely bankrupt the separatist leadership, represented by Igor Smirnov, took the unilateral decision to "expropriate" local farm leasing them for terms of up to 99 years to various companies, which are suspected of being managed by persons loyal to the separatist regime. Such decisions were justified by the need to redress the situation. Their main argument was that land redistribution was necessary in order improve the situation in the agricultural sector, which survived only due to the facilities offered by the *state* and to the credits granted by „Agroinvest" company.

In 2002, the *soil code* was approved. Its *provisions* allowed for the land to be considered *state* property. The decision to organize a referendum on land privatization was nothing more than a continuation of the *privatization process* (which started in 2002 contrary to the constitutional norms of the Rep. of Moldova and almost 10 years later than in the rest of Moldovan territory). We should remind you that a *referendum regarding the privatization of agricultural lands* was held in 2003.

Since the *privatization* purpose and procedure had not been clearly explained to the public, local inhabitants preferred to skip the voting, which is why the referendum was not validated.

Being aware of the fact that agriculture is the most problematic sector of the regional economy, Grigore Maracuta, the *SS president* in those times, stated that under such circumstances the *state* did not have the necessary resources for stimulating agricultural production using internal resources. The measures that were applied in various places led to inefficient use of agricultural land, when dozens of thousands of hectares of land were practically uncultivated, causing thus a decrease in soil productivity. Maracuta invoked the positive examples of Russia, Ukraine and the rest of Moldovan territory, and mainly the diversification of land property forms.

This was actually nothing more than a pretext for the further actions of the separatist regime, who tried to "morally prepare" the public for agricultural land overtaking by a small group of people. Maracuta tried as well to extenuate the problems related to land privatization by mentioning the fact that land lease-purchase operations were to be concluded only with the development of a *legislative* framework in this field. In such a way, pensioners with a 20-40 year seniority in the agricultural sector were the first ones to receive land, being followed by farmers from rural areas, doctors, teachers and cultural employees. The land was to be distributed gratis, while the price for one hectare of land in the region amounts to approx. 5,000 USD.

We believe that agricultural land expropriation was premeditated and planned by a group of interested people close to those who hold regional control. As we stated above, local agriculture was first of all "encouraged" to go bankrupt so that separatist regime loyalists, under the pretext of *system restructuring and reform*, would reach their ultimate goal, the expropriation of agricultural land. Under such circumstances, the rights of thousands of farmers from the Transnistrian region are simply ignored.

Experts believe that the situation of the agricultural sector will improve when constitutional authorities and the separatist leadership more closely observe the private property rights on agricultural land of those who are legally entitled to such a right (agricultural land privatization in compliance with constitutional provisions). At the same time, the elimination of obstacles and restrictions to free movement, including the annulment of *customs* and *migration* duties, would give to local farmers access to the entire Moldovan market, would increase agricultural production, and would rehabilitate and develop the agricultural sector.

■ ECOLOGY

Regardless the time necessary to resolve the Transnistrian conflict, society cannot ignore one of the most important issues – the environment.

The heavy industrialization of Moldova's eastern region, which is under the control of the separatist regime, was one of the main catalysts for separatism in Moldova. Thus, because of the lack of national or international control, it has been impossible to perform a real assessment of the degree of pollution and state of ecology in the region for over 15 years.

9.1. Disposal of old ammunition

First, the ecological situation in the region is aggravated by the presence of Russian military arsenals in the Cobasna depots.¹⁷⁰ Because of their overdue terms,¹⁷¹ a certain quantity of munitions¹⁷² cannot be transported to Russia¹⁷³ and must be destroyed in situ. Under such circumstances, the OSCE offered a "Donovan" detonation chamber,¹⁷⁴ donated by the United States as contribution to the voluntary fund created by the OSCE after the Istanbul summit, and other states within the organization contributed significant funds for equipment such as a munition destruction furnace and auxiliary units.

The separatist leadership from Tiraspol conditioned the disposal of old ammunition on Russia offering compensation of at least 100 million USD, thus blocking the disposal and withdrawal of Russian ammunition from the Transnistrian region of Moldova.

We believe this game to be a well orchestrated scenario of the Russian Federation so as to avoid its international obligations, because this banal „interdiction" imposed by Russian citizens to the Russian State caused the evacuation issue to be treated totally differently by Russian authorities. Thus, if in 2002 Russia's arguments included promises,¹⁷⁵ subsequently it conditioned the performance of its international obligations with the settlement of the Transnistrian conflict, while Moldova together with other NATO member-states believe the presence of Russian troops and ammunition in Moldova to be a serious impediment for the settlement of the conflict in the region.¹⁷⁶

Lack of a detonation chamber means old munitions are destroyed under natural conditions, which has a massive impact on the regional environment and real estate belonging to local inhabitants. The aforesaid procedure, known to locals as the "VZRYV operation" (explosion), is carried out close to military depots, so that the air blast reaches even certain settlements in

170 www.osce.org/moldova/item_2_56.html

171 Most of the military arsenal was manufactured in Soviet times.

172 The Cobasna depots also include approx. 40,000 tons of ammunition, of which over 20,000 tons are to be destroyed in situ because of transportation risks. However, Tiraspol impugns such data and pretends that the largest part of the stockpile is in good condition and can be sold. www.azi.md/news?ID=18665

173 According to the international obligations undertaken by Russia during the 1999 Istanbul Summit.

174 "Donovan" can destroy up to five tons of ammunition each day, it is resistant to explosions equivalent to the detonation of 300 g of trotyl and is convenient from an environmental point of view due to the fact that explosion gas is not released into the atmosphere, because it passes through special filters. www.azi.md/news?ID=19627

175 Iolkin, who is a counsellor with the Russian Embassy in Moldova, stated the following: "Russia hopes to meet the deadlines set for the Istanbul agreements, even though the delay caused by a series of misunderstandings with the Tiraspol leadership is creating enough additional problems except those related to destruction equipment transportation and assembly procedure." www.azi.md/news?ID=20189

176 www.azi.md/news?ID=43149

Ukraine. Stanislavca inhabitants (Ukraine), for instance, addressed several complaints to the Ukrainian government, which, after having investigated the complaints, presented the Russian Federation with an invoice for 10,000 USD. Thinking along these lines, it is important to note that the prejudice caused to Rabnita district inhabitants has never been assessed, even though any such assessment would probably be much lower than the real figures, which is proved by several protests on record.¹⁷⁷ This evidences the existence of a serious ecological and humanitarian problem in the northeastern region of the Rep. of Moldova, even if the responsible local leadership and Russian military do not recognize this to be true.

We also must note the conclusions from the OSCE Report on “Environment and security: transforming risks into cooperation,” which warn us that the ammunition stockpiles from the left-side of the Nistru River are a serious environmental threat. Their eventual explosion could trigger an “ecological disaster.”¹⁷⁸

9.2. The issue of old pesticides

The high incidence of pesticide during 1970-1990 led to the pollution of soils, water resources, agricultural and technical plants, which, consequently, affected public health. The difference between the volume of imported pesticides and those actually used in agriculture led to a large accumulation of unusable and forbidden pesticides. In 1978, in view of solving the issue of their neutralization, a polygon for the interment of unusable and banned pesticides was built in the south of the country (Cismichioi commune), where during 10 years (1978-1988) they buried 3,940 tons of such substances.

During the last years the use of pesticides in agriculture was substantially reduced. At the same time the issue related to environmental pollution with pesticides is still severe. An inventory taken at the end of 2003 showed that 1792,63 tons of unusable and prohibited pesticides that did not comply with the provisions of environmental laws were stored in Moldovan depots,¹⁷⁹ which is a significant threat to public health and the environment.¹⁸⁰

Constitutional authorities are aware of this situation and have requested international support for their disposal using special technologies.¹⁸¹

Tiraspol-controlled settlements were not part of the programme, which is why the local situation was not examined and is still publicly unknown. Nevertheless, there are surely severe environmental problems in the region, since they have registered cases of well and soil pollution resulting from pesticide interment by local authorities in certain settlements.

The public protested¹⁸² against all inadequate methods of neutralizing toxic stockpiles.¹⁸³ However, there is no record of persistent and organic pollutant stocks in Transnistria, which are stored against all environmental requirements and norms. The Persistent Organic Pollutants Stockpiles Management and Destruction Project is financed by the Global Environment Facility, with the support of the World Bank and the Moldovan government. It excludes the territory placed under the control of the separatist regime.

177 «Dobryi Den'» („Good Day”), № 25 June 2007

178 www.azi.md/news?ID=44481

179 Except the Transnistrian region.

180 The National Strategy of the R. Moldova regarding persistent organic pollutants reduction and elimination, www.moldovapops.md

181 NATO project for the destruction of pesticides and dangerous chemicals, supported by the OSCE, shall be implemented in 172 settlements from 21 districts of the Rep. of Moldova. The project was confirmed in 2003, when the Moldovan President solicited support from the NATO General Secretary to aid in the destruction of dangerous toxic substances. <http://azi.md/news?ID=41758>

182 For instance, in Stroiesti village they have buried over 1.5 tons of persistent organic pollutants (DDT, known to the people as “dust”). The toxic smell of fountain water determined local inhabitants to address to Rabnita sanitary structures, who had initially confirmed and further denied that the area was polluted.

183 Bulletin of the Transnistrian Resource and Development Center, no.2, January 2007, www.promolex.org.md

9.3. Nistru water quality

Another major problem that concerns Moldovan ecologists is the poor quality of Nistru water used by more than 3.5 million people from both banks. Experts believe „the river condition at present is almost catastrophic.”¹⁸⁴ The water treatment plants erected in Soviet times were either built with severe violations of technical norms, or they were not finished, and the functioning ones have old equipment, which augments the risk of releasing the wastes directly or indirectly into the Nistru, which until recently was qualified as one of the cleanest rivers in Europe.

Negative effects are already visible and cannot further be ignored. During the last few years the fish quantity dropped 10 times and epidemiologists do not recommend bathing in Nistru waters. At the same time, the Dubasari Epidemiology and Hygiene Center also noticed a continuous water quality reduction in local wells, which have not been disinfected and treated for several years, although this is an annual mandatory procedure according to hygiene rules.

Another severe Nistru pollution issue is the one stated in „Celovek i ego prava” publication. In Parcani village, Slobozia district, a piece of land of 5 ha situated in the immediate proximity of Nistru was allotted for the storage of household waste from Tighina town. Ecology experts (prof. A.N. Morozov from Ukraine) were totally against the decision, which if implemented could lead to serious and irreversible consequences for the Nistru River and the Black Sea. It must be noted that such issues are mostly ignored by constitutional authorities, which should display a more serious attitude toward the environmental situation and evolution in the region, in general, and of the Nistru River in particular.

In September 2004, a working group was created that included experts from Moldova, Ukraine, the OSCE, the UNO as well as representatives from ecological NGOs for the development of a report on the ecological situation of the Nistru River.¹⁸⁵ Even after three years the report was not made public.

184 «ВЗГЛЯД» (VZGLYAD), advertising and information newspaper, No. 3, 2007

185 «ВЗГЛЯД» (VZGLYAD), advertising and information newspaper, No. 3, 2007

CONCLUSION

The Study of Promo-Lex Association seeks to complement the series of analysis and research documents developed by various national and international organizations and institutions on the situation in the eastern part of the Rep. of Moldova. Each time experts' conclusions reflect a severe violation of international law and, implicitly, a flagrant ignorance and breach of human rights in the region. However, the situation remains unresolved because of the position of the Russian Federation. On the contrary, constitutional authorities were influenced, forced or maybe even blackmailed to unilaterally and without reason cede their main positions, which further led to a definite aggravation of the just settlement of the Transnistrian conflict, to the consolidation of the separatist regime and, implicitly, to the transgression of fundamental human rights and liberties in the territory.

The international community in its turn condemned the abuses committed by representatives of the separatist regime. International requests to cease actions that violate the rights of thousands of people were simply ignored. After having repeatedly defied important international institutions, the illegal regime contributed to reducing the authority of institutions and the European judiciary, and consolidated with unexpected ease its positions contrary to the fundamental document signed on 21 July 1992 by the belligerent parties -- the Rep. of Moldova and the Russian Federation. The situation caused most local inhabitants to lose confidence in the international human rights protection mechanism and system. The loss of confidence is not without reason. They were once more deceived when the ECHR Decision in the case of Ilaşcu and others vs Moldova and Russia was never enforced. The sanctions applied by the international community upon officers of the Transnistrian administration do not seem to affect them in any way as demonstrated by the fact that the situation has not changed significantly since the 2004 Ilaşcu verdict.

Even after having signed international documents to the contrary, constitutional authorities waive responsibility for the situation in the territory placed under the control of Transnistrian authorities. Moldova cannot be exempted from its positive obligation before its citizens from the region and cannot ignore even minor cases of violation of fundamental rights and liberties in the region.

Russian Federation's refusal to withdraw its military arsenal from the region was a clear signal to the international community regarding the illegality of the situation in the eastern part of Moldova and is a good reason for it to get directly involved in a process of monitoring negotiations. However, since the relationship between Russia (which alleges to protect its geopolitical interests in the area, stating as motive the "protection of co-nationals") and the West (to which Moldovan society desperately appeals for assistance and support) continues to deteriorate, Moldovan citizens' hope and trust in a just settlement of the conflict is getting smaller. We mainly refer to citizens residing in the Transnistrian region, who have practically lost their faith in equitable solutions based on democratic values, human interests, rights and liberties instead of the geopolitical interests of certain states, interested people or companies. Václav Havel once said that "... to set out on the path of reason, peace, and justice means a lot of hard work, self-denial, patience, knowledge, a calm overview, and a willingness to risk misunderstanding. At the same time, it means that everyone ought to be able to judge his or her own capacity and act accordingly, expecting either that one's strength will grow with the new tasks one sets oneself or that it will run out."¹⁸⁶

If for the international community Transnistria is still an exotic territory (a small Soviet Union), and the Transnistrian conflict is one of many unsettled matters, for the hundreds of thousands of local inhabitants and for Moldovan citizens it is still an essential obstacle on the path of development and observance of their fundamental rights. Locals do not approve of the untransparent regulation mechanism used in Transnistria and wish to be consulted by all parties involved in

186 <http://193.226.7.140/~leonardo/n01/Havel2.htm>

the discussions. We also believe that international experts and constitutional authorities must insist upon holding permanent discussions with civil society and representatives of various groups in the region in order to avoid the adoption of decisions that would further continue to prejudice their rights. We believe that negotiations must be based on the real state of things, the public's needs, norms of international law and should ignore the geopolitical interests of third-party states. An inequitable decision could be compared with a new "Ribbentropp-Molotov" Pact, which modern history must prevent.

So far, no one has researched and condemned the crimes committed in this region after 1990 (as well as the crimes committed by the Soviet regime in Moldova). We consider protection of guilty persons to be a dangerous precedent, one that encourages continuation of the "Transnistrian region's tragedy." Guilty persons should be punished regardless of the degree of the offense, their ethnic affiliation or citizenship.

While diplomats seek diplomatic solutions, politicians seek political advantages, businessmen lobby their economic interests, and journalists enjoy sensational news, thousands of people are suffering. Transnistrian region inhabitants are daily facing direct or indirect pressures, their rights being brutally violated. Russia dominates the negotiation format and peace keeping forces from the region, thus contributing to separatist regime consolidation. Contrary to the provisions of the agreement between Moldova and Russia (a document fundamental to this issue) the negotiation formula allowed Tiraspol regime to gain total control over the "security zone," including town Tighina, village Roghi and partially in village Corjova (district Dubasari) and village Varnita (district Anenii Noi). Also, Tiraspol regime managed to establish "custom" and control posts and to obtain the position of "party" to the conflict with equal negotiating rights.

Yet, the discussions and negotiations regarding a solution to the Transnistrian problem remain opaque and do not consider citizens opinion, interests and rights, particularly those of the citizens from the Transnistrian region. The United Commission for Control turned into a discussion club without authority, responsibility or influence. Under these circumstances it is necessary to request re-formation and reorganization of these useless structures in order to ensure the respect of fundamental rights in the region. New formulas should be based on the stipulations of the Moldovan-Russian Agreement, signed in 1992, that guarantees freedom of movement of persons, goods and services.

Therefore, ensuring the respect of the fundamental rights and the freedom of movement between the two banks of the Nistru River will show the international community that there is no real conflict between inhabitants from both banks, rather, Russia stimulates the artificial conflict. Guaranteeing free movement and observance of human rights are key in solving the Transnistrian "equation," not secret discussions or promoting the interests of the Russian Federation, which is considered to be a "guarantor state" in the conflict.

First, public "brainwashing" and misinformation must be stopped, and locals must be granted access to alternative information sources through the elimination of all obstacles to public debate. Debate must include all actors involved in this matter, the civil society and representatives from administrative structures from both sides of the Nistru River. A majority of the population is aware of the negative effects of propaganda and aggressive education of the young generation. They disapprove of such methods and plead for a settlement of the situation and for the observance of their fundamental rights and liberties. It is worth pointing out that local inhabitants have the right to decide upon their future and that of the region, which is ignored by the constitutional authorities and the international community. Locals are not informed on the progress made in settling the Transnistrian conflict. Lack of information and input only cements their mistrust of the entire process and efficiency of national and international structures, as well as the observance of human rights. When informed, the local population will be able to clearly and knowingly express its political opinion, without being manipulated by various groups or being forced to flee.

We believe it is our duty to support a peaceful and just resolution to the Transnistrian conflict so that the population shall have real access to democratic values.