

# RDCT BULLETIN

NO. 38, YEAR 2010

## Special Edition: *The Forgotten Prisoners*

# Ernest Vardanyan

### TABLE OF CONTENTS:

**INTRODUCTION.....2**

**PROFILE.....3**

**BIOGRAPHY.....3**

**WHAT HAPPENED: “I am neither a spy nor a traitor ..”.....4**

**“DECLARATIONS” vs REALITIES.....6**

**REACTIONS FROM CIVIL SOCIETY.....6**

**REACTIONS FROM MODLOVAN AUTHORITIES .....7**

**REACTIONS FROM OTHER STATES.....8**

**APPEAL.....9**

**FINAL NOTE.....10**



*“Open your newspaper any day of the week and you will find a report from somewhere in the world of someone being imprisoned, tortured or executed because his opinions or religion are unacceptable to his government. There are several million such people in prison – by no means all of them behind the Iron and Bamboo Curtains – and their numbers are growing. The news paper reader feels a sickening sense of impotence. Yet if these feelings of disgust all over the world could be united into common action, something effective could be done.”*

**(“The Forgotten Prisoners” by Peter Benenson, Observer, 1961)**

## INTRODUCTION:

These days, after more than a month of so-called “trials” and over 7 months of pretended “investigations”, Ernest Vardanyan has been sentenced to 15 years’ imprisonment, to be spent under a strict security regime.

The illegitimate administration of the Transnistrian region in eastern Moldova arrested Ernest on April 7, 2010. The journalist, who has earned national and international recognition due to his professionalism, was charged of “high treason and spying” for Moldova.

*(Note: What is bizarre, absurd and totally unthinkable is that Ernest Vardanyan, a citizen and a resident of the Republic of Moldova, has been accused of spying for Moldova. This is why it is important to stress that Ernest has been arrested, detained, “tried” and convicted by an illegitimate regime, which obtained control over a part of the Republic of Moldova through violent, including military, intervention, encouraged and supported from outside.)*

Reactions appeared almost instantly, although it has been widely known that in this region of Moldova respect for human rights is both ignored and unenforceable. Not any international organization or specialized body in the world is able to comprehensively monitor, promote and defend human rights in Transnistria (the eastern region of Moldova). Only the Russian Federation, without any condition of respect for human rights or of other nature, has been providing economic, financial, diplomatic, political and social support to the Tiraspol regime (mainly consisting of Russian citizens and ethnics).

It should be also mentioned that the Russian Federation has been refusing the fulfillment of its commitments, which it has assumed many a time at international level, to withdraw its troops and ammunition from Moldovan soil.

As Ernest faces heavy years in prison, his colleagues and family as well as human rights organizations have launched an avalanche of protests, petitions, support activities and requests for the journalist’s release.

Despite all national and international efforts undertaken during quite a long period of time, there are still many questions left unanswered:

- Why is it that, nearly two decades after the 1992 Moldo-Russian war on the Nistru River, no mechanism or instrument has been conceived to control and ensure respect for human rights in this region?
- Is there really no one able to request and actually obtain the release of Ernest Vardanyan and other innocent victims (Ilie Cazac would be the first on the list) from this detention, which is as absurd as it is illegal?
- What will happen next after Ernest’s so-called “condemnation” and why was the

conviction of an undoubtedly innocent man allowed to happen?

- Why is it that every time when it comes to human rights violations in the Transnistrian region, things are ignored or rejected under the pretext of political implications?
- Who said political implications provide a good enough justification to repudiate the obligation to protect and ensure respect for fundamental human rights and freedoms, so often preached from many different national and international tribunals and enshrined in numerous regional, continental and international conventions?
- Why haven't lawyers selected by Vardanyan's family been allowed to counsel him during the "proceedings" and argue his case in "court"? How democratic, fair, not to mention legal, is such a "trial"?
- What reasons does the European Court of Human Rights have not to give priority to Vardanyan's case and deal with it in an urgent manner?

And the list of questions doesn't stop here. However, we think it's time to have some answers, too. Indeed, Ernest Vardanyan's family, his two kids, his mother and wife, and the detainee himself, have all the right to receive not just answers, but also concrete guarantees for their lives, freedom and safety.



## PROFILE:

**Name:** *Vardanyan*

**First name:** *Ernest*

**Occupation:** *Journalist*

**Media organization:** *"Novy Region"*

**Current status:** *Political detainee*

**Arrested on:** *April 7, 2010*

**Convicted on charges of:** *Espionage and high treason*

**Convicted by:** *an illegitimate separatist regime*

## BIOGRAPHY:

Ernest Vardanyan was born 1980 in the town of Gyumri, Armenia. His family settled in the Republic of Moldova in 1988 after being displaced by an earthquake known as the Spitak disaster.

In 2002 Ernest graduated from the Moldova State University's International Relations Faculty, earning a license in political science.

In 2005 he ran for the Supreme Soviet (the local parliament) of the Transnistrian region; unsuccessfully.

He is a co-founder of the Armenians' Union of the Transnistrian region and a trustee of the Union's Board.

Ernest worked with the Russian news agency *Novy Region* in Tiraspol, contributing occasionally to *RFE/RL*; in 2009 he also started to work for the Chisinau-based *Puls* newspaper.

In Moldova, Ernest was known for his often critical reporting on state officials and matters of public interest.

He is married to Irina Vardanyan, with whom he has two children: a 6-year-old son and a daughter aged 9 months.

On April 7, 2010, Ernest was arrested and charged of "high treason and spying for the Republic of Moldova".

On December 16, 2010, Ernest was sentenced to 15 years' imprisonment under a strict security regime.

## WHAT HAPPENED: *"I am neither a spy nor a traitor ..."*

On April 7, a group of armed men from the self-styled Ministry of State Security (commonly known as MGB, successor to the Soviet-era KGB in this region) arrested Ernest outside his home in Tiraspol, according to local press reports. Several days later, Irina Vardanyan was told that her husband was being accused of grand treason and spying for Moldova. Under art.271 of the self-styled republic's Criminal Code, the journalist was facing a sentence from 12 to 20 years in prison.

In a press release, Aleksandr Schetinin, the general director of *Novy Region 2*, underlined that Ernest's recent reporting had been focused on international politics rather than on domestic matters. Nonetheless, Schetinin said he learned from Irina Vardanyan that agents of the region's intelligence service had searched their home, seizing the computers, the audio and video recording equipment, the journalist's notebook and the family's bank cards.

On April 10, in a closed "court" hearing in Tiraspol, Vardanyan's arrest was extended by 2 months.

Shortly after his arrest, numerous national and international reactions started pouring into the public space: neither civil society nor officials remained indifferent. But we will return to this subject later.

On April 20, the lawyers of the Vardanyan family lodged an application with the European Court of Human Rights. According to the lawyers, the application to the ECHR also included the complaint and the appeal for help of Ernest Vardanyan's wife.

The lawyers say that the journalist's rights to freedom and security and to freedom of expression have been violated. They asked the judges in Strasbourg to fast-track the examination of the case, expecting to receive an answer in a 6 weeks term. Regretfully, only two days later, they received a negative answer as to the urgency.

Shortly after this, on May 4, 2010, a letter written by Ernest appeared on the Internet, requesting urgent help and asking the general public not to believe whatever video or written confessions to committing the alleged crimes. Ernest was desperately seeking support and recognition of his innocence, and more importantly, protection for his family. *"For goodness' sake, help my wife and kids, without whom I just cannot imagine my life. I am being forced into confessing of espionage and a grand treason in Moldova's favor. They beat me expertly and neatly, and are threatening to use ever more refined tortures that leave no trace. They are threatening my wife with arrest, and are pouring dirt on her. They are promising to give short shrift to my wife and children"*, the journalist said in his [letter](#).

Irina Vardanyan says that, after giving several interviews, she was warned not to talk to the press anymore. Similarly, some journalists in the region were advised by the local administration against giving publicity to the issue.

*"I am neither a spy nor a traitor. I was just speaking the truth in an attempt to make people's lives better"*, writes the journalist in the letter posted on his web log. (<http://ernestvardanyan.livejournal.com/>)

On 11 May, the region's public television channel showed Vardanyan, in the presence of MGB agents, confessing to having spied for Moldova since he was a fourth-year student at the Moldova State University when he was recruited, and to having worked for the Moldovan Security and Intelligence Service (SIS).

In the same video report, Vladimir Antiufeyev, the so-called minister of state security, claimed Vardanyan's prosecution had nothing to do with his journalistic activity, but with the "criminal activity" in which he had been involved while being a citizen of the self-styled republic.

However both Vardanyan's family and their lawyer, Alexandru Postica of Promo-LEX, say he was forced to making those false confessions.

On June 10, 2010, the 60-day term of the pre-trial arrest expired. Following another "court" hearing, the arrest was extended by another month.

On July 2, 2010, a new court hearing was held, which neither Ernest's wife nor his lawyer were able to attend. Alexandru Postica, the lawyer assigned by Promo-LEX, learned about the hearing only one hour before its beginning, from Irina, and the decision to extend the detention by another 30 days was communicated to them only after the hearing ended.

The more the proceedings were protracted and the trial delayed, the lesser and lesser attention was given to the case of Ernest Vardanyan. Despite this, the journalist's family continued to appeal for help to many different states and international organizations, while tirelessly staging outdoor protests and collecting on-line petitions in Ernest's support.

On August 6, a so-called "court" in Tiraspol extended Ernest Vardanyan's arrest by another 60 days, prolonging the total duration of his pre-trial detention to six months. The journalist's wife told RFE/RL she was disappointed that the Moldovan authorities did little to release her husband. Irina Vardanyan also said that Ernest was still denied access to an independent lawyer and that her family was *in despair*. She was barred from attending the court hearing, which lasted only 5 minutes, but managed to exchange a few words with her husband in the hallway. Ernest told her he didn't understand what was going on and was hopeful to be released pending trial.

On September 28, Alexandru Postica (lawyer assigned by Promo-LEX) sent another request to the ECHR to fast-track the examination of the case; on October 13, like in the first case, it was rejected.

So far, the promises by the foreign diplomatic missions and the Moldovan The

diplomatic missions and the Moldovan state authorities have remained promises. The interest of the journalists in the fate of their colleague is also dwindling. So in this emerging hopeless silence, there are fewer and fewer actors who feel for the Vardanyan family: the mother of the journalist, his wife and his two little kids, who suffer the consequences of some absurd illegalities, hoping still that the much talked about democratic values of human dignity and justice will ultimately triumph.

On October 6, 2010, when the last extension of Ernest Vardanyan's pre-trial detention expired, that is 6 months after his arrest, his situation hasn't changed: he remains in captivity, being denied the right to defense and other fundamental rights.

Ernest's wife, Irina, told RFE/RL she wasn't aware how the charges against her husband were formulated and what punishment was sought. As the case was remitted to "court", Irina said she had no longer any illusions that her husband would be freed: *"All my hopes that this circus will end and that Ernest will come back home have vanished. My husband will stand trial and it seems that the authorities in Tiraspol are bound to go all the way to the bitter end. Unfortunately, I don't know what is there to be done to help him. He doesn't even have a lawyer to argue his case; the duty lawyer is appointed by the Transnistrian authorities and he will of course be on the investigators' side"*.

After 7 months of investigations, the trial eventually started. So during November 5-22, there were 4 court sessions held. According to lawyer Alexandru Postica of Promo-LEX, about 30 persons were summoned to testify before the court.

No one knows who these people are, because the hearings are held behind closed doors, under a decision issued by "Judge" A. Mamei.

Irina Vardanyan was not allowed to see her husband. Alexandru Postica says that the duty lawyer assigned to handle Ernest's case notifies her about a new trial session only one day in advance.

On December 16, the self-styled Supreme Court in Tiraspol "found" Ernest guilty of both charges, espionage and high treason in favor of Moldova, and sentenced him to 15 years in a strict-regime prison.

## "DECLARATIONS" vs REALITIES

From the first day of detention up to the present day, efforts to help the Vardanyan family haven't stopped, as many different organizations and public figures showed solidarity with them. However, as time passed, the declarations of support made by national and foreign officials have gradually decreased in intensity to disappear altogether. The family and the lawyers wonder if this case of Ernest Vardanyan wasn't lost to "negotiations", just like many other "negotiated" cases and serious violations in this region over the last two decades. Indeed, there is some obscurity about the whys of this failure to take a stance, unanimously manifested in Tiraspol, Chisinau, Moscow, and, since recently, in Strasbourg. Are we about to witness a change in the standards of defending human rights?

**Let us recall some of the efforts and statements:**

### REACTIONS FROM CIVIL SOCIETY

**The Promo-LEX Association** has taken over the journalist's case, providing constant legal assistance to the Vardanyan family throughout the proceedings.

The Promo-LEX lawyers who are involved in representing the Vardanyan family at the ECHR and trying to right the wrong done to Ernest are: Alexandru Postica, Doina Ioana Straisteanu and Pavel Postica.

The effort of the Promo-LEX representatives has been a prompt and sustainable response. The Promo-LEX continues to be there for the Vardanyan family, even if the region's authorities refuse to allow a direct involvement by the Promo-LEX lawyers into the pseudo-legal proceedings related to the case of Vardanyan.

**The Moldovan Journalists' Union** issued a statement to denounce the arrest of Ernest Vardanyan as a direct attempt on the freedom of expression.

**Amnesty International**, (in response to the video footage where Ernest confessed to the alleged crime) called on the authorities in Tiraspol to ensure that the statements of the self-styled security

minister and the Vardanyan's confession are completely discarded from all stages of the so-called trial.

In addition, the organization called on the authorities to ensure that the video is removed from official websites and is not aired again on Transnistrian television channels. "The authorities should also ensure that other news media are aware of their responsibility not to carry material which would interfere with Ernest Vardanyan's right to be presumed innocent until proved guilty according to law." stated Amnesty International.

**The Committee to Protect Journalists** called for Ernest Vardanyan's immediate release.

The human rights organization **Freedom House** signaled the case of the journalist in a report on the threats to the freedom of the press faced by the OSCE countries.



(after numerous appeals for help)

## REACTIONS FROM MODLOVAN AUTHORITIES

**Moldova's acting President Mihai Ghimpu** thinks that Ernest Vardanyan's arrest was a premeditated action by the Tiraspol administration intended to dampen the negotiation process with Chisinau. Ghimpu called the arrest "an abuse" and "a serious violation of fundamental human rights and freedoms, like it habitually happens on the left side of the Nistru".

**The press service of the Moldovan Government** announced in a press statement that Ernest Vardanyan's situation was being closely watched by the authorities in Chisinau and that every effort was being made to release the journalist.

**Moldovan Prime Minister Vlad Filat** had a telephone conversation with Transnistria's self-styled president Igor Smirnov concerning the situation of the two detainees, Ernest Vardanyan and Ilie Cazac.

**Deputy Prime Minister for Reintegration Matters Victor Osipov**, while on official visits to Brussels and Washington, stated he would attract the attention of western officials to the human rights issues in the Transnistrian region and would address, in particular, the case of the independent journalist Ernest Vardanyan. The government in Chisinau called for the immediate and unconditional release of the journalist. Victor Osipov also said the Government was trying to find a Russian lawyer for Vardanyan and that it was not an easy task. He stated he had repeatedly called for Vardanyan's release during meetings with Tiraspol's chief negotiator Vladimir Yastrebchak. However, the answer was predictable: "the Transnistrian authorities don't interfere in the affairs of the security ministry."

**SIS** – the Security and Intelligence Service of Moldova – issued a press statement to denounce the actions of the MGB as insinuations and attempts to deceive the public opinion on both sides of the Nistru. The repressive tactics

employed by the MGB contradicted the legal, moral and ethical standards, transgressing the boundaries of common sense, resulting in unwarranted arrests and blatant violations of human rights of the Moldovan citizens, Ernest Vardanyan and Ilie Cazacu, the SIS said in its statement.

--

What does the case of Vardanyan mean to the Moldovan authorities? Are the capabilities and influence of the state bodies really limited to statements? Probably because of the political deadlock in Moldova, lately there have been no efforts and results on the part of the Moldovan state authorities.

## REACTIONS FROM OTHER STATES

**U.S. Ambassador to Moldova Asif J. Chaudhry** discussed about Ernest's arrest with the separatist leader Igor Smirnov, on April 14, while on a visit to Tiraspol. Smirnov told the American ambassador that the case was "classified". Later the United States Embassy issued a press release, quoted by the Transnistrian news agency Olvia-Pres, saying: "*The United States Embassy remains deeply concerned by the arrest of journalist Ernest Vardanyan and the procedures under which he is being held by the Transnistrian authorities. We strongly urge that international standards of fundamental human and legal rights be strictly observed in this case.*"

**The EU Heads of Mission to Moldova** issued a statement to say they were following closely the case of the journalist Ernest Vardanyan. They recalled that "human rights, and in particular the freedom of expression, as well as fundamental rights of detainees should be respected. It underlines in particular that these include the right of legal counsel of their own choosing; the right to be present or represented by a person of their own choosing at pre-trial detention hearings; and the right to contact their families. The EU Heads of Mission note with deep concern that Mr. Vardanyan has

has so far been denied these basic rights.”

“The EU Heads of Mission emphasize more generally that the detention of individuals on the basis that they are considered as undesirable by those exercising power constitutes a violation of human rights and that pre-trial detention should be only permissible in relation to specific and concrete offenses. At the same time, the EU Heads of Mission express their concern as several civil society representatives have been recently interrogated in the Transnistrian region of the Republic of Moldova. The EU Heads of Mission recall the key importance of civil society for socioeconomic development and underline that civil society must be able to work freely and without the fear of being subjected to arbitrary reprisal.”

**Russian Ambassador to Moldova** Valeri Kuzmin stated journalists should not be arrested, as long as there are other methods to settle issues. The ambassador expressed his hope that the region’s authorities would shed more light on the case.

**Romanian MEPs Traian Ungureanu and Cristian Preda** informed the European Parliament about the detention of journalist Ernest Vardanyan. The two Romanian MEPs posted on their web logs a petition in his support. Ungureanu asked the High Representative for Foreign Affairs and the EU Head of Delegation to Moldova to act urgently for the immediate release of the detained journalist. Cristian Preda stated in the European Parliament that the arrest of journalist Vardanyan on charges of “high treason and espionage” was “*as absurd as it is farcical*”. The MEP said the arrest was used by the authorities in Tiraspol to intimidate Chisinau at a time when the new government which took office after last year’s elections would like to move closer to the European Union and also resolve the Transnistrian conflict.

The list of reactions, statements, on-line petitions, outdoor protests can be continued. It’s a shame though that all these actions can’t set Ernest free as the organizations with real power of action become increasingly apathetic, seeming to

forget about the situation of an innocent man whose rights are blatantly denied by an illegal government.

The truth is that Ernest Vardanyan and his family are actors in a Kafkian trial. Charged and detained without explanation, held incommunicado and kept in isolation from his family, deprived of possibilities to defend himself, Ernest Vardanyan is a victim condemned well in advance.

Ernest’s mother and his wife sent appeals for help, full of hope, to the Moldovan authorities, whose statements have remained mere statements; and to the Russian Federation – one of the very few actors who can actually exert influence in this region. Similar appeals were also sent to US President Barack Obama, German Chancellor Angela Merkel and British Prime Minister David Cameron.

In her appeal, Tamara Shahoyan, the mother of Ernest Vardanyan says her son was arrested on trumped-up charges of espionage. She argued that being an independent journalist Ernest could not have known any military, state or other secrets as he did not work in state bodies. Tamara further stated that the self-confession was extorted from Ernest through blackmail, violence and torture.

## FINAL NOTE

In conclusion, we would like to say that forgotten prisoners like Ernest Vardanyan, who only speak “the truth in an attempt to make people’s lives better”, at some point in their lives may need other people to speak for them. It is not time to give up on them. Ernest Vardanyan’s determination should inspire us to abandon the path of emphatic statements about democratic values and, instead, demand results and concrete action.

What we are trying to say is that, we can still DO something not to let Ernest Vardanyan become a forgotten prisoner.

To keep an affirmative attitude, we should also mention that Ernest Vardanyan, while being behind bars, was awarded the annual “Freedom Award” granted by the



"Jurnal de Chisinau" daily for "courage and consistence in promoting the values of democracy and the rule of law".

At the same time, it should also be remarked that during 8 months of detention there were several reports in the national press that the journalist was no longer alive, which nevertheless didn't prompt the Moldovan authorities to take firmer and more effective steps,... unfortunately. The European Court hasn't showed a more sensible attitude towards the Vardanyan family's situation, either. Human rights are, perhaps, easier to defend from the offices of different

officials, who often have the power to influence people's fates, but who avoid to do so for various reasons.

As the winter holidays approach, most people who have the power to help Ernest and his family are looking forward to spending the vacation amidst family. The Vardanyan family, too, dream about spending the vacation together with the son, father and husband Ernest. Who can help them? ... Or should we ask, who wants to help them?

*TO BE CONTINUED...*

## APPEAL

Considering the democratic principles and values based upon respect for human dignity, promoted and enshrined in milestone international conventions, in particular the Universal Declaration of Human Rights and the European Convention on Human Rights;

Taking into account both the provisions of the Moldovan Constitution and legislation and the positive duty of the state of Moldova to defend and guarantee, without any discrimination, the rights, liberties and interests of all its citizens;

Noting that on 7 April 2010 the independent journalist Ernest Vardanyan was practically abducted by the illegal and anti-constitutional administration of Tiraspol, and on 16 December 2010 a so-called court in Tiraspol sentenced him to 15 years in a strict-regime prison;

Noting that during all stages of the so-called proceedings and trial Ernest Vardanyan was denied basic rights, the detainee being deprived of communication with family and independent lawyers, who furthermore were barred from participating in the so-called trial;

Remarking the inadequacy of the efforts made by the Moldovan authorities to protect the citizen Ernest Vardanyan and his family;

Considering "the sentence" of the pretended supreme court of the Transnistrian region of the Republic of Moldova, pronounced on 16 December 2010, as another assault upon human rights;

Reaffirming the demands before the Russian Federation and the Republic of Moldova enunciated in the on 16 June 2010 RESOLUTION of Fair of European Partnership for Civil Society Organizations in Moldova concerning the situation of Ilie Cazac and Ernest Vardanyan;

Being concerned about the fate of Ernest Vardanyan, Ilie Cazac and other persons detained by the illegal administration of Tiraspol;

Reminding the authorities of Moldova and Russia that they are the only parties responsible for the state and development of human rights in the Transnistrian region;

**WE REQUEST:****The governments of Moldova and Russia, anew:**

- To immediately set up a commission of independent experts to visit the region and inspect the conditions in which Ernest Vardanyan, Ilie Cazac and other people in the region's prisons are detained and treated;
- To ensure the immediate and unconditional release of Ernest Vardanyan and Ilie Cazac;
- To immediately cease any support of financial, economic or any other nature, provided to the Tiraspol regime, and condition its resumption on respect for human rights in this region of Moldova;
- To urgently undertake all the available efforts to ensure that absolutely all the persons who are "in the custody" of the Tiraspol administration fully enjoy their rights and are not subjected to torture and inhumane treatment;
- To condition financial, economic and social assistance on respect for the rights of all the inhabitants of the Transnistrian region;

**The representatives of the Tiraspol administration:**

- To refrain from applying torture, inhumane and degrading treatment against arrestees and people detained in prisons, militsiya stations, remand centers and any other detention facilities;
- To respect the procedural rights (to an attorney, to confer with the attorney and be visited by family, to medical care, etc.) of all the people in detention;
- To immediately and unconditionally allow a commission of experts to examine the health and detention conditions of Ernest Vardanyan and Ilie Cazac.

**The Ukrainian authorities:**

- To impose a travel ban on the government leaders of the Transnistrian region and coordinate the list with the authorities of Moldova;

**The International Community (foreign governments, international organizations and bodies):**

- To intensify dialogue with the Moldovan authorities and the Tiraspol administration to ensure the immediate release of Ernest Vardanyan;
- To cancel the moratorium on the travel restrictions imposed by EU on the Transnistrian region's leadership until the settlement of Ernest Vardanyan's case;
- To notify the Republic of Moldova of the necessity to implement the provisions of the European Convention on Human Rights;
- To suspend the bank accounts held by the Transnistrian region's leadership in foreign countries;
- To persuade the Ukrainian authorities to introduce travel restrictions on the Transnistrian region's leadership.

**We call on the OSCE:**

- To request the immediate and unconditional release of Ernest Vardanyan;
- To step up efforts and seek results in guaranteeing human rights in Moldova's Transnistrian region;

**We call on the national and international Nongovernmental Organizations:**

- To undertake awareness raising activities on national and international level to urgently see the case of Ernest Vardanyan solved;
- To address appeals and other forms of messages to national and international officials stressing the necessity of ensuring the right to freedom and security to Ernest Vardanyan, Ilie Cazac and the members of their families.