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Special Edition: *The Forgotten Prisoners*

Ilie Cazac

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The opinions expressed in this bulletin do not necessarily reflect those of the donors.

“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:

Ilie Cazac, 25, formerly an officer at the Fiscal Inspectorate of the Tighina municipality, a town under the *de facto* jurisdiction of the illegal Tiraspol authorities, was arrested on March 19 by the officers of the self-styled Ministry of Security of the unrecognized Transnistrian republic on charges of “high treason and spying for the Republic of Moldova”.

On 9 February 2011, following a non-transparent so-called trial and being deprived of basic rights such as access to an independent lawyer and communication and visitation rights, the young man received a cruel “sentence” jailing him for 14 years. Ilie Cazac hasn't admitted these absurd charges, despite being subjected to pressures which only his torturers and himself know; while the Moldovan authorities hoped, naively and irresponsibly, that the illegal Tiraspol regime would demonstrate openness, cooperation and goodwill. The people living in this region and also the entire nation, have the legitimate right to ask when will the central authorities develop a correct understanding of the issue and follow a clear strategy based on the standards, values and principles of the national and international law?

Like in the case of journalist Ernest Vardanyan, Ilie Cazac was denied the right to a fair trial, being deprived of the right to a lawyer of his own or his family's choosing. There are reasons to believe that Ilie was tortured (this cannot be documented as access to him is restricted. Even his mother had to stage a lengthy hunger strike outside the Russian Embassy to obtain one single visit). The very fact of his detention represents a serious violation of human rights, granted and guaranteed by the international conventions which Moldova is party to.

In this special edition, we will reveal details of this young man's story, who has nothing to lose anymore but hopes, perhaps, that the Moldovan authorities will eventually realize that the rights, liberties and interests of the people living in the Transnistrian district cannot be ignored and sacrificed any further. These are just NOT NEGOTIABLE! The constitutional rights and liberties of the people in Transnistria must become a state priority and part of the national interest. They should be brought with insistence, perseverance and competence before the highest international organizations.

(Note: What is absurd, shameful and totally unthinkable is that Ilie Cazac, just like Ernest Vardanyan, a citizen and resident of Moldova, has been detained by a group of other citizens of Moldova for spying for Moldova).

Against this background of illegalities we ask ourselves: How can the Moldovan authorities aspire to join the European Union when this state is not capable of ensuring respect for human rights and fundamental freedoms? Just how long will the government keep offering excuses about not having control over the region and not being able to do anything? How long will the law enforcement authorities keep citing childish justifications for tolerating offenses committed on a daily basis by numerous citizens of Moldova on its own territory? Have the government's efforts in this area been adequate and proportionate during this period of almost twenty years since the start of the 1992 Moldo-Russian war?

The absurdity of this case is outrageous and demonstrates how far things have developed, or rather regressed, in the pretend settlement process of this “frozen conflict”. First attacked militarily and subsequently manipulated economically and politically, the Republic of Moldova has not been able to take coherent steps to defend its interests, independence, territorial integrity and, hence, its citizens' rights and fundamental freedoms. In these circumstances, the illegal regime made no scruples about turning Transnistria's population (over 750,000 people in 1990, under 500,000 people today) into hostages.



PROFILE:

Name: CAZAC

First name: ILIE

**Occupation: Tax inspector,
Tighina (Bender)**

Current status: Political detainee

Convicted on charges of:

Espionage and high treason

**Convicted by: an illegitimate
separatist regime**

What happened – Timeline

On **19 March 2010**, Ilie Cazac, an officer at the Fiscal Inspectorate in Tighina town, was arrested by the so-called Tiraspol regime on charges of high treason and espionage in favour of Moldova. He was arrested in the village of Varnitsa, which is located in the special-regime Security Zone. Under the 1992 Moldova-Russia ceasefire agreement, special procedures are in place here, which are supervised by a multilateral peacekeeping body called the Joint Control Commission. But after 20 years of chaos nothing remains in force here, not even the treaties signed by Russia, or the standards, values and principles of international law, much less of the national law .

His family was quick to announce publicly what had happened and to alert the national authorities, requesting intervention for Ilie's immediate and unconditioned release. The “Promo-LEX” Association responded immediately and offered a lawyer, who has made countless yet futile attempts to obtain access to the detainee.

After an exhausting wait and efforts to stand against their son's arrest, on **8 June 2010** Ilie's parents came to Chisinau to file a protest letter with the Russian Embassy in Chisinau. The parents asked the Russian diplomats and dignitaries to intervene effectively to release their son, saying they would resort to a hunger strike outside the

Embassy if their plea remained unheard in one week's term.

“We decided to protest at the Russian Embassy because only the Russian Federation has actual influence over Transnistria and only they are responsible for everything that happens there” explained Ilie's mother.

Hunger strike at the Russian Embassy

12 June 2010. Ilie Cazac's mother went on a hunger strike, taking only water. Together with her husband, she installed a tent in front of the Russian Embassy where she planned to live until her son was released. The woman believed that only the Russian authorities were able to set her son free. Earlier, Ilie Cazac's family had sent a number of letters to the Russian Embassy asking for help. Ilie Cazac's stepfather began fasting in protest several days later.



Meanwhile, Ilie Cazac's family said they were being persecuted from the moment their son was charged with espionage. Aleksandr Vinitzky, Ilie's stepfather, said they hadn't seen their son since his arrest, as the lawyer they hired had no access to him.

22 June 2010. The illegal administration published [a confession statement allegedly written by Ilie Cazac](#) through the Tiraspol-based agency “Olvia-pres”, which was addressed to Philip Remler, the head of the OSCE Mission to Moldova. “I was indeed forced by the Moldovan Security and Intelligence Service to collaborate and collect information on Transnistria, about the embassies of Romania and the Ukraine, when I was an observer during the 2004 presidential elections”, it read.

However, Ilie Cazac's mother said: *“he was forced into confessing to the alleged crime. To break him, they had kept him for 20 days in a filthy cell with no food and water”*.

On June 25, Stela Surkichyan, Ilie Cazac's mother, was admitted to the Emergency Hospital in Chisinau on the 14th day of her hunger strike. Aleksandr Vinitsky, her husband, refused to be hospitalized and continued his hunger protest outside the Russian Embassy, saying he would stay until he went into a coma.

On June 26, OSCE Mission head Philip Remler met with both detainees, Ilie Cazac and Ernest Vardanyan. On the same day, doctors reported that Stela Surkichyan and Aleksandr Vinitsky faced the risk of slipping into a coma or even dying if they didn't stop fasting.

During the whole period, the Russian Embassy didn't invite Stela Surkichyan and Aleksandr Vinitsky over to discuss their problem and hadn't taken evident or effect-

ive steps to arrange an audience for Ilie Cazac's parents.

Despite undertaking numerous visits to Tiraspol, and despite the fact that Russia continued to finance the regime, the Russian authorities ignored Ilie's and his family's ordeal. The Russian Federation didn't discuss the fate of these people and didn't take any measures such as conditioning its financial, diplomatic, political and military support on their release (bearing in mind that the *de facto* leaders of Transnistria are for the most part Russian citizens).

Lawyer Alexandru Postica, the representative of the two political detainees before the European Court, said they had been denied the right to a fair trial because, *inter alia*, they had been unable to hire independent lawyers.

26 July 2010. Ilie Cazac was sued by a Transnistrian bank over a €500 loan which he had taken out one month earlier to buy a laptop computer.

It should be remarked here that the computer in question, together with many other things, was seized by the illegal authorities after they searched the Cazacs' home. None of those things have been returned. *“We haven't received any paper certifying confiscation of things from our home. In fact, this is done in retaliation, because they don't like our protests affecting their reputation”*, said Aleksandr Vinitsky.

After 60 days, Ilie Cazac's parents gave up their hunger protest. Stela Surkichyan was finally able to see her son, who had been held in captivity since March, and obtained permission for Ilie to be defended by a lawyer selected by the family. The couple faced a big dilemma as to where they should go, now that they were removing their tent from the Russian Embassy's front lawn: they didn't have any family in Chisinau and they wouldn't return to Bender either, fearing detention.

After seeing Ilie, Stela Surkichyan said “he had yellow eyes and was lethargic”, suspecting he had been drugged. *“He hinted he had spent much time being handcuffed by showing me his hands. His wrists were black and blue. They ill-treated him for refusing to admit he was guilty as they were desperately trying to prove. I didn't see any evident sign of physical torture, but I suppose he might be tortured mentally”*, she said.

The mother and the son were given one hour in a heavily wired room, with the “recommendation” that they talked only in Russian. But they defied the interdiction and talked in Romanian. This way the son was able to warn his mother not to believe any confession that might be extorted from him. To prevent any incidents, Stela Surkichyan was accompanied to Tiraspol by two observers from the OSCE Mission to Moldova.

Ilie's father, Aleksandr Vinitsky, said the Tiraspol regime's secret service was looking

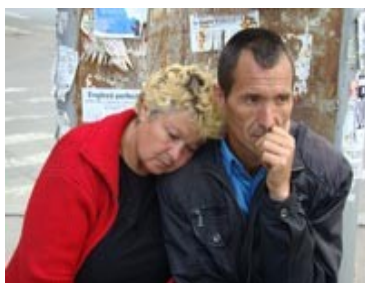
for false witnesses against their son, even among his friends and co-workers. They said that in addition to the espionage charges, Ilie faced prosecution for shunning recruitment into the region's paramilitary forces.

On 7 September 2010, the European Court of Human Rights rejected the Promo-LEX lawyers' request to fast-track hearings on Ilie Cazac's case. “We were refused access because we weren't “citizens of Transnistria”. As for the investigation carried out by Moldova's Prosecution Service, we are not aware of its progress either. They haven't even identified and summoned witnesses that could provide information about Ilie's captive status or about the so-called criminal proceedings against him”, said the lawyers from Chisinau.

After more than 8 months of hope and relentless attempts, the so-called trial of Ilie Cazac took place in the absence of his family and the lawyer hired by them. Eventually, a “condemnation sentence” was pronounced on **9 February 2011**. “They found 20 false witnesses, who confirmed that he had been guilty of “state treason”. The crime of spying for Moldova in Moldova is nothing but a bad joke. Even so, “a young man who just graduated from college could not possibly commit such wrongdoing”, argued his father.

On 10 February 2011, Ilie's parents, relatives and Moldova's civil society representatives picketed the OSCE Mission

in Chisinau to protest the sentence given by Tiraspol. Ilie Cazac's mother was eventually invited inside to talk. "I spoke with Mr. Philip Remler. He told me that all the necessary diplomatic steps were being taken and that he would request to see my son. It is beyond my understanding why my son is still in detention. He has been confined for the last year and has 13 more left. Can someone tell me why?"



Ilie's mother thinks that the court sitting at which the sentence was pronounced had been intentionally

scheduled to co-occur with the visit to Tiraspol of Audronius Ažubalis, the Foreign Minister of Lithuania, who holds the OSCE chairmanship. Stela Surkichyan believes that this way the Transnistrian

authorities wanted to show that they were a force in the region and that nobody was able to influence their position.

Now Ilie's parents are in despair; they don't know what else to do to see him free.

"I can't bear it anymore. I just can't live with the thought that my 25-year-old son is going to spend 14 years behind bars in the darkness because of a bunch of outlaws. Our government hasn't moved one finger to help our boy. Victor Osipov had deceived us for months, so have the others! There is just one little hope for us at the OSCE, which we put in Mr. Filip Remler, who promised us he would get involved. If this doesn't work, there is no other solution left for me but to douse myself with gas and set myself on fire in front of the Government building"...

“DECLARATIONS” vs. REALITIES

It was rather with Ilie's case appearing in the media, than at the time of his arrest, that the Moldovan Government, the OSCE and other officials promised earnestly to try their utmost to release Ilie Cazac.

Yet there is a legitimate question: how relative is this “utmost”? While the Government accuses the Tiraspol regime, it doesn't have any effective solutions and doesn't attempt to seek them. The OSCE undertakes visits, but avoids speaking openly.

The international community condemns, as the Russian authorities remain silent, while funding the pension system in the region, giving free gas, keeping their army there, holding and taking part in various official events, and then falling silent again, saying they cannot influence the situation, and, again, falling silent... For how long will this formal-involvement-situation be tolerated?

REACTIONS FROM CIVIL SOCIETY

The first organization who reacted to Ilie Cazac's case was Promo-LEX Association, which has offered constant legal support to his family, including by taking the case to the European Court.

Promo-LEX has repeatedly asked the Moldovan government, the OSCE, Ukraine, Russia, the European Union and the United States, (all involved in the 5+2 negotiations on Transnistria) to undertake urgent measures in order to create legal and credible mechanisms for the people living in the Transnistrian region which could serve as practical instruments for the protection of the people's constitutional rights.

"This is a flagrant violation of human rights. It was a non-transparent trial. Ilie Cazac, just like Ernest Vardanyan who was condemned in December, was deprived of the right to choose his own lawyer. This new condemnation demonstrates that the authorities in Chisinau haven't taken the necessary steps to protect its citizens from being illegally jailed by the courts of the unrecognized republic on the eastern side of the Nistru", says Alexandru Postica, lawyer with Promo-LEX.

The cases of the two political detainees in Tiraspol are wrongly interpreted by both the Moldovan national authorities and the international community. As long as this distorted perception exists, the international experts will not be able to correctly understand what is going on there. It is the national government's duty to carry out correctly its obligations toward the citizens

living in this area, stated Ion Manole, the head of Promo-LEX Association.

Statements were subsequently released by civil society from both Moldova and Ukraine. The involvement of the national and international media also played an important role.

But unfortunately the case of Ilie Cazac prompted reactions from too few international groups (Amnesty International and the Human Rights Watch were among them), and so the opportunity was missed to create a strong support which would have, perhaps, changed the situation entirely.

REACTIONS FROM MOLDOVAN AUTHORITIES

From the very onset, the Reintegration Bureau headed at the time by Victor Osipov had promised to get involved and see the case through to a successful end. Osipov declared that Ilie Cazac had been unlawfully accused, and condemned the abuses on the part of the Transnistrian authorities.

But time passes, and officials are replaced, leaving no alternative for Ilie Cazac, Ernest Vardanyan and other hundreds of innocent victims, but to spend their lives behind bars. In response to the so-called sentence on February 9, the Moldovan Government stated that it *"denounces Ilie Cazac's conviction as illegal. The Government calls on the mediators and observers to intervene and obtain Cazac's release. (...) The case of*

Cazac was investigated and tried in violation of the right to access to justice.”

As a further step, Minister of Foreign Affairs and European Integration Iurie Leanca requested the OSCE's involvement for Ernest Vardanyan's and Ilie Cazac's release. The Moldovan component of the Joint Control Commission was also quick to react with declarations and criticism. Much the same content as the Government's statement, with the words rearranged a little...

REACTIONS FROM OTHER STATES AND INTERNATIONAL ORGANIZATIONS

The United States Embassy in Moldova expressed their concern about Ilie Cazac's conviction of 14 years in prison. *“We are troubled by the lack of transparency and due process in his case, and continue to urge that Mr. Cazac's fundamental human and legal rights be respected”.*

The European Union's Delegation recalled the fundamental importance of full observance of human rights, and in particular respect for due process as well as the rights of detainees. *“The EU Delegation notes with deep concern the circumstances of Mr. Cazac's pre-trial examination and subsequent trial, including the lack of transparency of the legal process; and the fact that he was denied access to legal assistance of his choosing as well as regular contact with his family”.*

Over the last eleven months, **the Russian Embassy** has limited itself to saying that it received the request and was examining it. After the sentence was pronounced, the Russian ambassador avoided offering any comments. And yet Russia is practically the only actor that has the power to simply and effectively put an end to this human rights disaster.

FINAL NOTE

The news of Ilie's conviction struck the world of his mother like a bomb as she waited for him at dinner that Wednesday evening. “I thought he was going to make me a big surprise. But that evening at around 7 he phoned me and gave me the news. I was on the verge of losing my mind”, says a desperate Stela Surkichyan. It is so sad that it can happen to anyone in Transnistria...

In all this ordeal suffered by Ilie Cazac's family, it is difficult to find words of sympathy and encouragement, and only the knowledge of the fact that there is hope – if there is the will – which keeps them from giving up.

As for the conduct of the Moldovan national authorities, it would probably be suitable here to quote a public statement from Promo-LEX: *“It is outrageous that for about a year the constitutional authorities have been powerless to assist in these humiliating processes directed at any citizen of the Republic of Moldova, and they have been limited to formal and banal statements about the success of “negotiations”*

and "dialogue." It is irresponsible to gesture and demand action, efforts and results from the international community, while the structures of the state government and state authorities of Moldova are not proposing discussions towards adopting and implementing a strategy for a re-integration of the country; this is all the more pertinent while doing absolutely nothing towards the investigation and punishment of persons guilty of mass violations of human rights in the region".

In concluding, we'd like to recall that as of 1 January 2011, the number of people illegally arrested by the separatist authorities on the eastern side of the Nistru stood at 2,968. Each of these persons has a story and a drama of their own. And still, the rules of law seem not to be mandatory for the politicians. They play by their own rules, and with no remorse, with the fates of thousands of people.

APPEAL

Calling for the creation of credible mechanisms and legal instruments to guarantee fundamental rights and freedoms of residents of the Transnistrian region.

Promo-Lex continues to follow closely and with concern the human rights situation in the Transnistrian region of Moldova.

Promo-LEX again found serious abuses against local inhabitants, committed by the illegal government in Tiraspol, through incompetence, malpractice, a lack of effort towards satisfying their positive obligations and by ignoring the constitutional authorities of Moldova.

Promo-LEX expresses concern at the increasingly dramatic situation of the two political prisoners Ilie Cazac - "Condemned" on 9 February 2011 and Ernest Vardanean - "Condemned" on 16 December 2010, who were deprived of their liberty by the "Secessionist Authorities". In these circumstances we talk about unique cases which would be impossible in other countries: Moldovan citizens on the territory of his country are "arrested", "tried", "judged" and "convicted" by fellow citizens for the crime of "spying for the Republic of Moldova".

It is outrageous that for about a year the constitutional authorities have been powerless to assist in these humiliating processes directed at any citizen of the Republic of Moldova, and they have been limited to formal and banal statements about the success of "negotiations" and "dialogue." It is irresponsible to gesture and demand action, efforts and results from the international community, while the structures of the state government and state authorities of Moldova are not proposing discussions towards adopting and implementing a strategy for a

reintegration of the country; this is all the more pertinent while doing absolutely nothing towards the investigation and punishment of persons guilty of mass violations of human rights in the region.

Even more outrageous is the fact that on precisely the same day that the President of the OSCE visited the Transnistrian region and the so-called "authorities" in the region greeted him as a "traditional" regional diplomat: They "condemned" the political prisoner Elijah Cossack, to 14 years imprisonment for espionage in the interests of the Republic of Moldova Republic of Moldova.

Promo-Lex calls the Republic of Moldova, the OSCE, Ukraine, Russia, European Union and the United States (participants of the 5+2) to initiate legal procedures and credible mechanisms for residents of the Transnistrian region as soon as possible. They would serve as practical tools for the region's population to protect and defend their constitutional rights.

Promo-Lex believes that the overall settlement of the Transnistrian problem cannot occur without solving specific problems, namely the cases of political prisoners, Ernest Vardanean and Ilie Cazac.

Promo-LEX requires the immediate and unconditional release of Ilie Cazac, Ernest Vardanean and punishment of all persons involved in the abduction and kidnapping, according to Moldova's penal code and provisions of national law.

**Chisinau,
9 February 2011**