

## The rights of conscripts from the left bank, between myth and reality...

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### The campaign to recruit young people, aged between 18 and 27 to illegal paramilitary structures continues in the Transnistrian region.

Hundreds of young Moldovan citizens, residents of the localities in the east of the country, are currently summoned to enroll in illegal paramilitary structures. They will be forced to carry their military service and pledge to a secessionist entity. The number of those summoned is unknown, but, according to the State Register of the Population, on January 1, 2014, there were [280,518 citizens](#) registered on the territory left of Dniester, and in Bender.

Promo-LEX believes that the enrollment into illegal paramilitary structures can be deemed illegal deprivation of liberty, manifested through confinement in the premises of illegal military units. Military service in Transnistria is compulsory, and evasion from enrollment is sanctioned with a fine of up to 600 USD or a sentence up to 2 years of imprisonment.

### The graduates of the military courses of Chisinau are continuously summoned for enrollment in the paramilitary structures of Transnistria.

In Moldova, students are allowed to take courses of military training. These classes are a form of military preparation, and the graduates obtain a military rank. Upon graduation, young people are exempt from conscription service. Among the graduates there are youth who reside in the localities of the eastern rayons.

Since they live in the raions of the left bank, these young people are summoned by local laws to “serve” in paramilitary illegal structures. Their refusal or evasion from enrollment into these formations can lead to a criminal sentence in the form of a fine or imprisonment of 2 to 7 years. An order from the *regional military prosecution* prohibits *local military offices of recruitment* from exemption of the graduates of Chisinau military courses from conscription service in Transnistria.<sup>1</sup>



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<sup>1</sup><http://prokuror-pmr.org/index.php/prokuror-raz-yasnyaet/413-k-svedeniyu-voennoobyazannykh-imeyushchikh-voennyj-bilet-respubliki-moldova>

Tiraspol does not recognize this form of military training as sufficient for the period of military service. Thus local military recruitment offices have the mission to reject “exemption from military service” and to enroll students for a full duration military service in the so-called Transnistrian army. The lists of the graduates of the military sections are submitted to the local police and migration services from the region. These services have the competencies of detaining throughout the year the young men who would thus avoid conscription. We do not have information on the number of such detainees, since this data is not made public.

From our observations, the respective problem affects only the students, citizens of the Republic of Moldova, who have finished courses of military preparation and are registered in the localities of the left bank region. There are no such cases of young people who had graduated from military preparation courses in universities of the Russian Federation. This situation seems more like a revenge of the separatist administration towards those who have pledged to the Republic of Moldova.

For the moment, the Moldovan constitutional authorities have not found a solution in this regard. Moreover, they basically cannot intervene to protect these young men. The authorities claim that the service records of the graduates of the military courses residing in the eastern regions of the country cannot be modified or substituted because it would violate the current legislation. The respective issue has not been put to discussion in the negotiations format or in any of the working groups. For the moment, there is no authority specialized in the area. As for the youth from the east of the country, even if they have fulfilled their military obligation towards the Republic of Moldova as its citizens, in their homes, they are continuously summoned and enrolled in the paramilitary formations.

### **Amnesty or trap for the youth that avoided enrollment in the Transnistrian army**

A local initiative provides for the application of amnesty towards the young men who refused enrollment or were put on trial for evasion of enrollment. By January 2, 2015, they must render themselves to the local *militia*. Criminal prosecution will cease if the youth will continue their military service. Only under these conditions amnesty shall be applied.

Apparently this initiative comes to help close hundreds of criminal cases. But the youth are “expected” in the barracks, premises where they were subjected to inhumane and degrading ill treatment. The legal act provides no warranty or protection and rehabilitation of the victims. The duration of the service is unclear. The situation of the young men accused of 3-5 military offences is uncertain. The amnesty is applied partially or entirely.

No statistics on the number of persons who avoided military service has been made public. In 2009, the military commissioner announced a figure of 400 young men wanted for evasion. Based on unofficial sources, their actual number is much larger.

### **Tiraspol has decided to allow alternative service**

At the recommendation of the UN Human Rights Expert, Thomas Hamarberg, Tiraspol decided to authorize alternative military service. Some experts and international organizations have welcomed this initiative. We recall that Promo-LEX, in its reports, has mentioned the problem of the lack of the right to refuse enrollment in the area for pacifist, religious or humanitarian beliefs. We believe that our organization has contributed to this development.

What does this law provide for, in fact?

On 26 February 2014 the local *supreme soviet* adopted the *law on the civil alternative service (further in the context, the Law)*. However a mechanism for its implementation has not yet been established.

In the definition of this law, alternative service is a form of work of the *citizens* to the interest of the *state* and *society* instead of the military service by conscription. The assessment of the civil alternative service as a form of work would not describe it best way. Through alternative service, the state recognizes its constitutional engagements and positive obligations of permitting a civil alternative to those whose conscience or beliefs stop them from involvement into military activities. International standards explain clearly that civil service is a right and cannot be regarded as a form of labor, punishment or revenge.

*The law* limits the categories of persons who can refuse enrollment. The right to demand alternative service is granted to *citizens* who believe the armed service is contrary to their beliefs and religion. Thus people with pacifist, moral, ethic, humanitarian or any other type of views do not have the possibility to claim alternative service. Furthermore the *law* obliges the recruits to demonstrate to the military commission their beliefs, without defining any way these beliefs are expressed, which is contradictory and can lead in some situations to abuses from the commission members.

The *law* does not indicate the location for performing alternative military service. These are the barracks or any other premises under the custody of the military structures. This raises the question: “Are the barracks premises where one would work for the benefit of the public?” What about the public institutions and any other civilian organizations that provide public services?

The *law* does not set directly any mechanisms (specialized centers or territorial representatives of the civil service) in charge of the execution, organization, control, and protection of the rights of those performing a civil service. This prerogative is the task of the *local administration* and *executive bodies*. To date, no specialized institution has been created. Local administrations did not assign employees responsible of the alternative service, although incorporation has started 2 months ago.

The duration of the alternative service is 24 months or two-times longer than the regular army service. In our opinion this period is excessive and represents a form of revenge on those who have chosen the alternative service.

Those who shall carry military service will pay a certain contribution from the basic salary. This amount is not a fixed one, and the *law* does not indicate the destination of these contributions. The youth will not be able to claim management positions, be active members of any organizations or go on strike.

For the moment, the *law* does not provide for sanctions for the refuse to fulfill alternative service duty.

Alexandru Zubco,  
Human Rights Program  
Promo-LEX

## Dedovshina<sup>1</sup> as it is

On April, 1 Transnistria started its call for military service. For the first time young men were coming to the military committee to serve in the army for one year only, and not for one and a half. Two years ago there was decided that soldiers were to take military service at the place where they were called for. Such a decision of Transnistria was for sure supported by the society. However, there appeared a question about why, then, parents of recruiters were still experiencing anxiety, trying by any means possible to “save” their children from the army. The reason was dedovshina...

Veterans say that dedovshina has also persisted during the war. And it was reflected in the fact, that experienced and skilful soldiers were undertaking the heaviest and the most dangerous military operations. They were taking care of young soldiers, cherished them and taught them, first of all, the art of survival in the war. Here we can remember the film by Leonid Bykov “Only Old Men Are Going to Battle”

Dedovshina in its meaning known nowadays was introduced in military barracks from the prison barracks after the Great Patriotic War and was inherited by the Transnistrian army. Moreover, it continued to develop. Castes, like that of detention centers, have appeared in the army: “ded” (old-timer), “dembeli” (demob), “cherpak” (skoop) and “salaga” (scum).

Some say that the prison is the army. When we started comparing the conditions of military service with the conditions of imprisonment we found more similarities than differences:

<sup>1</sup> Dedovshchina ([Russian](#): дедовщина) is the informal system of subjection (see: [hazing](#)) of new junior [conscripts](#), formerly to the [Soviet Armed Forces](#) and today to the [Russian armed forces](#), [Internal Troops](#), and (to a much lesser extent) [FSB Border Guards](#), as well as the military forces of certain former Soviet Republics, to brutalization by the conscripts serving their last year of compulsory military service as well as NCOs and officers (Wikipedia).

forced isolation in a confined place, no freedom in choosing the occupation and displacement, uniform clothes and unvaried food; no communication with members of opposite sex (a serious problem for the majority of young men). One of the most unpleasant similarities is the suppression, humiliation including that from the part of the conscripts of the same military grade.

Old-timer soldiers establish a special attitude to them and seek privileges. Even in the times of the Soviet Army there was an attempt of forming a unit consisting of soldiers of the same conscription. So what? The problem here was not that of the fact that soldiers of different conscriptions were servicing within one unit. Ranking was based on the principle of soldiers' origin and again one group struggled with another and winners were suppressing and humiliating their comrades-in-arms. If you eliminate the principle of origin the grouping shall be based on the principle “the coolest -the winner” and on degree of disobedience in respect of superior officers' orders.

The reason explaining such a situation is the lack of adequate discipline, officers' disengagement from educational process, from creating a healthy environment inside the military team. They feel easier in such a way. You have given a task for a “ded”, “Ribnitsa man” or, for instance for a “sacrificial goat” and then you just demand the execution of such with the hands of the lower classes while you can sit back and relax.

During the Soviet period I had a chance of undergoing a compulsory military service in the elite military unit, Special Designation Regiment No.90. Dedovshina persisted there as well; however it wasn't taking such ugly forms as in the neighboring tank regiment and especially in the construction battalion. Our commanders were far superior to our neighbors, Mr. Zaharov, Deputy Commander for Political Affairs, Lieutenant Colonel, being at his place.

Moreover we were engaged in direct combat performance. However, for me also, memories of relationships outside military regulation remained unpleasant for the whole life. For a year and a half you are being humiliated and oppressed, and half a year you are humiliating and oppressing. And these six months the “joy” of humiliating and oppressing the others influence more destructively the human personality than the previous year and a half.

Many years ago a seventeenth years old young man was employed as a repairer at the trolleybus depot. Being obedient and diligent he quickly mastered the profession. We sent him off to the army and insisted he come back after the demobilization. And he returned..., however with a slapdash attitude to servicing and to the job as well. He could not adapt to normal healthy industrial relations. Habits engrained due to dedovshina were impeding him in establishing the community and family relations.

The father of our boy next door died early and he was fatally unlucky with his stepfather. He was being mocked off and forced to steal. For this reason as well he was dreaming about the army - to protect his motherland! Honor, duty, courage, bravery – these lovely words were stirring the blood of hundreds of guys. But it took only a couple of weeks as he came from his military unit with eyes full of tears and asked his parents to give him 20 dollars. Dads were claiming money and threatening to beat him, and wine, cigarettes and snacks as well... And then again 20 dollars and again... The family being rather poor was forced to look for money depriving their younger children of what they mostly needed. Such a situation continued until Sergey became himself a “ded”. At that time he started to come home drunk after the service. Why do soldiers need money? – In the best case – for a drink, but sometimes for drugs as well. What’s going on beyond the walls of military units – is a dark military secret.

Some time ago one could hear horrors about methods practiced in the military unit located in the Bender fortress. There, a few years ago, an entire criminal community was identified and brought to trial. Transnistria Military Prosecutor Investigating Department examined a voluminous criminal case of the crimes committed in military unit located in the Bender fortress on the fact of “relationships beyond military regulations involving extortion of material assets from the army conscripts”.

10 people were brought to trial, 8 of them were the army conscripts and the other two were civilians. They had previously served there and had apparently set a goal of ensuring their future life through criminal activity they had organized and carried out during their service - by extorting money. The civilians were the organizers of all extortions in the unit, acting outside it. During the investigations 53 criminal cases on extortion and other violations were combined.

The Army cannot be isolated from the society, where, as you know, far not all things go well. Thus, most of the newly recruited had prior clashes with the law in their civilian life - being arrested by militia for hooliganism, consuming of alcohol or drugs. Needless to say the total degradation of values takes place - the unrestrained endeavor to profit and easy life at any cost. Extremely low wages of Transnistrian soldiers appear to be quite frightening.

Many come to serve in the army, however few of them remain. This is basically true for the young officers who are essential for the army. It is quite difficult for a young lieutenant to combine patriotism with the need to feed and to provide housing for his family.

On January 2, 2008 the heart of the soldier Mospan Anatoly stopped beating and later, the dead body of the soldier Eugene Kolobysenko was found in the Dniester River. In the first case, according to the findings of the forensic examination, the cause of the death was the acute heart failure, no external or internal inju-

ries were identified (diagnosis was confirmed by the independent Ukrainian experts as well).

How strange, parents sent their healthy son off to the army, he passed medical commission before enrolling, he was one of the best sportsmen at school and after a few days “an acute heart failure” was certified.

At the time of his death the soldier Kolobysenko was for several months in unauthorized absence from his military unit. He ran off his military company located right opposite the President residence. His colleagues argue that the reason for such was the “warm” military relations.

On June, 18 the same year another emergency case happened in one of Transnistrian military units. After a gunshot wound in the nasal bridge area the army conscript Ivan Speian has died. “Relatives don’t believe that Vanya Speian could shoot himself, - said *Vladimir Atamanyuk, the Chief of Staff of the Armed Forces at that time, - and I also do not believe in this*”. *In the case of the soldier Speian there were no signs pointing at some troubles. He was a mentally healthy man, of a respectable family.*

Journalists were wondering: *“Whether the death of the soldier Speian is an accident or a horrifying regularity?”* After the preliminary examination performed by the TMR Military Prosecutor officers a criminal case on constituent elements of the crime foreseen by the Art. 109 PC of RMR - incitement to suicide – was opened. The results of the investigation were not communicated.

Victor was called up for military service and sent to the military unit located in the Bender fortress. After eight months of his military service he suddenly appeared at home. For a month he was hiding from everyone. Victor’s mother died a year ago and his father was an invalid, thus Victor was the sole breadwinner. He could not be called up at all for family reasons. However, mainly the youth from disad-

vantaged or low-income families are enrolled in Transnistrian army.

Some time ago, an excuse from military service cost 700 dollars. The Prosecutor Office was opening a number of criminal cases against senior officials of Ribnita military unit under the article on receipt of bribes. There was disseminated the information on identification by the Military Prosecutor of the Republic of 443 cases of unlawful exemption from military service decided by the army conscription commissions of cities and regions in respect of citizens of military age.

Some say that Victor fled because “he was heavily beaten”, was recovering for a month hiding from everyone and even feared of applying to the hospital. Those from the unit were demanding him the ransom. Victor has been on the run for three months already and his documents remained in the Bender fortress. We are ready to provide assistance in identifying the causes of the incident however under the condition that no heavier damage shall be caused to the victim.

If earlier the Bender fortress was frightening with its methods, now there was added the Military Institute administered by Tiraspol “bosses”.

There were practically no positive changes made upon the assumption of powers of the President Yevgeny Shevchuk and the appointment of the Minister of Defense, Mr. Alexander Lukyanenko.

The guys are going to the army in the full of their health, some of the boys come back with unhealthy state of mind, with scars, with a mental trauma, shut-in, angry and cynical. Not everyone manages to accomplish its military service and remain healthy, without bruising or fractures, and escaping hospital bed.

The Supreme Council is discussing the law “On Alternative Service”. But still for too long. The deputies, probably, are much occu-

ped with the other laws they consider more important. Not far from my house a pastor of the religious community is living. I asked him about how the community boys of military age were serving in the army. He told me that the son of one of the brothers was called in. However he didn't take the oath, neither took any weapons in his arms. It was good for the first months, but then they started to beat soldiers at night in the toilets of the Bender fortress. They were beating him and filming it. Soon he found himself in dispensary with broken legs and ribs. After, he spent another month at the Tiraspol Republican Clinical Hospital undergoing medical treatment.

His parents were addressing wherever they could, even they filed an application with KGB, and still the officials were just shrugging their shoulders and telling they cannot help. We decided to request the documents for investigation from the place his son was undergoing treatment at, but the documents had "disappeared" mysteriously. The young man was invalidated out.

Until recently those who could not resist humiliation and fled from the army were sentenced for "good" terms of imprisonment (4-5 years) and served their sentence together with the individuals who had committed criminal offenses. In prison, under the influence of such they quite often were choosing the way of a criminal.

The Supreme Council has adopted the law reducing the term of military service to one year. Such a decision must have reduced the problem of dedovshina to some extent, but did not eliminate the latter. In this case an entire set of measures is required, such as the reform, for instance.

In Israel, for example, military conscripts are servicing in units located in place of their permanent residence, sleep at home and spend the weekend and holidays with their families. And just imagine, this far not undermines the combat readiness of the Israel army. Special attention is attributed to the educational process. Yes, this requires efforts of the unit's officer corps, but worth it.

A number of measures aimed at eradication of such a shameful phenomenon of dedovshina shall be taken along with the introduction of a one-year military service.

The Army's objective is not just that of protecting the sovereignty, but also it is aimed at transforming boys into dignified men, and not into crippled and mentally defective individuals.

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# Promo - LEX

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**Edition coordinated by:**

Carolina Bondarciuc

**E-mail:** [crdt@promolex.md](mailto:crdt@promolex.md)

**Web:** [www.promolex.md](http://www.promolex.md)

**Tel/Fax:** (373 22) 45-00-24

**GSM:** 069637849

The **Promo-LEX Association** is a Non-Governmental Organisation focused on promoting democratic values, whose purpose is to advance democracy in the Republic of Moldova, including the Transnistrian region through promoting and defending human rights, monitoring democratic processes and strengthening the civil society.

**Promo-LEX Association provides free legal aid assistance on issues of human rights violations for the inhabitants from the Transnistrian region of Moldova. For consultations please contact: Tel: 0(22) 45-00-24**

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