

Newsletter Promo-LEX

Attack on the civil society

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“Everyone has the right to freely express his opinion. This right includes freedom to hold opinion and freedom to receive and disseminate information and ideas without any interference by the public authorities and regardless of frontiers.” European Convention on Human Rights (Art. 10 par 1)

The attack on civil society began on **5 August**, when president Sevcuic signed Decree no. 241 on combating extremism in mass media. The decree prohibits promotion of fascism, child pornography, and criticism against the administration.

Another step was the president’s speech in front of the Tiraspol state administration employees, and the town council deputies, in which he promised that our brave force bodies will *“open fire with real bullets against peaceful citizens if they will dare to protest against the worsening of living conditions or any other reason near public institutions.”*

“We are a poor country and we have no money to purchase rubber bullets, so we will apply what we have – war bullets. It is not a threat, it’s just a warning. You can do what you want: run, jump, walk on your head – but do it somewhere in a park. But if you take any action in the vicinity of state institutions, we will cease them.”

Well said, don’t you think? Convincing and nicely worded. It’s the quote of the year or even the decade. What a compelling, powerful, and confident president we have! We feel safe under his watch, like behind a stone wall. What a good person, who thinks of us the ungrateful day and night, and is always ready to give us a helping hand.

There wasn’t much extremism in recent years in Transnistria - but it is necessary to fight it. There are people appointed to do it. They are paid good money for it, too. They wouldn't and couldn't work in production. Besides, you can blame failures in the economy and other areas on the extremists.

After I read the president’s troublesome remark in Warsaw, at the OSCE forum, the meeting hall suddenly was silent. The forum partici-

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pants were shocked to hear that. Is this possible in the center of Europe, in the 21st century? I drew attention to two issues. The president did not mention if a collective farm facility is also considered public institution. And he did not specify the distance from public buildings one could carry out peaceful rallies without risking to be shot. Is it two kilometers or five? I also shared the consequences of the decree for the newspaper and for me as the editor of the only human rights activist media outlet in the region.

Discussions about the fate of democracy in Transnistria continued at the plenary session that I moderated. Commenting on the situation in Transnistria, including the main causes of social and economic problems, I mentioned the lack of civil society as such in the region. The authorities do not encourage the formation of civil society, and instead nip in the bud any of its manifestations.

The executive bodies are afraid of the civil society development, as it could expose their failures.

Formally there are two major political parties. One works as a company, and the other one is formed around a personality. None of them has a platform with clear plans of action, and they do not campaign on current issues for the society and the state. State agencies avoid cooperation with public associations. NGO activists are collectively included in the list of so-called agents of foreign influence - even if they collect plastic bottles on the riverbank of Nistru or promote a healthy lifestyle and inform people about the dangers of HIV.

Unfortunately, just like in past years, the authorities could not improve their relationship with the independent media. Some governments (including that of Transnistria) try to keep the media under control, and often force journalists to be silent. This was the case with the closure of a whole group of web-based media sources, and the refusal to accredit news agency "Novyi Region". But in a democracy, independent media is an important mechanism that allows every citizen to receive and disseminate information objectively. In effect, Transnistria doesn't have independent media, and local residents cannot exercise their right to freedom of assembly.

Under these circumstances, it's too early to talk about the freedom of expression, democracy, and human rights. We should talk about how we can convince our leadership to change their attitude towards the civil society as such.

The article was developed by "The man and his rights" / Человек и его права newspaper's team, with the support of Promo-LEX Association, within the Matra Programme (Embassy of Kingdom of the Netherlands).

BRING THAT WHICH CANNOT BE

Our newspaper has already written about the harassment campaign against me as the editor of "Man and his rights" newspaper by "certain structures."

On 31 December last year, my email box, with all the content: incoming and outgoing messages, contacts, and replies, was hacked. In the second half of the day, "undisclosed" people published the desktop of my work computer on a website. Some time later, two denigrating videos were uploaded; in the first one, a voice as if from the purgatory said that I allegedly received 25 thousand dollars from the United Nations to edit my newspaper; in the second video, bits of my correspondence were published.

I filed a complaint on this incident on 27 May to the "Investigation committee". A few weeks later, I received a reply that informed me that they declined starting criminal proceedings on grounds of

lack of elements of infraction in the actions of the wrongdoers. So someone can steal your emails, can slander and attribute you false information and statements, and our honorable internal affairs ministry and prosecutors will not see anything wrong in these actions deserving of their attention and a response from the law enforcement – as it should have, in fact.

On 26 August, I received three letters. The first letter read as follows: *“In connection with additional investigations conducted, please present us notarized photocopies of the correspondence that, in your opinion, was stolen and posted on the Internet.”*

How could I make copies of the stolen correspondence? The perpetrators did not oblige to leave me a copy of the mailbox they hacked into. Perhaps, in the opinion of the investigation committee, we Internet users should immediately make copies of all the letters we send and received, and get them notarized. It's not that hard. Before proceeding to compose a letter, just have a notary sit right next to you. Write the text, make a copy of it, and have the notary legalize it on the spot. And if they are stolen from your mailbox, you can submit notarized copies upon request.

The second letter suggested that I present a notarized copy of the order appointing me to the position of editor of the newspaper, although the authors are well aware of the fact that the newspaper is founded by a nongovernmental organization, whose president cannot issue orders.

A third letter asked me to present a notarized copy of the contract between me and “MAIL RU LTD” (registration no. 1927739850962, Russia, 125167, Moscow, 39 Leningradsky Blvd., b. 79), owner of the email service, which authorized me to use the respective email address.

I was puzzled. I have never heard of online users signing contracts with email service providers. Did I, an honest citizen who strictly obeys the laws and the code of criminal procedure of *tmr* and other countries of the world, use the email illegally for so many years? I opened the mail.ru registration rules and read the following: *“Registration of the mailbox is easy and takes only a few minutes. Registration is clear, simple and free. In fact, there are probably no more paid email services on the web.”* There never were, it seems, provisions that required users to sign any contracts for using email.

Who would ask of me things than normally do not exist – and why? Why are additional investigations conducted on my case? Recall that I only asked to identify those who hacked my mailbox. But the authorities did not seem to think that those thieves were the villains.

So why would they need unclear agreements, non-existing orders, and absurd photocopies of online correspondence?

The can be only one answer: the investigators (obviously, not on their own initiative) decided to redirect the prosecution to me, and accuse me of unauthorized use of email and work as newspaper editor, and attempted defamation by reporting a hacked email address and publication of distorted correspondence.

I asked them for help and protection, and they decided to turn me from plaintiff into a suspect and defendant. To give others a lesson against seeking justice and writing the truth. They hoped that the plaintiff would be confused and would not question the legality and adequacy of the demands of the “law enforcement bodies”.

The article was developed by “The man and his rights” / Человек и его права newspaper's team, with the support of Promo-LEX Association, within the Matra Programme (Embassy of Kingdom of the Netherlands).

Joint Open Letter. Concern on the situation of human rights defenders from the Transnistrian region

Iurie Leancă

Prime Minister of Republic of Moldova

Dmitri Medvedev

Prime Minister of the Russian Federation

Pavlo Klimkin

Minister of Foreign Affairs of Ukraine

William H. Moser

Ambassador of United States of America in Republic of Moldova

Pirkka Tapiola

Ambassador, Head of the European Union Delegation to Moldova

Michael Scanlan

Head of the OSCE Mission to Moldova

Victor Moraru

Ambassador of the Permanent Mission of the Republic of Moldova to the United Nations

Re: Concern on the situation of human rights defenders from the Transnistrian region

Excellencies,

The Promo-LEX Association, Front Line Defenders, Civil Rights Defenders, and the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), are writing to you regarding the harassment targeting human rights defenders from the Transnistrian region in the Republic of Moldova.

Brief Description of the Situation

The pressure cast by the administration in Tiraspol on human rights defenders from the Transnistrian region intensified in 2013–2014. Numerous representatives of the civil society are intimidated and subjected to libel on a daily basis for their work to promote and defend human rights in the Transnistrian region of the Republic of Moldova (**Transnistria**).

Human rights defender Stepan Popovschi was persecuted by the Tiraspol administration for his attempts to defend the property rights of thousands of residents of the region, and to hold public meetings. In March 2013, the activist's home was searched, and a "criminal" file was opened against him. More details on the case are available [here](#).

Defense attorney Vladimir Maimust has been harassed for his professional activities. In September 2013, he an attempt was made to taket his life, when an explosive device was placed in his personal car. See details [here](#).

Journalists and human rights defenders Nicolae Buceatchi and Luiza Dorosenco were accused of “subversive activities inTransnistria and inciting hatred towards the current authorities.” These accusations were formulated in several videos published on YouTube in May 2014. Their complaints to the local investigatory bodies were ignored and were not followed through with. More details on these cases may be found [here](#). See videos [here](#) and [here](#).

The work of human rights defenders is viewed in the Transnistrian region as subversive, and as an attempt to undermine the security of the local regime and de facto administration. This is why the field of human rights is not widely represented at the local level, and there are no efficient mechanisms or institutions to monitor the situation of human rights. Nevertheless, in the last year, the local administration took action to exercise control over human rights defenders and nongovernmental organizations from the region. See details [here](#).

In the last 12 years, Promo-LEX¹ has been working in the field of human rights protection and promotion in Moldova, including the Transnistrian region, and encountered numerous obstacles and difficulties in its work.

On 5 December 2014, human rights defender Alexandru Zubco was banned access to the Transnistrian region. He was detained at the checkpoint in Bender and his car searched. After approximately 30 minutes, representatives of local security services (KGB) informed him that he was banned from the region, as his presence in Transnistria was “not welcome.”

In June 2014, Alexandru Zubco sued the Transnistrian security service in a court in Tiraspol for a ban imposed on his personal car in April 2014. The court rejected the application several times, invoking formal reasons. The application was finally admitted in October. In his application, the plaintiff requested that the ban be lifted. *“I did not hope for a fair justice in the region, so I submitted the application namely to see how the mechanism of defending human rights works in Tiraspol. The hearing was set for 5 December, so I was on my way to Tiraspol to go to court,”* said Alexandru Zubco.

Moldovan constitutional authorities informed Alexandru Zubco that the *illegal “kgb” structures have been monitoring him in connection with his work with Promo-LEX*. Alexandru Zubco has been with Promo-LEX since 2007 and is an active promoter of human rights, well known at the national and international level.

Relevant national and international standards

In 1992, the Republic of Moldova and the Russian Federation signed an agreement that guarantees freedom of movement of goods, services and persons **July, 21 1992**. We find however that the guarantees provided in the respective document are not observed, and the de facto administration of the Transnistrian region tends to limit access to the region of various persons, including human rights defenders.

¹Promo-LEX Association is a civil society organization with special *consultative status* with the UN (ECOSOC), whose purpose is to advance democracy in the Republic of Moldova through promoting and defending human rights and monitoring democratic processes. Promo-LEX was created in 2002 and through its advocacy activities ensures legal protection of citizens' rights, including in the Transnistrian region. Over twelve years of its activity, over 70 strategic reasons got to the ECtHR, on 21 of them, the Court ruled positive judgments.

While the access of activists and human rights defenders to Transnistria is limited, a great number of residents of the region that face various social, economic or family-related issues and do not have access to assistance, including legal assistance; therefore, the administration's abuses continue. National and international human rights organizations have repeatedly called attention to the severe human rights situation in Transnistria². The critical situation of human rights in the Transnistrian region was described in a 2012 report submitted by UN Senior Expert Thomas Hammarberg³. The situation has not been monitored since the report's publication, and no positive changes have been recorded. The most important issue remains the impunity or lack of responsibility on the part of the local administration for their actions and severe human rights violations.

On 9 December 1998, in its Resolution A/RES/53/144, the UN General Assembly adopted a Declaration on Human Rights Defenders. The Declaration sets functional and formal guarantees for activists, journalists, volunteers, who conduct activities to promote and guarantee human rights. The states where the human rights defenders operate must ensure and guarantee of these rights.

In its Resolution adopted on 17 June 2010, the European Parliament established *EU policies in favor of human rights defenders* (P7_TA (2010) 0226), which emphasize that human rights defenders in third countries should be better protected through more effective EU human rights dialogues, and stresses the need to systematically raise the issue of the situation of human rights defenders in all political talks on human rights and in trade negotiations with third countries. It also reiterates the fact that the promotion, protection and security of human rights defenders should be considered as a priority issue in the EU's relations tierce countries, which should be integrated at all levels and in all aspects and instruments of EU foreign policy to increase coherence, effectiveness and credibility of EU support to human rights defenders.

Since the recent acts of intimidation of human rights defenders in Transnistria by the de facto local administration raise deep concerns, as their rights to freedom of movement and freedom of expression are constantly violated, prompt interventions by EU Member States and the Kingdom of Norway, which shares the same democratic principles in favor of human rights defenders risking repressions in the Transnistrian region, are urgently needed.

In these circumstances, WE REQUEST:

1. That Moldovan authorities be called on to observe their obligation to use effective measures to protect human rights defenders who are or may be at risk in the Transnistrian region;
2. That all threats against human rights defenders who are at risk of persecution in the Transnistrian region be publicly condemned;
3. That the authorities of the Russian Federation be actively involved and use their influence over the administration in Tiraspol to stop the pressure on human rights defenders in the Transnistrian region;
4. Also, on the eve of the Universal Periodic Review of the Republic of Moldova by the UN Council for Human Rights that will take place in 2016, that the Republic of Moldova be advised to extend the application of its laws and practices that enforce the provisions of the UN Declaration on human rights defenders to the Transnistrian region;

²http://promolex.md/upload/publications/ro/doc_1416394522.pdf

³<http://www.un.md/publicdocget/41/>

5. Reinforced diplomatic efforts in regional and international bodies to ensure that human rights are observed in the Transnistrian region of Moldova;
6. That humanitarian and financial support offered to the Transnistrian region be conditional on meeting and observing human rights standards.

We sincerely hope that you will take these elements into account.

Yours sincerely,

Civil Rights Defenders,
Front Line Defenders,
International Federation for Human Rights (FIDH) in the framework
of the Observatory for the Protection of Human Rights Defenders,
Promo-LEX Association,
World Organisation Against Torture (OMCT) in the framework
of the Observatory for the Protection of Human Rights Defenders.

Promo - LEX

Advancing democracy and human rights



**National Endowment
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Supporting freedom around the world

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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

The opinions, findings and conclusions or recommendations expressed herein are those of the authors and do not necessarily express the views of the National Endowment for Democracy (NED).