

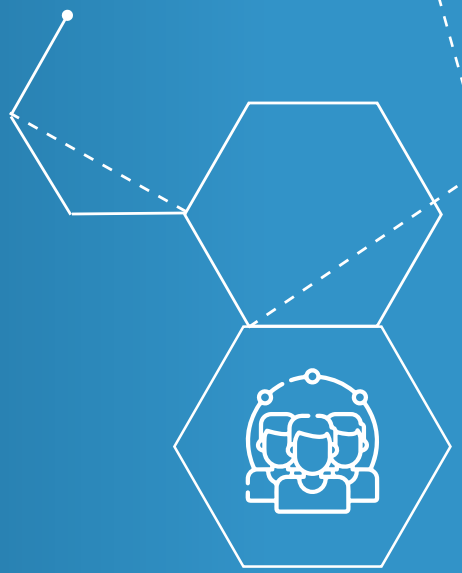


# HUMAN RIGHTS IN THE TRANSNISTRIAN REGION OF THE REPUBLIC OF MOLDOVA

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2023 Retrospective | Report

Chisinau, 2023





**Promo-LEX**  
*Advancing democracy and human rights*



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# ACRONYMS AND ABBREVIATIONS

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<b>CUC</b>	Unified Control Commission
<b>ECtHR</b>	European Court of Human Rights
<b>EU</b>	European Union
<b>MGB</b>	the alleged Ministry of Security of the Transnistrian region (mgb)
<b>NGO</b>	Non-Governmental Organisation
<b>OGRF</b>	Operational Group of Russian Forces
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>rmn</b>	"Pridnestrovian Moldavian Republic" (pmr)
<b>UN</b>	United Nations

# INTRODUCTION AND MONITORING METHODOLOGY

The Transnistrian region of the Republic of Moldova remains controlled by a *de facto* regime with an authoritarian and isolated administration, which continues to register a steady decline, with numerous anti-democratic slippages against fundamental human rights. The unresolved status of the region, the strengthening of local repressive mechanisms and the perpetuation of the climate of impunity have major repercussions on residents, human rights defenders, activists and journalists. Contrary to the impediments and restrictions imposed by the region's administration, the Promo-LEX Association has committed to continue its efforts to monitor and document the human rights situation in this area remotely. One of the results and products of these efforts is this monitoring report.

The document includes the analysis of categories of rights and freedoms, systematically violated over the past decades. The aspects explored do not constitute a complete analysis of the situation on the left bank of the Nistru River and the municipality of Bender, but they provide an important perspective on an insufficiently addressed and researched topic.

## Importance and timeliness

Most of the advocacy approaches or monitoring of the human rights situation in the Republic of Moldova concerns the territory controlled by the constitutional authorities. The situation on the left bank of the Nistru River and the municipality of Bender returns to the public agenda or to the attention of the authorities quite rarely and, most often, sporadically. Therefore, our annual report aims to complement and expand the analysis framework. Thus, interested actors will be able to have a clearer picture of the human rights situation in the entire territory of the Republic of Moldova. The perspectives offered by Promo-LEX Association also contribute to shaping an objective and coherent perception of the impediments to defending human rights. Knowing these issues is important for the public policy-making process and improving the national legislative and institutional framework. Also, corroborating this analysis with the other reports made by the Promo-LEX Association, readers can observe the developments and transformations in the Transnistrian region of the Republic of Moldova, in particular, in the field of human rights.

## Purpose

Develop an extensive and comprehensive analysis of the real human rights situation in the Transnistrian region. The monitored and analyzed period includes January – November 2023 and starts from six types of fundamental rights and freedoms.

The analysis objectives of this report are:

- identifying significant patterns of violation for the following rights and freedoms: the right to liberty and security of person, the right not to be subjected to torture and other ill-treatment, freedom of expression, freedom of movement, the right to education and the right to property;
- documenting the main challenges to the protection of human rights and the fight against impunity;
- presentation of new cases of human rights violations, registered in 2023, and the circumstances in which they occurred;
- analysis of the authorities' reactions and the measures adopted in 2023;
- documentation of how the phenomena have evolved and some concrete cases of human rights violations, recorded and reported in previous years.

## Methodological approach

The report is based on a descriptive/empirical approach, analyzes the human rights situation in the region based on the expertise of the Promo-LEX Association, the data collected using various qualitative methods, but also based on the cases represented or monitored by Promo-LEX. The main method of collecting information was data analysis. The information was collected from the legislative framework, public policy proposals, requests for access to information, journalistic publications, as well as collected directly from the field. The findings are also substantiated following the direct representation of the victims before the national and international courts by the lawyers of the Promo-LEX Association. A significant part of the data collected by the authors is publicly accessible. The relevant missing information was supplemented by responses to requests for access to information, addressed to state institutions: the Bureau of Reintegration Policies and the Special Parliamentary Commission for Monitoring and Parliamentary Control over the carrying out of the policy of Moldova's reintegration.

The authors selected six types of rights and freedoms from several considerations. First of all, the selection was made based on the expertise accumulated by the Promo-LEX Association. Also, from the participatory observation of the authors, the violation of these rights is systematic. Over the years, no significant progress has been made on the rights and freedoms under review, which is why the authors devote increased attention to them.

## Structure

The report is structured in seven chapters. The analysis begins with the definition of the political and socio-economic context on the left bank of the Nistru River and the municipality of Bender in 2023. Exploring the general context will contribute to a better understanding of the circumstances in which the phenomenon of human rights violations takes place. At the same time, this chapter highlights the factors that have directly or indirectly influenced the human rights situation. Chapters 2-7 are oriented towards issues related to the right to liberty and security of the person, the right not to be subjected to torture, freedom of expression, freedom of movement, the right to education and the right to property. The analysis also contains individual cases to highlight the peculiarities of the violations and the reactions of the constitutional authorities in specific cases. Conclusions and recommendations were drawn in the last section of the report.

## Terminology

Terminology used in the text of the report cannot imply any political position of the authors and cannot be interpreted in this regard. The use of terms such as "legislation" or "court" does not imply their legitimacy or the *de jure* recognition of these *de facto* acts or structures. The terms are used exclusively for the convenience of the reader and to provide the most accurate identification of documents and local structures. At the same time, we followed the instructions of the Bureau of Reintegration Policies, published this year, regarding the terminology related to the Transnistrian issue.<sup>1</sup>

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1 Government of the Republic of Moldova, Terminology referring to the Transnistrian issue. Accessed on 29 November 2023 года, <https://gov.md/ro/content/informatii-utile-0>

## Limitations

The limits of this methodological approach can be explained by the lack of physical access to the Transnistrian region of the Republic of Moldova of the authors of this report,<sup>2</sup> of journalists,<sup>3</sup> but also by the impossibility of verifying the data published by the structures that control this territory. The correctness and quality of the data published by them cannot be confirmed by the constitutional authorities, and most official statistical tools do not contain data on the situation in the region concerned..

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- 2 Новости Приднестровья portal "The Tiraspol Investigation Committee initiated a criminal case against Promo-LEX representatives" on 17 April 2015. Accessed on 29 November 2023, <https://novostipmr.com/ru/news/15-04-17/sledstvennyy-komitet-vozbudil-ugolovnoe-delo-protiv-chlenov>
  - 3 Association of Independent Press, Resolution of the Mass Media Forum of the Republic of Moldova 2022, of 2 December 2022. Accessed on 29 November 2023, <https://www.api.md/rezolutia-forumului-mass-media-din-republica-moldova-2022/>

## EXECUTIVE SUMMARY

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For more than three decades, the human rights situation in the Transnistrian region has been characterized by a constant backwardness, serious slippages and a climate of vicious impunity. Although respect for human rights has never been ensured in this territory, in recent years there have been trends to strengthen local repressive mechanisms. The COVID-19 pandemic and subsequently Russia's war against Ukraine further revealed the oppressive nature of Transnistrian structures. These periods of crisis and their destabilizing effects have been skilfully exploited to strengthen the *de facto* regime.

Actions and approaches considered legitimate in a democratic environment are categorized as "extremist" by the structures on the left bank of the Nistru River and the municipality of Bender. Residents, journalists, civic and political activists in the eastern districts of the country are under pressure to comply with abusive security patterns imposed by Transnistrian structures. The exercise of fundamental rights and freedoms, such as freedom of expression, is not politically acceptable as it is presented as a danger to "security". The alarming trends of recent years are increasingly highlighted by the individual histories that periodically appear in the public space. This alarming regression is confirmed by the reports of both national non-governmental organizations and international research institutions.

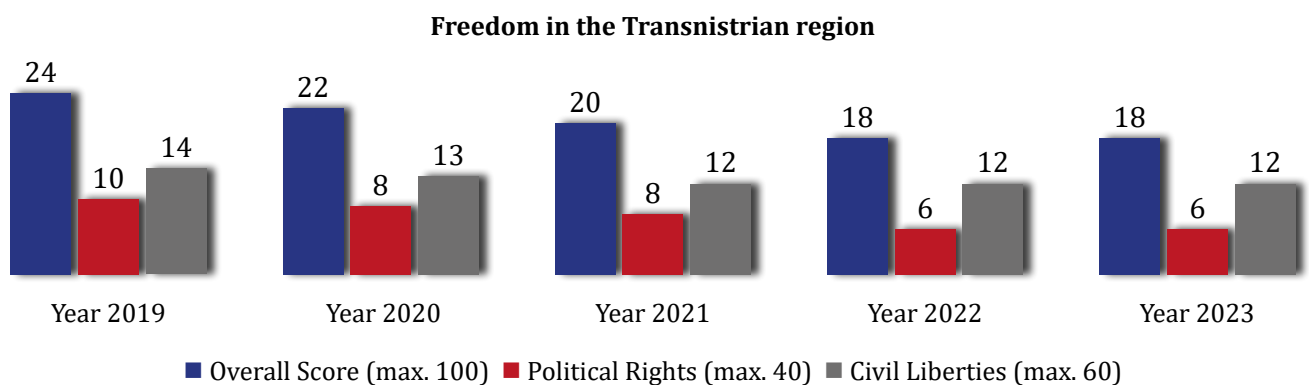
The year 2023 again highlights the magnitude and complexity of the human rights violation patterns on the left bank of the Nistru River and the municipality of Bender. The alleged anti-extremist measures applied in recent years and the development of several control mechanisms cause the climate of fear to become entrenched, where intolerance and persecution become an intrinsic part of social and political interactions. Although the constitutional authorities have expressed their commitment to ensuring respect for human rights in the Transnistrian region and keeping this issue on the agenda of the negotiation process, their actions have not produced significant effects. The national as well as the international normative framework have failed to be a guarantor of human rights in the uncontrolled territory of the country. Because of this, the human rights analysed in this report are flagrantly and systemically violated.

Some of the problems of a systematic nature are the application of torture, inhumane conditions of detention and the inability of law enforcement bodies to investigate these abuses objectively and effectively. The right to liberty and security of person is violated by illegal arrests and detentions, which result in a high incarceration rate. Also, abductions recorded on the territory controlled by constitutional authorities are another harmful phenomenon, which alarms as a result of the involvement of employees of constitutional law bodies. Restriction of free movement has worsened in the last three years, illegal posts installed in the Security Zone remain the main subject of discussions at the meetings of the Unified Control Commission, but without success. The problems faced by the Romanian-language schools and the land owners in Dubasari are just as current today. The interventions and support provided by the Chisinau authorities periodically mitigate the consequences of the abusive measures imposed by the Transnistrian structures. However, the actions in question cannot replace the obligation of the Russian Federation to enforce the judgments of the European Court of Human Rights (ECtHR) and the unconditional guarantee of respect for the right to education and property.

# 1. GENERAL CONTEXT

The Transnistrian region represents 11% of the territory of the Republic of Moldova, which is controlled by a *de facto* administration, directly supported by the Russian Federation. However, despite all the obstacles and the political context, the constitutional authorities of the Republic of Moldova have the obligation to protect the inhabitants of this region from abuses and violations.

By systematically analyzing the human rights situation in the Transnistrian region, we find a continuous degradation, in which the systemic problems previously found remain valid and current. The findings of the international organization Freedom House are the most relevant data, because they show the dynamic state of respect for human rights in this territory. The Transnistrian region is considered a "Non-free" territory. Democracy's overall score of 18 out of 100 in 2022 and 2023 remains the lowest in 5 years.<sup>4</sup>



*Source: Freedom House*

The year 2023, similar to the previous year, was marked by reactions from the constitutional authorities and the *de facto* administration, especially in the context of regional security affected by the Russian invasion of Ukraine. One notable aspect was the recording of cases of overflight of Moldovan airspace by Russian missiles<sup>5</sup> Next, we will highlight the significant decisions taken by the main actors, which have had an impact on the human rights situation in the Transnistrian region. This will contribute to a more accurate retrospective analysis of the overall context in the reference period.

**The constitutional authorities of the Republic of Moldova** extended the state of emergency in the context of the imminent danger to national security caused by the war in Ukraine. The last extension of the state of emergency was ordered by Parliament until 2 December this year.<sup>6</sup> As a result, the Commission for Emergency Situations (CSE) was able to take prompt decisions and effectively manage the risks and threats that may arise.

<sup>4</sup> Freedom House: Freedom in the world, Transnistria\*. Accessed on 29 November 2023, <https://freedomhouse.org/country/transnistria/freedom-world/2023>

<sup>5</sup> Radio Free Europe Moldova, Facebook post "A missile passed over the airspace of the Republic of Moldova", on 10 February 2023. Accessed on 29 November 2023, <https://www.facebook.com/europalibera.org/photos/a.206613498166/10159829902973167/>

<sup>6</sup> Parliament of the Republic of Moldova, Press Release "The state of emergency was extended by 60 days", on 21 September 2023. Accessed on 29 November 2023, <https://www.parlament.md/Actualitate/Comunicatedepresa/tabid/90/ContentId/9746/Page/0/language/ro-RO/Default.aspx>

The most important decisions that also concerned the Transnistrian region refer to the extension of the permit for the emission of pollutants into the atmosphere and the environmental permit for waste management. The last extension of the state of emergency was ordered until 31 December 2023.<sup>7</sup> The authorities confirmed that the granting of environmental permits was one of the important conditions to continue electricity supplies from the Transnistrian region. At the same time, the authorities informed that the Metallurgical Plant, for the first time, paid payments for environmental pollution, more than half a million lei, for the activity in 2022. Also, for the first time, a large metallurgical plant reported all emissions and all activities in the RETP system (National Register of Pollutant Emissions and Transfer).<sup>8</sup>

During this period, government reshuffles took place: after the resignation of Prime Minister Natalia Gavrilita, a new Government was appointed, led by Mr. Dorin Recean. At the meeting of the Parliament on 16 February 2023, the Activity Program of the new Government was approved: "Moldova: prosperous, secure, European".<sup>9</sup> The activity plan of the Government proposed by Dorin Recean differs from that of Natalia Gavrilita in 2021, especially on the Country Reintegration segment, due to the lack of the "5 +2" negotiation format. Also, the actions envisaged in the new plan are addressed in a more specific manner, focusing on concrete problems, such as those of farmers in Dubasari and schools teaching in Romanian. The new objectives related to reintegration refer to promoting national culture, combating disinformation and strengthening partnerships with society.

One of the novelties of this period is the amendment of the Criminal Code and the introduction of new concepts, new crimes, including the criminalization of "separatism"<sup>10</sup>, which has displeased the *de facto* administration, which has invoked every time, including in front of development partners, the risk of persecution by constitutional authorities.<sup>11</sup> The draft law did not comply with the rules on transparency in the decision-making process, being voted in the final reading on 2 February 2023, in less than two months from the registration of the draft law, on 8 December 2022.<sup>12</sup>

Even if the new provisions do not refer only to the criminalization of separatism, these changes were improperly called by both the Chisinau and Tiraspol media the "Law on separatism".<sup>13</sup> The improper name of the new changes may neglect the other provisions. The Criminal Code was supplemented with two new concepts: anti-constitutional entity and illegal information structure. At the same time, new crime components were introduced: the establishment of an illegal information structure; the plot against the Republic of Moldova; unauthorized collection of information; separatism; failure to report crimes against public authorities and state security.

The amendments to the Criminal Code were drafted in order to combat the activities of such "anti-constitutional entities". Until these changes, the actions of entities that could not be classified as a "foreign state" were not covered by Articles 337 and 338 of the Criminal Code. For example, actions

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7 The provision of the Commission for Exceptional Situations of the Republic of Moldova no. 91 of 30 October 2023. Accessed on 29 November 2023, [https://gov.md/sites/default/files/document/attachments/dispozitia\\_cse\\_nr91\\_30.10.2023\\_1.pdf](https://gov.md/sites/default/files/document/attachments/dispozitia_cse_nr91_30.10.2023_1.pdf)

8 NewsMaker Portal, NewsMaker Interview with the Minister of Environment, Iordanca-Rodica Iordanov, on 11 September 2023. Accessed on 29 November 2023, <https://newsmaker.md/ro/factura-istorica-pentru-uzina-metallurgica-din-rabnita-lichidarea-gropilor-de-gunoi-si-pubele-pentru-gospodariile-de-la-sate-interviu-nm-cu-ministra-mediului/>

9 Government of the Republic of Moldova, "Government Priorities in the Field of Country Reintegration Policies", dated 16 February 2023. Accessed on 29 November 2023, [https://gov.md/ro/content/prioritatile-guvernamentale-domeniul-politicilor-de-reintegrare-tarii?fbclid=IwAR3D2cOeQOIDX\\_tcl1RsGqHFoTaPj9l\\_BvtUQ64Oz4JdhJD06LS34ODqVd8](https://gov.md/ro/content/prioritatile-guvernamentale-domeniul-politicilor-de-reintegrare-tarii?fbclid=IwAR3D2cOeQOIDX_tcl1RsGqHFoTaPj9l_BvtUQ64Oz4JdhJD06LS34ODqVd8)

10 Law no. 9 of 2 February 2023 on amendments to some normative acts. Accessed on 29 November 2023, [https://www.legis.md/cautare/getResults?doc\\_id=135630&lang=ro](https://www.legis.md/cautare/getResults?doc_id=135630&lang=ro)

11 Portal Новости Приднестровья, "Vitalii Ignatiev: Law on separatism – the most pressing problem", dated 10 February 2023. Accessed on 29 November 2023, <https://novostipmr.com/ru/news/23-02-10/vitaliy-ignatiev-zakon-o-separatizme-ostreyshaya-na-dannyy-moment>

12 Draft law amending the Criminal Code of the Republic of Moldova no. 985/2002 (art. 134'23, 134'24, 337'1 etc.). Accessed on 29 November 2023, <https://www.parlament.md/ProcesulLegislativ/Proiectedeacteleislative/tabid/61/LegislativId/6290/language/ro-RO/Default.aspx>

13 Portal Новости Приднестровья, A series of news about the "Law on separatism" in the media in the Transnistrian region". Accessed on 29 November 2023, <https://novostipmr.com/ru/hash/zakon-o-separatizme>

taken by structures such as "mgb of rmn", even if well organized, could not previously be punished under criminal law, as there was no clear definition of the concept of "anti-constitutional entity".

In addition, according to the new amendments, treason of the fatherland (Article 337) and espionage (Article 338) have been redefined to include activities against the Republic of Moldova carried out not only for the benefit of a foreign state, but also of an anti-constitutional entity. Thus, acts of espionage or treason in favor of an unconstitutional entity will also be considered crimes, similar to actions committed in favor of a foreign state.

These changes reflect an expansion of criminal legislation to address new forms of threats to national security and sovereignty, providing a more robust legal framework for protecting the interests of the Republic of Moldova.

However, even though the Constitution of the Republic of Moldova prohibits the call for territorial separatism,<sup>14</sup> we consider that the amendments in the form in which the provision sanctioning separatism and incitement to separatism was adopted are too vague and leave room for abuses by the constitutional authorities. The changes in question have also been criticised by the European Commission<sup>15</sup>. In this regard, the ECtHR held that separatist discourse must have an impact on national security or public order and present a clear and imminent danger to these legitimate objectives in order to justify interference with freedom of expression<sup>16</sup>. In the context in which both the crime of separatism and that of inciting to separatism leave room for extensive interpretations, which is inadmissible in criminal law, we consider that both the law enforcement bodies and the courts are to take into account the findings of the ECtHR in the cases regarding the separatist discourse.

During this period, there have been several events on the Republic of Moldova – European Union (EU) relationship that are of interest to our analysis<sup>17</sup>. Although it is desired to integrate into the EU, including with the Transnistrian region, the authorities admit that the accession objectives are not corroborated by the developments in the Transnistrian conflict settlement<sup>18</sup>. The officials also state that the Transnistrian issue will continue to be an important topic on the domestic and foreign political agenda, even if the resolution of the conflict is not included in the list of conditions put forward by the European Commission<sup>19</sup>.

On 30 May 2023, the Council of the European Union adopted restrictive measures against seven citizens of the Republic of Moldova, divided into two distinct categories of sanctions: the first category includes persons responsible for actions that destabilize, undermine or threaten the sovereignty and independence of the Republic of Moldova; the second category targets persons who undermine or threaten the territorial integrity, sovereignty and independence of Ukraine<sup>20</sup>. We did not receive a firm and clear answer to the questions addressed to the constitutional authorities regarding the examination of the possibility of including in these lists the persons on the left bank of the Dniester River responsible for serious violations of human rights<sup>21</sup>.

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14 Constitution of the Republic of Moldova, art. 32 paragraph 3, [https://www.legis.md/cautare/getResults?doc\\_id=136130&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#)

15 European Commission, European Commission Report on the Republic of Moldova, 2023, p. 38. Accessed on 29 November 2023, [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_698%20Moldova%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_698%20Moldova%20report.pdf)

16 Case of Gul and others v. Turkey, no. 4870/02 of 8 June 2010, para. 42, <https://hudoc.echr.coe.int/fre?i=001-99186>

17 European Commission, Press Release "The European Commission recommended the opening of negotiations with the Republic of Moldova", dated 8 November 2023. Accessed on 29 November 2023, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_5633](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5633)

18 Public TV Moldova 1, Interview with Nicu Popescu "Everything would be simpler if a country like ours did not have a separatist conflict" dated 19 September 2023. Accessed on 29 November 2023, <https://moldova1.md/p/16074/nicu-popescu-interviu-pentru-politico--totul-ar-fi-mai-simplu-daca-o-tara-ca-a-noastra-nu-ar-avea-un-conflict-separatist->

19 IPN News Agency, "The Republic of Moldova will not give up the Transnistrian region in the EU integration process", dated 1 June 2023. Accessed on 29 November 2023, [https://www.ipn.md/ro/republica-moldova-nu-va-renunta-la-regiunea-transnistreana-in-7965\\_1097320.html](https://www.ipn.md/ro/republica-moldova-nu-va-renunta-la-regiunea-transnistreana-in-7965_1097320.html)

20 Decisions of the Council of the EU of 30 May 2023. Accessed on 29 November 2023, [https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=oj:JOL\\_2023\\_140\\_I](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=oj:JOL_2023_140_I)

21 Reply of the Bureau of Reintegration Policies no. 23-78-11908 of 13 November 2023.

**The Russian Federation** continued the unconditional economic and political support provided to the Tiraspol regime, as well as the military control over the Transnistrian region. Russia remains the actor that maintains absolute control over the Transnistrian region.

- As in previous years, the alleged representative of the Transnistrian region in Moscow, Leonid Manakov, had access to the rostrum of the United Nations (UN). Manakov's access to the UN rostrum is possible only due to non-commercial organizations in the Russian Federation, affiliated to the Moscow authorities, further proof of the **political support** provided to the *de facto* administration in Tiraspol<sup>22</sup>. This time, he had three different speeches, in which he accused each time the constitutional authorities of the alleged violation of human rights in the Transnistrian region<sup>23</sup>. Compared to previous years, in 2023 there were no reactions of the constitutional authorities to Manakov's three speeches at the UN rostrum. We believe that such speeches are to be fought with arguments by the constitutional authorities, especially that one of the priorities of the Government is to combat disinformation and ensure correct and transparent information to the public.
- In the previous reports we mentioned about the pension supplements as **economic support** generously granted to the Transnistrian region by the Russian Federation. This trend was also observed during the year 2023<sup>24</sup>. Moreover, according to Vadim Ceban, director of Moldovagaz, gas debt of the Transnistrian region to the Russian Federation reached 10 billion dollars<sup>25</sup>.
- The Russian **military presence** in the Transnistrian region continues to consist of two structures, which are de jure distinct, but in reality complement each other: the Operational Group of Russian Forces (OGRF) and the Russian military within the peacekeeping mission. Unlike in previous years, we cannot ascertain the number and character of the military exercises organized by OGRF in the Transnistrian region, because the only source of information – the official website of the Ministry of Defense of the Russian Federation – is no longer accessible. In 2023, the constitutional authorities reiterated their demands for the unconditional withdrawal of Russian troops<sup>26</sup>. These public statements do not have the capacity to produce immediate effects, but their importance must not be neglected, especially being spoken from the tribunes of international organizations. However, one of the most important prerequisites for reintegration is the demilitarization of the Transnistrian region.

The activity of the peacekeeping mission, especially from the perspective of restricting freedom of movement, will be further analyzed in Chapter 3 of this report.

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22 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 15-16. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

23 Leonid Manakov's speech of 4 April 2023. Accessed on 29 November 2023, <https://mid.gospmr.org/ru/node/9415> Leonid Manakov's speech of 4 April 2023, min. 1:26:28. Accessed on 29 November 2023, <https://media.un.org/en/asset/k1g/k1gvnbok3k>; Leonid Manakov's speech of 20 September 2023, min. 1:18:10. Accessed on 29 November 2023, <https://media.un.org/en/asset/k11/k11mzpggh>

24 The TV station Первый Приднестровский, "In the Transnistrian region, pension supplements are offered", dated 25 May 2023. Accessed on 29 November 2023, <https://tv.pgtrk.com/ru/news/20230525/132715>

25 The Agora.md portal, "The debt of the Transnistrian region to Gazprom would have reached 10 billion dollars", dated 7 November 2023. Accessed on 29 November 2023 <https://agora.md/2023/11/07/un-nou-prag-psihologic-atins-sau-numaratoare-pierduta-datoria-la-gaz-pentru-transnistria-ar-fi-ajuns-la-circa-10-miliarde-de-dolari>

26 Speech of the President Maia Sandu at the 78th session of the UN General Assembly on 21 September 2023. Accessed on 29 November 2023, <https://presedinte.md/rom/discursuri/discursul-presedintei-maia-sandu-in-cadrul-celei-de-a-78-a-sesiuni-a-adunarii-generale-a-onu>



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In 2023, as in 2022, most of the decisions adopted by the **de facto administration** were justified by invoking the security context in the region. The alleged 'Yellow Terrorist Alert Code' has been repeatedly extended. The effects and justification of this decision are analysed in the section dedicated to "*Freedom of movement*".

The *de facto* administration periodically invoked the alleged economic and/or humanitarian blockades allegedly imposed by Chisinau. In response, the constitutional authorities had to publish clarifications and clarifications, in particular on the procedure for authorising imports and exports of strategic goods<sup>27</sup>, as well as imports of consignments of food products posing risks to food security<sup>28</sup>. Such reactions are imperative to combat misinformation and ensure correct and verified information of the inhabitants on both banks of the Nistru River.

During this period, the *de facto* administration claimed to have prevented a number/several terrorist acts, statements considered at least unrealistic by the constitutional authorities. According to a statement of the Moldovan delegation to the Unified Control Commission (CUC) in March this year, the lack of information and involvement of the constitutional authorities was criticized:



*Failure to inform and involve in the established manner the military observers and the constitutional law bodies under doubt the conclusions of the representatives of the Transnistrian region. However, the alleged facts, if they occurred, should have been reported at the time of their occurrence, in order to trigger the mechanisms of the peacekeeping operation in order to prevent the destabilization of the situation in the Security Zone and to carry out an objective investigation<sup>29</sup>.*

27 Government of the Republic of Moldova, "Clarifications on the procedure for authorizing imports and exports of strategic goods", dated 26 October 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/clarificari-cu-privire-la-procedura-de-autorizare-importurilor-si-exporturilor-de-marfuri>

28 The Government of the Republic of Moldova, "Clarifications on the procedures for importing consignments of food products posing a risk to food security", dated 13 January 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/precizari-referitor-la-pretentiile-tiraspolului-procesul-de-import-republica-moldova-unor>

29 The Government of the Republic of Moldova, "Declaration of the Delegation of the Republic of Moldova to the Unified Control Commission", dated 29 March 2023. Accessed on 29 November 2023, [https://gov.md/sites/default/files/23-14-790\\_29.03.2023.pdf](https://gov.md/sites/default/files/23-14-790_29.03.2023.pdf)

## 2. THE RIGHT TO LIBERTY AND SECURITY OF PERSON

The violation of the right to liberty and security of person in the Transnistrian region is a systemic one, a statement also confirmed by the numerous findings of the ECtHR. Until 30 November 2023, the ECtHR found the violation of Article 5 of the European Convention on Human Rights in 25 out of the total of 50 judgments adopted in the files relating to the violation of human rights in the Transnistrian region. As a result of the systematic monitoring carried out by the Promo-LEX Association in recent years, the freedom and safety of the person have been periodically violated as a result of the following phenomena:

- *de facto* judicial system lacking independence and local legislation contrary to international standards<sup>30</sup>;
- high incarceration rate<sup>31</sup>;
- acts of kidnapping on territory controlled by constitutional authorities<sup>32</sup>.

No changes to the so-called local judicial system were observed during 2023. Thus, the ECtHR findings remain a reference point in assessing the functioning and effectiveness of the alleged judicial system of the Transnistrian region.



*"Courts" in the Transnistrian region and, implicitly, any other local "authority" cannot order "arrest or other lawful detention" within the meaning of Article 5 § 1 (c) of the Convention<sup>33</sup>.*

*Excerpt from the Mozer v. Moldova and Russia Case*

Therefore, we aimed to identify the causes of the existence of the high incarceration rate and the acts of kidnapping committed by the Transnistrian force structures on the territory controlled by the constitutional authorities.

### 2.1. HIGH INCARCERATION RATE

The incarceration rate, defined as the total number of detainees relative to the total population, is an important indicator for assessing criminal justice trends in a territory. This is particularly relevant in regions that are not under the control of constitutional authorities. Between 2017 and 2022, the average incarceration rate in the Transnistrian region was approximately 2,000 detainees per 100,000 inhabitants, figures that were about five times higher than the European average<sup>34</sup>.

30 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2019", p. 19 - 20. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2020/06/DREPTURILE-OMULUI-%C3%AEn-regiunea-transnistrean%C4%83.pdf>

31 *Ibidem*, p. 21.

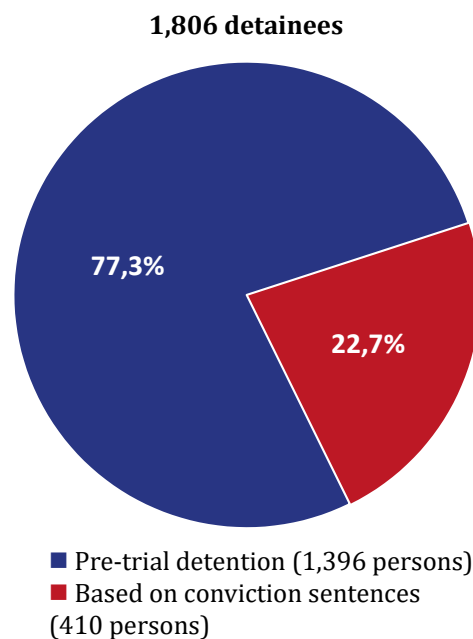
32 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2021", p. 31-32. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2021/12/RAPORT-Drepturile-Omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-Retrospectiva-anului-2021-2.pdf>

33 The case of Mozer v. Moldova and Russia, no. 11138/10, of 23 February 2016, para. 150, <https://hudoc.echr.coe.int/eng?i=001-161055>

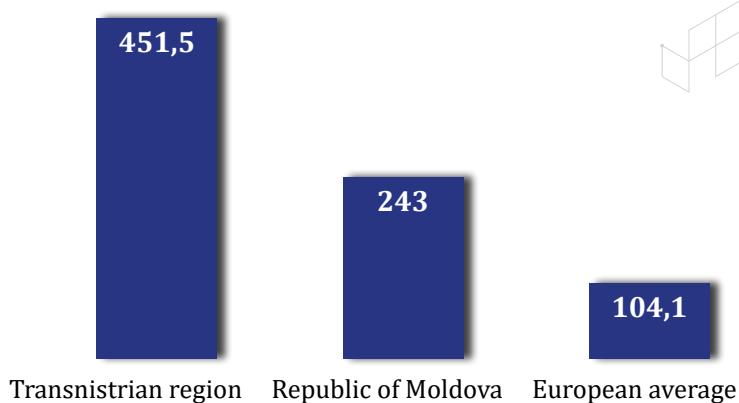
34 Promo-LEX Association, Information Note in the context of the Universal Periodic Review, p. 7. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2021/12/HUMAN-RIGHTS-IN-THE-TRANSNISTRIAN-REGION-JOINT-SUBMISSION-of-Promo-LEX-Association-and-International-Federation-for-Human-Rights.pdf>

Continuing the analysis of this issue, this report focuses on the 2022 data published by the *de facto* administration in mid-2023. On 1 January 2023, at least 1,806 people were detained in the Transnistrian region: 410 people – in “pre-trial detention”, and 1,396 people – on the basis of “sentences of conviction”.

Because the number of persons detained in the alleged “temporary detention isolators of militia structures” was not taken into account, the total number of detainees is higher than that presented by the *de facto* administration. If we consider that the total number of detainees is 1,806 persons and the population of the Transnistrian region is about 400,000 inhabitants, the incarceration rate in the Transnistrian region is 451.5 detainees per 100,000 inhabitants, which is more than four times the European average of incarceration and almost twice that of the Republic of Moldova (excluding the Transnistrian region). It is also the highest incarceration rate in Europe<sup>35</sup>.



**Incarceration rate calculated per 100,000 inhabitants**

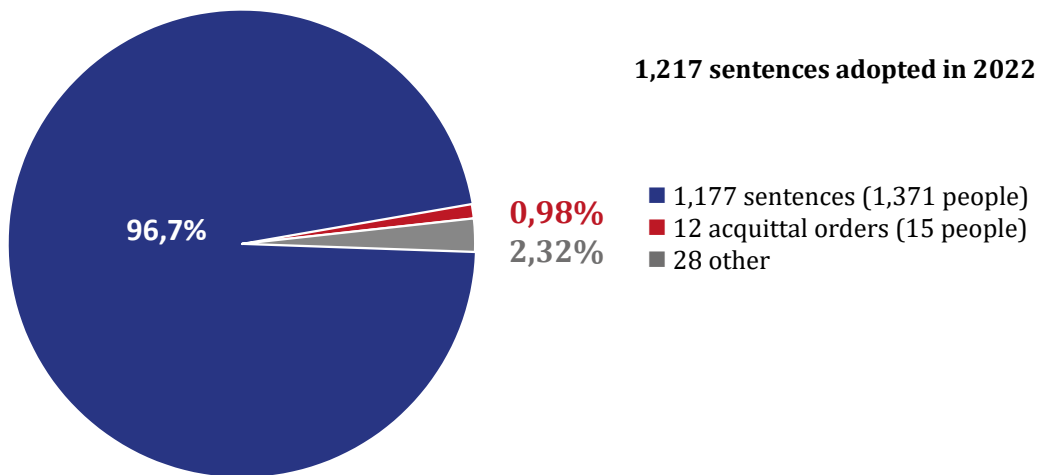


The large number of detainees is explained by the repressive nature of the local illegal regime, in particular by the excessive application of “pre-trial detention”, the large number of “sentences of conviction” and the excessive application of arrest as a contravention sanction, all this in a context of limited transparency and non-publication of relevant information. To confirm these conclusions, we present relevant figures published by the “supreme court” and the local human rights commissioner for the year 2022<sup>36</sup>.

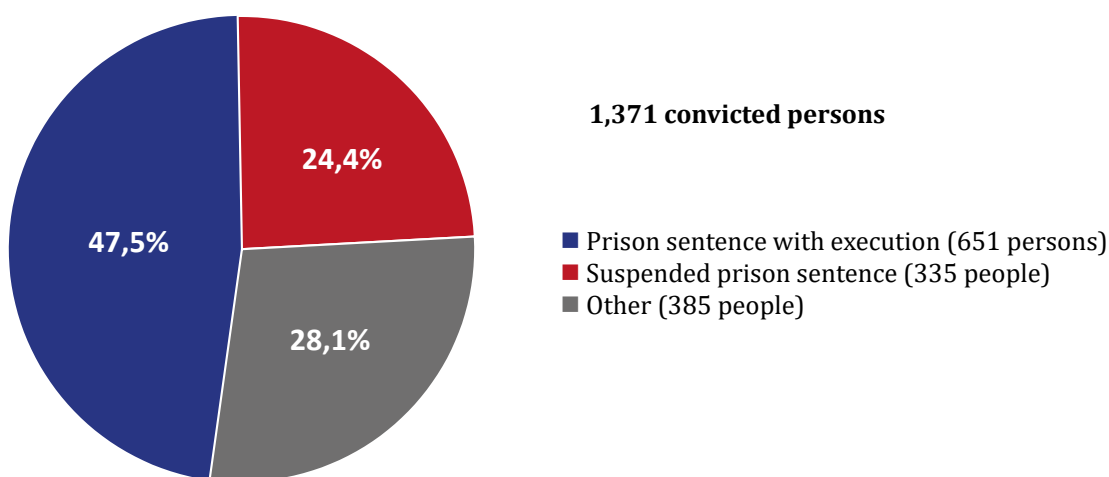
In total, in 2022, the district courts have adopted 1,217 sentences. Of the total number, 1177 sentences were convictions (96.7%), and 12 - acquittal (0.98%). The sentences refer to 1,371 persons, and the acquittal to 15 persons.

35 Promo-LEX Association, Infographic “The incarceration rate in the Transnistrian region remains the highest in Europe”, dated 29 June 2023. Accessed on 29 November 2023, <https://promolex.md/23747-infografic-rata-de-incarcerare-din-regiunea-transnistreana-ramane-cea-mai-mare-din-europa/?lang=ro>

36 Decisions of the “supreme court of the rmn” on the data of 2022. Accessed on 29 November 2023, <http://vsud.gospmr.org/doks/dokumenty/category/73-2023>

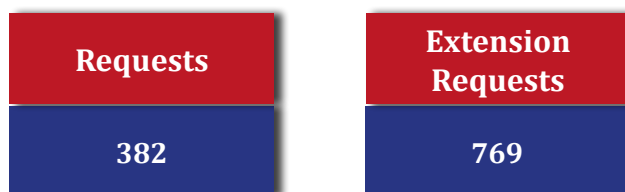


Of the total number of 1,371 convicted persons, 651 (47.5%) were sentenced to imprisonment, and for 335 people (24.4%) - the prison sentence was suspended.



In 2022, the "City Courts" reviewed 382 applications for "pre-trial detention" and 769 applications for an extension of "pre-trial detention".

**Pre-trial detention**



Unlike in previous years, no admission or rejection rates for "pre-trial detention" were published in 2022. By comparison, in 2020, the admission rate of approaches for arrest was over 95%<sup>37</sup>. Compared to recent years, there is a tendency of the *de facto* administration to publish less data and information<sup>38</sup>.

37 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2020", p. 24 - 25. Accessed 29 November 2023, [https://promolex.md/wp-content/uploads/2021/05/Raport\\_Drepturile\\_Omului\\_in\\_regiunea\\_transnistrea\\_a\\_Republicii\\_Moldova-Retrospectiva\\_anului\\_2020.pdf](https://promolex.md/wp-content/uploads/2021/05/Raport_Drepturile_Omului_in_regiunea_transnistrea_a_Republicii_Moldova-Retrospectiva_anului_2020.pdf)

38 The Security Zone Portal, "The Tiraspol regime will hide the names of alleged judges, prosecutors and public officials", dated 28 March 2023. Accessed on 29 November 2023, <https://zonadesecuritate.md/regimul-de-la-tiraspol-isi-secretizeaza-pretinsii-judecatori-procurori-si-functionari-publici/>

Out of 60 applications for appeal against the application of "pre-trial detention" "supreme court" rejected **55 applications (91.66%)** 

Out of 67 applications for appeal against the extension of "pre-trial detention" The "supreme court" rejected **66 applications (98.5%)** 

Regarding **565** persons, the "**contravention arrest**" was applied<sup>39</sup>.

## 2.2. ABDUCTION OF PERSONS BY TRANSNISTRIAN FORCE STRUCTURES ON TERRITORY CONTROLLED BY CONSTITUTIONAL AUTHORITIES

Over the years, there have been several cases in which representatives of the force structures in the Transnistrian region have kidnapped people from the territory controlled by the constitutional authorities and transported them to the Transnistrian region in alleged criminal cases started on the left bank of the Nistru River and the municipality of Bender<sup>40</sup>. The illegality of these actions was also confirmed by the ECtHR. Until now, the ECtHR has delivered three judgments in which it found the violation of the provisions of the Convention by the Republic of Moldova as a result of the transfer of persons to the Transnistrian force structures or the passivity of the authorities to the abuses committed by the Transnistrian structures on the right bank<sup>41</sup>.

Because, two of these cases are still under the attention of the Committee of Ministers of the Council of Europe, the identification and monitoring of these categories of abuses is also relevant from the perspective of the general measures that the Republic of Moldova must carry out in the procedure for the enforcement of ECtHR judgments in Filin and Negruta cases. In particular, refraining from actions of transmission of persons to Transnistrian structures, prevention of these categories of abuses, but also effective investigation of initiated criminal cases<sup>42</sup>.

In these cases, the constitutional authorities presented, in February 2021, an action report for the enforcement of the two judgments, denying the systemic nature of the infringements and requesting the termination of the supervision of ECtHR judgments<sup>43</sup>. On the other hand, the Promo-LEX Association invited the authorities to provide guarantees about the lack of any formal or informal collaborations with the Transnistrian structures, punctual explanations about the cases occurred in the public space, but also a plan of concrete actions regarding the release from detention of the kidnapped persons<sup>44</sup>. The Committee of Ministers has not yet examined the information provided by the constitutional authorities and the Promo-LEX Association in the enforcement proceedings.

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39 Report of the rmn Ombudsman for human rights for the year 2022, p. 145. Accessed 29 November 2023, <http://ombudsmanpmr.org/doclady-upolnomochennogo.htm>

40 Rise.md portal, Article "Men-stealers – Transnistriation of justice", dated 21 March 2022. Accessed on 29 November 2023, <https://www.rise.md/articol/hotii-de-oameni-transnistrizarea-justitiei/>; Articolul "Hoții de oameni", dated 1 August 2017. Accessed on 29 November 2023. <https://www.rise.md/articol/hotii-de-oameni/>

41 Promo-LEX Association, Press Release "Moldova convicted along with Russia in two Transnistrian cases as a result of the transmission of persons to the so-called criminal investigation bodies in the region", dated 18 September 2019. Accessed on 29 November 2023 [https://promolex.md/15665-moldova-condamnata-de-rand-cu-rusia-in-doua-cauze-transnistrene-ca-urmare-a-transmiterii-persoanelor-catre-asa-numitele-organe-de-urmarire-penala-din-regiune/?fbclid=IwAR3-2HD\\_IKv3MXhv\\_JMOSv\\_O\\_%20KuU7LU9229DV6tCuZTLmetCqw9R3Etan40&lang=ro](https://promolex.md/15665-moldova-condamnata-de-rand-cu-rusia-in-doua-cauze-transnistrene-ca-urmare-a-transmiterii-persoanelor-catre-asa-numitele-organe-de-urmarire-penala-din-regiune/?fbclid=IwAR3-2HD_IKv3MXhv_JMOSv_O_%20KuU7LU9229DV6tCuZTLmetCqw9R3Etan40&lang=ro)

42 The case of Negruta v. Russia and the Republic of Moldova. Accessed on 29 November 2023, <https://hudoc.exec.coe.int/eng?i=004-52755>

43 Committee of Ministers of the Council of Europe, Action Report of the Government Agent of the Republic of Moldova dated 3 February 2021. Accessed on 29 November 2023, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2021\)138E](https://hudoc.exec.coe.int/eng?i=DH-DD(2021)138E)

44 Committee of Ministers of the Council of Europe, Promo-LEX Association Communication of 27 April 2021. Accessed on 29 November 2023, [https://hudoc.exec.coe.int/eng?i=DH-DD\(2021\)479E](https://hudoc.exec.coe.int/eng?i=DH-DD(2021)479E)

Throughout 2023 these issues remained topical. The situations identified refer to cases of abduction occurred in the past, but which appeared in the public space in 2023 or certain essential developments were recorded during this period.

- ★ The portal [crime-moldova.com](http://crime-moldova.com) published a material describing the situation of a detainee from the Transnistrian region, originating in the Ungheni district. He stated that he *was kidnapped from a street in Chisinau by Transnistrian militiamen, helped by Moldovan policemen, who took him to Transnistria, where he was tortured to admit things he did not do*<sup>45</sup>. The information presented in the material was subsequently confirmed to Promo-LEX lawyers. We believe that in such situations, the constitutional authorities will take action to verify the veracity of these statements. The self-investigation procedure is also justified by the new regulations in the Transnistrian region regarding the sanctioning of persons who submit criminal complaints to the constitutional authorities.
- ★ During 2022, the Promo-LEX Association was notified by the relatives of a person who was allegedly kidnapped by the Transnistrian force structures on the territory of Varnita, Anenii Noi district, territory controlled by the constitutional authorities. Even if the relatives immediately notified the law enforcement bodies, they started the criminal investigation one year after the initial notification, and only after the investigating judge annulled the order to refuse to initiate the criminal investigation. In this case, the law enforcement bodies not only refused the initiation of the criminal investigation and, respectively, the prompt implementation of the necessary criminal investigation actions, but also, through inadmissible formulations, legitimized and justified the actions of the Transnistrian structures.



*"The detained person allegedly committed a series of crimes on the territory of the Transnistrian region, which were classified in accordance with the legislation of the Transnistrian region."*

*Excerpt from the Ordinance refusing to initiate criminal prosecution*

- ★ On the most publicized case in recent years – the kidnapping of Genadi Kuzmiciov – ex-“Minister of Interior” in the Transnistrian region, the Prosecutor’s Office for Combating Organized Crime and Special Cases (PCCOCS) announced in the past about the start of a criminal case regarding some employees of the former Directorate no. 5, who were allegedly involved in the kidnapping on 27 July 2018<sup>46</sup>. More than 5 years after the case occurred, no one was sanctioned. Moreover, the criminal case is still at the stage of criminal prosecution.

Regular registration of these categories of cases invalidates the position of constitutional authorities on the existence of unique situations and could confirm the existence of informal practices of cooperation between constitutional law enforcement bodies and representatives of Transnistrian force structures in individual cases. Moreover, these cases, once produced, are not effectively investigated by constitutional law enforcement bodies. To date, no one involved in such cases has been sanctioned. The conduct of the criminal investigation after five years from the occurrence of the case or the initial refusal to initiate the criminal investigation are negative examples to be avoided. Despite the procedures for enforcing ECtHR judgments in similar cases, the impression is created that national authorities are not doing enough to permanently eliminate these practices.

45 Crime Moldova Portal, Video “A cry of despair from a prison in Tiraspol: Transnistrian militiamen kidnapped me together with Moldovan policemen”, dated 1 July 2023. Accessed on 29 November 2023, <https://crime-moldova.com/2023/07/01/video-strigat-de-disperare-dintr-o-inchisoare-din-tiraspol-m-au-rapit-militienii-transnistreni-impreama-cu-politistii-moldoveni/>

46 Promo-LEX Association, Report “Human rights in the Transnistrian region. Retrospective of 2021”, p. 31. Accessed on 29 November 2023 <https://promolex.md/wp-content/uploads/2021/12/RAPORT-Drepturile-Omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-Retrospectiva-anului-2021-2.pdf>

## 3. RIGHT NOT TO BE SUBJECTED TO TORTURE AND OTHER ILL-TREATMENT

The right not to be subjected to torture and other ill-treatment is the only absolute right analyzed in this report, which does not allow under any circumstances derogations or limitations. Thus, the analysis of the degree of compliance, but also the identification of the concrete causes that generate violations of this right, is imperative.

As a result of the monitoring procedures carried out by the Promo-LEX Association, at least three phenomena have been observed that have led to the violation of the right not to be subjected to torture: the application of violence by force structures; detention in inhumane conditions, including poor medical care; lack of access to Transnistrian prisons, practices that have also been confirmed by the ECtHR. Until 30 November 2023, the ECtHR found the violation of the right not to be subjected to torture in 21 out of the total of 50 judgments adopted in cases originating in the Transnistrian region. And in another case, the ECtHR found the violation of the right to life following the death of a detainee in places of deprivation of liberty in the Transnistrian region<sup>47</sup>. In 2023, no essential changes were observed in the practices and policies carried out by the *de facto* administration. Thus, the aforementioned phenomena continued to generate violations of Article 3 of the Convention.

### 3.1. APPLICATION OF TORTURE BY FORCE STRUCTURES

As a result of the monitoring carried out, we find at least two reasons for the existence of the phenomenon of torture on the left bank of the Nistru River and the municipality of Bender.

Local law does not regulate or sanction acts of torture. Even if we formally find the notion of "torture" in different components of crime in the local "criminal code", it does not provide for the special quality of the subject of the crime of "torture". The need to establish the special subject of the crime of torture is directly proportional to the definition of torture given in Article 1 of the UN Convention against Torture. The lack of proper criminalization, but especially the absence of such an intention and policies at the level of local government, promotes a superficial, even ignorant attitude regarding the phenomenon of torture in the Transnistrian region. As a result, no information on the cases of violence of the Transnistrian force structures is recorded in the public space either.

The phenomenon of impunity. In the process of solving the Transnistrian problem, it is essential not to neglect the application of the criminal law, namely the accountability of those who violate human rights. The phenomenon of impunity in cases of torture and other ill-treatment in the Transnistrian region continues to be a serious problem. This is manifested by the lack of convictions regarding the persons responsible for such crimes, a problem amplified by the resistance of the law enforcement bodies to properly qualify the facts, but also by the inefficiency found in investigating criminal cases.

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47 Promo-LEX Association, Press Release "Prisons in the Transnistrian region pose a real danger to the life and health of persons", dated 28 September 2023. Accessed on 29 November 2023, <https://promolex.md/21099-penitenciarele-ilegale-din-regiunea-transnistreana-prezinta-un-pericol-real-pentru-viata-si-sanatatea-persoanelor/?fbclid=IwAR3-8KgAi5xOF3WjYtxCxjImUpWWK5bRK9SzcF9QKCExnYhggU4hHEKdEao&lang=ro>

A detailed 2023 analysis of criminal cases started between 2018 and 2022 reveals a worrying picture:

- of the 130 criminal cases started, most were suspended, indicating a clear trend towards not solving the cases;
- only two cases have been brought to trial, highlighting an alarmingly low rate of cases actually going to trial.

One reason for this problem is the relationship between prosecution officers and Moldovan prosecutors with law enforcement agencies in the region. Journalistic investigations, such as the one carried out by Rise Moldova, found that in 2020, *158 citizens of the Republic of Moldova, holders of the so-called "rmn" citizenship, worked within national public authorities. Out of the total number identified, 119 citizens worked in the law enforcement bodies. Most citizens operate in the territorial area of the cities/districts of Bender, Rezina, Ribnita and Floresti.* Respectively, the investigation of these cases includes law enforcement employees who work, reside or even hold the "citizenship" of the unrecognized republic on the left bank of the Dniester River<sup>48</sup>.

Another aspect that can influence impartiality is the location of the headquarters of the constitutional law bodies investigating these criminal cases. For example, the headquarters of the Bender Police Inspectorate and the Bender Municipality Prosecutor's Office are not only deployed on the territory controlled by the *de facto* administration, but also located in the same building and having the same courtyard with the unconstitutional structures in the Transnistrian region (alleged militia), as well as with the military troops of the Russian Federation. This situation affects the capacity of the constitutional prosecution body to effectively investigate the deeds committed in the Transnistrian region, including by representatives of force structures.

In order to combat impunity and solve these problems, it is essential to take measures to ensure the independence and impartiality of the law enforcement bodies in the handling of criminal cases, including by transferring files of major importance (e.g. cases of torture, deprivation of liberty, kidnapping, etc.) to other law enforcement bodies, which are not affected by such inappropriate influences.

The above phenomena are confirmed by the following individual cases that either occurred in 2023 or in previous years, but for some reason continue to produce effects today.



### ***The case of Andrei Samonii – an example of impunity***

In the previous reports we mentioned about the only sentence of conviction adopted by the constitutional authorities for acts of torture committed in the Transnistrian region<sup>49</sup>. In 2023, the case of Andrei Samonii reflects the difficulties of Moldovan justice in punishing abuses in the Transnistrian region. Mr. Samonii had initially been convicted of torture, but subsequent decisions changed the course of the case.

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48 Rise.md portal, Article "Men-stealers – Transnistriation of justice", dated 21 March 2022. Accessed on 29 November 2023 <https://www.rise.md/articol/hotii-de-oameni-transnistrizarea-justitiei/>

49 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2020", p. 6. Accessed 29 November 2023, [https://promolex.md/wp-content/uploads/2021/05/Raport\\_Drepturile\\_Omului\\_in\\_regiunea\\_transnistrea\\_a\\_Republicii\\_Moldova.-Retrospectiva\\_anului\\_2020.pdf](https://promolex.md/wp-content/uploads/2021/05/Raport_Drepturile_Omului_in_regiunea_transnistrea_a_Republicii_Moldova.-Retrospectiva_anului_2020.pdf)

On 11 October 2022, the Balti Court of Appeal decided to reduce the sentence from 15 to 6 years of imprisonment, and Mr. Samonii was considered guilty only for committing the crime of kidnapping. The Court of Appeal decided to acquit the convict for acts of torture on the grounds that:



*-"being a collaborator of the so-called militia commissariat, which is not recognized by the legal authorities of the Republic of Moldova, he cannot be subject to the crime of torture".*

Regarding the offence of trespassing, the court acknowledged him guilty, but released him from criminal liability following the expiry of the limitation period. At the same time, the Court of Appeal reduced the amount of non-pecuniary damage from 20,000 EUR to 20,000 MDL.

Whilst his case was pending before the Supreme Court of Justice, Andrei Samonii initiated parallel court proceedings with the aim of shortening the detention period. On 31 January 2023, the term of the sentence was reduced by 519 days, following the finding of detention in inhumane conditions in Penitentiaries no. 11 from Balti and no. 2 from Lipcani. The solution was maintained by the decision of the Balti Court of Appeal of 3 April 2023. On 21 March 2023, the provisions of the Amnesty Act were applied, the term of the sentence was reduced by one third, namely by 2 years. As a result, on 7 April 2023 Andrei Samonii was released from detention<sup>50</sup>.

On 29 November, the criminal case was still pending before the Supreme Court of Justice (CSJ). During 2023, the examination of the case was postponed seven times.



### **Arion Chiril case**

On 20 January 2023, in the city of Bender (Tighina), a 15-year-old minor was assaulted by representatives of the force structures in the Transnistrian region, and was subsequently deprived of liberty for two hours at the headquarters of the local militia. After the appearance of relatives, the minor was released. From the explanations of the local militia offered to the relatives, in an operation, the minor would have been mistaken for someone else.



*"They knocked him down, beat him, kicked him in the ribs and in the legs, everywhere. Initially they wanted to put him in a red civilian car, he resisted for 10-15 minutes. Later a car came from this militia of theirs and took him to the station on Dzerjinski Street."*

*Statements of the minor's mother, source: [zonadesecuritate.md](https://zonadesecuritate.md)*

50 Security Zone Portal, "How the sole collaborator of the illegal structures in Tiraspol was released, condemned by Chisinau for serious abuses", dated 10 April 2023. Accessed on 29 November 2023, <https://zonadesecuritate.md/cum-a-fost-eliberat-unicul-colaborator-al-structurilor-ilegale-de-la-tiraspol-condamnat-de-chisinau-pentru-abuzuri-grave-a-fost-un-schimb/>

Immediately after the appearance of the video sequences in the public space, the representatives of the police bodies of the Republic of Moldova identified the persons responsible for the assault of the minor<sup>51</sup>.

Subsequently, the relatives were informed of the initiation of a criminal case under Article 164 – kidnapping the person. Following the insistence of Promo-LEX lawyers, another criminal case was initiated under Article 166/1, para. (2), letters a) and c) of the Criminal Code – committing the act of torture by several persons regarding a minor. In these situations, the importance of correctly qualifying the acts committed is as crucial as the effective conduct of criminal prosecution.

The application of torture by representatives of the force structures of the Transnistrian region is not a new phenomenon, as confirmed by former detainees. Stories of Adrian Glijin, extracted from the podcast "În esență...", published by Europa Liberă Moldova, highlight the ill-treatment he was subjected to during his detention in private places in the Transnistrian region<sup>52</sup>:



- "[The guards] come in the evening, they open the door, masks on their heads, 2-3 come in, [they were hitting] because they didn't like how you answered, that you didn't eat everything."
- "[They were kicking] at the feet more, at the soles. They beat so as not to leave bruises."
- "For a while I even – to tell you the truth – wanted to hang myself. I couldn't stand it anymore. They mocked on us as they pleased."



### ***Molovata Noua case – the application of force by the military of the peacekeeping mission***

Unlike the situations mentioned above, this case refers to the application of ill-treatment by the military of the peacekeeping mission. On the evening of 23 July 2023, as a result of a conflict, two residents of the village of Molovata Noua were placed facedown by the Russian soldiers of the peacekeeping mission. Another resident of Molovata Noua, moving nearby, noticed this incident and intervened, requesting the release of the villagers. But he was also knocked to the ground. All three were immobilized with their hands behind their backs, holding the gun on them for around 30 minutes. The incident was covered only by local media in the region<sup>53</sup>. The Moldovan delegation to the CUC did not inform the public about this incident.

Dubasari District Prosecutor's Office informed the victims about the initiation of the criminal investigation according to art. 166/1, para. (2), lit. b), c), d) – acts of torture committed on 2 or more persons, by 2 or more persons, by using the weapon, special instruments or other objects adapted for this purpose, but also pursuant to art. 166 (2) (f) of the Criminal Code – illegal deprivation of liberty with the application of a weapon or other objects used as a weapon. For the first time, a criminal case was initiated for acts of torture applied by the members of the peacekeeping mission. At the same time, it is important to conduct the criminal case objectively and efficiently, as well as to sanction the Russian servicemen within the peacekeeping mission responsible for these abuses.

51 Security Zone Portal, Video "A minor from Hagimus was kidnapped and beaten by the Bender militia", dated 23 January 2023. Accessed on 29 November 2023, <https://zonadesecuritate.md/video-un-minor-din-hagimus-a-fost-sechestrat-si-batut-de-militia-din-bender-l-au-lovit-pestetot/>

52 Radio Free Europe Moldova, Interview "Adrian Glijin, testimonies of a "spy" about "justice" and Transnistrian prisons" dated 8 June 2023, min. 09:48 – 10:50 and 13:30 – 14:08. Accessed on 29 November 2023, <https://moldova.europalibera.org/a/adrian-glijin-marturiile-unui-spion-despre-justitia-si-inchisorile-transnistrene-/32449875.html#player-start-time=634.078942>

53 Новости Приднестровья portal, "Incident in the Security Zone discussed at the meeting of the Unified Control Commission", dated 27 July 2023. Accessed 29 November 2023, <https://novostipmr.com/ru/news/23-07-27/shkoda-vrezalas-v-shlagbaum-na-mirotvorcheskom-postu>

## 3.2. INHUMAN CONDITIONS OF DETENTION

Given that international and national monitoring institutions do not have access to places of detention in the Transnistrian region, information on inhumane conditions of detention in places deprived of liberty is confirmed by several alternative sources: statements of former detainees; statements of detainees' relatives; monitoring reports of local, national or international organizations; ECtHR findings in cases from the Transnistrian region<sup>54</sup>.

During 2023, no changes were observed regarding the detention conditions in the private places in the Transnistrian region. On the contrary, the same problems and phenomena leading to the violation of Article 3 of the Convention have been confirmed:

- poor material conditions – old infrastructure, lack of ventilation, small and cold cells, overpopulation;
- poor medical care, which is caused by the insufficiency of medical staff, medicines, but also by the impossibility of access to an independent doctor;
- solitary detention, both as a detention regime and as a sanction for violation of the detention regime.

The information is also confirmed by the findings of the Local Human Rights Commissioner in his report for 2022, published in June this year:

- of the eight alleged prisons, only the one in Ribnita is equipped with individual sleeping places;
- 17 deaths were recorded in places of detention, 14 among convicted persons, 3 among persons detained under pre-trial detention decisions. Causes of deaths are not presented, it is generically referred to as "natural causes".

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54 Promo-LEX Association, Press Release/Video "Prisons in the Transnistrian region – real sentences against human dignity", dated 26 March 2021. Accessed November 29, 2023, <https://promolex.md/19932-inchisorile-din-regiunea-transnistreana-sentinte-reale-impotriva-demnitatii-umane/?lang=ro>

After release from detention, Adrian Glijin<sup>55</sup> confirmed the inhumane conditions in the Transnistrian region:



- *"They didn't give me a mattress, a pillow, everything was brought to me from home. (...) I was alone in the Penitentiary no. 3 from Tiraspol for a year."*
- *"They could not take me out [for a walk] for a week, two, three. No medical treatment. They told me they had nothing for me [medicines]. (...) All the medicines I received from home."*
- *"In prison no. 3 from Tiraspol, besides peas and sauerkraut, there is no*



Penitentiary no. 3, Tiraspol  
Source: Promo-LEX

In 2023, unlike the previous year<sup>56</sup>, no visits were made to the places of detention in the Transnistrian region, which highlights the exceptional nature of the 2022 visits. This situation highlights the urgent need to strengthen the Ombudsman's capacities in the field of monitoring and protection of human rights in the Transnistrian region. In addition, efforts are needed to organize and facilitate working visits by representatives of the UN, but also of the Council of Europe to the Transnistrian region.

55 Radio Free Europe Moldova, Interview "Adrian Glijin, testimonies of a "spy" about "justice" and Transnistrian prisons" dated 8 June 2023, min. 6:20 – 8:02 and 10:51 – 11:40. Accessed 29 November 2023, <https://moldova.europalibera.org/pp/32449875/ppt0.html>

56 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 18. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

## 4. FREEDOM OF EXPRESSION

Freedom of expression is one of the foundations of a democratic society, one of the essential conditions for the progress and development of every person<sup>57</sup>. Contrary to this principle, over the years, a number of actions and decisions of the *de facto* administration have been observed aimed at restricting the freedom of expression of journalists, civic and political activists, as well as other categories of people who have critical opinions about the *de facto* administration, phenomena and cases previously documented by the Promo-LEX Association. As a result, several phenomena were observed that led to the violation of freedom of expression<sup>58</sup>:

- local legislation – contrary to international standards;
- persecution of people who are uncomfortable for the *de facto* administration.

In order to understand the situation in 2023, we will analyze to what extent the local legislation remains contrary to international standards and whether the persecution of persons uncomfortable for the *de facto* administration has ceased.

### 4.1. LOCAL LEGISLATION – CONTRARY TO INTERNATIONAL STANDARDS

Despite the numerous condemnatory reactions of the constitutional authorities and specialized organizations, the *de facto* administration did not revoke the local provisions contrary to international human rights standards. In particular, we refer to the provisions on criminal sanctioning for criticism of *de facto* administration officials; criticism of the *de facto* leader of the region, but also of the Russian army or the peacekeeping mission; the provisions on combating extremism; the provisions limiting the activities of local civil society organizations and the provisions establishing criminal sanctioning for notifying the constitutional authorities as a result of human rights violations in the Transnistrian region.

On the contrary, the same ostentatious attitude of the *de facto* administration was observed as a result of new attempts to strengthen local repressive mechanisms.

On 30 March 2023, the leader of the Transnistrian region proposed to<sup>59</sup> amend the provisions of the "Guretki" law<sup>60</sup> in order to streamline its practical application. The draft law was adopted on 29 May 2023 by the alleged "Supreme Soviet". Until the adoption of the amendments, the action of the so-called "Guretki" law was conditioned by the adoption by the leader of the region of the "list of foreign states to which the dispatch of criminal complaints is prohibited". With the adoption of the changes proposed by the leader of the region, this requirement was removed, so the so-called "Guretki" law became fully functional.

57 Handyside v. United Kingdom Case No. 5493/72 of 7 December 1976, section 49, <https://hudoc.echr.coe.int/fre?i=001-62057>

58 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2020", p. 28 - 32. Accessed 29 November 2023, <https://promolex.md/wp-content/uploads/2021/05/Raport-Drepturile-Omului-in-regiunea-transnistrea-a-Republicii-Moldova-Retrospectiva-anului-2020.pdf>

59 president.gospmr.org website, Draft law of 30 March 2023. Accessed on 29 November 2023, <https://president.gospmr.org/pravovoye-akty/rasporjajeniya/o-proekte-zakona-pridnestrovskoy-moldavskoy-respubliki-o-vnesenii-izmeneniya-v-ugolovniy-kodeks-pridnestrovskoy-moldavskoy-respubliki.html>

60 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 22-24. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf#page=22&zoom=100,0,0>

On 7 June 2023, amendments to the local provisions on extremism were adopted. In particular, the alleged "Law on combating extremist activities" and the alleged "criminal code"<sup>61</sup>. have been amended. According to the new changes, there will be new crimes that can be classified as "extremist in nature". Thus, if until the adoption of the amendments there were 8 alleged offenses of an extremist nature, after the entry into force of the new amendments, there will be 29 such offenses, among which there will be: limitation of freedom of assembly; denigration of the alleged "state" symbols; calls for violent regime change; terrorism; usurpation of official qualities, insult of the alleged authorities, etc.<sup>62</sup>

The term extremism defined in the new version:

*Crimes committed on grounds of political, ideological, racial, national or religious hatred or enmity against any social group, punishable by imprisonment from 6 to 10 years.*

We note that even the actions of political activists could be qualified as "political hatred", which in turn would become an extremist activity, which would make even more dangerous the political activity in the Transnistrian region. The adoption of these changes again demonstrates the autocratic tendencies of the Tiraspol regime and its intention to create a favorable climate for the elimination of dissenting voices.

## 4.2. PERSECUTION OF INCONVENIENT PERSONS

In addition to local legislation, which is contrary to international standards, we found the same practices of persecuting people whose opinions or political affiliation do not conform to the ideas agreed and promoted by the *de facto* administration.



### *Oleg Horjan case*

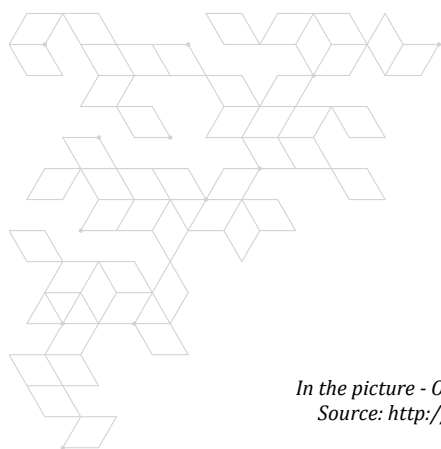
The most notable and at the same time tragic case during this period was the murder of Oleg Horjan, the leader of the Tiraspol opposition. On the night of 16 to 17 July 2023, he was found dead in his own home near Tiraspol. Oleg Horjan was the victim of the Tiraspol regime and one of the few public figures who had the courage to invoke the abuses committed by the *de facto* administration. Following a public meeting on 2 June 2018 and his public protest actions, Oleg Horjan was "detained", "remanded in "custody", and subsequently "sentenced" to four and a half years in prison, being accused of "violent actions in relation to a representative of the "power". The decision was subsequently declared null and void by the Supreme Court of Justice of the Republic of Moldova<sup>63</sup>.

61 president.gospmr.org website, Draft laws amending the "criminal code" and "law on combating extremist activities". Accessed 29 November 2023, <https://president.gospmr.org/pravovye-akty/zakoni/zakon-pridnestrovskoy-moldavskoy-respubliki>, <https://president.gospmr.org/pravovye-akty/zakoni/zakon-pridnestrovskoy-moldavskoy-respubliki-o-vnesenii-izmeneniy-v-zakon-pridnestrovskoy-moldavskoy-respubliki-o-protivodeystvii-ekstremistskoy-deyatelnosti.html>; <https://president.gospmr.org/pravovye-akty/zakoni/zakon-pridnestrovskoy-moldavskoy-respubliki-o-vnese1nii-izmeneniy-i-dopolneniya-v-ugolovniy-kodeks-pridnestrovskoy-moldavskoy-respubliki.html>

62 Security Zone Portal, "Transnistrian Region or MGB Region? Tiraspol is preparing to offer new powers of persecution", dated 19 May 2023. Accessed on 29 November 2023, <https://zonadesecuritate.md/regiunea-transnistreana-sau-regiunea-mgb-tiraspolul-se-pregateste-sa-ofere-noi-imputerniciri-de-persecutie-un-raspuns-la-inactiunile-chisinaului/>

63 Decision of the Supreme Court of Justice no. 1re-52/2020 of 23 June 2020. Accessed on 29 November 2023, [https://jurisprudenta.csj.md/search\\_col\\_penal.php?id=16216](https://jurisprudenta.csj.md/search_col_penal.php?id=16216)

On 6 December 2022, after serving his sentence in full, Oleg Horjan was released from detention. In an interview given immediately after his release from detention, he spoke about several problems faced by the Transnistrian region: economic, social, but also political. He spoke about the abuses he was subjected to in detention during 2018-2022, including inhumane conditions.



In the picture - Oleg Horjan  
Source: <http://dnestr.tv/>



Given that Oleg Horjan was the leader of the Tiraspol opposition and was constantly critical of the *de facto* administration, most likely, his murder is based on political reasons, a version that is not excluded by the constitutional authorities either<sup>64</sup>. This case confirmed the problems and phenomena previously found by Promo-LEX Association: the persecution of persons on grounds of opinion or political affiliation; the inefficiency of law enforcement investigations and the existence of the phenomenon of impunity for the abuses committed.

Following his death, Promo-LEX sent a communication to the UN *Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Irene Khan*. She was informed about the premeditated actions of the *de facto* administration to limit the space of civil society and freedom of expression. Its prompt intervention was also requested and the delivery to the constitutional authorities of the Republic of Moldova, as well as to the *de facto* administration of the concrete recommendations for ensuring respect for freedom of expression on the left bank of the Dniester River<sup>65</sup>.



### **Mihail Ermurachi case**

This case was presented in Promo-LEX's previous reports in the same section – freedom of expression – due to the real risk for Mr. Ermurachi of being 'sentenced' to over 11 years of detention due to a private discussion in which he criticised the representatives of the *de facto* administration. Formally, he was accused of: incitement to interethnic hatred; insulting the leader of the region; denying the positive role of the peacekeeping mission<sup>66</sup>. On 20 July 2021, he was convicted only for the alleged "insult of the leader of the Transnistrian region". On the other "counts" he was acquitted. He was given a penalty in the form of a fine, approximately 500 euros.

64 Deutsche Welle, Interview with Oleg Serebrian "Ukraine's Victory, Moldova's Chance of Reintegration", dated 5 September 2023. Accessed on 29 November 2023, <https://www.dw.com/ro/oleg-serebrian-victoria-ucrainei-%C8%99ansa-de-reintegrare-a-moldovei/a-66726946>

65 Promo-LEX Association, Press Release "Following the murder of Oleg Horjan, Promo-LEX requests the intervention of the UN Special Rapporteur on the serious situation of freedom of expression in the Transnistrian region", dated 8 August 2023. Accessed on 29 November 2023, <https://promolex.md/23989-ca-urmare-a-omorului-lui-oleg-horjan-promo-lex-solicita-interventia-raportoarei-speciale-a-onu-cu-privire-la-situatia-grava-a-libertatii-de-exprimare-din-regiunea-transnistreana/?lang=ro>

66 Promo-LEX Association, Press Release "Promo-LEX urges representatives of the "5+2" negotiation format to ensure freedom of expression in the Transnistrian region", dated 4 May 2020. Accessed on 29 November 2023, <https://promolex.md/17493-promo-lex-indeamna-reprezentantii-formatului-de-negocieri-52-sa-asigure-libertatea-de-exprimare-in-regiunea-transnistreana/?lang=ro>



In the picture - Mihail Ermurachi  
Source: zonadesecuritate.md

During 2022 and 2023, the problems of Mr. Ermurachi did not end. Because it was unable to pay the fine established, the force structures initiated the procedure of switching the fine sentence to one of deprivation of liberty. On 10 February 2023, by decision of the "Tiraspol City Court", the fine was replaced by two years of imprisonment. Subsequently, by decision of the "Supreme Court" of 14 March 2023, the sentence of two years was reduced to eight months.

On 30 June 2023, Mr. Ermurachi was again convicted by the "Tiraspol City Court" on the grounds that during the hearings examining the commutation of the fine sentence, he insulted again the leader of the Transnistrian region. He was given a final sentence of 3 years and 6 months deprivation of liberty. On 8 August 2023, the "sentence" was upheld by "Supreme Court". As of 12 December 2022, Mihail Ermurachi is illegally detained in the alleged "prison no. 3 from the city of Tiraspol" in inhumane conditions. This case proves once again that the biggest human rights problem in the Transnistrian region is the presence of impunity. However, an unresolved problem, the failure to sanction the persons responsible for the abuses, generates other violations, perhaps even more serious.

In the previous report, we mentioned new trends in the Transnistrian region, in particular, the persecution of people in the context of the Russian invasion of Ukraine<sup>67</sup>. No such cases were reported in 2023. However, the 2022 cases continued to take effect during the current year.



### ***The Victor Plescanov and Vadim Pogorletchi cases***

In the previous report we mentioned about these people, who were incarcerated as a result of critical speeches to officials or *de facto* institutions in the region. In addition, both Victor and Vadim suffered from decisions taken by the *de facto* administration in the context of the Russian invasion of Ukraine.

- Mr. Plescanov was sentenced to 3 years and 2 months for criticizing the Russian army and the Russian invasion of Ukraine.
- Mr. Pogorletchi was "sentenced" to 7 days of contraventional arrest. According to the "sentence", he would have photographed the paramilitary unit no. 4043 from Tiraspol (Sevcenko Street, no. 95/7), and subsequently did not comply with the requirements of the representative "mgb" to cease photography of the paramilitary object. By photographing the building, it would have violated the decision to extend the yellow code of terrorist alert. issued by the leader of the

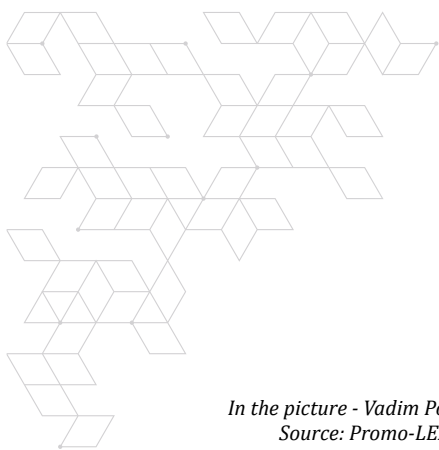
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67 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 19 - 20 Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

region<sup>68</sup>. Subsequently, his relatives were informed of the initiation of a criminal case under Article 271 local criminal code – “betrayal of the fatherland”.

In 2023 their situation worsened considerably. According to information obtained by Promo-LEX lawyers, medical situation of Mr. Plescanov worsened towards the end of the year, as he was diagnosed with an oncological problem. Mr. Pogorletchi has continued to be held in “remand” and his relatives have not had access to him for more than 15 months. The only communication was his signature confirming the receipt of the packages with food and clothes, periodically transmitted by his relatives. A year later, Promo-LEX Association learned from unofficial sources that another criminal case was initiated against Mr. Pogorletchi – “denying the positive role of the peacekeeping mission”.

In the absence of any developments in these cases, on the contrary, as a result of the worsening situation, but also as a result of the exclusion of the Russian Federation from the Council of Europe, it is not excluded that in these cases, pending before the ECtHR, the Republic of Moldova will be condemned for the lack of prompt action, both at political level and at the level of law enforcement bodies.



In the picture - Vadim Pogorletchi  
Source: Promo-LEX Archive



In addition to the actions of individual persecution, repressive measures of a collective nature were also observed. At the end of 2022, the alleged “Tiraspol City Court” banned and declared as “extremist” eight publications of the religious cult “Jehovah’s Witnesses”. According to the representatives of the cult, over 4,000 followers of the religious cult “Jehovah’s Witnesses” in the Transnistrian region risk being persecuted by the *de facto* administration, and the cult is banned according to the scenario applied by the Russian Federation<sup>69</sup>. This decision was taken following the request made by the alleged chief prosecutor of the region, Anatoli Guretki, that several publications be included in the “unique state list of extremist materials” and that access to them be restricted.

The “Unique State List of Extremist Materials” is a document managed by the alleged “ministry of justice”, which includes different categories of materials (newspaper articles, groups and/or pages on online messenger or social networks) that a local court would have decided to have extremist content<sup>70</sup>. According to the information published on the website of the alleged “ministry of justice” in the Transnistrian region, two such materials were included in 2023: a group on Viber, a group on Facebook. According to the “Apriori” Information Center From Tiraspol, the distribution

68 Promo-LEX Association, Article “Betrayal of the fatherland” for photographing a paramilitary commissariat in Tiraspol. The history of Vadim Pogorletchi, his return to prison”, dated 25 August 2023. Accessed on 29 November 2023, <https://promolex.md/24059-tradare-de-patrie-pentru-fotografierea-unui-comisariat-paramilitar-din-tiraspol-istoria-lui-vadim-pogorletchi-revenirea-dupa-gratii/?lang=ro>

69 Radio Europa Liberă Moldova, “They will outlaw us.” Jehovah’s Witnesses in Transnistria, in a new era of persecution”, dated 3 April 2023. Accessed on 29 November 2023, <https://moldova.europalibera.org/a/ne-vor-scoate-%C3%AEn-afara-legii-martorii-lui-iehova-din-transnistria-%C3%AEntr-o-nou%C4%83-er%C4%83-a-persecu%C8%9Biiilor-/32346984.html>

70 List of extremist materials from the Transnistrian region on the website of the Ministry of Justice rmn. Accessed on 29 November 2023, <http://minjust.org/web.nsf/all/egsem>

of information from the materials included in the list of extremist materials may lead to the sanctioning of the person with a fine or to contravention arrest up to 15 days<sup>71</sup>.

The mentioned measures have their origin in the local legislation, but, at the same time, they are fuelled by the instructions received by the force structures from the *de facto* leaders of the region. The most conclusive example is the so-called "*Strategy to combat extremism in Transnistria for the years 2020–2026*", approved by the leader of the region in March 2020<sup>72</sup>. This document, even though it has no intrinsic legal force, is a landmark document for force structures in their struggle with uncomfortable individuals and communities. As long as these measures increase, we find that the reactions of the constitutional authorities remain insufficient, especially those of the law enforcement bodies.

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71 Apriori Information Center, Facebook post of 21 August 2023. Accessed on 29 November 2023, <https://www.facebook.com/photo/?fbid=631319752445433&set=a.576455921265150>

72 Promo-LEX Association, Report "Human rights in the Transnistrian region. Retrospective of 2020", p. 28. Accessed 29 November 2023, [https://promolex.md/wp-content/uploads/2021/05/Raport\\_Drepturile\\_Omului\\_in\\_regiunea\\_transnistrea\\_a\\_Republicii\\_Moldova.-Retrospectiva\\_anului\\_2020.pdf](https://promolex.md/wp-content/uploads/2021/05/Raport_Drepturile_Omului_in_regiunea_transnistrea_a_Republicii_Moldova.-Retrospectiva_anului_2020.pdf)

## 5. FREEDOM OF MOVEMENT

31 years after the signing of the *Moldovan-Russian Agreement on the principles of peaceful settlement of the armed conflict in the Transnistrian region of the Republic of Moldova*, the Security Zone is neither demilitarized nor a safe zone for residents. On the contrary, we see a systemic degradation of the situation, and freedom of movement is increasingly restricted. The provisions of the 1992 Moldovan-Russian Agreement are permanently violated, and the CUC is unable to meet the challenges due to the vicious principle of decision-making by consensus of the parties.

In order to provide a clearer and structured analysis of the complex right to freedom of movement, we will approach this topic from three different perspectives:

- strengthening the infrastructure of Transnistrian control posts;
- deficiencies recorded in the activity of the peacekeeping mission;
- practices to deny access to the region.

### 5.1. STRENGTHENING AND MAINTAINING TRANSNISTRIAN CONTROL POSTS

Until 2020, the activity of the alleged border guards and the consolidation of control posts were the main problem in the field of freedom of movement and was one of the main topics in the CUC. Subsequently, this problem worsened:

- between 2020-2021, the *de facto* administration supplemented the posts and barriers in the Security Zone in order to prevent the spread of the COVID-19 virus. The effects of these decisions have negatively influenced the right to freedom of movement for different categories of persons<sup>73</sup>;
- in 2022, the *de facto* administration introduced new restrictions as a result of the application of the alleged "terrorist alert code"<sup>74</sup>.

During 2023, the alleged "terrorist alert code" was repeatedly extended until 14 January 2024<sup>75</sup>, 75a decision that had negative effects on freedom of movement, especially for those in the Security Zone. Contrary to the periodic statements made by the *de facto* administration regarding the removal of concrete blocks from the Security Zone, they remained intact throughout 2023<sup>76</sup>. On the contrary, trends have been observed to strengthen the existing infrastructure:

- illegal posts in the Security Zone<sup>77</sup>;
- unauthorized works on the road connecting Bender and Varnita<sup>78</sup>;

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73 Promo-LEX Association, Report "Situation of respect for human rights in the Transnistrian region during the COVID-19 pandemic", p. 13-14. Accessed on 29 November 2023, [https://promolex.md/wp-content/uploads/2020/06/Raport\\_Regiunea-transnistreana\\_COVID-19.pdf](https://promolex.md/wp-content/uploads/2020/06/Raport_Regiunea-transnistreana_COVID-19.pdf)

74 Promo-LEX Association, Report "Human Rights in the Transnistrian Region in 2022", p. 17 - 18. Accessed on 29 November 2023, <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

75 Order of the *de facto* administration leader of 15 November 2023. Accessed on 29 November 2023, <https://president.gospmr.org/pravovye-akty/ukazi/o-prodlenii-sroka-deystvi3a-visokogo-jeltogo-urovnnya-terroristicheskoy-opasnosti.html>

76 Security Zone Portal, Investigation "Illegal posts in the Security Zone and concrete blocks, placed last year by the Transnistrian forces, have not been removed", dated 8 February 2023. Accessed on 29 November 2023, <https://zonadesecuritate.md/foto-posturile-ilegale-din-zona-de-securitate-si-blocurile-de-beton-amplasate-anul-trecut-de-fortele-transnistrene-nu-au-fost-eliminate>

77 Government of the Republic of Moldova, Meeting of the Unified Control Commission of 30 March 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/situatia-din-zona-de-securitate-pe-agenda-comisiei-unificate-de-control>

78 The Government of the Republic of Moldova, "At the meeting of the Unified Control Commission on 26 October 2023, the Chisinau Delegation requested explanations on the unauthorized works carried out between the village of Varnita and Bender town", dated 26 October 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/la-sedinta-comisiei-unificate-de-control-din-26-octombrie-2023-delegatia-chisinaului>

- preventing the movement of military observers to document actions to strengthen the infrastructure of Transnistrian structures<sup>79</sup>;
- patrols of "border guards" by private vehicle between the villages of Gisca and Farladeni<sup>80</sup>.

According to official information, as of 31 October 2023, there were 51 posts and other types of barriers introduced by the *de facto* administration with the establishment of the terrorist alert code in April 2022<sup>81</sup>.

Objectives	Quantity	Location
Block-posts	22	Camenca - 4, Ribnita - 4, Dubasari - 5, Grigoriopol - 3, Bender - 1, Tiraspol - 1, Caragas - 0, Goose - 1, Slobozia - 3
Movable stations	1	Bender - 1
Guard posts	3	Ribnita - 1, Grigoriopol - 1, Bender - 1
Shelters	6	Camenca - 2, Dubasari - 2, Bender - 1, Dnestrovsc - 1
Concrete blocks on the road	5	Dubasari - 2, Bender - 3
Housing Modules	14	Camenca - 4, Ribnita - 3, Dubasari - 1, Grigoriopol - 0, Bender - 1, Caragas - 0, Gisca - 1, Slobozia - 4

Source: Bureau of Reintegration Policies

This reality reflects a continuous trend of restricting freedom of movement, with negative effects on the local population and the general dynamics of human rights in the region.

## 5.2. DEFICIENCIES OF THE PEACEKEEPING MISSION ON THE DNIESTER RIVER

On 21 July 1992, the President of Moldova, Mircea Snegur, and the President of the Russian Federation, Boris Yeltsin, signed the *Agreement on the Principles of the Peaceful Settlement of the Armed Conflict in the Transnistrian Region of the Republic of Moldova*. A week later, Russian airborne troops landed on the military airfield in Tiraspol for the operation that, for three decades, we generically call peacekeeping<sup>82</sup>. The peacekeeping mission was conceived as a temporary mechanism to end hostilities. Since hostilities have ceased, over three decades the peacekeeping mission has failed to develop into an operation that would build trust between the two banks, but it has been the main generator of abuses. From a human rights perspective, the current format of the peacekeeping mission is outdated. Over the past three decades, mission representatives have either been involved in incidents related to intimidation of human rights defenders, journalists, including acts of violence and loss of life<sup>83</sup>, or lacked the capacity to prevent or combat abuses of Transnistrian force structures, in particular the installation of additional posts and barriers that limited the free movement of people and goods<sup>84</sup>.

79 The Government of the Republic of Moldova, "The Delegation of the Republic of Moldova asks Tiraspol to stop blocking the activity of military observers in the security area", dated 9 November 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/delegatia-republicii-moldova-cere-tiraspolului-sa-inceteze-blocarea-activitatii>

80 *Ibidem*.

81 Reply of the Bureau of Reintegration Policies no. 23-78-11908 of 13 November 2023.

82 Promo-LEX Association, Study "Incidents in the Security Zone from a Human Rights Perspective", p. 4. Accessed on 29 November 2023, [https://promolex.md/wp-content/uploads/2020/10/Studiu\\_Incidente-Zona-de-Securitate\\_2020\\_RO.pdf](https://promolex.md/wp-content/uploads/2020/10/Studiu_Incidente-Zona-de-Securitate_2020_RO.pdf)

83 Promo-LEX Association, Press Release "On the World Day of Peace, we recall the incidents caused by those who have to ensure peace", dated 21 September 2022. Accessed on 29 November 2023, <https://promolex.md/22739-de-ziua-mondiala-a-pacii-amintim-incidentele-provocate-de-cei-care-trebuie-sa-asigure-pacea/?lang=ro>

84 Promo-LEX Association, Study "Incidents in the Security Zone from a Human Rights Perspective". Accessed on 29 November 2023, [https://promolex.md/wp-content/uploads/2020/10/Studiu\\_Incidente-Zona-de-Securitate\\_2020\\_RO.pdf](https://promolex.md/wp-content/uploads/2020/10/Studiu_Incidente-Zona-de-Securitate_2020_RO.pdf)

During 2023, the peacekeeping mission remained equally ineffective, and in other cases, the Russian military was the protagonist of several violations of the Security Zone regime:

- February – April: the movement, uncoordinated with the Unified Control Commission, of the armoured military equipment outside the range of the peacekeeping mission stations<sup>85</sup>;
- April: unjustified stopping of citizens' means of transport, especially those owned by representatives of the diplomatic corps accredited in the Republic of Moldova<sup>86</sup>;
- September: "training" of Transnistrian force structures with the use of combat ammunition, which damaged the walls and windows of some residential blocks in Ribnita<sup>87</sup>;
- October – November: preventing the movement of military observers to document the change of infrastructure at the control posts<sup>88</sup>.



### **Anatol Matasaru case**

On 5 May 2023, civic activist and reporter Anatol Matasaru was detained by the Russian military within the peacekeeping mission near Gura Bacului, Anenii Noi district, for alleged unauthorized filming on the perimeter of the station. According to Anatol Matasaru, he started filming on the perimeter of the station as a result of the unjustified stopping by the peacekeeping mission soldiers. The civic activist was released after more than 5 hours, after the intervention of the Moldovan police, military observers from the Unified Control Commission and the representative of the Ombudsman. Being notified, the Anenii Noi District Prosecutor's Office started a criminal case, but subsequently closed it on the grounds that:



*"Because the filming in the Security Zone was carried out without the consent of the Unified Control Commission, detention of Anatol Matasaru was legal."*

Under the current conditions, but also in the context of numerous analyses on the deficiencies of the peacekeeping mission, the intentions of the representatives of the *de facto*<sup>89</sup> administration to increase the number of peacekeepers in the Security Zone are at least absurd. We recommend that constitutional authorities take advantage of the favorable geopolitical context<sup>90</sup> and consistently insist on making the peacekeeping mission an international civil one.

85 Statement of the Chisinau Delegation in the Unified Control Commission 20 of April 2023. Accessed on 29 November 2023, [https://gov.md/sites/default/files/23-14-943\\_20.04.2023.pdf](https://gov.md/sites/default/files/23-14-943_20.04.2023.pdf)

86 The Government of the Republic of Moldova, "Cases of violation of the Security Zone regime reported to the Unified Control Commission", dated 20 April 2023. <https://gov.md/ro/content/cazurile-de-incalcare-regimului-zonei-de-securitate-semnalate-la-comisia-unificata-de>

87 Government of the Republic of Moldova, Delegation of the Republic of Moldova to the Unified Control Commission, Meeting of 28 September 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/sedinta-comisiei-unificate-de-control>

88 Government of the Republic of Moldova, Delegation of the Republic of Moldova to the Unified Control Commission, Meeting of 2 November 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/asigurarea-ordinii-publice-si-liberei-circulatii-pe-perioada-desfasurarii-scrutinului-din-05>

89 Promo-LEX Association, Press Release "The peacekeeping mission must be reformed, not consolidated", dated 8 May 2023. Accessed on 29 November 2023, <https://promolex.md/23430-promo-lex-misiunea-de-pacificare-trebuie-reformata-nu-consolidata/>

90 Promo-LEX Association, Press Release "For the first time, the PA of the OSCE calls for the transformation of the peacekeeping mission on the Dniester River into an international civilian mission", dated 5 July 2023. Accessed on 29 November 2023, <https://promolex.md/23788-in-premiera-ap-a-osce-solicita-transformarea-misiunii-de-pacificare-de-pe-nistru-intr-o-misiune-civila-internationala/?lang=ro>

### 5.3. PROHIBITION OF ACCESS TO THE TRANSNISTRIAN REGION

One of the most common practices of the *de facto* administration that unduly restricts the freedom of movement is the declaration of undesirable persons and the prohibition of access to the Transnistrian region for a certain period of time. The bans are enforced by the alleged "minister of state security". Promo-LEX documented these categories of abuses and found that the authorities failed to resolve them<sup>91</sup>. Previously, constitutional authorities recognized the phenomenon of "prohibitions" or so-called prohibition lists of force structures and encouraged people who have such prohibitions to "avoid such travel until these problems are solved"<sup>92</sup>, an approach that has been criticized by representatives of civil society.

This practice continued throughout 2023. Representatives of the force structures declared photojournalist Elena Covalenco "undesirable", as a result, she was denied access to the Transnistrian region for a period of 3 years. The decision to deny access to the region was communicated to her at the Bender/Tighina crossing point, while she was travelling to Tiraspol to document the football match between Sheriff Tiraspol and AS Roma, within the Europa League competition. Previously, the journalist had received confirmation of accreditation from the Sheriff football club<sup>93</sup>.

The decision was issued by the head of the local "mgb", Valerii Ghebos, and is based on Article 14, para. 1 of the so-called "Law on the regime of entry and exit from the Transnistrian region":



- "supporting the violent change of the foundations of the constitutional system of "rmn", through other actions, created a threat to the security of "rmn" or its citizens".

Because the ground relied on does not explicitly present the real arguments, Ms Covalenco assumes that the prohibition was taken in the context that in July this year she had accompanied a journalist to document a material in Tiraspol. As Ms Covalenco had no involvement in documenting the material, the ban applied is not only unlawful but also arbitrary and unjustified.

As in other similar cases, this incident generated reaction from constitutional authorities<sup>94</sup> and media NGOs<sup>95</sup>. In addition, the Bureau of Reintegration Policies announced that it will apply "legitimate response measures capable of discouraging such actions"<sup>96</sup>. The reaction of the Bureau of Reintegration Policies is welcomed, but the terminology chosen by the authorities is inexplicable.

91 Security Zone Portal, "A new access ban in the Transnistrian region. The government promises deterrence measures, but what has been done previously in similar cases?", dated 22 September 2023. Accessed on 29 November 2023, [https://zonadesecuritate.md/o-noua-interdictie-de-acces-in-regiunea-transnistreana-guvernul-promite-masuri-de-descurajare-dar-ce-s-a-facut-anterior-in-cazuri-similare/?fbclid=IwAR2IAmvpwmoTyF70n8wQAuuGie9g\\_OcW\\_TnKyxivWThcQFNpA9UlnfWJAqs](https://zonadesecuritate.md/o-noua-interdictie-de-acces-in-regiunea-transnistreana-guvernul-promite-masuri-de-descurajare-dar-ce-s-a-facut-anterior-in-cazuri-similare/?fbclid=IwAR2IAmvpwmoTyF70n8wQAuuGie9g_OcW_TnKyxivWThcQFNpA9UlnfWJAqs)

92 The Government of the Republic of Moldova, "The Office's Commentary on the incidents of refusal to ensure the passage in the localities on the Left Bank of the Dniester River applied to some citizens of the Republic of Moldova", dated 6 May 2021. Accessed on 29 November <https://gov.md/ro/content/comentariul-biroului-pe-marginea-incidentelor-de-refuz-asigurarii-trecerii-localitatile-din>

93 Ms Elena Covalenco's Facebook post of 21 September 2023. Accessed 29 November 2023, <https://www.facebook.com/elena.covalenco.39/posts/pfbid0ywdTcmz59spuYjbY6SHJ2nXZeyg9s3TnFMFg2PTKMYqHfuVALDsYguidJp5QYowHl>

94 Meeting of the Unified Control Commission of 28 September 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/sedinta-comisiei-unificate-de-control>

95 Center for Independent Journalism, Declaration "Media NGOs condemn the illegal restrictions imposed by Tiraspol in relation to the media and call on the legitimate authorities of the state to intervene", dated 22 September 2023. Accessed on 29 November 2023, [https://cji.md/ong-urile-de-media-condamna-restrictiile-ilegale-impuse-de-tiraspol-in-raport-cu-presa-si-solicita-autoritatilor-legitime-ale-statului-sa-intervina/?fbclid=IwAR024\\_ToEbhMv9miP-v0AMEn1qFmuntFbd-a09y8om804ZBmVnb8XhDCzEQ](https://cji.md/ong-urile-de-media-condamna-restrictiile-ilegale-impuse-de-tiraspol-in-raport-cu-presa-si-solicita-autoritatilor-legitime-ale-statului-sa-intervina/?fbclid=IwAR024_ToEbhMv9miP-v0AMEn1qFmuntFbd-a09y8om804ZBmVnb8XhDCzEQ)

96 The Government of the Republic of Moldova, "Reaction of the Bureau of Reintegration Policies to the Abusive Measures of Tiraspol in Relation to the Representatives of the Media", dated 22 September 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/reactia-biroului-politici-de-reintegrare-fata-de-masurile-abuzive-ale-tiraspolului-raport-cu>

We consider that in these categories of situations, there should be no "response measure", because it is not a situation of applying a mirror diplomatic measure. In these cases, there is a need for a reaction of the law enforcement bodies, based on the criminal law of the Republic of Moldova, which is proportionate to the violation found. Especially since Transnistrian force structures resort to such practices on a regular basis. The reaction of the constitutional authorities demonstrates that previous efforts in the event of similar violations have not been effective enough.

Following the complaint to the law enforcement bodies, the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS) decided to examine this case in another criminal case, initiated in 2021, in which several illegalities committed by "mgb" representatives in relation to people living or moving in the Transnistrian region would be examined. In the context in which it is found that these practices are of a systemic nature – they are applied by the same persons, against persons who are considered inconvenient – the efforts of the constitutional authorities are to be more effective and aimed at sanctioning the persons responsible, who are, in these categories of cases, identifiable.



*In the picture - Elena Covalenco  
Source: Elena Covalenco's Archive*



## 6. RIGHT TO EDUCATION

### 6.1. ACCESS AND LIMITATIONS TO EDUCATION IN THE TRANSNISTRIAN REGION

The situation of educational institutions in the Transnistrian region subordinated to constitutional authorities is one of the most documented human rights issues in the Transnistrian region. The numerous findings of the profile organizations, as well as the regular reports made by the media, confirm this thesis. However, the most relevant and important findings remain those of the ECtHR. To date, the ECtHR has delivered three judgments regarding the Romanian-language schools on the left bank of the Nistru River and the municipality of Bender:

- in the years 2012 and 2018 – for violations recorded in the period 2002-2004<sup>97</sup>;
- in 2019 – for infringements during 2014-2015<sup>98</sup>.

The decisions adopted explain, on the one hand, the historical context and genesis of the problems faced by these schools. On the other hand, it notes the violation of the provisions of the Convention, in particular the right to education, as a result of Russification policies and aggressive practices of persecution of schools, systematically applied by the *de facto* administration.

In the last eight years, there have been no serious abuses, similar to those in 2004 or 2015. And the insignificant increase in the number of students could indirectly demonstrate even some stability<sup>99</sup>. However, problems related to providing schools with their own headquarters, summoning students to attend local military registration centers or the free movement of goods intended for schools have been major challenges in recent years<sup>100</sup>.

### 6.2. THE IMPACT OF POLITICAL AND ADMINISTRATIVE DECISIONS ON ACCESS TO EDUCATION IN THE TRANSNISTRIAN REGION

School issues are discussed periodically at different negotiation platforms:

- **The "5+2" negotiation format**, which in 2017 led to the *de facto* administration's commitment to the proper functioning of Romanian-language schools<sup>101</sup>, a non-functional format since 2019, which after the Russian invasion of Ukraine is to be completely rethought. No ideas or plans to reshape this negotiation format were published during 2023.
- **The "1+1" negotiation format**, which replaces for the moment, without great difficulties, the "5+2" format. At the two meetings held in this format until 29 November, the issue of schools was not discussed.
- **Working Group on Education**. Slightly transparent platform, but also without essential results. Until 29 November 2023, no meeting was held in this format<sup>102</sup>.

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97 Case of Catan and Others v. Moldova and Russia, no. 43370, 8252/05 and 18454/06 of 19 October 2012, <https://hudoc.echr.coe.int/eng?i=001-114082>; Case of Bobeico and Others v. Moldova and Russia, no. 30003/04 of 23 October 2018, <https://hudoc.echr.coe.int/eng?i=001-187234>

98 Case of Iovcev and others v. Moldova and Russia, no. 40942/14 of 17 September 2019, <https://hudoc.echr.coe.int/eng?i=001-195845>

99 The Government of the Republic of Moldova, "1677 students are studying in Romanian-language schools in the Transnistrian region", dated 22 September 2022. Accessed on 29 November 2023, <https://gov.md/ro/content/1677-de-elevi-isi-fac-studiile-scolile-cu-predare-limba-romana-din-regiunea-transnistreana>

100 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 11. Accessed on 29 November 2023 <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistreana%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

101 Protocol Decision on ensuring the functioning of Moldovan Latin-script schools, dated 25 November 2017. Accessed on 29 November 2023, [https://gov.md/sites/default/files/2017\\_11\\_25\\_protokolnoe\\_reshenie\\_o\\_funkcionirovanii\\_moldavskih\\_shkol.pdf](https://gov.md/sites/default/files/2017_11_25_protokolnoe_reshenie_o_funkcionirovanii_moldavskih_shkol.pdf)

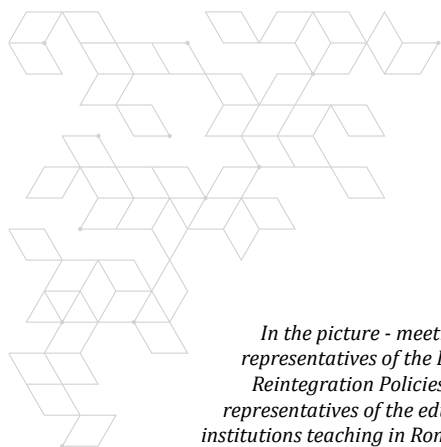
102 Government of the Republic of Moldova, List of working group coordinators from Chisinau. Accessed on 29 November 2023, <https://gov.md/ro/content/lista-coordonatorilor-grupurilor-de-lucru-din-partea-chisinaului>

These discussion and negotiation platforms should not be excluded or ignored. At the same time, they should not be treated as unique options for solving school problems. In particular, the clear obligation of the Russian Federation to enforce the three judgments of the ECtHR must not be ignored.

The year 2023 did not bring important developments for these schools. Unlike the other areas, the situation of schools has not worsened. But schools have continued to face the same challenges that have been found in previous reports:

- non-return of own offices;
- keeping track of young people and the risk of enrolling in the "rmn army";
- restriction of freedom of movement and systemic harassment.

It is encouraging the approach of the authorities to acknowledge the existence of these problems, in particular the lack of own premises<sup>103</sup>. At the same time, no efforts aimed at overcoming these challenges have been observed. Respectively, the prospects for returning the premises or identifying new premises adapted to the educational process are not clear. We continue to support the regular organization of meetings with representatives of educational institutions, both in Chisinau<sup>104</sup>, and in the localities where their headquarters are located. Maintaining a permanent dialogue with victims or potential victims of human rights violations is fundamental.



*In the picture - meeting of the representatives of the Bureau of Reintegration Policies with the representatives of the educational institutions teaching in Romanian in the region*  
Source: Bureau of Reintegration Policies



Through the programs of the country's reintegration activities, from 2011 to the present, the 8 schools have been granted unique material aid amounting to 8.72 million MDL. Also, schools benefited from 13 infrastructure modernization projects worth 4.56 million MDL: repair of the heating system, installation of fire alarm systems, roof rehabilitation, procurement of buses for transporting students, etc.<sup>105</sup> Contrary to previous recommendations of the Promo-LEX Association, the budget dedicated to reintegration activities, especially the amounts for educational institutions, was not increased.

At the same time, the support measures of the constitutional authorities cannot replace the obligation of the Russian Federation to enforce the judgments of the ECtHR. They have a complementary character and are part of the positive obligations of the State of the Republic of Moldova to support these institutions. The full execution of the three judgments of the ECtHR by the Russian Federation

103 The Government of the Republic of Moldova, "On joint inspections in the 5 Romanian-language educational institutions renting buildings in the Transnistrian region", dated 22 August 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/despre-inspectiile-comune-cele-5-institutii-de-invataman-t-cu-predare-limba-romana-ce>

104 The Government of the Republic of Moldova, "The opening of the academic year 2023-2024 was discussed with the directors of the 8 Romanian-language educational institutions in the Transnistrian region", dated 15 August 2023. Accessed on November 29, 2023, <https://gov.md/ro/content/deschiderea-anului-de-studii-2023-2024-fost-discutata-cu-directorii-celor-8-institutii-de>

105 Reply of the Bureau of Reintegration Policies no. 23-78-11908 of 13 November 2023.

remains a prerequisite fundamental for ensuring the right to education in Romanian-language schools in the Transnistrian region. During this period, the Committee of Ministers adopted the 5th interim resolution in the "schools file", in which it reiterated and confirmed the responsibility of the Russian Federation for human rights violations in the Transnistrian region of the Republic of Moldova<sup>106</sup>.

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106 Committee of Ministers of the Council of Europe, Interim Resolution of 21 September 2023. Accessed on 29 November 2023, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=0900001680aca19b](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aca19b)

## 7. RIGHT TO PROPERTY

### 7.1. RESTRICTIONS TO THE RIGHT TO PROPERTY

Beyond the Camenca – Tiraspol road, there are over 9,544 hectares of land of the inhabitants of Molovata Noua, Cocieri, Cosnita, Pohrebea, Dorotcaia and Pirita – localities on the left bank of the Dniester River, but controlled by the constitutional authorities. Of these, about 6,500 hectares are agricultural and belong to more than 5,000 owners<sup>107</sup>. . Over the years, access to these lands has been permanently restricted by the *de facto* administration. In some periods, access to land was completely restricted, and in other periods access was allowed only after the fulfilment of conditions imposed by Tiraspol.

Limited access to agricultural land in Dubasari district, similar to the issue of schools teaching in Romanian, has been documented sufficiently well over the years, including by constitutional authorities. In addition to monitoring actions, the Promo-LEX Association represented the interests of over 1,703 landowners and three agricultural companies before the ECtHR. On 17 July 2018, and subsequently on 18 February 2020, the ECtHR delivered two judgments and found the violation of the right to property in respect of landowners because<sup>108</sup>:



- *there is no legal basis in obliging the Claimants to conclude lease agreements with the "rmn" authorities as a condition for cultivating their land;*
- *there is no legal basis for restricting without reason access to land that someone legally owns or leases.*

As a result of negotiations between Chisinau and Tiraspol, as of 1 August 2018, landowners had access to their property only if:

- submitting the property titles and other relevant documents (lease agreements) to the *de facto* administration in the city of Dubasari;
- obtain temporary use certificates on their lands.

These conditions contravene the ownership right and the findings of the ECtHR, but the mechanism was designed as a temporary one, being considered by the authorities as the only possibility to obtain access to land, after more than 4 years of prohibitions and restriction.

Between March 2020 and April 2021, these commitments were repeatedly breached by the *de facto* administration through<sup>109</sup>:

- conditioning access to land by presenting lists that were to be pre-coordinated and nominally approved by the so-called local crisis centers;
- additional checks of documents and vehicles for agricultural use.

107 Promo-LEX Association, Article "Tiraspol relapses: over 5,000 farmers in Dubasari risk losing agricultural production", dated 29 June 2022. Accessed on 29 November 2023, <https://promolex.md/22339-tiraspolul-recidiveaza-pestea-5-000-de-fermieri-din-dubasari-risca-sa-piarda-productia-agricola/?lang=ro>

108 The case of Sandu and others v. Moldova and Russia, no. 21034/05 and others 7 of 17 July 2018, <https://hudoc.echr.coe.int/eng?i=001-184651>; Case Oprea and others v. Moldova and Russia, no. 36545/06 of 18 February 2020, <https://hudoc.echr.coe.int/eng?i=001-201135>

109 The Government of the Republic of Moldova, "Remarks in the context of Tiraspol's message on the initiative to limit the term of the protocol decision regarding the mechanism of use of agricultural land in Dubasari district". Accessed on 29 November 2023, <https://gov.md/ro/content/remarca-contextul-mesajului-tiraspolului-privind-initiativa-de-limita-termenul-de-aplicare>

At the end of 2021, the *de facto* administration announced the restriction of access to agricultural land as a result of the alleged non-execution by Chisinau of the provisions of the protocol decision of 25 November 2017. The practice of allowing access for a few months in 2022<sup>110</sup>, continued throughout 2023. The *de facto* administration announced the extension of the term of access to land until 1 April and 1 July 2023<sup>111</sup>, respectively. Despite the absence of public information after July 1, access to agricultural land was provided for landowners.

## 7.2. CONSEQUENCES OF INFRINGEMENTS OF THE RIGHT TO PROPERTY

In addition to the general limitation of access to land, other subsequent problems encountered by the owners of agricultural land were also observed<sup>112</sup>:

- abusive checks and impositions on unauthorized payments;
- limiting by the end of the year the retention period of agricultural production in warehouses located in perimeters uncontrolled by the constitutional authorities;
- imposing until March 1 of each year the restriction to remove agricultural products from the land after the route (i.e. during the period when the prices are lower);
- delaying by those in charge in the town of Dubasari the issuance permissive documents for the transport of seed material, pesticides, mineral fertilizers, but also not allowing repeated seeding with categories of material other than the approved one;
- allowing land processing for a short period of time, which negatively affects the investment process in the agricultural sphere;
- lack of access of constitutional law enforcement bodies to effectively investigate thefts in agricultural warehouses and vandalism of property.

The problem of agricultural land reappears periodically, because the *de facto* administration intentionally uses it as a convenient tool in the negotiation process. Because the decisions of the *de facto* administration generate massive violations of the right to property in respect of at least 5,000 persons, the constitutional authorities are to adopt a firmer approach, especially taking as a benchmark the findings of the ECtHR.

In the context of repeated violations of the right to property, especially in the field of agricultural land, a climate of legal uncertainty is observed that seriously affects agricultural development in the region. This situation discourages both foreign and local investments, having a significant negative impact on agricultural production. This decrease in production not only affects social security, but also the economic growth of the region.

The restrictions imposed by the *de facto* administration on the transport and marketing of agricultural products violate the fundamental economic rights of farmers. These restrictions limit the ability of landowners to make profits, leading to a vicious cycle of economic and social losses.

Another worrying aspect is the lack of an effective compensation mechanism for agricultural landowners, who suffer substantial losses due to these restrictions. This situation not only causes individual harm, but also affects local communities as a whole.

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110 Promo-LEX Association, Report "Human rights in the Transnistrian region. 2022 Retrospective", p. 24. Accessed on 29 November 2023 <https://promolex.md/wp-content/uploads/2022/12/Raport-Drepturile-omului-%C3%AEn-regiunea-transnistrean%C4%83-a-Republicii-Moldova-%C3%AEn-anul-2022-1.pdf>

111 The Government of the Republic of Moldova, "Access to agricultural land in Dubasari district, located after the Tiraspol-Camenca route, was extended until 1 July 2023", dated 31 March 2023. Accessed on November 29, 2023, <https://gov.md/ro/content/accesul-la-terenurile-agricole-din-raionul-dubasari-situata-dupa-traseul-tiraspol-camenca-0>

112 The Government of the Republic of Moldova, "Some difficulties encountered by farmers in the Dubasari district were brought back to Tiraspol's attention", dated 4 August 2023. Accessed on 29 November 2023, <https://gov.md/ro/content/unele-dificultati-intampinate-de-fermierii-din-raionul-dubasari-au-fost-readuse-vizorul>

The passive contribution of constitutional authorities in the face of these abuses perpetuates a cycle of violations of the right to property, seriously affecting the rule of law. It is imperative that the authorities adopt legislative and administrative measures to protect the rights of landowners and promote sustainable agricultural development. These measures must be consistent with respect for human rights and international law, in order to restore a climate of legal and economic certainty



*Source: OSCE Mission to Moldova*



# CONCLUSIONS

The report reflects a problematic human rights situation in the Transnistrian region during 2023. Serious and systematic violations are highlighted through concrete cases, highlighting the following key aspects:

## **1. Political persecution, restriction of freedom of expression and movement:**

- The human rights situation in the Transnistrian region is deeply marked by political persecution, with multiple cases where individuals are targeted for their political opinions or actions.
- Restrictions on freedom of expression and movement are a central aspect of these violations. Individuals are often abusively restricted from expressing their opinions and from free movement.
- Torture and other forms of inhuman treatment are reported to be practiced by Transnistrian structures and Russian military forces, highlighting the severity of the violations and the lack of respect for fundamental human rights.

## **2. Continuation of repressive practices:**

- The *de facto* administration of the region, with the support of the Russian Federation, strengthens its power by introducing and enforcing repressive laws and regulations.
- This tendency to strengthen repressive structures is noticeable through legislative changes aimed at suppressing any form of dissent.
- The systematic nature of these violations is demonstrated by the repetition and continuation of practices identified in previous reports, which indicates a deliberate and premeditated approach to human rights violations.

## **3. Hostile political and social climate:**

- The autocratic regime established promotes an environment of fear and intimidation, essential for suppressing opposition.
- The tactics used include abusive convictions and excessive application of detention, leading to an increased incarceration rate and inhumane detention conditions.
- This atmosphere of fear is meant to send a clear message: any form of resistance or opposition to authoritarian control will have serious consequences.

## **4. Attacks against civil society and people with critical views:**

- Civil society and individuals expressing critical opinions are frequent targets of abuse, being accused of bringing an alleged danger to security.
- These attacks are disguised under the pretext of the need to maintain security, but in reality represent efforts to suppress any form of dissent.
- In the context of the COVID-19 pandemic and the Russia-Ukraine war, these repressive measures have intensified, demonstrating a flagrant violation of the principles of an open and tolerant society.

## **5. Abusive measures against Romanian-language schools and landowners:**

- Romanian-language schools and landowners in the Transnistrian region face abusive measures and severe restrictions.
- These measures demonstrate a continuous effort to suppress cultural identity and property rights, emphasizing the discriminatory policy of the *de facto* administration.
- Although there are periods of apparent stability, these cases represent a serious violation of fundamental rights, highlighting the insufficiency of the measures taken by the Moldovan authorities and the need for more decisive action.

## **6. Ineffective interventions by constitutional authorities:**

- The constitutional authorities of the Republic of Moldova have often responded in a late and inefficient manner to human rights violations in the Transnistrian region.
- This inefficiency suggests a lack of strategic vision and a strong commitment to protecting human rights.
- It is essential that the authorities take a firmer stance and demonstrate a clear and consistent commitment, as a guarantor of human rights, to adequately address fundamental rights violations.

## **7. Non-enforcement of ECtHR judgments by the Russian Federation:**

- A key aspect is the non-execution of ECtHR judgments by the Russian Federation, a continuing problem that affects the right to education and the right to property in the region, but also other rights.
- This lack of commitment seriously undermines international and local efforts to ensure respect for human rights in the Transnistrian region.
- There is an urgent need for the international community to apply pressure on the Russian Federation to comply with its international legal commitments.

## **8. Deficiencies in negotiation mechanisms:**

- Existing negotiation mechanisms, such as the "5+2" and "1+1" formats, have proven to be ineffective in addressing the region's specific problems.
- The lack of transparency and concrete results in these discussion platforms highlights the need to reconsider and improve these negotiation processes.
- It is crucial to explore new approaches and mechanisms that are more effective and result-oriented.

## **9. The issue of free movement:**

- The restriction of freedom of movement continues to seriously affect the lives of the inhabitants of the region, including access to education, medical services and family ties.
- This restriction is used as a tool of control and repression, causing significant harm to fundamental human rights.
- It is imperative that constitutional and international authorities engage in concrete steps to ensure free movement in the region.

## 10. Continuous support of civil society and local organizations:

- The role of civil society and local organizations in monitoring and reporting human rights violations is vital.
- Continuous support and capacity building for these entities is essential to ensure an effective and informed response to the region's problems.
- This includes providing resources, training and access to international platforms to increase their impact and visibility.

The conclusions draw a complex and deeply worrying picture of the human rights situation in the Transnistrian region. Reflecting the realities of 2023, they highlight the persistence of serious and systematic violations of fundamental rights, from political persecution to the restriction of freedom of expression and movement to inhumane conditions of detention. These violations are not isolated, but are part of a wider pattern of repression and control, perpetuated both by the region's *de facto* administration and by the tacit or active support of the Russian Federation.

The report clearly illustrates that challenges in the region are multifaceted and interconnected, involving not only human rights issues but also political, social and economic issues. That is why a multidimensional and strategic response is essential. Constitutional authorities, international organizations and civil society must work together to address these issues in a holistic and coordinated way. Such an effort will not only help protect the fundamental rights of the individuals affected, but will also create a basis for lasting peace and stability in the region.

Moreover, the findings and recommendations presented below underline the importance of a firm and continuous commitment to the protection and promotion of human rights. This involves not only reacting to current violations, but also developing a long-term strategic vision to address systemic problems. Thus, it is crucial that constitutional authorities demonstrate a clear and consistent commitment as a guarantor of human rights and adopt an appropriate approach to fundamental rights violations, including through international cooperation and the effective use of legal instruments.

In conclusion, the report is a call to action, a call to accountability and a guide for future efforts to make significant improvements in the protection of human rights in the Transnistrian region. It is a testimony to the need for continuous vigilance, unwavering commitment and strategic innovation to ensure that the rights and freedoms of every person are respected and promoted every day.

# RECOMMENDATIONS

## *Recommendations to the Government:*

- ✦ Developing the capacities of the Bureau of Reintegration Policies in monitoring the situation in the Transnistrian region and the Security Zone, as well as in carrying out actions aimed at ensuring respect for human rights.
- ✦ Strengthening the capacities of the Ombudsman's Office in monitoring the human rights situation on the left bank of the Nistru River and the municipality of Bender and providing the necessary support to applicants.
- ✦ Obtaining free access to the Transnistrian region for human rights defenders and media representatives on the right bank of the Nistru river.
- ✦ Transparency of the work of the working groups formed to solve current and systemic problems, including by facilitating the participation of civil society organizations.
- ✦ Initiating and promoting discussions on the transformation of the peacekeeping mission on the Nistru River into an international civilian one, in order to ensure a safe environment in the Security Zone.
- ✦ Promoting the inclusion in international lists of people from the left bank of the Nistru River and the municipality of Bender responsible for serious human rights violations.
- ✦ Implementation of a centralized reporting and rapid alert system for cases of human rights violations in the Transnistrian region. This system should be operational by the end of 2024 and allow citizens and non-governmental organizations to report cases of violations, thus providing an up-to-date and accessible database for monitoring and rapid response.
- ✦ Creating a training and legal assistance program by the second quarter of 2024 for lawyers and human rights defenders working in the Transnistrian region. This program should include specialized training modules in international human rights law and provide resources and support for dealing with complex cases.
- ✦ Initiating an awareness campaign by mid-2024, addressed to the population in the Transnistrian region and the Republic of Moldova, to inform about human rights and available protection mechanisms. This campaign should include educational materials, workshops and seminars.
- ✦ Establish partnerships by the end of 2025 with international and regional organizations to provide technical and financial support to improve the monitoring and protection of human rights in the Transnistrian region. These partnerships should aim at exchanging best practices and assisting in the implementation of recommendations.
- ✦ Extension and modernization of the training program for police officers by the end of 2024, focusing on the identification and management of human rights violations in the Transnistrian region. This program should include collaborations with international experts and the use of advanced technologies for monitoring.

- ↪ Implementation of a psychological and social support program for victims of human rights violations in the Transnistrian region, with a deadline of 2024. The programme should include medical and psychological assistance as well as support in social reintegration.
- ↪ Monitoring and reporting of suspicious financial transactions related to the Transnistrian region, with continuous implementation starting with the year 2024, to combat illegal financing and support human rights violations.
- ↪ Initiating a program to involve the diaspora in the promotion of human rights in the Transnistrian region, with the launch by the end of 2025. The programme should include awareness campaigns, support funds and solidarity initiatives.

***Recommendations addressed to the prosecution and police bodies:***

- ↪ Evaluation of the efficiency of the investigation of criminal cases by the criminal investigation bodies in the municipality of Bender and the district of Dubasari. In-depth capacity analysis and identification of factors that determine the inefficiency of criminal investigations, with emphasis on resources, skills, procedures, integrity, impartiality and independence.
- ↪ Allocation of resources to improve the identified shortcomings. Implementation of concrete measures to strengthen the capacities of criminal prosecution bodies, based on the assessment carried out.
- ↪ Developing circulars or methodical recommendations to unify the approach to criminal cases. Creation and distribution of methodical guides or instructions to ensure a uniform and correct approach to criminal cases related to the Transnistrian region.
- ↪ Training programs for prosecutors and prosecution officers. Developing and implementing training programs focused on the legal and procedural specificities of cases in the Transnistrian region to increase the professional skills of prosecutors and prosecution officers.
- ↪ Establishing an effective mechanism for transferring criminal cases. Identifying and implementing a system for transferring criminal cases from the Bender Prosecutor's Office and Police Inspectorate (Dubasari) to other criminal investigation bodies, in order to avoid subjective or objective influences.
- ↪ Transfer of criminal cases of major importance (torture, kidnapping, illegal deprivation of liberty) from the management of the law enforcement bodies in the city of Bender/Tighina to other law enforcement bodies, including specialized ones.
- ↪ Ensuring the training of the personnel of the criminal investigation bodies in the management of the cases related to the crimes committed on the left bank of the Dniester, including the use of the terminology recommended by the Bureau of Reintegration Policies in order not to admit references or terms that would induce the illusion of legal equality between the constitutional authorities and the structures on the left bank of the Dniester River.

### ***Recommendations to the Office of the Ombudsman, UN Office Moldova***

- ↪ Consistent notification of relevant international partners on concrete cases of human rights violations and the use of international human rights monitoring mechanisms.
- ↪ Promoting the need for working and monitoring visits to the Transnistrian region of UN experts and special rapporteurs and the mechanisms of the Council of Europe.

### ***Recommendation to the Parliamentary Committee on Human Rights***

- ↪ Developing an inter-institutional collaboration mechanism by the end of 2024 between the constitutional authorities of the Republic of Moldova, international organizations and NGOs to coordinate monitoring and intervention efforts in cases of human rights violations. This mechanism should include regular meetings, joint reports and concrete action plans.

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