
REPUBLIC OF MOLDOVA, 3rd cycle of Universal Periodic Review

UPR Working Group 40th Session
United Nations Human Rights Council
[January – February, 2022]

HUMAN RIGHTS IN THE TRANSNISTRIAN REGION

JOINT SUBMISSION of Promo-LEX Association and International Federation for Human Rights

Promo-LEX Association is a non-governmental organization that aims to advance democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring the democratic processes, and strengthening civil society.

The Promo-LEX Association was established in 2002 and was registered with the Ministry of Justice of the Republic of Moldova on 19 July 2002. Registration number - 2278. The Promo-LEX Association is an apolitical and non-profit organization. The Promo-LEX Association holds the Certificate of Public Interest. The Promo-LEX Association is a national level organization and operates throughout the Republic of Moldova. Promo-LEX is an organisation with special advisory status at ECOSOC since 2014.

FIDH (International Federation for Human Rights) is an international human rights NGO federating 192 organisations from 117 countries. Since 1922, FIDH has been defending all civil, political, economic, social and cultural rights as set out in the Universal Declaration of Human Rights.

FIDH acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations. Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change. In 2022, FIDH celebrates its 100th anniversary.

Contact details:

Promo - LEX

Promovarea democrației și a drepturilor omului

Vadim Vieru

Promo-LEX Association

vadim.vieru@promolex.md

GSM: +373 68017507

23/13 Mitr. Petru Movila Street

MD-2004, Chisinau
Republic of Moldova



Ilya Nuzov

FIDH

eeac@fidh.org

GSM: +33 1 43 55 25 18

17 Passage de la Main d'Or

75011 Paris

France

I. BACKGROUND

1. In the past nearly 30 years, very little was known about and done to promote or defend human rights in the frozen conflict zones or in the territories controlled by *de facto* administrations.
2. Transdnistria, also spelled Transnistria or Transnistria region, is the separatist region in Moldova located on the east bank of the Dniester River. The self-proclaimed enclave is not recognized by any state. A substantial Russian military presence in the Transnistrian region strained Moldovan relations with Russia in the early 21st century. A Russian army based in the Transnistrian region, with roughly 1,200 soldiers, has assisted to ensure the region's invulnerability. After the brief and inconclusive fighting broke out, the Russian army imposed a truce on both sides in 1992. A 1992 ceasefire agreement established a peacekeeping force of Moldovan, Russian, and Transnistrian units. The central government did not exercise authority in the region, and Transnistrian authorities governed through parallel administrative structures. There were regular reports that showed violations of human rights, including police engaged in torture, arbitrary arrests, unlawful detentions, and ethnic persecution¹.
3. Formal negotiations to reach a settlement on the transnistrian conflict take place in a format referred to as the "5+2" talks. The negotiation process has failed to bring about any significant progress in human rights situation in the Transnistrian region or improve access of human rights defenders to the region.²
4. Promo-LEX and FIDH had denounced numerous human rights violations³, among them the infringement of the right to freedom of movement, the right to citizenship, the right to an adequate standard of living, the right to property, and the right to health and education. Both organisations shed light on numerous cases of arbitrary detention, acts of torture and ill-treatment by the police as well as the critical detention conditions where overcrowding is a norm, and detainees do not have access to health care services. The facto administration restricts freedom of expression, association, the press and assembly, especially against persons whose opinions differ from the views of the de facto authorities.

II. FOLLOW UP TO THE PREVIOUS REVIEW

5. By acceding to international treaties, the Moldovan authorities undertook commitments to protect human rights on its territory, including Transnistriann region and to actively support organisations advocating for human rights in this region.
6. During the first Universal Periodic Review (UPR) in 2011, Moldova received the following recommendations regarding Transnistria: *The continuation of human rights promotion in Transnistria, an integral part of the territory of the Republic of Moldova. This commitment was made upon the accession to the Human Rights Council (Romania) and fostering of further dialog with the secessionists to end the situation endangering all citizens' fundamental rights and freedoms recognized by the Constitution of July 29, 1994 (Democratic Republic of the Congo).*
7. In the second regular evaluation held in 2016, Moldova received 3 other recommendations on respect for human rights in the Transnistrian region.

- I. **Recommendation 121.173. Continuing the activity of promoting human rights in the Transnistrian region, which is an integral part of the territory of the Republic of Moldova (Romania)**
- II. **Recommendation 121.174. Providing systematic support and assistance to victims of human rights abuses in Transnistria (Czech Republic)**
- III. **Recommendation 121.175. Undertaking appropriate measures to initiate the development of a mechanism for monitoring the human rights situation in the Transnistrian region of the Republic of Moldova ensuring the involvement of civil society representatives on both banks of the Dniester River (Georgia)**

8. The recommendations of the UN Human Rights Council, accepted by Moldova following the second cycle of the UPR, underlay the elaboration of the 2018-2022 Human Rights National Action Plan (HRNAP). Intervention no. 16 of this document refers to *"Respect for human rights in the settlements on the left bank of the Dniester River (Transnistrian region)"*.

9. Analysis of the domain no. 16 *"Respect for human rights in the settlements on the left bank of the Dniester River (Transnistrian region)"* from 2018-2020 HRNAP reveals some efforts of the institutions responsible for protecting the human rights of people in the Transnistrian region, namely by: relaunching the activity of the "Human Rights Working Group" (HRWG) and other Sectoral Working Groups; providing permanent support to Romanian-language educational institutions in the Transnistrian region; measures taken to facilitate the free movement of students and teachers in these institutions; improving the existing normative framework in the fields of issuing civil status documents, identity documents.

10. The implementation of 2018-2020 HRNAP is very slow. There is some progress, but there are many arrears as well. The implementation is hindered by poor communication and coordination between the implementing institutions, which do not yet have a common vision of interaction for the implementation of the Plan.

Chart 1. Level of implementation of the monitored sub-actions, 2019 reporting period (21 sub-actions monitored and evaluated in 2019)

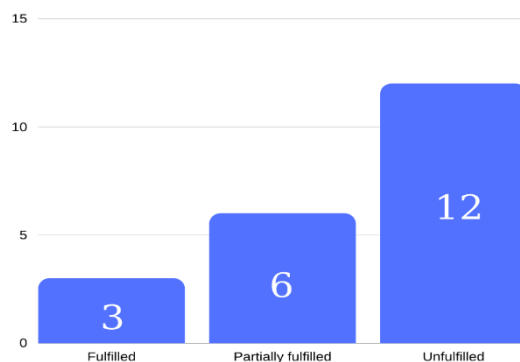
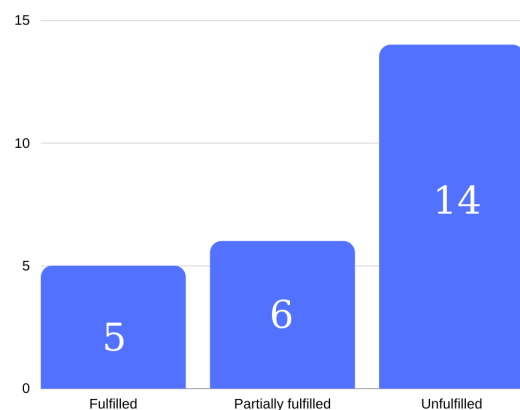


Chart 2. Level of implementation of the monitored sub-actions, 2020 reporting period (25 sub-actions monitored and evaluated in 2020)



11. The evaluation reports drafted by Promo-LEX for the period of 2018-2019⁴ and 2020⁵ were sent for consultation to the relevant authorities, but there were no comments / objections regarding the level of implementation of the activities.
12. Without viable and efficient protection mechanisms for the victims of human rights violations in the region, the declarations about human rights and freedom of movement are ambiguous. This ambiguity is accompanied by the fact that the constitutional and law enforcement authorities confine themselves to presenting political arguments and ignoring their positive obligations toward the victims of abuses committed by the *de facto* administration of Transnistrian region.

III. SYSTEMIC HUMAN RIGHTS VIOLATIONS IN TRANSNISTRIAN REGION

1. TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT

a) *Torture not outlawed*

13. According to the so called transnistrian's legislation there is no separate element of crime that would criminalise torture and ill-treatment and the constitutional rules are not applied in this region. The lack of criminalisation, but especially the lack of such an intention and policy at the level of local authorities promotes a superficial attitude towards the

phenomenon of torture. As a result, the information about the alleged cases of torture did not appear in the public space.

14. A conclusive example of this is the incident of September 18, 2020, when around 50 young people (including minors) were detained with unjustified use of force by local security structures for violating epidemiological health rules and for having organized a party⁶. Eight of those detained went to the local prosecutor's office with complaints. According to the victims, they were hit on the legs and back, they were denied access to the toilet, they were threatened. Despite the complaints, the victims were informed that "it is impossible to identify the specific person who violated the victim's rights, because everyone was wearing hoods."⁷
15. On the other hand, in accordance with the provisions of the national legislation, the prosecution bodies have the competence to examine any acts of torture, these provisions being applied on the entire territory of the Republic of Moldova, including Transnistrian region. A relevant example in this respect is the conviction, on August 5, 2020 by the Soroca Court⁸, of a former "militiaman" from the Transnistrian region, to 15 years of imprisonment for the crimes of home invasion, kidnapping and torture. On April 8, 2021, the Bălți Court of Appeal upheld the sentence of the Soroca Court.

Poor conditions of detention and lack of adequate medical care. Restricting access for monitoring detention facilities.

16. In 2013, the UN Senior Expert on Human Rights Thomas Hammarberg made several documentation visits to places of detention in the Transnistrian region, and concluded that the conditions of detention were unsatisfactory and did not meet international requirements. Five years later, following a new documentation visit to the Transnistrian region, Thomas Hammarberg found that detention conditions remain a serious issue.⁹
17. The application of the National Mechanism for the Prevention of Torture of Moldova still does not extend to detention facilities in the Transnistrian region, which is outside all external control mechanisms, including those of international bodies. According to the 2018 Activity Report of the Ombudsperson the access to custodial facilities in the Transnistrian region continues to be restricted, including for the Office of the Ombudsman. Although the Ombudsperson received complaints about allegations of ill-treatment, he was prohibited to visit the custodial facilities in the region.¹⁰
18. According to the beneficiaries of Promo-LEX Association, the infrastructure of detention facilities in the Transnistrian region did not change in this period. They are characterised by small spaces, cold rooms, lack of ventilation, insufficient natural light, overcrowding, poor nutrition, moisture and mold. Water is unsanitary and contributes to disease and poor dental health among prisoners. Due to the lack of medicines and lack of trust in the local health system, the detainees usually ask their relatives to bring them basic medicines. The poor conditions of detention are a factor that worsen the health condition of detainees. The shortage of health workers and the lack of an ongoing monitoring creates preconditions for negative phenomena, including suspicious deaths. According to the figures provided by the local Human Rights Authority, about 50 people died in the penitentiary institutions of Transnistrian region in the period of 2016-2020 (2016 - 9 people, 2017 - 11 people, 2018 - 7 people, 2019 - 15 people, 2020 - 8 people)¹¹. The most common causes of death are: diseases of internal organs (12), oncological diseases (5), tuberculosis (6), HIV, etc., suicide (4), violent deaths (2) and poisoning (1).
19. Given that the penitentiary medical system in the region is virtually non-existent and the onset of the pandemic, more than 2,000 persons deprived of their liberty in the Transnistrian region have become even more vulnerable. Detainees released during this period, confirmed that the detention conditions worsened during the pandemic.¹²
20. Until July 14, 2021, the ECtHR found a violation of the right not to be subjected to torture in 20 of the 45 judgements adopted in Transnistrian cases.

b) The large number of persons deprived of liberty

21. In the period of 2016-2020, an average 2,000 people were annually held in the "penitentiary system" of the Transnistrian region. The number of detainees in pretrial detention facilities of militia is unknown.¹
22. As of 01.01.2017 there were 2173 prisoners, 01.01.2018 – 2260, in 2019 – 2202, in 2020 – 2207. According to the latest report of the local human rights representative, 1743 people were detained as of on 01.01.2021. The major difference between 01.01.2020 and 01.01.2021 consists in the application of amnesty to 1291 detainees, out of which 542 were released, and the detention period of 749 people was reduced. Taking into account that according to the last estimates about 400,000 persons live in the Transnistrian region, the rate of imprisonment is about 550 persons per 100,000 inhabitants.¹³ Overcrowding is a "normal" phenomenon for the prisons in the region, and the roughness of detention facilities permits qualifications as acts of torture and/or ill treatment.

c) Forced enrollment and ill treatment in military units

23. In addition to the fact that the functioning of paramilitary structures and forced recruitment to them are *a priori* a violation of human rights¹⁴, the direct consequences of this phenomenon are equally harmful: blackmail, violence between recruits, dubious deaths.
24. In the period of 2015 – 2018, 273 criminal cases were initiated for crimes related to leaving the military unit (art. 335 - desertion, art. 334 - arbitrary leaving of the military unit and art. 336 - evading military service by simulating a disease or other methods), based on which 281 people were prosecuted¹⁵.
25. Application of ill treatment in the military units from Transnistrian region is a widespread phenomenon. In December 2019, a journalist from Tiraspol, Larisa Kalik, launched the publication "*Year of youth*", which contained the testimonies of 12 young people about their experiences in the so-called transnistrian army. Their testimonies confirm once more that young people from this territory of the Republic of Moldova are enrolled by force in the paramilitary structures and the conditions provided there (bad food, violence, extortion of money, etc.) including the cases of torture and ill-treatment due to hazing among soldiers or among soldiers and superiors have become ordinary things. After this volume was published, the journalist was threatened and harassed, but she managed to leave the Transnistrian region.¹⁶
26. The phenomenon of ill-treatment in the Transnistrian army was also confirmed by the judgements of the ECtHR.
 - Evgheni Kolobychko (Kolobisko) - twice deserted the Transnistrian army after repeatedly complaining to his parents that he had been beaten and humiliated by his superiors. He was eventually found with signs of violent death, drowned in the Dniester River. On September 18, 2018, ECtHR found a violation of art. 2 of the ECHR - the right to life in procedural terms.¹⁷
 - Alexandru Stomatii was forcibly incorporated into the illegal paramilitary structures of the Transnistrian region in 2009 and in 2010 he was killed. The Russian authorities did not respond to his mother's requests, and the Moldovan authorities suspended the proceedings on the grounds that it was impossible to identify anyone who could be charged with the murder. On September 18, 2018, ECtHR found a violation of art. 2 - the right to life both in material terms and in procedural terms¹⁸.
27. Another representative case is that of Alexandr Rjavitin, who, in 2015, managed to desert the paramilitary structures of the Transnistrian region. He later told reporters in Chisinau about the plight of Transnistrian army recruits.¹⁹ At the end of 2019, Rjavitin visited his family near Tiraspol and disappeared.²⁰ Later, following the appeals from the civil society and due to the concerns expressed by his relatives, about two weeks after the kidnapping,

¹ There are at least 7 "pre-trial detention facilities" located in the basements of the alleged "militia commissariats", which are subordinated to the alleged "Ministry of Interior in Tiraspol"

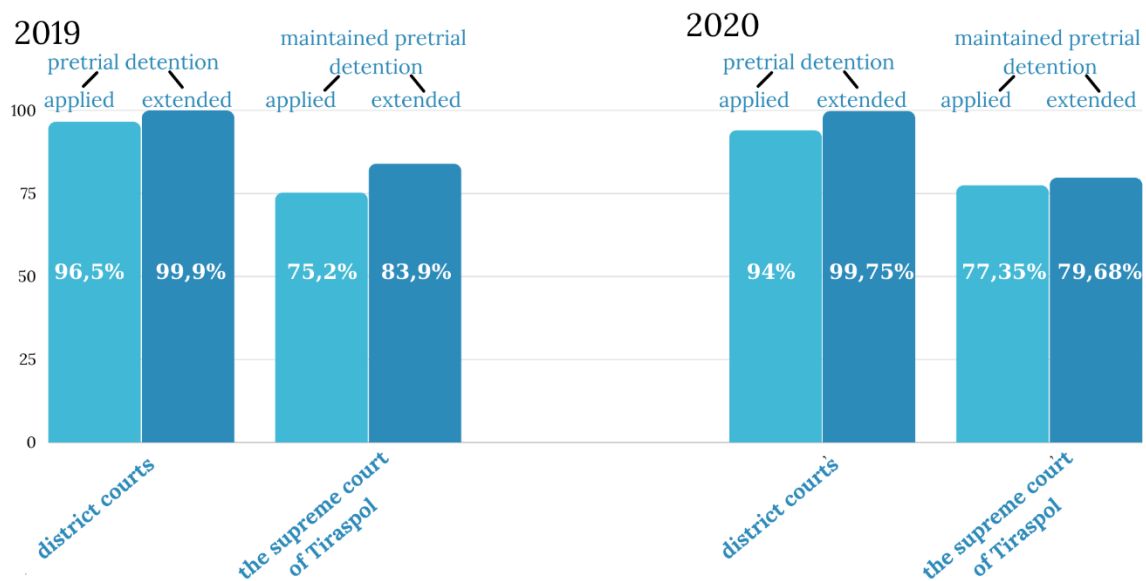
the facto administration admitted that the young man was imprisoned for desertion.²¹ Shortly after that, he was transferred in the paramilitary unit from which he escaped in order to execute the remaining term. The attempts to visit him and organise meetings with Alexandr failed. In the spring of 2021, Alexandr deserted the Transnistrian army the second time.

28. To date, young people in the Transnistrian region are obliged to be part of illegal paramilitary structures, in the absence of viable mechanisms that could guarantee their personal security.

2. RIGHT TO LIBERTY AND SECURITY OF PERSONS

a) Arbitrary detentions

29. According to the Judgement in case of Mozer delivered by Grand Chamber of the ECtHR on 23.02.2016, in the Transnistrian region is no basis for assuming that there is a system reflecting a judicial tradition compatible with the Convention. The Court found that the “MRT courts” and, by implication, any other “MRT authority”, could not order the applicant’s “lawful arrest or detention” within the meaning of Article 5 § 1 (c) of the Convention.
30. Contrary to the case law of ECtHR, local courts continue to deprive people of liberty. The various deficient local provisions and courts’ failure to provide any justification result in a huge rate in applying or extending pretrial detention. The rate of application, extension and maintenance of pretrial detention measures by local courts in the Transnistrian region is high for both 2019²² and 2020²³.



31. The high rate of pretrial detentions is also confirmed by the UN Expert, Thomas Hammarberg.²⁴ Moreover, the local Human Rights Commissioner from the region confirms in his reports of 2016-2020 that pretrial detention was used in cases when it was not necessary.²⁵
32. Until July 14, 2021, the European Court of Human Rights found the violation of art. 5 of the Convention in 24 out of 45 judgments in Transnistrian cases.

b) Kidnappings

33. Abusive seizure of people by law enforcement agencies of the Republic of Moldova, contrary to the existing legal procedures, with their subsequent transmission to recognized foreign bodies of other states, or to unrecognized bodies of the transnistrian region is a well-known practice.
34. In 2019, the ECtHR issued two important judgements on the phenomenon of abductions and collaboration between the constitutional authorities in Chisinau and the de facto structures in Tiraspol.
35. The cases Filin (no. 48841/11) and Negruța (no. 3445/13) concern the applicants' arrest on the territory controlled by the Republic of Moldova in 2009 and 2011 and their transfer to the Transnistrian region, where the applicants were held in inhuman and degrading conditions.²⁶
36. In October 2020, 5 people were abducted on the territory not controlled by the constitutional authorities of the Republic of Moldova. Among the abductees was a representative of the police of the Republic of Moldova. On July 14, 2021, at least two of them were still in illegal detention of the de facto structures from the Transnistrian region, and their relatives were still unable to visit them.

3. FREEDOM OF MOVEMENT RESTRICTIONS

37. In 2016-2021, *de facto* administration continued to limit the access of different categories of people into the region. This repressive measure is applied without explanations.
38. Since April 2015, members of the Promo-LEX Association have been barred from entering the Transnistrian region after the Tiraspol Security Committee accused the organization of "destabilizing the situation in the region".
39. On 11 and 12 August 2020, two war veterans were banned from entering in the Transnistrian region for a period of 3 years.²⁷
40. One of the cases of a ban on access to the region is currently pending in the ECtHR. On June 7, 2021, the ECtHR communicated to the Defendant Governments about the initiation of the case of Vardiașvili v. Russia and Moldova²⁸. The case concerns the illegal restriction of the right to free movement within the Republic of Moldova, without any explanation and the application of repressive measures (detention in inhumane conditions) for violating these illegal traffic rules established by the Tiraspol regime.²⁹

3. RIGHT TO PROPERTY

41. In accordance with the Protocol Decision between Chișinău and Tiraspol from 25 November 2017 "(...) *on the use of agricultural land, located in Dubasari district, behind the Tiraspol - Camenca" route*, starting with 1 August 2018, landowners had access to their lands if they met the following requirements:
 - they submitted the title deeds and other relevant documents to the de facto administration of Dubasari;
 - they received certificates for temporary use of their lands.³⁰
42. This agreement has not completely removed the restrictions on the right to property of agricultural land. Moreover, ECtHR has already twice expressed its opinion with regard to the farmers' access to their land in the Dubasari district, once in 2018³¹ and the second time in 2020³² stipulating that:
 - *'it does not see any legal basis for the obligation placed upon the applicants to conclude rental contracts with the "MRT" authorities as a condition for being able to cultivate the land.*
 - *it does not see any legal basis for blocking without reason access to land which someone owns or legally rents.'*

43. However, this mechanism was seen as the only way to obtain access to lands, after more than four years of prohibitions and restrictions.

5. RIGHT TO EDUCATION

44. Transnistrian region is still marked by the persecution and intimidation of teachers, students and parents attending Romanian-language schools (schools using the Latin script). Despite the fact that there are 3 judgements of the ECtHR on the violation of the right to education in the Transnistrian region, the problems exposed in 2016 still persist today:
- non-execution by the Russian Federation of the ECtHR judgements;
 - lack of developments regarding the return of headquarters;
 - challenges in ensuring the free movement of teachers and students, goods and school supplies;
 - the continued existence of summonses addressed to educational institutions requesting the presentation of lists of students, as well as nominal invitations for students to appear at the alleged local military centers in the Transnistrian region.³³

6. FREEDOM OF EXPRESSION, INCLUDING FREEDOM OF THE PRESS

45. On March 20, 2020, right from the beginning of the COVID-19 pandemic, the 2020-2026 “Strategy for Combating Extremism in the Transnistrian region” was approved.³⁴ Victims of this program were primarily awkward politicians, journalists and local activists. (Individual Cases: Alexandr Samonii³⁵, Ghenadie Ciorba³⁶, Babaian Boris³⁷, Larisa Kalik³⁸, Pavel Dogari³⁹)
46. After a new article was introduced in the local penal code regarding the “Public insult of the President”,⁴⁰ in 2020, this provision has been applied together with an older provision - “Public insult to public persons” within the de facto administration. (Individual Cases - Tatiana Belova and Serghei Mirovici,⁴¹ Nadejda Bondarenko,⁴² Oleg Horjan).
47. The local criminal code of the Transnistrian region establishes penalties of 3 to 5 years for “denying the positive role of the peacekeeping mission”. During this period, 2 cases were identified, when people criticized the need to deploy the Russian army (not the peacekeeping mission) in the Transnistrian region. (Individual Cases Mihail Emurachi⁴³, Pavel Dogari⁴⁴).
48. Several cases have been documented when media representatives being intimidated, persecuted in the Transnistrian region or in the Security Zone for trying to document situations of public interest.
- On 20 September 2019, the prosecutor’s office from the transnistrian region denied the access of journalists to information on the ground that the portal NewsMaker.md is not registered on the territory of the Transnistrian region.⁴⁵
 - On November 15, 2020, the TV8 reporter Catalin Gorla, being near the Dubasari checkpoint, filmed the flow of passers-by in the context of the presidential elections of the Republic of Moldova. He was detained by alleged representatives of the border guard structures and deprived of his liberty for one hour. During this period, the video sequences from his phone were deleted by the alleged Transnistrian border guards. In this case, the Prosecutor’s Office of Dubasari district decided not to start a criminal case.⁴⁶
49. Journalists Andrei Captarenco and Viorica Tataru, since the beginning of May 2020, make the documentary series “Beyond the Dniester” for the national television station TV8. In the period of 2020 - 2021, their activity was thwarted by the representatives of the peacekeeping mission:
- Being on duty on July 22, 2020 in Molovata Noua (Dubasari district), on the left bank of the Nistru River, they were assaulted by representatives of the peacekeeping mission, who wore the symbols of the Russian Federation on their uniforms. One of the peacekeepers took the journalists’ phone and deleted the filmed material without their consent. Subsequently, the peacekeepers forbade the captain of the ferry to move until the journalists did not get off the platform. The conflict lasted over an hour and was settled only after the local police intervened.⁴⁷

- On 09.02.2021, they were abusively stopped by the representatives of the peacekeeping mission from the post near Gura Bîcului, Anenii Noi district². The two journalists were deprived of their liberty for more than 2 hours. Their car was surrounded by Russian peacekeepers. In addition, they placed barbed wire around the car to block the passage⁴⁸.
50. In both cases, the police refused to start a criminal case. On July 14, 2021 one of the cases was subject to judicial control.⁴⁹

7. FREEDOM OF ASSEMBLY

51. In the Transnistrian region, public meetings are allowed subject to the submission of a notification. However, a practice has emerged, in which no meeting takes place without the authorization / agreement of the local administration.
52. In the period of April and May 2018, a group of residents of Tiraspol requested, at least 8 times, the representatives of Tiraspol administration to authorize several public meetings. Through public meetings, citizens wanted to express their dissatisfaction with the social problems. In all cases, the facto administration refused to authorize assemblies for unjustifiable reasons. On 2 June 2018, this group held a public meeting. In the meeting, they criticized representatives of the Transnistrian administration for the poor social conditions existing in the Transnistrian region. On 3 June 2018, militia arrested about 40 people that attended the meeting of 2 June 2018. Relatives of the persons detained have reported that in some cases, militia representatives applied physical force, verbally insulted the people, forbid them to use the toilet, requested them to sign documents with unclear content. Punishments in the form of administrative detention for up to 15 days, including fines, have been applied. This case was submitted to the ECtHR, and in march 2020 was communicated to the Moldovan and Russian Gouvernement.⁵⁰
53. During 2020, in the pandemic time at least two public assemblies were identified that resulted in sanctions:
- On July 2, 2020, in the town of Rabnita in the Transnistrian region, a spontaneous protest took place against the cancellation by the Tiraspol administration of the permits to cross the administrative line, which allowed people to go to work, treatment or solve other emergencies on the right bank of the Nistru River. The approximately 70 people blocked the traffic on the bridge to the town of Rezina. Subsequently, several people were sanctioned for violating local legislation regarding meetings. A local activist, Ghenadie Ciorba, was arrested for 10 days, and about 10 people received fines⁵¹.
 - On August 7, 2020, Stepan Popovschii, a local lawyer from the Transnistrian region, staged a solitary protest in the center of Tiraspol in support of Ghenadie Ciorba. Immediately after the beginning of this protest, he was detained by the "Transnistrian militia" for an alleged documentation. Even though he was released shortly after his detention, Popovschii could not continue his protest because his protest materials were requisitioned.⁵²

8. SHRINKING SPACE FOR NGO

54. On May 19, 2018, the new regulations on non-profit organizations entered into force in the Transnistrian region. According to these changes, local non-profit organizations that receive funding from abroad will not be able to carry out a series of activities, including those related to the promotion and protection of human rights⁵³.
55. The first organization to which the mechanism of "civil society cleansing" has been applied is the Apriori Information and Legacy Center.⁵⁴ On 19 December 2018, the Prosecutor's Office issued its prescription accusing the NGO of violating the Law on "NGOs". Due to the lack of effective local remedies, in the fall of 2019 Apriori Centre filed a complaint with

² Circumstances that fall under art. 166 of the Criminal Code - illegal deprivation of liberty.

ECtHR. The situation of the organisation is still uncertain because according to the local legislation, the local prosecutor's office and courts can stop the operation of the Centre in any moment.⁵⁵

56. On 17 April 2015, the Transnistrian KGB issued a statement announcing the launch of a criminal investigation against members of the Promo-LEX Association and the application of "special investigative measures" to them. Since then, free access to the Transnistrian region has been banned for Promo-LEX defenders.⁵⁶
57. In the last 6 years, despite the statements and urges of UN Special Rapporteurs⁵⁷ and other international⁵⁸ and national⁵⁹ institutions to provide Promo-LEX representatives with the possibility to conduct legitimate activities in the Transnistrian region without any obstacles, harassment or persecution, attacks and denigration against Promo-LEX continued. According to the Radiography of attacks against non-governmental organisations from the Republic of Moldova developed by LRCM, Promo-LEX was the target of a denigrating campaign in the Transnistrian media. All feature reports contained fake or biased information and intends rather to discredit the image of Promo-LEX Association.⁶⁰
58. The ban of Promo-LEX members from the Transnistrian region was also at the forefront of the European Court of Human Rights.
 - On 17.05.2021, the ECtHR communicated to the governments of the Russian Federation and the Republic of Moldova the case of *Zubco v. The Republic of Moldova and the Russian Federation*. The case concerns the ban on access to the Transnistrian region of Promo-LEX lawyers as a result of human rights activities carried out on the left bank of the Dniester⁶¹.
 - On 29.06.2021, the ECtHR adopted the decision in the case of *Manole and Postica vs. The Republic of Moldova and the Russian Federation*, which found that two members of the Promo-LEX Association, were illegally detained by Russian soldiers⁶².
64. On 28 February 2018, the UN Special Rapporteur Michel Forst at the 40th session of the UN Human Rights Council stated that "*in the Transnistrian region, legislation on non-profit organizations generates serious concerns, and human rights defenders sometimes do not feel that they operate in a safe and permissive environment.*"⁶³
65. Similar findings were made by another UN expert, Mr. Thomas Hammarberg, who, after his visit in June 2018, was seriously concerned about the "legislative" amendments limiting the activities of NGOs in the Transnistrian region and their intimidation by security agents in the region.⁶⁴
66. In February 2021, Club 19³ completely ceased its permanent operation. The closure of this cultural initiative is explained by the organizers by lack of staff, but also by the general climate of persecution of free thought, which became unprecedented in 2020.⁶⁵

9. THE LACK OF A PROTECTION MECHANISM FOR INTERNALLY DISPLACED PERSONS

67. The Republic of Moldova does not have a special law to protect internally displaced persons. Such a law is necessary to determine the legal status of forcibly displaced persons persecuted in the Transnistrian region. Because of the lack of a clear regulatory framework on the award, termination and cancellation of the status of internally displaced, the victims could not benefit of legal, economic and social guarantees. Without such a mechanism, the Moldovan Government cannot honour its positive obligations regarding the protection of the victims of human rights violations in the Transnistrian region.⁶⁶

RECOMMENDATIONS

- To encourage the Government of the Republic of Moldova to perform an independent evaluation process of the qualitative and quantitative implementation of the actions of

³ A civic platform that for eight years has been the center of cultural and recreational life for many young people in the Transnistrian region. From international film festivals to concerts, humorous soiree, exhibitions, book launches or debates, Club 19 has always organized unique events with international openness, something hard to imagine in an informational and social space completely controlled by the authoritarian regime in region.

the Human Rights National Action Plan for 2018-2022, including those relating to the protection of human rights in the Transnistrian region.

- Invite the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment as soon as possible to visit Moldova for an independent and impartial assessment of the situation of arbitrary detention, torture and cruel, inhuman or degrading treatments in Transnistria.
- To encourage the Government of the Republic of Moldova to take concrete steps for facilitating unconditional access in the Transnistrian region of human rights national and international monitoring institutions.
- To encourage the Government of the Republic of Moldova to strengthen the capacities of the People's Advocate Institution in order to monitor and defend human rights in the Transnistrian region.
- To encourage the Government of the Republic of Moldova to ensure that all the victims subjected to torture and of ill-treatment in the Transnistrian region, have prompt access to appropriate rehabilitation services and investigation by Prosecutor Office of Republic of Moldova.
- To adopt a legislative act restricting the rights and sanctioning individuals participating in serious human rights violations in the Transnistrian region.
- Develop and adopt a regulatory act ensuring protection for internally displaced persons, which will include the rehabilitation of the victims of human rights violations in the Transnistrian region.
- Invite the Special Rapporteur for Freedom of Opinion and Expression and the Special Rapporteur on the situation of Human Rights Defenders, to visit the Republic of Moldova in order to make an independent and impartial assessment about the environment where civil society actors operate in the Transnistrian region.
- Ensure that an immediate, thorough, and impartial investigation into all reported cases of reprisals against human rights defenders, activists, and journalists are carried out, with a view toward publishing the results and bringing those responsible to justice in accordance with international standards.
- To encourage the Government of the Republic of Moldova to take concrete steps to explicitly recognize the legitimacy of the work done by Human Rights Defenders and to implement the UN Declaration on Human Rights Defenders at the national level.

END NOTES

¹ The facts concerning the armed conflict of 1991-1992 are set out in more detail in the case *Ilașcu and Others v. Moldova and Russia* (§§ 28-183). *Ilașcu and Others v. Moldova and Russia*, no. 48787/99, 8 July 2004, <http://hudoc.echr.coe.int/eng?i=001-61886>

² Russian military presence in Moldova and its impact on the human rights situation, <https://promolex.md/wp-content/uploads/2019/11/Trupele-ruse-in-MD-si-impactul-asupra-DO.pdf>

³ The Observatory for the Protection of Human Rights Defenders, a joint partnership of the World Organisation Against Torture (OMCT) and FIDH, requests your urgent intervention in the following situation in Moldova / Region of Transnistria, <https://www.fidh.org/en/issues/human-rights-defenders/moldova-region-of-transnistria-arbitrary-detention-of-mr-alexandru>

⁴ EVALUATION REPORT Implementation of the National Action Plan in the field of Human Rights for 2018 - 2022, Evaluation period 2018-2019, <https://promolex.md/18342-raport-de-evaluare-implementarea-planului-national-de-actiuni-in-domeniul-drepturilor-omului-pentru-anii-2018-2022/?lang=ro>

⁵ Promo-LEX presented the Evaluation Report on the Implementation of the Human Rights National Action Plan for 2018 - 2022, Evaluation Period - 2020, <https://promolex.md/20270-promo-lex-a-prezentat-raportul-de-evaluare-a-implementarii-planului-national-de-actiuni-in-domeniul-drepturilor-omului-pentru-anii-2018-2022/?lang=ro>

⁶ Promo-LEX: A private event subject to intimidation of local civil society organizations in the Transnistrian region, <https://promolex.md/18748-promo-lex-un-eveniment-privat-subiect-pentru-intimidarea-organizatiilor-societatii-civile-locale-din-regiunea-transnistreana/?lang=en>

⁷ About how the Transnistrian region is investigating the excessive use of force by local law enforcement agencies against young participants in the disco in Gasca village, <https://newsmaker.md/rus/novosti/chezanej-vyzanimaetes-vzhizni-kak-vpridnestroverassleduyut-izbienie-uchastnikov-rejv-vecherinki-silovikami/>

⁸ Former "militiaman" from the Transnistrian region definitively convicted for kidnapping and torturing a couple from Floresti district, <https://promolex.md/20044-fost-militian-din-regiunea-transnistreana-condamnat-definitiv-pentru-rapirea-si-torturarea-unui-cuplu-din-raionul-floresti/?lang=ro>

⁹ Report on Human Rights in the Transnistrian Region of the Republic of Moldova, by Thomas Hammarberg, Senior Expert, 2018, https://www.undp.org/content/dam/unct/moldova/docs/Follow-up_Report_TH_2018.pdf

¹⁰ Torture prevention activity, http://ombudsman.md/wp-content/uploads/2020/02/Raport_OAP_Prevenirea_Torturii_2018.pdf?fbclid=IwAR29CnrgntxVZG5Nud7KAO2yETfHTLnPUO1h1KyRXBOJowPHgnQIZ0hJSYc

¹¹ Reports of the local Human Rights Commissioner, http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

¹² Prisons in the Transnistrian region - real sentences against human dignity! March 2021 https://www.youtube.com/watch?v=tqWr_jTgOOQ&fbclid=IwAR02HHc-WHCJVCmzgTVBjZTo_Gln-D_bD_klwjoZV_AEfRqLqt_osLPfFc

¹³ Report of the Commissioner for Human Rights for 2020, page 91, http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

¹⁴ Transnistrian army, between illegality and terror, <https://promolex.md/5757-armata-transnistreana-intre-ilegalitate-si-teroare/?print=print&lang=ro>

¹⁵ Promo-LEX opinion on the consequences of the forced recruitment of young people into paramilitary structures in the Transnistrian region, April 2020, https://promolex.md/wp-content/uploads/2020/04/16-Aprilie-2020_opinie-recruti.pdf

¹⁶ Transnistrian KGB vs. Civil Society. Who is next after Promo-LEX, Apriori and Larisa Kalik cases, <https://promolex.md/17373-kgb-ul-transnistrean-vs-societatea-civila-cine-urmeaza-dupa-cazurile-promo-lex-apriori-si-larisa-kalik/?print=print&lang=en>

¹⁷ Case of Kolobychko v. Moldova, Russia and Ukraine (no. 36724/10), <http://hudoc.echr.coe.int/eng?i=001-186321>

¹⁸ Russia, convicted at the ECtHR for violating the right to life in the Transnistrian region, <https://promolex.md/13210-rusia-condamnata-la-cedo-pentru-incalcare-dreptului-la-viata-in-regiunea-transnistreana/?lang=ro>

¹⁹ A mere escape from Transnistria: the "deserter" <https://www.youtube.com/watch?v=dSiNQ-sDIgA&t=156s>

²⁰ APPEAL regarding the disappearance of Alexandru Rjavitin, <https://promolex.md/16569-a-p-e-l-cu-privire-disparitia-cet-alexandru-rjavitin/?lang=en>

²¹ Tiraspol confirms the detention of Alexandru Rjavitin. Why is he accused and where is the young man?,

<https://deschide.md/ro/stiri/social/59439/Tiraspolul-confirm%C4%83-re%C8%9Binerea-lui-Alexandru-Rjavitin-De-ce-este->

[acuzat-%C8%99i-unde-se-afli%C4%83-](#)

[t%C3%A2n%C4%83rul.htm?fbclid=IwAR2LFqQf5s6UF7I4LTfET_X672metHHJtnp8o8Ktw7VXm-K36WypY2Yq5W4](#)

²² REPORT | Human Rights in the Transnistrian Region of the Republic of Moldova. Retrospective of 2019, <https://promolex.md/wp-content/uploads/2020/08/DO-%C3%AEn-TR-ENGL-FINAL.pdf>

²³ REPORT | Human Rights in the Transnistrian Region of the Republic of Moldova. Retrospective of 2020, https://promolex.md/wp-content/uploads/2021/05/Report_Human_Rights_in_the_transnistrian_region_of_the_Republic_of_Moldova_retrospective_of_2020.pdf

²⁴ Report on Human Rights in the Transnistrian Region of the Republic of Moldova, by Thomas Hammarberg, Senior Expert, 2018, https://www.undp.org/content/dam/unct/moldova/docs/Follow-up_Report_TH_2018.pdf

²⁵ Reports of the local Human Rights Commissioner, http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

²⁶ Case Description/Status of Execution, <http://hudoc.exec.coe.int/eng?i=004-52745>

²⁷ „Deported” by the Tiraspol regime. For almost three months, two veterans have not been able to enter their homes, <https://zonadesecuritate.md/deportati-de-regimul-de-la-tiraspol-de-aproape-trei-luni-doi-veterani-nu-pot-intra-in-propria-casa/>

²⁸ Serghei Vardiasvili v Moldova and Russia, no. 558/16, 20 may 2021, <http://hudoc.echr.coe.int/eng?i=001-210441>

²⁹ The ECtHR has communicated to the Governments of the Republic of Moldova and the Russian Federation the first cause of discrimination on the grounds of ethnic origin in the exercise of the right to free movement in the Transnistrian region, <https://promolex.md/20473-ctedo-a-comunicat-guvernului-republicii-moldova-si-federatiei-ruse-prim-a-cauza-privind-discriminarea-pe-criteriu-de-origine-etnica-in-exercitarea-dreptului-la-libera-circulatie-in-regiunea-transnistre/?lang=ro>

³⁰ Protocol decision regarding the agricultural lands in Dubasari district, located behind the Tiraspol-Camenca route, dated November 25, 2017, https://gov.md/sites/default/files/2017_11_25_protokolnoe_reshenie_o_realizacii_mehanizma_2006_g_o_ispolzovanii_s_elhozugodiy.pdf

³¹ Sandu and Others vs. the Republic of Moldova and Russia, applications nos 21034/05 and 7 others, <http://hudoc.echr.coe.int/eng?i=001-184651>

³² Oprea and Others vs Republic of Moldova and Russia, applications no. 36545/06, <http://hudoc.echr.coe.int/eng?i=001-201135>

³³ Free movement for teachers and students and the topic of citations to educational institutions - priority topics on the agenda of working groups for education, <https://gov.md/ro/content/libera-circulatie-pentru-cadrele-didactice-si-ellevi-si-tema-citatiilorvenite-adresa>

³⁴ Strategy to combat extremism for the years 2020–2026, <http://president.gospmr.org/pravovye-akty/ukazi-ob-utverjdenii-strategiiiprotivodeystviya-ekstremizmu-v-pridnestrovskoy-moldavskoy-respublike-na-2020-2026-godi.html>

³⁵ Alexandr Samonii was wanted, <https://newsmaker.md/rus/novosti/moe-foto-uzhe-visit-na-doske-razyskivaetsya-v-tiraspoledeputata-oppozitsionera-obyavili-v-rozysk-iz-za-oskorbleniya-krasnoselskogo/>

³⁶ A court in Tiraspol has decided to maintain the measure of pre-trial detention with regard to the activist Ghenadie Ciorba, accused of extremism, <https://moldova.europalibera.org/a/un-tribunal-de-la-tiraspol-a-decis-s%C4%83-men%C8%9Bin%C4%83-m%C4%83sura-de-arest-preventiv-pentru-activistul-ghenadie-ciorba-acuzat-de-extremism/30732128.html>

³⁷ Report | Human rights situation in the Transnistrian region during the COVID-19 pandemic, page 16, https://promolex.md/wp-content/uploads/2020/06/Raport_Regiunea-transnistreana_COVID-19.pdf

³⁸ Transnistrian KGB vs. Civil Society. Who is next after Promo-LEX, Apriori and Larisa Kalik cases?

<https://promolex.md/17373-kgb-ul-transnistrean-vs-societatea-civila-cine-urmeaza-dupa-cazurile-promo-lex-apriori-si-larisa-kalik/?print=print&lang=en>

³⁹ A resident of Bender was brought to criminal responsibility for committing acts of an extremist nature, http://sk.gospmr.org/index.php/ru/novosti-komiteta/3189-k-ugolovnoj-otvetstvennosti-privlechen-zhitel-g-benderya-zasovershenie-dejstviej-ekstremistskogo-kharaktera?fbclid=IwAR0THiZmQZP1XHIIIDpmCTjAyuw6dPzSp9YuT_bz5mFmI7EzCvTWUPoBmres

A resident of Tighina was forced to flee the region, being accused of criticizing the Peacekeeping Mission, <https://zonadesecuritate.md/video-un-locuitor-al-orasului-tighina-a-fost-nevoit-sa-fuga-din-regiune-fiind-invinuit-ca-a-criticat-misiunea-de-pacificare/>

⁴⁰ Report: Human rights in the Transnistrian region of the Republic of Moldova. Retrospective of 2019, p. 22, <https://promolex.md/wp-content/uploads/2020/06/DREPTURILE-OMULUI-%C3%AEn-regiunea-transnistrean%C4%83.pdf>

⁴¹ Two Transnistrian pensioners sentenced to three years in prison for insulting Krasnoselski,

<https://newsmaker.md/ro/doipensionari-din-transnistria-condamnati-la-trei-ani-de-inchisoare-pentru-ca-l-au-insultat-pe-krasnoselski/>

⁴² In Transnistria, Krasnoselski is “insulted” again, <https://newsmaker.md/rus/novosti/v-pridnestrove-snova-oskorbljajutkrasnoselskogo-naredaktora-gazety-zaveli-delo-za-publikaciju-horzhana/>

⁴³ Promo-LEX urges the representatives of the “5 + 2” negotiating format to ensure freedom of expression in the Transnistrian region, <https://promolex.md/17493-promo-lex-indeamna-reprezentantii-formatului-de-negocieri-52-sa-asigure-libertatea-de-exprimare-in-regiunea-transnistreana/?lang=ro>

⁴⁴ A resident of Tighina was forced to flee the region, accused of criticizing the Peacekeeping Mission, <https://zonadesecuritate.md/video-un-locuitor-al-orasului-tighina-a-fost-nevoit-sa-fuga-din-regiune-fiind-invinuit-ca-a-criticat-misiunea-de-pacificare/>

⁴⁵ The NewsMaker organization is not registered as a media outlet on the territory of Transnistria, <https://newsmaker.md/rus/novosti/newsmaker-ne-javljaetsja-redakciej-smi-kak-prokuratura-pridnestrovja-ne-rasskazala-o-pensionerke-arestovannoj-za-oskorblenie-krasnoselskogo/>

⁴⁶ Promo-LEX, REPORT, Human Rights in the transnistrian region of republic of Moldova, Retrospective of 2020, <https://promolex.md/wp-content/uploads/2021/05/Report-Human-Rights-in-the-transnistrian-region-of-the-Republic-of-Moldova-retrospective-of-2020.pdf>, pag. 30 – 31

⁴⁷ Two journalists, assaulted by peacekeepers, <https://tv8.md/2020/07/22/video-incident-la-molovata-doi-jurnalisti-de-la-tv8-agresati-de-militarii-din-trupele-de-pacificatori/>

⁴⁸ Russian Peacekeepers Detain Moldovan Journalists Near Transnistria, <https://balkaninsight.com/2021/02/09/russian-peacekeepers-detain-moldovan-journalists-near-transnistria/>

⁴⁹ The case of TV8 journalists, blocked by so-called peacekeepers: Refusal of police officers to examine the complaint, challenged in court,

https://tv8.md/2021/06/30/cazul-jurnalistilor-tv8-blocati-de-asa-zisii-pacificatori-refuzul-politistilor-de-a-examina-sesizarea-atacat-in-instanta/?fbclid=IwAR189sj98DizUj1Fm1myxK_dY8ad_978i9_juqUivp8mbylej0iTSuQ960

⁵⁰ Violation of freedom of assembly in the Transnistrian region in the attention of the ECtHR,

<https://promolex.md/17087-incalcare-libertatii-de-intrunire-in-regiunea-transnistreana-in-attention-ctedo/?lang=ro>

⁵¹ Spontaneous protest in Rabnita, after the cancellation of the exit permits from Transnistria, <https://moldova.europalibera.org/a/protest-spontan-la-r%C3%A2bni%C8%9Ba-dup%C4%83-anularea-permiselor-de-ie%C8%99ire-din-transnistria-/30710112.html>

⁵² Promo-LEX expresses its solidarity with activist and lawyer Stepan Popovschii, <https://www.facebook.com/promolex.md/photos/3668211596526388>

⁵³ art. 42 para. (4) of the Law on Non-Commercial Organizations, <http://president.gospmr.org/pravovye-akty/zakoni/zakonpridnestrovskoy-moldavskoy-respubliki-o-nekommercheskih-organizatsiyah-.html>

⁵⁴ A Priori Information and Legacy Centre - a non-commercial organization in the Transnistrian region, whose mission is to promote human rights, <https://apriori-center.org/about/>

⁵⁵ Promo-LEX, REPORT, Human Rights in the transnistrian region of republic of Moldova, Retrospective of 2019, <https://promolex.md/wp-content/uploads/2020/08/DO-%C3%AEn-TR-ENGL-FINAL.pdf>, pag. 23

⁵⁶ DECLARATION. Three years later, the Promo-LEX Association reminds the Governments of Moldova and Russia of the need to ensure optimal conditions for the work of human rights defenders in the Transnistrian region,

<https://promolex.md/12147-declaratie-dupa-trei-ani-asociatia-promo-lex-reaminteste-guvernelor-moldovei-si-rusiei-despre-necesitatea-unor-eforturi-privind-asigurarea-conditiilor-optime-pentru-activitatea-aparatorilor-dreptur/?lang=ro>

⁵⁷ UN (Geneva): The Promo-LEX case under the aegis of the UN Human Rights Council, <https://promolex.md/1908-onu-geneva-cazul-promo-lex-in-visul-consiliului-on-pentru-prima-prim-proprietarii/?lang=ru>

⁵⁸ “Parliamentary Assembly of the Council of Europe calls for better protection for human rights defenders and NGOs”, <https://promolex.md/1637-adunarea-parlamentara-a-consiliului-europei-cere-o-mai-bunaprotectie-pentru-aparatorii-drepturilor-omului-si-ong-uri/?print=print&lang=ro>

⁵⁹ “National Mechanism for Protection of Human Rights Defenders is More and More Necessary”. <https://promolex.md/14674-mecanism-national-of-protection-of-authors-tot-mai-necessary/?lang=en> ; The UN Human Rights Council (HRC) Universal Periodic Review Working Group discussed during its 26th session the need to strengthen the system for human rights protection in the Transnistrian region, <https://promolex.md/3999-necesitatea-fortificarii-sistemului-de-protectie-a-dreptului-omului-in-regiunea-transnistreana-a-fost-discutata-la-a-26-a-sesiune-a-grupului-de-lucru-al-consiliului-onu-pentru-drepturile-omului-hrc/?lang=ro>

⁶⁰ Radiography of attacks on civil society organizations in the Republic of Moldova in 2019, <https://crim.org/wp-content/uploads/2020/07/2020-05-13-Timeline-attacks-CSOs-RO.pdf>

⁶¹ Alexandru Zubco v. Moldova and Russia, no. 49508/15, 17 May 2021, <http://hudoc.echr.coe.int/eng?i=001-210444>

⁶² Manole and Postica v. Moldova and Russia, no.4711/07, 29 June 2021, <http://hudoc.echr.coe.int/eng?i=001-210734>

⁶³ " The increasingly necessary to ensure a national mechanism for the protection of human rights defenders", <https://promolex.md/14674-mecanismul-national-de-protectia-a-aparatorilor-tot-mai-necesar/?lang=ro>

⁶⁴ The UN Human Rights Senior Expert, Thomas Hammarberg presents his follow-up report on human rights in the Transnistrian region on 5 February 2019, <https://moldova.un.org/en/14666-un-human-rights-senior-expert-thomas-hammarberg-presents-his-follow-report-human-rights>

⁶⁵ What led to the closure of Club 19 in Tiraspol: staffing crisis or political persecution?, <https://moldova.europalibera.org/a/ce-a-dus-la-%C3%AEnchiderea-clubului-19-din-tiraspol-criza-de-personal-sau-persecu%C8%9Biile-politice-/31090149.html>

⁶⁶ Internally Displaced Persons are not Protected by the Legislation of the Republic of Moldova, <https://promolex.md/2375-persoanele-intern-stramutate-nu-sunt-protejate-de-legislatia-republicii-moldova/?lang=en>