

# POLICY BRIEFING NOTE

Subject: **It's Time to Rethink the Transnistrian Conflict and Take Action**  
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To: Interested institutions  
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## Abstract

Eighteen years passed since the outburst of the armed conflict in the eastern part of the Republic of Moldova (a.k.a. Transnistria), which ended as a result of the Russia-Moldova ceasefire agreement in 1992. After all these years, the reality is that all parties involved – Moldova and Russia with its proxies in Tiraspol (capital of the Transnistrian separatist region), and international mediators have tacitly accepted the status of a “*frozen conflict*,” perhaps satisfied that no more blood is shed in this region. Neither the involved parties, nor international actors could change this counterproductive *status quo*.

Transnistria, or the so called Transnistrian Moldovan Republic (TMR), is an authoritarian regime, which, with the protective support of Russia, has had a long life that is reaching adulthood. In the meantime, a whole new generation was born and grew up indoctrinated in the “best” old Soviet values of “Transnistrian patriotism, independence, and prosperity”. And all that is done to the detriment of Moldovan citizens on both banks of the Nistru River who were victims of the Russian geopolitical games.

This policy briefing note aims to raise awareness about the violations of human rights in Moldova's Transnistrian region. It calls upon the Republic of Moldova and the international actors to reconsider their position over the Transnistrian conflict, look at the realities on the ground, take attitude, and assume concrete actions to protect basic freedoms and liberties of the people living in this region.

## The inconvenient facts

The *de facto* actors that control Moldova's eastern region of Transnistria are the Russian Federation's state institutions. Russia created the Tiraspol regime and has been supporting it since the early 1990s. The 2004 Strasbourg-based European Human Rights Court's ruling on the *Ilascu and others against Russia and Moldova* case clearly stated Russia's involvement in the 1992 conflict and that the Russian Federation's military provided financial and political support for the separatist regime in Tiraspol. These findings have being reinforced by a group of international lawyers from the New York City Bar Association in their report on the Transnistrian conflict<sup>1</sup>. Therefore, the Transnistrian region should be viewed by the international community as a temporarily occupied territory of the Republic of Moldova by the Russian Federation. This is also the case for Georgia's Abkhazia and South Ossetia.

Human rights violations are rampant in this “no man's land”. And it looks like there is no mechanism in place to call to justice those who commit such acts against ordinary people that do not want to live in fear and under oppression<sup>2</sup>.

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<sup>1</sup> New York City Bar: Russia's Activities in Moldova Violate International Law, 2006  
<http://www.nycbar.org/pdf/report/NYCity%20BarTransnistriaReport.pdf>

<sup>2</sup> See Liberty and Security of the Person in Regions of Conflict, Promolex Report 2009 - <http://guinpmr.narod.ru/index.htm>

## **Latest developments**

2009 and 2010 are marked by a rejuvenation of political activism in Tiraspol. On one hand, the pro-western oriented coalition that came to power in Chisinau after the repeated elections in July 2009 and the warming relationships between Chisinau and Bucharest cannot but vex both Tiraspol and Moscow. On the other hand, the outcome of the January 2010 elections in Ukraine, the “wait and see” position of the West, and the need for a Russian vote in the UN Security Council to sanction Iran for its nuclear proliferation program, cannot but encourage Tiraspol to speak loudly and freely about their so called national interest and national security.

Chisinau remains weak, unable to exercise control over its eastern territory. After declaring independence, Moldova ratified and signed numerous international documents and treaties that are applicable to the entire territory, including the so called TMR, in order to ensure respect for human rights. However, at the ratification of the European Convention of Human rights, the state rejected its responsibility for omissions and acts committed on the territory controlled by the illegal Tiraspol regime. Such an approach is neither correct nor legal. The fact that the government does not control a part of the country’s territory does not permit it to suspend efforts to ensure that citizens’ constitutional rights are observed. Moldova neither respects nor assumes its *obligations* to take sufficient, effective and appropriate measures in order to protect human rights as defined by the European Convention of Human Rights. These obligations demand that authorities “take measures needed to safeguard a right”, or, more precisely, “adopt reasonable and adequate measures to protect the rights of individuals”.

## **Basic freedoms and liberties are violated**

The political machine in Tiraspol arrests, kidnaps, and detains activists and daring journalists for “spying” for and within their own country, the Republic of Moldova. People who dare have and express views that vary from those imposed by the illegal administration, are kidnapped, randomly arrested, and even killed. Numerous cases of ill-treatment, robbery, assassination, and disappearance of persons have been registered in this region. For instance, between 1990 and 1993, out of approximately 1000 residents of the village of Corjova, Dubasari district, 60 persons were murdered or disappeared. Of those, 10 girls were abducted by Cossacks, kept in the basements of the Dubasari power plant, and forced into prostitution.<sup>3</sup> Numerous Moldovan deaths in Transnistria require investigations. But the Moldovan constitutional authorities simply cannot get the access to those localities in order to launch those investigations. These illegalities still occur on a daily basis.

According to official data, the average number of people in detention in the region amounts to 62.8 per 10,000 people. The average in the Council of Europe’s member states is 10.5 detainees<sup>4</sup>. The militia headquarters in Tiraspol, which has a limited number of cells, usually accommodates about 70 detainees, but due to the abundance of detainees, the prison is vastly overpopulated. The situation is so extreme that detainees have to take turns to sleep. Minors are kept in the same cells as adults. The temperature is very high in the summer, since air conditioning is very poor, and very cold in the winter time. There are no sleeping mattresses or natural light – just a single lamp. Toilets are open

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<sup>3</sup>The real number of victims and the fate of these cases are not fully known even today, 18 years after the end of the war and the launch of the “peacekeeping” operation.

<sup>4</sup> See Liberty and Security of the Person in Regions of Conflict, Promolex Report 2009 - <http://guinpmr.narod.ru/index.htm>

spaces in cells. Detainees are allowed to have a 10-15 minute daily outdoor walk and can take a shower once a week. The food is unbearable and the access to medical treatment is limited<sup>5</sup>.

Cases of arbitrary detention are also registered in military units created by the so called TMR armed forces, which, in fact, are the appendix of the Russian Federation military stationed abroad. This is true especially in the case of recruits. Young men, aged 18 to 27, are forced by the illegal authorities to join the paramilitary units.

The situation of political detainees, citizens of the Republic of Moldova, such as journalist Ernest Vardanean and Ilie Cazac, arrested earlier in 2010, is the most recent example. Both of them, like the entire population on the eastern side of the Nistru River, are hostages of dirty politics that are promoted by illicit forces that control the Transnistrian territory. On December 16, 2010, a court in the breakaway Transnistrian region has sentenced Vardanean to 15 years in prison after finding him guilty of spying for his own country, the Republic of Moldova. Moldovan constitutional authorities prove to be incapable of protecting Moldovan citizens and inhabitants of this region, as it is the case of Vardanean and Cazac.

### **Property rights**

In the early years of its existence, the Republic of Moldova changed its views on property from the Soviet collective rights to the private property ownership rights. The existence of any establishment or entity implies that certain rules of conduct with respect to ownership and control over property are observed. Until the adoption of the Constitution of Moldova in 1994, a series of key laws to govern and protect property were adopted: the Property Law (20.01.1991); the Land Code (25.12.1991); and the Privatization Law (4.06.1991).

In the same period, a parallel system was formed in the eastern region of the Republic of Moldova that introduces separate regulations in defiance of the constitutional norms of the Republic of Moldova and international law. Those regulations favor one group of people, members of the Tiraspol illegal regime, who have transformed this region into a black hole in Europe where human rights, including on private property, are ignored.

In terms of private ownership rights, in 2002 the PMR adopted a land code, which proclaimed that the land cannot be placed under private ownership. Later, however, a land privatization scheme was developed, using the Ukrainian model that was intended to introduce a mixed form of ownership. In reality, though, the “state” continues to be the exclusive owner of land. People’s right of control over other property, like houses and apartments, is limited because they have no right to transfer ownership to non-“citizens” of the PMR.

In 2005, the separatist authorities barred access to their 8,600 hectares of land of over 5,000 landowners, from the localities subordinated to the Moldovan legal authorities, located on the East bank of the Nistru. This includes private plots owned by the inhabitants of Dubasari district as well as public- and state-owned land, among which were large strips of forest, some lakes, etc. Despite the fact that the legitimate Moldovan authorities recognized the Dubasari residents’ right of ownership over those lands, the owners were still forced to accept the conditions imposed by the separatists and enter into lease agreements for those plots with the administration of the Dubasari district,

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<sup>5</sup>Report of the Special Rapporteur for torture and other forms inhuman and degrading forms of treatment or punishment. Mission to the Republic of Moldova (July 4-11, 2008), [http://www.un.md/key\\_doc\\_pub/doc/romanian/A%20HRC%2010%2044%20Add%203%20torture%20Moldova\\_ROM.pdf](http://www.un.md/key_doc_pub/doc/romanian/A%20HRC%2010%2044%20Add%203%20torture%20Moldova_ROM.pdf)

subordinated to Tiraspol. The farmers may now have access to their farm plots only if they can present the certificates issued by the unrecognized authorities. Considering the scale of these illegalities, it can be stated that most of those working land in the region were abusively dispossessed of their lands.

At present, over 2,000 land owners from Doroțcaia, Cocieri, Coșnița, Pohrebea and Molovata of the Dubasari district have filed complaints of property rights violation to the European Court for Human Rights.

### **Rights to education in native language**

Schools that teach in the Romanian language in the East bank villages and towns subordinated to Tiraspol are under constant pressure and persecution, enjoying little real support from Chisinau and other outside international actors. In total, only eight gymnasiums and lyceums in Transnistria have managed to preserve the right to use the Latin alphabet and enact the National Educational Program developed by the constitutional authorities of Moldova<sup>6</sup>. Hundreds of children from the Grigoriopol high school, whose school was closed down by the Tiraspol authorities, are forced to travel daily by bus to another village (controlled by Moldova) in order to attend a school that use the Romanian language. The rest of schools in predominantly Moldovan ethnics villages were forced to accept either the teaching in the Romanian language using the Soviet era Cyrillic alphabet and books or the teaching in the Russian language.

There are 203 officially registered Russian-, Moldovan- and Ukrainian-script pre-schools in the region. However, most of them teach in Russian, less than 20% teach in Romanian, and there are practically no pre-school institutions that use Ukrainian-script on the left side of the Nistru River. The undergraduate educational system in the region includes 187 elementary and secondary educational establishments<sup>7</sup> and there are five Russian and one Ukrainian university subsidiaries. However, even in this field graduates from Moldovan and Ukrainian schools in the region are discriminated against, because most departments teach in Russian<sup>8</sup>.

Due to the aforementioned facts, the atmosphere in the Transnistrian region continues to be tensioned, where intimidations, arrests, and persecutions are used. The Tiraspol regime manages to control and keep under fear the whole population of the region. They are “helped” by Chisinau’s weakness of its state institutions and the indifference of the international community, which gives the impression that it tolerates the present *status quo* due, in part, to main actors’ view the priority of maintaining positive relations with Russia. Thus, the population in this region is left with no hope for any kind of protection of human rights. More than that, people there have no real motivation to take action or protest against the illegalities of the Tiraspol administration, as no authority is able to guarantee the protection of their basic human rights in the likelihood they come in conflict with the local regime.

### **Who is to blame in this situation?**

The responsibility for tolerating the above mentioned violations of human rights in Moldova’s

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<sup>6</sup> Lyceum Evrica from Râbnîța, Lyceum M. Eminescu from Dubăsari (evacuated to Corjova), Lyceum Ștefan cel Mare și Sfânt from Grigoriopol (evacuated to Doroțcaia), Lyceum Lucian Blaga from Tiraspol, Lyceum Alexandru cel Bun from Tighina (Bender), the lyceum from village Roghi, the gymnasium from Corjova, and the Orphenage from Tighina (Bender).

<sup>7</sup> Elementary schools, gymnasiums, lyceums, general schools, evening schools and special schools, including: 133 (71.1%) Russian – script institutions, 33 (17.6%) Romanian-script institutions (using Cyrillic alphabet), 18 (9.6%) are mixed (14 Russian-Moldovan and four Russian-Ukrainian), three (1.7%) are Ukrainian-script institutions.

<sup>8</sup> Research on Human Rights in Transnistrian region of Moldova [http://promolex.md/upload/publications/en/doc\\_1233068241.pdf](http://promolex.md/upload/publications/en/doc_1233068241.pdf)

Transnistrian region lies with the Russian government, its representatives in the region (who are Russian citizens, Russian security officers), and, indirectly, on the Moldovan authorities, as well as on the international community.

### **Actions to be taken**

Unless the Moldovan authorities and international community reassess their position on the “Transnistrian conflict” (read the Russia-Moldova conflict), there is a risk of witnessing other waves of military actions, violence and perhaps more intense and brutal cases of random arrests, kidnappings, land infringements, etc.

More active efforts need to be taken both by Chisinau and the international community to improve the protection of human rights in the Transnistrian region. This can be accomplished by promoting bilateral and multilateral cooperation between states, creating and improving monitoring systems, efficient protection of fundamental human rights and freedoms, and by educating the population in the spirit of democratic values.

***The Republic of Moldova.*** The end of the communist regime in Moldova allows Chisinau to require and facilitate more support from the international community that is needed to assume and ensure protection of the rights and freedoms of people on the two sides of the River Nistru. Chisinau should develop its own strategy to resolve the conflict, a part of which should include the human rights protection. A road map (action plan), as part of the strategy, needs to include at least four components: a) protection of victims of human rights violations; b) building grass roots level trust between different ethnicities and cultural groups; c) strengthening of civil society; and d) educating people in the spirit of democratic values, the rule of law, dignity and fundamental human rights.

Concretely, the road map ought to include:

- Implementation of capacity building programs targeting the members of civil society on both sides of the Nistru River. Legal rights and normative training programs need to be implemented with the help of local NGOs. That would increase public awareness and the accountability of legal authorities.
- Promotion of best practices and success stories in terms of human right protection.
- Implementation of programs for advocacy and promotion of human rights, ethnic/cultural tolerance, and assertive/non-violent communication.
- Development of a strategic frame of talks with Russian and Ukrainian partners on the human rights situation in Transnistria.
- Promotion of cultural, economic and commercial integration of the Transnistrian region into the rest of Moldova, **through** joint programs for economic cooperation developed with the participation of local business people from the both banks of Nistru; joint cultural programs with participation of different regions of Moldova; and strengthening the idea of equal opportunity for everyone.
- Text books, literature donation actions for the Romanian training schools in Tiraspol-controlled towns and villages. That would be a tangible response to the

administration of those schools, which frantically asks for moral, didactical, and legal support against the attacks of the de facto administration in Tiraspol.

***The international community.*** Given the limited political and financial capacity of Moldovan authorities to exercise pressure upon Tiraspol and legally protect the rights of Moldovan citizens on the territory of Transnistria, international actors can and should intervene. The international community and key state players, based on the internationally recognized provisions of human rights, have the capacity to a) support the protection of human rights and b) exercise pressure on parties that violate or ignore them.

Some points to be considered:

- The international community ought to insist that Moldova, which is a part of all international conventions and bodies in this respect, takes better care of its citizens in the Transnistrian region. Press Chisinau to develop a realistic, concrete, and plausible action plan on human rights protection in Transnistria.
- Given the illegal character of judiciary bodies established by the Tiraspol regime and the weakness of Moldovan institutions, special mechanisms need to be developed by the international community to allow the submission of human rights violations cases directly to the European Court of Human Rights, skipping their examination firstly by the local courts.
- It is critical that normal functioning of territorial courts for that region is ensured, alongside the creation of territorial units of the Ministry of Interior and of the prosecution. The perpetuation of the *status quo* will allow all the persons prosecuted, arrested, condemned, or detained in Transnistria to be considered victims under the provisions of Art.5 of the European Convention of Human Rights.
- More effective assistance programs need to be developed for the Transnistrian region by international foreign aid agencies like USAID, DFID, SIDA, etc.
- There is need for a long term physical presence of international actors in Moldova, including in towns located in the Transnistrian region, their commitment to monitor the observance of the rule of law, democracy, and fund initiatives to strengthen civil society.
- Assertive and continuous pressure needs to be exercised on Russia. “Frozen conflicts” on the territory of the former USSR, Moldova in particular, should be the subject of any talks that the West initiates with Russia. Western “wait and see” behavior in the post Soviet space should be replaced by policies and strategies that include political and security engagement of Russia.
- International Organizations like UN, OSCE are mandated to monitor the respect of human rights and therefore should take a more proactive attitude vis-à-vis the situation in the Transnistrian region.
- Five-lateral talks (EU, Russia, US, OSCE) and the 5+2 format meetings should pay more attention to the violations of human rights in the Transnistrian region.