

Transnistrians should equally enjoy ECHR guarantees

A society without free nongovernmental organizations, without independent media and human rights defenders is a weak society that is controlled through multiple abuses and crimes, executive director of “Promo-LEX” Association Ion Manole said in an international conference centering on the implementation of the judgments of the European Court of Human Rights (ECHR) in cases concerning the Transnistrian region of the Republic of Moldova. Ion Manole noted he trusts the ability of the international community to solve difficult problems without renouncing the democratic values obtained with such a difficulty, IPN reports.

According to the director of Promo-LEX, which organized the event in cooperation with the national authorities and the Council of Europe, the Transnistrian region is not the private property of the group of persons who control it. Respectively, the free access to the region should be guaranteed immediately and unconditionally. The people who live in such areas should equally enjoy the guarantees of the European Convention on Human Rights because the human rights cannot be negotiated and must be respected. Instead, the political negotiations, including the addressing of human rights, should continue so as to offer minimum observance guarantees.

Minister of Justice Alexandru Tanase spoke about the most important ECHR judgments concerning the Transnistrian region. As a lawyer in 2004 in the case of Ilascu and others versus the Republic of Moldova and as the ex-president of the Constitutional Court of the Republic of Moldova, Tanase said the judgment on Moldova’s neutrality passed by the CC in May 2017 was based on this ECHR judgment. These judgments taken together are inestimable instruments that can be used to make Russia withdraw the occupation forces from Moldova’s

territory. Moldova will never accept a Transnistrian conflict settlement model that would not be based on the Constitution's provisions. The people of Moldova will reject any model that will envision the so-called "Transnistrianization" of the Republic of Moldova.

According to the Director *General of Human Rights and Rule of Law* of the *Council of Europe* Christos Giakoumopoulos, peace and justice in Europe are obtained by constant efforts aimed at promoting common values among the member states, such as respect for democracy, preeminence of the law and human rights. The European Convention on Human Rights was adopted to ensure a collective guarantee for the minimal respect for these values. The Transnistrian issue is not fully exceptional and is not outside the guarantees stipulated by the Constitution. The ECHR found Russia internationally responsible for many of the human rights violations in the region.

In her speech, Corina Calugaru, Moldova's Permanent Representative to the Council of Europe, said the functionality of the human rights protection mechanisms depends on the involvement of the Council of Europe member states. But the role of the ECHR should not be underestimated as this offers important lessons for improving the human rights by its judgments.

Director of the Human Rights Programs of Promo-LEX Association Alexandru Postica underlined the necessity of ensuring continuity so as to defend the rights of the Moldovan citizens on the left side of the Nistru. "There are no excuses for doing less. On the contrary, effort should be further made not only at theoretical level, but also at the practical one. The continuity is key for ensuring the preeminence of the law in the Transnistrian region, which is a general responsibility," stated Alexandru Postica.

Eight cases on the Transnistrian region were won by lawyers of

Promo-LEX at the ECHR, out of the 48 won at the High Court. Promo-LEX represents 101 cases at the ECHR, 64 of out of which concern human rights violations in the Transnistrian region (35 cases refer to Moldova in general). "The persons whose rights were affected in the Transnistrian region or by the regime existing in the region cannot defend their rights and freedoms because no one monitors the human rights situation in the region and there are no efficient human rights protection mechanisms. Consequently, none of those who violate the human rights is held accountable," said Promo-LEX lawyer Nicoleta Hriplivyi.

In conclusion, the participants in the conference said the implementation of the ECHR judgments concerning the Transnistrian region implies also the problem of double jurisdiction, which cannot be overlooked. The lack of independent civil society with access to the region is another impediment to monitoring the situation in Transnistria. Consequently, the Moldovan constitutional authorities should take all the measures for the initiative groups to have access to the region so that information about the situation in the region is furnished to the Committee of Ministers of the Council of Europe and international organizations.

The conference was organized by Promo-LEX in cooperation with the Ministry of Justice, the Ministry of Foreign Affairs and European Integration and the Bureau for Reintegration Policies with financial support from the National Endowment for Democracy and the Open Society Foundations of Budapest.