

# Findings of Promo-LEX on public gatherings held in August 2018



On 5 September 2018, the Promo-LEX Monitoring Mission (MM) issued its first monitoring report on public gatherings, held between 1 August and 31 August 2018. Promo-LEX MM found several violations, including: gatherings with elements of violence, preferential treatment of participants in public gatherings, unjustified limitation of public space for gatherings, abusive dispersion of participants, etc.

## **Elements of violence directed against peaceful persons**

According to the information provided by the Promo-LEX observers, one of the meetings initiated by the supporters of the PPSor, on 5 August 2018, in the city of Orhei, lost its peaceful character as people resorted to physical attacks aimed at peaceful people, blocking them inside a shop.

Also, the public gatherings held in the Great National Assembly Square by the representatives of PPSor on 26 August 2018, were accompanied by numerous violations, such as breach of the law on assemblies without filing a prior application for it, promotion by the PPS representatives of messages that incite to violence and hatred. At the same time, journalists and a Promo-LEX observer, who tried to monitor the gathering,

were physically abused during the event.

### **Unjustified intervention of law enforcement forces**

The report examines the lawfulness of the directive no. 649-d of 24.08.2018 issued by the City Hall of the municipality of Chisinau. In this context, taking account of the fact that on 27.08.2018 there were no official events near the Guguta Cafe and the public space was not de facto closed to the public access, the application of the procedures, provided by art. 5 par. 3 and art. 22 aimed at the dispersion and takeover of protesters' goods, are to be classified as illegal and abusive. Police intervention, with the contribution of the City Hall of Chisinau, may be qualified as a violation of the right to freedom of assembly provided by art. 11 of the European Convention on Human Rights. The intervention of the law enforcement forces was disproportionate without complying with the legal procedures and it did not pursue a justifiable purpose in terms of Law on Assemblies.

According to the report, the protesters (ACUM representatives) had to comply with the demands of the police to allow the consummation of the official events planned in advance to their intention to protest in front of the statue of Stefan cel Mare, as well as to leave the Square and allow the official ceremony to be held. However, the cessation of the gathering of ACUM and the dispersal of its participants were exceptional measures, used by the City Hall and the police in the first place, without examining other options, although they had sufficient time to negotiate other alternative measures.

According to Promo-LEX, the Executive Committee of ATU Gagauzia has also committed violations, which exceeded the powers conferred to it by issuing the Resolution on banning cultural and sports events in ATU Gagauzia.

The report contains recommendations for the organizers of the

gatherings, local public authorities and law enforcement agencies.

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