

People's detention at the peacekeeping post on the Dniester River examined by the ECtHR

On May 16, 2019, the European Court of Human Rights (ECtHR) communicated to the Governments in Chisinau and Moscow that it received for examination the case of *Manole and Postica v. the Republic of Moldova and the Russian Federation*.



The case concerns the situation, where Russian soldiers detained three persons and without any warning illegally opened fire (using a Kalashnikov automated weapon), thus putting at risk the lives and physical integrity of dozens of peaceful people.

On July 19, 2005, at 16.00, two members of the Promo-LEX

Association (Ion Manole and Alexandru Postica) and another person that is not an applicant in the given case, were detained at a "peacekeeping post", while travelling from Cosnita to Chisinau on the grounds that they shot an advertisement placed near the post no. 9 with the inscription "Have a safe trip – Dubasari District". A Russian officer, who was the head of the military group, demanded that the film on the camera be deleted.

The members of Promo-LEX asked the Russian officer to draw up procedural documents on this request, but the officer suddenly become very aggressive and threatened them. On the phone, he requested his superiors from Dubasari to come to the place.

Even when several representatives of the military and witnesses from various organizations arrived at the place, Russian soldiers continued to behave aggressively towards the peaceful people present on the scene, and despite their insistence, the soldiers refused to unblock the car that belonged to the persons abusively detained. At a certain moment, for no reason and without warning the people and policemen present there, the Russian soldier produced two bursts of sub-machine gun fire. Due to the professional intervention of a traffic police officer from Dubasari district, a serious incident that could end up tragically was avoided.

The incident was solved only after midnight by the joint efforts of the representatives of the national, central and local constitutional authorities, as well as due to the prompt reaction of the journalists, civil society and many locals from Dubasari district, who unblocked the traffic and released the car of the Promo-Lex representatives. However, those who ordered the detention did not draw up any record, nor did they justify their behavior.

Before the Court, the applicants claimed that their rights under Articles 3, 5 § 1 and 13 of the Convention had been

violated.

The Court asked the parties questions about the existence or non-existence of violations under the described circumstances.

According to a new practice, the examination of cases by the ECtHR takes place in two stages: in a *non-contentious* procedure – where the parties are given the opportunity to settle the case amicably and in a *contentious* procedure – where the parties will be able to submit their observations, if the reconciliation fails.

For the first stage, the Section President decided to give the parties time (till September 18, 2019) to decide whether the parties can settle the case amicably.

We emphasize that this is not the only case when Russian peacekeepers abusively opened fire against civilians. The appeals made by the Promo-LEX Association in the period of 2005-2012 on the purpose, location and clear regulation of the presence of these armed troops on the territory controlled by the constitutional authorities were ignored. Thus, on January 1, 2012, a soldier from the same peacekeeping post deadly shot an 18-year-old man from Parata.

The Promo-LEX Association reiterates the need for an analysis and discussion on the relevance, risks and socio-economic and security impact of at least two posts in Vadul-lui-Voda, one of which is located on the territory of Chisinau – the capital of the Republic of Moldova.

Information about the status of peacekeeping forces in international law can be found in the [study](#) developed in 2015.

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