

People who will invoke human rights violations in the Transnistrian region will be prosecuted

On February 15, 2022, the alleged Prosecutor General of the Transnistrian region presented in Tiraspol an initiative on criminal sanctioning of persons who will file complaints or requests to the constitutional^[1] and international institutions regarding cases of abuse or violation of human rights, committed by representatives of structures and de facto administration.

Thus, any appeal, including to the European Court of Human Rights or the UN Committees, could be criminally prosecuted on the left bank of the Dniester. The de facto administration of Tiraspol intends to punish with up to 7 years imprisonment the persons who file complaints or requests against the actions of the representatives of the de facto administration.^[2]

The “draft law” completes the alleged current legal framework in this territory of the Republic of Moldova, which also provides for disproportionate sanctions, including deprivation of liberty for those who dare to criticize the actions or inactions of representatives of the *de facto* administration on the left bank of the Dniester River.^[3]

The ECHR found in 34 judgments out of the 51 pronounced until December 31, 2021, the violation of art. 6 and / or 13 of the Convention. That is to say, in over 66.6% of the decisions existing today on *Transnistrian cases*, the applicants did not receive a fair trial or did not benefit from an effective local remedy for the protection of their rights. Through this “draft law”, the *de facto* administration not only obviously

ignores these figures and realities, but also strengthens its repressive system, with the aim, on the one hand, of maintaining the phenomenon of total impunity in the controlled territories and discouraging to raise awareness of the problems they face and, finally, to seek the help or protection of constitutional and international institutions and courts.

It should be noted that the initiative of this "draft law" belongs to the alleged prosecutor of the Transnistrian region, who was in fact identified as responsible for certain acts [that violate human rights](#) in at least 5 ECHR decisions.

In the context of the positive obligations of the constitutional authorities of the Republic of Moldova, as well as in the context of international commitments of the Government of the Republic of Moldova, international partners, diplomatic missions and human rights organizations, including the OSCE Mission to Moldova, Promo-LEX Association calls for:

- Rapid and effective political and diplomatic efforts to stop immediately and unconditionally any initiative or action by the de facto administration against the recognition, protection and defense of fundamental human rights on the left bank of the Dniester River.
- Conditioning certain economic and trade facilities or financing for the Transnistrian region with real guarantees and respect for human rights, including free movement of journalists, lawyers or human rights defenders, who can monitor the situation, defend victims of abuse and report the real situation in the field.
- Strengthen efforts to intervene effectively in cases of serious violations of fundamental human rights in the Transnistrian region (especially torture, abduction, deprivation of liberty, etc.), including the creation of an effective platform for reporting illegal activities in the region.
- Examine the appropriateness of imposing individual

sanctions on persons who admit serious violations of human rights and fundamental freedoms in the region, including the application of a prohibition of circulation and the imposition of sanctions on their property outside the Transnistrian region.

- The Government of the Republic of Moldova invites the UN Special Rapporteur on Human Rights, Mary Lawlor, to conduct an emergency visit and to report to the Commissioner of the Council of Europe on Human Rights.
 - The Government of the Republic of Moldova should inform the mediators and observers of the 5 + 2 format about the actions of the Tiraspol administration aimed at discouraging people from filing complaints against violations of their rights.
 - The Government of the Republic of Moldova should inform development partners investing in shares to promote human rights in connection with the actions of the Tiraspol administration contrary to the general principles of human rights.
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[1] Including the constitutional authorities of the Republic of Moldova

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<http://www.vspmr.org/legislation/bills/vii-soziv/proekt-zakona-pridnestrovskoy-moldavskoy-respubliki-o-vnesenii-dopolneniy-v-ugolovniy-kodeks-pridnestrovskoy-moldavskoy-respubliki-.html>

[3] GUIDE. How to become a DISIDENT in Tiraspol, <https://promolex.md/20322-ghid-cum-sa-devii-disident-la-tiraspol/?lang=ro>