

8 years since the kidnapping and torture of a couple from Vertiujeni by militiamen from the left bank of the Dniester River. Victims continue to seek justice

On the night of April 8 to 9 2015, employees of the “militia” from the left bank of the Dniester kidnapped a couple from Vertiujeni village, Floresti district (right bank of the Dniester) from their own home. They were dragged at night on the gravel road from the village and were transported by a boat to the left bank of the Dniester to the “militia commissariat” of Camenca town. There the victims were beaten brutally, placed in the local solitary confinement of preventive detention and charged with the alleged theft of two rabbits.

The maltreatments lasted three days. On April 12, 2015, thanks to the intervention of the constitutional authorities, the two residents of Floresti district were released from illegal detention. The medico-legal expertise, carried out after the release of the victims established numerous physical trauma on their bodies, at the same time psycho-emotional consequences were found, as a result of the pressures to which the victims were subjected during detention.

After almost 5 years, in January 2020, the authorities of the Republic of Moldova managed to detain Andrei Samonii, a former collaborator of the “local militia”, involved in the abuses committed against the couple from Vertiujeni village, while he was trying to complete his documents at the Public Services

Agency.

On August 5, 2020, by sentence of the Soroca Court (Central Headquarters), he was sentenced to 15 years of imprisonment for the crimes of housebreaking, kidnapping and acts of torture. The court fully admitted the civil action and ordered the collection of 20,000 euros for the benefit of the two victims as moral damages.

Regrettably, the victims' ordeal continued. On September 01, 2020, Promo-LEX Association was notified by relatives of Mamontov Constantin (one of the 2 injured parties) about his detention on August 31, 2020 at one of the alleged customs checkpoints in the Transnistrian region. Constantin was released after 13 days of illegal detention. Apparently, his detention and repeated deprivation of liberty was applied by representatives of the de facto structures as revenge for the conviction on August 5, 2020 of their former colleague.

On October 11, 2022, the Court of Appeal of Balti decided to reduce the sentence from 15 to 6 years imprisonment and Andrei Samonii was convicted only for the crime of kidnapping. In addition, the Court of Appeal decided to acquit the convicted person for the acts of torture on the grounds that, "being a collaborator of the so-called militia commissariat, which is not recognized by the legal authorities of the Republic of Moldova, he cannot be subject to the crime of torture."

Regarding the accusations related to committing the crime of housebreaking, the court found him guilty but released him from criminal liability following the expiry of the limitation period.

The Court of Appeal also reduced the amount of the non-material damage from €20 000 to 20 000 lei.

Disagreeing with the findings and the decision of the Court of Appeal, Promo-LEX's lawyers appealed against the decision of the Court of Appeal of Balti. The criminal case is currently

before the Supreme Court of Justice.

In the meantime, being in detention, Andrei Samonii initiated parallel legal proceedings in order to reduce the term of detention.

On January 31, 2023, the sentence was reduced by 519 days, following the finding of detention in inhuman conditions in Penitentiary No 11 of Balti and No 2 of Lipcani. The decision was upheld by the Court of Appeal of Balti on April 3, 2023.

On March 21, 2023, the provisions of the Law on Amnesty having been applied, the sentence was reduced by one third, i.e. by 2 years.

Even if his case is before the Supreme Court of Justice, even though the victims of the crimes have not been compensated, on April 7, 2023 Andrei Samonii was released from detention. He was deprived of his liberty for approximately 3 years and 3 months.

The early release from detention of a person convicted of kidnapping, accused of torture, together with the non-payment of compensation ordered by the courts as moral damage for the benefit of the injured parties, is not a fair measure, according to the principles of human rights.

Promo-LEX Association repeatedly urges the constitutional authorities to make every effort and to exercise the maximum effort and diligence to fulfill their positive obligations to hold accountable those who commit illegal acts, regardless of the place of their commission on the territory of the Republic of Moldova.