

# On Death Penalties in the Transnistrian Region

The Republic of Moldova ratified the European Convention for the Protection of Human Rights and Fundamental Freedoms, including Protocols 6 and 13 concerning the abolition of death penalty. In 2013, Moldova signed the Joint Declaration on the abolition of the death penalty in Europe and around the world, adopted by the foreign ministers of 42 member states of the Council of Europe. Moldova has adjusted its national legislation and the death penalty is abolished. Despite this, provisions related to the death penalty exist on the territory “uncontrolled” by the constitutional authorities.

## ***Excerpts from local punitive rules:***

Article 43 (h) of the *local Criminal Code* provides death penalty as one of the forms of criminal liability.

Article 58 of the *local Criminal Code* states that:

1. Death penalty as an exceptional punishment can be established only for particularly serious crimes threatening the life.
2. Death penalty shall not be applied to women, persons below the age of 18 at the moment of the crime and men who have reached 65 years at the time of sentencing.
3. Death penalty can be replaced by pardon with life imprisonment or imprisonment up to 25 years.

Death penalty shall not be applied for attempting and preparing the crime (Article 64).

## ***Death penalty may be applied for:***

1. Murder of a person protected by the law (*victim, witness and other persons enjoying protection during the criminal prosecution*) (Article 104(3));

2. Attempt on the life of a public official (Article 273);
3. Armed rebellion (Article 275);
4. Attempt on the life of a judge, prosecutor, investigator, bailiff or their family members, inclusively those benefiting from protection under criminal investigation (Article 291);
5. Attempt on the life of the law enforcement officer, military personnel or their relatives (Article 314);
6. Use of prohibited means and methods of war (Article 352);
7. Genocide (Article 353);

**NOTE:** *Although a moratorium on death penalty was established in 1999, citizen F. Negru was sentenced to death in 2003.*

#### **Statistics:**

1) *Issued capital sentences: 2 (Case of Ilascu, 1993 and Case of Negrea, 2003). Mr. Negrea was pardoned to life imprisonment on 2 June 2015.*

2) *Executed capital sentences: none.*

**Methods of execution:** Capital sentence is applied by institutions responsible for the punishment enforcement. Before the enforcement of the sentence, the death row inmate has the right to religious rites, including with the participation of the clergy. They are detained in closed prison in solitary confinement in separate cells. The final Court "judgment", the decision of the "President of MRT" on the rejection of application for "pardon" or the decision of the "President of MRT" not to "pardon" the convict who refused to file an application for "pardon" are reasons for death penalty. Capital punishment is carried out by shooting and is not public. The body of an executed person is not given for burial and the place of burial is not communicated. The head of the prison where the execution took place shall inform the relatives about the execution of the sentence.