

STATEMENT regarding the effects of the protocol record of 16 September 2013

The Promo-LEX Association expresses concern with the developments in the negotiations between the political representatives in the Transnistrian settlement and their effects on the safety and security of a person.

According to a press release by the Bureau for Reintegration, the political representatives for Transnistrian settlement from Chisinau and Tiraspol, Eugen Carpov and Nina Stanski, met, on 16 September 2013, at the OSCE Mission in Chisinau. At the meeting, the parties signed a protocol record, which provides for “exchanges of information, systematization and examination of criminal cases opened in Chisinau and Tiraspol, including their perspectives.”

The protocol record, which is attached to this press release, provides that, within one month, the groups of experts shall “exchange information, systematize and come up with solutions regarding an eventual mechanism of handing criminal cases” (предоставить предложения по возможным механизмам урегулирования вопроса данных уголовных дел).

The Promo-LEX Association reminds public officials and the general public that:

- In accordance with the provisions of Art. 303 of the Criminal Code of the Republic of Moldova, interference of any kind with the dispense of justice and criminal investigations is punishable by law. The only LEGAL mechanism of handling criminal cases by Moldovan law enforcement bodies is expressly provided in the Criminal Procedure Code;
- Order No. 329 of 17 June 2004 of the Ministry of Internal

Affairs denounces the execution of provisions of the Agreement regarding the principles of cooperation of 26 January 1999 and the Protocol Record on additional measures to increase the effective cooperation between the bodies of internal affairs from the Republic of Moldova and Transnistria of 20 June 2001, as these documents infringe on the rights and liberties of citizens, the statehood of the Republic of Moldova, and contravene to the Moldovan Constitution and the European Convention;

– Decision No. 209/14 of 10 April 2012 of the Supreme Council of Magistrates rules out as unacceptable any legal collaboration or legal solutions with the Transnistrian bodies;

– According to Circular Note No.25-17d/2013-393 of 4 June 2013 signed by the Prosecutor General, instances of collaboration or direct exchanges of information between the territorial divisions of the Moldovan public authorities and the self-proclaimed Transnistrian bodies are not admitted before the settlement of the Transnistrian issue;

– Numerous irrevocable decisions taken by the Penal College of the Supreme Court of Justice quash so-called rulings issued by the “courts of law” under the control of the Tiraspol regime as pronounced by unconstitutional judicial bodies;

– All the criminal cases opened and investigated by the law enforcement on allegations of illegal acts committed by the so-called “bodies of law” from the Transnistrian region have been started upon complaints submitted by private citizens; providing that information to the respective illegal bodies may entail persecution of the victims by the Tiraspol regime or more severe consequences;

The Promo-LEX Association believes that Deputy Prime Minister Eugen Carpov’s instructions that may be qualified as interference with the act of justice and criminal

investigations. Providing information to unconstitutional bodies may lead to the persecution of victims of the regime on the left bank of Nistru who sought the help of constitutional law enforcement bodies.

The facts described above clearly show a lack of institutional memory within the state institutions of Moldova in charge with the reintegration of the country, as well as the severe negligence of some public officials who failed to consider the recommendations of the relevant state authorities and the irrevocable decisions taken by the constitutional courts of law.

The Promo-LEX Association demands that:

- The Government of the Republic of Moldova and the Bureau for Reintegration urgently denounce the provision of the unnumbered protocol record of 16 September 2013, signed by Eugen Carpov;
- The Prosecutor General Office, The General Police Inspectorate, the National Anti-Corruption Center and other competent constitutional bodies not take into account the instructions of the Bureau for Reintegration in carrying out criminal investigations;
- The Prosecutor General Office take notice and examine the legality of the protocol record signed by Deputy Prime Minister Eugen Carpov;
- The Bureau for Reintegration systematize all the acts of normative and recommendatory character issued by relevant national courts and agencies in order to establish a database and create an institutional memory to avoid similar faults and transgressions in the future.

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