

D E C L A R A T I O N The Republic of Moldova and The Russian Federation – defendants once again at the European Court of Human Rights regarding torture and illegal deprivation of liberty in the Transnistrian region

On 1 April 2010, the European Court of Human Rights (ECHR) decided to examine as a priority the case of Boris Mozer v Moldova and Russia nr.11138/10, submitted to the Court on 24 February 2010 by Alexandru Postica, Doina Ioana Straisteanu and Pavel Postica, lawyers at the Promo-LEX Association.

The respective governments were given until May 27, 2010, to explain the legality of the arrest and detention of Boris Mozer as part of a criminal case instigated at the request of SC Interdnestrcom, where he was employed. The governments should in particular provide answers to two important questions – 1. if the arrest and detention of the applicant (Moser) by the Transnistrian region administration was made by a competent and empowered court (bearing in mind that the ‘courts’ of the TMR do not form part of the judicial system of the Republic of Moldova), and; 2. if the liability for the maltreatment of the applicant at the hands of the ‘MGB’ falls upon the defendant Governments. A violation of the right to family life was also invoked, given the fact that the

applicants' relatives were not granted access to see him, and a meeting with a counselor was refused.

The case of Boris Mozer is the second application to the ECHR this year after the Matcenco case, being similar to the case Ilaşcu and others vs. Moldova and Russia (decided upon on 24 June 2004), and similarly highlighting serious human rights violations in the Transnistrian region of Moldova. Promo-LEX has criticised the governments of Moldova and Russia on numerous occasions for the negligence with which the complaints of people living on the left bank of the Nistru are treated – even in cases of murder, rape, torture, and illegal condemnation and deprivation of liberty.

Alexandru Postica, lawyer and Executive Director of the Promo-LEX Association, states, “The fact that within the space of 15 days two cases from the Transnistrian region have been made a priority demonstrates that the human rights situation in the region is particularly critical and that the authorities are obliged to intervene. If the Moldovan authorities and those of Russia are not willing to seek ways to ensure respect for human rights in this region, we will continue to do everything possible to change this state of affairs through the mechanism of the European Court”.

Doina Ioana Straisteanu, a Promo-LEX lawyer and expert in human rights, affirms that, “In the Mozer case we have also invoked a violation of Article 17 of the [European] Convention for the fact that the administration in the region has been allowed to establish for itself a ‘system of force and justice bodies’ which it uses to intimidate inhabitants of the region through the use of torture and the deprivation of liberty in unofficial places of detention in inhuman and unsanitary conditions, deliberately violating all human rights and liberties, which are guaranteed by the legislation of both defendant States and by the provisions of the Convention”.

The Promo-LEX Association notes that, on 15 March 2010, the

defendant governments were contacted regarding another case that has been given priority status, presented by lawyers at Promo-LEX, which in principle raises the same problems of human rights violations.

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