

Comparative study reveals the situation of the right to liberty and security of person in conflict and post-conflict zones



On November 4 2009, the association 'Promo-LEX' published a study on the right to liberty and security of person in 4 conflict regions (Moldova, Georgia, the Russian Federation and the former Yugoslavia).

The study attempts to identify viable solutions to ensure that human rights are respected in the Transnistrian region, through a thorough analysis of different situations in other regions that have been, or which remain, areas of conflict. The study offers new ideas, solutions and recommendations for civil society, the Moldovan authorities and the international bodies involved in the peaceful resolution of the Transnistrian issue.

Experts identified the most relevant cases involving violations of the right to liberty and security in the aforementioned areas of conflict.

Expert Doina Ioana Straisteanu reveals serious violations committed by Russian authorities during police and military operations in the North Caucasus (Chechnya and Inghushetia). In particular, the author notes how anti-terrorism laws have resulted in various abuses of the right to liberty and

security, and how prosecution bodies have failed to combat and prevent these abuses. Secret places of detention, (such as the private prisons of the Chechen President, Ramzan Kadyrov) are a major problem in the region, as is documented in reports of the CPT (European Committee for the Prevention of Torture). The inefficiency of the law enforcement bodies in the North Caucasus, and the impunity which they enjoy, leaves people vulnerable to violations of their liberty and security. The European Court of Human Rights has recognized violations of Article 5 of the European Convention on Human Rights in over 100 cases brought against the Russian Federation.

Expert Nicoloz Legashvili notes the destabilizing nature of the presence of Russian peacekeeping troops in the regions of Abkhazia and South Ossetia. He further notes the active role played by these troops in military acts of aggression that took place in these regions at different times during the 1990s, and in abuses committed against both combatants and civilians. The issue of dual jurisdiction constitutes an obstacle to securing the rights and freedoms of Georgian citizens, since the secessionist authorities have established their own legal structures. On the other hand, a positive example of a mechanism for securing constitutional jurisdiction came in the form of parallel elections in South Ossetia, which opened the way for the creation of a legal government in the region.

Expert Goran Miletic notes how, although the situation in the lands of the former Yugoslavia is now calmer, nevertheless, in the regions of Serbia, Montenegro and Bosnia, there remains the risk of arbitrary detention, and the problem that cases involving violations of liberty and security of person are insufficiently examined. The Serbian expert recommends that the Moldovan authorities explore the possibility of ratifying and signing all the relevant international treaties and mechanisms concerning security, so as to ensure maximum security for people in areas of conflict. A particularly

important step would be ratification of the Statute of the International Criminal court, which hitherto Moldova has not recognized.

Expert Ion Manole reiterates his position regarding the lack of guarantees for people in the Transnistrian region. In particular, he highlights the inaction and omissions of the constitutional authorities, who have performed inconsistently, and without well-defined objectives, leading to the current deadlock. The author suggests that the Moldovan authorities create a national strategy for ensuring personal rights and freedoms in the Transnistrian region. The case studies that have been discussed in society in recent years have shown that nobody there can feel free and secure. Not even collaborators from the constitutional law enforcement bodies are protected, being often humiliated, detained or 'arrested'. The problems of the region's 'penitentiary institutions', including centres of preventive detention, are very serious, and require the immediate attention of civil society, the constitutional authorities, and the international community. As a result of the conditions in these 'institutions', and according to statistics, the majority of those detained in the region remain under the real risk of infection with various illnesses, including HIV/AIDS and tuberculosis. Another major problem for the security and liberty of person in the region is the forced enlistment of all young males into illegal paramilitaries.

The study is available in English, Romanian and Russian languages [here](#).

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