

Joint Open Letter. Concern on the situation of human rights defenders from the Transnistrian region

JOINT OPEN LETTER

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Head of the OSCE Mission to Moldova

Victor Moraru

Ambassador of the Permanent Mission of the
Republic of Moldova to the United Nations

**Re: Concern on the situation of human rights defenders from
the Transnistrian region**

Excellencies,

The Promo-LEX Association, Front Line Defenders, Civil Rights

Defenders, and the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), are writing to you regarding the harassment targeting human rights defenders from the Transnistrian region in the Republic of Moldova.

Brief Description of the Situation

The pressure cast by the administration in Tiraspol on human rights defenders from the Transnistrian region intensified in 2013–2014. Numerous representatives of the civil society are intimidated and subjected to libel on a daily basis for their work to promote and defend human rights in the Transnistrian region of the Republic of Moldova (**Transnistria**).

Human rights defender Stepan Popovschi was persecuted by the Tiraspol administration for his attempts to defend the property rights of thousands of residents of the region, and to hold public meetings. In March 2013, the activist's home was searched, and a "criminal" file was opened against him. More details on the case are available [here](#).

Defense attorney Vladimir Maimust has been harassed for his professional activities. In September 2013, he an attempt was made to take his life, when an explosive device was placed in his personal car. See details [here](#).

Journalists and human rights defenders Nicolae Buceatchi and Luiza Dorosenco were accused of "subversive activities in Transnistria and inciting hatred towards the current authorities." These accusations were formulated in several videos published on YouTube in May 2014. Their complaints to the local investigatory bodies were ignored and were not followed through with. More details on these cases may be found [here](#). See videos [here](#) and [here](#).

The work of human rights defenders is viewed in the Transnistrian region as subversive, and as an attempt to

undermine the security of the local regime and de facto administration. This is why the field of human rights is not widely represented at the local level, and there are no efficient mechanisms or institutions to monitor the situation of human rights. Nevertheless, in the last year, the local administration took action to exercise control over human rights defenders and nongovernmental organizations from the region. See details [here](#).

In the last 12 years, Promo-LEX^[1] has been working in the field of human rights protection and promotion in Moldova, including the Transnistrian region, and encountered numerous obstacles and difficulties in its work.

On 5 December 2014, human rights defender Alexandru Zubco was banned access to the Transnistrian region. He was detained at the checkpoint in Bender and his car searched. After approximately 30 minutes, representatives of local security services (KGB) informed him that he was banned from the region, as his presence in Transnistria was “not welcome.”

In June 2014, Alexandru Zubco sued the Transnistrian security service in a court in Tiraspol for a ban imposed on his personal car in April 2014. The court rejected the application several times, invoking formal reasons. The application was finally admitted in October. In his application, the plaintiff requested that the ban be lifted. ***“I did not hope for a fair justice in the region, so I submitted the application namely to see how the mechanism of defending human rights works in Tiraspol. The hearing was set for 5 December, so I was on my way to Tiraspol to go to court,”*** said Alexandru Zubco.

Moldovan constitutional authorities informed Alexandru Zubco that the ***illegal “kgb” structures have been monitoring him in connection with his work with Promo-LEX.*** Alexandru Zubco has been with Promo-LEX since 2007 and is an active promoter of human rights, well known at the national and international level.

Relevant national and international standards

In 1992, the Republic of Moldova and the Russian Federation signed an agreement that guarantees freedom of movement of goods, services and persons **July, 21 1992**. We find however that the guarantees provided in the respective document are not observed, and the de facto administration of the Transnistrian region tends to limit access to the region of various persons, including human rights defenders.

While the access of activists and human rights defenders to Transnistria is limited, a great number of residents of the region that face various social, economic or family-related issues and do not have access to assistance, including legal assistance; therefore, the administration's abuses continue. National and international human rights organizations have repeatedly called attention to the severe human rights situation in Transnistria[2]. The critical situation of human rights in the Transnistrian region was described in a 2012 report submitted by UN Senior Expert Thomas Hammarberg[3]. The situation has not been monitored since the report's publication, and no positive changes have been recorded. The most important issue remains the impunity or lack of responsibility on the part of the local administration for their actions and severe human rights violations.

On 9 December 1998, in its Resolution A/RES/53/144, the UN General Assembly adopted a Declaration on Human Rights Defenders. The Declaration sets functional and formal guarantees for activists, journalists, volunteers, who conduct activities to promote and guarantee human rights. The states where the human rights defenders operate must ensure and guarantee of these rights.

In its Resolution adopted on 17 June 2010, the European Parliament established *EU policies in favor of human rights defenders* (P7_TA (2010) 0226), which emphasize that human rights defenders in third countries should be better protected

through more effective EU human rights dialogues, and stresses the need to systematically raise the issue of the situation of human rights defenders in all political talks on human rights and in trade negotiations with third countries. It also reiterates the fact that the promotion, protection and security of human rights defenders should be considered as a priority issue in the EU's relations tierce countries, which should be integrated at all levels and in all aspects and instruments of EU foreign policy to increase coherence, effectiveness and credibility of EU support to human rights defenders.

Since the recent acts of intimidation of human rights defenders in Transnistria by the de facto local administration raise deep concerns, as their rights to freedom of movement and freedom of expression are constantly violated, prompt interventions by EU Member States and the Kingdom of Norway, which shares the same democratic principles in favor of human rights defenders risking repressions in the Transnistrian region, are urgently needed.

In these circumstances, WE REQUEST:

1. That Moldovan authorities be called on to observe their obligation to use effective measures to protect human rights defenders who are or may be at risk in the Transnistrian region;
2. That all threats against human rights defenders who are at risk of persecution in the Transnistrian region be publicly condemned;
3. That the authorities of the Russian Federation be actively involved and use their influence over the administration in Tiraspol to stop the pressure on human rights defenders in the Transnistrian region;
4. Also, on the eve of the Universal Periodic Review of the Republic of Moldova by the UN Council for Human Rights that will take place in 2016, that the Republic of Moldova be advised to extend the application of its laws

and practices that enforce the provisions of the UN Declaration on human rights defenders to the Transnistrian region;

5. Reinforced diplomatic efforts in regional and international bodies to ensure that human rights are observed in the Transnistrian region of Moldova;
6. That humanitarian and financial support offered to the Transnistrian region be conditional on meeting and observing human rights standards.

We sincerely hope that you will take these elements into account.

Yours sincerely,

Civil Rights Defenders

Front Line Defenders

International Federation for Human Rights (FIDH) in the framework of the Observatory for the Protection of Human Rights Defenders

Promo-LEX Association

World Organisation Against Torture (OMCT) in the framework of the Observatory for the Protection of Human Rights Defenders

[1] Promo-LEX Association is a civil society organization with special **consultative status** with the UN (ECOSOC), whose purpose is to advance democracy in the Republic of Moldova through promoting and defending human rights and monitoring democratic processes. Promo-LEX was created in 2002 and through its advocacy activities ensures legal protection of citizens' rights, including in the Transnistrian region. Over twelve years of its activity, over 70 strategic reasons got to the ECtHR, on 21 of them, the Court ruled positive judgments.

[2]

http://promolex.md/upload/publications/ro/doc_1416394522.pdf

[3] <http://www.un.md/publicdocget/41/>

DOC – [Letter](#)