

# Promo-LEX: Tiraspol Wants a More Attractive 'Army'

Though Article 282 of the Criminal Code of the Republic of Moldova criminalises the organisation of an illegal paramilitary formation or participation in such, the constitutional authorities of the Republic of Moldova still face challenges in applying these legal provisions. In over 25 years of independence, no one has ever been convicted for this crime. The most telling example of an illegal paramilitary formation stationed in the territory of the Republic of Moldova is the 'Transnistrian army'.

The enrolment in these structures is tacitly accepted and unambiguously tolerated, while in fact it has to be treated as unlawful deprivation of liberty. Back in 2008, Promo-LEX Association highlighted the complex situation of recruits [\[1\]](#) in the Transnistrian region [\[2\]](#). Nine years later, the young people on the left bank of the Nistru River are still being forcefully enrolled in the paramilitary structures, since in case of evasion they risk to be sanctioned with a fine of up to EUR 1,700 (*as of the end of 2016, equivalent to about 5.5 average salaries per economy in the Transnistrian region*), or up to 2 years of imprisonment [\[3\]](#).

The conditions of the so-called compulsory military service of the recruits, which are at least inhuman and degrading, represent another problem. Since 2008, Promo-LEX Association has drawn the public attention to a number of deaths in the 'Transnistrian army' [\[4\]](#). On 2 January 2008, **Anatol Mospan** was brutally killed in a Tiraspol military unit. According to the official statement of the Tiraspol administration, he died of a heart failure. However, when his parents opened the coffin, they saw that his face was disfigured [\[5\]](#).

Another case is the one of **Eugen Kolobysenko**, Ukrainian

citizen, who 'deserted' the 'Transnistrian army' twice after complaining many times to his parents about being beaten up and humiliated by the superiors. Later he was found drowned in the Nistru River, with signs of violent death[6]. *In the same year, an army conscript Ivan Speian* died on 18 July of a gunshot wound[7].

In 2010 *Alexandru Stomatii* was killed. His file was sent to the European Court of Human Rights, and later was communicated to the respondent governments (Republic of Moldova and Russian Federation).[8]

The case of *Alexandr Rjavitin*, who managed to 'desert' the paramilitary structures of the Transnistrian region after being repeatedly mistreated for months, is a recent one[9].

The violations of the rights of the forcefully enrolled persons are also confirmed by the findings reported by the 'ombudsperson' of the Transnistrian region<sup>[10]</sup>. Thus, according to the data submitted by the latter, 87 persons were convicted for desertion in 2016 (including due to hazing among soldiers).The report contains other information as well. In 2016, 7 criminal cases were initiated for hazing, bringing 12 soldiers to criminal liability.

In this context, inhuman conditions are not only determined by the hazing among military staff, but also by the abuses committed by persons in positions of accountability in the paramilitary structures of the region. Thus, the 'ombudsperson's' report reveals 19 crimes, for which 21 military officers in positions of accountability were brought to criminal liability.

The data of the 'Ministry of Defense' of Tiraspol introduce another aspect. According to these, in 2016:

1. 3 members of the military died under unknown circumstances;

2. 8,247 claims/petitions were filed about the illness of members of paramilitary structures, 2,434 of whom were hospitalized;
3. 88 of 154 injuries/traumas occurred during the 'military service'.

Neither constitutional authorities, nor civil society or international institutions are aware of this phenomenon and its scale, since these paramilitary formations are closed ones and the actual number of cases of human rights violations cannot be monitored objectively.

Despite the existing cases of deaths or hospitalizations due to bodily injuries, there is absolutely no information about the causes or circumstances of these cases. Moreover, since the 'ombudsperson' of the Transnistrian region allows himself to support in his report the actions militarizing the paramilitary structures in the Transnistrian region, we can conclude that the so-called 'ombudsperson' is neither independent, nor impartial or trustworthy. Thus, it is quite possible that the number of persons who suffered in these paramilitary structures is much bigger, while the problems are much more severe than presented.

Despite the evident problems in paramilitary structures, the activity directions of the Tiraspol administration are focused on another aspect – and namely on persistent promotion of enrolment in these structures. We can tell it from the drafts on the *de facto* regime's legislative agenda:

1. adopt certain social benefits for war veterans[\[11\]](#);
2. amend the *Law on Defense*, by outlining the competences of the so-called 'Government' and 'President' of the Tiraspol administration[\[12\]](#);
3. benefits for persons, who as of the end of the World War II (2 September 1945) had not reached the age of 18 [\[13\]](#);
4. adopt the *Law on Civil Protection*, with the emphasis on

- military aspects[\[14\]](#);
5. change the recruiting periods (spring and autumn) of the 'compulsory military service'[\[15\]](#);
  6. students get an opportunity to serve in the military during higher education studies[\[16\]](#).

The draft aimed at changing the recruiting periods is a response to the data confirming the reduction in the number of persons liable for military services during 2013 to 2016. On average, their number has been decreasing by 1,200 persons a year[\[17\]](#). The fact that young people are given the opportunity to join the so-called army while doing their higher education studies is publicly justified by the so-called 'members of the Tiraspol Supreme Soviet' as a measure to make the 'compulsory military service' more attractive[\[18\]](#).

When analysing the scale and the impact of such amendments in relation to the human rights situation in paramilitary structures in the Transnistrian region, it is easy to see that promotion of the 'compulsory military service' is currently one of the priority interests of the Tiraspol administration, which continues to militarize the territory. Unfortunately, these interests stand above preventing and combating human rights violations.

This once again proves the need for prompt intervention by the constitutional authorities of the Republic of Moldova and international organisations to document the existing problems in the paramilitary formations from the Transnistrian region. Due to the inactivity of the national authorities and international community in preventing and combating human rights violations in the region, it seems that the Tiraspol administration is not subject to any liability. It continues to enjoy the impunity and can continue abusing human rights and freedoms, without holding any responsibility for its acts and deeds.

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[1] Recruit – a soon-to-be soldier.

[2] Research – the Military Service Obligations of the Inhabitants of the Transnistrian Region of Moldova, [https://promolex.md/wp-content/uploads/2017/06/eng-doc\\_1233076724-2.pdf](https://promolex.md/wp-content/uploads/2017/06/eng-doc_1233076724-2.pdf)

[3] Article 325 of the Criminal Code of the Moldovan Republic of Transnistria

[4] Promo-LEX Newsletter No. 89/VI, '*Dedovshina as it is*', June 2014

[https://promolex.md/old/upload/ebulletin/en/nr89\\_1422621657en\\_.pdf](https://promolex.md/old/upload/ebulletin/en/nr89_1422621657en_.pdf)

[5] Ibidem

[6]

<http://www.moldova.org/soarta-baietilor-din-raioanele-de-est-puscariabili-in-mod-automat-241208-rom/>

[7] Promo-LEX Newsletter No. 89/VI, '*Dedovshina as it is*', June 2014

[8] <http://www.moldova.org/soarta-baietilor-din-raioanele-de-est-puscariabili-in-mod-automat-241208-rom/>

[9] <http://www.moldova.org/marturiile-unui-soldat-fugit-din-armata-transnistreana-e-ingrozitor-video/>

[10] Report of the Ombudsperson of the Moldovan Republic of Transnistria for 2016. *On the observance and protection of the rights and freedoms of persons and citizens in the Moldovan Republic of Transnistria by the public regulatory and administrative authorities, local authorities, citizen groups and organisations, regardless of their legal organisational forms and types of ownership, as well as by their officials, and on shortcomings identified in the legislation related to protection of rights and freedoms of persons and citizens*

[11] <http://www.vspmr.org/legislation/bills/vi-soziv/540.html>

<http://www.vspmr.org/legislation/bills/vi-soziv/376.html>

[12] <http://www.vspmr.org/legislation/bills/vi-soziv/528.html?&>

note=1

[13]<http://www.vspmr.org/legislation/bills/vi-soziv/179.html>

[14]<http://www.vspmr.org/legislation/bills/vi-soziv/530.html>

[15]<http://www.vspmr.org/legislation/bills/vi-soziv/479.html?&>

note=1

[16]<http://www.vspmr.org/legislation/bills/vi-soziv/504.html?&>

note=1

[17]<http://www.vspmr.org/legislation/bills/vi-soziv/479.html?&>

note=1

[18]<http://vspmr.org/news/committees/i-slujitj-i-uchitjsya.htm>

<https://novostipmr.com/ru/news/17-07-04/zanyatiya-po-taktiko-s>

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[uzhashchimi-v-pridnestrove-proveli](https://novostipmr.com/ru/news/17-06-29/s-rossiyskimi-voennosl)