

The former Transnistrian leader, Evghenii Sevciuc, could be held liable for committing at least 3 crimes

For 25 years, people of Transnistrian region cannot enjoy the minimum safeguards for the protection of their fundamental rights and freedoms. In the absence of effective and legal tools for monitoring and defending human rights, as well as in the context of the impunity (the representatives of the actual region's administration do not bear any liability for the committed abuses and acts), the residents of the region can become easy victims and are, in fact, hostages of some political and geopolitical processes lasting for a quarter of a century.

Obviously it is the impunity that leads to an increasing number of violations committed in the Transnistrian region, and that the region does not have an independent 'judiciary system' or 'law enforcement bodies' that would protect people whose rights that are violated.

Not long ago, mass-media reported that the former leader of the actual regime, E. Sevciuc, would have sought refuge on the territory controlled by the constitutional authorities of the Republic of Moldova due to being threatened. He confirmed this information and stated, in a post on a social network, that he had left the Transnistrian region given some information related to an alleged attempt on his life.

1. Sevciuc's Activity in the Breakaway Region

Evghenii Sevciuc was and continues to be an important figure in the activity of the illegal authorities from Tiraspol. Before becoming a member of the 'Supreme Soviet of

Transnistria' (2000-2001), he had worked in the so-called Internal Affairs Department of the Ministry of Internal Affairs of MRT (1992-1998). Later, he worked in the Department for Combating Economic Crimes in Ribnita town, then he held the office as the head of the Department of Economic Militia under the Militia Office of Tiraspol city (1996-1998).

During 1998-2001, Sevciuc had worked in private companies: as the manager of the Ribnita sub-office of the agricultural production company 'Sheriff Ltd.' (1998-2000), then as the head of department in the commercial bank PRAK 'Agroprombank' from Tiraspol.

He had been a member in the 'Supreme Soviet of Transnistria' during 2000-2011. In the meantime, he held the office as the president of the 'Supreme Soviet of Transnistria' from 2005 to 2009. Then, during 2011-2016 he held the position of president of the Tiraspol administration.

His determining role in strengthening and maintaining illegal bodies can be inferred from the duties in the positions he held, as well as from the activities carried out during this period. MRT is a 'presidential republic', which means that the 'president' holds high-level powers.

In this context, as the leader of the Tiraspol administration, Evghenii Sevciuc:

- Held the position of commander-in-chief of the paramilitary forces from the region;
- Had powers to identify the main directions of 'domestic and foreign policy';
- Had powers to confirm the military policy;
- Had powers to assign and dismiss the head of special forces, and coordinate the activity of the local executive.

The activity carried out by Sevciuc during his mandate of so-called 'president' is characterised by repeated abuses and

illegalities, the same as his predecessor Igor Smirnov committed. Thus, he maintained a climate of tension, intimidation and terror:

- The residents were persecuted for every attempt to integrate into the Moldovan society. This was done by blocking TV and radio channels of operators legally registered with the constitutional authorities.
- The pupils, parents and teachers working in the Latin-script educational institutions under the constitutional authorities' jurisdiction continued to be persecuted. These actions led to losses in the state budget, with the Government being forced to pay huge and exaggerated amounts of money for the operation of these educational institutions, as well as for compensations;
- Detentions and arrests on political grounds, including of some officials of the constitutional authorities;
- The crisis of lands in the Dubasari district was maintained and fed, thus worsening the situation of land owners, who did not have access to their lands. These actions led to significant losses in the national budget (the central Government was, thus, forced to identify and allocate significant amounts of money for compensations and damages);
- Many obstacles were placed on the free movement of people, goods and services. For example, E. Sevciuc signed on 30 January 2015 the decree restricting people's access to the Transnistrian Region; [\[1\]](#)
- The regime initiated criminal cases against the Promo-LEX Association, without any possibility to have access to all the procedures required for the defence;
- A number of online forums was closed in 2015, thus limiting the residents' rights to be informed and to discuss freely about various topics related to the situation from this region. E. Sevciuc called the online media an 'anonymous landfill' on a social network and insisted on their mandatory registration as media

institutions, and on the monitoring and sanctioning of journalists for criticizing him and the actual administration. Generally, these actions affected all non-commercial organisations that tried to promote human rights in the region.

It seems that the leader Sevciuc has suffered the same fate of the officials of the former Smirnov's administration, who started being persecuted after he took the reins of power. Thus, on the request of the so-called prosecutor of the Transnistrian region, the 'Supreme Soviet of Transnistria' decided, on 28 June 2017, to strip him of 'immunity' for alleged suspicions of 6 criminal cases[\[2\]](#).

The first criminal case was initiated on 27 July 2016 and referred to the 2015 decision to decrease the salaries and pensions by 30%, despite that the so-called state budget had funds.[\[3\]](#)

The second criminal case was initiated on the grounds that Sevciuc would have pardoned two individuals, after they have been convicted for false testimonies in a file where Evghenii Sevciuc would have had an interest[\[4\]](#).

On 27 December 2016, one more criminal case was opened against the former leader of Transnistria for abusing his 'constitutional' powers by establishing a non-commercial organisation entitled 'Stabilization Fund of Transnistria', on the account of which certain state-owned enterprises were transferring money for gas, electricity, etc., causing thus a damage to the 'state budget' amounting to 82.9 million Transnistrian rubles, or about MDL 150 million or USD 7.5 million.[\[5\]](#)

Furthermore, he also had some 'contractual' relations with the non-commercial organisation, 'Integrarea Eurasiatica', that smuggles humanitarian aid in the Transnistrian region. According to a research[\[6\]](#), in July 2013, this organisation

exported a HYUNDAI minibus (H-1 2.5 AT) with a declared value of USD 45,900, the beneficiary of which was the 'administration of the president of the Moldovan Republic of Transnistria'.

On 3 January 2017, another criminal case was initiated on the suspicion of tax evasion by the BIOHIM enterprise. In this case, number of 'officials' are presumed to be guilty, including the former leader of Transnistria, who, allegedly, had some patrimonial advantages.[\[7\]](#)

On 25 January 2017, the last criminal case was initiated on the suspicion of smuggling. Allegedly, Sevciuc would have created a criminal group dealing with illegal export of alcohol and cigarettes through the 'state border' .[\[8\]](#)

According to the so-called Criminal Code of the region, the former leader of Transnistria risks up to 12 years in prison.

Epic of Criminal Files

While holding their offices, E. Sevciuc and N. Stanski blackmailed their negotiation partners and constitutional authorities saying that they would not participate in the political negotiations if the criminal cases opened by constitutional authorities were not closed. Some of the Moldovan high officials, being unaware, said: '*criminal files initiated in Chisinau against some persons in positions of accountability from the Transnistrian region will be closed*'. The statement comes into conflict with the laws in force that make it impossible for a representative of executive branch of power or of any other branches, except for the one set in Article 3 of Law on Prosecutor's Office,[\[9\]](#) to decide on termination of the criminal prosecution or on closing of criminal proceedings. According to the information provided not long ago by the law enforcement bodies in the public space, the former 'leader' of Transnistria does not have criminal files initiated on the right bank of the Nistru River

and is free to be on the territory controlled by the authorities of the Republic of Moldova. On the other hand, the Deputy Prime Minister, who is at the same time, the Head of the Bureau for Reintegration of the Republic of Moldova, Gheorghe Balan, claimed the following: *'the Transnistrian region, during the mandate of the former leader, incurred a number of violations and benefited from a particular amount of money that were, in one way or another, embezzled. This explains the high interest of criminal groups from the region in this position, as well as the interest of Moldovan authorities to regulate the conflict and to end this negative phenomenon of getting rich on behalf of the unsolved conflict and on the shoulders of residents of Transnistrian region*[\[10\]](#).

During political negotiations, Evghenii Sevciuc and Nina Stanski expressed their position in a harsh and aggressive manner as regards the criminal files initiated against them[\[11\]](#), being involved directly or indirectly in particular acts that can be treated as crimes. According to their arguments, criminal files initiated by the constitutional authorities would undermine the stability of the negotiation platform. Today, Y. Shevchuk changed his rhetoric and claims that the 'MRT prosecutor's office' would be influenced by the representatives of the Sheriff holding[\[12\]](#).

In an recent interview Sevciuc told that the management of 'Sheriff' company[\[13\]](#) would have been involved in contract killing in the region. He also said that knows who was the one who took the advantage of murdering business people and who could contract their killing. The actions of the Transnistrian 'law enforcement bodies' on the investigation of this category of criminal files was blocked by the parliamentary majority, 'controlled by the Gusan', added Sevciuc. Besides these, he said that the current prosecutor of the Transnistrian region – Anatolii Guretki is the former head of the Legal Division of the Gusan's structures, the head of the 'Investigation Committee' – Veaceslav Binzari is the personal lawyer of

Gusan's structures and 'minister of interior' – Ruslan Mova is the former head of the Security Service of one of the Gusan's structures [\[14\]](#).

It is paradoxical that particularly the former 'leader' of the region is now confirming the Promo-LEX Association's findings made during all these years, particularly: massive violation of human rights, particularly, by certain criminal groups controlling the region. The European Court of Human Rights also reached these conclusions in its first case *Mozer v. Moldova and Russia* concerning the violation of the right to freedom and safety in the region, where it analysed the 'judiciary system of MRT'. In the said judgement, the Court underlined that contrary to the constitutional law which was surveyed and monitored by several international bodies, the so-called legislation that applies to the Transnistrian region has never been subject to a review. Thus, arrest and sentencing decisions taken by the so-called courts on the basis of some local acts cannot be considered to be adopted under a judicial tradition compatible with international human rights standards.

Thus, the quite serious statements made by E. Sevciuc proves that everything is happening now, but also before this situation, was and still is illegal. As regards the crimes committed in the region by the so-called law enforcement bodies, E. Sevciuc suggests that their existence is illegal. He added that the law enforcement bodies of Moldova were to monitor carefully the charges brought by the 'MRT authorities' and his recent statements, and to analyze them against the provisions of the Criminal Code in order to find out whether they fall under the definition of a crime according to the legislation of the Republic of Moldova.

Sevciuc Could Be Held Liable

Given that E. Sevciuc is now on the territory controlled by the constitutional authorities and that he declared publicly

about committing some crimes by the current leader of the region, there begs the question whether he could be heard as regards the acts committed by third parties or by himself in person in conduct of their office as 'president' of unrecognised breakaway republic.

Given the aforementioned problem, we have to differentiate two situations: Evghenii Sevciuc along with other leaders of the breakaway region will be heard as regards the acts committed by: i) third parties and ii) themselves, while working as leaders of the unrecognised republic.

The only legal way of investigating some allegedly illegal acts is to initiate a criminal process, in which people could be heard and evidence could be administrated. Criminal proceedings have to clarify i.e., the extent to which the crimes committed by Evghenii Sevciuc have caused damages to particular subjects.

Conducting these actions is important in the context of general positive and individual measures carried out in a number of criminal cases that are now being under investigation in relation to the criminal acts committed during the period when Evghenii Sevciuc was the leader of breakaway region. The victims from a lot of cases that are now being under investigation, have sent complaints to European Court of Human Rights. The Government of the Russian Federation and the Government of the Republic of Moldova were already informed about most of these complaints, now ECHR is to pass a judgment (*i.e. see case of Sandu and others against the Republic of Moldova and Russia, Application No 21034/05, case of Iovcev and others against the Republic of Moldova and Russia, Application No 40942/14 etc.*)

There are at least a few crimes that Evghenii Sevciuc, allegedly, committed by his actions and inactions.

Usurpation of state authority, the crime referred to in the

Article 339(2) of the CC of the Republic of Moldova, provides for a punishment by imprisonment for 12 to 20 years.

There are suspicions that Evghenii Sevciuc committed actions for the purpose of usurping state power while holding the office of: member in the 'Supreme Soviet of Transnistria', president of the 'Supreme Soviet' and president of the Tiraspol administration. At variance with the Articles 2 and 6 of the Constitution of the Republic of Moldova, he had an important role in strengthening and maintaining the actual authorities, by virtue of duties of 'president' of unrecognized country. At variance with the Constitution of the Republic of Moldova, on own behalf he fulfilled the state duties belonging exclusively to the people of the Republic of Moldova, affecting thus social relationships as regards national sovereignty. Furthermore, it is not clear whether Evghenii Sevciuc and Nina Stanski hold the citizenship of the Republic of Moldova, which would make the situation clear in terms of specific aspects.

During his term of office, E. Sevciuc committed several actions that caused obvious damages to people's rights and interests in several cases. We can point out only few actions that could be incriminated to the former leader. It is particularly due to the actions committed by him and the administration he led that the citizens from a number of settlements on the left bank of the Nistru River do not have now access to their about 6,300 ha of agricultural lands in Dubasari district. Every year, this fact causes significant pecuniary damages, the Government of Moldova is forced by circumstances to allocate, on annual basis, funds amounting to more that MDL 10 million for compensations from the Reserve Fund. Moreover, the Prosecutor's Office of Dubasari district started a criminal investigation in this respect according to provisions of Article 352, paragraph 1) and 2) of the CC. In addition, the *case of Sandu and other against the Republic of Moldova and the Russian Federation* referring to those 1800

applicants who submitted complaints on violation of their ownership rights is pending now at ECtHR.

The Article 346 of the Criminal Code, entitled 'deliberate actions aimed at inciting hatred, national, ethnic, racist or religious hostility or discord', provides for the punishment by a fine of up to 250 conventional units or by unpaid community service for 180 to 240 hours or by imprisonment for up to 3 years.

Although the harassment and persecution of people that work in or have interactions with the Latin-script educational institutions on the left bank of the Nistru River had been continuing since 2004, however, particularly since 2014, other impediments to these institutions were created on the order of Evghenii Sevciuc. Because of the statements and orders made by N. Stanschi and E. Sevciuc, the bank accounts of educational institutions were closed, militia men were sent to the premises of educational institutions, the headmaster of the 'Lucian Blaga' lyceum was apprehended illegally, salaries withheld, the car, phones, cameras and seal of the institution were confiscated, etc. In this respect, ECtHR communicated about another application, particularly the case of *Iovcev and others against the Republic of Moldova and the Russian Federation*.

People from the actual administration, including some journalists subordinated to former leader E. Sevciuc regard pupils and teachers from the Latin-script lyceums as exponents of some hostile foreign powers. The actions taken in respect to Latin-script schools were deliberate and aimed at dividing people by national and language grounds. As a result of the illegal actions, the number of pupils from Latin-script lyceums is further decreasing. Evghenii Sevciuc continued to take actions that led to the worsening of the situation in schools, despite the Judgment of the Grand Chamber of the European Court of Human Rights on the case of *Catan and others against the Republic of Moldova and the Russian Federation*

providing for the execution of several general and individual actions.

The Article 282 of the Criminal Code of the Republic of Moldova, entitled 'establishment of an illegal paramilitary unit or participation therein', provides the punishment by imprisonment for 2 to 7 years.

During his term of office, Evghenii Sevciuc acted as head of so-called military structures. The leader participated in the military manifestations and in any other types of actions of military nature in the region. In the light of constitutional provisions, the army and other military structures from the Transnistrian region represent paramilitary formations that are not regulated by the legislation of the Republic of Moldova. During the same period, he not only led the paramilitary structures but also plays an important role in strengthening them. In March 2015, a special purpose sports-related military formation was established within the 'Transnistrian army', at his initiative. Thus, 50 graduates of "Taras Sevchenko" University from Tiraspol were enrolled in this, purportedly, elite structure. In June 2015, he issued two decrees by which he ordered the enrollment of young men of 18-27 years of age, who were registered with the military authorities but lost the right to postponement or were sanctioned for violating the enrolment rules. The other decree provided for the enrollment, during 2015, of men under 30 years of age, who graduated from university and became lieutenant reservists. These decrees were referred to, in the local mass-media, as mobilization decrees.

Obviously there are other actions to be considered from the perspective of the Criminal Code, but we limited them to those that have been documented by Promo-LEX Association.

What Should Constitutional Authorities Do?

From 1993 onwards, constitutional authorities initiated

criminal proceedings against some representatives of the Transnistrian 'authorities' accused of usurpation of state official positions, in addition to other elements of crimes provided for in the Criminal Code of the Republic of Moldova. However, these cases were not investigated in a transparent and consistent manner, and the public does not know their current status. Thus, the individuals having the status of 'MRT's dignitaries' could have move freely in the area controlled by the constitutional or could have further hold particular important positions in the actual institutions from the region[\[15\]](#). The individuals that could be heard as suspects, defendants or witnesses, are now moving unimpeded within the country, without being summoned for hearing or brought to court by force, if they try to escape. The law enforcement bodies bring as an excuse the lack of collaboration with the law enforcement bodies on the left bank of the Nistru River for the failure to initiate criminal prosecution and for the suspension or closing of most of the criminal files[\[16\]](#).

By virtue of international law principles, but also of ECtHR case-law in relation to the Article 1 of ECHR [\[17\]](#) (see *Judgment on Bankovic §§ 70-71*), the Prosecutor's Office of the Republic of Moldova has the positive obligation to hear Evghenii Sevciuc and other leaders from the breakaway administration in a criminal proceeding securing the rights provided for in the Criminal Procedure Code, including presumption of innocence (Article 8 of CCP), ensuring the right to an interpreter (Article 16 of CCP), ensuring the right to defense (Article 17 of CCP) and other procedural rights in criminal proceedings.

According to Article 254 of the CCP of the Republic of Moldova, 'A criminal investigative body shall be obliged to undertake all the measures provided by law to comprehensively, completely and objectively investigate case circumstances in order to find the truth.' Thus, the mission of the criminal

prosecution is to collect the required evidence to identify offenders and establish their liability, in order to find out whether is the case to order to bring the offenders to justice.

At the same time, there are a lot of international acts regulating operative investigation activity, such as: Council of Europe Committee of Ministers Recommendation Rec(2005)10 on 'special investigation techniques', adopted to identify and investigate serious crimes and suspects, providing for gathering information; Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, and others. Special investigation techniques (special investigation measures) are applied for two reasons: to combat criminality and ensure state security. These two reasons are also stipulated in the Council of Europe Committee of Ministers Recommendation Rec(2005)10 on special investigation techniques.

If Evghenii Sevciuc is found to be a victim of some illegal actions committed by the actual administration, the Prosecutor's Office has to initiate a criminal case, recognize him as aggrieved party and apply protective measures, if necessary. We cannot exclude that Evghenii Sevciuc could have another standing in other criminal cases.

Promo-LEX Association

[1]

<http://pravopmr.ru/View.aspx?id=eCMjrM08TQ4b2nF7Y7qeuA%3d%3d&q>
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[2]<http://www.vspmr.org/news/supreme-council/aleksandr-scherba-u-nas-estj-institut-neprikosnovennosti-no-net-neprikasaemih-.html>

[3]

<http://www.vspmr.org/news/supreme-council/igorj-buga-eto-bil-g-enotsid-sobstvennogo-naroda-.html>

[4]<http://www.vspmr.org/news/supreme-council/sergey-hankevich-do-kakoy-nizosti-nujno-doyti-chtobi-platitj-prestupnikam-za-ih-loyaljnostj-.html>

[5]<http://www.vspmr.org/news/supreme-council/galina-antyufeeva-mi-esche-dolgo-budem-rashlebivatj-nasledstvo-shevchuka-.html>

[6]

<https://www.rise.md/articol/drumul-de-contrabanda-moscova-tira-spol/>

[7]

<http://www.vspmr.org/news/supreme-council/zanesli-704-tis-dollarov.html>

[8]<http://www.vspmr.org/news/supreme-council/anton-onufrienko-banaljno-vorovali-v-nebanaljnih-razmerah-.html>

[9]Law No 3 of 25.2.2016 on Prosecutor's Office

[10]

<https://www.europalibera.org/a/dialoguri-transnistrene-sevciuk-refugiat-la-chisinau/28594006.html>

[11] http://www.noi.md/md/news_id/57864?com_page=1

[12]

<http://agora.md//stiri/34123/evgheni-Sevciuk-spune-ca-i-se-pre-gatea-un-omor-la-comanda-ma-urmareau-jeep-uri-negre-de-la-sheriff> ;

<https://alfa24.online/2017/06/30/sevcuk-bespredel-kotoryi-razvernuli-v> ;

[13] 'Sheriff' is the biggest company in the Transnistrian region of the Republic of Moldova. It was established at the beginning of 1990 by Victor Gusan and Ilia Kazmali, former members of special services –<http://agora.md//stiri/34123/evgheni-Sevciuk-spune-ca-i-se-pre-gatea-un-omor-la-comanda-ma-urmareau-jeep-uri-negre-de-la-sheriff>

[14]

<http://moldova24.net/sevciuk-acuza-conducerea-comaniei-sheriff-de-omoruri-la-comanda/>

[15] One example is Mr. Sidorov, former 'minister of justice

of MRT' (1991), who held a number of high-rank state positions after returning from Transnistria: member of Parliament of the Republic of Moldova during 1994-1998, Parliamentary Lawyer in the Republic of Moldova during 1998-2001 and member of Parliament of the Republic of Moldova and president of the Parliamentary Committee for Human Rights and National Minorities since 2001 (§§167-168 Ilascu)

[\[16\]](#) Positive obligations of the Republic of Moldova when investigating the violations committed in the Transnistrian region of the Republic of Moldova:

- As regards the case of Ilascu and others against Moldova and Russia (ECtHR Judgement of 08.7.2004), the Court decided: 'even though Moldova did not have effective control over the Transnistrian region, it has a positive obligation to take the diplomatic, economic, judicial or other measures that were both in its power to take and in accordance with international law'.

People residing on the territories of unrecognised entities can enjoy ECHR's protection. ECtHR has a straightforward position and claims that this Convention operate on the legal space (espace juridique) of the Contracting States, so as to avoid a 'vacuum' of conventional rights protection (Bankovik and others v. Belgium). That would mean that the existence of some 'unrecognised entities' on the territory of the Contracting States cannot be invoked because it would breach the imperative to forbid the existence of a legal vacuum in the Convention's scope. Therefore, according to the international norms on Member States' liability and to the Court, the liability for the admitted violation shall belong to the Member State that has the jurisdiction, within the meaning of Article 1 of the Convention (ECHR) – The States having territorial and extraterritorial jurisdiction shall secure human rights and freedoms to everyone within those territories.

[\[17\]](#) The Article 1 of the European Convention on Human Rights

stipulates that the Member States shall be liable for any violation of rights and freedoms under Convention committed against people within their 'jurisdiction'.