

(Video) The case of Cosovan: Released from the penitentiary to be detained in the police isolator

On April 24, 2018, when the preventive measure in respect of Serghei Cosovan was modified from pre-trial detention to that of house arrest, he was subsequently detained by the Police Department of Chisinau Municipality, who awaited him at the exit from Penitentiary Hospital no. 16. The detention record, dated April 25, 2018 (although he was detained on April 24), mentions that he is suspected of committing the offense foreseen by art. 190 par. 2, deeds for which he is already investigated.

Moreover, the Center District Court of Chisinau found that the risks, alleged by the prosecutor to request the application of pre-trial detention, have not been confirmed. In addition to that, the court found that Serghei Cosovan is seriously ill and there is a risk of his imminent death. The judge mentioned that a person in pre-trial detention is to be immediately released, if it is found that the person is suffering from an illness included in the [Order of the Ministry of Justice no. 331 of September 6, 2006 on the approval of the Regulation on the exempt of seriously ill convicts from punishment.](#)

In spite of these findings, the General Directorate for Criminal Investigation, by instructions of the Prosecutor's Office, proceeded to the detention of Cosovan right in the immediate vicinity of Penitentiary no. 16, thus, completely ignoring the findings of the investigating judge. Therefore, these actions are to be described as abusive, applied in order to cause psychic and physical sufferings to Cosovan. In other words, the Association considers these actions are to be

qualified as torture and inhuman treatment. Moreover, on April 25, 2018, Serghei Cosovan was not rendered the necessary medical assistance and was kept hungry all the day, which for a person with this medical diagnosis, is a form of torture.

Moreover, on April 25, 2018, due to his significantly aggravated health, an ambulance was called, which rendered him first medical aid. When Promo-LEX notified the Torture Combatting Department of the Prosecutor's General Office of the ill-treatment applied to Serghei Cosovan, he was transported to the Toma Ciorba Hospital of Infectious Diseases.

Despite the fact that Serghei Cosovan has passed through several public medical institutions, health officials not only refused to hospitalize him, but also did not provide any clear information about his location. At about 9:00 p.m., attending the Provisional Detention Isolator, his wife found out that he was in the isolator.

Promo-LEX Association has urgently informed the Torture Combatting Department of the Prosecutor's General Office, the Anti-Corruption Prosecutor's Office of Chisinau, the EU Delegation to Moldova, the UN Resident Coordinator in Moldova the US Embassy in Moldova and the People's Advocate Office of this case and requested to intervene within their functional competencies to prevent, document and to apply sanctions for such a conduct of the persons, who have applied the abusive detention.

Recently, Promo-LEX held a [press conference](#) on the ECHR's acquaintance and urgent examination of the [Cosovan v. Moldova](#) case and pointed out that the excessive and unjustified use of pre-trial detention, as well as the issue of insufficient provision of medical assistance in prisons, endangers human lives.

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Court decisions on abusive detention endanger human lives

On March 29, 2018, the European Court of Human Rights communicated, under the urgent procedure, the Serghei Cosovan's complaint, filed by the Promo-LEX Association on March 20, 2018. Moreover, the Court ordered that the case be examined as a matter of priority.

The Court asked the Government of the Republic of Moldova to submit its observations on the submitted complaint. [The High Court posed questions](#) on the way, in which the measure of pre-trial detention was ordered with respect to the person and whether the person was offered the necessary medical assistance (Articles 2, 3 and 5 of the Convention).

The case of the applicant, Serghei Cosovan, reveals several serious issues that exist for a very long time, both in the judiciary and in the penitentiary systems. *Thus, the excessive and unjustified use of pre-trial detention, as well as the issue of providing medical assistance in penitentiary, still remain extremely serious problems in the Republic of Moldova.* In the above case, the applicant, held in custody pending trial, risks dying in the penitentiary. Despite the existence

of confirmed serious illnesses, the authorities do not display diligence in saving his life. The person is in the end-stage of liver cirrhosis (*survival indicator* – [Child-Pugh C\[1\]](#)), which is the terminal stage of the disease. Despite the fact that these serious maladies are documented, his pre-trial detention has been continuously prolonged by the court since September 28, 2017.

Statistics show that the measure of pre-trial detention is being excessively used in Moldova, although the legislation provides for alternative measures, not less effective. The high rate of pre-trial detentions is still maintained in 2017. About 90% of the prosecutors' requests for pre-trial detention are accepted by the courts. Almost the same rate is recorded with respect to the acceptance of the prolongation of pre-trial detention.

In addition to the continuous pre-trial detention, this case highlighted an earlier problem – the quality of medical assistance in prisons and lack of a legal framework that would provide for the appropriate medical assistance for people in custody.

According to the information provided by the Department of Penitentiary Institutions, the penitentiary system suffers from a shortage of medical staff, considering the ration of the number of prisoners existing in the Republic of Moldova in 2017 (about 8000) to the current number of medical *workers* – 205 in the 17 penitentiaries.

On December 21, 2017, in their final [report](#), the experts of the UN Committee Against Torture expressed their concern about the lack of medical care in penitentiary institutions, their inadequate quality, the increase in the number of deaths and the lack of independence of the medical staff in the penitentiary system in relation to administration of penitentiaries.

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[1] According to the Child-Pugh scoring, the severity of liver cirrhosis correlates with the patients' survival indices: survival duration for patients referred to **Class C is of 2-3 months** (according *The National Clinical Protocol PCN-24, on the treatment of chronic hepatitis and liver cirrhosis of viral etiology C in adults, approved at the meeting of the Council of Experts of the Ministry of Health of the Republic of Moldova of 28.12.2013*).

Promo-LEX Presented its First Report on Monitoring the New Local Elections of 20 May 2018

On 19 April, current year, the Promo-LEX Observation Mission (OM) launched its first Report on Monitoring the New Local Elections of 20 May 2018. The mission appreciates the efforts of the electoral management bodies in organising the elections and implementing certain recommendations made by the previous election observation missions. At the same time, Promo-LEX reports several violations, particularly cases of obstructing the Promo-LEX observers' work, and cases that can be qualified as offering of electoral gifts, use of administrative

resources, and violations of the legislation on financial reporting.

Increased activism of candidates in Chisinau and Balti municipalities

All of the 89 activities found took place in Chisinau (73) and Balti (16) municipalities. The most frequent activities were: promotion/electioneering by using tents (32), distribution of materials with political/electoral content (21) and meetings with citizens/voters (12), etc. The activities concerned particularly: Ion Ceban/PSRM (43), Silvia Radu (18) and Andrei Nastase/PPPDA (10).

Cases that can be qualified as electoral gifts and use of administrative resources

In the context of the political promotion/electoral activities, at least 2 situations of abusive use of administrative resources were found: when collecting signatures in support of Silvia Radu, and during the promotion campaign of the PDM candidate from Volovița township. Additionally, Promo-LEX observers reported at least two cases that could be qualified as electoral gifts, and both of them involved the PSRM candidate for the position of Mayor of Balti and the charitable foundation of the First Lady 'Din Suflet' [From the Heart].

Funding of political/election campaign

According to Promo-LEX estimates, at least MDL 478,890 were already spent on electoral activities by potential candidates before their registration. Promo-LEX also found that after the registration as election candidates, at least 2 of them (Ion Ceban – PSRM and Reghina Apostolova – PPS) spend MDL 160,441 for electoral activities: PSRM – MDL 151,703; PPS – MDL 8,738. At the same time, Promo-LEX reports that no election candidate opened an 'Electoral Fund' account, which implies the violation of the legislation by spending money that do not

come from the 'Electoral Fund' account. CEC had not published any financial report of the election candidates/political parties by 17 April 2018. CEC must publish the financial reports within 48 hours of their receipt.

Independent candidates are treated unfairly

Promo-LEX OM reiterates the need to force, like in case of presidential election, all candidates for the position of mayor to provide signatures in their support, and not only the independent ones. Also, according to the Association, the number of required signatures for Chisinau and Balti is exaggerated, compared to the number of signatures to be collected by candidates for the position of Member of Parliament in single-member constituencies. Regrettably, women do not benefit from advantages in collecting the signatures – compared to parliamentary elections.

Hate speech in the messages of election candidates

In the context of the local elections of 20 May 2018, Promo-LEX also monitored cases of hate, sexist and discriminatory speech in the messages of the candidates, as well as other forms of public intolerance. According to Promo-LEX, the PSRM candidate, Ion Ceban used hate speech in his messages. On the other hand, the candidate appointed by PPPDA, Andrei Nastase, was the target of sexist, discriminatory and violent messages.

Significant gap between the data from the State Registry of Voters and list of voters

The OM believes that the significant and unjustified difference of 18,713 voters in 2016 and 17,368 voters in 2017 between the number of voters in the SRV and the one from the lists of voters generated by it in case of Chisinau municipality is concerning. Another concern is the gap of 4,214 voters between the SRV data and the lists of voters generated for Balti municipality during the 2016 Presidential Elections. We reiterate that in order to ensure the

transparency and integrity of electoral processes, it is crucially important for the responsible authorities to explain clearly and conclusively the nature of these mutations.

The activity of the Election Observation Mission takes place during the election period and is performed by eight long-term observers (LTOs) in all the constituencies established for the new local elections of 20 May 2018. On the elections day, Promo-LEX will delegate one short-term observer (STO) in each of the 375 opened polling stations (PS). All the observers involved in the monitoring process are trained during the workshops organized by the Mission and sign the Code of Conduct of the Promo-LEX Independent National Observer, undertaking to act quickly, in good faith and in a non-partisan manner. The work of all the observers is coordinated by the central team of the Association.

The Observation Missions of the New Local Elections of 20 May 2018 is funded by the United States Agency for International Development (USAID) and co-funded by the Justice and Human Rights Development of Soros Foundation-Moldova, for the component of monitoring the hate and discriminatory speech.

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DECLARATION | After three years, Promo-LEX Association reminds the Moldovan and Russian governments about the need to ensure optimal conditions for the activity of human rights defenders in the Transnistrian region

On April 17, 2015, the Transnistrian KGB published a statement announcing the initiation of a criminal investigation against members of Promo-LEX Association and the application of “special investigative measures” against them. Since then, Promo-LEX defenders have been banned free access to the Transnistrian region.

There have been numerous appeals from international organizations and networks that condemned the practice of intimidation and obstruction of the activity of Promo-LEX Association and asked the relevant players to intervene and ensure the optimal conditions for the activity of Promo-LEX Association in the Transnistrian region of the Republic of Moldova. [\[1\]](#)

On January 29, 2016, the case of Promo-LEX Association was discussed in the Parliamentary Assembly of the Council of Europe. [\[2\]](#)

On June 24, 2016, participants in the Conference of International Non-Governmental Organizations within the Council of Europe adopted a series of recommendations ([CONF /](#)

[PLE \(2016\) REC1](#)) on the Protection of Human Rights Defenders in the Transnistrian region of the Republic of Moldova with reference to the Promo-LEX case [\[3\]](#).

[The UN Special Rapporteur](#) on Human Rights Defenders, along with two other Special Rapporteurs, voiced their concern over the alleged criminal proceedings, initiated by *the local KGB* and the application of *special investigative measures* against Promo-LEX members. According to the three UN Rapporteurs, these actions largely hinder the exercise of the right to freedom of expression and the human rights monitoring and protection activities in the region. [\[4\]](#)

The three UN Special Rapporteurs mentioned that “human rights defenders play a key role in promoting human rights, democratic processes, ensuring and maintaining peace and security, including in de facto regions. Residents in territories outside the control of constitutional authorities need minimal safeguards on respect of human dignity and their fundamental rights and freedoms. This can only be achieved under obstacle-free working conditions for human rights organizations that would monitor the situation and develop recommendations for relevant institutions and players.”

The authorities of the Republic of Moldova and the Transnistrian administration have been asked to ensure that Promo-LEX operates in a safe and favorable environment throughout the country. We believe that the constitutional authorities should have a much more active role in concentrating efforts to fulfil their positive obligations and international commitments (including by implementing the *2030 Agenda, undertaken by the Government of Moldova, establishe a clear link between peace, security, justice and sustainable development*). In this context, Promo-LEX has continuously emphasized the need to monitor the situation of human rights in the territory controlled by the de facto Tiraspol regime, to create an effective instrument for the protection of human rights defenders and the need to combat

impunity for the deeds of those, who seriously violate the rights of individuals.

At the same time, taking into account the findings of the European Court of Human Rights on the cases in the Transnistrian region of the Republic of Moldova, the Government of the Russian Federation is required to apply all necessary means to influence the *de facto* administration of the Transnistrian region in order to curb intimidation, attacks and threats against human rights defenders in the Transnistrian region, especially Promo-LEX defenders.

Being severely concerned over the worsening of the environment, in which civil society operates in the Transnistrian region and the absence of a national legal framework, establishing clear safeguards for the protection of human rights defenders, and in the context of the [20th anniversary of the UN Declaration on the Protection of Human Rights Defenders](#) (December 9, 1998), Promo-LEX Association considers it is time for human rights defenders in the Republic of Moldova to benefit from the recognition, support and protection they deserve due to their dedicated activities of promoting democracy and defending the fundamental human rights.

Promo-LEX Association continues its efforts to solve this problem, but without the real support of the constitutional authorities, their efforts do not yield any results. In this context, Promo-LEX Association asks the Government of the Republic of Moldova and the Government of the Russian Federation to:

- Fulfill the international obligations, undertaken following the recommendations of the UN and PACE structures;
- Carry out a thorough investigation of the intimidation of members of the Promo-LEX Association;
- Insist on the inclusion on the agenda of the 5+2 format

meetings the issue of *KGB's* actions against Promo-LEX Association in general, and with respect to the work environment of non-governmental organizations in order to monitor the human rights situation.

[1] a. <https://promolex.md/2428-moldova-hartuirea-judiciara-de-catre-comitetul-de-securitate-din-transnistria-a-asociatiei-promo-lex-organizatie-membra-a-fidh/?lang=ro>

1. <https://promolex.md/2423-organizatiile-societatii-civile-condamna-asa-zisa-urmarire-penala-initiata-impotriva-asociatiei-promo-lex/?lang=ro>
2. <https://promolex.md/2405-hartuirea-judiciara-a-organizatiilor-societatii-civile-in-regiunea-transnistreana-trebuie-oprita/?lang=ro>
3. <https://promolex.md/2409-acuzatii-false-impotriva-organizatiei-pentru-drepturile-omului-promo-lex/?lang=ro>
4. <https://promolex.md/2417-hartuirea-organizatiilor-societatii-civile-s-a-intensificat-in-regiunea-transnistreana-a-republicii-moldova/?lang=ro>
5. <https://promolex.md/2380-human-rights-without-frontiers-international-hrwf-despre-drepturile-omului-in-regiunea-transnistreana-si-cazul-promo-lex/?lang=ro>
6. <https://promolex.md/2411-promo-lex-despre-acuzatiile-comitetului-de-securitate-de-la-tiraspol/?lang=ro>

[2] <https://promolex.md/1637-adunarea-parlamentara-a-consiliului-europei-cere-o-mai-buna-protectie-pentru-aparatorii-drepturilor-omului-si-ong-uri/?lang=ro>

[3] https://promolex.md/wp-content/uploads/2016/08/CONF_PLE_2016_REC1_ro_1468296689ro_.pdf

[4] <https://promolex.md/1908-onu-geneva-cazul-promo-lex-in-vizorul-consiliului-onu-pentru-drepturile-omului/?lang=ro>

Russian Federation: Lack of medical treatment after severe torture in detention

The World Organisation Against Torture (OMCT) and Promo-LEX request your urgent intervention in the following situation in **the Russian Federation.**

Description of the situation:

The OMCT and Promo-LEX has been informed by reliable sources about torture and the severely deteriorating health condition of Mr. Vitalie Danu, a national of Moldova, detained in the preventive isolator No.5 (CM30 5) in the Volgograd region of the Russian Federation.

In August 2015, Mr. Vitalie Danu travelled to the Russian Federation to find work when police seized his car and allegedly found illegal drugs. Mr. Danu subsequently spent more than 2 years in pre-trial detention before he was sentenced to 9 years in prison in October 2017.

In pre-trial detention he was subject to torture and other ill-treatment. On 3 and 4 February 2016, three other cell mates physically tortured him until he lost consciousness. His lawyer who tried to visit him on the 4 and 5 February 2016 was refused access. A few days after the incident, he was forced to sign a document stating that he waived the service of a translator for his criminal case and another document that was a contract according to which he sold his car. The prison doctor who treated him shortly after found injuries on his face, chest, abdomen, back and testicles. He was subsequently operated on his reproductive organ; one of his testicles was

removed in the health care unit of the pre-trial detention center. Following his operation, he was diagnosed with Hepatitis C, chronic gastritis and hemorrhoids, osteochondrosis of the vertebral column, and lymphocytosis on his right foot. Mr. Danu's health condition further worsened and he underwent another operation for hernia in August 2017. He cannot walk without assistance and his trial dates have been postponed several times because he was unable to attend court hearings. Despite repeated complaints by his lawyer, Mr. Danu did not receive proper medical treatment to address his health conditions.

In February 2016, Mr. Danu's lawyer submitted a torture complaint upon which criminal proceedings were initiated against one of his cell mates. In the course of the investigation, prison authorities reported to the prosecutor that Mr. Danu's injuries were caused by a fall from his bunk bed. Mr. Danu, on the other hand, was never questioned by the prosecutor. Mr. Danu has not been informed about the outcome of the investigation. There has been no investigation against prison authorities who failed to protect Mr. Danu from torture and did not provide him with proper medical treatment.

The last time Mr. Danu's family has heard from him was in January 2018. There are since no news about his health condition.

Actions requested:

Please write to the authorities of the Russian Federation asking them to:

- i. Provide Mr. Vitalie Danu with access to an independent doctor in order to provide him with adequate medical treatment in accordance with the provisions of the UN Standard Minimum Rules for the Treatment of Prisoners;
- ii. Grant the right of communication with family members;
- iii. Conduct a thorough, impartial, and transparent criminal investigation into the abovementioned acts of torture in order to identify those responsible, bring them before a competent

and impartial tribunal, and apply to them the sanctions provided by the law;

iv. Transfer Mr. Vitalie Danu to the Republic of Moldova for the execution of the remainder of his sentence.

Addresses:

1. Vladimir Putin, President, Fax: + 7 495 606 5173; + 7 495 606 5173; 23, Ulitsa Ilyinka, 103132, Moscow, Russia;

2. Sergueï Lavrov, Minister of Foreign Affairs, Fax: Fax: (+7) 499 244 34 48; 32/34 Smolenskaya-Sennaya Square, Moscow 119200, email: ministry@mid.ru;

3. Ministry of Justice, 14 Zhitnaya Str., Moscow, Russia, Official municipal post-1, 119991; Tel: +7 (495) 994-93-55;

4. General Prosecutor Office of Russia. Bolshaya Dmitrovka, 15a GSP-3, Moscow 125993 RUSSIA. Tel: +7 (495) 987-56-56;

5. Permanent Representation of the Russian Federation to the Council of Europe, Ambassador Ivan Soltanovsky, 75, allée de la Robertsau, 67000 Strasbourg, France. Fax: (+33) (0) 3 88 24 19 74. Email: russia.coe@orange.fr;

6. Ms. Tatiana Moskalkova, High Commissioner for Human Rights in the Russian Federation, Myasnitskaya Ul. 47, 103084, Moscow, Russian Federation. Fax: +70 95 207; 39 77, e-mail: rusombuds@ropnet.ru;

7. H.E. Ambassador Alexey Borodavkin, Permanent Representative, Permanent Mission of the Russian Federation to the United Nations in Geneva, Avenue de la Paix 15, CH-1211, Geneva 20, Switzerland. Fax: +41 22 734 40 44, E-mail: mission.russian@vtxnet.ch;

8. Ambassador Ivan Soltanovsky, Permanent Representative of the Russian Federation to the Council of Europe, 75, allée de la Robertsau, 67000 Strasbourg, France. Fax: (+33) (0)3 88 24 19 74. Email: russia.coe@orange.fr;

9. Civic Chamber of the Russian Federation, 7/1, Miuskaya sq., Moscow, Russia, GSP-3, 125993; Tel.: (495) 221-83-58; Fax: (499)251-60-04;

10. Volgograd region, Preventive isolator No 5 (CM30-5) 404621 Volgograd region, Leninsk town, 12 Promyshlennaya St.

Please also write to the authorities of the Republic of Moldova asking them to issue a transfer request vis-à-vis the Russian Federation (according to the European Convention on the Transfer of Sentenced Persons) so that the remainder of Mr. Vitalie Danu's sentence can be executed in the Republic of Moldova.

Addresses:

1. Ministry of Justice of Moldova, 82, 31 August Str., MD-2012 Chisinau, fax: (+373 22) 23 47 97; secretariat@justice.gov.md;
2. Ministry of Foreign Affairs of Moldova, 80, 31 August Str., MD-2012 Chisinau; fax: (+373 22) 23 23 02; e-mail: secdep@mfa.md; Please also write to the diplomatic missions or embassies of the Russian Federation and the Republic of Moldova in your respective country.

For more information, please contact:

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OMCT, Nicole Bürli: nb[at]omct.org

Source: omtc.org

**APPEAL | To the
Special Representative of the
OSCE Chairperson-in-Office
for the Transnistrian**

Settlement Process, Mr. Franco Frattini

To the Special Representative of the OSCE Chairperson-in-
Office

for the Transnistrian Settlement Process,

Mr. Franco Frattini

26 March 2018

APPEAL

"Promo-LEX" Association is a civil society organization, based in Chisinau, holding a special consultative status with the United Nations Economic and Social Council (ECOSOC). The mission of the Association is to advance democracy in the Republic of Moldova by defending human rights and monitoring democratic processes.

For almost 15 years "Promo-LEX" promotes, monitors and defends human rights in the Republic of Moldova, including the Transnistrian region. So far, "Promo-LEX" lawyers won 35 cases at the European Court of Human Rights, with 8 of these referring to serious human rights violations in the Transnistrian region (see *Catan and others v. Russia and Moldova, Grand Chamber Judgment of 19 October 2012*; *Pisari v. Moldova and Russia, Third Section Judgment of 21 April 2015*; *Mozer v. Moldova and Russia, Grand Chamber Judgment of 23 February 2016* and other judgments which have a serious impact on the jurisprudence of the Court). A number of other 64 cases on human rights violations in the Transnistrian region are pending before the European Court and are close to the end of Convention proceedings.

Based on the conducted monitoring, Promo-LEX found that the

inhabitants of the Transnistrian region cannot enjoy the minimum guarantees regarding respect for their fundamental rights and freedoms. In the absence of effective and legal instruments to promote and defend human rights, under conditions of impunity (*representatives of the de facto administration in the region bear no responsibility for their deeds and abuses*), the inhabitants of the region become often victims and are in fact hostages to political and geopolitical processes, which last for over a quarter of a century.

Since April 2015, access to the Transnistrian region for the "Promo-LEX" Association is forbidden. The monitoring of the situation in the region is carried out remotely and does not allow a complete radiography of all human rights violations or phenomena.

For these reasons, "Promo-LEX" expresses its concern that neither the political negotiation process, nor the confidence building measures between the two banks of the Nistru river **do not include issues related to real guarantees of respect for human rights and fundamental freedoms**, which would be in line with the provisions of the Universal Declaration of Human Rights and the European Convention on Human Rights.

The Association is deeply concerned about the situation of human rights defenders and the limitation of the working environment for civil society in the Transnistrian region of the Republic of Moldova. The campaign of intimidation and harassment against NGOs, the atmosphere of fear and insecurity among the population of the left bank of the Nistru river persist. Starting with 2015, the non-governmental sector in the region faces new types of pressure, such as: banning activities under the pretext that they pose threats to the security of the region; intimidation of NGO representatives by members of local security forces; public denigration processes of civil society organizations; threats to NGO leaders by security forces in the region; adoption of "laws" restricting the activity environment of associations.

At the same time, "Promo-LEX" reiterates its regret regarding the non-transparent activity of the OSCE Mission to Moldova, which in the last 7 years has practically limited the communication and excluded cooperation with specialized organizations in the country and ignored inexplicably the findings, conclusions and recommendations of the civil society experts from the right bank of the Nistru river. We underline that these findings, conclusions and recommendations are based exclusively on international human rights standards promoted by the OSCE, and also on the final judgments of national and international courts binding to the Council of Europe and OSCE member states.

In this regard, taking into account the commitments made by the OSCE Chairperson-in-Office for the year 2018, on the occasion of the working visit of the Special Representative of the OSCE Chairperson-in-Office for the Transnistrian Settlement Process, "Promo-LEX" Association calls upon Mr. Franco Frattini to:

- Insist on the deployment of an urgent mission to monitor the situation of human rights defenders in the Transnistrian region of the Republic of Moldova;
- Address the issue of the access of representatives of "Promo-LEX" Association and other human rights NGOs to the Transnistrian region, in order to carry out their statutory activities;
- Plead for an urgent mission to monitor all places of detention in the Transnistrian region by the Committee for the Prevention of Torture;
- Require the OSCE Mission to Moldova to show transparency and an inclusive, not exclusive approach in its work, to prove broad openness and undertake consultations with various civil society groups and organizations with different visions, including – but not limited to – those who have critical views on the work of the OSCE Mission to Moldova.

(This is a courtesy translation of the [original text](#) in Romanian language)

EPDE protests against classification as "undesirable organization" in Russia

On 13 March 2018, the European Platform for Democratic Elections (EPDE), a civil society network of independent election observation organizations, and its Lithuanian member International Elections Study Center (IESC) were classified as "undesirable organizations" by the Ministry of Justice of the Russian Federation.

Stefanie Schiffer, EPDE board member, commented: "We protest against the listing as "undesirable organization" and against the wholesale criminalization and discrediting of our network. We demand the immediate withdrawal of this measure by the Russian Ministry of Justice.

With the law on "undesirable organizations" introduced in 2015, the Russian government attempts to criminalize the international cooperation of democratic movements. Employees of listed international organizations and their partners in the Russian Federation may face up to six years imprisonment, a ban on entering Russia and numerous other sanctions for

continuing their cooperation.

The German government criticized the law in 2015 as a “measure to isolate and discredit the critical civil society in Russia and to prevent cross-border cooperation,” which even increases the “sense of insecurity and fear that already exists in the Russian civil society”.

EPDE is an alliance of electoral observation organizations founded in 2012 with the aim of supporting citizens’ election observation in the countries of the Eastern Partnership, in the Russian Federation and throughout Europe, and to contribute to democratic electoral processes.

Source: www.epde.org

Organisation of the Russian Presidential Elections in the Republic of Moldova, including in the Transnistrian Region, takes place with the violation of international law and human rights

Promo-LEX Association expresses its concern about the lack of coordination with Chisinau authorities regarding the opening

of 24 polling stations in the Transnistrian region for the presidential election of Russia.

On 18 March 2018, presidential elections will be organised in the Russian Federation. On this occasion, the authorities of the Russian Federation decided to open 27 polling stations in the Republic of Moldova. Of these, 3 are established on the territory controlled by the constitutional authorities and the other 24 are established in the Transnistrian region of the Republic of Moldova.[\[1\]](#)

Promo-LEX Association regrets the manner in which it was decided to set up and operate those 24 polling stations in the Transnistrian region of the Republic of Moldova. We believe that these actions, which do not seem to be coordinated with the authorities of the Republic of Moldova, are contrary to the diplomatic customs and confirm once more that the Russian Federation has the *de facto* control over the administration of the Transnistrian region.

Russia supports the Transnistrian regime and refuses to enforce ECtHR judgements concerning the region

Also, Promo-LEX Association points out that the authorities of the Russian Federation have a totally different behavior and message when are called to intervene in cases of human rights violations committed by representatives of the breakaway administration, and refuse to enforce the judgments of the European Court of Human Rights.[\[2\]](#) In such situations, the Russian authorities invoke their lack of jurisdiction over this territory and the lack of control over the Tiraspol administration. However, as we can see, including in the current situation concerning the set up and operation of the polling stations, the Russian Federation continues to offer support and exercises a very generous and unconditional political, diplomatic, economic, social, military and media control. We reiterate that this support is provided contrary to the rules of international law and bilateral documents signed with the Republic of Moldova.

Lack of response from Chisinau

Promo-LEX Association also regrets the lack of clear formal response from the constitutional authorities of the Republic of Moldova, especially from MFAEI, regarding the organisation of the Russian presidential elections on the territory of the Republic of Moldova, even if in the past such unilateral actions were heavily criticised at official level.

Response of Promo-LEX Association

Promo-LEX Association, that specialises in promoting and defending human rights in the Transnistrian region and in monitoring the democratic processes in the Republic of Moldova, including the observation and monitoring of elections, believes that:

- organising the elections of the Russian Federation by opening 24 polling stations in the Transnistrian region is another act of serious violation of the rules of international law;
- electoral campaign and voter information campaign organised in the Transnistrian region does not meet the necessary criteria of free and fair elections, and violates the rights of voters and election candidates running in the election campaign from the Russian Federation;
- organising the elections on the territory of the Republic of Moldova, on the territory uncontrolled by the constitutional authorities, in violation of the Russian Federation legislation, also questions the fairness and the freedom of the entire electoral process of the Russian Federation President.

Promo-LEX states that the elections from the Transnistrian region seem to be conducted in violation of the Russian legislation. The commitments assumed by the Tiraspol administration, including material ones, such as transportation of voters to polling stations, is an infringement of Article 9 of *the Federal Law of the Russian*

Federation on the Election of the President, which sets without exemption that the events related to the preparation and conduct of the elections of the President of the Russian Federation are funded (exclusively) on the account of Federal Budget funds.

Also, taking into account that the Russian Federation recognises the Transnistrian region and its administration as part of the territory of the Republic of Moldova, the direct involvement of the *de facto* Tiraspol administration in the elections is contrary to Article 11 of the same Law, which prohibits the participation in presidential election of foreign citizens, stateless persons, international organisations and movements, and of non-commercial organisations with functions of foreign agent.

The active collaboration between the *de facto* Tiraspol administration and the Russian Federation authorities in organizing these elections is confirmed by the following:

- the Russian Ambassador to Moldova, Farit Muhametsin requested directly the assistance of the Tiraspol administration to organise the elections in Transnistria without requesting the opinion of the MFAEI and of the Central Electoral Commission of the Republic of Moldova;
- the Tiraspol leader, Vadim Krasnoselski ordered 'to provide premises, means of transport and communication to certain electoral committees established by the Russian Embassy in the Republic of Moldova that are necessary to conduct the elections';
- the Tiraspol administration ran an election campaign by organising certain public events;
- The Tiraspol administration committed to provide free transportation for all who will want to vote;
- More than 60,000 electoral materials were distributed, and over 192,000 ballot papers were prepared;
- A number 24 polling stations were set up and opened – twice more than during the previous elections from 2016.

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You are welcome to take over the information from Promo-LEX press releases, but you must mention the Association as a source. Also, the texts of the Association's press releases can be edited.

[1] Polling stations outside the Russian Federation http://www.cikrf.ru/analog/prezidentskiye-vybory-2018/obespechenie-izbiratelnykh-prav/za_predel_golos.php

[2] [International Conference: Enforcing the ECHR Judgments Concerning the Transnistrian Region, https://promolex.md/11623-conferinta-internationala-executarea-hotararilor-cedo-in-cauzele-privind-regiunea-transnistreana/?lang=ro](https://promolex.md/11623-conferinta-internationala-executarea-hotararilor-cedo-in-cauzele-privind-regiunea-transnistreana/?lang=ro)

List of persons responsible for human rights violations in Transnistrian region, https://promolex.md/wp-content/uploads/2018/03/1-Promo-LEX_lista_persoanelor_02.03.2018.pdf

OPINION of the Promo-LEX Association: The fact that the application for the registration of the Initiative Group for

conducting a legislative referendum was rejected, puts in doubt the citizens' right to directly exercise sovereignty

Promo-LEX Association is alarmed by the trends that take shape in the society – when certain important national public authorities limit the citizens' right to initiate a referendum, as well as to freely express their opinions in a democratic exercise. We think that such tendencies do not pursue a legitimate aim and are unnecessary in a democratic society. We are concerned that these positions could lead to certain discretionary restrictions of this right. We refer to the fact of compromising the citizens' right to initiate a republican legislative referendum itself – aspects mentioned by the CEC in the body of its decision (Decision No 1344 of 12.01.2018), as well as to the findings of the Constitutional Court in its Decision No 24 of 27.07.2017, which make the citizens' right to initiate any kinds of legislative referenda seem to be expressly limited.

Promo-LEX Association disapproves of the decision of the Central Electoral Commission to reject the registration of the Initiative Group for conducting a republican legislative referendum on repealing Law No 154 of 20 July 2017, which changed the electoral system into the mixed one. We think that the right to organise a referendum is a guaranteed right of the citizens of the Republic of Moldova, naturally fitting in the concept of the rule of law and national sovereignty as the existential foundations of a democracy.

We regret that in this situation (in comparison with other

similar or comparable cases) the citizen-serving public authority took a stand of insisting on emphasising exclusively the letter of the law, while totally and groundlessly ignoring its spirit. **The Association considers that the procedural grounds** invoked by the CEC are of **minor legal relevance** and are unable to put in question the legality and lawfulness of the created initiative group, as well as of the citizens' right to freely express their opinion in such a democratic exercise as referendum.

At the same time, note that when the amendments to the electoral legislation were approved, Promo-LEX Association identified and pinpointed several legal gaps and issues in the implementation of the mixed-member electoral system, which, as Promo-LEX believes, must be tackled immediately. These include: reduced representativeness of the Parliament, if the MPs are elected in single-member constituencies in one single round; necessity to clarify the situation of a candidate from the national list of the party, who is, at the same time, an independent candidate in a single-member district; legal aspects of student voting; interpretability of and failure to observe the demographic criterion for distribution used for the establishment of constituencies, etc. **We wish to stress that despite the obligation of the Government of the Republic of Moldova (by virtue of final provisions of Law No 154 of 20 July 2017) to make suggestions on amendment and adjustment of the legal framework till 20 October 2017, none of the aforesaid issues was examined.**

For other important details on this subject, please see the [Opinion of Promo-LEX Association](#).

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[PDF](#)

Safeguarding civil society participation in the Helsinki process – a matter of the OSCE’s raison d’être

We, members of the Civic Solidarity Platform (CSP), believe that restricting civil society participation in the work of the OSCE would be a tremendous setback for the Helsinki process and a betrayal of the spirit and founding values of this unique peace advancement initiative.

For four decades, civil society groups have played a crucial role in monitoring, documenting and reporting on the implementation of the human dimension commitments undertaken by participating States in the framework of the Conference and later the Organization for Security and Cooperation in Europe. By engaging with the OSCE, NGOs have helped to keep human rights high on the agenda, mobilize attention to human rights crises and shape OSCE action on pressing human rights issues. Now some governments, which have adopted legislation and policies restricting civil society activities in their own countries, are pushing for new rules and regulations to limit civil society participation at the level of the OSCE. Introducing measures to this end would negatively and irreversibly affect the OSCE’s credibility at a time when civil society actors are facing unprecedented pressure across the region and, more than ever, need OSCE forums to make their voices heard.

The OSCE was the first international structure to embrace a comprehensive approach to security, with participating States

agreeing to establish respect for human rights as one of its founding pillars and to be held accountable to each other and to their citizens for their achievements in this regard. When signing the Helsinki Final Act in 1975, states from both the then Western and Eastern bloc also acknowledged the right of individuals to know and act upon their rights, as well as to contribute to the Helsinki process, commitments that have subsequently been reiterated in numerous OSCE documents. In addition, the signatories to the Helsinki Final Act undertook to publish and disseminate this document as widely as possible within their countries. The Helsinki Conference and Final Act inspired the emergence of so-called Helsinki groups in the Soviet Union and Eastern Europe to monitor compliance with the accords. Although these groups were forced to operate underground and were fiercely persecuted by their governments, they carried out their activities in a determined manner, supported by solidarity groups set up in Western countries. As we know from history, the Helsinki groups were part of the grassroots movements that helped bring about the collapse of the communist rule and the end of the Cold War. Both these pioneers and civil society groups that have continued their groundbreaking work have been guided by the belief that citizens' participation is an intrinsic element of the Helsinki process and thus of efforts to secure peace and prosperity in the OSCE region.

The current modalities for civil society participation in OSCE events are laid down in the Concluding Document from the 1992 Helsinki meeting, as well as Permanent Council decision no. 476 adopted in 2002. These regulations grant NGO representatives the right to participate and provide input on an equal footing with government representatives at human rights review conferences, implementation meetings and seminars on condition that they register with the Office for Democratic Institutions and Human Rights (ODIHR). States that seek to change these rules and restrict NGO access advocate for procedures that would grant governments the right to

approve and thereby block the participation of civil society representatives, for example, because their organizations are not registered at the national level, they are considered to lack “relevant” experience or they are accused of supporting “extremism” or “terrorism”. Any state approval procedure of this kind would be contrary to the basic principle of unhindered and equal NGO participation in OSCE events and would open the door for arbitrary, selective, discriminatory and politically motivated decisions to limit access for organizations and individuals who criticize the policies of their governments and address issues that are inconvenient to them. In the past, some participating States have already sought to prevent the participation of outspoken civil society representatives from their countries at the annual Human Dimension Implementation Meeting and other OSCE events.

Recent years have seen a growing trend of shrinking and even closing civil society space in many countries of the OSCE region.[\[i\]](#) As part of this trend, states have exploited security concerns to justify far-reaching restrictions on civil society and to crack down on NGOs that work on “sensitive” issues, in particular human rights. Among others, states have denied registration and forced NGOs to close down, labelled them “foreign agents”, and prosecuted their leaders using broadly worded extremism and terrorism legislation that does not meet the fundamental principle of legality and can be applied to conduct that has nothing to do with violence.[\[ii\]](#) Human rights groups and defenders working to promote women’s rights, minority rights and the rights of vulnerable communities have in particular been singled out for persecution. Repressive policies of this kind pursued at the national level must not be allowed to influence the procedures and rules for NGO participation at the OSCE level by allowing participating States to justify restricting access to groups that have been targeted merely for exercising their fundamental rights to freedom of expression, association and assembly in a peaceful and legitimate way.

Former UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai has warned of the danger of closing civil society space at the international level because of the efforts of some governments to silence NGOs not only in their own countries but also on the international stage.[\[iii\]](#) Along with NGOs, he has criticized the existing accreditation procedure for NGOs through the UN Economic and Social Council (ECOSOC), the Committee on NGOs of which decides on UN consultative status for NGOs. Possessing consultative status grants NGOs access to a range of UN bodies and processes, including the Human Rights Council where they can deliver oral and written statements and organize side-events. As highlighted in a joint appeal signed by over 230 NGOs from over 45 countries in May 2016[\[iv\]](#), some states use the ECOSOC accreditation procedure to deliberately delay or block NGOs from participation at the UN, through perpetual questioning and repeated deferrals of applications for accreditation. This has resulted in that NGOs have been denied accreditation for years. Thus, through their actions, individual states have turned what is meant to be a primarily technical role of the ECOSOC NGO Committee into a politicized practice used to obstruct access for NGOs working on issues that they do not like. Human rights NGOs are amongst those facing the most obstacles in gaining accreditation.

As the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has stressed[\[v\]](#), the misuse of the ECOSOC accreditation procedure to block NGO access has “profoundly undermine[d] the ability of the United Nations to constructively engage with civil society”, with negative implications for the effectiveness and credibility of the organization as a whole. This example should serve as a warning to the OSCE. Rather than introducing any regulations or procedures that may be used to restrict NGO access for politically motivated reasons, the OSCE should focus on improving and further strengthening opportunities for NGOs to participate in and contribute to the work of the organization.

To this end, the participating States should consider introducing new formats for government-civil society dialogue and civil society consultations, as a complement to existing ones.[\[vi\]](#) In accordance with its founding values, the OSCE has a responsibility to stand up for civil society organizations that are repressed and denied fundamental rights at home and to provide a platform for them to voice their positions since they lack direct channels of communication with their governments.

The OSCE participating States have themselves repeatedly recognized that the involvement of civil society is crucial in achieving progress on the objectives of the organization and they have committed themselves to ensuring that members of civil society groups have unhindered access to the OSCE and other international organizations. The OSCE Guidelines on the Protection of Human Rights Defenders, which are based on OSCE commitments and universally recognized human rights standards, also require the participating States to refrain from any action undermining the right of human rights defenders to provide information, submit cases or participate in meetings with international bodies, including OSCE institutions.[\[vii\]](#)

As in the case of the UN, ensuring continued unhindered access for NGOs to OSCE events is not only a matter of safeguarding the rights of these groups and the communities they represent, but also of safeguarding the effectiveness, credibility and very *raison d'être* of the OSCE. The organization was established to promote peace, stability, democracy and the rights of the people of the vast region stretching from Vancouver to Vladivostok rather than as a forum for governments to protect their interests. The recent attempts by some participating States to restrict civil society participation run counter to these objectives and may in themselves be considered early warning signs of threats to peace and stability in the OSCE region. The participation of civil society actors, who address crosscutting issues of human

security, is a key element of the organization's comprehensive and inclusive security agenda and a precondition for the success of conflict prevention, democratization and peacebuilding processes in the long term. We appeal to all OSCE participating States to ensure that the organization continues to serve its founding role in years to come and that government-civil society dialogue remains at the heart of the Helsinki process.

Signed by the following CSP members:

International Partnership for Human Rights (IPHR, Belgium)

Bulgarian Helsinki Committee

Public Verdict (Russia)

Helsinki Committee of Armenia

Swiss Helsinki Committee

Macedonian Helsinki Committee

Center for Civil Liberties (Ukraine)

DRA – German-Russian Exchange (Germany)

Kharkiv Regional Foundation “Public Alternative” (Ukraine)

Centre for the Development of Democracy and Human Rights (Russia)

Union of Women of the Don Region (Russia)

Hungarian Helsinki Committee

Citizens' Watch (Russia)

Protection of Rights without Borders (Armenia)

Human Rights Movement “Bir Duino-Kyrgyzstan”

Kazakhstan International Bureau for Human Rights and the Rule of Law

Legal Policy Research Center (Kazakhstan)

Barys Zvozkau Belarusian Human Rights House

Helsinki Citizens' Assembly-Vanadzor (Armenia)

Human Rights Matter (Germany)

Office of Civil Freedoms (Tajikistan)

Helsinki Foundation for Human Rights (Poland)

Public Association “Dignity” (Kazakhstan)

Regional Center for Strategic Studies (Georgia/Azerbaijan)

Austrian Helsinki Association

Crude Accountability (United States)
Human Rights Center “Viasna” (Belarus)
Association of Ukrainian Human Rights Monitors on Law Enforcement (UMDPL)
SOVA Centre for Information and Analysis (Russia)
Article 19 (United Kingdom)
ZARA – Zivilcourage und Anti-Rassismus-Arbeit (Austria)
IDP Women Association “Consent” (Georgia)
Kosova Rehabilitation Centre for Torture Victims (KRCT)
Moscow Helsinki Group
Nota Bene (Tajikistan)
Human Rights Center of Azerbaijan
Netherlands Helsinki Committee
Italian Coalition for Civil Liberties and Rights (CILD)
UNITED for Intercultural Action (Netherlands)
Ludwig Boltzmann Institute for Human Rights (Austria)
Promo LEX (Moldova)
Human Rights Group “Citizen. Army. Law” (Russia)
Humanrights.ch (Switzerland)
Fair Trials (United Kingdom)
Center for Participation and Development (CPD, Georgia)
Human Rights Monitoring Institute (Lithuania)
World Organization against Torture (OMCT)
Minority Rights Group Europe
Institute for Reporters’ Freedom and Safety (IRFS, Azerbaijan)
OSCE Network (Sweden)
Norwegian Helsinki Committee
Women’s International League for Peace and Freedom (WILPF)
Germany

[\[i\]](#) See Hamburg Declaration on Protecting and Expanding Civil Society Space, adopted by the participants of the 2016 OSCE Parallel Civil Society Conference, Hamburg, 6-7 December 2017, http://www.civicsolidarity.org/sites/default/files/parallel_civil_society_conference_outcome_documents_hamburg_december_2016_final.pdf; as well as the outcome document of the 2017 OSCE Parallel Civil Society Conference, Vienna, 5-6 December 2017.

[\[ii\]](#) See the Vienna Declaration: Preventing Security Measures from Eclipsing Human Rights, adopted by the participants of the 2017 OSCE Parallel Civil Society Conference.

[\[iii\]](#) See [comment](http://freeassembly.net/news/commentary-ngo-committee/) at <http://freeassembly.net/news/commentary-ngo-committee/>

[\[iv\]](#) The appeal is available at https://www.ishr.ch/sites/default/files/documents/final_ecosoc_ngo_committee_english.pdf

[\[v\]](#) See <http://freeassembly.net/news/commentary-ngo-committee/>

[\[vi\]](#) For more recommendations on how to improve civil society participation in the OSCE, see the outcome document of the 2017 OSCE Parallel Civil Society Conference, Vienna, 5-6 December 2017.

[\[vii\]](#) Par. 91 of the Guidelines on the Protection of Human Rights Defenders, <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true>