

False accusations against human rights organisation Promo-LEX

On 7 May 2015, the Transnistrian Committee for State Security (Transnistrian KGB) published new accusations against human rights organisation Promo-LEX.

Promo-LEX is a human rights and advocacy organisation. It was established in 2002 by a group of human rights defenders, with the aim of advancing human rights in the Republic of Moldova. Promo-LEX works on the entire territory of Moldova, including the Transnistrian region, and cooperates with Transnistrian NGOs to protect human rights in the region.

The accusations were brought against Promo-Lex in a public statement made by the Chairperson of the Transnistrian KGB, Mr Lapitchii, in which he branded the work of the the organisation as “destructive and hostile”, and against the Transnistrian Republic. Promo-LEX’s Executive Director, Mr Ion Manole, was specifically named in the accusation.

The statement of the Transnistrian KGB came in response to an appeal for support sent by 38 national and international civil society organisations to the Moldovan authorities, following the opening of criminal cases against members of Promo-LEX. The criminal investigation into the activities of the organisation was announced by the Transnistrian KGB in a statement issued on 17 April 2015, which designated civil society organisations receiving funds from abroad and actively working on Transnistrian issues as a threat to Transnistrian security.

The latest attack on Promo-LEX could be linked to the judgement of 21 April 2015 of the European Court on Human Rights. In the case of a victim in the Transnistrian region,

represented by Promo-LEX, the ECHR found a violation of the right to life, as well as procedural violations concerning the carrying out of a full investigation into accusations of a human rights violation. Promo-LEX is awaiting more than 20 separate decisions by the ECHR on human rights violations committed in the region.

Front Line Defenders is strongly concerned by the harassment of Promo-LEX and the announced investigation into its activities, which it believes to be directly related to the organisation's legitimate work in the defence of human rights.

Front Line Defenders [here](#).

Judicial Harassment of Civil Society Organisations in Transnistria Must Stop

The Steering Committee of the Eastern Partnership Civil Society Forum strongly condemns the initiation of a so-called criminal investigation by the *de facto* Transnistrian authorities against the human rights organisation Promo-LEX.

These and other restrictive measures are aimed at independent civil society organisations working in Transnistria based on the claims that their activities are directed against the *de facto* authorities of the region.

The Transnistrian Committee for Security presents civil society organisations receiving funds from abroad as a threat to public security. The pressure on human rights defenders has especially intensified since 2013. Journalists and NGO

representatives are subject to intimidation by the *de facto* Tiraspol administration on a daily basis.

The Steering Committee rejects the claims that the defence of human rights could be used to undermine authorities in any country. Everyone has a right and a duty to defend fundamental freedoms and human rights; and it is the authorities in countries where these rights are under threat who should be held responsible for such violations, not human rights defenders.

The Steering Committee calls for this case to be put on the agenda of the 5+2 talks on the Transnistrian conflict settlement. The Steering Committee encourages the government of Moldova and the *de facto* Transnistrian authorities, with the support of the international community, to cooperate when human rights are violated.

[Full Text of the Steering Committee Statement](#)

Promo-LEX about the Accusations brought by Tiraspol Security Committee

Yesterday, on 7 May 2015, the Chairperson of Tiraspol Security Committee, M. Lapitchii, brought new [harsh accusations](#) (see unofficial translation [here](#)) against Promo-LEX Association and its Executive Director, Ion Manole. This is the local KGB's response to the call for support, launched by the national civil society and international organizations with regards to the criminal cases opened against members of Promo-LEX Association.

We remind you that on 17 April 2015, the Security Committee issued a press release, blaming Promo-LEX for having carried out subversive actions on the left bank of the Nistru River. Further on we present the official response of Promo-LEX, provided by its Executive Director, Ion Manole.

On the Actions Following the Statements Made by Tiraspol Authorities

On 17 April as soon as the information was published on Tiraspol's KGB website, we sent an inquiry to the so-called Tiraspol Investigation Committee and to the head of KGB, requesting information on the accusations and insinuations brought against the Association and its members. We did not receive any formal answer other than by Internet, which we believe is very strange.

This gesture is worrying. We saw that several human rights international organizations and networks took action and demanded from both the authorities and international organizations to take cognizance of that declaration and undertake any possible actions in order to protect the interests of our organization.

I would like to thank the national and international partners for the support provided to Promo-LEX Association, including by issuing support statements.

On the Statement Published Yesterday on KGB's Website

What we saw were neither accusations nor insinuations, they were just some questions without answers that have nothing to do with Promo-LEX Association. Those questions probably have a different target group, namely the population and especially the NGOs from that region, in order to keep them away from their activities and outcomes. Therefore, they have a propagandistic nature.

Human rights organizations do not make war by definition. To

be more specific, we may say that we fight for human rights and fundamental freedoms, regardless of ethnicity, spoken language or other criteria. We do not discriminate people living in that region. People in the Republic of Moldova benefit and will continue to benefit from our quality services.

On the Aims and Objectives of Promo-LEX

We regret greatly that there are opinions among representatives of diplomatic missions and international organizations that our activity is indeed, just as the Tiraspol KGB states – destructive and hindering the negotiation process. **We regret greatly that the advocacy and strategic litigation actions, which our organizations have been carrying out for 12 years, are regarded as destabilising. A dialogue or a peace process can not be a sterile one.** If there is no substance and the process does not include the aim of achieving a clear order, creating effective tools for people to be able to defend their rights, such processes can remain formal and last forever. But in such situations, there occurs the issue of the protecting of the human rights.

We know that Tiraspol accused Promo-LEX of insisting on opening political files against those over there. Taking this opportunity, I want to tell them that it is not Promo-LEX insisting, but rather the law stipulating clearly that no one can go unpunished for the committed illegal deeds. Therefore, we establish the problem when the rights of a certain person, who contacts us, are violated. Then we notify the law enforcement bodies, in the manner prescribed by law. Our jurists and lawyers are bound by the duty to serve the victims' interests. This is true for all cases, regardless of where the offense was committed or who the abuser is.

We are aware of the fact that Tiraspol believes that Promo-LEX is insisting on opening political files on certain people from the region. Taking this opportunity, I want to tell them that

it is not Promo-LEX insisting, **but rather the law that clearly that no one can go unpunished for the committed illegal actions.** Therefore, we identify the problem when the rights of a certain person, who contacts us, are violated. Then we notify the law enforcement bodies, in the manner prescribed by law. Our jurists and lawyers are bound by the duty to serve the victims' interests. This is true for all cases, regardless of where the offense was committed or who the abuser is. In the roughly 25 years of dialogue, the de-facto administration in Tiraspol rejected any initiative or proposal on human rights issues in this space created a legal vacuum total for promoting, monitoring and especially for human rights.

It is, perhaps, the economic and social situation in the region that makes them look for problems elsewhere than within their administration.

On Human Rights

We believe that human rights are not negotiable. They must be respected. This is what we request from the negotiations in the 5+2 format, which should also discuss the human rights, and not ignore this topic. As we stated in front of the European Parliament, in such situations and for such regions like Transnistrian region, which is controlled by a de facto regime, **human rights issues should be separated from politics,** and by no means should they be determined by the political and geopolitical situation.

Conclusions

Regardless of international recognition, each administration or authority has the obligation to respect fundamental human rights. Those from Tiraspol cannot be outside those rules. All persons who are responsible for violations of norms, rules or rights must bear responsibility. ***Impunity cannot be justified on political or geopolitical purposes.***

APPEAL on the Assurance of the Freedom of Press in the Transnistrian Region

Promo-LEX Association expresses its concern on the regress with the assurance of freedom of press and opinion in the Transnistrian region. There is literally no free press, and plurality of opinions is sanctioned by the secessionist authorities. The access to alternative sources of information is restricted by the security service.

During 2014-2015 the pressures on journalists and activists from the Transnistrian region have intensified. Ignoring international norms, the Tiraspol administration is still violating people's right to freedom of expression. Several cases of intimidation of activists and protesters participating in peaceful demonstrations from the region have been registered. Moreover, journalist Serghei Ilcenco was arrested by security forces from Tiraspol and accused of extremism. Currently, the victim is detained in inhuman conditions, deprived of freedom arbitrarily in the absence of clear and substantiated accusations.

In the context of World Press Freedom Day, we urge:

Constitutional Authorities and International Bodies:

- To demand that the Tiraspol administration respects the freedom of expression in the Transnistrian region.
- To demand that the Tiraspol administration provides guarantees in ensuring freedom of press and protection of independent journalists;
- To demand that Tiraspol administration releases

immediately and unconditionally journalist Serghei Ilcenco, who is being detained illegally in Penitentiary No 3 of Tiraspol.

The appeal was made by Promo-LEX Association during the Press Freedom Days, held during 4-8 May 2015 by media organizations of the Republic of Moldova.

The list remains to be open for all the organizations that want to undersign this APPEAL. To undersign, send an e-mail to pr@promolex.md

Thank you for participating.

Over 1000 Promo-LEX Observers will Monitor the General Local Elections



Promo-LEX Association published the first Report on the Monitoring of the 2015 General Local Elections

launching simultaneously the Monitoring Effort for the June elections.

The report presented during a press conference covers the period of 3-29 April 2015, contains the findings of Promo-LEX observers and an analysis of the amendments made to the legal and regulatory framework, and reveals the subjects that will constitute the priorities of the Monitoring Effort.

Though the pre-election period was marked by uncertainties related to the date of the general local elections and amendments made to the Electoral Code, the Parliament set the elections date in compliance with the legal provisions. "In their publicly debated arguments, political leaders also referred to the need for a territorial-administrative reform; in this context we remind that at the beginning of the electoral period the Republic of Moldova still had 266 settlements with less than 1500 inhabitants, where constituencies will be established, thus spending money from the state budget", stated Pavel Postica, head of Promo-LEX Monitoring Effort.

As a result of the recommendations made by Promo-LEX, the Parliament partially implemented the recommendation on the determination of an uniform and constant formula to calculate the upper ceiling for the funds that can be transferred into the electoral fund. By using the new formula, the ceiling has increased significantly, being twice higher than the one established for the previous elections of 5 June 2011.

Promo-LEX Monitoring Effort recommends: **For the Parliament of the Republic of Moldova:** to amend the Electoral Code and establish a single date for the general local elections; to implement the Law on the Territorial-Administrative Organisation and reorganize first the level-one local public authorities that have less than 1500 inhabitants. **For the Central Electoral Commission:** to establish a single financial ceiling for all election candidates, including political

parties at the level of constituency where the elections take place, and require that expenses be broken down by constituencies in the financial statements of the election candidates delegated by parties and electoral blocks.

Besides monitoring the Electoral Campaign, for the 2015 elections Promo-LEX Association will also conduct a Civic and Electoral Education Campaign. **"IEȘI la VOT!" ("COME TO VOTE!")** Campaign aims at promoting informed and conscious voting among the electorate. Civic education activities will be carried out in at least 28 rural and urban settlements throughout the whole Republic of Moldova (except for the Transnistrian region).

Last but not least, during May-June 2015, Promo-LEX will organize a series of Public Electoral Debates in at least 10 settlements with the goal to promote equitable, balanced and impartial activities of electoral education. The electoral education activities aim at promoting freedom of expression and political pluralism during elections.

We remind that the Monitoring Effort aims at informing the population about the conduct of the electoral campaign, at enhancing people's trust in the electoral process, and at ensuring free and correct elections, according to the international standards and national law. Promo-LEX is still the only Non-Government Organization in the country that undertakes the largest monitoring effort, delegating over 1000 observers in all settlements of the country.

The electronic version of the Report [here](#).

The Monitoring Effort of the 2015 General Local Elections is supported financially by the U.S. Agency for International Development (USAID), Council of Europe (CoE) and technical assistance provided by the National Democratic Institute for International Affairs (NDI). The opinions presented in the public reports of Promo-LEX belong to authors and do not

necessarily reflect the donors' view.

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Harassment of civil society organisations has intensified in the transnistrian Region of Moldova

On April 17 2015, the *de facto* Security Committee (or the *KGB*) of the separatist Transnistrian region of Moldova issued a statement^[i] describing civil society organisations which receive funds from abroad and are active on the territory of Transnistria as a threat to Transnistrian security. The statement focused particularly on the activities of the human rights organisation Promo-LEX and revealed that a criminal investigation had been opened by the de-facto Transnistrian authorities into what the KGB terms as the “direct threat to security” posed by Promo-LEX’s activities in Transnistria, allegedly aimed at “destabilising the situation in the region.”

Promo-LEX is a leading independent human rights NGO in Moldova which works across the country to promote legislative reform and defend human rights^[ii]. It is highly regretful that the *de facto* authorities of the Transnistrian region interpret the organisation’s peaceful and legitimate advocacy and litigation activities as destabilising the situation. Promo-LEX works in

partnership with Transnistrian NGOs to protect human rights in one of the most challenging areas in Europe, as Moldovan human rights NGOs are not allowed to carry out activities in the Transnistrian region, and local activists are not allowed by the *de-facto* separatist authorities of Transnistria to cooperate or communicate with NGOs based in other parts of the country.

Pressure on human rights defenders and civil society activists working in the Transnistrian region has intensified significantly since 2013. Numerous civil society representatives and journalists have been subjected to intimidation and have been the targets of libellous claims in retaliation for their work to promote and defend human rights [\[iii\]](#). Draft legislation and amendments to existing laws prepared by the *de facto* Transnistrian authorities in 2014 are believed to be part of a crackdown on NGOs. Among these legislative initiatives, a draft law on “foreign agents” was adopted by the *de facto* Transnistrian Parliament in November 2014 but has not yet come into force.

Ensuring effective protection of civil society work in Moldova is of utmost importance at this time, as increased pressure on NGOs operating in areas of frozen conflict such as Transnistria undermines efforts to monitor the human dimension and security situation and prevent human rights abuses.

Members of the Civic Solidarity Platform [\[iv\]](#) call on all international actors, inter-governmental organisations and political bodies to undertake active diplomatic efforts to ensure that human rights are respected in the Transnistrian region of Moldova and remind the *de facto* and *de jure* authorities of their obligation to respect international human rights norms, ensure the security of human rights defenders and safeguard and facilitate the right to freedom of association of NGOs, such as Promo-LEX, which are engaged in peaceful, legitimate, and lawful human rights activities in Moldova, including the Transnistrian region.

In particular, we call on the OSCE bodies and institutions, including the OSCE office in Moldova, to react to the recent human rights developments in the Transnistrian region in their role as mediators in the conflict, bearing in mind interconnection and interdependence between the security and the human dimensions.

See the Statement [here](#).

[\[i\]](#) See the statement at <http://www.kgb-pmr.com/news/370> (in Russian).

[\[ii\]](#) “Promo-LEX” Association is a civil society organization with special consultative status with the UN whose purpose is to advance democracy in the Republic of Moldova through promoting and defending human rights and monitoring democratic processes. Promo-LEX works on the entire territory of Moldova, including the Transnistrian region. The Association closely follows the democratic process in Moldova and manages national and international missions to monitor electoral processes. Promo-LEX is a founding member of the Civic Solidarity Platform. For more information see the web site of the Association at <http://www.promolex.md>.

[\[iii\]](#) See, for example, Transnistria: Concern on the situation of human rights defenders, <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/moldova/16642-transnistria-concern-on-the-situation-of-human-rights-defenders>, and Civil Rights Defenders urges the government of Transnistria to protect human rights, <http://www.civilrightsdefenders.org/news/civil-rights-defenders-urges-the-government-of-transnistria-to-protect-human-rights-in-an-open-letter/>.

[iv] The Civic Solidarity Platform is a network of more than 65 human rights NGOs from throughout the OSCE region, established in 2011. For more information about the Civic Solidarity Platform see the Platform's web site civicsolidarity.org.

Civil Society Organizations condemn the so-called criminal prosecution against Promo-LEX

38 civil society organizations submitted today an Appeal to the Moldovan authorities, pointing out the unprecedented situation of the Promo-LEX Association and require measures to ensure security for the members of the association. However, signatory organisations ask the diplomatic missions and the international organizations to intervene beside the unconstitutional administration with the request to provide guarantees for representatives of the NGO sector working in Transnistrian region.

The Appeal was published on 17 April 2015, after the the so-called "State Security Committee" (local KGB) of the Transnistrian region issued a statement. This document referred to the activity of the civil society organizations from the Transnistrian region, which are funded by foreign donors. The self-proclaimed authority labels the activity of such organizations as being directed against the unrecognized and illegal statehood on the territory of the Republic of Moldova. The activity of civil society organizations, especially of the "Promo-LEX" Association, is labeled as being

directed against the “statehood” of the unrecognized region and respectively, a criminal investigation was initiated.

The signatory organisations highlights that the Promo-LEX Association activity in the area of human rights is well known. The most relevant fields include the right to education, freedom and security, freedom of movement, right to property, right to life, prohibition of torture and other cruel treatments, right to a fair trial, domestic violence, freedom of association, access to information, non-discrimination, assurance of free and fair elections, and others. For its efforts, including for the promotion and defence of human rights in the Transnistrian region, the Association was awarded by national and international organizations. The Association has a brave team, which assumed the role of promotion and defense of citizens from the Transnistrian region, regardless of their ethnicity and citizenship, defending their rights and freedoms at the local level (of the left bank of the Nistru River), in the justice system of the Republic of Moldova and in the European Court of Human Rights.

The signatory organisations express their solidarity, support and concern for the security and integrity of the persons who work in the Non-Government Organisations from the Transnistrian region, in particular “Promo-LEX” Association. The signatories of this statement require:

1. Public condemnation of unconstitutional government’s actions taken on a constant base against the civil society from the region, as well as against “Promo-LEX” Association;
2. OSCE Mission in Moldova to urgently intervene with the unconstitutional government and request guarantees for representatives of the associative sector who carry out their activities in that region.
3. Provision of guarantees and security and protective measures by the constitutional authorities, which are required for the ordinary activity of the “Promo-LEX” Association team,

including considering the possibility to initiate a criminal or administrative prosecution of the persecution activities;

4. Inclusion, as a matter of priority, of this exceptional and unprecedented case on the agenda of negotiations in 5+2 format on the settlement of Transnistrian conflict, and on the agenda of other national and international authorities;

5. Insisting on the promotion, monitoring and defense of human rights in the territory controlled by the de facto authorities of Tiraspol.

The full text of the Appeal see [here](#).

Son of journalist Serghei Ilcenco, kidnapped and detained in Tiraspol: Given the situation of my father, immediate involvement and concrete actions are required



Chisinau –
23
April
2014.
**Nicolae
Ilcenco,**
son
of
journalist
**Serghei
Ilcenco**

co, kidnapped and detained illegally in Tiraspol, made an appeal to the constitutional authorities, urging them to get actively involved in the settlement of his father's case. At a press conference, Nicolae Ilcenco and Promo-LEX lawyer Vadim Vieru spoke about the situation of the journalist.

According to lawyer Vadim Vieru, Serghei Ilcenco, kidnapped a month ago and accused of extremism, is currently held in Prison No 3 from Tiraspol, in inhuman conditions of detention, and his health condition is not so good, as confirmed by his son. "My father is sick with chronic asthma, however the prison administration does not allow us to bring him the necessary medicine. We can communicate with him only by sending messages via the lawyer from Tiraspol. In addition, after my father wrote a number of articles about the conditions of detention, the prison representatives searched his cell and seized all his notes, and then kept him for several days in solitary confinement. He is not allowed to write any more", said Nicolae Ilcenco.

As for the actions carried out in the journalists' case, the

Promo-LEX lawyer underlined that a number of complaints and requirements had been filed to the constitutional authorities of the Republic of Moldova and Russian Federation, international organizations and diplomatic missions, urging them to get involved in the settlement of this case, and their responses had not been received yet. "Because there aren't any efficient remedies at the national level for the Ilcenco case, an application will be soon filed to the European Court of Human Rights", stated Vadim Vieru.

Last but not least, Promo-LEX representative made a series of requests to the General Prosecutor's Office, asking for immediate initiation of criminal prosecution on this case. The Reintegration Office shall invest additional efforts to free the journalist. At the same time, the OSCE Mission, based on its mandate, shall request the release of Serghei Ilcenco, and meanwhile shall make sure that he is detained in decent conditions.

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MOLDOVA: Judicial harassment by the Transnistrian Security Committee of Promo-LEX, FIDH member organisation

Paris-Geneva, April 22, 2015 – The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World

Organisation Against Torture (OMCT), expresses its concerns after the opening of a criminal case against Promo-LEX, FIDH member organisation based in the Transnistrian region of Moldova.

On April 17, 2015, the *de facto* Transnistrian Committee for State Security (Transnistrian KGB) issued a [statement](#) describing civil society organisations receiving funds from abroad as a threat to Transnistrian security. The statement, which particularly targets the human rights organisation Promo-LEX reveals that a criminal case has been filed against the organisation, following the Committee's conclusions on their subversive activities conducted in the Transnistrian region of Moldova.

“Since its establishment, Promo-LEX has been involved in human rights activities in the Transnistrian region by providing legal protection to human rights defenders, by assisting Transnistrian inhabitants – Moldovan, Russian and Ukrainian citizens – in obtaining justice and by building capacity of local Transnistrian NGOs to promote and defend human rights”, said FIDH President, Karim Lahidji.

The Observatory fears that the exposure of Promo-LEX in the statement will lead to even more obstructions in its work in a region, which is already one of the least accessible territories for human rights defenders in Europe. As of now, there are no efficient mechanisms or institutions to monitor the situation of human rights in the Transnistrian region.

Transnistria's disputed status is a source of serious human rights violations, and the victims often have no access to justice. Last year, FIDH together with Promo-LEX looked into these situations and denounced numerous human rights violations, among them the infringement of the right to freedom of movement, the right to citizenship, the right to an adequate standard of living, the right to property, and the right to health and education. The [report](#) also shed light on

numerous cases of arbitrary detention, acts of torture and ill-treatment by the police as well as the critical detention conditions.

The Observatory recalls that it is not the first time that a human rights organisation working for the development of NGOs in the Transnistrian region is described as subversive by the Transnistrian *de facto* administration. Last year, the local *de facto* Parliament initiated a draft law on “foreign agents” that specifically targeted civil society organizations working on election monitoring and receiving funding from abroad. The draft bill was adopted in the first plenary reading back in November 2014 but has been put on hold.

The pressure on human rights defenders working in the Transnistrian region has intensified since 2013. Numerous representatives of the civil society and journalists are being intimidated and subjected to libel on a daily basis for their work to promote and defend human rights in the region.

“This public communication by the Transnistrian Security Committee announcing the criminal prosecution of Promo-LEX is yet another attempt by the de facto Transnistrian administration to curb any independent human rights organisation denouncing the lack of justice in this disputed area”, concluded OMCT Secretary General Gerald Staberock.

The Observatory calls upon the international actors, especially the participants of the Transnistrian conflict settlement talks in the 5+2 format and parties to the Geneva and Minsk processes, to increase the focus on human rights in their relations with *de facto* and *de jure* Transnistrian authorities. This would help advance concrete solutions to challenges faced by human rights organisations which are to a large extent the result of persecution and harassment by the *de facto* Transnistrian authorities.

The Observatory for the Protection of Human Rights Defenders

(OBS) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders.

ECtHR Decision – Peacekeepers Violated Right to Life

On 21 April 2015, the European Court for Human Rights pronounced a decision in the case of Vadim Pisari, the young man who was killed by a soldier from the Russian peacekeeping mission, on 1 January 2012, on the bridge near Vadul lui Vodă.

The ECtHR found a violation of Article 2 of the European Convention – the right to life – in essence and by procedure. The Court found that there was no urgent need to allow the Russian soldier to use lethal force. The Court also found that the Russian authorities had failed to conduct an adequate investigation into the death of Vadim Pisari. The authorities of the Russian Federation repeatedly refused to admit the victim's parents as plaintiffs in this case, which, in the opinion of the Court, is sufficient grounds to establish a violation of the respective Article.

The Russian Federation shall pay the applicants – the parents of Vadim Pisari – compensation for moral damages in the amount of 35,000 Euros, and 5,580 Euros in costs and expenses for legal representation.

“An issue that arises from the incident on 1 January 2012 is that the location of peacekeeping posts shall be revised so as they be located in areas where their presence is actually needed. Thus, having a peacekeeping post at the entrance to

the Chisinau municipium is unfortunate, as that location is close to various military sites in the region,” says Alexandru Postica, lawyer, Human Rights Program Director, the Promo-LEX Association.

The full text of the decision may be found on the ECtHR website, <http://www.echr.coe.int/>

The applicants in the case were represented by counsels and lawyers from the Promo-LEX Association.

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