

International Day of Elections

Each year on 2 February Moldova celebrates the International Day of Elections. The initiative to establish an International Day of Elections was launched at The Conference of Global Election Officials held between 14 and 17 September 2005 in Hungary. The representatives of electoral bodies established the first Thursday of February as The International Day of Elections due to the fact that most of the international agreements in the field were signed this time of year.

The Promo-LEX Association expresses sincere thanks for the activism of Moldovan citizens and the responsibility they showed over the years while exercising the voting rights, as well as to the civil society for the active promotion of free and fair elections' principles, for encouraging activism and civic participation in the framework of national and local elections inclusively.

The Association points out that the positive evolution of the nature of elections in the country is due to the efforts of all actors involved in the electoral processes. It highly appreciates the efforts of the Central Electoral Commission members and its apparatus, of the central and local public authorities and of all voters who participate in elections, as well as of the whole civil society.

Promo-LEX expresses sincere thanks to all national observers of the national monitoring efforts performed by the Association in recent years. Thanks to their personal performance, they contributed significantly to the promotion of free and fair elections. The Association firmly believes that the impartiality, non-partisanship and good faith of Promo-LEX's observers were and will be the catalyst of an active and fair competition and of a balanced behavior of

electoral management bodies.

At the same time, Promo-LEX reminds about the need of continuing the efforts to ensure democratic principles in the electoral process in Moldova. In this context, Promo-LEX calls on the authorities and policy makers to consider the recommendations made by the Association in the monitoring reports of the latest national and local elections.

The Promo-LEX Association reaffirms its commitment to democratic values and reconfirms its intention and willingness to actively contribute to the ongoing monitoring of all electoral processes in Moldova, as well as other processes directly and indirectly related to elections. Certainly, joint and combined efforts of all actors beginning from voters, observers, electoral officials, candidates and other authorities involved in the process, will lead to the strengthening of a genuine democracy in Moldova.

Democratic Processes Monitoring Program

The Promo-LEX Association

Statement by INTERIGHTS (London) and Promo-LEX (Chisinau)

after the hearings at the Grand Chamber of the European Court of Human Rights, the case of Catan and Ors v Moldova and Russia.

On 25 January 2012 the Grand Chamber of the European Court of Human Rights heard the case of Catan and Ors 27 v Moldova and

Russia, Caldare and Ors 42 v Moldova and Russia, Cercavschi and Ors 98 v Moldova and Russia.

The applicants are citizens of the Republic of Moldova and inhabitants of the Transnistrian region, part of the sovereign territory of the Republic of Moldova but currently under the de facto control of Russian Federation-backed separatists. The cases were logged before Court in 2004 and 2006 by parents, teachers and pupils from Ribnita, Tighina (Bender) and Grigoriopol from Transnistrian region of Republic of Moldova and concerns violations of the rights to education, private life and freedom from discrimination.

In 1992 control of the eastern part of Moldova was taken by violence and military support from outside.

The self-proclaimed administration initiated the adoption of a "law" which sought to prohibit the use of Latin alphabet for Romanian language (defined as Moldovan) from all public fields of life in the region. Thus, the Cyrillic alphabet was imposed on the region's educational institutions, pupils and parents were forced to accept this linguistic anomaly, a combination of spoken and written language, which is not widely used even in the region.

The applicants in this case, were forced to accept the education of their children against their own beliefs or to resist to many and various pressures from illegal administration in the region.

They have insisted that their institutions remain under the jurisdiction and educational programs of constitutional authorities, the teaching being conducted in Romanian language in its natural form, with Latin script. As a result they were subject to an orchestrated liquidation policy through the siege and blockade of Latin-script schools, intimidation and prosecution, detention and „criminal investigation” of teachers, and threats and harassment of pupils and parents.

The case is a blatant example of discrimination on grounds of

language and ethnicity against ethnic Moldovans in the Transnistrian region. This is part of a broader policy of marginalization and discrimination against this ethnic group in the Transnistrian region, started in Soviet times. Attempts to liquidate these educational institutions have been classified by the OSCE as “linguistic cleansing”.

Helen Duffy and Padraig Hughes from INTERIGHTS said: “The European Court of Human Rights has on a number of occasions highlighted the need to avoid any vacuum in the system of human rights protection. Yet, in this case neither Moldova, the sovereign state, nor the Russian Federation, which exercises de facto control of the illegal administration, accepts that they have human rights obligations to the population of Transnistrian region. The applicants today urged the court to ensure that there can be no black hole in the territory of the Council of Europe.”

Representatives of the defense, lawyers from Promo-LEX Association were accompanied by one of the 167 applicants, Tamara Turcanu, a teacher of Lyceum Alexandru cel Bun from Tighina (Bender) and parent who struggled for years to ensure her children’s rights were respected. Mrs. Turcanu said with joy that: “finally our sufferings has the attention of the international community. I hope that European judges will understand our problems. I hope the governments of Russia and Moldova will finally make maximum efforts to prevent this kind of action. We do not want anything else than respect for our fundamental rights, so that our children enjoy free access to education and to enjoy their rights at home, in order to come back after graduating from faculties”.

Ion Manole and Alexandru Postica from Promo-LEX Association, representatives of the victims added: “Solving this case, in favor of the applicants, it is very important for the society and the region’s population, because it would provide some guarantees for many categories of people in this territory of the Republic of Moldova. Violations underlying this case began

in 1992, reached its peak in 2002-2004, and continue to the present day. It is important for the Court to confront directly the actions of the illegal administration within the territory of Moldova and condemn the respondent states. Otherwise the applicants will continue to have no efficient and reliable remedy in the face of serious violations of their rights, and in the space of Council of Europe will be a territory where people remain totally devoid of legal remedies. An area dominated by the phenomenon of impunity and lack of responsibilities”.

First public hearing was held on 9 June 2009, the case was declared partly admissible 15 June 2010. On 14 December 2010 the Chamber to which the case had been allocated relinquished jurisdiction in favor of the Grand Chamber which held the hearing of 25 of January 2012.

Government of the Republic of Moldova was represented by V. Grosu, Deputy Minister of Justice, assisted by L. Apostol.

Government of the Republic of Moldova was represented by G. Matyushkin, Governmental Agent of Russia, assisted by O. Sirotkina, I. Korieva, A. Dzutseva, N. Fomin, M. Molodtsova, V. Utkina, and A. Makhnev.

The applicants were represented by A. Postica, I. Manole, and P. Postica, lawyers from Promo-LEX Association, who were assisted by P. Hughes and H. Duffy, lawyers from [INTERIGHTS](#).

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The Moldovan Government will pay for restricting the freedom of assembly

On January 24, 2012 the European Court of Human Rights pronounced the judgment in the case of Brega and Others v. Moldova (Application No 61485/08).

The applicants, Ghenadie Brega, Anatolie Hristea-Stan, Gheorghe Lupușoru and Vasile Costiuc are members of a non-governmental organization from Moldova.

Between April 22, 2008 and February 3, 2009 the applicants organized and participated on several public meetings in Chisinau. While exercising their legal right to assembly, they have been repeatedly detained by police officers on charges of organizing unauthorized demonstrations, resisting arrest and assault on police officers. Later the applicants were acquitted on all counts of charges, due to lack of evidence. Even if applicants have filed a criminal complaint against the police officers who detained them, apparently no action was taken by the prosecution on the complaint in question.

Thus, in the complaint to the High Court, on December 16, 2008 the applicants complained of violation of Art.5 § 1 (Right to liberty and security), Art.10 (Freedom of expression) and Article.11 (Freedom of assembly and association) of the Convention.

The Court unanimously found violation of Art.5 § 1 ECHR, considering that applicants' detention on all demonstrations, except for the second applicant's detention from December 18, 2008 is subject to Art.5 § 1 (c) of the Convention. Also the

Court unanimously found violation of Art. 11 ECHR considering that applicants' arrest was an „interference by public authority” in the right to freedom of assembly. Given the findings in the Art.11 the Court considered it unnecessary to examine separately the alleged violation of Art. 10.

Based on the requests made by the applicants, the Court decided that the respondent State will pay the first applicant 10,000 euros as moral damages, 5,000 euros as damages for each of the other applicants, and 1,600 euros for costs and expenses.

Before the Court applicants were represented by Lawyer, Alexander Postica.

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A P P E A L

**from Moldova's civil society representatives
on the urgent need to replace the current peacekeeping mission
on the Nistru River**

Relying on the principles and values of democracy, based on respect for human dignity, promoted by and enshrined in key international documents, such as the Universal Declaration of

Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms;

Noting that the current so-called peacekeeping format

- was ab initio constituted with severe violations of the principles and conditions of an international peacekeeping mission, comprising only the warring parties and falling short of the minimum standards for an International Peace Mission;
- doesn't have any temporal limitation for its functioning, being politically, morally and internationally outworn;
- represents a real threat to the peace and security of Moldova as well as to individual security;
- is an inertial factor and an institutional obstacle to the political process of settling the Transnistrian conflict, this problem being a major impediment in the development of the country and having a negative impact on the population living on both sides of the Nistru;
- has been merely an instrument for protecting an illegitimate regime that appeared within the territory of Moldova and which has constantly neglected and violated the fundamental human rights and freedoms of the people living in the Transnistrian region, including in the so-called Security Zone, which was installed under a ceasefire agreement on 2 July 1992;

Considering and welcoming the fact that between November 30 and December 1, 2011 a formal "5+2" meeting was held in Vilnius, after a break of several years, as well as the fact that an Agenda has been established for a new meeting in February 2012 in Ireland;

Expressing condolences to the Pisari family from the village of Pirita, Dubasari district, whose 18-year-old son was killed on 1 January 2012 after being shot in the back by an officer from the so-called peacekeeping force;

Registering over the years further incidents with the illegal, abusive and disproportionate involvement of members of the so-called peacekeeping operation;

Noting that the plenary meeting of the European Parliament is due to take place during 16-19 January 2012, followed by the plenary session of the Parliamentary Assembly of the Council of Europe during 23-27 January 2012;

Recalling that the "5+2" format is the only internationally recognized setting for the settlement of the Transnistrian conflict and that its agenda is established by the member parties of this format;

Expressing our deep concern about the dramatic human rights situation in the Transnistrian region and about the absence of a legal and effective mechanism for defending and protecting all individuals, citizens or stateless persons;

Further expressing concern over the escalated situation as a result of the actions by the peacekeeping forces as well as over the social tensions in the communities located in the Security Zone and near the peacekeeping posts, caused in particular by the killing of an innocent young man;

Assuming that the joint efforts of all the actors participating in the "5+2" settlement format primarily aim at resolving of the Transnistrian issue, according to the official declarations pledging respect for the principles of international law concerning the settlement of conflicts by exclusively peaceful means, as well as respect for human rights and for Moldova's territorial integrity;

We are appealing to all the parties interested in the peace and security in this region of Moldova to endorse the following urgent actions:

- We request the urgent replacement of the current peacekeeping mission, which exists in a military format and which falls short of the UN peacekeeping standards, with a genuinely civil mission under an international mandate;
- We request that Russia unconditionally fulfills all the

commitments under the 1999 OSCE Summit in Istanbul, in particular those concerning the full and orderly withdrawal of troops and military stockpiles from this region of Moldova;

- We request the strict observance of all the provisions of the 1992 Moldova-Russia Ceasefire Agreement, in particular of Art.5 on the freedom of movement of people, goods and services within the territory of Moldova;

- We request an investigation, which is thorough, transparent and with international involvement, into the circumstances and causes that led to the death of Vadim Pisari, and which should establish to what extent the actions of the peacekeeping officer were appropriate for the situation and consistent with his mission;

We are further calling on all media organizations to correctly and impartially report on the developments in the wake of the fatal incident that occurred on 1 January 2012.

Chisinau, January 16, 2012

DOC – [APPEAL from Moldova's civil society representatives on the urgent need to replace the current peacekeeping mission on the Nistru River](#)

Eduard Elitov apprehended illegally and in inhuman conditions, waits the decision of the European Court of Human Rights

Recently the European Court of Human Rights communicated to the authorities of the Republic of Moldova and Russian Federation about new case of the Transnistrian region of the Republic of Moldova, Elitov v. Moldova and Russia (No 64075/11), lodged on July 10, 2011.

Eduard Elitov, the citizen of the Russian Federation, the doctor and the inhabitant of Tiraspol, is detained from august 2008 in inhuman conditions in the prison of the Transnistrian region, but his life is in danger because of advanced cases and absence of adequate medical assistance.

Eduard Elitov has the 3rd degree of disability, but on July 20 2010 and until present he is detained in the surgical section of the Treatment and Rehabilitation Centre of the detention centre of Tiraspol. Elitov suffer from arterial tension, ischemic heart disease, and post traumatic knee deformation of 3rd degree, which led to the locomotor dysfunction. Thereby in these two years of detention Eduard Elitov lost 16 kg, of weight suffered significant deterioration of his teeth, partially lost vision and cannot move normally.

Because the "penitentiary institutions" do not have medicines, the wife Eduard Elitov bought them and sent, and the further the Centre of Rehabilitation for torture victims of Chisinau ensured the necessary medicines and offered complex assistance of rehabilitation to his family. Also, Eduard Elitov has not been allowed to see his wife for over a year.

Before the Supreme Court the plaintiff claims the violation the Article 2 of the Convention (right to life), Article 3 (prohibition of torture), Article 5 paragraph 1 (Right to liberty and security), Article 8 (Right to private and family life) and Article 13 (Right to effective treatment).

Association Pomo-LEX thanks to Centre of Rehabilitation for torture victims „Memoria”, Association “Mothers for Human Rights” and lawyers, jurists implied in the protection of rights and constitutional interests of Eduard Elitov.

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Another case of domestic violence communicated by ECtHR

The Republic of Moldova has failed again to protect the victims of domestic violence. Thus, on December 19, 2011, the European Court of Human Rights communicated to the Government the case of T.M. and C.M. v. Moldova (No. 26608/11), where the applicants, mother and daughter, complained on the authorities' failure to fulfill its positive obligations to provide protection against the domestic violence that they were subjected.

The first applicant was married to M.M. since 2001. The second applicant was born from that marriage in 2002. M.M. got involved in gambling where he lost a large amount of money, didn't have a permanent job and accumulated many debts, at the

same time he became aggressive towards his wife and child. Thus, the family situation became tense, especially after several strangers, under threats forced the applicant to sign a receipt, at that moment she find out about her husband's debts. Following all this events T.M. filed for a divorce on February 25, 2010. In the divorce process, after submitting to the Court a request for division of assets, her husband became even more aggressive.

On June 22, 2010, T.M. complained about verbal violence by her husband, following which the latter was sanctioned administratively by paying a fin. Later, he continued to apply verbal and physical violence and not only against his wife but also against his child. The injuries caused to the two victims were confirmed by a medical report. The same repeated in March 2011 and a month later the applicant requested the issuance of a protection orders.

Even if the protective order was issued, the process was delayed and the rules for issuing the protective order were improper, which made the victims continue to be subject to violence, documented by evidence.

The Government is invited to comment on this case and to answer questions to the Court on how the authorities have exhausted their positive obligations: a) to protect the applicant against domestic violence and to attract the aggressor responsible providing the applicant's right not to be subjected to degrading and inhuman treatment; b) to provide effective remedy regarding the allegations of domestic violence, given the apparent impossibility of the execution of the protective order in force; c) to prevent gender-based discrimination.

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European Election Observers Launch Platform in Warsaw

Warsaw – On 12th December 2012, twelve civil society organisations supporting or conducting citizens' election observation in the states of the Eastern Partnership, the Russian Federation and the European Union have launched the "European Platform for Democratic Elections" (EPDE) in Warsaw.

"The support of citizens standing for democratic elections wherever they are at risk in Europe is our common aim and responsibility" said Stefanie Schiffer, chair of European Exchange (Berlin) and newly-elected coordinator of the Platform. Whereas all six countries of the Eastern Partnership of the European Union (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) and the Russian Federation have committed themselves to the principles of electoral democracies through their constitutions and international obligations, today none of these states fully meets the standards of democratic elections. "Election fraud has become a common tool for some of the post-Soviet countries to preserve power. The poorest records belong to the European Union's immediate neighbour states, Belarus and the Russian Federation, as well as Azerbaijan."

The aim of the "European Platform for Democratic Elections" is to assist citizens' election observation in the countries of the Eastern Partnership and in the Russian Federation, and to contribute to democratic election processes throughout Europe. The Platform will develop innovative methodologies to detect election fraud through citizens' observation, it will train citizens' observation networks in Eastern Europe and it will contribute to raising awareness for the findings of citizens'

election observation in European political structures.

The first activities of the European Platform for Democratic Elections are directed towards supporting citizens' observation during the upcoming presidential elections in 2013 in Armenia, Azerbaijan and Georgia, as well as towards the regional elections in the Russian Federation and in Ukraine.

The founding members of the European Platform for Democratic Elections are the Association GOLOS (Russia), Belarusian Helsinki Committee BHC (Belarus), Committee of Voters of Ukraine CVU, Election Monitoring and Democracy Studies Center EMDSC (Azerbaijan), European Exchange (Germany), Helsinki Citizens' Assembly VANADZOR (Armenia), Human Rights Center "Viasna" (Belarus), International Society for Free Elections and Democracy ISFED (Georgia), Norwegian Helsinki Committee NHC, Civil Network OPORA (Ukraine), Association Promo-Lex (Moldova) and Swedish International Liberal Centre SILC (Sweden).

Promo-LEX has been awarded for promoting human rights in Transnistrian region

On 10 December 2011, Promo-LEX Association received a *Human Rights Award for its initiatives to promote and defend human rights in the transnistrian region* within the 7th United Nations Human Rights Gala of Awards that was held to mark the Human Rights Day, annually celebrated on December 10.

According to UN in Moldova, Promo-LEX is the most visible non-governmental advocate for human rights protection in the

region of Transnistria, using effectively various advocacy techniques for keeping the subject high on the Moldovan Government and international organizations agenda, as well as providing assistance to several victims.

Promo-LEX uses litigation before the European Court of Human Rights (ECtHR) aiming to bring pressure and to expose human rights violations in the Transnistrian region. To date, Promo-LEX has 28 strategic applications filed with the ECtHR, out of which 22 concern the Transnistrian region. In such cases, Promo-LEX uses a variety of advocacy methods. Besides the legal work on both these cases, Promo-LEX works closely with victims' families, providing moral support and legal counseling.

For Promo-LEX, this is the third award and a precious acknowledgment of the work done by its team. Promo-LEX would also like to extend its gratitude to all its partners for cooperation and support.

Further, Promo-LEX is dedicating this award to all the people who fight for human rights and human dignity.

UN Moldova held the Gala to award outstanding achievements in the field of human rights in the Republic of Moldova in 2011. The winners of the Gala were selected based on a process of public consultation and evaluated by human rights experts in the country.

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