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# A new case of abusive deprivation of liberty on the left bank

Alexandru Coliban, aged 22, was sentenced to 2 years and 6 months in jail in Transnistria. Alexandru is accused of distributing defamatory campaign posters against Evgheni Sevciuk in last year's presidential campaign. The young man is originally from Kamenka, but lived for long time in Chisinau. Diana Raileanu talked with Pavel Postica, a lawyer with Promo-LEX, an organization specialized in defending the rights of detainees in the Transnistrian region:

**Pavel Postica:** Alexandru Coliban was presented with two counts of charges by the so-called Transnistrian law enforcement. The first is the so-called crime of libel in that he, with the help of other persons, created and distributed campaign

materials and posters of defamatory content against supposed president Evgheni Sevciuk. This was the first charge. The second refers to the exactly same actions, alleging by doing so, he prevented people on the left bank of the Nistru River from freely exercising their electoral rights.

**Radio Free Europe: Are you suggesting that behind these accusations lies the Transnistrian regime's intolerance towards people who may have different opinions than them, and that the regime would want to provoke Chisinau?**

Pavel Postica: In my opinion, we can speak of both. Indeed there is hatred towards anything that comes from the right bank of Nistru. The organizer of the campaign operation was a citizen of Ukraine who was hired by interested actors in the Russian Federation and was convicted in February 2012 to 3 years in jail. However, soon after that – a month later at most – at the insistence of those interested actors in the Russian Federation (there were allegations on some forums that I would not dismiss as groundless that say it was Sergey Naryshkin), the Ukrainian was released. In contrast, six months later, a citizen of Moldova was found and deprived of freedom. Indeed it is a political decision of supposed president Sevciuk. In the case there is a specific request of his representative demanding expressly that Alexandru Coliban be sentenced to 3.6 years in prison, while the organizer of the entire campaign received a 3-year sentence.

**Radio Free Europe: Mr. Postica, how often can Alexandru's relatives visit him?**

Pavel Postica: "So far, from June until now, the relatives were able to see him five times, for short, 10 to 15 minute meetings, were able to have one long-term meeting. They said he is in poor health, his mother, with tears in her eyes, said that her son requires medical attention, and that the only possibility is to pass to him certain medications, but the

only treatment the penitentiary made available to him was a thermometer for measurements and nothing more.

**Radio Free Europe: Mr. Postica, you will take the case to the ECtHR. Why would Moldova and Russian Federation be guilty in this case?**

Pavel Postica: “We claim that both the Russian Federation and the Republic of Moldova would be guilty of violating the rights of Alexandru Coliban for the following reasons. In the case of Moldova, it is its territory and Moldova should take every measure it can to free this person and to hold accountable those who have illegally deprived him of liberty, which the legal authorities certainly do not do. As for the Russian Federation, though its military, economic, and political support to the Tiraspol administration, it is able to take action to release Alexandru. If they do not push for the release of the young Moldovan, we believe that they are co-participants to the violation of Alexandru Coliban’s rights.

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**One must fight continuously**

# to protect their rights

Political analysts say that 2012 was a good year for Transnistrian settlement negotiations, and the main achievement of the year was that Tiraspol and Chisinau resumed dialogue and the strategy of small steps. But how was 2012 for the people on the left bank, especially since human rights advocates in the region argue that people continue to be illegally detained by the Tiraspol regime? Let's hear the answers to these questions, in a few minutes, from Ion Manole, director of Promo-Lex Association, known for providing legal advice to detainees and their relatives in the region.

**Ion Manole:** If we refer to the Transnistrian region, especially human rights, we cannot report many progresses, except maybe for the fact that they accepted a wider international mission in this respect. I refer to Thomas Hammarberg, who was appointed special envoy and UN Special Rapporteur for the Transnistrian region, with the task to monitor human rights in the region. Over the last year, he made three visits to the region, where spoke to victims, met with people who are in detention, involving the civil society in this work. We are now waiting for his final report, which is due in January or February, to see what are the expert's conclusions. Yes, there is a revigoration at the political level, we see that, after five years, political talks in the 5+2 format were finally resumed, and we hope that the resumption of talks at the political level will push things in a direction to better to ensure the human rights of all citizens and people living in this area.

**Radio Free Europe:** Mr. Manole, an important decision this year was the ECtHR judgment on the Latin script schools in the Transnistrian region. Although some time has passed, we can say that the situation of these schools has improved somewhat since then?

Ion Manole: Unfortunately, the reaction of the separatist regime is difficult to understand. Even if they are younger – everyone, including us, was glad the region has a new leadership, and we hoped that this change would bring a change in attitude and the mentality in the Transnistrian region – we see that their reaction was quite unsound. I do not think we will reach any visible progress in 2013. Tiraspol's reaction to the judgment and the latest developments in the 5+2 political talks give us little hope that the human rights situation, including that of the schools, will improve in any way. We have formulated a resolution on actions to be taken to ensure the right to education in the Eastern region of Moldova and in this resolution we made some recommendations for the Moldovan legal authorities, primarily to ensure the right to education in the region. I want to believe – and I am certain of this – that everything will depend on the Moldovan government, on how it will be able to use the ECjHR judgment to try, at least, to demand respect for the rights of all students, teachers and parents in this region, without discrimination.

**Radio Free Europe: As far as I remember, the principals of these schools from Ribnita, Bender and Grigoriopol sent a petition to Russian authorities demanding that their premises, seized by the Tiraspol administration, be returned. What are the chances of this happening?**

Ion Manole: In the ECtHR judgment on the schools case, the Russian Federation was once again recognized as responsible for everything that happens in this region. Russia controls the events there, it finances, encourages and offers multilateral support to the regional regime, therefore only Russia can now insist on respecting the rights of these people. If things do not change, absolutely all teachers, parents and students from the region will be entitled to file new cases to the ECtHR. The case we won in 2012 referred to 170 persons who claimed their rights were violated, while the

actual number of such people in the region is much higher. They change almost every year – some come, others leave – and if Russia doesn't take any steps to address the problems stated in the judgment of the European Court, the case of these schools may become a very important precedent teachers and parents, students in these schools could use.

**Radio Free Europe: Mr. Manole, this year, police officer Alexandru Ursu, who had been sentenced to 15 years in prison for alleged embezzlement, was released from jail. What is the fate of this man?**

Ion Manole: He is with his family now, he is doing well. Nevertheless, we committed to handling his case against illegal detention in the region and to represent him in the European Court, where the case was filed.

**Radio Free Europe: How do you explain the fact that the authorities reacted to his case only after he'd spent three years in jail?**

Ion Manole: You know, often people seeking help think that once they send one letter or petition to a human rights NGO or a government authority, their problem is solved. However, this is not what happens. Officials worldwide tend to violate or ignore certain rules or rights – sometimes in good faith, other times sometimes with ill intentions. One must fight continuously to protect their rights. The Ursu family who fought for Alexandru to be released proved it. All people who have close relatives in those jails should do so. As for the delayed response of the legal authorities, it is understandable. For 20 years, the government became used to not do anything or even to ignore their obligations to protect, defend, and to get involved in protecting and defending the rights all persons in Moldova; sometimes they even cooperate with the regime in Tiraspol. This is a systemic problem. In the last 20 years, the authorities haven't done

anything, and I want to note that they continue doing virtually nothing in this sense.

**Radio Free Europe: On the other hand, Alexandru Ursu's case is a happy ending, but how many like him are there actually in Transnistria?**

Ion Manole: This year, before the resumption of 5+2 negotiations, we sent appeals to the participants in talks calling to release an impressive number of people whose cases are managed by Promo-Lex. Not only Alexandru Ursu, but other people too were released from prison this year. At the same we still have many more cases of people that remain in illegal detention in these prisons, and the legal authorities show no particular interest or capacity nor the desire to engage in these cases. We will continue on a case-by-case basis to demand that the rights of these people be respected, and that they be released. I refer to the case of Mr. Eriomenco, a businessman from this region: the case, in fact, is a score settling situation between the two former partners, and, instead of defending the rights of Mr Eriomenco, the authorities worsened his situation by providing data about him to the Tiraspol regime. The first case we will focus on now will be that of Mr. Eriomenco.

**Radio Free Europe: What did people seeking help from Promo-LEX complain about most in the past year?**

Ion Manole: I would say that all the range of rights and freedoms are violated in Transnistria. Unfortunately the local civil society misunderstands the meaning of human rights and their importance for the normal development of a society. Often we are accused of getting politically involved even by our colleagues; in their view, which is influenced by the propaganda in the region, any work related to human rights is political. But it isn't so. Defending human rights does not interfere in any way with politics. Obviously those who defend human rights touch some sensitive political chords, but in any

case they do not influence the behavior of parties or that of a society.

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