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## U.S. Department of State

### Country Report on Human Rights Practices for 1998

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#### MOLDOVA

Moldova gained its independence from the Soviet Union in 1991. In 1994 it adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. President Petru Lucinschi began his 4-year term in 1997. In March parliamentary elections, 4 center and center-right parties won 61 seats and formed a coalition government. Prime Minister Ion Ciubuc retained his office. The Communist Party won the remaining 40 seats and is in the opposition. International observers considered the elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. Although increasing in independence, the judiciary is still subject to the influence of the prosecutor's office.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the Government's preoccupation with elections, failure to produce a coherent national policy, and the separatists' continuing demands for "statehood" and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. One positive step in normalizing relations occurred in June when the Dubasari bridge across the Nistru River, the "border" of Transnistria, was reopened. In October the Government announced a unilateral reduction of troops in the zone. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National Security controls other security organs, including the border guards ((97 text; still correct?)). The Constitution assigns to Parliament the authority to investigate the activities of these ministries to ensure that they comply with existing legislation. Some members of the security forces committed a number of human rights abuses.

The country continued to make progress in economic reform. The new Government includes Ministers of the Economy and Finance whom international observers view as reformers. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. In 1997 the government land privatization program helped to break up more than 70 joint stock associations, the successors to the collective farms, and to issue land titles to their former members. This program has proven extremely popular, and hundreds of additional farms have signed up to participate in it. Only a few association managers did not support the program, particularly in Gagauzia. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$440 per capita but may be considerably underestimated because of underreporting for tax purposes. The officially reported median salary is \$45 per month. According to government statistics about 80 percent of the population lives below the poverty level and 10 percent of the rural population has a per capita income of less than one-quarter of that level. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. GDP rose slightly in 1997 but projected growth for 1998 was hampered by the effect of the Russian economic crisis. Real growth may be masked by unreported production. A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate is stable and the average monthly inflation rate was under 1 percent. The external debt totaled over \$600 million. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens, however, there were problems in some areas. The police occasionally beat detainees and prisoners. Prison conditions remain harsh, with attempts to improve them hampered by lack of funding. The judiciary is subject to the influence of the prosecutor's office. Security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. Journalists practice self-censorship. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persists. Trafficking in women is a problem. Addressing a minority concern, the Constitution allows parents the right to choose the language of education for their children.

The Transnistrian authorities continue to be responsible for abuses, including questionable detentions, harassment of independent media, restrictions on freedom of religion, and discrimination against Romanian/Moldovan speakers.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no reports of politically motivated killings either in Moldova or its separatist region.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment. There were no allegations of torture by the authorities, but there were credible reports that police sometimes beat prisoners or suspects.

There was an unconfirmed NGO report of two police officers beating Roma in Soroca in an incident in 1997.

Conditions in most prisons remain harsh, with serious overcrowding. Cell sizes do not meet local legal requirements or minimum international standards. Conditions are especially harsh in prisons used to hold persons awaiting trial or sentencing. These prisons suffer from overcrowding, bad ventilation, and a lack of recreational and rehabilitation facilities. Conditions for those serving sentences are only marginally better. The incidence of malnutrition and disease, especially tuberculosis, is high in all facilities. Abuse of prisoners by other prisoners or jailers themselves, ostensibly for disciplinary reasons, has been reduced by the dismissal or retirement of some of the worst offending guards. The Ministry of Justice administers the prison system. Attempts to improve prison conditions are frustrated by a lack of financing. One new prison was opened during the year, in an attempt to reduce over crowding and improve conditions.

Human rights monitors are permitted to visit prisons.

Requests by human rights monitors to inspect prisons in Transnistria have been refused.

After questionable trials, four ethnic Moldovans are serving sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). The Helsinki Committee for Human Rights (HCHR) in Moldova was allowed to send medical experts to examine one of the prisoners in March. In March Tudor Petrov-Popa, another of the "Tiraspol Six," attempted suicide by slashing his abdomen with a razor. Transnistrian officials claimed that Petrov-Popa received proper medical treatment and that his condition had stabilized. In October representatives from the OSCE finally were permitted to visit Ilie Ilascu in his Tiraspol prison, after Transnistrian authorities had denied their requests for months. The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and 1993 in Tiraspol, but later was denied visitation. The ICRC did not request a visit in 1998.

d. Arbitrary Arrest, Detention, or Exile

The former Soviet Code on Penal Procedure remains in force with some amendments. Prosecutors issue arrest warrants. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect is normally allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged, a suspect may be released pending trial. There is no system of bail, but in some cases, a friend or relative, in order to arrange release, may give a written pledge that the accused would appear for trial. Suspects accused of violent or serious crimes generally are not released before trial. The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right under the Constitution to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice in October, of a prison population of 10,521, 1,530 persons were held in confinement awaiting trial (these statistics do not include persons held in

Transnistria).

According to the Constitution, a detained person must be informed immediately of the reason for his arrest and must be made aware of the charges "as quickly as possible." The accused has the right to a defense attorney throughout the entire process, and the attorney must be present when the charges are brought. Many lawyers point out that access to a lawyer generally is granted only after a person has been detained for 24 hours. If the defendant cannot afford an attorney, the State requires the local bar association to provide one. Because the State is unable to pay ongoing legal fees, a lawyer who is less than competent or energetic often is chosen.

The Transnistrian authorities have imposed a state of emergency that allows law enforcement officials to detain suspects for up to 30 days, reportedly without access to an attorney. There were no reports that Transnistrian authorities used this provision during the year.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, however, the prosecutor's office still has undue influence. However, many observers believe that arrears in salary payments make it difficult for judges to remain independent and free from corruption. Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. They may be reappointed for a subsequent 10 years, after which they serve until retirement age. This provision for judicial tenure is designed to increase judicial independence.

The judiciary consists of lower courts of the first instance, five appellate courts (tribunals), a Higher Court of Appeals, a Supreme Court, and a Constitutional Court. The Supreme Court supervises and reviews the activities of the lower courts, and serves as a final court of appeal.

By law defendants in criminal cases are presumed innocent. In practice prosecutors' recommendations still carry considerable weight and limit the defendant's actual presumption of innocence. Trials generally are open to the public. Defendants have the right to attend proceedings, confront witnesses, and present evidence. Defense attorneys are able to review the evidence against their clients when preparing cases. The accused enjoys a right to appeal to a higher court. Because of a lack of funding for adequate facilities and personnel, there is a large backlog of cases at the tribunal and Higher Appeals Court levels. Court decisions involving the restitution of salary or a position are not always implemented.

To date no pattern of discrimination has emerged in the judicial system. The Constitution provides for the right of the accused to have an interpreter both at the trial and in reviewing the documents of the case. If the majority of the participants agree, trials may take place in Russian or another acceptable language instead of Romanian/Moldovan.

There continue to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. Such charges were brought against a prosecutor and a deputy prosecutor in Cainari in 1997; in the fall the two were convicted and sentenced to 10 years in prison each. Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

There were no reports of political prisoners outside Transnistria.

In Transnistria, four ethnic Moldovans, members of the "Ilascu Six," (one of whom, Ilie Ilascu, is an elected member of the Moldovan Parliament but has never been able to take his seat) remain in prison following their conviction in 1993 for allegedly killing two separatist officials. International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Front, a Moldovan political party that favors reunification with Romania. Family members have been allowed access. The HCHR in Moldova was allowed to send medical experts to examine one of the prisoners in March, and the OSCE was permitted to see another prisoner in October.

#### F. Arbitrary Interference With Privacy, Family, Home, Or Correspondence

Prosecutors issue search warrants. In some instances searches are conducted without warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

It is widely believed that security agencies continue to use electronic monitoring of residences and telephones without proper authorization. By law the prosecutor's office must authorize wiretaps and may do so only if a criminal investigation is under way. In practice, the prosecutor's office lacks the ability to control the security organizations and police and prevent them from using wiretaps illegally.

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press, although with some restrictions. The Government does not abridge freedom of speech, and the print media express a wide variety of political views and commentary. National and city governments subsidize a number of newspapers, but political parties and professional organizations, including trade unions, also publish newspapers. Most newspapers have circulations of less than 5,000.

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these "independent" media are still in the service of a politician or political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including a religious one, with some rebroadcasting from Romania and Russia. There are two independent television stations in the Chisinau area and one in the city of Balti. The Government owns and operates several radio stations and a television channel that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations.

The Constitution restricts press freedoms, forbidding "disputing or defaming the state and the people" and political parties that "militate" against the country's sovereignty, independence, and territorial integrity. These restrictions lack implementing legislation and are not invoked. The press law includes an article that allows public figures to sue for defamation without distinguishing between their private and public persons. Criticism of public figures has resulted in a number of lawsuits, and as a consequence, journalists practice self-censorship. In cases where suits have been filed against journalists and media organs, the plaintiffs usually lose. There is no freedom of information legislation, and

journalists and ordinary citizens often have difficulty obtaining information from government organizations.

The Government does not restrict foreign publications. However, foreign publications do not circulate widely since they are very expensive by local standards. However, Russian newspapers are available, and some publish a special Moldovan weekly supplement. The country receives television and radio broadcasts from Romania and Russia. A very small number of cable subscribers receive a variety of foreign cable television programs.

Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There are also independent newspapers in Tiraspol and the northern Transnistrian city of Ribnitsa. The latter two criticize the regime from time to time and have been harassed by the separatist authorities. Other print media in Transnistria do not have large circulations and appear only on a weekly or monthly basis. Nonetheless, some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but currently is producing less than 10 hours of programming per week. Resistance to this move comes from the local official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues. Most Moldovan newspapers do not circulate in Transnistria. Circulation of all print media in Transnistria is hampered by the closed nature of society, as well as by the local economic crisis, which is more severe than in the rest of the country.

The Government respects academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly and authorities respect this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large.

The Constitution states that citizens are free to form parties and other social and political organizations. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." In October Parliament passed a law allowing only political parties of 5,000 members or more to be registered officially.

#### c. Freedom of Religion

The Government generally permits the free practice of religion. However, a 1992 law on religion that codifies religious freedoms contains restrictions that could inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. However, the law forbids proselytizing and requires that religious groups register with the Government in order to hire noncitizens. The Salvation Army was unable to register in 1996 as a religious denomination, because it did not meet the requirement of having a citizen as the organization's legal head. Similarly, on technical grounds Jehovah's Witnesses were unable to register in Tiraspol in 1997.

Although some Protestant denominations are concerned that the prohibition on proselytizing could inhibit their activities, to date, the authorities have not taken legal action against individuals for

proselytizing. The Parliament amended the law to legalize proselytizing in November, in principle bringing Moldovan legislation in line with the European Convention on Human Rights. However, the draft law would explicitly forbid "abusive proselytizing," and the bill defines "abusive" broadly. For example, taking advantage of a person's naivete, low intellect, or lack of experience would fall under this definition. Many Protestant denominations are concerned about the possible enforcement of this broad definition of abusive proselytizing. The President had not yet signed the law by year's end.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. In 1992 a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate, in order to form the Bessarabian Orthodox Church. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Dniester and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims as the principal reason. The issue has political overtones as well, since it raises the question whether the Orthodox Church should be united and oriented toward Moscow or divided with a branch oriented toward Bucharest, although leaders of the Moldovan Orthodox Church appeared more interested this year in independence than alliance to Moscow. In 1997 the Supreme Court overturned an appeals court decision affirming the right of the Bessarabian Church to be registered. However, the Supreme Court's decision was based on a procedural issue, rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court.

In January authorities in Transnistria cancelled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials confiscated a truckload of religious tracts in May 1997 and have refused to return them until the group is registered properly. According to local leaders of Jehovah's Witnesses, several members have been questioned by local state security officers but always have been released within 1 hour.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict travel within the country, and there are no closed areas. Citizens generally are able to travel freely; however, there are some restrictions on emigration. Close relatives with a claim to support from the applicant must give their concurrence. The Government also may deny permission to emigrate if the applicant had access to state secrets. However, such cases are very rare, and none were during the year.

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles.

Moldova is not a party to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol. The Government has no processing procedures for potential refugees resident in the country. The issue of providing first asylum has never arisen formally. There were no reports of the forced return of persons to a country where they feared prosecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens voted in the second multiparty parliamentary elections in 1998, after the country's second presidential election in 1996. Members of 4 center and center-right parties won a clear majority with 61 of 101 seats and formed a coalition government. International observers considered the elections to be

free and fair, but Transnistrian authorities interfered with citizens' ability to vote by blocking busses carrying citizens who were heading for the west bank of the Dniester to cast their ballots. The establishment of a coalition government and the peaceful transition of presidential power in 1997 represent further progress in the transition to democracy.

The Constitution adopted in 1994 provides for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President, as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. However, a minister can only be dismissed with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister.

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