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Issue Paper MOLDOVA STATE PROTECTION March 1995

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1. INTRODUCTION

On 23 June 1990 the Moldavian Soviet Socialist Republic proclaimed its sovereignty; full independence from the Soviet Union was declared on 27 August 1991 (Twining 1993, 91). With an area of 33,700 square kilometres, Moldova is the second smallest of the states to emerge from the former USSR (*ibid.*, 89). Bordered by Romania and Ukraine, most of the country lies between the western Prut and eastern Dniester Rivers.

A small portion of the country on the eastern left bank of the Dniester River declared autonomy from the Republic in September 1990 under the name of the Dniester Moldovan Republic (DMR) [The DMR is referred to by some sources as the Transnistrian Moldovan Republic (TMR), although the phrase is not used in this paper.]; it is also commonly known as the Left Bank, while the rest of Moldova is sometimes called the Right Bank. The area seceded officially following the Moldovan declaration of independence (US Helsinki Commission Apr. 1994, 2). In August 1990, the southern section of the Republic, inhabited primarily by a Christian Turkic people known as the Gagauz, also declared autonomy under the name of the Gagauz Soviet Socialist Republic (*ibid.*, 3; RFERL 19 Aug. 1994, 20). Neither republic is currently recognized by the international community (Basapress 28 Oct. 1994; Council of Europe 7 Oct. 1994, 18).

In mid-1992, the World Bank estimated the Moldovan population at 4,351,000 (EIU 1994a, 54). Approximately 64 per cent of the population is ethnically Romanian ["Ethnic Moldovans" are in fact ethnic Romanians (Helsinki Watch Mar. 1993, v).] (Twining 1993, 89); a further 14 per cent are Ukrainian and 13 per cent Russian (*ibid.*), and in Chisinau, despite being a minority, have formed what one source has referred to as an "urban elite" (*The Economist* 30 Oct.- 5 Nov. 1993, 62). According to the World Bank, the population in 1992 was 46.6 per cent urban and 53.4 per cent rural (EIU 1994a, 54). Most of the rural population is Romanian (IHF Dec. 1991, 2). The capital Chisinau, Kishinev in Russian, has a population of approximately 800,000, about half of whom are ethnic Romanian (*ibid.*). Other major Moldovan cities include Tighina-also known as Bender or Bendery (*Current History* Oct. 1994, 343; EIU 1994b, 47), Beltsi and Tiraspol, with populations of 132,000, 162,000 and 184,000 respectively, according to the 1989 Soviet census (CIA Jan. 1992, 4). [For further information on the

region's demography, see Documentation, Information and Research Branch (DIRB), Immigration and Refugee Board, Ottawa. July 1993. *Moldova: Internal Flight Alternatives.*]

The Moldovan head of state is President Mircea Snegur, a former Communist who broke with the Party in 1990; presidential elections are scheduled for 1996 (RFERL 11 Mar. 1994, 8-9). Elections for the 104 seat parliament were held on 27 February 1994. The Agrarian Democrats, a coalition of moderate reformers and former Communists, formed a majority government when they won 56 seats, receiving 43 per cent of the vote (*ibid.*, 8-10; US Helsinki Commission Apr. 1994, 1, 5).

In terms of state protection of their citizens, leaders from all areas of Moldova face similar challenges: to establish a viable legislative and administrative framework for protection of their population, and to ensure that any existing legal protection functions effectively in practice. This paper examines the extent to which Moldova and the Dniester and Gagauz enclaves have realized these goals. Sections 2, 3 and 4 examine legislative reform, security structures and the judicial system. Section 5 provides a brief description of the situation in the Gagauz enclave and Section 6 looks at the DMR.

2. LEGISLATIVE FRAMEWORK

For some time the Moldovan government has been working on a judicial and legal reform program with a variety of international groups, including the Conference on Security and Cooperation in Europe (CSCE) [At the end of 1994, the CSCE changed its name to the organization for security and cooperation in Europe (OSCE). (AFP 30 dec. 1994)], the American Bar Association and the Council of Europe (*CSCE ODIHR Bulletin* Autumn 1993, 36). Draft legislation has been sent to the American Helsinki Watch, the Council of Europe and other international organizations for "expert evaluation" (*Country Reports 1993 1994*, 979). One individual who has taken part in consultations indicates that the Moldovans' efforts are sincere and that they are committed to reform (Rader 7 Nov. 1994). *Country Reports 1994* states that a draft "concept" of judicial reform has been approved, although many laws necessary to implement it have not yet been enacted (*Country Reports 1994 1995*, n.p.). In a year-end speech, Parliamentary Speaker Petr Luchinskiy noted that despite the renewed efficiency of the Moldovan government following the February 1994 election, the implementation of laws is still a "weak point" (*Infotag* 29 Dec. 1994).

2.1 Criminal Code

Moldova continues to use the Soviet criminal code with amendments (AI Mar. 1994a, 2; Rader 7 Nov. 1994). Edwin Rekosh, Project Director with the International Human Rights Law Group in Bucharest, states that there were no immediate plans to introduce an entirely new code and that the government plans to continue to amend the old one as necessary (Rekosh 28 Nov. 1994). The Minister of Justice, Vasile Sturza, has said that the creation of a new criminal code, as well as a code on criminal procedure, would require "several years" (*Nezavisimaya Gazeta* 15 Oct. 1994).

2.2 Constitution

A new constitution was drafted in late 1993, but it was not submitted to Parliament until after the February 1994 elections (RFERL 11 Mar. 1994, 7). Parliament adopted the new Moldovan constitution in late July; it went into effect on 27 August 1994, the anniversary of the country's independence, superseding the 1978 Constitution of the Moldavian Soviet Socialist Republic (*ITAR-TASS* 28 July 1994a; *Interfax* 27 Aug. 1994). The document declares that "human dignity, human rights and freedoms, free development of the individual, justice and political pluralism" are the highest values and are therefore to be protected by the state (*ibid.*; Council of Europe 7 Oct. 1994, 6; Radio Romania 8

July 1994). It also states that "the legislative, executive and juridical authorities are separated and they exercise their authorities as stipulated by the Constitution" (*ibid.*). Article 53 allows citizens "whose rights are infringed by the authorities ... to petition for recognition of their rights The state bears full legal responsibility for damages caused by courts or by investigating institutions during the whole of the criminal procedure" (Council of Europe 7 Oct. 1994, 6).

The Council of Europe, whose representatives have been working with the Moldovans on legal reform, has declared that the constitution, "irrespective of several deficiencies ... provides solid legal foundation for the creation ... of a democratic state based on the rule of law" (Council of Europe 7 Oct. 1994, 7). At the same time, concern has been expressed that certain of the document's clauses could be used to limit some fundamental rights (*ibid.*, 6-7). Article 54, which stipulates that some rights and freedoms may be restricted "to protect national security or public order, health or morals; the rights and freedoms of citizens under criminal investigation; to prevent the consequences of natural disasters or damages and injuries," has been singled out as such a clause (Constitution of the Republic of Moldova 29 July 1994, Art. 54; Council of Europe 7 Oct. 1994, 7; Sutton 4 Nov. 1994).

The new constitution also provided the basis for a threatened suspension of a number of political parties. On 2 September 1994, the Prosecutor's Office [The Russian word *Prokuratura* is translated as "Prosecutor's office," (Wheeler 1984, 633), although the office is often referred to as the "Procuracy."] claimed that the statutes of a number of parties violated Article 41, which declares unconstitutional any party or socio-political organization "which, through their aims or their activities, militate against political pluralism, the principles of the rule of law, or the sovereignty and independence and territorial integrity" of Moldova (Constitution of the Republic of Moldova 29 July 1994, Art. 41; Radio Romania Network 2 Sept. 1994). Those affected by the proposed suspension included the Christian Democratic People's Front (CDPF), the Unitate-Edinstvo Movement [For further information on the Unity Movement, also known as Unitate-Edinstvo or the Interfront movement, refer to Responses to Information Requests MDA18780.E of 10 November 1994, MDA17090.E of 3 May 1994 and MDA13195 of 17 February 1994.], the Intelligentsia Congress, the National Christian Party, the Green Party (*ibid.*) and the United Democratic Congress (Basapress 5 Sept. 1994). During discussion of the matter, Parliamentary Speaker Petr Luchinskiy stated that the affected parties would be able to appeal the decision in court (ITAR-TASS 23 Sept. 1994).

Sources differ on the outcome of the Procurator's action. According to *Keesing's*, ITAR-TASS, Basapress, a press agency variously described as "independent" and "quasi-official" (Sutton 4 Nov. 1994; Ginsburgs 12 Dec. 1994) and Vladimir Socor, a writer on Moldovan affairs for Radio Free Europe, the activities of the CDPF were suspended (Keesing's Sept. 1994, 40201; ITAR-TASS 23 Sept. 1994; Basapress 28 Sept. 1994; Socor 2 Nov. 1994). Edwin Rekosh and Susan Sutton, Second Secretary at the United States embassy in Moldova, state that none of the threatened suspensions were in fact carried out (Rekosh 28 Nov. 1994; Sutton 4 Nov. 1994), as does *Country Reports 1994* (Country Reports 1994 1995, n.p.).

Following the adoption of the constitution, the government planned to establish travelling working groups that would promote awareness of the document among the population (Basapress 16 Aug. 1994). However, according to Randall Rader, a United States judge who recently visited Moldova, the government had not yet begun to publicize the document in November 1994 or advise the public of their new legal rights (Rader 7 Nov. 1994).

2.3 Language and Minority Laws

In accordance with language laws updated in 1989 [For further information on this subject, see

Documentation, Information and Research Branch (DIRB), Immigration and Refugee Board, Ottawa. July 1993. *Moldova: Internal Flight Alternatives.*], the government had planned to test public sector personnel for fluency in Moldovan/Romanian beginning in April 1994, but on 1 April the government postponed testing until 1 January 1997 (ITAR-TASS 1 Apr. 1994; *Izvestiya* 21 June 1994). The government has also abolished the requirement that those already working take the test (ibid.) and individuals remain legally permitted to use Russian in state institutions (*Pravda* 26 July 1994).

According to Edwin Rekosh, a draft law on national minorities is before the Commission of Human Rights and National Minorities; it is currently only at the general discussion stage and is reportedly not considered a top priority (Rekosh 28 Nov. 1994).

The British Helsinki Human Rights Group (BHHRG) has noted that "complaints have been made ... by the Russian minority on the Right Bank. Some Russian schools have been closed and Romanian ones opened; Russians complain of losing their jobs in favour of Romanian/Moldovans" (BHHRG 1994, 33), observations made elsewhere as well (*The Guardian* 25 Feb. 1994; TASS 22 Mar. 1994; *Nezavisimaya Gazeta* 29 Oct. 1994). For example, a 29 October 1994 *Nezavisimaya Gazeta* article, quoting Socialist Unity deputies, stated that non-Moldovan-speakers may have difficulty finding jobs and are being "steadily released" from state institutions. Though the article states that Moldovan leaders "bear no ill will", it concludes that because of the "pressure of circumstances" and "practical expediency", Russians are treated as second-class citizens (ibid.). At the same time, in February 1994, Kapitolina Kozhevnikova wrote in *The Guardian* that the initial fear of "two years ago when a Russian did not dare go out after six or seven in the evening" had disappeared (The Guardian 25 Feb. 1994). Professor George Ginsburgs, a Rutgers University professor of foreign and comparative law, points out that the Russian press continues to express concern about the lack of "social protection" for Russian-speakers throughout the former Soviet republics (Ginsburgs 12 Dec. 1994).

3. SECURITY STRUCTURES

3.1 Ministry of National Security

Shortly after Moldova declared independence in August 1991, the government abolished the KGB and created the Ministry of National Security, which controls the country's security organs (*Countries of the World and Their Leaders Yearbook 1994* 1994, 915; *Country Reports 1993* 1994, 975). At that time there was officially an extensive turnover of personnel and those associated with the KGB were removed (Socor 2 Nov. 1994; Sutton 4 Nov. 1994), although Susan Sutton is uncertain to what extent the personnel was in fact changed (ibid.). Professor Orest Subtelny, a York University history and political science professor, believes that while a number of high-ranking Ministry officials were removed, the lower and middle ranks likely remained the same (Subtelny 12 Dec. 1994). Reportedly, the National Security Ministry's only role in law enforcement is to investigate organized crime and drug trafficking (Sutton 4 Nov. 1994). In August 1993, Vadim Shevtsov, DMR Security Minister, estimated there were 1,500 people in the Moldovan security apparatus (*Romania Libera* 3 Aug. 1993); corroborating information is not available.

According to the head of the Moldovan Security Ministry's press service, Valeriu Daraban, the Ministry's activities are not covered by legislation, but are regulated by the government (Basapress 20 July 1994). *Country Reports 1993*, published in February 1994, describes the parliamentary oversight of security organs as "limited" (Country Reports 1993 1994, 975).

The Parliamentary Committee for National Security and the Maintenance of Public Order, which oversees the Security Ministry, has been preparing a series of bills, *inter alia*, to establish a legal

framework for the Ministry (Basapress 6 Sept. 1994; Council of Europe 7 Oct. 1994, 20). Certain laws have already been enacted, including the Act on the Frontiers of the State and the Act on State Secrets (*ibid.*). Other areas the Committee has received a mandate to cover include national security, military doctrine, state security, security institutions, civil protection and passport regulations (Basapress 6 Sept. 1994). It was expected that the results of the Committee's work would be presented to parliament in October or November 1994 (*ibid.*).

The Council of Europe reports that an Act on the Activities of the Security Services was passed on 12 April 1994 which the Council considers "of vital importance for the creation of the rule of law" (Council of Europe 7 Oct. 1994, 20). This Act allows for people who believe their rights have been violated by the Ministry to bring their complaints to a supervisory organ answerable to parliament, the public prosecutor's office or the court; the act also outlines the necessary steps to obtain redress in such cases (*ibid.*).

According to one report, in the late summer of 1994 a special autonomous service was established to protect state, government and parliamentary headquarters and officials (Basapress 5 Aug. 1994). The service employs approximately 200 people (*ibid.*).

3.2 Police

The police are the responsibility of the Ministry of Internal Affairs (*Country Reports 1993 1994*, 975). According to the government organ *Nezavisimaya Moldova*, in 1993, over 2,500 people were admitted to the police forces, 756 in leadership positions (*Nezavisimaya Moldova* 25 Jan. 1994). Of all those admitted, only 191 had specialized legal education (*ibid.*). Internal Affairs Minister Constantin Antoci pointed out in July 1993 that only 60 per cent of investigators had higher education (*Holos Ukrayiny* 10 July 1993). In January 1994, he indicated that "the number of municipal, criminal, economic and highway police and investigators was brought into line with present-day requirements" (*Nezavisimaya Moldova* 25 Jan. 1994). He also stated that "the number of police employees relative to the population of Moldova is no higher than in the rest of the CIS or other countries" and had not changed for three years, although he did not provide an exact figure (*ibid.*). Professor Ginsburgs stated that many people have left the police force in recent years (Ginsburgs 12 Dec. 1994).

There are police stations in each of the country's 40 raions and one in each of Chisinau's five districts (Socor 2 Nov. 1994; Filip 15 Dec. 1994). Viaceslav Filip, Consul of the Moldovan Consulate in Washington, DC, has added that there is also one each in Tighina, Beltsi and Tiraspol, for a total of 48 (*ibid.*).

According to Susan Sutton, in the Soviet era a significant portion of the police force was made up of Russian-speakers, and in the years immediately following independence there was no apparent systemic effort to change the personnel of the force (Sutton 4 Nov. 1994). However, Vladimir Socor of Radio Free Europe indicated that "in the last three or four years" there have been more efforts to recruit police officers locally, especially in the junior ranks (Socor 2 Nov. 1994). He added that older officers still come from the central officer training schools (*ibid.*).

According to some observers, the police are not completely trusted by the population (Rader 7 Nov. 1994; Sutton 4 Nov. 1994). This may be a hold-over from the communist era when throughout the region the police "perceived themselves as representatives of the state rather than as intermediaries between the state and the citizenry" (*Policing and Society* July 1990, 39). At that time "a decent person would not choose, and would not advise his children to choose, careers in law enforcement, politics or the military, among others" (*Uncaptive Minds* Summer 1994, 6). In August or September 1994 an

attempt was reportedly made to address the perception that police were not meeting public needs and a number of police officers who were not considered "up to snuff" were fired (Sutton 4 Nov. 1994). It is not certain whether they will be replaced (*ibid.*).

Nezavisimaya Moldova reports that in 1993, 668 people were discharged from internal affairs organs for "actions that discredited the title of police officer" and another 95 were discharged for "service unsuitability" (*Nezavisimaya Moldova* 25 Jan. 1994). According to the source, the government has expressed concern that poor working conditions and inadequate pay might also diminish the quality of policing. Because of a process of pay "levelling", there is no pay differential among employees and the result is a "brain drain" of specialists (*ibid.*). Furthermore, in response to monetary concerns, the government is under pressure to reduce the staff of public agencies (Sutton 4 Nov. 1994) and to keep wages of public employees low (Weissman 9 Nov. 1994).

Lack of regularized practices is another factor affecting police protection. As of October 1993, there were no national standards for dealing with crime at the local level (Basapress 13 Oct. 1993).

Country Reports 1993 points out that the Internal Affairs Ministry has strongly discouraged police officers from using their weapons and indicates that there were "no known claims of improper use of lethal force by police in 1993" (Country Reports 1993 1994, 976). *Country Reports 1994* states that while there were no reports of prisoners being tortured in 1994, there were reports of police officers beating prisoners and suspects (Country Reports 1994 1995, n.p.).

3.3 Crime and Police Response

As outlined below, the government has occasionally expressed concern about the ability of the state to adequately address crime. As reported in *Nezavisimaya Moldova*, for example, President Snegur established a Presidential Coordinating Council to Fight Crime and Corruption in July 1993 (*Nezavisimaya Moldova* 3 July 1993). He stated that such a step was necessary because law enforcement agencies had been unable to fight the rise in crime, in part because of the unclear status of certain legislation (*ibid.*). He added that the state was not in complete control of the levers of law and order and that poor discipline in the executive and administrative branches had led to "violations of laws, rights, freedoms, and legitimate interests of the individual" (*ibid.*).

For some time there has been popular discontent with perceived lawlessness, breakdown of public order, and rising crime (ITAR-TASS 25 Jan. 1993; *Nezavisimaya Moldova* 29 Apr. 1993; *ibid.* 25 Jan. 1994). In a February 1994 speech to the Interior Ministry, President Snegur said that police forces needed to be increased and that the police would have to "double their efforts" in order to regain the citizenry's confidence (Radio Romania 8 Feb. 1994). At approximately the same time, however, the government maintained that the perception of increasing crime was incorrect (*Nezavisimaya Moldova* 25 Jan. 1994). According to the Internal Affairs Minister, the crime rate dropped in 1993 and the percentage of crimes solved had risen from 35.3 to 46.6 in the same period (*ibid.*).

In June 1994, Interior Vice-Minister Victor Cantana reported that in the first five months of 1994 crimes against individuals were down and that murders and attempted murders had fallen by 3.2 per cent (Basapress 4 June 1994). He added that police had solved 41.1 per cent of crimes, 64.1 per cent of all offences inflicting serious injuries and 65.9 per cent of rapes and attempted rape cases (*ibid.*).

Yet two months later, in August 1994, Interior Minister Antoci told the weekly *Saptamara* that crime was up, stating that "in the first half of 1994, 19,201 crimes were registered in Moldova, which is 3.3 per cent as high as in the same period of 1993 (as received)" (Basapress 12 Aug. 1994). He expressed particular concern at the increase in violent crimes, which made up 32 per cent of the total number of

crimes committed (*ibid.*). Antoci added that "the rate of discovered crime stands at 48 per cent" (*ibid.*). Basapress reported that he concluded that "in general, the police performance in Moldova is influenced by the complexity of socio-economic processes, which 'for the time being cannot stimulate the respect for human rights and assurance of law and order'" (*ibid.*).

At the September 1994 opening of the autumn parliamentary session, Speaker Petr Luchinskiy again voiced government concern about lawlessness when he said that "urgent steps were needed to combat crime and corruption" (*Interfax* 23 Sept. 1994). He reported that only 35 to 40 per cent of the approximately 40,000 crimes committed annually are solved, that "grave crimes" increased by more than 30 per cent in the first eight months of 1994 and that between 350 and 400 murders are committed per year (*ibid.*). To help address these problems, Luchinskiy called for increased efficiency "of the prosecutor's office, courts, arbitration and the entire law-enforcement system" (*ibid.*).

Judge Rader and Vladimir Socor viewed apprehensions that crime is out of control as exaggerated (Rader 7 Nov. 1994; Socor 2 Nov. 1994), although Vladimir Socor was of the opinion that crime is indeed on the rise (*ibid.*), as was Vladimir Weissman (Weissman 9 Nov. 1994).

Many of the oral sources contacted stress that ethnic tensions in the Right Bank are exceptionally low; therefore police response to crimes based on ethnicity is difficult to gauge (Socor 2 Nov. 1994; Weissman 9 Nov. 1994; Stone 3 Nov. 1994; Sutton 4 Nov. 1994) [For information on the situation of Jews, see Documentation, Information and Research Branch (DIRB), Immigration and Refugee Board, Ottawa. September 1994. *Information Package: Jews in Moldova*.]. Edwin Rekosh pointed out there are no laws specifically addressing crimes motivated by bias, which he believed was consistent with the legal situation throughout the region (Rekosh 28 Nov. 1994).

Mention has been made in the press of the proliferation of "mafia-type" structures and the possibility of their infiltration of state offices (Basapress 23 Mar. 1993; *ibid.* 13 Mar. 1993). Observers point out that the presence of organized crime, while a concern, is not as serious a problem as in other former Soviet states (Sutton 4 Nov. 1994; Socor 2 Nov. 1994). According to Vladimir Socor, in the Right Bank, organized crime does not appear to have infiltrated the state structures (*ibid.*).

Little information is currently available to the DIRB on police response to violence against women in Moldova. In reference to domestic violence, going to court is considered shameful, particularly in such personal matters (Sutton 4 Nov. 1994). According to one source, reports indicate that when cases do go to court they are treated seriously and the perpetrator of the violence may be sentenced to up to six months in prison (*Country Reports 1994 1995*, n.p.), although the same source indicates that the police do not treat domestic violence as a major crime (*ibid.*). Overall, awareness about violence against women is low (*ibid.*; Sutton 4 Nov. 1994), and there are no government programs that deal with the issue (*Country Reports 1994 1995*, n.p.).

4. JUDICIAL SYSTEM

4.1 Structure

There are two judicial levels in Moldova: the raion and city courts, and the Supreme Court (*Country Reports 1993 1994*, 976). The Supreme Court, which had a bench of 55 judges in the summer of 1994, serves as the appellate court for the city and raion courts (*ibid.*; Council of Europe 7 Oct. 1994, 8). People who are tried and found guilty can also officially request that their cases be reviewed by the supervising procurator (Subtelný 12 Dec. 1994).

"In principle, each district has a court (five district courts in Chisinau), which has jurisdiction in both

civil and criminal matters" (Council of Europe 7 Oct. 1994, 8). Edwin Rekosh and Professor Ginsburgs indicated that given the country's small size, courts are relatively accessible to the population (Rekosh 28 Nov. 1994; Ginsburgs 12 Dec. 1994). Although Professor Subtelny agreed in principle, he also pointed out that travel to the court's location and finding accommodation might prove difficult for those from small villages (Subtelny 12 Dec. 1994).

There are 340 judges hearing cases of first instance, which is approximately one judge for every 10,000 adults (Council of Europe 7 Oct. 1994, 8). Council of Europe representatives were advised on a recent visit to the country that "some 450 judges would be needed for the effective administration of justice" (*ibid.*). *Nezavisimaya Moldova* states that in 1993 the government established a probationary training program at the Supreme Court to upgrade the skills of 75 jurists (*Nezavisimaya Moldova* 15 Feb. 1994). Eighty judges were professionally re-certified that year as well (*ibid.*).

The constitution provides for the establishment of a Constitutional Court which will ensure the constitutionality of legislation (Council of Europe 7 Oct. 1994, 7). The law to establish the court was passed on 14 December 1994 (Infotag 14 Dec. 1994). Two judges will be appointed to the bench by parliament, two by the president and two "by the court system" (*ibid.*). Each judge will be elected for six years, with elections to be held every three years for half the bench (*ibid.*).

Observers often express reservations about the conflict of interest inherent in the role of the procurator as established in the Soviet era (Council of Europe 7 Oct. 1994, 9; *International Journal* Spring 1993, 175-77). Under the Soviet legal system, procurators not only investigate complaints, they also serve as prosecutors, as well as oversee cases in court to ensure they are handled lawfully (*ibid.*). Most of the Procuracy's powers and structures from the Soviet era remain intact in Moldova (Council of Europe 7 Oct. 1994, 9). Moldovans continue to bring their complaints to procurators who determine whether charges will be laid (Rader 7 Nov. 1994). It has been pointed out that this system places a great deal of power in the hands of individual procurators who may be influenced by overwork or personal views and there is no mechanism for ensuring that laws are consistently applied by different procurators (Weissman 9 Nov. 1994; Rader 7 Nov. 1994). The Council of Europe noted that Procuracy officials are highly resistant to reforming the institution (Council of Europe 7 Oct. 1994, 10).

The Framework Act on the Reform of Judicial Institutions was adopted on 21 June 1994 (Filip 15 Dec. 1994; Council of Europe 7 Oct. 1994, 7). According to the Council of Europe, the Act provides *inter alia* for the:

- establishment of a constitutional court
- transformation of the present court hierarchy into a system comprising four levels of authority:
 - i. district court,
 - ii. regional court,
 - iii. appeal court,
 - iv. Supreme Court,
- strengthening of the independence of the courts;
- establishment of a Supreme Council of Justice (*ibid.*, 9).

The Justice Ministry is currently drafting a law for the "organization of judicial administration" (*Nezavisimaya Gazeta* 15 Oct. 1994). Another source indicates that the government is also reportedly planning to consolidate the investigative departments of the Prosecutor's Office and the Security and Interior Ministries, although the status of the required legislation is "unclear" (Rekosh 28 Nov. 1994).

4.2 Functioning

The Council of Europe was advised in the summer of 1994 that "criminal cases were usually completed in seven days and civil cases in ten days" (Council of Europe 7 Oct. 1994, 8). Government statistics indicate that in 1993, the Moldovan courts handled 12,005 criminal cases, 852 more than in 1992, as well as 30,368 civil cases (*Nezavisimaya Moldova* 15 Feb. 1994). Practically all of them were reviewed, although the Justice Minister, Alexei Barbaneagra, expressed displeasure with the frequency of delays in the reviews being held by the city and raion courts (*ibid.*). He also pointed out that the lack of necessary materials, such as computers and photocopiers, could affect the smooth functioning of the courts (*ibid.*), a concern echoed by the Council of Europe (Council of Europe 7 Oct. 1994, 9).

The Council of Europe has also expressed concern that judges' inadequate pay might affect their independence (Council of Europe 7 Oct. 1994, 8). Judge Rader also noted that judges' remuneration was low and Professor Ginsburgs stated that many people have left the judiciary to look for better paying and more secure jobs (Rader 7 Nov. 1994; Ginsburgs 12 Dec. 1994). He added that little is being done to restaff the depleted judiciary (*ibid.*).

The Justice Minister has expressed concern that the cost of legal services is putting them out of reach of much of the citizenry (*Nezavisimaya Moldova* 15 Feb. 1994), though the Council of Europe reports that free legal aid is available in both criminal and civil cases (Council of Europe 7 Oct. 1994, 12). There are no private attorneys from whom people can seek legal counsel (Rader 7 Nov. 1994; Rekosh 28 Nov. 1994); the courts provide lawyers to individuals who in turn reimburse the bar for the legal fees, which are reportedly nominal (*ibid.*; Subtelny 12 Dec. 1994; Ginsburgs 12 Dec. 1994). There are some 400 barristers throughout the entire country, including the DMR, more than half of them in Chisinau (Council of Europe 7 Oct. 1994, 12). Even though fees are officially low, Professors Subtelny and Ginsburgs stated that officials may occasionally have to be bribed in order to ensure a case is heard expeditiously (Subtelny 12 Dec. 1994; Ginsburgs 12 Dec. 1994). Professor Ginsburgs stated that this problem was growing worse due to increasing economic pressures and the government's ongoing inability to address the issue (*ibid.*).

Country Reports for 1993 and 1994 both note that although Russian-speakers have claimed that they are treated unfairly by the courts, "to date, no pattern of discrimination has emerged in the judicial system" (Country Reports 1993 1994, 977; *ibid.* 1995, n.p.). Edwin Rekosh also stated that he was unaware of any pattern of discrimination against Russians by Moldovan officials or vice-versa (Rekosh 28 Nov. 1994). According to Article 121 of the Constitution, judicial proceedings are to be held in Moldovan only, though translators are to be provided when necessary (Council of Europe 7 Oct. 1994, 15). Proceedings can be held in other languages when that would be most appropriate for the majority of individuals involved (*ibid.*). According to the Council, "the problem of other languages available during the procedure has not been settled in the administrative institutions" (*ibid.*).

5. THE GAGAUZ SOVIET SOCIALIST REPUBLIC

5.1 Background

According to the 1989 census, there were 153,000 Gagauz in Moldova, concentrated in a southern area of roughly 1,800 square kilometres (RFERL 19 Aug. 1994, 19; Council of Europe 7 Oct. 1994, 16). The area is made up of villages where Gagauz form the majority as well as those with mixed populations of Bulgarians, Ukrainians and Moldovans (*ibid.*). The Gagauz constitute 64 per cent of the population in the Comrat and Ciadar-Lunga raions and there are a number of villages where Gagauz are the majority in the Vulcanesti, Basarabeasca and Taraclia districts as well (*ibid.*).

Since late 1990, the area has been under a "duality of power" between nominees of the Gagauz Republic and those of Chisinau (RFERL 26 Aug. 1994, 22); Gagauz occasionally took over the Moldovan administrative offices, or, if the local soviet remained loyal to Chisinau, alternative offices were established under Gagauz control (Subtelny 12 Dec. 1994).

A number of incidents in 1993 serve to illustrate the 'dual power' in effect in Gagauz-inhabited southern Moldova. In January, the occupation of the Vulkanesti administrative building by Gagauz activists led to the eventual establishment of two administrative offices in the town (TASS 11 Jan. 1993; Rompres 27 Jan. 1993; *Izvestiya* 25 Jan. 1993). On 25 March, when approximately 200 people attacked police headquarters in Comrat, Moldovan police were prevented from entering the town by Gagauz paramilitary guardsmen (Radio Romania 25 Mar. 1993; Interfax 25 Mar. 1993; *Megapolis-Express* 7 Apr. 1993).

In June 1993, members of the Gagauz guards carried out a series of raids on Bulgarian farms in the region (RFERL 19 Aug. 1994, 19, 22; *ibid.* 29 June 1993). Moldovan efforts to send police to the border of the Gagauz-inhabited areas were met with mixed reactions from the Gagauz leadership (*ibid.*; RFERL 5-9 July 1993, 15; Basapress 21 July 1993; *ibid.* 28 July 1993). Gagauz-Press speculated that the police were in fact being deployed to destroy Gagauz state structures, although the allegation was denied by the Moldovan government (*ibid.*).

In December of that year the Gagauz leadership dissolved the regional, city and village councils of people's deputies, leading some local observers to suggest that the move was designed to undercut support for Chisinau in the area (Interfax 1 Dec. 1993).

In general, the Moldovan police have avoided confrontation in the Gagauz area, even when police outposts or Moldovan offices have been attacked (RFERL 26 Aug. 1994, 22). According to Vladimir Socor, the Moldovan government was concerned that any resulting conflict could be misrepresented as an ethnic one (Socor 2 Nov. 1994). Since the fall of 1993, there has been far less violence in the Gagauz enclave (*ibid.*; Subtelny 12 Dec. 1994). Yet administrative allegiance in many areas remains divided and local leaders will often support Comrat on some issues and Chisinau on others (Sutton 4 Nov. 1994). Vladimir Socor indicated that people in the Gagauz area are aware of the loyalties of the regional authorities (Socor 2 Nov. 1994).

According to the Council of Europe, as of the summer of 1994, "the central government authorities and the powers of the Supreme Court of the Republic of Moldova are respected by the local judicial authorities in districts where Gagauzians are in the majority" (Council of Europe 7 Oct. 1994, 12).

5.2 Status

The July 1994 constitution granted autonomous status to the Gagauz region (RFERL 26 Aug. 1994, 20). A draft law entitled "The Special Legal Status of Gagauz EriGagauzia" passed first reading on 28 July 1994, and parliament indicated at that time that they hoped it would be adopted by January 1995 (*ibid.*, 20, 23; ITAR-TASS 28 July 1994b; AFP 28 July 1994); the law was passed in late 1994 (Interfax 29 Dec. 1994; Infotag 23 Dec. 1994). According to the draft law, Chisinau will retain authority over "foreign policy, defence, citizenship and monetary emission and circulation. Practically all other powers are subject to delimitation between the central authorities and those of the region" (RFERL 26 Aug. 1994, 24). Infotag reported on 23 December 1994 that the Gagauz Assembly will have competence to pass laws "in the fields of culture, science, education, housing, health services, physical culture and sports, local budget, financial and tax activities, economy, ecology, labour relations, social protection and social insurance" Infotag 23 Dec. 1994 . Gagauz legislation that conflicts with that of

Moldova has "no juridical power" (*ibid.*). The Council of Europe expressed concern in the fall of 1994 that the legislation does not provide for the rights of the non-Gagauz population in the region (*Nezavisimaya Gazeta* 15 Oct. 1994).

The draft legislation allows the Gagauz to establish their own legislative assembly and elect a chief executive official (RFERL 26 Aug. 1994, 25) and elections to the Gagauz Assembly are scheduled to be held in the spring of 1995, although reports differ on the exact date (Basapress 4 Jan. 1995; OMRI 7 Mar. 1995; Interfax 29 Dec. 1994). The legislation states that the Gagauz area shall have its own primary courts and a Court of Appeals and judges will be appointed or dismissed by Chisinau only after they have been nominated by Comrat (RFERL 26 Aug. 1994, 25). Gagauzia will be represented on the Moldovan Supreme Court "in an as yet unspecified fashion" (*ibid.*). The region will also have its own Directorate of Internal Affairs, Section of National Security and Public Prosecutor's office (*ibid.*, 26).

On 5 March 1995 a referendum was held in 36 areas to determine which would be included in the new autonomous region (OMRI 7 Mar. 1995; Reuters 6 Mar. 1995; Deutsche Presse-Agentur 6 Mar. 1995; AP 6 Mar. 1995). According to a 23 December 1994 report in Infotag, 27 settlements with a Gagauz majority population were to automatically hold referenda on the issue, and a further 15 areas were to hold referenda should one third of the population demand it Infotag 23 Dec. 1994 . One early report from the referendum indicates that thirty towns voted for autonomy, four rejected it, and the results from two towns were undecided due to voting irregularities (AP 6 Mar. 1995); others state that six or nine voted against autonomy (Reuters 6 Mar. 1995; OMRI 7 Mar. 1995), and yet another states that the seven villages with Bulgarian or Moldovan majorities voted no (Deutsche Presse-Agentur 6 Mar. 1995).

6. DMR

6.1 Background

The self-proclaimed DMR covers approximately 4,000 square kilometres (Helsinki Watch Mar. 1993, vi) and its current population is about 740,000 (US Helsinki Commission Apr. 1994, 3). At the time of the 1989 Soviet census, the population of the region was roughly 40 per cent Romanian, 28 percent Ukrainian and 25.5 per cent Russian (IHF Dec. 1991, 3; RFERL 22 Apr. 1994, 20). According to Radio Free Europe, the population of the DMR area has not changed a great deal since the census was conducted (*ibid.*). However, the US Helsinki Commission noted in January 1993 that during the 1992 fighting "at least 43,000 refugees from the left bank - most of whom are Moldovan" fled across the Dniester River, and Helsinki Watch stated in March 1993 that at least "some 100,000 civilians [had] fled the theatre of conflict, primarily westward toward the capital and eastward into Ukraine" (US Helsinki Commission Jan. 1993, 92; Helsinki Watch Mar. 1993, 6). In July 1993, the UNHCR estimated that between 10,000 and 20,000 people were displaced because of the war, but added that "a considerable part of them have returned to their homes" (UNCHR July 1993) .

The first armed conflict in the Dniester area was in November 1990 (Helsinki Watch Mar. 1993, 4). Tensions between the DMR and the Right Bank culminated in a short war in the summer of 1992 (*ibid.* 4-5; BHHRG 1994, 4). Fighting was centred on the town of Bender, located on the Dniester's Right Bank, and as many as 800 people were killed during fighting in that city (*ibid.*; Helsinki Watch Mar. 1993, 4-5). [For further information on the 1992 war, see Documentation, Information and Research Branch (DIRB), Immigration and Refugee Board, Ottawa. April 1993. *Moldova: Chronology of Events: June 1940-February 1993.*] The cease-fire, negotiated in July 1992, is currently being maintained by a peacekeeping force of Russian, Moldovan and DMR troops (*The New York Times* 28 Oct. 1994). In late 1994, the Russians decided not to restaff their peacekeeping forces once their tour was done, and the

void is reportedly being filled by troops from the DMR, which might affect the balance of power in the area (RFERL 8 Dec. 1994).

Some members of Russia's 14th Army, which was stationed in Moldova during the Soviet era, reportedly fought on the side of the DMR in the 1992 conflict (Helsinki Watch Mar. 1993, 21-23; BHHRG 1994, 4). The 14th Army has remained in the Left Bank, primarily in the enclave's self-proclaimed capital of Tiraspol, where, according to one source, they are effectively confined to their barracks (Socor 2 Nov. 1994); they are not involved in the peacekeeping effort (Interfax 11 Nov. 1994). Russia and Moldova signed agreements on 21 October 1994 and 2 February 1995 for the three-year withdrawal of the 14th Army from the DMR, although as of early February 1995, no withdrawal schedule had been finalized (RFERL 2 Dec. 1994; OMRI 3 Feb. 1995). The DMR played no part in the withdrawal negotiations and abandoned its observer status in the last round of talks (*Segodnya* 15 Oct. 1994; Basapress 24 Oct. 1994). When the withdrawal was announced, DMR officials expressed their dissatisfaction with the agreement, stating that the 14th Army should remain in order to maintain a balance of forces in the region (*ibid.*; Interfax 25 Oct. 1994). In February 1995, DMR leader Smirnov issued a statement declaring that all 14th Army property belonged to the DMR, and "categorically prohibited" its removal from the area (ITAR-TASS 4 Feb. 1995). A later decree forbade DMR bodies or state employees from assisting in the withdrawal of 14th Army property from the area (Infotag 6 Feb. 1995). Later that month it was announced that a referendum would be held on the withdrawal in the spring of 1995 (ITAR-TASS 22 Feb. 1995).

Helsinki Watch reported in March 1993 that the DMR had established "armed forces and functioning government organs, such as a procuracy, Ministry of National Defense and National Security, a supreme court, a police force and elected government officials" (Helsinki Watch Mar. 1993, vi). The DMR leadership under President Igor Smirnov has been described as "Russian nationalist" and "politically reactionary" (*Current History* Oct. 1994, 343) and some members of the government reportedly supported the September 1993 attempted coup against Russian President Boris Yeltsin (*ibid.*, 345-346; EIU 1994b, 47).

The DMR administration declared a state of emergency in January 1994 because of a "worsening socio-economic and political situation in the region" (Basapress 30 June 1994). It was last extended on 30 June 1994 through 31 August to "consolidate public and state security and combat the increasing crime rate" (*ibid.*). The decree allowed the DMR authorities to introduce special exit and entry requirements in the region, place restrictions on circulation, suspend parties or organizations, and expel individuals, either DMR inhabitants or others, who violated public order (*ibid.*). The emergency regulations were reportedly lifted in October 1994 (Socor 2 Nov. 1994). President Smirnov reportedly released a new presidential decree in late October 1994 that contains a clause allowing for administrative arrest for up to 30 days (ITAR-TASS 5 Nov. 1994).

In April 1994, the US Helsinki Commission stated that the DMR had "solidified its control over most of the left bank, although a few enclaves remain loyal to Chisinau" (US Helsinki Commission Apr. 1994, 2). The areas mentioned include Cocieri and Malovatav (*ibid.*, 11). The report also indicates that a referendum was held in the town of Vasilevka on the Ukrainian border in which the population indicated they wished to join Moldova (*ibid.*). According to Vladimir Socor, the following towns on the Left Bank remain under a "modicum" of Right Bank administrative and police control: Cocieri, Co-ni-a, Pîrîta, Roghi, Doro-caia, Vasilevka and Corjova (Socor 2 Nov. 1994).

Control of the city of Tighina (formerly Bender), the focal point of the 1992 war, continues to be contested non-violently by Chisinau and Tiraspol. In the opinion of one official, "there is neither war nor

peace in Tighina" (Basapress 22 July 1994). Under the cease-fire agreement between Moldovan President Mircea Snegur and Russian President Boris Yeltsin, Bender was declared a high security zone, and Moldova is authorized to maintain a police presence in the city (Basapress 9 June 1994; Socor 2 Nov. 1994). The cease-fire agreement stipulated that each side would have one police station of 100 officers each (*ibid.*; *Izvestiya* 13 Oct. 1993). The Moldovans claim the DMR station in fact has 500 officers (Basapress 22 July 1994; Socor 2 Nov. 1994), although Vladimir Socor estimates the real figure at closer to 300 or 400 (*ibid.*). The Tighina police commissar stated that the police were not able to function effectively during the summer of 1994 as their telephone lines had been cut (Basapress 22 July 1994). Despite DMR press claims to the contrary, Basapress reports that Chisinau has no plans to evacuate its police from the city (Basapress 9 June 1994).

Besides two police forces, there are also "two prosecutor's offices, two main automobile inspections and two passport desks" in the city (*Pravda* 2 Sept. 1993). According to Professor Subtelny, the city is not clearly divided into DMR- and Moldova-controlled zones because the Moldovan authorities will not officially recognize any demarcation (Subtelny 12 Dec. 1994). The city is therefore carved up into pockets of DMR or Moldovan influence (*ibid.*).

The new Moldovan constitution provides for the possibility of autonomy for the DMR region (Interfax 27 Aug. 1994) and as of early 1995, talks to settle the area's status were ongoing. According to a 14 October 1994 Interfax report, President Snegur said that a recent DMR proposal sought the "virtual recognition of a parallel state" and that the DMR was demanding "full power sharing, its own army, constitution, interior troops and an independent foreign policy" (Interfax 14 Oct. 1994). *Izvestiya* reported on 28 October that Grigoriy Marakutsa, Dniester Region Supreme Council Chairman, said that in his opinion, "the Dniester Region will not join a unitary state" (*Izvestiya* 28 Oct. 1994), although on 7 November 1994, Basapress reported that he stated the DMR could exist "within a single state within Moldova's current borders" as long as the area received special juridical status, which would allow the region to solve its "political, economic and cultural problems." (Basapress 7 Nov. 1994)

As reported by Infotag, Nicolae Osmochescu, Moldova's First Deputy Foreign Minister, told a Chisinau conference that "the Republic of Moldova is a territorially integral, independent and sovereign state, the only subject of the international law" and that DMR status must be considered in that context (Infotag 8 Nov. 1994). He went on to state that in a draft agreement the Republic of Moldova would have to maintain exclusive competence over "foreign policy, state security, crime prevention, budget making and economic system functioning"; fully decentralized local power bodies could be responsible for "local budget problems, formation of local power bodies etc" and joint competence could include "consultations with all-republican authorities, such as major economic, financial, social and other problems" (*ibid.*).

6.2 Security Forces and Law Enforcement

In December 1992, DMR Security Minister Vadim Shevtsov stated that members of the former Soviet KGB, himself included, were working in the DMR (*Dreptatea* 1 Dec. 1992). Other sources also indicate that a number of the senior members of the DMR security apparatus are former officers of the Soviet KGB and Internal Affairs Ministry (RFERL 11 Mar. 1994, 14; Basapress 7 Feb. 1994).

Several paramilitary forces have been established in the Left Bank (Sutton 4 Nov. 1994; BHRG 1994, 28) and the entire area is heavily armed with guns left over from the 1992 war (*Moskovskiy Komsomolets* 25 May 1994; Stone 3 Nov. 1994). A number of Cossacks, mostly from the Don region, have also joined the Dniester forces, on both short- and long-term bases (*ibid.*; RFERL 22 Apr. 1994, 21). There have been anecdotal accounts of Cossack raids on farms in the DMR, but they have been difficult to substantiate (Socor 2 Nov. 1994; Sutton 4 Nov. 1994). In July 1994, Basapress reported

that DMR authorities confiscated 40 hectares of land from Moldovan peasants in the village of Malovata-Noua, a left bank settlement under Chisinau control, and gave them to Cossack detachments in Dubasari (Basapress 14 July 1994). According to Radio Free Europe, Cossack volunteers vandalized a Tiraspol Moldovan school in October 1994 (RFERL27 Oct. 1994).

One of the most vocal critics of the Left Bank political and security apparatus has been Colonel Mikhail Bergman, Tiraspol commandant of the 14th Russian Army. He has claimed that "the mafia rules the DMR area" (*Moskovskiy Komsomolets* 25 May 1994), and that their representatives have met with DMR ministers and 14th Army officials in order to obtain arms and ammunition (*Kuranty* 18 Aug. 1994; Basapress 8 Aug. 1994). Sources differ on the reliability of Colonel Bergman's allegations; Christine Stone of the BHHRG claimed his allegations of corruption in the Dniester government are "absolutely true" (Stone 3 Nov. 1994), while Vladimir Socor claimed they are exaggerated (Socor 2 Nov. 1994). Nevertheless, all the oral sources contacted agreed that corruption of the political process was of far greater concern in the DMR than in the rest of Moldova (*ibid.*; Weissman 9 Nov. 1994; Stone 3 Nov. 1994).

As reported in the 13 May 1994 issue of *Monitor*, a number of Tiraspol soviet deputies made a statement claiming that members of the "criminal world" had established ties with government officials, including some in law enforcement organs (*Pridnestrovskaya Pravda* n.d.). The deputies alleged that such agencies lacked professionalism as well as the necessary equipment to fight crime adequately (*ibid.*). The group suggested that the government should request help in fighting crime from the 14th Army (*ibid.*), which currently has no role in police activities (Socor 2 Nov. 1994; Stone 3 Nov. 1994).

There has been concern about rising crime in the DMR and sources indicate that the crime situation in the Left Bank is more serious than that in the Right Bank (Socor 2 Nov. 1994; Weissman 9 Nov. 1994). In November 1994, official statistics indicated that "the number of premeditated murders and cases of grievous bodily harm shot up" that year (*Izvestiya* 12 Nov. 1994). According to DMR President Smirnov, however, the "broaden[ed] powers of the law-enforcement organs" led to a "fivefold" decrease in crime in four months (*Rossiyskiye Vesti* 5 July 1994). At the same time Smirnov also admitted that "there must be changes to the personnel of the law enforcement organs", although he did not elaborate (*ibid.*). In April 1994, Presidents Snegur and Smirnov signed a statement of intent for greater cooperation between the two areas' internal affairs authorities, but the agreement has apparently had no concrete results (*Nezavisimaya Gazeta* 2 July 1994).

According to Susan Sutton, many Chisinau supporters who fled the DMR during the 1992 hostilities are afraid to return because of official harassment and possible arrest (Sutton 4 Nov. 1994). As well, Vladimir Socor reports that individuals who do not wish to obtain DMR citizenship, which is not internationally recognized, may be threatened with the loss of their jobs or rationing cards; those in such a position would generally have no official recourse (Socor 2 Nov. 1994).

Country Reports 1994, released in February 1995, states that "there are no closed areas or restrictions on travel within Moldova" (Country Reports 1994 1995, n.p.). The Moldovan desk officer at the United States Department of State indicated that this holds true for travel between the DMR and the Right Bank (DOS 24 Feb. 1995). The officer stated that there are checkpoints between the two sections of the country, but that as a general rule, neither the DMR nor the Right Bank authorities keep records of those travelling back and forth (*ibid.*). In an interview with Russia's *Rabochaya Tribuna*, Mikhail Krotov, General Secretary of the Council of the CIS Interparliamentary Association (IPA), stated that a peacekeeping group who recently visited the area found that "Dniester region residents travelled freely to Moldavian population centres" and that although the region had the characteristics of a "hot spot", "it

was clear that a transition to peace ... does not mean crossing a front line" (Rabochaya Tribuna 13 Jan. 1995). Nevertheless, the US Department of State officer noted that in the past, there have been credible reports of known critics of the DMR leadership being followed; as well, those who are wanted by the authorities may have more difficulty travelling between the two areas (DOS 24 Feb. 1995).

In July and August 1994 three opponents of the DMR authorities were arrested (RFERL 16-19 Aug. 1994, 13). In October 1994, a Basapress and RFERL Tiraspol correspondent was beaten by a major from the DMR Security Ministry after he had received threats from uniformed security agents for his reporting, particularly on protests against DMR schooling policies (RFERL 11 Oct. 1994). His efforts to bring the matter to the attention of the Security Minister were reportedly unsuccessful (*ibid.*).

Two sources indicate that those who appear to be facing the most difficulty from officials in the DMR are Moldovans (Socor 2 Nov. 1994; BHHRG 1994, 33) and "for the past two years they have seen a steady erosion of their rights" (*ibid.*). For example, the last Moldovan-language school was closed in late September, and on 24 October, DMR President Smirnov banned the use of the Roman alphabet in schools, which led to a series of popular protests, including picketing of schools and blockades of highways and rail lines (*Izvestiya* 12 Nov. 1994; ITAR-TASS 21 Oct. 1994; RFERL 4 Nov. 1994; Deutsche Presse-Agentur 15 Nov. 1994). Those who wish to learn Moldovan must now learn it as a foreign language, and only using the Cyrillic alphabet (*ibid.*). An *Izvestiya* report indicates that Moldovan can be learned in the Latin alphabet in "private (that is fee-paying) schools or optional lessons" (*Izvestiya* 12 Nov. 1994).

As well, Vladimir Socor explained that directors of enterprises, usually Russians not born in Moldova, whose businesses are facing financial difficulties might lay off native Moldovans first (Socor 2 Nov. 1994). Those so affected have little choice but to return to their villages (*ibid.*).

6.3 Judicial Structures and Practices

According to Human Rights Watch, following the DMR's secession, "human rights legislation fell from parliamentary agendas, and investigation and prosecution of civil and political violations were neglected by law enforcement bodies" (HRW Dec. 1993, 228). Following the 1992 war, the Chisinau government stopped monitoring human rights practices in the region (*ibid.*). *Country Reports 1994* states that while there are reports that the DMR authorities continue to commit human rights abuses, "the scale of serious abuses" has fallen since 1992 (Country Reports 1994 1995, n.p.).

The penal code and justice system in the DMR have been retained from the Soviet era (Socor 2 Nov. 1994) as has the criminal code (Basapress 16 June 1994; AI Oct. 1993, 6). Under the Soviet justice system, cases are heard before three judges (*ibid.*, 9). The presiding judge is professionally trained while the other two are lay "people's assessors" (*ibid.*). DMR courts are "autonomous" and judges are not appointed to them by the Moldovan authorities (Council of Europe 7 Oct. 1994, 12). A number of judges, prosecutors and lawyers who had worked in Chisinau before 1992 have reportedly moved to work in Tiraspol (*ibid.*).

Two recent sources have stated that Moldovan laws are currently unenforceable in the DMR (Council of Europe 7 Oct. 1994, 19; Socor 2 Nov. 1994). Most DMR laws date from the Soviet era and have been assumed completely or modified slightly (*ibid.*; *Izvestiya* 13 Oct. 1993).

6.4 The Ilascu Group/The Tiraspol Six

The highly publicized trial of the "Ilascu Group", also known as the "Tiraspol Six", helps to illustrate the state of the DMR judicial system. Six men were arrested in the summer of 1992 on charges of murder and terrorism (AI Oct. 1993, 1, 3). Their trial before the DMR Supreme Court for premeditated murder,

terrorists acts, attempted sabotage and illegal possession of weapons began in April 1993 and they were found guilty in December of that year (*ibid.*, 9; AI Mar. 1994b, 1). The men had no right of appeal as the DMR does not recognize the authority of the Moldovan court system, which could have acted as an appellate court (AI Oct. 1993, 10-11). When their sentences were passed, ranging from 2 year's imprisonment for Petru Godiac to a death sentence for Ilie Ilascu, the court stipulated that they could not be appealed or contested (AI Mar. 1994b, 3). Moldovan President Snegur annulled the verdicts on 10 December, the day after the sentences were announced, and the Moldovan Supreme Court officially quashed the sentences in February 1994 (*ibid.*, 4; Radio Romania 3 Feb. 1994), although sources available do not indicate whether these pronouncements had any practical effect. According to a 5 May 1994 report in Romania's *Evenimentul Zilei*, DMR President Smirnov agreed to convert Iliescu's death sentence to a term of 20 years imprisonment (*Evenimentul Zilei* 5 May 1994).

Nina Maximovtsela, the lawyer for one of the defendants, stated that she had suffered a number of intimidation tactics during the trial, including threats, surveillance and the ransacking of her apartment (HRW Dec. 1993, 229). She was left without legal recourse when the DMR authorities rejected the authority of the guards sent by the Moldovan government to protect her (*ibid.*).

Two of the detainees have since been released (Basapress 16 June 1994; RFERL 5 Aug. 1994). In October, one of the released men, Vladimir Garbuz, whose testimony had implicated the other five and who was considered by them to be an "agent provocateur" (AI Oct. 1993, 9), publicly recanted his testimony, claiming he was beaten and intimidated while in custody (Basapress 19 Oct. 1994). One source stated that, following the retraction, the DMR Security Minister released a statement indicating that Garbuz's life would be in danger should he emerge from hiding (Sutton 4 Nov. 1994).

7. ADDENDUM

Several events that occurred subsequent to the completion of research on this paper are reported here.

In late November 1994, two Right Bank policemen and three Gagauz guardsmen were injured in a shooting in Vulcanesti; one of the Gagauz men later died from his injuries (Infotag 21 Nov. 1994). The incident occurred after Right Bank Interior Ministry forces were sent to the city following the beating of the police commissar by two city residents (*ibid.*). According to Infotag, both Right Bank and Gagauz politicians stated that the entire incident was purely criminal in nature and not politically motivated on either side, although the Right Bank Deputy Interior Minister stated that "certain political forces" were attempting to turn it into a political incident (*ibid.*). Gagauz leader Stepan Topal reportedly later claimed that it was planned in advance by Right Bank authorities in an effort to delay discussion of the Gagauz autonomy legislation in the Moldovan parliament (*ibid.* 23 Nov. 1994).

In early January 1995, two Chisinau journalists were detained by the DMR police in Tighina (Bender) while trying to "hitch" a ride (Infotag 11 Jan. 1995). The city's two police forces reportedly claimed jurisdiction in the case as the DMR force attempted to keep the reporters detained while the Right Bank police tried to free them (*ibid.*). One of the journalists claimed that the two were targeted for harassment because they were accredited to the Right Bank's Interior Ministry (*ibid.*).

On 15 January 1995, Interfax reported that the Council of Europe would recommend that Moldova be invited to join that organization, following a four-day tour of the country by Council representatives (OMRI 17 Jan. 1995). DMR leaders shortly thereafter released a statement outlining their opposition to Moldova's admittance to the body (Infotag 31 Jan. 1995).

On 1 March 1995, the Moldovan government began issuing new passports and identity cards (OMRI 2

Mar. 1995). New passports will cost approximately US\$25, and the old passports will be valid until 1997 (ibid.).

For updates concerning parliamentary progress on draft legislation and current information on issues related to human rights in Moldova, please consult the REFINFO database and sources available at Immigration and Refugee Board Regional Documentation Centres.

APPENDIX: NOTES ON SOURCES

Ginsburgs, George:

George Ginsburgs is a Distinguished Professor of Foreign and Comparative Law at Rutgers University Law School, Camden NJ. His publications include *The Soviet Union and International Cooperation in Legal Matters* and *Russia and America: From Rivalry to Reconciliation*, which he co-edited. According to that book, Professor Ginsburgs "has written extensively on Soviet legal affairs, the legal systems of the Communist regimes of Eastern Europe and Asia and international relations".

Moldova Media Sources (various):

The Moldovan media sources used in this paper were republished by the Foreign Broadcast Information Service (FBIS), which "translates, disseminates and analyzes foreign open-source information on behalf of the U.S. Government". Basapress is a press agency variously described as "independent" and "quasi-official". Like many media from the former Soviet Union and eastern Europe, Basapress often reports government communiqués and policies. *Nezavisimaya Moldova* is the government newspaper. According to *Country Reports 1994*, "freedom of speech is not abridged, and the print media express a wide variety of political views and commentary" (1995, n.p.). At the same time, journalists complain that editors encourage them to avoid possible confrontation with the government by not engaging in criticism of state officials (ibid.).

Rader, Randall:

Randall Rader is a United States Circuit Court judge who was in Ukraine and Moldova in the fall of 1994 as a representative of the American Chief Justice at a Justice Conference in Ukraine. He has visited Ukraine six times, Russia twice and this was his first trip to Moldova. He has worked as an advisor and as an election observer in the former Soviet states.

Rekosh, Edwin:

Edwin Rekosh is the Director of the Legislative Advocacy Project of the International Human Rights Law Group (IHLRG), based in Bucharest, Romania. The IHLRG is a non-profit, non-governmental organization made up of legal representatives who advise local human rights groups in over eighty countries. The group is affiliated with the International Commission of Jurists. The Legislative Advocacy Project, which promotes parliamentary transparency and encourages local human rights groups to lobby for legal reform in central and eastern Europe, receives funding from the United States' German Marshall Fund and the Open Society Institute.

Russian media sources (various):

Most of the Russian media sources used in this paper were republished by the Foreign Broadcast Information Service (FBIS), which "translates, disseminates and analyzes foreign open-source information on behalf of the U.S. Government". *Country Reports 1994* states that "freedom of speech and of the press was generally respected" in 1994, and that most print media generally "functioned unhindered" and represented "a wide range of opinions" (Country Reports 1994 1995, n.p.).

Nezavisimaya Gazeta is an independent daily newspaper described as "liberal" by the 1994 Report of Reporters Sans Frontieres (266). ITAR-TASS wire service is the "official agency of the Russian federation" (*ibid.*, 269), while *Pravda* is the former Soviet Communist party daily, which Reporters Sans Frontieres said in 1994 maintained a "'left-wing' opposition to president Boris Yeltsin" (*ibid.*, 267).

Socor, Vladimir:

At the time of the interview for this paper, Vladimir Socor was a writer/analyst specializing in Moldova with the now defunct Radio Free Europe/Radio Liberty Research Institute. According to its Director, the Institute was established in 1990 "to strengthen the broadcasting of Radio Free Europe/Radio Liberty and contribute to an informed understanding" of recent events in central and eastern Europe and the former Soviet Union (RFERL 26 Aug. 1994, n.p.). The Institute published several publications, including the *RFERL Research Report*, *RFERL News Briefs* and the *RFERL Daily Report*. The United States government-funded Institute was closed on 31 December 1994, following privatization of some of RFERL's operations. The Open Media Research Institute, a joint initiative of the United States Board for International Broadcasting, the US oversight agency of RFERL, and the Soros Foundation's Open Society Institute, now publishes the *OMRI Daily Briefs*, which are comparable to the *RFERL Daily Report*.

Stone, Christine:

Christine Stone is with the British Helsinki Human Rights Group (BHHRG) in London. The BHHRG is one of a network of Helsinki groups and is approximately two years old (Stone 3 Nov. 1994). Since its foundation, the organization has monitored several elections in the former Soviet Union and eastern Europe and has published its findings in several reports, including one on the February 1994 Moldovan elections. The group also published *Minority Rights in Moldova* in March 1993. The BHHRG receives some of their funding from the British Foreign Office and does occasional work for them.

Subtelny, Orest:

Professor Orest Subtelny teaches both political science and history at York University, and specializes in the politics of Eastern Europe and the former Soviet Union.

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