



# RDCT BULLETIN

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## RESOURCE AND DEVELOPMENT CENTER FOR TRANSNISTRIA

### Comparative study reveals the situation of the right to liberty and security of person in conflict and post-conflict zones

On November 4 2009, the association 'Promo-LEX' published a study on the right to liberty and security of person in 4 conflict regions (Moldova, Georgia, the Russian Federation and the former Yugoslavia).

The study attempts to identify viable solutions to ensure that human rights are respected in the Transnistrian region, through a thorough analysis of different situations in other regions that have been, or which remain, areas of conflict. The study offers new ideas, solutions and recommendations for civil society, the Moldovan authorities and the international bodies involved in the peaceful

resolution of the Transnistrian issue.

Experts identified the most relevant cases involving violations of the right to liberty and security in the aforementioned areas of conflict.

Expert Doina Ioana Straisteanu reveals serious violations committed by Russian authorities during police and military operations in the North Caucasus (Chechnya and Inghushetia). In particular, the author notes how anti-terrorism laws have resulted in various abuses of the right to liberty and security, and how prosecution bodies have failed to combat and prevent these abuses. Secret places of detention, (such as the private prisons of the Chechen President, Ramzan Kadyrov) are a major problem in the region, as is documented in reports of the CPT (European Committee for the Prevention of Torture). The inefficiency of the law enforcement bodies in the North Caucasus, and the impunity which they enjoy, leaves people vulnerable to violations of their liberty and security. The European Court of Human Rights has recognized violations of Article 5 of the European Convention on Human Rights in over 100 cases brought against the Russian Federation.

Expert Nicoloz Legashvili notes the destabilizing nature of the presence of Russian peacekeeping troops in the regions of Abkhazia and South Ossetia. He further notes the active role played by these troops in military acts of aggression that took place in these regions at different times during the 1990s, and in abuses committed against both combatants and civilians. The issue of dual jurisdiction constitutes an obstacle to securing the rights and freedoms of Georgian citizens, since the secessionist authorities have established their own legal structures. On the other hand, a positive example of a mechanism for securing constitutional jurisdiction came in the form of parallel elections in South Ossetia, which opened the way for the creation of a legal government in the region.

Expert Goran Miletic notes how, although the situation in the lands of the former Yugoslavia is now calmer, nevertheless, in the regions of Serbia, Montenegro and Bosnia, there remains the risk of arbitrary detention, and the problem that cases involving violations of liberty and security of person are insufficiently examined. The Serbian expert recommends that the Moldovan authorities explore the possibility of ratifying and signing all the relevant international treaties and mechanisms concerning security, so as to ensure maximum security for people in areas of conflict. A particularly important step would be ratification of the Statute of the International Criminal court, which hitherto Moldova has not recognized.

Expert Ion Manole reiterates his position regarding the lack of guarantees for people in the Transnistrian region. In particular, he highlights the inaction and omissions of the constitutional authorities, who have performed inconsistently, and without well-defined objectives, leading to the current deadlock. The author suggests that the Moldovan authorities create a national strategy for ensuring

personal rights and freedoms in the Transnistrian region. The case studies that have been discussed in society in recent years have shown that nobody there can feel free and secure. Not even collaborators from the constitutional law enforcement bodies are protected, being often humiliated, detained or 'arrested'. The problems of the region's 'penitentiary institutions', including centres of preventive detention, are very serious, and require the immediate attention of civil society, the constitutional authorities, and the international community. As a result of the conditions in these 'institutions', and according to statistics, the majority of those detained in the region remain under the real risk of infection with various illnesses, including HIV/AIDS and tuberculosis. Another major problem for the security and liberty of person in the region is the forced enlistment of all young males into illegal paramilitaries.

The study was realized with financial support from The Black Sea Trust for Regional Cooperation and The Balkan Trust for Democracy / a project of the German Marshall Fund.

The study is available in English, Romanian and Russian languages on Promo-LEX web page [www.promolex.md](http://www.promolex.md)

### **Round-table discussion. Presentation of the Study '*Human Rights and Democratic Institutions in the Post-election Period in Moldova, 6 April – 1 July 2009*'**

**11 November 2009** / The *Promo-LEX* Association presented a study focussed on an analysis of the situation with respect to freedom of assembly, liberty and security of person and the right not to be tortured, freedom of mass-media/freedom of expression, and the functioning of state democratic institutions, during the post-election period in Moldova (6 April- 1 July).

The authors of the study presented their findings based on objective assessments of the causes and consequences of the dramatic events seen in Moldova in the aforementioned period, outlining at the same time concrete recommendations for the authorities and other concerned bodies.

Present at the opening of the event, President of the Parliamentary Committee set up to investigate the April events, Vitalie Nagacevschi, stated that, following the parliamentary elections on April 5 2009, human rights were flagrantly violated, and that democratic institutions were inappropriately influenced by politics. The most prevalent violations involved the use of torture on the part of the police. The existing mechanisms, he said, were not efficient enough to guarantee respect for human rights.

Alexandru Postica talked about the rights and obligations of the local public authorities with respect to cooperating with the police and organisers of assemblies, outlining the rights and obligations of all parties. If public order is violated during an assembly, then, according to the law, police and representatives of the local public administration should disperse the meeting in conformity with legal provisions, first giving warning of the measures that will be taken. He warned that, in cases where the law is not respected, organisers and participants will be held accountable, in conformity with legal provisions. Police employees who act illegally must also be held accountable. The author elaborated a set of recommendations for all the relevant parties: Local public administration bodies, firstly, should: co-operate closely with the police, facilitate the notification procedure and organisation of meetings, and ensure realisation of the right to assembly. Organs of the Interior Ministry should: take measures to build public confidence in the capabilities of the police, develop skills and tactics to combat inappropriate and aggressive behaviour, and encourage better co-operation between the police and the local public administration. The prosecution bodies should: start an investigation (carried out by the Prosecutor General) into both cases of violations of the right to free assembly and cases of police inaction, and sanction the senior officers of the law enforcement bodies who did not fulfil their duties. The parliament should: change the law so as to clearly establish the duties and rights of both the local administrative bodies and the police, and supplement chapter V of the Law on Assemblies with a new article clearly indicating the responsibility for violating the Law, and including stipulations on the possibility of collecting for moral and material damages caused by the local authorities and police actions.

Legal expert Ion Manole highlighted violations of Rule-of-Law principles during the April events, as well as abuses committed by precisely those organs charged with ensuring respect for the rule of law: arbitrary detention, maltreatment and torture during detention, violations of procedural norms, delays made to the efficient and swift investigation of cases of abuse and death, and the troubling findings of medical/legal experts. The author emphasised in particular the tolerant and supportive attitude shown by authorities towards certain troubling developments - which led to violations of the rule of law- and the lack of official reaction. He presented to the parliamentary commission recommendations that should be implemented to better elucidate the aforementioned events (transparency, the involvement of foreign specialists and civil society groups, the objective establishment of the truth) and proposed a change to the legislation with a view to preventing the re-emergence of factors that could lead, once again, to the violations seen in April. Manole stressed the readiness of civil society groups to get involved in the proposed measures.

Expert Petru Macovei displayed the results of the monitoring and evaluation of how mass-media portrayed the post-election events in Moldova, affirming that

most TV stations violated ethical principles when presenting the developments. The stations *Moldova1*, *NIT*, *N4* and *Prime TV* presented the news selectively, informed citizens in a non-objective fashion, and manipulated text and images, all in a manner that favoured the Communist Party. The national television channel *Moldova 1* presented information that was biased in favour of the then ruling party. The expert made recommendations for the press: to present events in an objective and impartial manner, to extend the right of reply to all the parties involved, to present a review of the conflict using alternative sources, and to take into account the political beliefs of different sections of the population. He also advised that the Coordinating Council for audiovisual media conduct a self-review, and take measures to ensure the delivery of complete, objective and truthful information, the right to free expression, and the free communication of information via mass media.

Prof. Alexandru Arseni explained how, in the period under study, the functioning of the democratic institutions in Moldova left a lot to be desired. He noted how the parliament in office on April 6 was to form a parliamentary committee, but did not do so. The new parliament elected on April 5 created a committee under Vladimir Turcan, but the latter did not submit any progress report. After much delay, a parliamentary committee was created which has recently started to function. Arseni added that delays in investigations make it more likely that potential evidence for criminal cases will be lost or destroyed. Arseni had strong words of criticism for the Supreme Magistrates' Council concerning the performance of the judges who examined the cases of the protestors, and the fact that it did not task itself with examining cases in which arrest warrants were issued in the offices of prosecuting officers. The expert welcomed various positive changes seen in the work of the advisory council to the Constitutional Court, stating that information is first debated in this council, and then examined by the Court.

Natalia Belitser from the 'Institute for Democracy *Pylyp Orlyk*' in Kiev took part in the round-table as a special invitee. Mrs Belitser presented a view of the April events from the perspective of a neighbouring country, Ukraine. Participants at the discussion were given the chance to learn that, during the dramatic April events, several Ukrainian journalists and citizens were denied access to Moldovan territory. Both at constitutional-authority checkpoints, and at those under illegal Transnistrian control, customs officials behaved in a similar fashion, and used the same arguments to refuse entry into Moldova. In Mrs Belitser's view, this shows that the actions were co-ordinated from a single point. The Ukrainian expert believes that the dramatic events in Moldova have changed the view of many regarding the situation there.

Present at the event were representatives of civil society, deputies and representatives of various state bodies, representatives of diplomatic missions, lawyers, and those who were direct victims of abuse at the hands of the

authorities in April.

The study was made with financial support from the Black Sea Trust for Regional Cooperation /A Project of the German Marshall Fund

The study is available in Romanian and English on the Promo-LEX web site [www.promolex.md](http://www.promolex.md)

## **NGO IN DETAILS**

### **Youth advocacy for Human Rights and transforming the community**

Currently, Promo-LEX is implementing a project entitled "Youth advocacy for Human Rights and transforming the community", within which two trainings have been organized on the topic "Developing youth initiative groups". The trainings were performed in the villages of Malaiesti, Grigoriopol and Parcani, Slobodzia district. The activity aimed to inform young people from the village of Malaiesti and Parcani about the basic terms, stages and activities to be performed in connection with developing a youth initiative group, based on an assessment of their needs as members of the community where they learn and live. The program of the training was developed using theoretical information and practical exercises. During the practical exercises, participants had the opportunity to develop critical thinking skills, debating abilities, and to learn about the methods of interaction between different stakeholders.

During, for instance, the role-playing game "Making connections", participants played the role of four important actors: parents, pupils, Local Public Administration and teachers, contributing to an understanding of the problems that they established as priorities -and which needed to be solved- from different point of views.

Also, interaction between theory and practice (working in groups, making definitions, etc) developed the young people's communication and public speaking skills. Participants became more aware about their role in society and understood opportunities that may appear for getting involved in community life. During the group activity "Needs Assessment" they classified and prioritized their needs and brainstormed possible solutions for their problems.

Also, participants focused on the topic of human rights and developed their awareness of the rights and obligations that they have. In this context, they decided to develop some informational activities in their school concerning human rights issues. This activities will be planned and if necessary Promo-LEX will contribute with informational support.

Participants at the training detected another problem that affects their low level of participation, not only in their community, but generally – they do not know

English, and this prevents them from writing project proposals or using different informational resources. In connection with this, they decided to develop a club to be called "Y.E.S" (Youth English Speakers Club), which will be moderated by the Promo-LEX volunteer Chris Carson. Participants are to discuss with the Principal of the School and decide on the list of members that will take part in English classes. They decided to subscribe to the club 'Y.E.S.' so that participation in this Club will motivate them to go forward and develop small initiatives on their own. Two more trainings are being planned, also to take place in villages in the Transnistrian region.

The activities were carried out in the framework of the project "Youth advocacy for Human Rights and transforming the community" with financial support from the Embassy of Lithuania in Moldova.

Olga Gordila  
Coordonator Proiect  
Promo-LEX Association

## **The Liceele\* on the left bank of the Nistru – accredited**

The process of evaluating and accrediting the pre-university education institutions, including those on the left bank of the Nistru river under the jurisdiction of Chisinau, began a decade ago, and ended on the 6<sup>th</sup> of November, the day on which the Education Minister, Leonid Bujor, presented certificates of accreditation to the secondary schools "Lucian Blaga" in Tiraspol, "Stefan cel Mare" in Grigoriopol (situated in the village of Dorotcaia) and "Mihai Eminescu" in Dubasari. The Education Minister regretted the actions of his predecessor, who had delayed finalising the relevant documents, because the former minister had in fact decided to accredit the schools a year and a half ago. "We consider the delay an ill-intentioned, political act", the minister said.

"The certificates will make for more constructive dialogue with the representatives of the authorities in Tiraspol, and with those of the local public administration, who continually blackmail us during periods of high tension, and even on a daily basis, over the absence of certificates of accreditation", the heads of the secondary schools were eager to add. "It was like a sword of Damocles constantly hanging over our heads, since the absence of the certificates could have been a pretext to close the schools. This way, however, we are people with legal backing, with our affairs in order, who can demonstrate clearly that we exist and perform in accordance with the legislation in force in Moldova", stated the heads of school present at the event.

\*A 'liceu' in Moldova is a school for pupils typically aged between 15 and 18 (grades 10-12 in the Moldovan education system). 'Liceele' is the definite article plural form. We will use the term 'secondary school' here to translate 'liceu',

though it should be noted that a Moldovan liceu is not the precise equivalent of, say, a British secondary school.

Source: Ziarul de gardă

<http://www.zdg.md/stiri/liceele-din-stanga-nistrului-acreditate>

## We talk and study in Romanian, and we take pride in this

Some children dream of space travel, others of becoming millionaires. Children in the Transnistrian region who study at the *licee* [secondary schools] which teach Romanian in the Latin script want no more, no less, than this: A secure place for their school and the fundamental right to study in their mother tongue. We talked with many youngsters from the *licee* in Râbnița, Tighina, Tiraspol and Grigoriopol about this issue. Below are some of their responses to the following questions:

1. What problems does your school face? Who do you expect to solve them?
2. Have you ever felt disadvantaged compared to pupils from Russian schools in your area?
3. How do you think the Transnistrian conflict can be resolved?

- One problem is the lack of opportunities to organise extracurricular activities in the school. We would like to hold debates and trainings, but without permanent premises we can't do anything. For 8 years we have been left without a building in the city of Grigoriopol, so those wanting to study in Romanian travel almost 20km every day to the school in Doroțcaia, where the Liceu "Ștefan cel Mare" moved to.
- Yes. Always. Why do Russian children have the right to study in their mother tongue, but not us?
- I don't see an end to the conflict. It has become a game of principles. As long as Russia shows an interest in the Transnistrian region, a resolution of the conflict will not come. The policy of small states is made by big states!

***Tatiana Platinda, Liceu "Ștefan cel Mare", Grigoriopol***

- Although we are now used to shortages and pressures, which appear all the time, the biggest problem is the lack of a permanent location in the area. For 8 years our students have not been able to study in Romanian in Grigoriopol. If there was a solution to the problem, it hasn't been forthcoming for eight years. We are still waiting.
- I have never felt at a disadvantage. On the contrary, I am proud that I haven't given up my mother tongue.
- A solution should come from Chisinau. We are waiting for a solution from the new government.

***Eugenia, Liceul "Ștefan cel Mare", Grigoriopol***

- The same problem as in other schools in Transnistria that teach in Romanian - the lack of permanent premises. A problem which is just as bad is the shortage of Romanian textbooks and other books in the school library. The solution should come from the Ministry of Education in Chisinau.
- I have always felt disadvantaged. Russian schools have always had secure premises, while we are still dreaming about this. Sometimes I have felt scared to walk home on the streets. I feel that we are seen as different.
- Both sides should find a compromise, because innocent people are suffering, especially young people.

***Irina, Liceu "Evrice", Râbnița***

- Our school has been closed many times. The authorities in Tiraspol don't agree that there should be a school in the city that teaches in Romanian.
- I don't consider myself to be at a disadvantage because Romanian is not inferior to Russian. We talk and study in Romanian, and we take pride in this.
- As long as these problems are bound up with politics, I don't see a solution. A resolution to the conflict should begin with normal people. People on both banks of the Nistru should be united, and then the territories.

***Svetlana Gortopan, Liceu "Lucian Blaga" Tiraspol***

- The biggest problem our school faces is the right to exist. They have tried many times to deprive us of this basic right, which any child or young person in a democratic society should have. In the building where we study at the moment the laboratories are badly equipped, there are no materials for the laboratories, and the rooms are small. Many pupils have left our schools because of this. These problems would be solved if the Transnistrian authorities collaborated with those in Chisinau. Ideally we would be one state.
- I don't feel at a disadvantage compared to the pupils who study in the Russian schools. Our teachers are nicer with us because they know that our school is the only place in the town where we can study in our mother tongue. This closer relationship probably appeared after the shared difficulties we went through. This united us and made us stronger.
- At the moment we are dependent on people who don't really want a solution to the conflict. If both parties reached a compromise, the problem would solve itself.

***Marina I, Liceu "Evrice", Râbnița***

- Being the only school which uses Romanian in the city of Tighina, we have certain problems. We would like better laboratories, better libraries. We

want to have the guarantee that our school will not be made to stop its activities for political reasons. It's bad when, because of politics, some innocent young people have to suffer, who want nothing more than to study in their mother tongue.

- I have always felt disadvantaged. The Russian schools get money and support from the authorities in the city. Not only do we feel ignored, but we are seen as different.
- European institutions should intervene. A compromise should be reached. But as long as Russian interests are in play, we can't help but feel like spectators. We ourselves are not able to solve the problem. What remains for us to do is maintain our position. If we all leave here, there will be no one left to fight.

***Cristina G., Liceu "Alexandru cel Bun", Tighina***

material made by Ala Cazac and Oxana Greacenco  
Bender/Tighina

## ACTUAL

### **A group of people held in the Pre-trial Detention Center of the Tiraspol 'Militia' have declared a hunger strike and are threatened with the use of force**

14 October 2009

Chisinau, 14 October 2009 – The people (it is estimated that they number around 90) held in the basement of the Pre-trial Detention Center of the Tiraspol 'Militia' have already been on hunger strike for 4 days. According to relatives, the detainees complain that they are held in inhumane conditions, tortured, not given access to a doctor, and do not even receive food parcels sent to them. At the same time, the administration of the isolation unit has threatened the detainees with the intervention of the special-purpose task force "Speţnaz", if they do not cease their hunger strike.

According to sources, detainees are subject to diverse forms of torture such as being beaten with hard objects across the fingers, having their legs and arms stretched, and being kicked and beaten with various objects on different parts of the body, particularly the back of the neck. Relatives (mothers and sisters) of the detainees, who were witnesses to instances of maltreatment, were threatened with rape if they talked about them or went to the authorities.

These relatives have also said that the protesters have been held in the absence

of any genuine or legal proof for a long period of time (from 2 to 6 months), suspected of crimes that they have not committed. Among the detainees is the leader of the Tiraspol youth organization 'World Youth', Bezrodnii Alexandr. The mother of the detainee has explained that her son is continuously maltreated by employees of the regional militia, with the aim of obtaining from him a confession to having committed robberies. The relatives suspect that the arrest of the 'World Youth' leader is connected with his professional activities. According to relatives, the detainee is not granted medical assistance (although a doctor has requested access on several occasions), and the lawyer involved is not allowed access to the case materials.

Individual freedom and security of person are inviolable and imply guarantees for those deprived of liberty. Security of person involves the right of the individual to juridical protection provided by state bodies, the right to the protection of one's reputation and dignity, the right to liberty and security, guarantees against arbitrary arrest, the right to defense through courts, as well as the right to the inviolability of one's domicile.

Thus, Promo-LEX reminds the authorities of The Republic of Moldova and The Russian Federation about the positive obligations which the governments of these two states have with regard to the victims of the Tiraspol regime.

Promo-LEX asks, as a matter of URGENCY, that the Russian and Moldovan authorities, with the involvement of representatives from the Ukraine, the OSCE, the EU and the United States (actors involved in Transnistrian conflict settlement process), investigate the case and ensure respect for the rights of those detained in the Pre-trial Detention Center of the Tiraspol 'Militia' (str. Lenin, Tiraspol).

The Promo-LEX Legal Department, 14 October 2009

## Reactions...

### **The OSCE Mission**

On the 15<sup>th</sup> and 19<sup>th</sup> of October, following the call made by the Promo-LEX Association, representatives of the OSCE Mission to Moldova visited the pre-trial detention center of the militia office in Tiraspol to find out about the situation. According to relatives, the administration of the center denied them access to the detainees held in the basement.

### **Reaction of the regional authorities**

On the 19<sup>th</sup> of October 2009, on the website of the 'Justice Minister of the RMN', an official statement was posted in which the self-proclaimed authorities deny

information about the declaration of a hunger strike by detainees in the detention centre on the grounds of poor conditions and inhumane treatment. The statement says that 'the situation is under control, but the detainees have not addressed complaints to the 'minister' about any such matter'. Typically, it would be the responsibility of this 'Minister' to initiate and maintain a strict control of the detention centre, to verify the detention conditions, to discuss with protesters and representatives of the administration, etc., and later to inform the public about the findings. Thus, the statement that "complaints have not been received from the detainees" does not mean that the situation of the protesters is favorable or otherwise.

On the 22<sup>nd</sup> of October 2009 I. Smirnov arranged an urgent meeting with 'officials' of the 'Justice Ministry', prosecutors, etc., where they discussed the situation in the detention center and prison, conditions of detention, and precaution measures. In this meeting, it was recognized that the places of detention and prisons are crowded because of "*misunderstandings between the law enforcement structures and judiciary, the transfer of the detainees from the pre-trial detention centers to temporary detention centers, including colonies is delayed*". Consequently, the 'Prosecutor' of the 'RMN' proposed a plan to increase to 18 months the period in which a person can be held under arrest. The 'President of the Supreme Court' of the 'RMN', however, explained that this period could lead to deliberate delays in the investigation of criminal cases. Other details of the meeting are not known.

All this shows that the situation of the detainees in the Transnistrian region is critical and dangerous.

### **Reaction of the Constitutional Authorities**

On November 4 2009, at the conference during which Promo-LEX presented a study on *Liberty and Security of the Person in Regions of Conflict*, ([www.info-prim.md/?x=24&y=26821](http://www.info-prim.md/?x=24&y=26821)), the Deputy Prime Minister for Reintegration Matters, Victor Osipov, stated that the situation of the detainees in the detention centre in Tiraspol will be raised in talks in Vienna.

The relevant authorities, along with the Ombudsman, the Prosecutor General, and the Moldovan Parliament, are concerned to resolve the problem.

### **Latest News**

According to some source, the protesters have ceased their protest action (a hunger strike), which lasted for four days after the administration of the detention centre and local police investigators assured the detainees that their rights would be respected (suitable detention conditions, and the absence of aggression and maltreatment). It is not known whether the special task-force '*Speţnaz*' intervened to 'calm' the protesters.

On October 23, the 'court' in Tiraspol postponed for one month a hearing to examine the criminal case of one of the detainees, on the grounds that the lawyer and witnesses were absent. (Recall the case – the detained man's mother had had no news of her son, who had been held in the detention centre for around three weeks). The mother of the 'accused' insists that the criminal case in question is bogus, and that witnesses are afraid to make false statements in court, owing to the risk of being punished for intentionally giving false testimony. Furthermore, the woman in question is dissatisfied with the performance of the lawyers assigned to her by the 'state', saying that they are incompetent, biased and impostors.

On November 30 some of the detainees in question (beneficiaries of Promo-LEX) were transferred from the police pre-trial detention centre in Tiraspol to Prison nr. 1 in the village of Hlinoe, Grigoriopol. The latter institution is more like a low-security correctional facility, and the conditions are better. According to relatives, the situation in the facility is more favorable for the detainees.

On a certain date, the relatives requested a meeting with officials of the Russian Embassy in Moldova, but were refused. The relatives were told that the Embassy had addressed a demarche to the 'Prosecutor' of the 'RMN', and that relatives would be informed about the outcome.

### **Conditions in the pre-trial detention centre**

According to certain information, detention conditions in the basement of the police pre-trial detention centre in Tiraspol are unbearable. Healthy individuals are detained alongside others with infectious diseases (AIDS, tuberculosis, etc.). Often, 10-12 individuals are held in a cell with an area of just 2×4 m<sup>2</sup>, and the cells are dark and damp. 'Beds' are of concrete, covered with linoleum. Disinfection of the cells for parasites takes place with the detainees inside. Rooms are not heated and are very cold. There are no facilities for bathing, or for washing and drying clothes. There is no space to exercise. Lawyers and others do not have access to the detention centre.

The Promo-LEX Legal Department, 12 November 2009

## **NOTE**

### **The Bicycle case – Resolved positively step by step. But ...**

Through its decision, the court upheld the request of the RDCT's beneficiary, ordering payments to be made for material damaged by a minor<sup>1</sup>. The court

ordered the parents of the minor, who stole a bicycle subsequently claimed by the beneficiary, to pay for the item in question.

During the hearing, both the minor and the legal representative, the mother, said that they do not have relatives in village Lunga or in any other locations in the Transnistrian region. On the day on which the bicycle was stolen, they said, the minor was in another town some distance away from the place where the theft took place. Therefore, he did not take the bicycle, the minor explained. Also, during the court hearing it was said that the boy was not under the guardianship of institution X on the day in question, as was 'established' by the law enforcement bodies. Thus, the plaintiff, on the recommendation of the court, had to make another request for proceedings, where the legal representative of the perpetrator would be cited as defendant. The initial action remained under examination, but the new request was given to another judge. Thus, the plaintiff and the other parties in the case were cited in the same court, and at certain meeting times, or even on the same day, with a short interval, arguments were given and evidence presented to two judges.

Deficiencies have delayed examination of the case as a result of the actions of the court and led to an infringement of the right to a fair judicial process, through a dual examination of the circumstances in the same court by two judges.

Finally, the plaintiff's claims were satisfied in their entirety, and the court's decision became irrevocable.

On a certain day, the beneficiary submitted a request to the local Enforcement Office, asking that the court order for payment be executed. Shortly after, the beneficiary was informed that the execution of the court order had been stopped, because the debtor did not have sufficient income or goods. Consequently, the plaintiff cannot benefit from their right of ownership of the amount of money obtained in the judicial decision.

Thus, so as to avoid that Moldova be condemned for violating article 6 of the European Convention on Human Rights, and also article 1 of the first Protocol to the Convention, we recommend that the capable national authorities immediately carry out the judicial judgement in question.

Alexandru Zubco  
Judicial Department RDCT  
Promo-LEX Association

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<sup>1</sup>( see [http://promolex.md/upload/ebulletin/ro/nr26\\_1235570068ro\\_.pdf](http://promolex.md/upload/ebulletin/ro/nr26_1235570068ro_.pdf)).

## ANNOUNCEMENTS/FINANCING

### Need a Volunteer? Get one from EU!

Volunteer coming the EU will cost you nothing and may come for period from 3 months to 12 months.

We'll help you to bring European volunteer to your organization/ initiative group or any other kind of institution. Any city or village in Moldova including Gagauzia & Transnistria is eligible to host volunteers from EU.

Basically, if you asking us to bring you a volunteer your organization must have existed project or project idea you want to develop with help of volunteers.

That means you must be able to define the project in a clear, realistic way; write a scope of work for the volunteer; to set up requirements for the skills of volunteer you want have; have the capacity to supervise and evaluate the volunteer's work; your organization needs to have clear ideas about the tasks wants volunteers to do; these tasks could help your group to extend existing work or do something new.

All volunteering tasks should be worthwhile, have a point, and have results. Tasks need to be achievable and realistic, and should bring benefits to the wider community, members and/or service users, the group/organization and the volunteer.

So, if you decided that you need a volunteer, give an answer to 10 short questions (not more than 100 words each):

1. Name of organization
2. Location (city/ village)
3. Address, phone, email
4. Description of project you propose for the volunteers
5. Number of volunteers needed
6. Starting & Ending date
7. Field of work

(Learning/Education, Health, [Business Development & Communications](#), Civic Engagement, Economic Development, Environment, Human Rights, work with handicapped people, etc)

8. Special qualifications recommended
9. Description of the tasks for the volunteer
10. Project language (Romanian/ Moldavian, Russian, deaf language)

We may come to your office to discuss your project idea.

**We are happy to answer all your questions by mail [evs@evsmoldova.org](mailto:evs@evsmoldova.org)**

Center EVS in Moldova

[www.evsmoldova.org](http://www.evsmoldova.org)

## US Embassy Continues Democracy Commission Small Grants Program

The Embassy of the United States of America announces the continuation of the Democracy Commission Small Grants Program for non-governmental, non-profit organizations and independent mass media outlets from Moldova.

The Commission will consider applications targeting the broad themes of the Grants Program:

- Independent media, free flow of information, transparency in government;
- Civic education, strengthening and promotion of civil society and democratic institutions;
- Public participation in decision making;
- Institutionalization of open, pluralistic, and democratic political processes at the local level;

### Information about submitting applications

Grant period: maximum 12 months

Grant Amount: Maximum \$ 24,000

The process of submitting applications: Participants must submit projects via email. Detailed instructions about the process for submission of projects can be found at <http://moldova.usembassy.gov/democracy-grants.html>

**The deadline** for submitting applications is **November 30 2009, 16:59** (Moldovan time)

Contact: Stelian Rusu, Information Resource Center, 57/1 Banulescu-Bodoni str., Chisinau Moldova, tel.: 22-99-50; fax: 23-85-48 E-mail: [RusuS@state.gov](mailto:RusuS@state.gov)

Additional information, detailed requirements and standard application forms can be found at <http://moldova.usembassy.gov>

## Foundation for Education for Democracy

Foundation for Education for Democracy invites teachers and representatives of nongovernmental organizations from Poland, Eastern Europe, Caucasus and Central Asia to participate in the elaboration of the teaching activity' scripts competition.

The aim of our competition is to develop and publicize new teaching materials (in Polish, Russian and Ukrainian languages) which will allow young people to get to know better the culture, history, traditions and daily life of their neighbors. The

materials have to promote the idea of cooperation among neighboring countries, support the inter-cultural dialogue, develop the responsibility level for the natural and cultural environment in which young people are educated.

The application package containing: the application form and the script should be sent to the e-mail address: [martyna.michalik@edudemo.org.pl](mailto:martyna.michalik@edudemo.org.pl) until December 31, 2009.

Any further questions can be addressed by sending a message at the indicated email.

More details about the contest can be found at the following link:

[http://rita.edudemo.org.pl/przydatne-pliki/cat\\_view/37-konkursy-programu-rita-niegrantowe.html](http://rita.edudemo.org.pl/przydatne-pliki/cat_view/37-konkursy-programu-rita-niegrantowe.html)

*Bulletin coordinated by:*

*Ion Manole  
Resource and Development Center for Transnistria  
Cosnita, r. Dubasari  
[crdt@promolex.md](mailto:crdt@promolex.md)  
[www.promolex.md](http://www.promolex.md)  
Tel/fax: 0 248 43 183  
Gsm. 069004065*

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