Moldavien (86)

(54)

27 MAI 2005

INTERNATIONAL HELSINKI FEDERATION FOR HUMAN RIGHTS

Wickenburggasse 14/7, A-1080 Vienna, Austria; Tel +43-1-408 88 22; Fax 408 88 22-50
e-mail: office@ihf-hr.org – internet: http://www.ihf-hr.org
Bank account: Bank Austria Creditanstalt 0221-00283/00, BLZ 12 000

Extract from the IHF report

Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)

Moldova[1]

IHF FOCUS: national human rights protection (human rights defenders); elections; freedom of expression, free media and information; independence of the judiciary and right to a fair trial; torture, ill-treatment and police misconduct; freedom of religion and religious tolerance; national and ethnic minorities: right to education.

Widespread human rights violations continued across Moldova in 2004. In the self-proclaimed "Transdniestrian Moldovan Republic" (Transdniestria), the already alarming human rights situation deteriorated further.

In the aftermath of the 2003 local elections, which were riddled with serious irregularities, the OSCE/ODIHR and the Council of Europe's Venice Commission in July 2004 submitted to the Moldovan government an analysis of the election problems and a set of recommendations on how to avoid similar problems in the upcoming 2005 parliamentary elections. The Moldovan authorities, however, failed to address most of these recommendations.

Freedom of the media deteriorated in 2004 principally due to a government crackdown on and subsequent firing of employees at the public broadcaster Teleradio Moldova. Unofficial censorship and pressure on the media remained widespread.

Moldovan police and other law enforcement agents continued to use torture and ill-treatment as a common investigation method to extract "confessions, which were then used as evidence in courts. The cases of abuses usually went unpunished.

While the Constitution provides for an independent judiciary, there was pressure from authorities on courts, and widespread corruption among judges remained a serious problem. The public regarded the judiciary as one of the most corrupt public sectors.

Registration of religious communities remained a problem; for example, no Muslim groups had been registered by the end of 2004. Religious minority groups faced harassment, and the situation was especially bad in the breakaway region of Transdniestria.

[1] Based on the Helsinki Committee for Human Rights of the Republic of Moldova, *Report on the Human Rights Situation in the Republic of Moldova – Year 2004*. The full report is posted at http://www.humanrights.md/.

In Transdniestria, measures taken in 2004 reflected the hardening policy toward the Moldovan/Romanian minority. Raids were carried out in schools that continued to use Latin script (instead of Cyrillic) in teaching, excessive use of force was commonplace, and attacks against what Trandniestrian authorities perceived as opposition forces continued, including acts against human rights defenders. The longstanding lack of separation of powers between the legislative, executive and judiciary was still a general hindrance to the advancement of human rights. The situation in Transdniestria continued to have a negative effect on the social, economic and political stability in the whole of the Republic of Moldova.

National Human Rights Protection

Human Rights Defenders

In Transdniestria, the local "Ministry of State Security" posed restrictions on civil society activities, especially if they concerned human rights. All non-governmental activities, such as conferences and training sessions, were to be coordinated with local authorities. The organizers were required to submit to the "ministry" the program of their meetings, a list of participants, and the names of the hotels they were staying at. Failing to do this meant that the event was illegal.

- Members of the Moldovan Helsinki Committee (MHC, IHF member) were harassed on 1 July in Tiraspol, the capital of Transdniestria, by a group of protesters who opposed the organization of the training program "Techniques of Monitoring the Violations of Human Rights" that was scheduled to start that day. They accused Stefan Uritu, the chairman of the MHC, along with a group of human rights activists and several journalists, of terrorism and referred to a sentence passed against Uritu by a Transdniestrian tribunal in 1992. Several protesters threw bags with curdled milk and paint at him. The Transdniestrian law enforcement authorities did nothing to stop the incident. Later on, militia officers forced Uritu into a car and escorted him out of the Transdniestrian territory citing personal security reasons. In addition, the administrators of the cafe Plăcinta, which had accepted to host the training, were summoned by the Tiraspol security agencies and forced to cancel the event.

- Following the above-mentioned incident, Transdniestrian human rights activists who wanted to cooperate with the MHC, including Nicolae Bucheatky and Alexandr Radchenko, were repeatedly threatened and attacked. For example, the doors of their apartments were smeared with a stinking chemical substance, squibs were thrown at their apartments, defamatory graffiti was written on the walls and windows of their apartment buildings, and libellous leaflets about their activities were distributed. After having published human rights related articles in Moldovan papers, they received death threats. During the pre-election campaign to the 2005 parliamentary elections in Ukraine, both of them were physically attacked and threatened because of their support of Viktor Yushchenko and because they had distributed campaign materials for him. During the night of 27 and 28 December, the door of Buchatky's apartment was set on fire. Later, on 30 December, indelible red color was thrown at his face. Militia officers, who were nearby, failed to take any action.

- Oxana Alistratova, director of the Transdniestrian human rights organisation Interactiv, was also subjected to intimidation and psychological pressure by local security agents. Her organization has been active in TMR since 2002. On 16 June, an officer of the "Ministry of National Security" summoned her without any reason. At the meeting with the "ministry," where she was accompanied by her ten-year-old daughter, she was subjected to interrogation about her organisation, its funding, and her participation in various activities. She was also accused of

collaboration with the secret services of the Republic of Moldova. She and her daughter were held in the "ministry" for seven hours without anything to drink or to eat. Alistratova was forced to sign pre-filled documents in exchange for their release. After this meeting, she received threats and anonymous calls and paint was thrown at the facade of her house.

Elections

While no elections were held in Moldova in 2004, the year was important in terms of the preparations for the March 2005 parliamentary elections. The upcoming elections were of special interest because the 2003 local elections had been qualified by international observers as a step backward compared to previous elections in Moldova due to wide-scale irregularities.

Following the 2003 local elections, the OSCE/ODIHR and the Council of Europe's Venice Commission in June 2004 made recommendations to the government of Moldova on how the Electoral Code and the election administration should be amended to ensure that the next elections would be conducted in line with European and OSCE standards for free, fair and democratic elections.[2]

According to the OSCE/ODIHR and the Venice Commission, the most important improvement would be to remove all doubts regarding an impartial judiciary so that legal steps against candidates should not be able to cast doubt upon the electoral process. As for the legal framework, the two organizations recommended, among other things, that better mechanisms be set up to secure the secrecy of the vote; the representation threshold for parties and blocks (6% and 9-12%, respectively) be lowered; the composition of the Central Election Commission (CEC) be changed to ensure a proportional representation of political parties; the registration criteria for political parties be altered; a better procedure be developed for the scrutiny of voter lists; better safeguards be provided in the law to ensure that records of every step in the vote count are kept; clearer obligations be established for publishing detailed results of polling stations immediately and as part of the full tabulation; more detailed rules be established for use of public infrastructure during campaigns; and that the editorial coverage of the incumbents in electronic media during the campaign be better regulated.[3]

On the basis of the recommendations, the obligation for political parties to annually submit their membership lists to the Ministry of Justice was abolished, and the mandatory minimum number of members for the registration of a party was brought down from 600 to 150 per *rayon* (administrative unit) in at least half of Moldova's 32 rayons.

Nevertheless, recommendations for many fundamental revisions of the code were not implemented. These recommendations included a proposal to change the composition of the CEC. In addition, the failure to address many other recommendations gave rise to concern regarding the respect of the rights of all candidates to campaign freely, the guarantee of secrecy of the vote, the transparency and accuracy of counting and tabulation of votes, and the unbiased operation of the mass media.

During the 2003 local elections, the vice mayor of Chisinau and the former mayor of Vadul lui Voda left Moldova because of intimidation and harassment during the election campaign. They did not return to Moldova since criminal proceedings were initiated against them on charges of corruption and abuse of power and arrest warrants had been issued against them.

---

[2] OSCE/ODIHR Council of Europe, *Joint Recommendation on the Electoral Law and the Electoral Administration in Moldova*, Opinion No. 272/2004, 12 July 2004, http://www.osce.org/documents/odihr/2004/07/4381_en.pdf.
[3] Ibid.

Toward the end of 2004, criminal charges that were believed to be politically motivated were brought against some opposition leaders before the launch of the 2005 election campaign.

- Serafim Urechean, the leader of the opposition Bloc Moldova Democrata (BMD) was charged with corruption before the parliamentary election campaign started. The suspicion that the charges were politically motivated was supported by the release by the BMD of a video made by an officer in the Center for Combating Economic Crimes and Corruption (CCCEC), in which he spoke of pressure from the highest levels of the state to bring unsubstantiated charges against Urechean.

Freedom of Expression, Free Media and Information

The most serious violation against media freedoms in 2004 was the governmental crackdown on Teleradio Moldova, the country's public broadcaster. In July, all employees of Teleradio Moldova were scrutinized for re-employment, with the consequence that many were not hired again. Among those first to be fired were members of the so-called anti-censorship committee that was created among the company's employees in 2002 to fight unofficial censorship in the public TV and radio. The persons who were not re-hired included TV editor Angela Arama as well as TV reporters Corina Fusu and Viorica Cucereanu.

On 27 July, 40 journalists went on strike to protest the re-employment policy of Teleradio Moldova and general unofficial censorship by the government. On the same night, 19 of the protesters were suspended from work indefinitely. During the following five days, police forcibly removed protesters from the spot. However, the strike continued throughout August and September, with six reporters starting a hunger strike that was joined by five veterans of the Transdniestrian war. On 1 August, the group attempted to set up tents in front of Teleradio Moldova headquarters where the strike had moved to, but police hindered them from doing so despite the fact that city authorities had sanctioned it. Numerous strikers were injured during this police action. Protests continued also later in the year on a regular basis in front of the parliament.

Throughout 2004, the media was under unofficial and indirect governmental censorship that took the form of administrative, economic, and judicial pressure. Administrative pressure was used especially against journalists working for public electronic and printed media such as Teleradio Moldova and the newspapers *Moldova Suverana,* and *Nezavisimaia Moldova.* The managers of these media outlets punished their journalists (for example, with pay cuts) who did not respect the "corrections" made by the ruling party.

Judicial censorship was applied through courts, which were subordinated to the executive power. Most independent newspapers (for example, *Jurnal de Chisinau, Ziarul de Garda, Moldavskie Vedomosti, Flux, Timpul de Dimineata,* etc.) faced trials initiated by political leaders or powerful businessmen for defamation. The newspaper *Timpul* lost a trial and was forced to change its name and juridical status. Several members of parliament (for example, V. Stepaniuc and Iu.Rosca), and members of the government (for example the Minister of Internal Affairs Gh. Papuc) and other high state officials filed defamation charges against newspapers for legitimate criticism of their activities or allegations of corruption.

- The newspaper *Timpul* wrote on 16 January about the misuse of public funds through the funnelling of money through the company *Daac Hermes* to purchase cars that were then given to high-ranking regional officials. Despite the fact that the allegations were well-founded, *Daac Hermes* successfully sued the *Timpul* for slander.

- In early February, the government authority responsible for issuing radio and television licenses refused to extend the license of the radio station Antena C. The station is owned by the municipality of Chisinau whose mayor is a leading member of Moldova's political opposition. Some Antena C employers went on a hunger strike that lasted nine days. Finally, the station's license was extended.

In general, opposition access to the mass media decreased in 2004, especially in the second part of the year with the closure of the program "Opposition Hour" on the public TV channel.

Access to Information

Moldovan legislative process lacked clarity and transparency. The ruling Communist Party, which had the absolute majority in the parliament from 2001 to 2004, appeared not to be interested in parliamentary dialogue, and there was no mechanism for public input in to the legislative process, for example, in terms of discussing draft laws.

According to the parliament's rules (adopted in 1996), draft laws are analyzed and discussed in parliamentary commissions. By law, the sessions of the commissions are public and should therefore also be open to mass media. In practice, however, the media and the public could be present at those sessions only with authorization by or at the invitation of the Permanent Bureau of Parliamentary Rules. In several cases people were denied such permission.

- In 2004, Dmitrii Ciubashenko, editor-in-chief of the Russian-language newspaper *Moldavskie Vedomosty*, as well as Igor Burchiu, editor-in-chief and some journalists of the Romanian-language newspaper *Flux*, were denied accreditation to observe sessions of a parliamentary commission.

There were no legal provisions to regulate the accreditation of journalists with public institutions to report on the institutions' activities, including those of the parliament, the government and the presidency. This led to frequent cases of exclusion of media representatives from important events.

Public discussion on parliamentary processes was also inhibited by denying individuals access to the records of the parliament.

- The newspaper *Timpul* submitted a written request to the parliament requesting access to the official record ("blue books") of the spring/summer 2002 plenary sessions. This was denied on the grounds that the records were allegedly only for "office use" for the parliament itself and access to such information was limited also to members of parliament and public servants.

It also appeared that some official agreements between the government of Moldova and other entities were not published in the Official Gazette of Moldova (*Monitorul Official*) despite the fact that the law requires it. The MHC detected that between 1999 and September 2004, the Moldovan government had made two agreements with the Transdniestrian authorities, which were applicable in the Republic of Moldova but were not published in the Official Gazette (see extradition, below).[4]

[4] For more information, see MHC, *Violations of the Right to Liberty and Security of Person, Right to Fair Trial, Right to Life, Right to Not Be Subjected to Torture or Inhuman or Degrading Treatment, and Presumption of Innocence*, July 2004, http://www.humanrights.md/eng/News/Critica%20AcordMAI.doc%20tradicerea%20engl.pdf.

Independence of the Judiciary and Right to a Fair Trial

The Constitution provides for an independent judiciary, however, there was pressure from authorities on courts, and widespread corruption among judges remained a serious problem in 2004. According to opinion polls, the public regarded the judiciary as one of the most corrupt public sectors. In the global corruption index of Transparency International, Moldova was placed at rank four, with the most corrupt level being five.

Authorities continued to interfere in the operation of the courts and the judiciary. Several newspaper articles, some parliamentary deputies from the opposition party and a former judge of the Constitutional Court, Gheorghe Susarenco, voiced concern regarding the erosion of the independence of judiciary and political interference on the part of the government party in some cases that were pending in the national courts or were under investigation.

The presidents of courts were under the *de facto* control of the Communist authorities. They were also in charge of the distribution of case files among the judges, and many of them abused this position to give specific cases to those judges from whom they could expect judgments that were politically desirable.

No juvenile justice system existed in Moldova. As a result, juveniles under the age of 18 who were charged with crimes were treated in the same way as adults by the police and courts. At police stations, they shared cells with adults. In prisons, however, juvenile delinquents were held separately from adults.

Occasionally, prosecutors placed various bureaucratic hurdles in the way of lawyers to hinder them from meeting with their clients who were held in custody. Lawyers did not usually have a right to confidential meetings with their clients in appropriate facilities to prepare their defense. For example, in the pre-trial detention center under the Ministry of Interior and the Center for Combating Economic Crimes and Corruption (CCCEC) they could only talk to their clients via telephone through a glass. On 29 October 2004, the Moldovan Bar Association raised this problem with the president of the Republic of Moldova, the Ministry of Justice, the General Prosecutor's Office and the CCCEC, stating that the lack of confidential meetings with clients hindered the lawyers form effectively defending their rights. On 17 November, the CCCEC replied to the Bar Association that the separating glass at the CCCEC was necessary to prevent the detainees from escaping or committing other crimes and to ensure the security of the detainees and of other persons who were in contact with them, including their legal counsels. Soon after that, on 2 December, the CCCEC informed the Bar Association that it had decided to facilitate communication between lawyers and clients by making more holes in the separating glass. This measure, however, did not allow the lawyers to exchange documents with their clients.

In addition, defendants who stayed in detention pending appeal were not given a pen and paper, allegedly for security reason.

One of the main problems of the courts was lack of adequate space. The Constitution and the Civil and Criminal Procedure Codes guarantee the right to a public hearing, but due to a lack of courtrooms, judges frequently held sessions in their offices, which were too small to hold people who were not directly involved in a case as parties. The Supreme Court had only one session room at its disposal, which meant in practice that judges sent the parties and the public out to discuss the case and the ruling. Some courts did not have enough furniture, for example, the Supreme Court had no chairs for people who waited for their cases to be called up, nor did it have adequate lavatories.

Another serious problem was the inefficient and unprofessional administration of courts. Courts were managed by their presidents, who were professionals in the field of law but often not qualified to run a

court from administrative point of view. In addition, there was need for the modernization of judicial practices of handling cases and writing decisions.

Court schedules were poorly organized: for example, district courts and the Supreme Court summoned parties of all cases scheduled for the day to meet in the court house at the same hour in the morning, including those whose cases would be heard first in the afternoon. Usually, on one day, approximately 20-30 cases were scheduled for sessions at the Supreme Court and courts of appeal.

Further, despite the fact that Moldova is part to the European Convention on Human Rights (ECHR), its courts – including the Supreme Court – virtually never make reference to the ECHR's provisions or use the case law of the European Court of Human Rights (ECtHR) as a basis for their sentencing policy.

The judiciary remained inefficient also because a high number of court decision were not executed. For example, many rulings that were related to nationalized property, legal entities or involved government official remained unexecuted. According to the Ministry of Justice, only approximately 75% of all court rulings were carried out.

Courts in the breakaway region of Transdniestria operated on the bases of the laws adopted by the separatist regime. The Transdniestrian "president" was in charge of appointing and dismissing all judges who were largely dependent on the executive branch. Courts did not follow internationally recognized standards for a fair trial. Moreover, Transdniestrian legislation fell seriously short of international human rights standards.

Andrei Ivanțoc and Tudor Petrov-Popa of the so-called "Ilaşcu Group" remained in prison even though on 8 July the ECtHR ruled in the case of *Ilaşcu and others v. Moldova and Russia* against Russia and Moldova and found that they had violated articles 1, 3, 5, 34 of the ECHR. The ECtHR unanimously ruled that Russian and Moldovan authorities should take all necessary measures to put an end to the arbitrary detention of the applicants who were still imprisoned.[5]

Extraditions to Transdniestria

A specific cause of concern was the fact that Moldovan authorities handed over Moldovan citizens to the authorities of the breakaway Transdniestrian region to stand trial under the unconstitutional provisions of that region. Not only were these people stripped of judicial protection under Moldovan law, they also faced proceedings under provisions of Transdniestria that ran counter to both Moldovan law and international human rights standards.

Such extraditions were reportedly based on an unpublished 1999 agreement between the Ministry of Interior Affairs of the Republic of Moldova and the "Ministry of Interior" of Transdniestria. The agreements were never officially published in the Official Gazette (*Monitorul Official*) of Moldova, but became applicable in Moldova.

Moldovan law does not contain any procedural provisions for such extraditions, nor does it offer any legal guarantees for those handed over to Transdniestrian authorities. All this was done without the authorization of the General Prosecutor's Office.

According to information received by the MCH, in 2003 and in the first half of 2004, the Ministry of Interior asked the Transdniestrian authorities to issue 75 letters rogatory (on *de facto* extradition) and Moldovan authorities carried out 76 letters rogatory received from Transdniestria.

[5] *Ilaşcu and others v. Moldova and Russia,* Application No. 48787/99, 8 July 2004, www.echr.coe.int.

It appeared that Transdniestrian authorities abused the procedure of arresting persons who were inconvenient for them. There were reported cases when citizens of the Republic of Moldova were delivered to the authorities of internal affairs of the Transdniestrian region who were subsequently criminally charged by local courts. Despite requests by the General Prosecutor's Office, Transdniestrian authorities never transmitted criminal files of these people to Moldova for judicial examination under Moldovan legislation.

The judicial system of Transdniestria failed to provide even basic protection for a fair trial. Authorities exerted political influence on the judiciary and trials fell short of the basic due process standards. Politically motivated arrests and arbitrary detentions that lasted for several months were not rare and trials were conducted in the absence of the defendants. People convicted in the Transdniestrian region did, nevertheless, also have a criminal record in the Moldovan Republic.

In several cases, Transdniestrian authorities filed fabricated charges against individuals who had fought against the separatist regime.

- Alexei Mocreac was arrested by Transdniestrian authorities on 30 June. He had participated in military activities during the civil war in 1992 against the separatist forces as a commander. He was detained for 15 days, after which he was charged with "physical resistance to a militia officer" on 13 July. Later, he was arrested again pending criminal investigation. The Transdniestrian judge who decided on the pre-trial detention cited aggravating circumstances because of Mocreac's past military activities. The MHC requested the General Prosecutor's Office to get the case file from Transdniestria but the prosecutor replied that the separatist authorities refused to deliver it and the prosecutor had to influence on theme to solve the case.

Torture, Ill-Treatment and Police Misconduct

In 2003, a new Criminal and a Criminal Procedure Code were adopted, which, the government claimed to be in line with international and European human rights standards. However, in violation of international standards, the Criminal Code fails to define torture and does not explicitly refer to it as a crime. The MHC made several proposals to bring Moldovan legislation in line with international standards in terms of prohibition and prevention of torture, but they were ignored by the government.

The Ministry of Interior introduced a provision prescribing that every pre-trial detention facility must have a medical unit, as recommended by the UN Committee against Torture as a measure to prevent torture and other abuse of detainees. However, no training was given to the staff of such units in 2004, which meant that they did not have the necessary qualifications to establish that cases of abuse by the police or corrections officers had taken place. It appeared that the decision to set up the units was just one more formal provision that, in practice, had no effect on the prevention of torture and ill-treatment. In reality, the medical units in pre-trial facilities only followed instructions given by law enforcement officers.

Moldovan police and other law enforcement agents continued to use torture and ill-treatment as a basic investigation method. "Confessions" extracted under torture were also used as evidence in courts, and the cases of abuses usually went unpunished.

- On 18 October, police officers stopped Mihalcean Cornel, who was running to the bus station in Chisinau. He was handcuffed and taken to a police station where he was subjected to body search. At the same time, the officers seized from him 300 *lei* (EUR 18) without documenting this in their report. When Cornel refused to sign the report, the officers hit him on his head with their fists and

a chair. They threatened him with sexual abuse by fellow detainees. Cornel went unconscious and was brought to emergency care in the Municipal Hospital. He remained hospitalized for ten days and was later operated on his ear. Criminal proceedings were initiated against the police officers and they continued as of the end of 2004.

- In October, Alla Chemencedji went to the police to report stolen ID documents. Later on, the police claimed that she had behaved aggressively toward them, after which the police had used force and delivered her to a psychiatric hospital. Local human rights monitors believed this was done to conceal the fact that she had been severely beaten by the police. The MHC discovered that Chemencedji had been institutionalized without a review by a medical council, which should have been carried out within 24 hours to establish that she posed a threat to the public and to herself, as required by Moldovan law. After 36 hours in hospital, Chemencedji was pressured into signing a Romanian-language document to validate her confinement despite the fact that she was a Russian-speaker. Furthermore, the police officers, while acknowledging to the MHC, which acted on behalf of Chemercedji, the use of force, did not officially document this use, which was also a breach of law. Under continued pressure from the MHC, Chemencedji was released form the psychiatric hospital after a few weeks.

The penitentiary institution no. 8 in of Bender, Transdniestria, was officially under the jurisdiction of the Republic of Moldova.[6] However, from September 2002 until February 2003, and from September 2003 through 2004, Transdniestrian authorities disconnected the facility from electricity, water, heating and food supplies. They unreasonably argued that the 464 detainees held in that facility put the population of the town at risk of being infected with tuberculosis. For local monitors, this was just a pretext of the separatist authorities to force the Republic of Moldova authorities away from Bender. As a result, the temperature in the cells went down to 15 degrees, which caused increasing problems with humidity and mould, and led to additional health problems among the inmates.

The General Prosecutor's Office of the Republic of Moldova refused to open a criminal investigation into the illegal disconnection of penitentiary from the necessary supplies, arguing that "Moldova does not have jurisdiction on the territory of Transdniestria." This refusal was challenged by the MHC, and, on 3 August, the Supreme Court of Justice of Moldova recognized the competence of the Prosecutor's Office of Bender city to take measures to eliminate all human rights concerns raised in this case. However, the court did not order the Prosecutor's Office to open a criminal investigation against the perpetrators.

Freedom of Religion and Religious Tolerance

The registration of religious organizations remained a problem, which had serious implications on their activities and legal status.

The law does not expressly oblige the State Service for Religions (SSR) to register a religious organization, but suggests that registration is automatic when adequate documentation is filed. However, some religious groups have encountered difficulties in obtaining registration. No Muslim groups had been registered by the end of 2004 for the official reason that registering one group might create conflicts within the rest of the Muslim community. The Spiritual Council of Muslims in Moldova and the Church of Jesus Christ of Latter-day Saints (Mormons) had lodged registration applications but continued to face bureaucratic difficulties in the registration process.

[6] Bender is situated on the left bank of the river Dniester and officially considered to be under control of both the Republic of Moldova and Transdniestrian authorities.

Unregistered religious organizations were not permitted to buy land or obtain construction permits for churches or seminaries. In addition, the law that regulates NGO activities bans the propagation of religious information.

The Code on Administrative Offences is in contradiction with the provisions of the Constitution and the law on religion, which generally provide for freedom of conscience and religion. For example, the Administrative Code restricts the practicing of religious rituals in private places and prohibits the engagement of foreign nationals in religious activities without permission from authorities. Law enforcement officers frequently harassed and prosecuted under the Administrative Code members of the unregistered Spiritual Council of Muslims of Moldova. For example, Talgat Masaev (who is Moldovan citizen), was ordered to pay a fine of 20 minimum salaries for worship "without the consent of competent state bodies." An appeal court upheld the decision in March 2004.

In recent years, authorities in Transdniestria have denied registration to Baptists, Methodists, and the Church of the Living God. Unregistered religious groups were not allowed to gather publicly. The law prohibits renting premises for religious meetings and authorities regarded meetings of unregistered groups in private homes as illegal.

Several Jehovah's Witnesses were arrested for their religious activities. Transdniestrian officials reportedly accused Jehovah's Witnesses of lack of patriotism and of spreading "Western influence," among other things. Additionally, TMR authorities have developed a new textbook that is to be used at all school levels, which reportedly contains negative and defamatory information about the Jehovah's Witnesses. Non-Orthodox groups in Transdniester complained that they were in general not allowed to rent property and were often harassed during religious services.

National and Ethnic Minorities, Right to Education

Transdniestrian policy toward the Moldovan/Romanian speaking minority hardened dramatically in 2004. The conflict escalated in July when Transdniestrian authorities closed down the last eight Moldovan/Romanian-language schools that used Latin script, instead of Cyrillic, as required by the authorities. Moldovan/Romanian is the mother tongue of an estimated 40% of the population in Transdniestria. Approximately 5,000 pupils had been studying using the Latin script for over ten years and wanted to continue to do so.[7] The right to use Latin script is perceived as an important sign of the right to self-identification but is also an essential prerequisite for successful studies in Moldovan/Romanian schools of higher education.[8]

- On 15 July, about 150 armed militia and security agents of the Transdniestrian "Ministry of State Security," wearing civilian clothing, forced their way into the private Moldovan/Romanian-language schools in eight different regions and seized and destroyed teaching materials, children's personal files and other property, all without documenting these seizures.

- On 29 July in Catan Alexei, Transdniestrian militia arrested Stratulat Grigorii, Halus Vasile, Teutu Valeriu, Cirjanovschii Nicolae, and Taracuta Victor – all parents of children who attended Moldovan/Romanian school nr. 12 in Ribnita. They were held in detention for three to seven days.

[7] OSCE, "Over thousand pupils in Transdniestria still without school," 10 September 2004, at http://www.osce.org/news/show_news.php?id=4349.
[8] IHF, "Severe violations of Human Rights in the Transdnistrian Region of Moldova," 12 August 2004, http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=6072.

In addition, Cihovschii Andrei, one of the teachers, spent seven days in custody. The parents and the teacher were not given specific details as to what offences they were being held under.

Other Moldovan/Romanian language public schools in Transdniestria were required to teach Moldovan/Romanian using the Cyrillic alphabet based on old manuals and a curriculum from the Soviet era.

Before ordering the closure of schools using the Latin script, many of these schools had been moved in hopes that parents would stop sending their children to Latin script schools because of the greater distance. However, for several years, all 5,000 pupils travelled an additional 20-30 km from their homes to the schools in order to receive education in the Latin script.

School officials and parents were neither consulted nor informed about the plans to close the schools and the new language requirements. The 2004-2005 school year, which was to start on 1 September, was delayed due to the actions of the Transdniestrian authorities. Several years ago these schools became private at the insistence of the Transdniestrian leadership and have since been required to pay rent often at a higher than normal market value.

The situation further escalated on 26 July, when about 80 Trarndniestrian militia seized the Moldovan orphanage in the city of Bender. Approximately 100-200 children and people who gathered on the site to support the children spent days outside to protest the action. In response, the Transdniestrian authorities cut water and electricity, which, in addition to the militia greatly limiting access to the orphanage, led to a food shortage. Only with the help of the OSCE could food reach children and their supporters.

As a result of their protests against Transdniestrian actions toward Moldovan/Romanian-language schools some parents of the children were fired from their jobs and there were reportedly attempts to strip some parents of custody of their children. School Nr. 20 in Tiraspol was severely damaged during the raids and remained closed until 17 January 2005. While the school was under repair, parents were asked to send their children to Russian schools, "in the interim."