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1999 Country Reports on Human Rights Practices

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MOLDOVA

Moldova gained its independence from the Soviet Union in 1991 and in 1994 adopted a constitution that provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. President Petru Lucinschi began his 4-year term in 1997. Prime Minister Ion Sturza began his term in March and led a proreform coalition government until he was dismissed by a vote of no confidence on November 9. The Communist Party, with 40 members of Parliament, along with 9 centrist and 9 far-right independent members of Parliament approved a new government led by Dumitru Braghis on December 21. Three center and center-right parties hold the remaining 44 seats in Parliament. International observers considered the 1996 presidential and 1998 parliamentary elections to be free and fair, but authorities in the separatist Transnistrian region interfered with citizens' ability to vote. The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing.

The country remains divided, with mostly Slavic separatists controlling the Transnistrian region along the Ukrainian border. This separatist regime has entered into negotiations with the national Government on the possibility of a special status for the region. Progress in resolving the ongoing conflict has been blocked by the separatists' continuing demands for "statehood" and recognition of the country as a confederation of two equal states. The Organization for Security and Cooperation in Europe (OSCE), the Russian Federation, and Ukraine act as mediators. The two sides generally have observed the cease-fire of 1992, which ended armed conflict between them, but other agreements to normalize relations often have not been honored. A Christian Turkic minority, the Gagauz, enjoys local autonomy in the southern part of the country. The Gagauz elected a new governor (bashkan) and 35 deputies to their popular assembly in free and fair elections in September.

The Ministry of Internal Affairs has responsibility for the police. The Ministry of National

Security controls other security organs, including the border guards. The Constitution assigns to Parliament the authority to investigate the activities of these ministries to ensure that they comply with existing legislation. Some members of the security forces committed a number of human rights abuses.

The country continued to make progress in economic reform. International observers viewed the Governments of former Prime Minister Sturza and Prime Minister Braghis as strongly proreform. The economy is largely based on agriculture. Citizens and foreigners can buy and sell land at market prices. However, foreigners cannot buy agricultural land, nor can agricultural land be resold for a period of 5 years. Over 800 of approximately 1,000 large collective farms have applied for the Government's land privatization program. To date approximately 250,000 landowners have received title to almost 800,000 plots of land. The leading exports are foodstuffs, wine, tobacco, clothing, and footwear. The gross domestic product (GDP) is estimated officially at about \$444 per capita but may be considerably underestimated because of underreporting for tax purposes. The officially reported median salary is \$24 per month. According to government statistics about 80 percent of the population lives below the poverty level and 10 percent of the rural population has a per capita income of less than one-quarter of that level. A majority of citizens cannot afford to buy fish, meat, milk and other dairy products on a regular basis. The GDP decreased by 8.6 percent in 1998 and was projected to decline by 5 percent in 1999. A program privatizing state-owned enterprises and real estate based on vouchers issued to all citizens is complete. The exchange rate suffered two sharp drops early in the year as a result of the 1998 Russian economic crisis but remained stable for most of the year. The average monthly inflation rate was about 3 percent. The country has considerable foreign debt. The economic situation is worse in Transnistria.

The Government generally respects the human rights of its citizens; however, there were problems in some areas. The police occasionally beat and otherwise abuse detainees and prisoners. Prison conditions remain harsh, with attempts to improve them hampered by lack of funding. While the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. It is widely believed that security forces monitor political figures, use unauthorized wiretaps, and at times conduct illegal searches. The Constitution potentially limits the activities of the press, political parties, and religious groups. Journalists practice self-censorship. The law also imposes restrictions on some religious groups. Societal discrimination and violence against women persist. Trafficking in women and girls is a significant problem. Addressing a minority concern, the Constitution allows parents the right to choose the language of education for their children.

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

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

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

region.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution forbids torture and other cruel, inhuman, or degrading treatment or punishment; however, there were credible reports that police sometimes beat and abuse prisoners or suspects.

A businessman alleged that his brother was kidnaped by the police for 3 days in July. The police reportedly tortured him, then released him after charging him with drunkenness and resisting arrest. The businessman also charged that this was a case of racketeering and involved persons from the prosecutor's office as well as the police. The Prosecutor's Office announced in mid-December that physical assault charges were pending against three police officers, but at year's end, there was no investigation into the racketeering charges.

On June 23, violent clashes took place between police and members of the General Federation of Trade Unions protesting wage arrears in Chisinau's central square. Authorities reportedly arrested 13 protesters, 2 of whom required hospitalization (see Section 6.a.).

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

Human rights monitors are permitted to visit prisons.

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

After questionable trials, four ethnic Moldovans are serving sentences in Transnistria for alleged terrorism-related crimes (see Section 1.e.). At the end of July, one of the four sent a letter to the press claiming to be on his 77th day of a hunger strike and alleging a number of abuses by the Transnistrian authorities. A member of the OSCE mission visited the prisoner in mid-July and observed that he did not appear to be in imminent danger. At year's end, he still was claiming to be on a hunger strike. The wives of all four complained that they were not able to visit in December, although they were allowed to send food. The International Committee of the Red Cross (ICRC) visited these prisoners in 1992 and 1993 in Tiraspol but later was denied visitation. The ICRC was negotiating with

Transnistrian officials at year's end to visit these prisoners with an international medical team. d. Arbitrary Arrest, Detention, or Exile

The former Soviet Code on Penal Procedure remains in force with some amendments, and authorities respect its provisions. Prosecutors issue arrest warrants. Under the Constitution, a suspect may be detained without charge for 24 hours. The suspect normally is allowed family visits during this period. The 24-hour time limit is not always respected, especially if a person is arrested late on a Friday or on a weekend. If charged, a suspect may be released pending trial. There is no system of bail, but in some cases, in order to arrange release, a friend or relative may give a written pledge that the accused would appear for trial. Suspects accused of violent or serious crimes generally are not released before trial. The Constitution permits pretrial arrest for an initial period of 30 days, which may be extended up to 6 months. In exceptional cases, Parliament may approve extension of pretrial detention on an individual basis of up to 12 months. The accused has the right under the Constitution to a hearing before a court regarding the legality of his arrest. According to figures provided by the Ministry of Justice at year's end, of a prison population of 9,449, 2,839 persons were held in confinement awaiting trial (these statistics do not include persons held in Transnistria).

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

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

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; while the executive branch has exerted undue influence on the judiciary, there were indications during the year that judicial independence was increasing. Many observers believe that arrears in salary payments also make it difficult for judges to remain independent from outside influences and free from corruption. Since 1997 prosecutors have the right to open and close investigations without bringing the matter before a court, which gives them considerable influence over the judicial process. The Constitution provides that the President, on the nomination of the Superior Court of Magistrates, appoints judges for an initial period of 5 years. They may be reappointed for a subsequent 10 years, after which they serve until retirement age. This provision for judicial tenure is designed to increase judicial independence.

The judiciary consists of lower courts of the first instance, five appellate courts

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

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

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

There continue to be credible reports that local prosecutors and judges extort bribes for reducing charges or sentences. In January a judge in the Chisinau economic court was arrested for allegedly accepting a bribe to reduce a fine against a firm. He was convicted and sentenced to 10 years in prison. Prosecutors occasionally use bureaucratic maneuvers to restrict lawyers' access to clients.

The Constitutional Court showed signs of increasing independence during the year. It reviewed 139 cases, almost twice its caseload of 71 for 1998. The Court found unconstitutional 21 laws, 8 parliamentary decisions and regulations, and 24 government acts. The Court took a decisive step towards independence when it ruled in November that only Parliament, not the President, could amend the Constitution with a referendum.

There were no reports of political prisoners outside Transnistria.

In Transnistria, four ethnic Moldovans, members of the " Ilascu Group," (one of whom, Ilie Ilascu, is an elected member of the Moldovan Parliament but has never been able to take his seat) remain in prison following their conviction in 1993 for allegedly killing two separatist officials. International human rights groups raised serious questions about the fairness of the trial; local organizations alleged that the Moldovans were prosecuted solely because of their membership in the Christian Democratic Popular Front, a Moldovan political party that favors unification with Romania. Family members have been allowed access. The OSCE was permitted to visit one of the prisoners in July. In July the European Court of Human Rights began examining Ilascu's case and in November ordered the Government to file a response by February 2000. International organizations pressured the Transnistrian authorities to retry the " Ilascu Group;" in July the Transnistrians issued a moratorium on capital punishment, which in effect suspended implementation of Ilascu's death sentence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Prosecutors issue search warrants. In some instances searches are conducted without

warrants. Courts do not exclude evidence that was obtained illegally. There is no judicial review of search warrants. The Constitution specifies that searches must be carried out "in accordance with the law" but does not specify the consequences if the law is not respected. It also forbids searches at night, except in the case of flagrant crime.

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

Section 2 -- Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Although the number of media outlets that are not owned and operated publicly by the State or a political party is growing, most of these "independent" media are still in the service of a political movement, commercial interest, or foreign country, and secure large subsidies from these sources. There are several independent radio stations, including a religious one, with some rebroadcasting from Romania and Russia. There are three independent television stations in the Chisinau area and one in the city of Balti. The Government owns and operates several radio stations and a television channel that covers most of the country. A number of local governments, including Gagauzia, operate television and radio stations. The Association of Electronic Press was founded in September. The Association of Independent Press was founded in July 1997.

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

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

Of the two major newspapers in Transnistria, one is controlled by the regional authorities and the other by the Tiraspol city government. There are also independent newspapers in Tiraspol and the northern Transnistrian city of Ribnitsa. The latter two criticize the regime from time to time and have been harassed by the separatist authorities. Other print media in Transnistria do not have large circulations and appear only on a weekly or monthly basis. Nonetheless, some of them also criticize local authorities. The one independent television station is trying to enlarge its broadcast radius, but currently it is producing less than 10 hours of programming per week. Resistance to this move comes from the local official Transnistrian television station, which previously had enjoyed a virtual monopoly of advertising revenues. Most Moldovan newspapers do not circulate in Transnistria. Circulation of all print media in Transnistria is hampered by the closed nature of society. The independent newspaper in Tiraspol effectively was shut down from January to August through repeated confiscations by the Transnistrian authorities. Authorities did not present search warrants or court orders for these confiscations. After a number of legal proceedings in which Transnistrian courts ruled the interventions illegal and fined the Ministry of State Security and intervention by the OSCE, the newspaper began to publish again in August, although with a sharply limited circulation and under a modified name. The repeated confiscations of the newspaper created serious financial difficulties for its editors. The Ribnitsa newspaper almost was put out of business by two costly libel suits by local officials.

The Government respects academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to peaceful assembly, and authorities respect this right in practice. Mayors' offices issue permits for demonstrations; they may consult the national government if a demonstration is likely to be extremely large. A protest in June turned violent, with 13 persons arrested and 2 reportedly hospitalized. The Minister of Internal Affairs stated that the protest threatened public order.

The Constitution states that citizens are free to form parties and other social and political organizations, and authorities respect this right in practice. Private organizations, including political parties, are required to register, but applications are approved routinely. The Constitution forbids parties that "militate against the sovereignty, independence, and territorial integrity of Moldova." A total of 26 parties have met the requirement of the October 1998 law for 5,000 members and are registered officially.

c. Freedom of Religion

The Government generally permits the free practice of religion; however, a 1992 law on religion that codifies religious freedoms contains restrictions that could--and in some instances did--inhibit the activities of some religious groups. The law provides for freedom of religious practice, including each person's right to profess his religion in any form. It also protects the confidentiality of the confessional, allows denominations to establish associations and foundations, and states that the Government may not interfere in the religious activities of denominations. The procedures for registering a religious organization are the same for all groups. The Salvation Army registered in October 1998, after having been denied registration in 1996 on technical grounds. Jehovah's Witnesses were unable to register in Tiraspol in 1997 and have not attempted to register

subsequently.

The law on religion as amended to legalize proselytizing--in principle bringing the legislation in line with the European Convention on Human Rights--went into effect in June. However, the law on religion explicitly forbids "abusive proselytizing." Abusive is defined as "an attempt to influence someone's religious faith through violence or abuse of authority." Although some Protestant groups were concerned that the previous prohibition on proselytizing could inhibit their activities, the Government has not taken legal action against individuals for proselytizing.

Although Eastern Orthodoxy is not designated in the law on religion as the official religion, it continued to be a strong religious force and exerted significant influence. In 1992 a number of priests broke away from the Moldovan Orthodox Church, which is subordinate to the Moscow Patriarchate, in order to form the Bessarabian Orthodox Church. The Bessarabian Orthodox Church, which sees itself as the legal and canonical successor to the pre-World War II Romanian Orthodox Church in Bessarabia (the part of Moldova between the Dniester and Prut Rivers), subordinated itself to the Bucharest Patriarchate of the Romanian Orthodox Church. The Government consistently has refused to register the Bessarabian Church, citing unresolved property claims and stating that the Bessarabian Church is a "schismatic movement." The issue has political overtones, since it raises the question whether the Orthodox Church should be united and oriented toward Moscow or divided with a branch oriented toward Bucharest. In 1997 the Supreme Court overturned an appeals court decision affirming the right of the Bessarabian Church to be registered. However, the Supreme Court's decision was based on a procedural issue, rather than on the merits of the case. The Bessarabian Church appealed the case to the European Court in 1998. In March a Council of Europe Monitoring Committee Report noted that the nonregistration of the Church was one of the Government's failures in honoring its commitments to the Council. Then-Prime Minister Sturza announced in September that it had been a mistake not to register the Bessarabian Church, and that his Government was ready to reconsider the issue.

In May a group of about 500 Orthodox Christians led by 4 to 6 priests attacked a small group of Baptists in the village of Mingir, injuring 3 persons, and partially destroying a Baptist church that was under construction. The Baptists claimed that the village mayor was the leader of the group and was involved personally in the injuries and destruction, a charge the mayor denied. Someone in the crowd threw stones and hit a Baptist member who tried to photograph the incident. The Government is investigating the case, but there were no developments at year's end. A spokesman for the Orthodox Church reportedly expressed regret for the act of violence but blamed it on "abusive proselytizing by the Baptist Church." The Baptists also claimed that they had been denied construction permits wrongfully in some villages (also see Section 5).

In January 1998, authorities in Transnistria cancelled the registration of Jehovah's Witnesses. Repeated attempts by Jehovah's Witnesses to reregister have been denied or delayed. Transnistrian officials burned a number of shipments of religious tracts based on the fact that the group was not registered properly. According to local leaders of Jehovah's Witnesses, several members were questioned by local state security officers but always have been released within 1 hour.

The Church of the Living God has been denied registration in five towns in Transnistria.

Baptist leaders have complained that they are not allowed to distribute religious literature or organize public meetings in Transnistria.

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

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

Travel between Transnistria and the rest of the country is not prevented. There are regularly scheduled buses and trains. However, the separatist authorities often stop and search incoming and outgoing vehicles. The Moldovan Government in May established fixed and mobile "fiscal posts" to control smuggling of untaxed goods from Transnistria.

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

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

Citizens have voted in multiparty presidential and parliamentary elections since December 1996. International observers considered the elections to be free and fair, but Transnistrian authorities have interfered with citizens' ability to vote in all these elections. These elections represent further progress in the transition to a democracy.

The Constitution adopted in 1994 provides for the division of power among the popularly elected President, the Cabinet, the Parliament, and the judiciary. The President, as Head of State, in consultation with the Parliament, appoints the Cabinet and the Prime Minister, who functions as the head of government. However, a minister can be dismissed only with the assent of the Prime Minister. Some observers believe that the Constitution does not define adequately how executive powers are to be shared between the President and the Prime Minister. The President called a May referendum to create a stronger presidency. Based on a positive response, the President proposed an initiative to revise portions of the Constitution in August, and it was under public discussion. The proposal would create a "presidential republic" with more power in the hands of the chief executive. Two groups of parliamentarians presented alternative constitutional amendments to create a "parliamentary republic." This controversial issue was part of the November government crisis.

The Constitution states that citizens are free to form parties and other social-political organizations. However, a controversial article states that those organizations that are "engaged in fighting against political pluralism," the "principles of the rule of law," or "the sovereignty and independence or territorial integrity" of the country are "

unconstitutional." Small parties that favor unification with neighboring Romania have charged that this provision is intended to impede their political activities.

A new law on administrative and territorial reform went into effect in January and reduced the number of administrative districts from 42 to 12. These new districts