

Moldova¹

IHF FOCUS: the rule of law; elections and referenda; freedom of expression and the media; judicial system, independence of the judiciary and fair trial; detainees' rights; torture, ill-treatment and police misconduct; conditions in prisons and detention facilities; ethnicity and right to education; economic rights.

During 2002, the situation worsened in Moldova in various spheres of human rights and democratization. Political dialogue in the parliament ceased after the ruling party used its constitutional majority to stifle the opposition. The presidency and the executive branch gained unprecedented unofficial influence over the parliamentary process, reducing the parliament to a mere rubber stamp body validating the decisions of the president of Moldova, the leader of the Communist Party.

In 2002, Moldova's legislation underwent wide-ranging changes initiated by the Communist Party-led government which came to power in February 2001. The general tendency was to strengthen central government control by depriving local governments of their powers. Amendments to the Law on Public Local Administration reversed the decentralization of power which had been the original aim of the law. This brought the work of local public administration to a halt in 2002.

The amendments brought the autonomy of local administrations under strict state control and replaced ten local government entities with 31 smaller Soviet-style territorial districts. The changes appeared aimed at making local public administration strictly fulfill the policies of the central government. The new territorial districts will not be able to develop their own political infrastructure, and central government will be able to exercise direct control and political pressure over any decision made at local level.

The most serious interference in the activities of local administration was the power given to central authorities to directly modify the decisions of local authorities and to act as a form of investigative body with regard to their activities. This represented the *de facto* end of local public administration in the Republic of Moldova.

The central government interfered arbitrarily in the local autonomy of Gagauzia, an autonomous region of Moldova, engaging in illegal manoeuvres to remove its democratically-elected governor.

The government was criticized by the European Union and the Council of Europe for attempting to suspend the free operation of political parties, media freedoms and other individual liberties during the run-up to local elections in May 2003.

The judicial system was also subject to great change: more than 30% of judges were replaced and more than 50% were awaiting reconfirmation in their posts. Fear, instability and a complete lack of trust prevailed among the judiciary.

Changes to the school curricula, including compulsory introduction of Russian language, brought people onto the streets in protest.

The transparency of the legislative process deteriorated significantly in 2002 through the changes introduced in the regulatory laws. The new legal changes excluded civil society groups from the initiation, elaboration, and examination of constitutional, organic and ordinary laws.

Several draft laws that were pending at the end of 2002 posed a threat to observance of European human rights standards in Moldova. For example, the draft Penal Code – which was to come into force in January 2003 but whose enforcement was suspended until June 12, 2003 – represents a move towards excessive criminalization of undesired conduct and prescribes heavier penalties than the previous code.

¹ Based on the *Annual Report 2002* of the Moldovan Helsinki Committee.

Some provisions of the new Civil Code (adopted in June 2002) will have an adverse affect on freedom of expression, as they place an unequal burden of proof on journalists and media outlets in cases of alleged defamation. This threatens to endanger the reporting of, for example, misconduct by public officials.

Russian troops remained in the area of Trans-Dniester, in violation of the 1999 Istanbul Summit decision that they should withdraw by the end of 2002. The deadline for withdrawal was later prolonged by the OSCE Porto Agreement to the end of 2003. The Parliamentary Assembly of the Council of Europe (PACE) Resolution No. 1277 of 2002 called "on the Russian authorities to ensure an early, orderly and complete withdrawal of Russian troops from the territory of the Republic of Moldova – together with the disposal of the large ammunition stockpiles – in order to create more favourable conditions for a final settlement of the Transnistrian conflict, as well as to contribute to consolidating peace and security in the region."

Arbitrary arrests and detention remained a problem in Trans-Dniester. Prison conditions were harsh, and three ethnic Moldovan members of the Ilascu group remained in prison despite claims by international groups that their trials had been biased and unfair. The Trans-Dnistrian authorities harassed independent media, restricted freedom of association and of religion, and discriminated against Moldovan/Romanian-speakers. Moreover, Trans-Dnistrian citizens were stripped of their right to free elections.

The Rule of Law

In the Trans-Dniester region (TMR), no free elections or referendums had been held since the establishment of the "TMR government" in 1990, and most basic human rights were subject to regular violations in 2002. The TMR continued to be ruled by Igor Smirnov, elected president of the self-proclaimed TMR. He came to power in Trans-Dniester in 1992 and, through constitutional amendments, may still run for presidency despite the fact that he has already served two four-year terms, the maximum period allowed by earlier legal regulations.

Over time, the Smirnov regime has developed into a criminal oligarchy not restrained by any democratic structures and completely ignoring the principle of the rule of law. Several paramilitary groups continued to operate in the TMR region with impunity in 2002, subjecting the local population to harassment, killings, extortion and intimidation.

- In the village of Chitcani, located in the immediate proximity of the city of Bender, separatist forces developed into a paramilitary force of 30 armed individuals who, according to the Moldovan Helsinki Committee, have committed crimes against more than 40 people in Chitcani, including four cases of rape, more than twenty cases of assault, leaving victims handicapped for life, and 20 murders. No investigations were initiated into any of these serious allegations.
- By the end of 2002, no-one had been punished for the 1999 killing of police officer Victor Tiuleev, who was strangled in full view of a number of his colleagues, a fact that should have led to an easy investigation and the punishment of the perpetrator. Major Burdiuja, who led the investigation into Tiuleev's killing, was also killed after having received death threats to drop investigations. It was believed that the Trans-Dnistrian Ministry for State Security was behind the order to leave the case uninvestigated.

While it appeared that an increasing number of complaints about human rights violations were recently lodged with Trans-Dnistrian authorities, victims showed little faith that the cases would be investigated, the violators punished and the victims redressed. Many were also afraid to complain, fearing retaliation. It was reported that the authorities were blacklisting critics and initiating various forms of persecution against them. Those who tried to defend the victims were also targeted. For example, Vasiliï Iakovlev, the chairman of the commission on juridical and legal questions of the "TMR Supreme Soviet," was forced to flee TMR after opposing the policy of appointing Russian citizens as high-ranking ministers. Other such victims included the head of the Intelligence Service Department of Trans-Dniester, the chief of the Department of Penitentiary Institutions, Boris Lucic, the Transnistrian public prosecutor, who sustained

serious injuries during a 1997 attack against him in which his wife died, and Alexander Saidakov, the former minister of local industry who was killed in 1999.

Appeals from people living on the left-bank of the Nistru river, who tried to seek redress from authorities of the Republic of Moldova were also rejected, with authorities citing lack of access to the TMR territory, or their complaints simply remained pending.

Scores of people were arrested arbitrarily in the TMR, and most of these were exposed to torture, ill-treatment or other forms of inhuman and degrading treatment. In many cases, such treatment was aimed at extorting money from them. Many were thereafter killed in order to conceal the evidence of torture or ill-treatment.

Recent reports suggest that the local secret services have begun arresting people who participated in the 1992 military conflict, and that these detainees have been interrogated about former commanders.

Elections and Referenda

Gagauzia

In the region of Gagauzia both a referendum and elections were held in 2002. The referendum took place amid political tensions and in chaotic circumstances, which brought key Moldovan institutions into conflict with each other.

Referendum

On January 31, 2002, a group of deputies of the Gagauz People's Assembly (the local parliament) voted on a no-confidence motion calling for the elected Governor of Gagauzia, Mr. Croitoru, to be dismissed due to alleged irregularities related to budget expenditures and accounting. Although the two-thirds majority required to do so by the Law on the Special Legal Status of Gagauzia was not obtained, on February 8, a group of 22 assembly members held a rump session (with no legal standing) calling a referendum on February 24 on the removal of the governor, a time-span too short to be valid under Moldovan law. A report by the Account Commission of Moldova had indeed alleged that Governor Croitoru had laundered a large amount of money and called for an investigation, though not for a referendum.

The president of Moldova publicly urged the Gagauz population to vote on the matter, and the Ministry for Foreign Affairs also voiced support for the referendum. For his part, Governor Croitoru denounced the referendum as illegal and ordered the Gagauz administration not to get involved. Eventually, the referendum was held in some Gagauz localities under chaotic circumstances. Although Governor Croitoru ordered the closure of all polling stations, the referendum took place in the town of Vulcanesti and in three villages: Chismichia, Etulia and Carbaclia, where 52 % to 92 % of votes were for the dismissal of the governor. The Central Electoral Committee declared the referendum null and void due to Governor Croitoru's interference. However, the Court of Appeal and the Supreme Court of the Republic of Moldova accepted the referendum as legal.

The Congress of Local and Regional Authorities of Europe (CLRAE) of the Council of Europe considered the referendum to be illegal because it infringed the Constitution of Gagauzia which prescribed that the date of a referendum must be set 60 days before it is scheduled to take place. On February 27, the prosecutor general filed criminal proceedings against the governor of Gagauzia for obstructing the referendum, after his immunity had been lifted.

Elections

The first round of regional elections for the post of governor of Gagauzia was held on October 6. Five candidates ran in the elections, and a nine-member Regional Election Committee was responsible for the organizations of the elections. Several groups of international observers monitored the elections in Gagauzia, including representatives of France, the United States and Turkey, the OSCE/ODIHR, the

CLRAE, and the Moldovan Helsinki Committee together with the League for the Defense of Human Rights of Moldova.

According to the CLRAE delegation, Moldovan central authorities had given significant support to one of the candidates, Mr. Tabunshyk – who subsequently won the elections with 51% of the vote – as a person who would cooperate with them and avoid territorial division. Voter confidentiality was also violated: after voters had filled in their ballots, they had to present them opened to a member of the Election Committee at the polling station for stamping, before the ballots were closed and cast into the ballot box.

As the first round was declared invalid due to low voter turnout,² the second round was held on October 20. However, the Court of Appeal ruled on October 18, only two days before the second round, that one of the candidates, Mr. Stamat, must be excluded from running in the elections because a number of signatures gathered for him to register as a candidate were deemed false. The CLRAE concluded that although it could not comment on the allegations, according to its information, the printing of ballot papers without Mr. Stamat's name had begun before the Court of Appeal decision to exclude him, suggesting that the authorities had already decided to prevent him from running and had applied pressure upon the court to judge accordingly.

The Moldovan Helsinki Committee reported that the election campaign and polling was carried out in a atmosphere of calm and with no reports of violence. However, it too pointed out that during the election campaign the leading communist candidate, Mr. Tabunshyk, had received significant moral and logistic support from both the national and local media and private TV channels. The committee also observed police officers at polling stations, people voting without showing their IDs, and family voting. Moreover, voter lists were prepared and sent out only two days prior to the elections although, by law, they should have been sent to the local election committees three weeks before the elections.

Planned Elections on Territorial Reorganization

Since 2001, the ruling Communist Party had planned to change the administrative and territorial division of the country. In order to do that, parliament adopted the new Law on Local Public Administration that provided for the reorganization of Moldovan territorial divisions and established a new procedure for the election of mayors by local counselors. The communist-led parliament also decided to hold elections on April 7 to decide on the territorial reorganization.

However, on February 5, the Constitutional Court ruled that the parliamentary resolution on organizing the April elections was unconstitutional. The court's judgment was based on the fact that the local authorities' mandate would not expire by the date of the elections, which would amount to a violation of their right to execute their mandate for a full term.

The vice-speaker of parliament, Vadim Mishin, declared that parliament should be allowed to alter decisions of the Constitutional Court regarded as mistaken. Mishin had made similar statements before, after the Constitutional Court had declared unconstitutional many legislative changes that had been adopted by the communist majority in parliament.

Freedom of Expression and the Media

Some provisions of the new Civil Code (adopted in June 2002) were expected to have an adverse affect on freedom of expression. While a person who sues a media outlet for defamation need only prove that the allegedly defamatory information was actually published in the media, a journalist or a media outlet must prove the veracity of the published information. As a result, the burden of proof rests on the person who wrote or published the information.

² Accordingly to the Regional Law on the Elections for the Office of the Governor, adopted in 1998, 50 +1% of the vote is required to declare the election valid. On October 6, 2002, turnout was only 41%. One of the reasons for the low turnout was the fact that many people on the electoral register had left Gagauzia to find work abroad.

Under article 170 of the new Criminal Code, individual journalists or reporters were privately responsible for defamatory published information: as a result, they might be ordered either to pay large sums in compensation to those they had “offended,” or to serve a prison sentence up to five years. Both of these possibilities have had a chilling effect on media reporting on corruption and other misconduct by public officials, politicians and other high-ranking individuals.

Judicial System, Independence of the Judiciary and Fair Trial

The process of judicial reform that began in 1995 had brought about significant positive improvements in securing the independence of the judiciary, impartiality and due process guarantees, and had established a three-tier judicial system. Since then, judges had been appointed to the newly-formed local courts, tribunals, the Court of Appeal and the Supreme Court of Justice. The appointment procedure was based on meritocratic principles.

After the Communist Party again came to power in 2001, several measures taken by the authorities undermined the judicial system and had a negative impact on the independence of the courts. For example, judges were dismissed and others placed under constant scrutiny. Moreover, judges were economically dependent upon the executive branch.

The parliament adopted changes to article 116 of the Constitution that deals with the appointment and removal of judges and the role of the Superior Council of Magistrates as a professional organization involved in the administration of the judiciary in Moldova. The parliament again rejected the recommendation of the European Commission for Democracy through Law, and adopted provisions, which among other things, undermined the independence of the Superior Council of Magistrates. This key professional body also responsible for the nominating of judiciary candidates was transformed into a consultative body whose opinion no longer had any weight.

The parliament also adopted a judicial reform program that threatened to transform the earlier judicial system. According to the European Commission, the proposed amendments “...would represent a decisive shift away from control by the judiciary over its own affairs towards control by Parliament, and thereby constitute a potential threat to judicial independence of a serious nature.”

A major problem concerning the judiciary was that individual courts were managed inefficiently and unprofessionally by the court presidents, who were legal, but not managerial or administrative experts. Courts lacked administrative staff, and judicial practices regarding handling cases, recording decisions, strategic thinking about the aims and achievements of the judiciary and individual court judgments needed modernizing.

A new judicial reform initiative was launched, aimed at further strengthening the Communist Party’s influence on the judicial system and bringing judges under its control. A complete reshuffle of judges, with experienced judges being removed from their offices and replaced by pro-government personnel, is anticipated. This has increased pressure on judges, fearful of imminent dismissal should they ignore governmental directions on particular judgments – a situation which gave no basis for safeguarding the appropriate administration of justice and fair trial principles.

The law now provided for the presidents and vice-presidents of the courts to be appointed by the president of Moldova upon the recommendation of the High Judicial Council. Formerly, only the chief of the court was so appointed. Also, the refusal by the president or by the parliament to re-appoint a judge proposed by the High Judicial Council was sufficient ground for dismissal from office. Following the adoption of these legislative changes, President Voronin removed about 30% of all judges, without any allegations of misconduct or disciplinary being initiated against them. In addition, some 50% of all judges have not had their position extended beyond the expiry of their five-year term. This was made possible under the June 2002 legal amendments, which removed the guarantee of a life term for judges after the initial term expired, unless serious objections were raised. Pressure and increasing insecurity about their future affected the judiciary as a result. The amendments adopted on the role of the Supreme Council of Magistrates also raised serious suspicions that commitment to communist ideology had precedence over qualifications, experience

and professional merit. In addition, the June 6 modifications of the Law of the Disciplinary Council and Disciplinary Responsibility of the Judges provided for questionable disciplinary procedures for chair and vice-chairs of courts for failing to ensure the proper operation of the courts. These amendments established vague grounds for disciplinary responsibility which undermined what little remained of the independence of the courts.

A further problem of the judiciary was the low quality of judicial rulings, which lacked proper explanation and often failed to address all the allegations brought by the parties. In addition, communication between different courts was carried out through an outdated system of hand- or type-written notes, with materials being sent out by regular postal service from one court to another, a procedure that delayed case examinations by months.

In addition, the financial and budgetary regulation of court activities was quite inadequate for them to undertake proper work.

The Soviet-style Prosecutor's Office remained largely unreformed.

Detainees' Rights

The Moldovan Helsinki Committee registered several complaints during 2002 of arbitrary arrest and illegal detention in police custody. By law, a person could be held for three hours for the purpose of identification or up to 72 hours in investigative detention. However, in some cases known to the Helsinki Committee, police officers detained people for between three and 12 hours and then released them without giving any reason for the detention. In other cases, people were held on suspicion of minor offences for 12 hours, instead of the three hours prescribed by law and were then taken before a court of law in order to apply for administrative sanction, which could be a fine or administrative arrest for up to 30 days. The Helsinki Committee was aware of a few cases in which persons were held in police custody for more than a year, while the punishment prescribed for the crime allegedly committed was itself no more than one year.

Detainees held in isolation during preventive detention had difficulties gaining access to legal counsel because contacts with a lawyer had to be approved by the investigator if the case was under investigation or by a judge if it was pending in court. This practice was a serious obstacle for those detainees who wished to file a complaint about illegal arrest or the use of unnecessary force by police officers. By law, the state was to provide for free legal counsel for detainees who could not afford a lawyer of their own choosing: a matter for which the investigator of the case was responsible. However, the quality of this assistance was relatively poor, largely because the state paid the lawyers a very low salary.

The principle of regarding suspects as innocent until proven guilty was not respected. It was common practice for police officers to release photographs of arrestees to television stations and to give statements suggesting their guilt in media appeals for help with their investigations. For example, statements given by victims of robberies who identified their assailants in identity parades at police stations – which as a rule remained uncorroborated – formed the basic evidence used in courts against suspects, although victims could be influenced by photographs of the suspects already released by the media. Where cases were declared solved, police officers were due to receive a pay-rise. In addition, the magazine of the Ministry of Interior Affairs in particular published articles where suspects in cases still under investigation were already called “killers,” “maniacs,” “thieves,” etc.

Suspects were also summoned to police stations under the pretext of questioning them as witnesses. They were then asked to sign a protocol which was later used as evidence against them in case where they turned out to be suspects.

Torture, Ill-Treatment and Police Misconduct

Moldova ratified the UN Convention against Torture in May 1995, and it entered into force on December 28, 1995. The European Convention against Torture was ratified in July 1997, entering into force

on February 1, 1998. The European Committee for the Prevention of Torture (CPT) visited Moldova on three occasions (in 1998, 2000 and 2001) and presented its findings to the Moldovan government as well as published recommendations for the improvement of the situation. Following the ratification and coming into force of the European Convention for Prevention of Torture in 1998, a new article 101 was added to the Moldovan Penal Code, which prohibited the use of torture under all circumstances.

Notwithstanding this commitment, and despite the fact that Moldovan courts were aware of the use of torture, no cases on torture charges were brought to court. The public prosecutor preferred to charge perpetrators under article 185 of the Penal Code which referred to “abuse of duties,” which in practice resulted in allowing state officials who committed torture or ill-treatment to act with impunity. The new Penal Code, published in September 2002 and entering into force on in June 2003, no longer includes article 101 on torture. Its abolition has been justified by the fact that other articles in the Penal Code refer to “abuse of duties.” The Moldovan Helsinki Committee denounced this action and its argumentation, noting that it undermines the very goal of the European Convention against Torture.

Documented forms of torture included the use of electric shocks, hosing detainees with cold water, crushing fingers, pulling out nails, beating with a truncheon, holding gas masks on the face while closing the ventilation, etc. Torture was mainly used to extract confessions of crimes, a relatively long-winded process which meant that detainees were held in isolation or preventive detention for some 72 hours, during which time the detainees were under full control of the investigator: access to a judge, a lawyer or relatives was denied until the marks of torture or ill-treatment had healed somewhat. The long detention period was often justified under the pretext that the detainee had “resisted a police officer,” an excuse that also formally justified the use of force and the injuries the detainee had sustained.

There was no functioning, independent procedure to investigate allegations of torture. The Public Prosecutor’s Office was in charge of investigating all allegations of torture but in most cases those investigations were never completed either on grounds of lack of evidence or the presumption that the police’s use of force was justified. Victims could also file a complaint to a court, yet although courts sometimes required prosecutors to investigate, in practice prosecutors did little or nothing, often terminating the case on the grounds of lack of evidence. Typically, however, judges were not responsive to allegations of torture. The Medical Examiner’s Office could, in theory, investigate physical marks of torture, but knowing this, many tortured or ill-treated detainees were released at the weekends when the medical examiner was not normally on duty.

- Aurel Paduret was detained in 2001 and tortured. He was beaten at the police station of sector Centru, Chisinau, held naked, a plastic bottle put into his anus, and a gas mask was put over his head and filled with cigar smoke. The Moldovan Helsinki Committee took the case to the Public Prosecutor’s Office which played it down as an insignificant incident. Nevertheless, judicial proceedings were finally initiated. The Helsinki Committee submitted to the court in 2002 a medical certificate verifying the injuries inflicted to the victim under torture and a psychiatric certificate showing the victim had suffered psychological trauma as a result of torture. The court found two indicted officers guilty and sentenced them to a suspended prison sentence of two years each, but did not award moral damages to be paid to the victim. The Helsinki Committee appealed the case to the second instance, from where it was returned for a new examination to the first level court. The case was still pending at the time of writing.

In practice, however, allegations of ill-treatment or torture were recorded almost on a daily basis while criminal procedures against perpetrators were rare.

Conditions in Prisons and Detention Facilities

Conditions in detention facilities and prisons were intolerable and constituted a serious risk to inmates’ health. Prison conditions remained harsh, with attempts to improve them hampered by lack of funding. Detainees spent most of their time in dirty and overcrowded cells, which amounted to inhuman and degrading treatment and punishment. The CPT has in the past formulated a series of specific recommendations for short- and long-term improvements to detention conditions: for example, it urged the

Moldovan government to take measures to solve the problem of overcrowding, to improve the physical conditions of detention as well as to provide for medical services and nutrition to meet the health needs of the inmates.

The desperate conditions in detention facilities and penitentiaries could largely be attributed to the insufficient available financial resources. Prisons spent the amount of €0.13 per inmate for daily nutrition. Insufficient and poor quality food, extremely poor hygienic conditions (particularly defunct toilets and showers), poorly lit and ventilated/heated cells and the lack of even the minimum level of medical care resulted in the spread of various diseases. In the past three years, approximately 3% of the penitentiary population has died of various diseases. The probability of being infected with tuberculosis was 40% higher among prisoners than among those outside prisons walls. Local monitors feared that tuberculosis would also spread beyond the prisons and result in the infection of larger parts of the Moldovan population. Almost 200 persons (1.8%) of prisoners were infected with HIV/AIDS.

Ethnicity and Right to Education

As of January 2002, the Russian language was a compulsory subject for all students from the second grade. In addition, the Ministry of Education replaced the history of Romania (studied since 1989) with the history of Moldova as a subject. From January, students and their parents went onto the streets to protest the changes.

The parliament ordered the General Prosecutor's Office to investigate who had initiated the protests and find out who were its leaders. Investigators questioned pupils without the presence of a teacher, parent or legal representative. At the beginning of the protests, the media coverage was full, but later many reporters said that they had suffered political pressure to stop reporting. The "disappearance" of member of parliament Vlad Cubreacov provoked further street protests as some believed he had been kidnapped due to his links to Iurie Roshca, a key figure in the street protests.

The separatist regime of the TMR continued its restrictive policy against the use of the Romanian/Moldovan language on its territory, particularly as a language of education. This was shown, among other things, in the measures taken to discourage the use of the Latin alphabet and the Romanian/Moldovan language in schools, and harassment of pupils, parents and teachers who supported the language's use. According to the government, only the Cyrillic alphabet should be used.

- In 2002, the seventh school in a row, High School No. 1 in Grigoriopol where instruction was partially given in Latin alphabet, was closed in the summer of 2002 and part of its staff dismissed. On February 26, the congress of the Soviet of People's Deputies in the city of Grigoriopol expressed concern about the "poor patriotic education" in the high school, after 520 of c. 600 pupils had signed a petition for all courses to be held using the Latin alphabet and according to the curricula of the Republic of Moldova. On August 28, Mihai Speianu, the chairman of the school's Parental Committee, was arrested and held for 15 days because of his activities there.

Since 1992, the separatist authorities have evicted from their premises several institutions where Moldovan nationals were given education in the Romanian language, including: the Teacher Training University, the Tiraspol National Institute of Didactical Staff Retraining, the Medical College in Bender, the Secondary School No. 19 in Bender and No. 1 (Moldovan-language school) in Slobozia, etc. Altogether, the rights of some 35,000 pupils and 50 schools of Romanian-speaking Moldovans have been affected.

Economic Rights

In late 2001, the government announced its intentions to found a new center to coordinate attempts to counter "economic crimes", "protectionism" and "corruption" in Moldova. This provoked concerns in the business community and civil society that the intention might be counter-productive unless the relevant constituencies were adequately consulted and democratic international principles, including economic and civil liberties, upheld.

Initial legislation for this was drawn up in February 2002. On April 25, the government adopted Decision No. 252 to approve the draft law on the establishment of the Center for Combating Economic Crimes and Corruption and its activities. The decision was taken despite criticism of the initiative from the Ministry of Finance³, the Ministry of the Economy⁴ and the Ministry of Labor.⁵ Only the Ministries of the Interior⁶ and the Intelligence and Information Service⁷ supported the initiative. Subsequently, a new center was established to counter all kinds of economic crimes and given wide powers to intrude upon the privacy of individuals and private initiatives. The center was frequently used as a political arm of the ruling political forces.

The Association of Small Business Club of Business Persons “Timpul” pointed during a press conference to the potentially disastrous consequences of the government initiative. For example, experts warned against the wholesale collapse of 25-30% of small- and medium-size businesses in the first two quarters of the year 2002. A group of human rights NGOs⁸ submitted to the government and the parliament a separate opinion highlighting their serious concerns that the law, if adopted, would lead to infringements on civil and economic rights. The NGOs cited ten provisions of the draft law that should have been deleted and proposed 15 amendments that would bring the law into line with the provisions of the European Convention on Human Rights and other international standards, including those regulating the right to search for and seize material, and the right not to make self-incriminating statements, as well as the presumption of innocence. The overall opinion of critics was that the initiative failed to promote positive developments for private enterprise and would violate individuals’ economic rights.

Despite widespread skepticism and specific criticisms, the Moldovan parliament adopted the draft law in record time within three months, and the law came into effect on June 27, 2002.

³ No. 06-04 of 07.04.02

⁴ No. 06/2-175 of 11.04.02

⁵ No. 1-751 of 10.04.02

⁶ No. 22/327 of 12.04.02

⁷ Jj/222, 12.04.02

⁸ Including the Moldovan Helsinki Committee for Human Rights, the Resource Center of Moldovan Human Rights NGOs, and the League for the Defense of Human Rights of Moldova.