

EUROPEAN PARLIAMENT

AD HOC DELEGATION TO MOLDOVA

5-6 June 2002

REPORT FROM THE CHAIRMAN:

Mr Jan Marinus WIER SMA

Annex: List of participants

Programme

EP resolutions 03/2002 and 04/2002

Council of Europe Recommendations April 2002

Council of Europe Resolution April 2002

**DIRECTORATE-GENERAL FOR
COMMITTEES & DELEGATIONS**

2 July 2002
EUR/TB/ES

Background

An ad hoc delegation of the European Parliament led by Jan Marinus WIERSMA (PES, NL) chair of the European Parliament delegation to Moldova visited Chisinau and Transnistria on 5 and 6 June 2002. The delegation also included Roberto BIGLIARDO (UEN, I), Jas GAWRONSKI (EPP, I) and the EU Ambassador to Moldova Norbert JOUSTEN. The full programme is attached. It proved impossible to arrange a meeting with President VORONIN, as the Moldovan authorities stated that he had other commitments.

The visit was a direct consequence of two plenary resolutions by the European Parliament in March and April 2002. These resolutions expressed concern over growing political tensions in Moldova, and in particular the disappearance of the Moldovan parliamentarian and opposition leader Vlad Cubreacov - the resolutions are attached. The visit was also intended to be a clear sign of the European Parliament's commitment to a process of successful political and economic transition in the poorest country in Europe.

The visit also followed the adoption on 24 April 2002 of a series of recommendations by the Parliamentary Assembly of the Council of Europe. These proposals were aimed at improving the functioning of democratic institutions in Moldova - recommendations attached. The Council of Europe will monitor the implementation of the recommendations.

Issues covered

Council of Europe recommendations

The government authorities stated that they would examine the Council recommendations, and most interlocutors stated that they would be implemented. However it was stressed that "the interests of the people" should also be safeguarded. The recommendations covered a wide range of political and social issues, including the call on the Moldovan authorities to permit the registration of the Bessarabian Church; to transform the broadcasting station Teleradio Moldova into an independent public corporation; to revise the parliament's rules of procedure in order to widen the opposition's rights; to undertake no reform of the judicial system without taking into account the recommendations of the Council of Europe; and to crack down on corruption and all kinds of trafficking.

Opposition spokesmen expressed some suspicion whether or not the authorities were genuine in wanting to implement the recommendations. They quoted President Voronin as saying that he did not consider them to be necessary and there was a feeling among some opposition speakers that no progress had been made on implementing the recommendations. They also noted that the state-run press had made hostile statements about the Council's recommendations. The leader of the Christian Democrats warned that the protests would start again if these recommendations were not implemented.

The Russian ambassador welcomed the initiative by the Council of Europe and stressed the need for confidence-building measures. He favoured the "round table" approach bringing together all political parties that has been put forward by the opposition leader Dumitru BRAGHIS.

Political developments

The European Parliament expressed its strong support for democratic government and the firm establishment of human rights and the rule of law. It stated that it respected the results of the

February 2001 parliamentary elections, which brought the Communist Party to power with an absolute majority of seats. However it stressed that, in a responsible democracy, opposition parties and minority interests must also be given a full opportunity to participate actively in the political course of the country. It therefore called for an active dialogue to be established between Government and opposition. It supported the continuation and intensification of the "round table talks" between government and opposition, which it considered to be a valuable contribution to a return to political stability.

It also fully endorsed the recommendations of the Council of Europe on political pluralism. The delegation stressed that the right to peaceful protest was internationally recognised and was one of the cornerstones of a free society. It condemned any threat to use force against peaceful protestors.

In discussion the Moldovan government side stated that, although there had been some difficulties, the economic and political situation was improving. It claimed that it had popular support for its policies that aimed at promoting democracy and a market economy - indeed they described their approach as being "social democratic". They considered that it was difficult to have constructive debates in the "round table" format as there were 36 different political parties in Moldova and the process was difficult to manage. They rejected any claims that they were acting in a totalitarian manner - in the field of justice for example they were seeking to simplify the system by removing one tier of the legal system.

The opposition complained that there were still undemocratic tendencies in the government, which, they claimed, was using its majority to force through legislation without adequate debate. They also raised concerns about legislation that could adversely affect the independence of the judiciary due to the appointment of government supporters to courts. There were mixed views about the advantages of the round table discussions. The Christian Democrat leader Iurie ROSCA considered that no effective political dialogue could take place within this format.

The opposition also asserted that the government had hoped that the recent demonstrations would turn violent and give them the excuse to use force - however this had not happened. They did not doubt the legitimacy of the government, however they objected to the way it had acted in what they considered to be an illegitimate manner, for example by attempting to suspend the Christian Democrats.

The opposition was also unhappy at recent legislation, which, it was claimed, would bring back the Soviet model of 32 territorial units. This, they argued, would strengthen the centre at the expense of local autonomy and result in the fragmentation of the country.

Bessarabian Church

The European Parliament delegation supported the call of the Council of Europe for the Moldovan authorities to implement without delay the judgement of the European Court of Human Rights in the case of the Metropolitan Church of Bessarabia - an independent Orthodox Church affiliated to the Bucharest patriarchate. The Moldovan authorities had previously refused to recognise the church, which then took its case to the Court of Human Rights. On 13 December 2001 the Court ruled against the Moldovan authorities and called for the Church to be registered.

The Moldovan government representatives warned that recognition of the Bessarabian Church could create divisions as in many localities there was often only one church. However they stressed that the decision of the Council of Europe would be implemented by 31 July 2002.

The opposition stated that so far there had only been declarations from the authorities on legally recognising the Church - it was important to see action.

Freedom of the media

The delegation urged the Moldovan authorities to implement the Council of Europe's recommendations that the broadcasting system should be reformed and the state company Teleradio Moldova transformed into an independent public service company. This followed claims from journalists that the station was being used for state propaganda. And complaints from opposition representatives of lack of access to the media.

Abduction of Vlad Cubreacov

The delegation was glad that the leading Christian Democrat politician Vlad CUBREACOV had been found safely and it called on the Moldovan authorities to step up its investigations into the disappearance and to intensify efforts to bring the perpetrators to justice.

In his meeting with the delegation, Mr Cubreacov stated that he did not know who had abducted him, however he thought it might have been the Moldovan Communist authorities or the Tiraspol authorities. There could also have been involvement from Moscow in view of the opposition of the Russian Patriarch to the establishment of the Bessarabian Church because of fears that it could set a precedent for other breakaways from the Russian Patriarchate. Mr Cubreacov was concerned that the statements that he had made to police investigators had subsequently appeared in the Russian language press and he feared that this would enable the perpetrators to cover their tracks. He also complained that no officials had visited him. He was under 24-hour surveillance and all visitors were registered.

Mr Cubreacov also complained of obstructions placed on his movements and noted that it had been impossible for him to attend sessions of the Council of Europe for a year because of difficulties getting a visa or because he had been refused permission to be absent from sessions of the Moldovan national parliament.

Other opposition representatives complained that the government was acting in a secretive fashion on the kidnapping. They considered that the abduction could have been the action of any combination of the ruling Communist Party, the Moscow-orientated Orthodox Church, or the Tiraspol separatists.

The Moldovan government representatives stated their satisfaction that Mr Cubreacov had been found and stressed the need to find the perpetrators.

External relations of Moldova

The delegation underlined the need for Moldova to develop a balanced strategy in its relations with the European Union and Russia. It stressed that the newly developing relationship between the EU and Moscow constituted a challenge for Moldova and other countries in Europe to secure further integration into European structures. Moldova should work towards eventual membership of the EU but the timing of this depended largely on Chisinau itself.

The Moldovan government representatives stated that they wanted to be in the "centre of Europe" and to move towards an Association and Stabilisation Agreement with the EU. However Moldova would not turn its back on Moscow, which was, and would remain, an essential trading partner. This situation was simply a result of economic reality and Moldova's traditional commercial ties to Russia. The 1995 constitution stated that Moldova was a neutral country and its cooperation with the Commonwealth of Independent States was restricted to the economic level. In practice, they argued, the CIS had achieved little during its existence and the Eurasian Economic Community at which Moldova had observer status might replace it. They complained too that membership of the WTO had brought only minimal benefits to Moldova.

The Moldovan government had some concerns about their country's position when Romania joined the EU and stressed the need to avoid a new division of Europe.

The Russian ambassador stressed that, although Moldova was moving towards Moscow, Moscow in turn was moving towards Europe. There were close links between the two countries and many Moldovans worked in Russia, including 200,000 in the Moscow region alone. Moldova had a large debt to Russia, particularly for gas imports.

Internal economic situation

The delegation called for further assistance to be given to support the weakest groups in Moldovan society, such as young children and the elderly.

The Moldovan government representatives recognised that the economy was at a low level and many people lived in dire poverty as a result - they claimed - of the actions of previous governments. They argued that the population had voted them into power to tackle these problems and that things were improving with repayment of international debts to the IMF and World Bank. There was currently a 6.1% level of growth in production - the largest in ten years. More than 20% of companies had been privatised, although the authorities claimed that privatisation was not always the best way of tackling economic downturn. The government also stated that it had created 20,000 new jobs since coming to power. Around 93% of agricultural land was now privatised and the government was proposing the development of co-operative - but not collective - farms.

Opposition representatives warned that some laws passed by the government would impede the development of a market economy and that there was hostility from the authorities to large investors. The view was also expressed that the government wished to eliminate western investment and replace it with Russian funding. There were also concerns that the government intended to return arable agriculture to the Soviet model of collective farms. They noted that the government had implemented a number of "populist" decisions such as reducing the pension age.

Civil society

The delegation reiterated calls by the European Parliament on the Commission to enhance the capacity of the TACIS programme to promote the democratic functioning of civil society by supporting contacts and joint programmes with EU counterparts.

The delegation also met with representatives of NGOs where they discussed the problems of marginalised groups in society, such as people with mental and physical handicaps. The situation of the Roma minority was also identified as an area requiring attention, as the

community had high rates of illiteracy and drug problems. A major problem was the exodus abroad of large numbers of the most educated people, which deprived NGOs of many potential members.

Transnistria

The delegation emphasised the importance of reaching a rapid and viable solution to the situation of the breakaway region of Transnistria. Any settlement should be based on respect for Moldovan territorial integrity and OSCE declarations. The members expressed concern at existence of a "black hole" in Europe in which illegal trade in arms, the trafficking in human beings and the laundering of criminal finance was carried on and they called for the establishment of strong joint border controls between Moldova and Ukraine. These were essential in a world in which increasing attention was being paid to the need for safe borders and the fight against crime and terrorism. It was essential that the EU did not neglect its future border regions and actively supported all efforts to reach a settlement.

They urged increased pressure to be put on both sides in the conflict to accept the assistance of international mediators and to persuade the Tiraspol authorities to accept a balanced settlement based on the internationally recognised borders of Moldova. The delegation also urged Russia and Ukraine to make an active contribution to resolving the problem. In this context they applauded the changing strategic landscape, with more cooperation between NATO and the EU on one hand and Russia on the other. Members also considered that the EU should support the OSCE in its search towards reaching a settlement of the problem. Concern was also expressed about the ammunition and arms dumps remaining in Transnistria. The delegation supported the US\$35 million project to remove this threat and welcomed all moves to make progress on this issue.

The Moldovan government representatives stressed that they were working to resolve the situation and they accepted the need for broad autonomy for the region. However they could not accept the Tiraspol argument that two separate states should merge into a common state - there was already only one Moldovan state. This position had been supported in the "Primakov Plan" - i.e. there should be recognition by both sides that there was only one Moldovan state and then discussions could begin about the format of a "common state". It was argued that Moscow provided the key to a solution of the problem: the Transnistria leader Mr Smirnov was beginning to understand this and was clearly unhappy about improved relations between Russia and Moldova. However there were concerns that Russia was not doing enough to ensure that it met the deadline of 31 December 2002 for removing all its munitions from Transnistria.

The Moldovan government underlined the serious consequences for the Moldovan economy that were created by the smuggling and contraband that took place through Transnistria. Ukraine needed to be persuaded to agree to joint customs controls, however the political limbo during the period of the parliamentary elections in that country had not helped.

The Russian ambassador noted that Moldova and Russia had signed a "basic political Treaty" which President Putin had described as the "treaty of a modern generation". The preamble committed the two parties to reaching a settlement of the Transnistria issue in a political manner. He stated that the economic situation also needed to be resolved and that Russia was co-operating with Moldova on customs procedures, while Ukraine was only complying in "words and not in deeds". Tiraspol was currently siphoning off Russian gas exports to Moldova without paying. The ambassador underlined his government's support for the territorial integrity of Moldova and for OSCE efforts to reach a settlement. There were now no nuclear or chemical

weapons in Transnistria. He warned that the search for a settlement would prove difficult if Tiraspol maintained its insistence on treating with Chisinau as an equal and separate state.

The Tiraspol authorities stated that Transnistria had never been a part of Moldova, however they were prepared to build a common state based on democratic principles and the borders of 1990. They referred to the union of Serbia and Montenegro as a possible way forward - i.e. a union of two states. There had also been visits to Northern Ireland and Cyprus to study conflict resolution approaches. They were prepared to make these compromises although the majority of the population of Transnistria wanted to live in an independent state - indeed such a state was viable as Tiraspol already co-operated with some 80 countries and had experienced growth in its GDP. Transnistria, with 12% of Moldovan territory and 17% of the population, had 40% of the GDP - a situation that had caused envy in Chisinau. They complained however that Moldova wanted to establish a unitary state and rejected the idea of a confederation.

They stated that President Voronin had ceased negotiations unilaterally and had made a political decision to destroy Transnistria, nevertheless they had agreed to a meeting of "experts" on June 25 in Kyiv, which would have no preconditions. They stated that Moldova owed US \$30million to Transnistria. All the ammunition and arms in Transnistria belonged to Tiraspol as part of its inheritance from the USSR. Russia had removed military equipment and should pay compensation to Tiraspol - currently it was not fulfilling its commitments in this respect. Tiraspol would be prepared to dispose of the arms and ammunition when compensation had been paid. The number of Russian soldiers in Transnistria had been reduced from 15,000 to 1,500 and the 14th army had been disbanded two years ago.

The Tiraspol authorities were also unhappy at Chisinau's decision not to issue its new customs stamp to Transnistria, an action, which they claimed, constituted an economic blockade. They stressed that they were prepared to cooperate on customs and border posts and that neighbouring countries - except for Moldova could monitor their activity. They noted that the EU was providing computer systems for border control to Moldova and they believed that Transnistria should be included in these projects.

EUROPEAN PARLIAMENT



EUROPEAN PARLIAMENT

AD HOC DELEGATION TO MOLODOVA

4/5 – 7 JUNE 2002

CHISINAU

List of participants

Members:

Mr Jan Marinus WIERSMA <i>Chairman</i>	PSE, Netherlands	Foreign Affairs, Human Rights, Common Security and Defence Policy; Petitions
Mr Jas GAWRONSKI	PPE-DE, Italy	Foreign Affairs, Human Rights, Common Security and Defence Policy
Mr Roberto Felice BIGLIARDO	UEN, Italy	Economic and Monetary Affairs

Secretariat of the delegation:

Mr Timothy BODEN, Head of Secretariat
Ms Elke SCHMUTTERER, Assistant/Secretary

Political Groups:

Mr Rob VAN DE WATER, Group of the Party of European Socialists

European Commission:

H.E. Mr Norbert JOUSTEN, EU Ambassador to Moldova

Interpreters:

Stefana PORCOTEANU RO/EN and IT passive
Corina POPESCU RO/IT and EN passive

Abbreviations :

PPE-DE	European People's Party/European Democrats	UEN	Union for a Europe of Nations
PSE	Party of European Socialists	NI	Non-attached
ELDR	Liberal, Democrat and Reform Party	EDD	Europe of Democracies and Diversities
Verts/ALE	Greens/European Free Alliance	TDI	Technical Group of Independent Members
GUE/NGL	European United Left/Nordic Green Left		

5 June 2002/es

AD HOC DELEGATION TO MOLDOVA

CHISINAU

4/5 – 7 June 2002

FINAL PROGRAMME

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Tuesday, 4 June 2002

p.m.

Arrival of Members and staff of the EP Delegation and transfer to hotel

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10 June 2002
EUR/TB/ES

Wednesday, 5 June 2002

- 8h00 Departure hotel for
- 8h15 – 8h50 Meeting with **Ms Eugenia OSTAPCIUC**, President of the Parliament of the Republic of Moldova
Venue: Parliament of Moldova, room 300
- 9h00 – 9h40 Meeting with **Mr Dumitru BRAGHIS**, Chairman of the parliamentary faction “Alliance Braghis”
Venue: Parliament of Moldova, room 300
- 10h00–10h50 Meeting with **Mr Iurie ROSCA**, Chairman of the parliamentary faction of the Christian-Democratic People’s Party of the Republic of Moldova
Venue: Parliament of Moldova, room 300
- 11h00-11h50 Meeting with **Mr Victor STEPANIUC**, Chairman of the parliamentary faction of the Communists’ Party of the Republic of Moldova
Venue: Parliament of Moldova, room 300
- 12h00-12h50 Meeting with **H.E. Mr Pavel PITOROVSKI**, Ambassador of the Russian Federation to Moldova
Venue: Parliament of Moldova, room 300
- 13h00-14h20 Lunch hosted by the Parliament of the Republic of Moldova
Venue: Restaurant of the Parliament of Moldova
- 14h30 Departure for Tiraspol
- Meeting with authorities of Tiraspol
Messrs **SMIRNOV, MARACUTA** and **LITSKAI**
- 18h30 Return to Chisinau
- 19h30 Meeting with **Mr Vlad CUBREACOV**
Venue: Hospital
- 20h00 Dinner with EU Ambassadors or their representatives hosted by the EC Delegation to Moldova
Venue: Hotel Jolly Alon

Thursday, 6 June 2002

- 8h45 Departure hotel for
- 9h00 Visit to the center of Chisinau
- 9h45 Departure hotel for
- 10h00-11h00 Meeting with **Mr Oswald SCHNEIDRATUS**, Deputy Head of the OSCE Mission in Moldova
Venue: OSCE Mission

Thursday, 6 June 2002

- 11h30-12h15 Meeting with **Mr Andrei NEGUTA**, Chairman of the Committee on Foreign Policy of the Parliament of Moldova
Venue: Parliament of Moldova, room 300
- 12h30-13h45 Lunch hosted by **Mr Jan Marinus WIERSMA**, Chairman of the European Parliament Ad Hoc Delegation to Moldova
Venue: Restaurant of the Parliament of Moldova
- 14h00-14h45 Meeting with **Mr Nicolae DUDAU**, Minister of Foreign Affairs of Moldova
Venue: Parliament of Moldova, room 300
- 15h00-16h00 Meeting with the NGOs
Venue: Parliament of Moldova, room 300
- 16h15-17h00 Meeting with **Mr Victor STEPANIUC**, Co-Chairman of the EU-Moldova Parliamentary Cooperation Committee
Venue: Parliament of Moldova, room 300
- 17h10-18h00 Press conference
Venue: Parliament of Moldova, room 300
- 19h00 Dinner hosted by the Parliament of the Republic of Moldova
Venue: Winery Factory Milestii Mici

Friday, 7 June 2002

a.m. Individual departure of Members and staff

Useful contacts

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Delegation of the European Commission to Moldova

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Human rights: Moldova

European Parliament resolution on the human rights situation in the Republic of Moldova

The European Parliament,

- having regard to its previous resolution on this subject, adopted in 1998,
- having regard to the Partnership and Cooperation Agreement signed on 28 November 1994 between Moldova and the EU and its Member States, which entered into force on 1 July 1998¹, particularly to Title I, Article 2 thereof, which concerns respect for democracy, the principles of international law and human rights, as defined in particular by the Helsinki Final Act and the Charter of Paris for a New Europe,
- having regard to the European Convention on Human Rights,
- A. having regard to the many difficulties experienced by the people of Moldova since gaining independence and during the subsequent period of transition undergone by the country's economic and social structures,
- B. noting with concern the recent decisions by the government of Moldova regarding the introduction of the Russian language as the second official language of Moldova, the government's proposal to introduce compulsory teaching of the Russian language into the Moldovan educational system, and the administrative reorganisation of the country aimed at a return to the former Soviet style of local administration,
- C. noting with deep concern the government's attempts to curb the opposition by its proposals to dissolve the PPDC opposition party and to lift the parliamentary immunity of its leaders, Iurie Rosca, Vlad Cubreacov and Stefan Secareanu,
- D. emphasising the great importance of maintaining stability in the region and respect for basic human rights and the rule of law, as well as the need to continue the process of economic and social reform,
- E. whereas Moldova's economy has failed to develop successfully, leaving it currently as the poorest country in Europe,
- F. concerned by the phasing out of ECHO from Moldova in December 2001 and at the lack of direct emergency assistance which is an unfortunate consequence of this decision; whereas an appropriate equivalent cannot be provided by the Tacis programme,
- 1. Calls on the government and parliament of Moldova not to take any decision that may endanger the social and political stability of the country;

¹ OJ L 181, 24.6.1998, p. 3.

2. Calls on the government of Moldova to abide by basic democratic rules and procedures, to guarantee respect for fundamental human rights and the rule of law and not to abuse its political majority to dissolve the democratic opposition;
3. Notes with growing concern the persistent conflict over essential principles and matters of democracy between the Moldovan government and the Christian Democratic People's Party of Moldova;
4. Welcomes the fact that the demands of the parliamentary opposition are being made in an open and peaceful way;
5. Urges the governments of Romania and the Russian Federation not to interfere in the Republic of Moldova's delicate domestic political situation and to give their fullest support, together with the European Union and other European bodies, to the stable and peaceful development of all the countries in the region;
6. Urges the government and parliament of Moldova to continue the process of economic and social reform as a way of demonstrating the sincerity of its international commitments and ambitions, which have also been established in the framework of the Partnership and Cooperation Agreement between Moldova and the European Union and within the WTO;
7. Emphasises the great importance of maintaining stability in the region, and urges the government of Moldova to make visible efforts to resolve the political crisis and to return to a course of political stability;
8. Underlines the urgent need for active participation by the EU in the stabilisation of social and health care; suggests that a task force be set up in conjunction with the NGOs working in the country to advise on continuing help after ECHO is phased out and establishing an action plan;
9. Calls on the Council and Commission to improve the capacity of the TACIS programme to promote democracy, civil society and respect for the country's cultural and linguistic diversity;
10. Calls on the Commission in particular to assist civil society in Moldova, inter alia by supporting contacts and joint programmes with its EU counterparts;
11. Urges the Council and Commission to assist actively, within the OSCE mandate, with settling the Transdniestrian conflict;
12. Instructs its President to forward this resolution to the Council, the Commission, the government and parliament of Moldova, the OSCE, and the governments of Romania and the Russian Federation.

Moldova

European Parliament resolution on the political situation in Moldova and the disappearance of Vlad Cubreacov

The European Parliament,

- having regard to its resolution on the human rights situation in the Republic of Moldova¹,
- having regard to the Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova², signed on 28 November 1994, and which entered into force on 1 July 1998, and in particular Title I, Article 2 thereof, which concerns respect for democracy, the principles of international law and human rights, as defined in particular by the Helsinki Final Act and the Charter of Paris for a New Europe,
- having regard to the European Convention on Human Rights,
- having regard to the aid provided by the European Union to Moldova in the framework of TACIS,
- A. noting with the deepest concern the disappearance of Vlad Cubreacov, Member of the Moldovan Parliament and of the Moldovan delegation to the Parliamentary Assembly of the Council of Europe; expressing in particular its concern about the possible political context of his disappearance,
- B. concerned by the lack of information and explanation by the Moldovan authorities concerning the circumstances of the alarming disappearance of Mr Cubreacov,
- C. noting that Mr Cubreacov is one of the leading figures of the parliamentary opposition movement in Moldova and has contributed actively to the organisation of street protests against government policies,
- D. concerned by other alarming disappearances of opposition leaders, for instance Mr. Ivan Burgudji, head of the legal department of the People's Assembly of the autonomous region of Gagauzia, who disappeared on 7 March 2002 after being beaten and apprehended in his office by unidentified civilians carrying automatic weapons,
- E. noting with deep concern the attempts to curb the opposition by means of the decision to lift the parliamentary immunity of Iurie Rosca and Stefan Secareanu and the proposed lifting of the immunity of three other Christian Democrat Members of Parliament, Valentin Chilat, Viorel Prisacaru and Eugen Garla,
- F. noting that about 80 000 people took to the streets on 31 March 2002 to demonstrate against the government, and expressing its concern that the absence of a sincere dialogue

¹ P5_TA(2002)0132.

² OJ L 181, 24.6.1998, p. 3.

between government and opposition will result in the further polarisation of Moldovan society,

- G. emphasising once again the great importance of maintaining stability in the region and respect for basic human rights and the rule of law, as well as the need to continue the process of economic and social reform,
1. Expresses its great concern over the disappearance of the opposition politician Vlad Cubreacov, vice-chairman of the Christian Democratic People's Party, Member of the Moldovan Parliament and of the Parliamentary Assembly of the Council of Europe, as well as other as yet unsolved disappearances of political opposition leaders, and in particular over the fears that his disappearance may be related to political problems in the country;
 2. Calls on the Moldovan authorities to carry out a full, thorough and independent investigation into the disappearance of Mr Cubreacov and other opposition politicians and to provide information regularly and openly on the state of affairs as regards the ongoing investigations;
 3. Calls on the Council and the Commission to make every effort to find Mr Cubreacov safe and sound and to monitor closely, with the OSCE and the Council of Europe, the human rights situation in Moldova;
 4. Calls once again on the government of Moldova to abide by basic democratic rules and procedures and to guarantee respect for fundamental human rights and the rule of law and calls on the governing party not to abuse its political majority in order to dissolve the democratic opposition;
 5. Urges the Moldovan Parliament to review immediately its decision to lift the parliamentary immunity of Iurie Rosca and Stefan Secareanu and not to proceed with the lifting of the immunity of three other Christian Democrat Members of Parliament, Valentin Chilat, Viorel Prisacaru and Eugen Garla,
 6. Expresses its great concern that the right of demonstration as used by a large number of Moldovan citizens to show their disagreement with the government's policies is accompanied by threats of punishment by the Prosecutor-General; points out that the right of demonstration is a basic democratic right and a legitimate instrument of protest against the policies of a government; stresses, in this context, that the approximately 80 000 people who took to the streets on 31 March 2002 demonstrated their political will in a peaceful way;
 7. Urges the Moldovan government and the opposition not to take any steps that may further endanger the social and political stability of the country and to start a dialogue on ways and means to overcome the existing conflict and to continue the process of economic and social reform as a way of demonstrating the sincerity of its international commitments and ambitions;
 8. Emphasises the great importance of maintaining stability in the region and urges the government of Moldova to make visible efforts to resolve the political crisis and to return to a course of political stability;

9. Urges the governments of Romania and the Russian Federation not to interfere in the Republic of Moldova's delicate domestic political situation and to give their fullest support, together with the European Union and other European bodies, to the stable and peaceful development of all the countries in the region;
10. Instructs its President to forward this resolution to the Council, the Commission the government and parliament of Moldova, the OSCE, the Council of Europe and the governments of Romania and the Russian Federation.

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Recommendation 1554 (2002)

Functioning of democratic institutions in Moldova

1. The Parliamentary Assembly refers to its Resolution 1280 (2002) on the functioning of democratic institutions in Moldova, in which it expresses its concern about the continuous worsening and radicalisation of the political climate there, which are a threat to the country's democratic stability.
2. It recommends that the Committee of Ministers:
 - i. invite the Moldovan authorities to inform it about the progress of investigations into the disappearance of Vlad Cubreacov;
 - ii. invite the governments of Council of Europe member states to offer their judicial co-operation by sending on-the-spot specialist investigation teams at the request of Moldova.
3. It asks the Committee of Ministers to monitor closely Moldova's execution of the European Court of Human Rights judgment in the Metropolitan Church of Bessarabia case.
4. The Assembly recommends that the Committee of Ministers pursue co-operation with the Moldovan authorities on the following points:
 - i. expert appraisal of the Criminal Code, Code of Criminal Procedure, Civil Code and Code of Civil Procedure;
 - ii. the drafting of precise, detailed recommendations on all reforms affecting judicial bodies, for example reform of the prosecution service, the status of the judiciary, the High Judicial Council, and so on, under the action plan signed with the Moldovan Ministry of Justice or under any other appropriate framework.
5. The Assembly also asks the Committee of Ministers to step up co-operation with the Moldovan authorities concerning:
 - i. speedy expert appraisal of coming bills to reform broadcasting and transform the state company Teleradio Moldova into an independent public service corporation;
 - ii. the implementation of the recommendations to be made shortly by the Congress of Local and Regional Authorities of Europe for improving local self-government in Moldova, in the light of the reforms under way;
 - iii. the provision of assistance in preparing the local elections due to take place in 2003, particularly with regard to the revision of electoral law and the implementation of the recommendations made in 2001 by the Parliamentary Assembly's *Ad hoc* Committee on the Observation of Elections, and by the Office for Democratic Institutions and Human Rights (ODIHR) of the Organisation for Security and Co-operation in Europe (OSCE);
 - iv. the provision of assistance in preparing a possible referendum;

v. expert appraisal by the Venice Commission of any draft legislation affecting the status of the Constitutional Court;

vi. clarification of the legal status of Gagauzia by thorough expert appraisal of the various applicable legislation and framing of proposals for removing existing contradictions; this appraisal could be entrusted to the Venice Commission;

vii. the organisation of a round table of all political parties.

6. The Assembly asks the Committee of Ministers to keep it informed of the situation regarding freedom of expression in Moldova, and to this end asks it to forward to it the expert appraisal on the freedom of expression and information in the country carried out in the first quarter of 2002.

7. The Assembly further requests the Committee of Ministers to urge all the member states to undertake actively, and jointly with Moldova, action to combat corruption and the many kinds of revolting trafficking – arms trafficking from Transnistria, trafficking in women, children and human organs – from or via Moldovan territory. This trafficking is run by powerful and increasingly numerous mafia networks which must be dismantled. The Assembly refers in this connection to its Recommendations 1526 (2001) and 1545 (2002).

1. *Assembly debate* on 24 April 2002 (12th Sitting) (see Doc. 9418, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mrs Durrieu and Mr Vahtre).

Text adopted by the Assembly on 24 April 2002 (12th Sitting).

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Resolution 1280 (2002)¹

Functioning of democratic institutions in Moldova

1. The Parliamentary Assembly expresses grave concern about the events which have been occurring in Moldova since January 2002 and its anxiety about the continuous worsening and radicalisation of the political climate there, which is a threat to the country's stability.
2. Demonstrations organised by the Christian Democratic People's Party (CDPP) have been going on now in the town centre of Chişinău for more than three-and-a-half months. After a period of confusion, these demonstrations, which the governmental authorities and the courts have branded illegal, have been met with manifestly disproportionate sanctions. The Assembly considers that the lifting of the parliamentary immunity of the CDPP leaders is of rather doubtful propriety in a democracy.
3. The Assembly acknowledges and welcomes the fact that the authorities have not used force against the demonstrators and have seen fit to halt the process of certain reforms. It notes, however, that the organisers held to have acted illegally and several participants in the demonstrations have been prosecuted and convicted by the courts, and others put under pressure, as has reportedly happened to minors.
4. The Assembly recalls that in a democracy every citizen and every elected representative have both rights and duties, beginning with the obligation to abide by the law. The political opposition has rights. They must be consolidated and honoured. The Assembly also recalls that legislation must be in conformity with the Council of Europe's standards and principles.
5. The Assembly is profoundly disturbed by the disappearance of Vlad Cubreacov, a member of the Parliamentary Assembly since 1996, and calls upon the Moldovan authorities to conduct a speedy, transparent and full investigation into this case, and to keep Mr Cubreacov's family, parliament and the Council of Europe regularly informed of the progress of investigations.
6. The absence of progress in the investigations which have now been under way for a month may cast doubt on the declared intention to elucidate the case as quickly as possible. The credibility of the government, and even of the President, is at stake.
7. The Assembly notes that the scale of the protest movement by journalists and staff of Teleradio Moldova underlines the need to carry out reforms quickly, so as to fully guarantee freedom of expression and promote a public broadcasting service. It urges the authorities to end the practice of censorship of television programmes and to afford all opposition political parties, both inside and outside parliament, generous access to discussion programmes. It asks the Moldovan Government and Parliament to embark without delay on work to transform Teleradio Moldova into an independent public corporation.
8. It is concerned about the worsening of the domestic situation in Gagauzia and the deterioration of institutional relations between Comrat and Chişinău. It warns the authorities on both sides of the risk of a new hotbed of instability in Moldova. Any escalation must be avoided.

9. Having noted the absence of real dialogue between the ruling party and the political opposition, the Assembly also notes the strong opposition from civil society.

10. The Assembly expects the Moldovan political forces to pursue genuine, constructive dialogue and to agree on a compromise which should include the following elements:

- i. a moratorium simultaneously covering the cessation by the CDPP of its demonstrations, so that political dialogue may be initiated, and the suspension of criminal proceedings against Iurie Rosca and Stefan Secareanu, it being understood that the Moldovan authorities should refrain from further lifting the immunity of parliamentarians;
- ii. an extension of the existing moratorium on the reforms concerning the teaching and status of the Russian language, and changes to the history curriculum;
- iii. the revision of the 1994 Act on the Status of Members of Parliament, regarding the provisions governing the lifting of immunity and removal from office;
- iv. the revision of radio and television legislation and amendment of the status of Teleradio Moldova to make it an independent public corporation: an immediate start of work by the relevant parliamentary committee; the possible resumption of consideration of the draft legislation examined by the previous legislature; and assistance of Council of Europe experts in defining the public service status of the Moldovan radio and television corporation. This work should be completed by the end of the current parliamentary session, on 31 July 2002;
- v. the execution of the judgment of the European Court of Human Rights in the Metropolitan Church of Bessarabia case: immediate registration of the Church through the adoption of a government decision by 24 April 2002; definition of implementation arrangements under Council of Europe supervision. The deadline for completion of application measures is also 31 July 2002;
- vi. Council of Europe assistance concerning the disappearance of Vlad Cubreacov and judicial co-operation from member states and their specialist investigation bodies;
- vii. the revision of parliament's rules of procedure in order to widen the opposition's rights;
- viii. the organisation of a round table between all the political parties, not only those represented in parliament, with the assistance of the Council of Europe.

11. The Assembly calls upon the Moldovan Government and Parliament to take the above measures without delay.

12. Moreover, it invites Moldovan political forces to urgently discuss solving the present crisis and, if needed put the solution to a referendum, by using the constitutional powers of citizens (Article 141 of the Moldovan Constitution – "popular initiative") or the president (Article 88 of the Moldovan Constitution – "plebiscite").

13. The Assembly acknowledges that encouraging efforts to start dialogue have

been made very recently, and welcomes the adoption on first reading of a bill including a number of measures to improve safeguards for the parliamentary opposition.

14. The Assembly calls upon the Moldovan authorities to co-operate fully with the Council of Europe and its bodies, and in particular:

- i. to take into account and apply the recommendations of the Congress of Local and Regional Authorities of Europe for improving local self-government in Moldova;
- ii. to submit for Council of Europe expert appraisal the future bills for the reform of broadcasting and transform the state company Teleradio Moldova into an independent public service corporation;
- iii. to revise the 1994 Act on the Status of Members of Parliament taking account of recommendations made by the experts of the Council of Europe;
- iv. to give effective priority to the action plan for legal and judicial reform;
- v. to undertake no reform concerning the judicial system, the status of the judiciary, the High Judicial Council or the Constitutional Court without having previously obtained and taken into account the recommendations of the Council of Europe's experts.

15. The Assembly calls upon the member states of the Council of Europe to afford Moldova increased assistance, in particular:

- i. by contributing to the country's economic recovery and the struggle declared by the President of the Republic against corruption and arms trafficking from Transnistria and all other kinds of trafficking – in women, children, human organs, and so on – either from or through Moldovan territory. Such trafficking is run by powerful and increasingly numerous mafia networks, which must be dismantled;
- ii. by asking the countries directly concerned by Moldova's problems to contribute to the stabilisation of the democratic process in this country whilst respecting Moldova's integrity and sovereignty.

16. The Assembly calls on the member states of the Council of Europe to monitor closely Moldova's economic and social development and to help it regain the confidence of international financial institutions (International Monetary Fund and the World Bank). It invites the latter to review their positions and to grant Moldova the aid it needs to consolidate the economic upturn and improve the social situation of the vast majority of the Moldovan population.

1. *Assembly debate* on 24 April 2002 (12th Sitting) (see Doc. 9418, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mrs Durrieu and Mr Vahtre).

Text adopted by the Assembly on 24 April 2002 (12th Sitting).