

ROMOLDOVA

@Update on the trial of the "Tiraspol Six"

Introduction

After many adjournments the trial of Ilie Ila_cu, Alexandru Le_co, Tudor Petrov-Popa, Andrei Ivan_oc, Petru Godiac and Vladimir Garbuz, known as the "Tiraspol Six", ended on 9 December 1993. The Supreme Court of the self-proclaimed Dnestr Moldovan Republic (DMR), an area in the former Soviet republic of Moldova which is seeking greater autonomy, sentenced Ilie Ila_cu to death and the other five men to varying periods of imprisonment. They had been accused of planning and carrying out various acts of terrorism against the DMR. At least four of the men are members of the Christian Democratic Popular Front (CDPF), whose political aim of unifying Moldova with Romania is opposed strongly by the DMR.

Amnesty International takes no position on territorial disputes. Its concerns in this case arise from reports that some of the men were beaten and otherwise ill-treated in detention (including being subjected to mock executions) and that they did not receive a fair trial in line with international standards. Following the verdict the organization is also concerned that one of the defendants has been sentenced to death, and is denied the internationally recognized right to appeal against this sentence to a court of higher jurisdiction.

For more details on Amnesty International's concerns please see the organization's first report on this case entitled *Moldova: The trial of the "Tiraspol Six"* (AI Index No. EUR 59/02/93). This paper updates that document, which was written before the trial ended.

Further information on the defendants

The personal information on the defendants given earlier was from unofficial sources, and some further details have become available from the official verdict of the court.

According to this document all six are ethnic Moldovans. None had a previous conviction apart from Tudor Petrov-Popa, who was twice sentenced for "theft of state or social property". Ilie Ila_cu, Vladimir Garbuz and Alexandru Le_co are recorded as not employed prior to their arrest. Andrei Ivan_oc worked as a driver for a children's food factory in Tiraspol, the self-appointed capital of the DMR. Tudor Petrov-Popa was a transport worker for the Tiraspol cotton-producing factory. All were living in Tiraspol apart from Vladimir Garbuz (exact date of birth 25 April 1947), who came from the village of Chitcani. Alexandru Le_co's date of birth is given as 21 February rather than 12 February 1955. Petru Godiac, on whom no personal details were available earlier, was born on 1

September 1967 and is from the village of Talmaz. He is married and worked as a driver at the same cotton factory as Tudor Petrov-Popa.

The charges against the "Tiraspol Six"

According to the prosecution case set out in the final verdict, Ilie Ila_cu publicly called for the commission of terrorist acts; formed a group called "Bujor" ("Peony" in Romanian) in order to carry out certain such acts, including the murder of those active in the formation of the DMR and working in its official bodies; and involved all the other defendants in the illegal possession of arms, ammunition and explosives. He was also accused of planning to blow up an oil storage base and a bridge to interrupt fuel supplies to the DMR, and to cause an explosion at the parliament building in Tiraspol.

All the remaining defendants except Petru Godiac were said to have been part of the terrorist group, which at Ilie Ila_cu's instigation carried out four attempted murders of DMR activists and two actual such murders. Other charges laid against them in connection with their alleged involvement included damaging property in a way dangerous to society and hijacking a vehicle. Vladimir Garbuz was also accused of impersonating a police officer during one of the murders.

Allegations of duress

The earlier document entitled *Moldova: The trial of the "Tiraspol Six"* details allegations made by several other defendants that they were initially denied access to a defence lawyer and were beaten or otherwise ill-treated during the investigation to obtain confessions. Only Vladimir Garbuz confessed fully both during the investigation and at the trial.

Ilie Ila_cu made no confession during the investigation, and denied all charges against him. He contended that the weapons found at his home were planted there, and regarded Vladimir Garbuz as an infiltrator who aimed to discredit the CDPF. Alexandru Le_co, Tudor Petrov-Popa, Petru Godiac and Andrei Ivan_oc also pleaded not guilty, and in court withdrew the confessions they had made during the investigation on the grounds that these had been extracted by means of physical or mental duress.

The court rejected the claims of duress, considering the defendants' testimony given during investigation to be reliable. In the verdict the judges referred to DMR law enforcement officials who testified that no such force was applied, and noted that the defendants had not made any such complaints during the investigation itself. Testimony from prisoners who claimed to have seen traces of beatings on the defendants was dismissed as inconsistent.

All six defendants were found accountable for their actions. According to the court's verdict Andrei Ivan_oc underwent a forensic psychiatric examination on 4 August 1992 and was found to be suffering from depression but nonetheless accountable during the period of the alleged crimes. A second examination on 18 August 1992 confirmed this diagnosis and

recommended treatment, and following this a third medical commission on 4 September that year concluded that Andrei Ivan_oc was not suffering from a mental illness.

The court's verdict and the sentences

The court requalified some charges, dropped others for lack of evidence and acquitted some of the defendants on several points. However, all six were found guilty of the substantive charges against them. In line with Soviet practice the verdict detailed the sentences given to each defendant for every separate offence (see Appendix I), and the court then determined a final aggregate punishment by absorbing the less severe sentences into the most severe one.

Ilie Ila_cu was sentenced to death with confiscation of all personal property. *Tudor Petrov-Popa* and *Andrei Ivan_oc* were each sentenced to 15 years' imprisonment with confiscation of all personal property. *Alexandru Le_co* was sentenced to 12 years' imprisonment and *Vladimir Garbuz* to six years' imprisonment, and both had all property confiscated. *Petru Godiac* received the lightest sentence, of two year's imprisonment. *Vladimir Garbuz*, although convicted of serious offences carrying high sentences, in some cases received a term lower than the specified minimum in recognition, the verdict recorded, of his active help in the investigation.

There were also differences in the conditions under which the prisoners were to serve their sentences. Under the Soviet system most prisoners were sent to a corrective labour colony, under one of four regimes of varying strictness. The most severe institution was a prison, where prisoners regarded as "especially dangerous recidivists" could be sent for part or all of their term.

Tudor Petrov-Popa was sentenced to serve his term in prison, presumably in the light of his two previous convictions. *Andrei Ivan_oc*, *Alexandru Le_co* and *Vladimir Garbuz* were sent to a strict regime corrective labour colony, which in Soviet times was the third most severe category for such camps. *Petru Godiac's* two years were to be served on ordinary regime, the least severe. The time spent in pre-trial investigation following arrest will count against the total sentence.

No right to appeal

The court stipulated that none of the sentences could be appealed or contested, and in any case the DMR authorities do not recognize the authority of the Moldovan court system which could have provided a court of higher instance. *Ilie Ila_cu* has thus been deprived of his right, stipulated by international legal standards, to appeal against the death sentence imposed on him to a court of higher jurisdiction. In addition all have been denied the opportunity to challenge the court's dismissal of their fair trial concerns.

Subsequent developments

On 10 December 1993, the day after the sentences were announced, Moldovan President Mircea Snegur issued a decree annulling the verdict in line with the country's refusal to recognize the legitimacy of the DMR. However, with the DMR in control of the area it lays claim to, the Moldovan authorities are currently unable to enforce any such decrees and the "Tiraspol Six" remain imprisoned.

Following the trial Ilie Ila_cu was moved to a prison in Hlinaia, a village some 30 kilometres from Tiraspol. On 8 February 1994 he declared a hunger strike in protest at his conditions of imprisonment - complaining of cold, lack of food and information, and insults from those guarding him - but it is currently unclear to Amnesty International how long this lasted. He was elected a member of the Moldovan parliament for the CDPF in general elections at the end of February 1994. His wife has been allowed at least one visit, in January 1994. At the beginning of February the wives of Andrei Ivan_oc and Alexandru Le_co were granted permission to visit, but this was denied to the family of Tudor Petrov-Popa. Andrei Ivan_oc is reported still to suffer from mental health problems, and Alexandru Le_co has complained of abdominal pains. Vladimir Garbuz is said to have lost a great deal of weight.

Amnesty International's concerns

Amnesty International opposes the death penalty in all cases without reservation, and is continuing to urge the DMR authorities not to carry out the death sentence passed on Ilie Ila_cu. The organization is also concerned that the six men may not have received a fair trial in line with international standards, amid allegations that some were initially denied access to a defence lawyer and were beaten or otherwise ill-treated to obtain confessions, and is therefore urging a thorough and impartial review of the case. The organization is also calling on the DMR authorities to ensure that the men receive all appropriate medical care.

Amnesty International is approaching the DMR officials solely in their position of *de facto* authority over the area of Moldova under their control, and not as a mark of recognition *de jure*.

APPENDIX I

CHARGES OF WHICH THE "TIRASPOL SIX" WERE CONVICTED (with the sentence handed down for each offence)

Ilie ILA_CU

- ◆ public calls for the commission of terrorist acts (Article 67-1): *two years' imprisonment;*
- ◆ organization of especially dangerous state crimes (Article 69) and terrorism in the form of murder of a state or social figure (Article 63): *death plus confiscation of property;*
- ◆ organization of attempted premeditated murder (Article 88): *10 years' imprisonment;*
- ◆ organization of, and incitement to, hijacking a means of transport (Article 182): *10 years' imprisonment;*
- ◆ organization of intentional damage to property committed in a socially dangerous manner (Article 127): *five years' imprisonment;*
- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *five years' imprisonment;*
- ◆ illegal possession of offensive weapon other than a firearm (Article 227 part 1): *one year's non-custodial corrective tasks, with 20% deduction of wages to the state.*

Tudor PETROV-POPA

- ◆ attempted murder of a state or social figure (Article 63): *10 years' imprisonment with confiscation of all personal property;*
- ◆ murder of a state or social figure (Article 63): *15 years' imprisonment with confiscation of all personal property;*
- ◆ intentional bodily injury (Article 96): *three years' imprisonment;*
- ◆ hijacking a means of transport (Article 182): *ten years' imprisonment with confiscation of all personal property;*
- ◆ intentional destruction and damage to property committed in a socially dangerous manner (Article 127): *seven years' imprisonment;*
- ◆ theft of weapons and ammunition (Article 227-I): *four years' imprisonment;*
- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *three years' imprisonment.*

Andrei IVAN_OC

- ◆ attempted murder of a state or social figure (Article 63): *10 years' imprisonment with confiscation of all personal property;*
- ◆ murder of a state or social figure (Article 63): *15 years' imprisonment with confiscation of all personal property;*
- ◆ hijacking a means of transport (Article 182): *ten years' imprisonment;*

- ◆ intentional destruction and damage to property committed in a socially dangerous manner (Article 127): *seven years' imprisonment*;
- ◆ theft of weapons and ammunition (Article 227-I): *five years' imprisonment*;
- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *five years' imprisonment*;
- ◆ illegal possession of offensive weapon other than a firearm (Article 227 part 1): *two years' non-custodial corrective tasks, with 20% deduction of wages to the state*;
- ◆ intentional less grievous bodily injury (Article 96): *three years' imprisonment*.

Alexandru LE_CO

- ◆ attempted murder of a state or social figure (Article 63): *10 years' imprisonment with confiscation of all personal property*;
- ◆ aiding and abetting the murder of a state or social figure (Article 63): *12 years' imprisonment with confiscation of all personal property*;
- ◆ intentional damage to property committed in a socially dangerous manner (Article 127): *five years' imprisonment*;
- ◆ aiding and abetting intentional damage to property committed in a socially dangerous manner (Article 127): *five years' imprisonment*;
- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *two years' imprisonment*.

Vladimir GARBUZ

- ◆ attempted premeditated, aggravated murder (Article 88): *five years' imprisonment*;
- ◆ attempted murder of a state or social figure (Article 63): *four years' imprisonment with confiscation of all personal property*;
- ◆ murder of a state or social figure (Article 63): *six years' imprisonment with confiscation of all personal property*;
- ◆ hijacking a means of transport (Article 182): *four years' imprisonment with confiscation of all personal property*;
- ◆ impersonating a police officer (Article 207): *one year's imprisonment*;
- ◆ intentional damage to property committed in a socially dangerous manner (Article 127): *five years' imprisonment*;
- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *two years' imprisonment*.

Petru GODIAC

- ◆ illegal possession of weapons, ammunition and explosives (Article 227 part 2): *two years' imprisonment*.