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£MOLDOVA

@The trial of the "Tiraspol Six"

Introduction

Ilie Ilaşcu, Alexandru Leşco, Tudor Petrov-Popa, Andrei Ivanţoc, Petru Godiac and Vladimir Garbuz, known as the "Tiraspol Six", are currently standing trial in the self-proclaimed Dnestr Moldovan Republic (DMR), an area in the former Soviet republic of Moldova which is seeking greater autonomy. Arrested last year on charges of murder and terrorism, which five of the six deny, they face a possible death sentence if convicted.

At least four of the men are members of the Christian Democratic Popular Front (CDPF). This party supports the unification of Moldova with neighbouring Romania, a country with which it has close ethnic and historical links. Fears of such unification were among the factors behind the proclamation of the DMR, a strip of territory in the east of Moldova which has a large concentration of Russians and Ukrainians who feel no such links with Romania.

Amnesty International's concerns

Amnesty International takes no position on territorial disputes. Its concern in this case arises from reports that some of the men were beaten and otherwise ill-treated in detention (including being subjected to mock executions), and that they may not be receiving a fair trial in line with international standards. Such standards are particularly important when a trial takes place in a highly-charged political atmosphere, and when the death penalty may be imposed. The organization is also investigating allegations that the case against some of the men is fabricated, and brought to punish their non-violent political opinions.

Although the DMR is not recognized internationally, Amnesty International is continuing to express these concerns to officials there on the grounds that they have *de facto* authority over the area of Moldova under their control.

A brief background to the area is given below, to place the arrests in context.

Background to Moldova

The Republic of Moldova was formerly known as the Moldavian Soviet Socialist Republic (SSR), or Moldavia, and comprised one of the 15 constituent republics of the now defunct USSR. It is bounded to the west by Romania, with which it has close ethnic and historical ties, and to the east by Ukraine, another former Soviet republic. It has a population of some 4,500,000 people, around 65% of whom identified themselves as Moldovan in a 1989 census. The largest minorities are Ukrainians, Russians, Gagauz (Orthodox Christians of Turkic origin), Bulgarians and Jews.

Most of Moldova's territory was historically known as Bessarabia, which was ceded to Russia by the Turkish Ottoman Empire in 1812 but passed to Romania at the end of the 1914-1918 war in Europe. However, the USSR refused to recognize Romania's claim to the territory and in 1924 formed the Moldavian Autonomous Soviet Socialist Republic (ASSR) on the eastern side of the river Dnestr (called Nistru in Romanian), in an area largely populated by Ukrainians. Bessarabia eventually came under the

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Soviet sphere of influence during the Second World War, when it was ceded to the USSR by Romania in June 1940. The Moldavian SSR was subsequently formed by merging areas of Bessarabia having a majority ethnic Romanian population, with the mainly Slav Moldavian ASSR. The Cyrillic script was imposed on the Romanian language, which was referred to as Moldovan, and Slav immigration encouraged.

With the advent of "perestroika" issues of ethnic and cultural identity again came to the fore among those citizens who considered themselves akin to Romanians. In 1989 Moldovan was made the state language, to be written in the Latin alphabet, and in June the following year parliament adopted a declaration of sovereignty which asserted the supremacy of the Moldovan Constitution and laws over those of the USSR. In May 1991 the words "Soviet Socialist" were removed from the republic's name, and in August 1991, after the failed coup in Moscow, Moldova proclaimed its independence from the USSR. This independence received international recognition following the collapse of the Soviet Union, and the country became a member of the United Nations in March 1992. A proposal by President Mircea Snegur to hold a referendum on unification with Romania was narrowly defeated by parliament in January 1993. The capital of the country is Chişinău.

Background to the Dnestr Moldovan Republic

Moves aimed at strengthening the identity of Moldova's majority population gave rise to unease in some of its minorities, notably the Gagauz and the Slavs living on the east bank of the Dnestr, who reacted strongly against the language law. In August 1990 the Gagauz proclaimed the independence of their own republic in the south of the country around the city of Comrat, and the following month the east-bank Slavs followed suit, declaring independence as the Dnestr Moldovan Soviet Socialist Republic on 2 September 1990. This area, comprising around 4,000 square kilometres, is a narrow north-south strip running between the Moldovan-Ukrainian border to the west and the Dnestr river to the east. The territory was part of the USSR (as the Moldavian ASSR), not Romania, in the interwar period and its mainly Slav population has opposed proposals, for example from the CDPF, to create a common territory uniting Romania and Moldova. The city of Tighina (known to the Slav population as Bendery), which is on the western bank of the River Dnestr, also voted in a referendum to join the DMR.

Although it has not been recognized internationally, the DMR (the words "Soviet Socialist" were later dropped) continues to exist *de facto*. It has established its own parallel government structures such as a police force, prosecutor's office and Supreme Court, and elected government officials such as a president (currently Igor Smirnov). The region introduced its own citizenship in July 1993, and the self-styled capital is the city of Tiraspol. Soldiers of the Russian 14th Army, a successor to the Soviet Army presence in Moldova, are garrisoned in the DMR. Their commander, General Lebedev, was elected to the DMR parliament in September 1993.

Conflict over the Dnestr Moldovan Republic

The declaration of independence was immediately annulled by the Moldovan parliament, as were the results of elections in November 1990 to a "Supreme Soviet" (parliament) of the DMR. Tension escalated with the formation of a paramilitary national guard in the DMR, and skirmishes between its units and Moldovan forces deteriorated progressively in early 1992 into a large-scale armed conflict. Hundreds of people, including civilians, were reportedly killed before a peace agreement was negotiated in July 1992. Amnesty International approached both sides over allegations of deliberate and arbitrary killings, and the torture or ill-treatment of detainees (see *Amnesty International Report 1993*).

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The arrest and trial of the "Tiraspol Six"

The arrest of the six men occurred around the height of the fighting in 1992, and amid allegations that both sides had assassinated perceived political opponents. The deaths included two DMR officials: Nikolay Ostapenko, head of the Slobozia district council's Executive Committee, who was murdered in Caragaş in April 1992, and Aleksandr D. Gusar, responsible for enrolling volunteers in the DMR guards, who was killed the following month.

First to be arrested was **Vladimir** (whose first name is also variously given as Viaceslav and Valeriu) **Garbuz**, who was born in 1947 in the village of Chitcani. A former member of the Moldovan police, he had joined the Tiraspol branch of the CDPF. Vladimir Garbuz was arrested on 29 May 1992 while *en route* to Tiraspol. He confessed to acts of murder and terrorism, which he said were planned by the CDPF together with the Moldovan Ministry of National Security.

At the beginning of June at least six other people were subsequently arrested, of whom four were, or had been, members of the Tiraspol branch of the CDPF. The Chişinău-based CDPF was formed in May 1989 as the Moldovan Popular Front, and was registered five months later as a political party. The present name was adopted in February 1992. One of its principal aims is the formation of a greater Romania, by the unification of Moldova with present-day Romania.

The six who were arrested between 2 and 3 June were:

◆ **Andrei Ivanţoc**, born 9 March 1961 in the village of Opaci, married and a member of the CDPF.

◆ **Alexandru Leşco**, born 12 February 1955 in the village of Coşerniţa, married, and a member of the

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CDPF. He is also said to have been a member of a committee set up to oppose strikes which took place in the DMR in 1989 in protest at the Moldovan government's language law.

◆ ***Tudor Petrov-Popa***, born 23 February 1963 in the village of Chiştelniţa, and married with a young son and daughter. He was not reported to be a member of the CDPF at the time of his arrest.

◆ ***Ilie Ilaşcu***, born 30 July 1952 in the village of Taxobeni, and married with two daughters. He was President of the Legislative Council of the Tiraspol branch of the CDPF and like Ştefan Urîtu, below, was a Tiraspol correspondent for media in the Moldovan capital of Chişinău.

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◆ *Ștefan Urîtu*, born in 1951 in the village of Ustie. He was Dean of the Pedagogical Institute in Tiraspol, and a member of the CDPF until January 1992 when he left the party after a disagreement over its position on unification with Romania. He was released on 21 August 1992, and now lives in Chișinău.

◆ *Petru Godiac*, personal history not known.

The men were taken to cells in the Tiraspol police headquarters.

Investigation of the case against the "Tiraspol Six"

Arms, ammunition and uniforms were said to have been discovered during house searches. Those arrested were accused of murdering Nikolay Ostapenko and Aleksandr Gusar, and planning other acts of terrorism and sabotage against the DMR. Charges were brought under the criminal code of the Moldavian SSR, that is the one in force during the Soviet era, and which is still in use in the DMR. Three of the offences they were charged with - premeditated murder, sabotage and terrorist acts - carry a possible death sentence under this code, although only the first of these may be punishable by death under the amended criminal code currently in force in the rest of Moldova.

Amnesty International is concerned at allegations of human rights violations during the investigation of their case which, if substantiated, would have serious consequences for their right to a fair trial. These allegations include reports that at least two defendants were denied access initially to a lawyer of their own choice and that confessions were obtained under duress - including by threats, intimidation and physical violence. The organization is also concerned at the wide media coverage given to the confession of Vladimir Garbuz prior to the trial.

Reports of procedural violations

Reports of procedural and other violations in their case start from the very beginning. All except Vladimir Garbuz allege that no arrest warrants were shown and that the arresting individuals did not identify themselves, except for two of those at the house of Ilie Ilașcu who claimed to be a procurator and assistant procurator. They also allege that their houses were searched without a warrant at the time of arrest, with the exception of that of Alexandru Leșco which was searched the following day in the presence of neighbours. Under the Code of Criminal Procedure of the Moldavian SSR, a search could be carried out only with the sanction of a procurator unless there were "instances not permitting delay". In any case, the investigator conducting the search was obliged to present a decree to that effect.

Denial of access to a defence lawyer of one's own choice

Access to a defence lawyer of the defendant's own choice is guaranteed under the International Covenant on Civil and Political Rights, but at least two of those arrested report problems in exercising this right. Ștefan Urîtu, for example, who was arrested on 2 June 1992, says that he was not able to see a lawyer until 10 days later. Furthermore, on the following day this lawyer (appointed by his wife) was called up into the armed forces of the DMR and Ștefan Urîtu was again without a lawyer until 7 August. Ilie Ilașcu says his first access to a lawyer was not until 28 August 1992, by which time, he said, he had been subjected to mock executions four times.

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Allegations of beatings and other ill-treatment

Some of those detained have described threats, intimidation and physical violence against them directed at forcing them to confess. For Ștefan Urîtu, for example, these began at the time of his arrest. He reports being hit in the chest and stomach both in the hallway outside his apartment and again on the stairs by those arresting him. Wearing only his underwear, when he asked to take some clothes with him he was allegedly told: "You won't need them because you will be shot." He describes a similar threat when he was taken to the police cell and asked to be entered in the registration book. The police officer is said to have replied "Why waste the paper? You will be executed tomorrow." At a later questioning session, while insisting on his rights as a detainee, Ștefan Urîtu reports that the investigator replied: "You forget where you are. Here we can shoot you and nobody will ask me anything."

Assertions that those arrested would be shot are said to have been made on numerous occasions to other detainees and their families. Tatiana Leșco, for example, eventually learned of her husband's whereabouts in detention five days after his arrest, and was reportedly told by the Tiraspol investigator that "he has not been shot yet, but we are preparing him for it".

Ilie Ilașcu and Andrei Ivanțoc report ill-treatment during the first months of detention. As mentioned above, Ilie Ilașcu reported to his lawyer and his wife that by the end of August he had been subjected to mock executions four times. On three occasions he says he was blindfolded and taken to a place outside the prison: in one case someone read a death sentence, and in all of them shots were fired into the air. The fourth episode he described took place where he was detained, while he was running back to his cell from the toilet (guards are said to have given detainees only a limited time to get between their cells and the toilet and sometimes, it is alleged, allowed a dog to chase the prisoners). Ilie Ilașcu says that as he was running someone tripped him and he heard a shout of "escape", whereupon guards shot rounds of blank ammunition at him.

Andrei Ivanțoc is said to have been severely beaten to force him to confess. Ștefan Urîtu reports talking to one of his cellmates, who said that on more than one occasion Andrei Ivanțoc returned from questioning sessions bearing the marks of beatings. At these sessions, it is alleged, Vladimir Garbuz would testify to events and Andrei Ivanțoc would be told to confirm them. If he refused he was beaten. Andrei Ivanțoc himself, before he signed a confession, reported that he was persistently beaten to the point where he suffered memory lapses, and feared he would sign anything. His mental health is also reported to have suffered, and at one point he is said to have been sent for a psychiatric examination to Odessa in neighbouring Ukraine. On return he spent some time in a Tiraspol hospital, where he alleges his two guards kicked him and beat him with their machine guns.

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These allegations relate to the early period of arrest, and Amnesty International is not aware of similar reports of physical abuse made this year. The organization had approached the DMR authorities at the time of the allegations, urging a full and impartial investigation with the results made public and any perpetrators brought to justice.

Vladimir Garbuz's confession

Vladimir Garbuz's confession implicated the other co-defendants, and was widely reported by the media in the weeks after their arrest. His testimony was published in the DMR newspaper "Dnestrovskaya Pravda" (Dnestr Truth) on 13 June 1992, and on 1 July he appeared at a press conference. He repeated his claims that the Tiraspol branch of the CDPF carried out the two murders, and planned other acts such as a series of explosions, in collusion with the Moldovan Ministry of Security.

Amnesty International is concerned about the implications of this publicity on the right of the defendants to be presumed innocent until proved guilty.

Vladimir Garbuz is the only one of the "Tiraspol Six" not to have retracted subsequently his confession, and is regarded by the other five as someone infiltrated into their organization in order to discredit it.

The trial opens

Ștefan Urîtu was released on 21 August 1992, and has moved to Chișinău, but the trial of the six remaining men finally opened in April 1993. They have been charged with premeditated murder (Article 88 of the Moldavian SSR Criminal Code); terrorist acts (Article 63); attempted sabotage (Article 65) and illegal possession of weapons (Article 227).

The trial is conducted by the DMR Supreme Court. In line with the Soviet-era system, which is still used in most of the republics of the ex-USSR, there is no jury but a bench of three judges. Only the presiding judge - in this case Olga Ivanova - is professionally trained. The others are lay judges known as "people's assessors" who under the Soviet system sat at most for four weeks in two years. Sentence is passed by a majority verdict.

Hostile atmosphere in court

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Trial sessions are held in the club of the Kirovskala industrial works in Tiraspol. The defendants are held three-each in two metal cages on the club stage, which is shared by the three judges, the procurator and the interpreter. At the first session which opened on 21 April all the defendants except Vladimir Garbuz refused to recognize the authority of the court or of the DMR; expressed no confidence in the prosecution; and did not wish to be represented by a lawyer from the DMR.

According to foreign observers present, when the first session opened there were around 500 local inhabitants inside the club and some 100 outside, to whom proceedings were transmitted by loudspeakers. The defendants are said to have faced a very hostile atmosphere in the courtroom, with members of the public booing responses they disliked, calling the prisoners murderers and shouting out for the death penalty. At the end of the hearing, which was adjourned until 5 May, a crowd is said to insulted and spat at the defendants before police cleared the hall. The only relatives present were said to be two sisters of Andrei Ivanțoc, who reportedly had to leave the courtroom after being threatened by local people in attendance. Most of the wives felt too intimidated to attend, having moved already from Tiraspol to Chișinău after facing harassment at work. Andrei Ivanțoc's wife, for example, reports that she left in December 1992 under pressure from colleagues who had written petitions to the manager demanding that she be fired.

The Tiraspol-based lawyers who have represented various defendants at different hearings have also reportedly been under great pressure in attempting to defend unpopular clients in a highly charged atmosphere.

Further hearings

A further hearing took place on 5 May, but adjourned very shortly to enable three new lawyers from Chișinău to study the case. It reopened on 18 May, at the same setting, but this time a red curtain was drawn across the stage area during breaks to prevent the crowd booing at the prisoners. Again all but Vladimir Garbuz refused to recognize the court and retracted any confessions made, claiming they had been obtained by physical duress. Andrei Ivanțoc's lawyer requested that his client receive medical treatment in hospital, for what was described as a serious liver illness, but this was rejected. The Chișinău lawyers left in protest the following day, feeling that their petitions to the court were not dealt with fairly, and proceedings were adjourned.

The hearings have continued sporadically since then, with various adjournments. Five of the defendants, with the exception of Vladimir Garbuz, and their wives have been on hunger-strikes for short periods, in protest at the proceedings. Especial concern has been expressed about the health of Andrei Ivanțoc. When visited by two Moldovan medical personnel on 13 August 1993 he is said to have complained of physical pains; dizzy spells; loss of balance and that he could hear voices constantly.

At the time of writing the most recent session known to Amnesty International took place on 9 September, at which defence lawyers requested a further forensic examination of the weapons and ammunition said to have been seized in the searches.

The death penalty as a possibility

Under three of the articles with which they have been charged, the defendants face a possible death sentence if convicted. Furthermore, they are being tried by the DMR Supreme Court as the court of first instance. As the DMR does not recognize the authority of the Moldovan court system, and is not itself recognized by any other state, this means that if sentenced to death the defendants could be deprived of

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the right to appeal to a court of higher jurisdiction, in accordance with internationally-agreed human rights standards. Their only recourse, if the Soviet-style system is followed, would be to petition for clemency. This procedure only allows for the consideration of mitigating factors, not a re-examination of the case.

Amnesty International opposes the death penalty in all cases, without reservation. In the organization's view the death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life. Amnesty International calls on all countries which retain the death penalty to stop all executions immediately; commute all outstanding death sentences; and abolish the death penalty in law.

Amnesty International calls on the DMR authorities not to impose the death penalty in this or any other case on the territory they lay claim to. It is also urging that Andrei Ivanțoc receive all appropriate medical treatment, and that all steps are taken to ensure that the defendants in this case receive a fair trial in accordance with international standards.