



ALTERNATIVE REPORT
to the UN Human Rights Committee
regarding Moldova's third Periodic report
regarding the implementation of International
Covenant on Civil and Political Rights

Submitted for consideration at
the 118th session of the Human
Rights Committee

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INTRODUCTION

1. Promo-LEX Association is a civil society organization with special consultative status with the UN (ECOSOC) based in Chisinau, whose purpose is to advance democracy in the Republic of Moldova through promoting and defending human rights and monitoring democratic processes. «Promo-LEX» Association has monitored the situation on human rights in the Transnistrian region since 2004.

2. The findings below are based on the information the Association has collected through an ongoing monitoring of the situation in Transnistria, documentation of cases of human rights violation in the region and litigation of regional cases (European Court of Human Rights (ECtHR)). During the reporting period, Promo-LEX filed more than 100 claims described further in this report with ECtHR, of which 60 were communicated to the governments of the Republic of Moldova and the Russian Federation (considering its effective jurisdiction in the region).

3. During the same period, ECtHR issued four judgements by which the court of regional jurisdiction ruled on human rights violations in Transnistria: *Catan and others v. Russia and Moldova, Grand Chamber Judgment from 19 October 2012*,¹ *Pisari v. Moldova and Russia, Third Section Judgment from 21 April 2015*,² *Mozer v. Moldova and Russia Grand Chamber Judgment from 23 February 2016*,³ *Casian v. the Republic of Moldova and Russia from 30 August 2016*.⁴

4. Unfortunately, the UN Committee does not have a judicial practice regarding the observance of human rights in the Transnistrian region of Moldova, because those whose rights guaranteed by the International Covenant on Civil and Political Rights (ICCPR) have been violated cannot lodge individual complaints with the UN Committee. Presumably, this situation exists mainly because the Moldovan Government did not make sufficient effort to ensure the implementation of the ICCPR in Moldova.

5. This report presents the following aspects arising from issue No. 11 from the List of issues prior to the submission of the third periodic report of the Republic of Moldova (CCPR/C/MDA/Q/3):

- The Republic of Moldova's obligation to ensure the protection of human rights in Transnistria.
- The constitutional and legal framework: lack of protection for Covenant rights in The Transnistrian region. Moldova's declarations to the ICCPR-OP1 and ICCPR-OP2 (Article 1 and Article 2 - ICCPR).
- The Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of a person (Article 7 and Article 9 ICCPR).
- Right to Freedom of Expression and Association (Article 19 and 22 ICCPR).
- Recommendations for action to be taken by the Republic of Moldova.

1 ECtHR: applications No. 43370/04, 8252/05 and 18454/06.

2 ECtHR: application No. 42139/12

3 ECtHR: application No. 11138/10

4 ECtHR: applications No. 28648/06 and 18832/07

A. THE REPUBLIC OF MOLDOVA'S OBLIGATION TO ENSURE THE PROTECTION OF HUMAN RIGHTS IN TRANSNISTRIA

6. The Republic of Moldova's responsibility for the protection of human rights in the Transnistrian region, was highlighted and emphasized by the ECtHR and the UN Human Rights Committee.
7. The European Court of Human Rights, in its decisions despite the absence of recognition of Transnistrian independence, recognizes not only Moldova's jurisdiction for this territory, but also obliges Russia to take responsibility, considering its military and economic presence in the territory (*see the cases listed in §4 above*).
8. In its final observations from November 2009, the UN Human Rights Committee emphasized that despite Moldova's difficulty in exercising effective control over Transnistrian territory, Moldova retains the obligation to guarantee respect for the rights recognized under the applicable treaties, especially in the International Covenant on Civil and Political Rights, with respect to the population of Transnistria.⁵
9. Republic of Moldova presented its Third Periodic Report due in 2013 on implementation of the International Covenant on Civil and Political Rights (CCPR/C/MDA/3),⁶ on 6th January 2016. This report summarizes the main laws enacted in the relevant period in order to implement the ICCPR and discusses certain problems. Unfortunately, many questions and problems occurred in the Transnistrian region of Republic of Moldova, were not addressed by the national report.
10. The Government annually reported somewhere between 3 and 6 actions that did not have any connection to its obligations to protect the human rights described in the ICCPR, were formulated ambiguously, and lacked any factual content that could be somehow verified or evaluated. Most of the time, the Government counted on the support from international development partners, both during the negotiations, and when taking decisions regarding the residents of Transnistria. The Moldovan Government placed greater focus on a dialogue with the administration of the Transnistrian region about political and economic sectoral issues rather than human rights, and its ambition to negotiate with the effective authorities has often caused it to disregard its positive obligations in Transnistria, undertaken through the ratification of the ICCPR. During the monitoring period, the Association noted that the constitutional authorities (*former Ministry of Reintegration (now Reintegration Office), Ministry of Home Affairs, General Prosecutor's Office, etc.*) vehemently denied their jurisdiction over specific cases of rights violation in the Transnistrian region, invoking the lack of control in this territory. Only occasionally, under the pressure from the civil society, the Government sensitized the international actors of the 5+2 talks⁷ and intervened in certain cases of rights violation in Transnistria (*involving farmers,⁸ schools with teaching in Romanian,⁹ and the cases of Vardanyan and Cazac¹⁰*), getting the problems related to them, namely ownership right, education and freedom of movement, on the negotiations agenda.

5 Concluding observations of the Human Rights Committee Republic of Moldova 4 November 2009, §5, / CCPR/C/MDA/CO/2

6 UN Human Rights Committee/ Moldova Third Periodic Report CCPR/C/MDA/3 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fMDA%2f3&Lang=en

7 Since 2005, formal negotiations to reach a settlement on the Transnistrian conflict take place in a format known as the "5+2". Chaired by OSCE, it includes the Moldovan de jure authorities and de facto Transnistrian administration, Russia and Ukraine as mediators, and the EU and US as observers. The negotiation process was interrupted for almost six years, resuming in 2011. The negotiation process has failed to bring about any significant progress in human rights situation in the Transnistrian region or improve access of human rights defenders to the region.

8 Farmers from Dubasari threaten with protests: <http://www.ipn.md/en/societate/64727>

9 Catan and others v. Russia and Moldova, ECtHR Grand Chamber Judgment from 19 October 2012 ECtHR: applications No. 43370/04, 8252/05 and 18454/06.

10 Transnistrian leader pardons Moldovan journalist <http://www.refworld.org/docid/4dd3cb8c23.html>

11. All Moldovan governments since 2011 adopted work programs that included the country reunion and the settlement of conflicts.¹¹ However, there is no strategy to achieve *these* objectives and assess progress in this regard. The status of the dialog with the *de facto* administration and the impact of the agreed decisions are not clear either.

12. By its Decision No. 90 of May 12, 2011, the Parliament approved the National Plan of Action on Human Rights for 2011-2014 (NHRAP). This document contains 282 actions grouped into 89 targets divided into four sections. By its Decision No. 70 of February 5, 2012, the Government established the Commission for the implementation of the National Plan of Action on Human Rights for 2011-2014 and approved its procedures and guidance. A separate chapter of the NHRAP for 2011-2014 was dedicated to the promotion and protection of human rights in the Transnistrian region of Moldova. The same was done into the NHRAP and for 2013-2014.¹² It also included a separate section dedicated to the region. The main objectives of the section targeting Transnistria in NHRAP 2011-2014 include: the establishment of a national mechanism for monitoring human rights observance in the region, the provision of access to justice for the residents of Transnistria, including the establishment of a joint mechanism (with international organizations) for regular monitoring of the conditions in the detention facilities from Transnistria and the introduction of a rehabilitation mechanism for arbitrarily imprisoned citizens, the establishment of information centers, awareness raising of international organizations, the observance of social rights of the residents of Transnistria, and the establishment of the Ombudsman's territorial offices. Unfortunately, with the exception of the establishment of a territorial office of the Ombudsman in Varnita (security area), no other essential measures were taken to ensure the observance of human rights in the region. The application of the National Mechanism for the Prevention of Torture in Moldova does not cover detention facilities in Transnistria, which are outside any external control mechanisms, including those of international bodies. The Moldovan central Government continued to decline responsibility.

13. The NHRAP is a good idea only if it is truly applicable, rather than just a theoretical exercise. Although Moldovan authorities claim to have implemented this plan, various reports on human rights and fundamental freedoms confirm that Moldova still has many shortcomings in the promotion and protection of human rights in the Transnistrian region.

14. According to progress reports on the NHRAP for 2011-2014,¹³ the Government did not meet most of its commitments to improve the observance of human rights in the Transnistrian region. Neither the plan, nor the progress report provide for indicators to enable an objective assessment of the implementation progress.

11 Republic of Moldova Government's Work Program 2011-2014, <http://www.e-democracy.md/files/parties/program-activitate-guvern-moldova-2011-2014-ro.pdf>; 2012-2015 <http://www.cnp.md/sedinte-de-guvern/item/79-program-de-activitate-plan-de-actiuni-guvern-2011-2014>

12 Decision of the RM Parliament on the approval of the National Plan of Action on Human Rights for 2011-2014 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=339395>

13 Report on the implementation of the National Plan of Action on Human Rights (2011-2014) http://www.justice.gov.md/public/files/drepturile_omului/Raport_PNADO_2013_APC.pdf

B. THE CONSTITUTIONAL AND LEGAL FRAMEWORK: LACK OF PROTECTION FOR COVENANT RIGHTS IN THE TRANSNISTRIAN REGION (ARTICLE 2 - ICCPR). Moldova's declarations regarding the ICCPR-OP1 and ICCPR-OP2.

15. By acceding to these international treaties, Moldova pledged to protect human rights on its territory, including the Transnistrian region and to actively support organizations advocating for human rights in Transnistria.

16. The Republic of Moldova limited its international commitments to a part of its territory – the Transnistrian region. Without viable and efficient protection mechanisms for the victims of human rights violations in the region, the human rights commitments are ambiguous. This ambiguity is accompanied by the fact that the constitutional and law enforcement authorities confine themselves to presenting political arguments and ignoring their positive obligations toward the victims of abuses committed by the *de facto* administration of Transnistria. Authorities did not pass any regulation specific to the situation in the region to effectively protect the victims of human rights violations.

17. The Government of Republic of Moldova ratified the ICCPR-OP1 on 21 December 2007¹⁴ and ICCPR-OP2 on 11 August 2006.¹⁵ During the ratification, Moldova introduced certain declarations and observations regarding the limitation of the territorial scope of the ICCPR-OP1 in the Transnistrian region:

18. *"Until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the [Protocol] will be applied only on the territory controlled effectively by the authorities of the Republic of Moldova. {...}.*

19. Similar declaration was entered in relation to ICCPR-OP2.¹⁶ The denial of the Transnistrian residents' right to lodge individual complaints about the violation of the rights guaranteed by the ICCPR with the Committee amounts to the denial of the very commitments the Republic of Moldova assumed by ratifying the ICCPR. The territorial statement made by Moldova during the ratification of the Protocols, advocates for the recognition of a "legal vacuum" in the region, which is inadmissible. The Transnistrian region is not a territory of nobody, or *terra nullius*, but part of the Republic of Moldova, and the residents of this region must enjoy the same rights as other Moldovans.

20. We emphasized that Moldova must undertake its treaty obligations with regard to all individuals under its jurisdiction, and regarded this "declaration" as a reservation against the object and purpose of the relevant instrument. The object and purpose of the ICCPR is to create legally binding standards for human rights by defining certain civil and political rights and placing them in a framework of obligations which are legally binding for those States which ratify; *and to provide efficacious supervisory machinery for the obligations undertaken.*¹⁷

14 <http://lex.justice.md/md/326262/> (Law No. 260 of December 6, 2007, for the ratification of the Optional Protocol to the International Covenant on Civil and Political Rights)

15 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=317005> (Law No. 273 of July 29, 2006, for the accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, regarding the abolition of the death penalty).

16 The death penalty in the Transnistrian region is still regulated by the local criminal law (Article 43 (h), local criminal code). In 1999 the local administration established a "moratorium" on this kind of punishment. Nevertheless, in 2003 N.F. was sentenced to death. On 2 June 2015, the leader of the region – Evghenii Sevcuic has pardoned N.F. and the death penalty was replaced with life imprisonment. No capital sentences were pronounced during 2015.

17 Human Rights Committee, General Comment 24 (52) on issues relating to reservations made upon ratification or accession to the Covenant or the Optional Protocols thereto, or in relation to declarations under article 41 of the Covenant, U.N. Doc. CCPR/C/21/Rev. 1/Add.6(1994)

The intention of the ICCPR is that the rights contained therein should be ensured to all those under a State party's jurisdiction. *Reservations often reveal a tendency of States not to want to change a particular law and sometimes that tendency is elevated to a general policy.* When there is an absence of provisions to ensure that Covenant rights may be sued in domestic courts, and, further, a failure to allow individual complaints to be brought to the Committee under the first Optional Protocol, all the essential elements of the Covenant guarantees have been removed.

21. So, in Transnistria there are no effective mechanisms for torture victims to seek remedy, protection, or justice. In Transnistria, where trust in the impartiality and competence of the judiciary is at low ebb, defendants are denied the right to a fair trial within the parallel, *de facto* judicial system. Violations include a lack of access to legal aid and attorneys are not independent in fulfilling their functions. The principle of "equality of arms" is not observed, so the defense in general is disadvantaged in comparison to the prosecution. Coupled with a growing number of cases based on fabricated charges, violations of the principle of presumption of innocence, insufficient reviews of evidence and statements, other gross violations of right to fair trial principles and standards have resulted in a dismal judicial situation in the territory. Since Transnistria is not recognized as a country and does not adhere to any international human rights obligations people from Transnistria often seek justice within Moldovan and international judicial system. The ECtHR states that even if Moldova does not execute control over the territory of Transnistria, it has obligations to take steps to ensure protection of people's rights.¹⁸ Russia has also been found responsible for human rights violations on the territory of Moldova.¹⁹

22. This situation was confirmed in the case *Mozer v. Moldova and Russia*'§145. The case was brought to the ECtHR by a Moldovan citizen, who was kidnapped by Transnistrian militia bodies and illegally detained in inhuman conditions for about one and half years in Transnistria penitentiaries. The facts of this case are "unfortunately" common in Transnistria (a detainee with precarious health, detained in poor conditions). In this case the Court found that the "Supreme Court of Transnistria" "*belongs to a system which can hardly be said to function on a constitutional and legal basis reflecting a judicial tradition compatible with the Convention*". The Court concluded that "*legal system of the "MRT" was based on the former Soviet system and that the "MRT" courts lacked independence and impartiality*".²⁰

23. In the context of this report, it should be recalled that the UN High Commissioner has stated: "*Human rights do not have any borders. It is vital to address underlying human rights issues in disputed territories, regardless of the political recognition or the legal status of a territory. People living in disputed territories, where legitimacy of control over a territory, security, development and humanitarian concerns are frequent, often lack or have very limited access to effective legal remedies. The bottom line is that all human rights should be enjoyed by all people at all times regardless of these constraints*" (*GENEVA (14 February 2013 – the UN High Commissioner for Human Rights, Navi Pillay about the human rights situation in the Transnistrian region)*).

24. As a reminder, in 2002, during the examination of the initial report of the Republic of Moldova by the Human Rights Committee in accordance with Article 40 of the ICCPR, Mr. Scheinin, member of the [United Nations Human Rights Committee](#), stressed that Moldova neither made observations when it acceded to the ICCPR in 1993, nor decreed a state of emergency in the

18 Although Moldova lacks effective control over Transnistria, the region clearly remains part of the national territory and the protection of human rights there remained the responsibility of Moldova (ECtHR judgments to see §4 above).

19 Civil Rights Defenders: the situation for human rights defenders in the Transnistrian region <https://www.civilrightsdefenders.org/sv/country-reports/human-rights-in-moldova/>

20 *Mozer v. Russia and Moldova*, ECtHR Application No. 11138/10 §145.

Transnistrian region (*COMITÉ DES DROITS DE L'HOMME CCPR/C/SR.2029 14 janvier 2003, §19*). Thus, the declaration on the territorial applicability of the ICCPR-OP1 and ICCPR-OP2 made by the Moldova upon ratification, may affect the full implementation of the ICCPR. In the similar situation was Turkey. In Turkey's case, the Human Rights Committee and the Committee on the Elimination of Racial Discrimination also cited this declaration and asked Turkey to remove the territorial limitation to the application of the Convention.²¹

25. Thus, the withdrawal of the declarations the Republic of Moldova made through its tools for ratifying the Optional Protocols would be beneficial for those whose rights are violated in the Transnistrian region of the Republic of Moldova. Of course, the protection mechanism established by the ICCPR-OP1 is subsidiary in relation to national human rights protection systems. However, it is essential for monitoring the human rights Moldova pledged to observe without reserves or declarations by signing and ratifying the ICCPR.

26. In conclusion, we reiterate that in the case of the Transnistrian region, the role of the human rights treaties bodies and international institutions are essential. By withdrawing its declarations and dropping its reserves, the Republic of Moldova will reinforce its international commitments and strengthen its capabilities created through the individual complaints mechanism of the international system of human rights protection, thus ensuring equal access to international individual complaints procedures for all persons under the jurisdiction of the Republic of Moldova, including the residents of the Transnistrian region.

C. THE PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT, RIGHT TO LIBERTY AND SECURITY OF A PERSON (ARTICLE 7 AND ARTICLE 9 ICCPR)

a) Illegal deprivation of liberty

27. The detention facilities in Transnistria are not part of the penitentiary system of the Republic of Moldova. The constitutional authorities do not have access to these facilities and only representatives of international structures sometimes obtain limited access to them. *De facto* administration representatives, particularly the local militia, continue to practice illegal detentions and abductions. Arrests do not meet international standards, in particular those established by Article 7 of the ICCPR.

28. As highlighted in our reports from 2011 and 2012, the so called Transnistrian legislation has low credibility and is poorly applied in practice. This has led to the unlawful detention of many people following illegitimate judgments rendered by unlawful courts of unrecognized competence lying out with international oversight and accountability. The uncertain situation and the lack of tools and mechanisms protecting human rights and fundamental freedoms in Transnistria foster confusion, and continue to hold the population captive. The lack of measures to guarantee the right to a fair trial transforms the judicial system into a repressive machine pitted against the region's population.²²

29. The **International Federation for Human Rights (FIDH)** observed that the serious human rights violations translated on the ground into fabricated cases and accusations against residents

21 Concluding observations of the Committee on the Elimination of Racial Discrimination, Turkey, CERD/C/TUR/CO/3, 74th Session, para. 8; Human Rights Committee, Concluding observations on the initial report of Turkey adopted by the Committee at its 106th session, CCPR/C/TUR/CO/1, para. 5

22 Ownership rights violations in Transnistria examined by the ECtHR <https://promolex.md/1867-incalcari-ale-dreptului-de-proprietate-in-regiunea-transnistreana-in-atenia-ctedo/?lang=en>

in the region. These individuals then found themselves defenseless before the Transnistrian court system and subject to physical and psychological pre-trial violence, as well as abuse inflicted concurrently to proceedings.²³

30. The proliferation of fabricated cases is a common trend. Victims of human rights violations in Transnistria have been the target of sham accusations put together using false witnesses and falsified documents. This vitiated practice is largely caused by the application of the so-called procedural law, and the political servility and Soviet-like mentality of the “judiciary” illegally established in Transnistria.

- *Relevant examples are the cases of businessmen illegally detained in Transnistria: the case of Vesleaga V., local councilor in Varnita, owner of the mineral water plant “Varnita”, arrested in November 2013 by the so-called administration of Tiraspol.*²⁴
- *Vitalie Eriomenco case, a victim of the ties between Sheriff Company and the de facto administration in Transnistria. An entrepreneur and the owner of three businesses small companies, Mr. Eriomenco obtained the necessary authorization from the Republic of Moldova to sell products from his bakery, based in Transnistria, in Moldova from the beginning of September 2010. Eventually, Mr. Eriomenco’s former partner accused him of defrauding his own company of 500,000 rubles, leading to the further accusation that he had brought about its bankruptcy. Under arrest since 29 March 2011, Mr. Eriomenco was in preventive detention in Tiraspol almost 3 years. After, he was convicted jail and realized in august 2016. On August 23, 2011 the ECtHR decided the examination of the case Eriomenco vs. Moldova and Russian Federation.*²⁵

31. The information obtained by Promo-LEX in the cases litigated at the ECtHR reveals a clear disregard of international standards during the application of arrest in Transnistria:

- *In most criminal cases, persons are put under provisional arrest and in case of severe crimes, the arrest is applied to every suspect/accused.*
- *The decisions on the application of arrest are extremely poorly motivated and do not justify the need for this measure; the arrest is applied without the indication of concrete reasons or evidence, with only a reference to certain rules of the “Criminal Procedure Code of the MRT”;*
- *Sometimes, the provisional arrest period lasts several years;*
- *To maintain provisional arrest, during hearings on the examination of contestations, the “Supreme Court of the MRT” uses the same, repetitive and conventional motivation;*
- *In none of the cases, the court offered a concrete justification of the need to maintain a provisional arrest;*
- *A frequent justification is the risk of escaping “criminal prosecution”. However, the court never provides factual information concerning the defendant’s attempts to evade investigation or examination of the case;*
- *Another justification is the need to complete the investigation, which in itself cannot serve as a relevant and sufficient reason to keep a person under provisional arrest;*
- *“Courts” never consider alternatives to provisional arrest.*

32. According to the recent judgement in case of Mozer (ECtHR Case no. 11138/10), Transnistria has no basis for assuming that there is a system reflecting a judicial tradition compatible with

23 Torture and ill-treatment in Moldova, including Transnistria: Shared problems, evaded responsibility, August 2013 page.45 https://promolex.md/old/upload/publications/en/doc_1381238869.pdf

24 Vitalie Besleaga and Serghei Bevziuc, co-founders of “Varnita Unicum” are free <https://promolex.md/old/index.php?module=press&cat=0&&item=1642&Lang=en>

25 The claims the ECtHR communicated to the Government of Moldova in October 2011 <http://lhr.md/news/285.html>

the Convention in the region, similar to the one in the remainder of the Republic of Moldova (compare and contrast with the situation in Northern Cyprus, referred to in *Cyprus v. Turkey*, cited above, §§ 231 and 237). The Court found that finds that the Transnistrian courts and, by implication, any other de facto Transnistrian authority, could not order the applicant's "lawful arrest or detention" within the meaning of Article 5 § 1 (c) of the Convention.

33. An important phenomenon that can be considered one of the catalysts for torture and ill-treatment is the overcrowding of detention facilities – a hot problem in the region. In his report of August 10, 2015, the UN High Commissioner underlined that the main reasons for the overcrowding of prisons consist of loopholes in the criminal justice system, the excessive use of provisional detention measures, the lack of alternatives to detention or their misuse, the vitiated sentencing practice, and the lack of supervision of detention facilities. Additionally, he pointed that detention in overcrowded conditions is also a form of inhuman and degrading treatment and even torture (*para. 4, 15 of the UN High Commissioner's Report No. A/HRC/30/19 of August 10, 2015*). When making recourse to custodial measures, each State assumes the obligation to provide a service and a special responsibility in respect of imprisoned persons (*para. 8 of the UN High Commissioner's Report No. A/HRC/30/19 of August 10, 2015*).

34. Analyzing the information published by the local ombudsman for the reported periods with regards to the progress of the situation of persons deprived of freedom in the prisons from the region, we found that the number of prisoners is increasing, which causes the overcrowdedness and the worsening of the conditions of detention. There are three penitentiaries in the region: one prison with severe regime, one penal colony for juveniles and one prison for women, which had 2,000 detainees on average during the period of 2011 through 2015. The number of prisoners is growing. In 2010, there were 1984 prisoners, in 2011 there were 2071, in 2012 – 2164, in 2013 – 2137, and in 2014 – 2252.²⁶

b) Torture and cruel, inhuman or degrading treatment or punishment

35. In most cases, the violation of the right to freedom is compounded by the violation of other rights, such as those provided for in Article 7 of the ICCPR. In the Transnistrian region, the conditions in which people are illegally detained endanger the health and life of every person who was unfortunate to get in prison.

36. In his 2011 report, the Transnistrian Ombudsman acknowledged 284 communications received from inmates or their relatives concerning detention conditions in institutions operated by the Ministries of the Interior or Justice. One in five related to medical care. The testimonies compiled pointed to a lack or denial of care to prisoners whose health had deteriorated because of the deplorable conditions in detention.²⁷

37. Conditions in most prisons and detention centers in Transnistria remained harsh and did not improve significantly during the 2013.²⁸

38. The International Federation for Human Rights (FIDH) sent an international mission to Moldova in November 2012 to investigate the state of the fight against torture and inhuman and degrading treatments. This mission was carried out together with Promo-LEX. As a result of this activity, in August 2013, FIDH released a report: *Torture and ill treatments in Moldova*,

26 Local ombudsman's reports (2011-2014) http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

27 https://promolex.md/old/upload/publications/en/doc_1381238869.pdf

28 U.S. Department of State 2014 Human Rights Reports: Moldova <http://www.state.gov/j/drl/rls/hrrpt/2014/eur/236554.htm>

including the Transnistrian region: assumed problems and eluded responsibilities,²⁹ reflecting the disastrous situation in Transnistria in this respect, and the lack of effective measures taken by Moldova as the only guarantor of constitutional human rights in the region.

39. According to the report stated above, witness cells are very small (9m² and 16 m²) and house a high number of inmates, as a result of which prisoners are forced to take turns to sleep. In a situation where there are as many as seven prisoners sharing one cell, only three of them can lie down at any one time. Furthermore, in certain cells bedclothes and blankets are not supplied. Finally, the light is constantly on. There is no access to daylight, or any kind of external ventilation, and smokers are not separated from non-smokers. Given the ever-present possibility that temporary detention might be extended, many people are crowded into the basement of the Tiraspol temporary detention center; the hygiene conditions are far outside international norms and the medical care is inadequate, and can even be totally absent. According to eyewitness accounts, 81 cells are very small (9m² and 16 m²) and house a high number of inmates, as a result of which prisoners are forced to take turns to sleep. In a situation where there are as many as seven prisoners sharing one cell, only three of them can lie down at any one time. Furthermore, in certain cells bedclothes and blankets are not supplied. Finally, the light is constantly on. There is no access to daylight, or any kind of external ventilation, and smokers are not separated from non-smokers.

40. In the Transnistrian region, torture is not regarded as a crime. There is, thus, no mechanism to investigate the acts of torture. After certain institutional modifications made in 2014, the prosecutors and the local Ombudsperson can put down victims' complaints, which are examined by the investigation committee thereafter. The role of these institutions in preventing abuses is limited. Accordingly, the trust in the relevant mechanisms is also little. The persons who complain of acts of abuse or torture are later subject to persecution. Due to lack of elements of offence, the local investigation bodies do not initiate proceedings and the mechanism of appeal against allegations of torture stays inefficient. The victims taken in police custody are obliged to prove the facts they complained about.

41. This reflects a general absence of rule of law, which is a feature of the Transnistrian region. So-called courts in the region are generally influenced by the executive. Therefore, even though certain rights seem to be guaranteed by the local laws, a general lack of rule of law and endemic corruption prevent these laws from being applied consistently, contributing to the persistence of impunity.

42. In 2013, the UN Senior Expert on Human Rights Thomas Hammarberg made several documentation visits to places of detention in Transnistria, and concluded that the conditions of detention were unsatisfactory and did not meet international requirements.³⁰ The conditions in the detention facilities from the region stay poor and were not improved, notwithstanding the recommendations made by the UN Expert Th. Hammarberg. The local administration invoked the lack of financial means.³¹ In his reports,³² the local commissioner for human rights (effective authority) confirms that the situation did not change after 2013: inmates are kept in inhuman conditions both in police stations, and in the three prisons of the region (*small*

29 Torture and ill-treatment in Moldova, including Transnistria: Shared problems, evaded responsibility: http://www.promo-lex.md/upload/publications/ro/doc_1381238657.pdf

30 Senior Expert Hammarberg Report TN Human Rights / www.un.md/publicdocget/41

31 Press release in the implementation of the Recommendations of the UN Expert, Thomas Hammarberg, of 30 March 2014 <http://president.gospmr.ru/ru/news/prezidentpmr-zaslusal-otchet-ob-ispolnenii-plana-meropriyatiy-po-realizacii-rekomendacij>

32 http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

spaces, cold concrete rooms, lack of ventilation and aeration, lack of toilets, insufficient lighting, overcrowding, poor nutrition, moisture and mold, lack of medicines and inadequate medical care, lack of drinking water). A particularly bad issue, however, is the fact that, in almost all preventive *detention* facilities in Transnistria, inmates have to use buckets or bottles, instead of toilets, for their *physiological needs*, which is a violation of human dignity. Keeping prisoners in inhuman conditions is inadmissible in the 21st century. In this respect, the local ombudsman pointed that, according to Order No. 65 of February 25, 2012, of the pretended Ministry of Home Affairs of the Transnistrian region, prison cells must have toilets only where this is provided for in the design-drawings of the isolation cell.

43. According to the data of the *Penalty Execution Service* of the region, in 2011, 18 inmates died in prison: six of them died a violent death; five hanged themselves and one was killed; 12 died of illness (four of HIV/AIDS; seven of tuberculosis and one of cancer). In 2011, 6123 inmates sought healthcare services in prison medical facilities of Transnistria (in 2010, this figure amounted to 5946), including 61 inmates with active tuberculosis and 173 with HIV/AIDS.

44. According to the *State Penalty Execution Service under the Ministry of Justice of the Transnistrian region (ГСИИ МЮ ПМП)*, in 2012, 17 inmates died in these institutions, of whom only four died a violent death, and 13 died of illness.

45. However, unofficial sources say that the death rate in the three prisons of the region is much higher, considering inhuman detention conditions and inefficiency of healthcare. Promo-LEX Association registered several cases:³³

- On January 6, 2012, an inmate died of heart attack in Prison No. 1, Hlinaia. Ambulance ignored the request.
- Another prisoner died of heart attack in Prison 2 on February 4, 2012, because previously he had not received necessary healthcare.
- A young man hanged himself in Prison 2, Tiraspol, as a result of persecution by guards. He was to be released within a month.
- *In April 2012, a prisoner died in Prison 2 after one month and 15 days of hunger strike. During this protest action, he had not received any healthcare.*
- *On November 8, 2012, in Prison 1, Hlinaia, a prisoner died of acute tuberculosis he had suffered for many years. He had not received any healthcare.*

46. In all these cases, it is impossible to establish the real cause of death. In a report, the local ombudsman expressed his concern that hundreds of sick inmates are kept in long-term care wards, where they do not receive necessary healthcare, are exposed to suffering, misery and, finally, death.³⁴ Some respondents say that sometimes, to hide the precise number of deaths in prisons, prison administration indicate “released” instead of “died” in the personal files of the deceased. In other cases, it conceals the cause of death. The Criminal Penalty Execution Code does not provide for a way to establish prisoners’ deaths, including the obligation to investigate the causes of deaths in prisons, as required by national and international standards. The Execution Code obliges prison chiefs to notify a prosecutor only when a prisoner is killed during the application of special physical force methods and firearms by the guards. Deceased prisoners may not be subjected to a credible independent forensic examination. Most victims

33 Report Human Rights in the Transnistrian region of Moldova/2012 retrospective: https://promolex.md/old/upload/publications/en/doc_1355473063.pdf

34 Local ombudsman’s reports from 2011-2014 http://ombudsmanpmr.org/doclady_upolnomochennogo.htm

complained of inefficient criminal investigation, concealment and cover-up of cases of death. It is virtually impossible to demonstrate the guilt of prison administration and prison doctors (*e.g. the case of Drovorub v. Russia and Moldova ECtHR*).³⁵

47. Therapeutic department of this center lacks **sufficient medical staff**. They do not have a physician, a doctor on duty, a phthisiologist, or a dentist. The surgery department lacks basic technical equipment and materials required for doctors' work (Fiber gastroscope, laparoscope, laryngoscope, oxygen cylinders for anesthesia machine, or equipment for dental machine). Additionally, in 2012, it was found that the dental office had just one dental machine, and lacked the basic supplies for dental treatment – dental fillings.³⁶

48. Detention of people with disabilities in the local prisons of the Transnistrian region is one of the major problems. There is no information available on the number of persons with disabilities detained in the local prisons. Moreover, the access to these institutions is highly restricted and it is very difficult to obtain relevant information and to monitor the observance of the detainee's rights, in particular of those with disabilities. Nevertheless, it is generally known that local prisons are overcrowded and the prisoners are detained in inhuman conditions that amount to torture. Promo-LEX Association submitted numerous complaints on behalf of the persons detained in the Transnistrian prisons to the ECtHR on allegations of torture and inhuman conditions of detention.³⁷

- *In 2009, F.K., the owner of a network of shops from the Transnistrian region was arrested by the Transnistrian "Office for Combating Organized Crime and Corruption" for an alleged economic crime. F.K. is a person with the 1st degree of disability (without a foot and wears a prosthesis). He was detained in a pre-trial detention center of the MRT "Ministry of Internal Affairs" "IVS Tiraspol" during 6 months. The conditions of detention were inhuman. He was detained in a basement cell without any daylight or special accommodation for his disability. Moreover, the cell was constantly overloaded, there were some 20-24 persons detained in there. Due to disability, the defense lawyer requested M.F. to be released. Aside from having a physical disability, M.F. also suffered from a heart disease and diabetes. The request was rejected by the local "court". After 6 months, he was acquitted by the local "court" and released. However, immediately after his release, while he was still on the premises of the "IVS Tiraspol", he was informed that the "MRT Supreme Court" annulled the decision of his release and he was returned back the "IVS Tiraspol". Subsequently, due to his health condition, F.K. was transferred to the hospital of the pre-trial detention center of the MRT "Ministry of Justice", where he spent about a year. After one year, he was transferred from the hospital to a pre-trial detention center of the MRT "Ministry of Justice" for another 1.5 years. According to the statements of a witness, currently, F.K. is detained in a local "prison".³⁸*
- *E. E. sentenced by a court of Tiraspol to seven years in prison. He is currently detained in Prison 2, Tiraspol. Since 1991 he has the status of disabled of group II, with 3rd degree post-traumatic deformity of the knee with locomotor dysfunction. In prison, he has difficulties in movement and access to toilet (the toilet in the cell is not equipped as needed).*
- *Eduard Elitov lives in Tiraspol. In 1991 he was the victim of a traffic accident, which left him with a third degree disability. In 2008 applicant was arrested on suspicion of seriously in-*

35 Mortality in detention facilities. Torture https://promolex.md/old/upload/ebulletin/ro/nr97_1422610935ro_.pdf

36 Ombudsman's report of March 2013 for 2012 http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

37 The case of Eriomenco v. Moldova and the Russian Federation, application No.42224/11 lodged with the Court on 1 July 2011, available here: http://www.promolex.md/upload/docs/Eriomencoc.MoldovasiRusia_1329487705en_.pdf;

38 Report discriminatory ill-treatment in Moldova: page.75 https://promolex.md/old/upload/publications/en/doc_1332167124.pdf

jurings another person during a fight. On 31 August 2011 the “Tiraspol city court” convicted Eduard Elitov and sentenced him to seven years of imprisonment. His appeal against that judgment is pending. Eduard Elitov has been detained in the pre-trial detention center of the MRT “Ministry of Internal Affairs” (“IVS Slobozia”).

- *V. M. sentenced by a court of Grigoriopol to 11.4 years in prison. He was detained in Prison 2, Tiraspol. He suffers from chronic polyneuropathy of lower limbs, 3rd degree chronic rheumatism of the hip, and radiculitis. In prison, he had difficulties in movement and access to toilet (the toilet in the cell was not equipped as needed).*
- *Besleaga and Bevziuc were businessmen from Varnita who held both Moldovan and Transnistrian registration for their mineral-water production enterprise. Transnistrian law enforcement officers detained them in November 2013 for the alleged economic crime of accepting Moldovan currency in a transaction. Besleaga was also a member of the Varnita local council and involved in the April 2013 dismantling of a Transnistrian customs checkpoint in the village. In an appeal sent to the Transnistrian authorities, the International Secretariat of the World Organization against Torture (OMCT) reported the critical health condition of Vitalii Besleaga and Serghei Bevziuc, detained in Prison No.3 in Tiraspol the Transnistrian region. The appeal noted the men lacked adequate medical care and described their detention conditions as “torture.” The OMCT requested Transnistrian authorities to provide for the men’s physical and psychological well-being and provide adequate conditions of detention and medical services.³⁹*

49. The people with disabilities are held under the same conditions as other detainees, and they do not receive any special conditions or adjustments provided by human rights standards. Similarly, health care is poor and in some cases, it is absent at all. Detainees with locomotor disabilities have difficulties in moving, meeting human basic needs, access to bathroom, etc., lacking special accommodations. These conditions clearly cause enormous physical and mental suffering.

50. At the same time, the local ombudsman draws attention upon the small number of skilled doctors in prisons, and upon the reduced quantity of medicines. According to him, 12 detainees passed away in 2014 (nine because of diseases and three committed suicide).⁴⁰

51. Several victims have complained before national authorities, and also before ECtHR about the poor quality of healthcare in prisons, their prolonged treatments, the use of expired drugs, and lack of necessary medical equipment. In their complaints, the beneficiaries of Promo-LEX Association also mentioned that they had to stay in inhuman conditions (*small spaces, cold concrete rooms, lack of ventilation and fresh air, lack of toilets, insufficient light, overcrowding, poor nutrition, rusty water, moisture and mold, lack of medicines, inadequate medical care, etc.*).

52. The treatment of inmates suffering from tuberculosis stayed the most serious problem. Water is unsanitary and contributes to disease and poor dental health among prisoners. There is no access to qualified medical care. As a result, prisoners are often forced to turn to their families for assistance, who, in turn, seek help from private doctors, placing the burden of costs on relatives.⁴¹

39 Moldova, Republic of: Lack of adequate medical care for Mr. Besleaga Vitalii and Mr. Bevziuc Serghei, two prisoners held in Prison n°3, in Tiraspol <http://www.omct.org/urgent-campaigns/urgent-interventions/moldova/2014/05/d22676/>

40 Local ombudsman’s reports from 2011-2014 http://www.ombudsmanpmr.org/doclady_upolnomochennogo.htm

41 Human Rights in Moldova, Civil Rights Defenders / <https://www.civilrightsdefenders.org/country-reports/human-rights-in-moldova/>

53. Since 2011, inmates from the regional prisons have lodged multiple complaints with the European Court about torture, ill-treatment and inhuman detention conditions.⁴²

D. RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION (ARTICLE 19 AND 22 ICCPR).

54. *The freedom of association, assembly, and expression are aspects that stimulate the development of civil society.* The existing Moldovan legislation has been developed to meet broadly recognized international standards. Moldova does not have in place any repressive or limiting legislation or policies regarding freedom of association for civil society organizations and initiatives or civic activism activities,⁴³ except for the Transnistrian region.

55. Note that the second cycle of Moldova's Universal Periodic Review (UPR) by UN Human Rights Council is scheduled for November 2016. In the first Moldova's UPR cycle in 2011, the recommending States (Canada) (*to see doc. A/HRC/DEC/19/116*),⁴⁴ raised the concern regarding the excessive control made by the Transnistrian *de facto* authorities over mass media and civil society actors, coming with a recommendation in this regard. Republic of Moldova accepted to support actively the NGOs that have effective programs in promoting human rights and inter-ethnic tolerance in the Transnistrian region. In spite of this, the Republic of Moldova has made no progress toward implementing this recommendation since 2011. In spite of these, the pressure put by the *de facto* administration in Tiraspol on civil society actors, especially Human Rights Defenders (HRDs) from the Transnistrian region enhanced. Numerous representatives of the local civil society are intimidated and subjected to libel on a daily basis for their work in promoting and defending human rights in the Transnistrian region of Moldova. HRDs, journalists, human rights activists, bloggers and other civil society actors monitoring the human rights in the Transnistrian region have faced intimidation and threats. All non-governmental activities had to be coordinated with local authorities. Groups that did not comply faced harassment, including threats from the Transnistrian security agency (KGB).

56. Several of the cases of intimidation or reprisals described below, are taken place in the context of the systematic harassment of, threats against HRDs in the Transnistrian region. Regretfully, without protection mechanisms at the local or national level, challenges had to be dealt with on their own.

57. In the Transnistrian region, HRDs, human rights activists, bloggers and other civil society actors were subjected to different forms of intimidation and harassment, including judicial harassment, restrictions on freedom of expression, association, assembly, movement and arbitrary detention, or such as checking mail correspondence, tracking, threatening relatives, as well as forms of abuse that include pressure and intimidation, smear campaigns. The human rights NGOs voiced concern about the exerted pressures on HRDs in Transnistria. They pointed out the verbal and physical threats that human rights lawyers and defenders were subjected to in the region, with a number of human rights activists and lawyers reportedly banned from the

42 Report on Human Rights in the Transnistrian region of the Republic of Moldova/2012 Retrospective https://promolex.md/old/upload/publications/ro/doc_1355473506.pdf

43 Report prepared by the Coalition of NGOs for UPR Moldova 2016 <http://nediscriminare.md/wp-content/uploads/2016/05/UPR-Joint-Report.docx>

44 HRC Decision of the UPR Moldova outcome <http://www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CMDSession12.aspx>

area.⁴⁵ Therefore, there have been cases of intimidation of lawyers and HRDs trying to defend the rights of people in the “courts” of the Transnistrian region or who are trying to investigate corruption issues (cases of S. Popovschi, V. Maimust,⁴⁶ A. Zubco,⁴⁷ cases of N. Buceatchi, L. Dorosenco⁴⁸). The local activists have been persecuted by threats that they would be placed in a mental institution (I. Vasilachi’s case), prosecution initiation and wanted announcements (Cases of O. Hvoevschii, A. Inozemtev and others), intimidation and harassment (Cases of I. Scerbinina,⁴⁹ I. Sergheeva⁵⁰), and conviction (Cases of A. Bartos,⁵¹ S. Ilcenco,⁵² A. Reazanov⁵³).

58. In 2015, Tiraspol administration continued to limit the access of different categories of people into the region. The number of interdictions imposed abusively, inexplicably and arbitrarily is increasing. This repressive measure was applied along the year without notices or explanations, on police officers from the security area, civil servants and public officials. What is new, some human rights defenders, representatives of NGOs, as well as journalists were put on the blacklist. These persons are not allowed to enter the region and they are to risk to be subject to administrative punishment if they do.⁵⁴

59. NGOs and their members face obstacles in performing their duties. For example Promo-LEX Association, is under constant pressure from the *de facto* authorities⁵⁵ and often experiences difficulties as a result of their human rights activities. There are no legal mechanisms in Transnistria to protect civil society interests nor can they receive effective support.⁵⁶

60. Even with the appeals from a number of different civil society actors regarding the investigation of some intimidation and threatening actions by the *de facto* authorities of the Transnistrian region (security services, militia etc.), the constitutional authorities of the Republic of Moldova failed to carry out effective investigations on reprisals of the civil society actors.

45 12/12/2014 URGENT APPEAL FIDH/ Transnistria: *Concern on the situation of human rights defenders* <https://www.fidh.org/en/region/europe-central-asia/moldova/16642-Transnistria-concern-on-the-situation-of-human-rights-defenders>

15/12/2014 Joint Open Letter: *Concern on the situation of human rights defenders from the Transnistrian region* <https://promolex.md/index.php?module=press&cat=0&item=1648&Lang=en>

46 TRANSDNIESTRIAN tried to blow up the independence of lawyers <http://tiras.ru/kriminalnoe-chtivo/38471-v-pridnestrove-pytalis-vzorvat-nezavisimogo-advokata.html>

47 <http://www.civilrightsdefenders.org/news/civil-rights-defenders-urges-the-government-of-Transnistria-to-protect-human-rights-in-an-open-letter/>

NGO report: Human rights defenders are oppressed in Transnistria <http://www.moldova.org/en/ngo-report-human-rights-defenders-are-oppressed-in-Transnistria/>

Newsletter Promo-LEX https://promolex.md/upload/ebulletin/en/nr95_1422613427en.pdf

48 Civil Rights Defenders urges the government of Transnistria to protect human rights <http://www.civilrightsdefenders.org/news/civil-rights-defenders-urges-the-government-of-Transnistria-to-protect-human-rights-in-an-open-letter/>

49 Odessa Daily News Agency Article / Odessa, 2015 / Available on: <http://odessadaily.com.ua/news/stilet-id79525.html>

50 Report “Observance of Human Rights in the Transnistrian region of the Republic of Moldova 2015 Retrospect” p.9 https://promolex.md/upload/publications/en/doc_1456905480.pdf

51 Narodnoe Edinstvo statement “They are afraid to release from detention the activist Allen Bartos” / Tiraspol, 2015 / Available on: <http://edinstvopmr.ru/news/735-aktivista-narodnogoedinstva-alena-bartosha-boyatsya-vypuskat-na-svobodu.html>

52 Video statement “The arrest of Serghei Ilenco” / Odessa Crisis Media Centre / 2015 / Available on: <https://www.youtube.com/watch?v=-pn4EPqRCs0&app=desktop>

53 JOINT URGENT APPEAL FROM SPECIAL PROCEDURES/Human Rights Council Twenty-eighth session Communications report of Special Procedures doc: A/HRC/28/85 pag.14

54 Report “Observance of Human Rights in the Transnistrian region of the Republic of Moldova 2015 Retrospect” <https://promolex.md/en/2016-report-observance-of-human-rights-in-the-Transnistrian-region-of-the-republic-of-moldova-2015-retrospect/>

55 Council of Europe Is Concerned about the Situation of Human Rights Defenders in the Transnistrian region <https://promolex.md/old/index.php?module=press&cat=0&item=2039&Lang=en>

56 Civil Rights Defenders report on Moldova <https://www.civilrightsdefenders.org/sv/country-reports/human-rights-in-moldova/>

61. Freedom of expression and other civil freedoms is also a disturbing subject in the Transnistrian region. On-line forums were closed without explanations. The leader of the region E. Sevciuc called the on-line media an “anonymous landfill” on a social network and insisted on their mandatory registration as media institutions, and on the monitoring and sanctioning of journalists for critics. Note that on January 1, 2014, the editorial office “Novii Region” (“New Region”) – a branch of the Russian press agency, announced its shut-down because of the pressure. This agency was the only alternative on-line information source. On January 30 2014, the prosecutors and tax officers from Tiraspol conducted controls at the private television channels “TSV” and “Novaia Volna”. “TSV” belongs to Seriff holding, whereas “Novaia Volna” – to the journalist Grigore Volovoi. The results of the controls were not made public. In 2012 and 2013, “Dniester” and “Lenta PMR” news agencies, as well as other seven online debate forums (www.forum.pridnestrovie.com, www.forum.dnestra.com, www.openpmr.info, www.pmr-rf.ru, www.forum-pridnestrovie.ru, www.nistru.net and www.forum-pmr.net) were blocked for the Internet users in the region.

62. The *de facto* authorities severely restrict freedom of assembly and rarely issue required permits for public protests. Freedom of association is similarly circumscribed. All non-governmental activities must be coordinated with local authorities, and groups that do not comply face harassment, including surveillance and visits by security officials.⁵⁷

E. RECOMMENDATIONS FOR ACTION TO BE TAKEN THE REPUBLIC OF MOLDOVA

63. In light of the above, we support the recommendations below, some of which have also been formulated by other groups of experts, namely:

- To withdraw the “declarations” and to remove of the territorial limitation to the application of the ICCPR-OP1 and ICCPR-OP2.
- Invite the *UN Working Group on Arbitrary Detention* and the *Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment* as soon as possible to visit Moldova for an independent and impartial assessment of the situation of arbitrary detention, torture and cruel, inhuman or degrading treatments in Transnistria.
- Invite the *Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression* and the *Special Rapporteur on Human Rights Defenders*, to visit the Republic of Moldova in order to make an independent and impartial assessment about the environment where civil society actors operate in the Transnistrian region of the Republic of Moldova.
- Perform an objective assessment of the implementation level of the NHRAP’s human rights promotion and protection activities planned for Transnistria and present this information to the public.
- Ensure that a thorough and impartial investigation into all reported cases of reprisals against human rights defenders, activists, and journalists are carried out, with a view toward publishing the results and bringing those responsible to justice in accordance with international standards.

57 Transnistria 2014: Freedom in the World <https://freedomhouse.org/report/freedom-world/2014/Transnistria>
Country Reports on Human Rights Practices for 2014 United States Department of State: <http://www.state.gov/documents/organization/236766.pdf>