



# MOLDOVA

350 Fifth Ave 34<sup>th</sup> Floor  
New York, N.Y. 10118-3299  
<http://www.hrw.org>

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## HUMAN RIGHTS IN MOLDOVA

1630 Connecticut Ave, N.W., Suite 500  
Washington, DC 20009  
TEL (202) 612-4321  
FAX (202) 612-4333  
E-mail: [hrwdc@hrw.org](mailto:hrwdc@hrw.org)

33 Islington High Street  
London N1 9LH UK  
TEL (44171) 713-1995  
FAX (44171) 713-1800  
E-mail: [hrwatchuk@gn.apc.org](mailto:hrwatchuk@gn.apc.org)

15 Rue Van Campenhout  
1000 Brussels, Belgium  
TEL (322) 732-2009  
FAX (322) 732-0471  
E-mail: [hrwatcheu@skynet.be](mailto:hrwatcheu@skynet.be)

# **HUMAN RIGHTS IN MOLDOVA**

## **The Turbulent Dniester**

**March 1993**

**Helsinki Watch**

**A Division of Human Rights Watch**

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Erika Dailey and Robert Kushen were in Moldova from August 3 through August 15, 1992, including two days in Odessa, Ukraine. Ms. Dailey remained in Moldova until August 18. They interviewed refugees, the wounded, eyewitnesses, prisoners, political and social activists, journalists, and military, hospital and government officials.

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## NOTES ON GEOGRAPHY AND DEMOGRAPHY

The Republic of Moldova is home to some 4,367,000 people,<sup>1</sup> approximately 2,800,000 (64.5 percent) of whom identified themselves in the most recent census (1989) as ethnic Moldovan;<sup>2</sup> 600,000 (13.8 percent) as Ukrainians; 560,000 (12.9 percent) as Russians; 153,000 (3.5 percent) as Gagauz; 88,000 (2 percent) as Bulgarians; 66,000 (1.5 percent) as Jews. The remaining 1.8 percent is composed of various other national groups from the former Soviet Union.<sup>3</sup> It spans 13,000 square miles (33,700 square kilometers) between Ukraine, to the north, east and south, and the Prut River, which defines the Moldovan-Romanian border, to the west.

Moldovans are ethnic Romanians whose language is all but identical to Romanian, although in 1940 and again from 1944 to 1989, their language was written in the Cyrillic rather than Latin script.<sup>4</sup> Moldavia, or, historically speaking, Bessarabia (the region between the Prut and Dniester rivers) was ceded to Russia by the Ottoman Empire in 1812 and remained a Russian province for more than a century until it became part of Greater Romania in 1918. The USSR did not recognize Romania's right to the province and in 1924 proclaimed the territory east of the Dniester River the Moldavian Autonomous Soviet Socialist Republic. Following the German-Soviet Nonaggression Pact of August 1939 the territory fell into the Soviet sphere of influence, and, with Romania in a weakened position, Soviet troops marched in on June 28, 1940, and took control of Bessarabia and northern Bukovina. On August 2, 1940, the Soviet government created the Moldavian Soviet Socialist Republic with its capital at Kishinev. During the war, between 1941 and 1944, Bessarabia again became part of Romania, but was forcibly re-annexed to the USSR in 1944 along with northern Bukovina. The Moldovan SSR passed a declaration of sovereignty on June 23, 1990, and on August 27, 1991, the Republic of Moldova proclaimed its independence.<sup>5</sup> It became a member of the Conference on Security and Cooperation in Europe on January 30, 1992, and was admitted to the United Nations on March 2, 1992.

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<sup>1</sup> Figures as of January 1, 1991. *Narodnoe khoziatsvo SSSR v 1990 godu* [National Maintenance of the USSR in 1990] (Moscow: Finansy i statistika, 1991).

<sup>2</sup> At the time of the census, the nationality was referred to as "Moldavian" not "Moldovan," and the territory as "the Moldavian Soviet Socialist Republic" not "the Republic of Moldova."

<sup>3</sup> *Natsional'nyi sostav naseleniia SSSR po dannym vsesoiuznoi perepisi naseleniia 1989g.* [National Composition of the Population of the USSR According to the All-Union Census of the Population in 1989] (Moscow: Finansy i statistika, 1991), p. 122.

<sup>4</sup> A government edict mandated the transition from Latin to Cyrillic script following the military take-over in 1940, but soon after was repealed when the territories returned to Romanian control. It was reinstated in 1944 and again repealed when the law on language and script was adopted in 1989.

<sup>5</sup> On June 5, 1990, the "Moldavian Soviet Socialist Republic" changed its name, as enshrined in the constitution, to the "Soviet Socialist Republic of Moldova." Until that time, it was commonly referred to as "Moldavia;" subsequently it has been called "Moldova."

The disputed territory at the heart of the recent bloodshed, commonly referred to as the "Dniester area" or the left bank,<sup>6</sup> is a narrow strip of land covering some 2,500 square miles (4,000 square kilometers) between the Moldovan-Ukrainian border to the east, and the Dniester to the west, and includes the city of Bendery<sup>7</sup> and adjacent areas which lie on the right bank of the Dniester River. The area between the Dniester River and Ukraine was named an Autonomous Soviet Socialist Republic within the Ukrainian SSR in 1924, and did not become part of Moldova until 1940. The disputed territory includes the self-styled "Dniester Moldovan Republic" (DMR), which declared its independence as the "Dniester Moldovan Soviet Socialist Republic" on September 2, 1990.<sup>8</sup>

Largely as a result of Soviet central planning, the eastern territories are distinct from other parts of Moldova in their relatively higher concentrations of military staff and equipment and in their ethnic composition: the self-defined ethnic Moldovan population is a plurality (40 percent), not a majority, and there are approximately twice as many Ukrainians (28 percent) and Russians (25 percent) there as in the Republic as a whole.<sup>9</sup> Current Moldovan draft legislation offers a further definition of the region: "The left bank regions of the Dniester are distinct in the peculiarities of their history, the national composition of the population, traditions, mentality, comprise one of the historically defined language zones of the Republic of Moldova, and have the right to territorial autonomy and self-rule of their own affairs within the framework of the Constitution of the Republic of Moldova and of extant legislation."<sup>10</sup>

The self-styled Dniester Moldovan Republic, declared on September 2, 1990, has not been recognized by the international community as a legitimate state. Nonetheless, it does exist *de facto* in that it has armed forces and functioning government organs, such as a procuracy, Ministry of Defense and National Security, a supreme court, a police force, and elected government officials, such as a president. It has also conducted its own foreign policy, such as concluding mutual assistance and friendship agreements with the leaderships of the self-proclaimed Gagauz Republic and the Abkhazian Republic in Georgia (which are also unrecognized).<sup>11</sup> The very refusal of the Moldovan government to recognize the DMR reflects and enhances the area's *de facto* separate status. In most cases DMR authorities appropriated the Moldovan government structures, including the Ministry of Defense, procuracy and Pedagogical

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<sup>6</sup> The geographic indication of "left" and "right" is determined by the direction of the current of a river. Since the Dniester River flows south, the area to the east of it is its "left" bank.

<sup>7</sup> Bendery is nominally under the control of joint Russian/Moldovan/DMR peace-keeping forces.

<sup>8</sup> For reasons of clarity, the region that has made itself politically and territorially distinct from the Moldovan Republic will be referred to in this report by its self-appointed name, the "Dniester Moldovan Republic" or DMR.

<sup>9</sup> *Natsional'nyi sostav naseleniia SSSR po dannym vsesoiuznoi perepisi naseleniia 1989g., op. cit.*

<sup>10</sup> "Proekt zakon Respubliki Moldova o pravakh natsional'nykh men'shinstv Respubliki Moldova [Draft Law on the Rights of National Minorities of the Republic of Moldova]," Article 48. See *Grazhdanin Moldovy*, June 3, 1992.

<sup>11</sup> *Izvestiia*, August 21, 1992. *Basapress*; cited in *RFE/RL News Briefs*: 25-29 January 1993, p. 12.

Institute in Tiraspol', in some cases by taking over buildings and forcibly dismissing employees from work. The laws that function in the DMR are those of the Moldovan Republic, with the exception of those that are judged to "contradict the constitution of the DMR," according to DMR Procurator General Boris Luchik.<sup>12</sup>

The DMR (and its predecessor, the DMSSR) from its inception has had close ties with conservative elements in the Russian Federation. During the failed coup in Moscow in August 1991, for example, the leadership of the DMR voiced support for the putschists, and to this day its leaders seem not to display the same antipathy for the Soviet period and its negative connotations that are prevalent elsewhere.<sup>13</sup> In addition to many cultural affinities and strong political and ideological ties with Russia, the DMR benefits from Russian support for its fragile political infrastructure, military and economy.

The Gagauz, ethnic Turkic, Orthodox Christians who numbered some 153,000 in Moldova or 3.5 percent of the population of the Republic at the time of the 1989 census,<sup>14</sup> have also made official claims to political and territorial sovereignty; the Gagauz Autonomous Soviet Socialist Republic was proclaimed on November 12, 1989, and the formation declared its independence from the Moldovan SSR on August 19, 1990. The majority of Gagauz live in concentrated areas in the south of Moldova, and form a majority or plurality in three *raions* (districts) in the south, with their center at Comrat. Although various negotiating schemes have defined the territory in question in different ways, currently the unit under discussion by the Moldovan government and Gagauz representatives for receipt of special status comprises the Comrat and Ciadar-Lunga *raions*, where the Gagauz form an ethnic majority (64 percent), and villages of high concentration of Gagauz populations scattered throughout three additional *raions*: Vulcănești, Basarabeasca and Țaraclia.<sup>15</sup> A short-lived "Comrat Republic," which existed as an unrecognized formation for two weeks in 1906, gives Gagauz separatists an academic claim to return of statehood, although it has not been invoked in the current negotiations.

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<sup>12</sup> Helsinki Watch interview, August 14, 1992, Tiraspol'.

<sup>13</sup> In an interview with Helsinki Watch representatives, DMR Vice President Aleksandr Karaman spoke of the Soviet era as a "historical period," noting that "the quantity of destroyed monuments and statues is not a reflection of the level of democracy." August 11, 1992, Tiraspol'.

<sup>14</sup> *Natsional'nyi sostav naseleniia SSSR po dannym vsesoiuznoi perepisi naseleniia 1989g., op. cit.*

<sup>15</sup> See *Sovetskaia Moldaviia*, November 1, 1989, and *Tineretul Moldovei*, July 29, 1990; *Natsional'nyi sostav naseleniia SSSR* (Moscow: Goskomstat, 1989), pp. 4 and 84. Cited in Vladimir Socor, "Gagauz in Moldavia Demand Separate Republic," *RFE/RL Report on the USSR*, September 7, 1990, p. 8.

## INTRODUCTION

Normalcy is returning to the Republic of Moldova after armed conflict erupted in early 1992 over the territorial and political status of its eastern territories and left hundreds — many of them civilians — dead and wounded. The sustained military engagement that gripped parts of this southwestern region of the former Soviet Union was over relatively quickly, lasting roughly from March to August of 1992. Some of the problems that contributed to the original outbreak of hostilities persist, however: resistance by some to the independence of the Moldovan Republic; resistance by others to the Republic's potential loss of territorial and political integrity; the interference of Russian Federation troops and Russian political pressure; a lack of faith among some in the government's ability to protect the rights of non-Moldovan residents; and the instability of a developing civil society emerging from an authoritarian form of government and a centralized economy.

The focus of this report is the violations of human rights perpetrated during the course of the territorial battle waged in eastern Moldova which pitted separatists and their supporters, striving to attain a distinct and autonomous legal status, against the Moldovan government in its efforts to preserve the geographic and political integrity of the Republic. Helsinki Watch does not take a position on recognizing the existence of the Dniester Moldovan Republic (DMR) or on any other territorial dispute in Moldova. This report is part of Helsinki Watch's ongoing monitoring of developments in the region, and is a basis for further human rights observation.

This is a period of political transition throughout the former Soviet Union during which it is important to ensure the protection of fundamental human rights. The tragic situation in Moldova in some ways is a microcosm of other troubled areas of the former Soviet Union, and provides insight into other separatist struggles. Governments struggling with these and other aspects of the legacy of authoritarian Soviet rule may avoid similar bloodshed on their own lands by heeding the lessons learned in Moldova.

Much of the unrest in Moldova is the result of actions taken by the various parties to the conflict to correct what they perceive as historical wrongs. This need appears to be overwhelming, demanding to be satisfied even at great human cost. Primary among these perceived injustices is changes in territorial control. Like many areas of the former USSR, it was geographically redefined according to political whim and military might during the Soviet period. Most of Moldova, like Estonia, Latvia and Lithuania, was forcibly annexed to the Soviet Union during World War II. The conflict in eastern Moldova stems in part from a reluctance to recognize the borders which were drawn during that period: the Moldovan government cites the need to affirm the autonomy of a united, sovereign Moldova; likewise, the DMR points to its separate territorial and administrative status before 1940 to support its claim today to a special status within or apart from Moldova. Russia's involvement in the conflict through its 14th Army reflects in part its resistance to changing the borders established when Russia was at the height of its colonial power, following World War II.

Passage of the language laws that affirm Moldovan as the state language — another cause of unrest in Moldova — is also part of the fight for perceived historical justice. By enacting such

legislation the Moldovan government reaffirmed the status quo prior to the war, when Moldovan was used much more widely than in the years under the Soviet regime.<sup>1</sup>

Yet another factor — the moribund economy that Moldova and the rest of the former Soviet Union is now struggling to revive — has directly exacerbated human rights abuses in the Republic. Until the successor states to the Soviet Union can become economically self-sufficient, they must remain to some degree dependent on Russia and other outside sources of patronage. The relations of the Moldovan government to the Russian Federation during and subsequent to the armed conflict have been tense; relations between the DMR and Russia, however, have been openly sympathetic and, from the Russian side, tangibly supportive. Freedom of speech and of the press have been limited on both sides of the Dniester in large part because of these political rivalries.<sup>2</sup> Economic hardships have also made Moldova dependent for its national defense, at least for the short term, on Russian military resources. As a result, Russian military equipment and some personnel were the mainstay of the armed conflict in eastern Moldova, sharply escalating human rights abuses. The failure to resolve the fate of Russian military equipment and staff currently is jeopardizing the protection of human rights in Tajikistan, Estonia, Latvia, Lithuania and Abkhazia (Georgia), and North Ossetia, among other places, as well.

Blood has been shed numerous times on the territory of today's Moldova in the name of independence. As the Soviet Union began to disintegrate and decentralize, Moldovan national preeminence was gradually restored, culminating in the formation of the Republic of Moldova in 1991. Over the last several years, however, the tables have turned and supporters of the independent Moldovan Republic, themselves once occupied with attaining cultural and political autonomy, now face the possible secession or increased autonomy of parts of the Republic's eastern and southern territories. Today the tricolor flag with the Moldovan coat of arms flies over the capital, Chişinău (formerly Kishinev), while some forty-four miles away to the east the hammer and sickle emblem crowns the city hall in Tiraspol, the self-styled capital of the DMR. A third "state" flag, featuring a wolf's head, has been waving in Comrat, the center of the Gagauz-dominated area to the south, since May 1989.

Most who oppose the attempts to divide the Republic of Moldova attribute the conflict to the political ambitions of those living in the left bank area and those of some military and political leaders in Russia. Most who support the separatist efforts, however, cite a general resistance to remaining part of the Republic of Moldova, pointing to fear of possible reunification of Moldova and Romania (an issue at the heart of the parliamentary crisis that led to the resignations of numerous high-level parliamentarians in January 1993), and anxiety that the Moldovan government is unwilling or unable sufficiently to protect the rights of the local population.

Some degree of antipathy or mistrust among ethnic groups, born from the violence and in large part defined by language distinctions, has also motivated a small number of the violations of human and civil rights perpetrated during and subsequent to the fighting and

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<sup>1</sup> See "Reactions to Legislation Aimed at Promoting Moldovan Culture" in this report.

<sup>2</sup> See "Violations of Freedom of Speech and Freedom of the Press" in this report.

complicates prospects for a full and lasting resolution to the unrest. It would be incorrect, however, to view the power struggle in eastern Moldova as primarily an inter-ethnic conflict, as some elements of the Russian and western media, among others, have asserted. This interpretation misrepresents the actual, mixed ethnic and linguistic composition of the fighting forces, and the generally harmonious ethnic relations within Moldova's heterogeneous society. It also fails adequately to take into account the powerful political motives of the parties to the conflict. The confusion between ethnic identity and outlook was encapsulated in a phrase coined by a high-ranking official in the DMR executive branch who, in an interview with Helsinki Watch representatives, characterized the conflict as "genocide against people of dissenting opinions."

Because of the chaotic nature of the military engagement, and the fact that forces on both sides advanced and then retreated, sometimes several times, over the same territory, it is almost impossible in some cases to determine from witness testimony or from viewing the physical damage, as Helsinki Watch representatives did in and around Bendery, who was responsible for the attacks. Almost identical accounts of atrocities recounted to Helsinki Watch representatives were attributed to both sides. Another complicating factor is that those who joined these spontaneous formations fought in both civilian clothing and uniforms cadged from the former Soviet Army, and combatants were often dressed in ways that made them physically indistinguishable from each other. Helsinki Watch found that the victims themselves often could not identify their assailants.

It is clear, however, that all parties to the conflict, including the leadership and armed forces of the Moldovan Republic, the leadership and armed forces of the DMR, and outside defense and mercenary forces, have committed acts of violence in defiance of international humanitarian law. Violations include:

- ◆ politically motivated killings;
- ◆ indiscriminate attacks on civilians;
- ◆ indiscriminate attacks on civilian structures which have no military significance, such as residential buildings, libraries and movie theaters;
- ◆ use of land mines;
- ◆ pillage of civilian property;
- ◆ attacks on medical staff and transport; and
- ◆ mistreatment of individuals in detention.

Although the violations committed during the armed engagement in eastern Moldova have attracted the most censure from the international community, Helsinki Watch is concerned that there are other, concomitant abuses that should be acknowledged and corrected. Most egregious among them are violations of freedom of speech and of the press, such as limiting or outright banning some newspapers and television and radio programs. These violations exacerbated the armed conflict that eventually severely damaged what were previously peaceful

and productive areas of Moldova and have traumatized some residents to the detriment of future cooperative relations with government authorities. Perhaps most disturbing are the ethnic overtones that elements of the conflict assumed, although clearly the armed conflict and many of the incidents of harassment preceding and exacerbating the bloodshed were orchestrated to suit a political agenda. The appearance of ethnic tension, however artificial in origin and limited in scope, complicates prospects for a lasting resolution. Because to date no political settlement has been reached and many people in the theater of conflict remain armed, there is a risk that Moldova, and particularly the eastern regions and the areas of high concentrations of Gagauz in the south-central part of the Republic, will continue to experience violence and abuses of individual human rights.

### CHRONOLOGY OF THE CONFLICT

The first outbreak of armed conflict took place in separate but related incidents in late October and early November of 1990 involving Moldovan and separatist forces in the Gagauz and Dniester areas, respectively. A state of emergency was declared in and around Comrat on October 26 following clashes between Soviet Ministry of Internal Affairs troops and Gagauz separatists, who were joined by supporters of the DMR, sympathetic to their call for autonomy; there was one reported fatality. A few days later, on November 2, a skirmish between separatists and police for control of city organs in Dubăsari resulted in numerous casualties. A year passed before more blood was shed over the secession issue. Following the divisive parallel presidential elections and referendum of December 1 and the republic-wide elections of December 8, 1991, at least four policemen and three DMR guardsmen reportedly were shot to death and twenty-four were wounded on December 13 when paramilitary detachments of Dniester SSR and Moldovan police clashed over control of the *raion* government building and police stations in Dubăsari, and the city council headquarters and police stations in Bendery.<sup>3</sup> In 1991 armed formations began to take shape in the Dniester area, and previously Moldovan government structures increasingly were put under the command of the DMR, often by force.

Hostilities escalated into sustained military conflict in early March 1992, and clashes continued in various locations in the eastern areas throughout the spring and summer. According to representatives of the Moldovan Ministry of Defense, twenty-four policemen lost their lives as hostilities again broke out in Dubăsari on March 2.<sup>4</sup> On March 3 and 13-14 in the neighboring villages of Cocieri and Coşniţa, DMR guardsmen reportedly repelled civilians who were attempting to seize weapons from the local armory. On March 28 President Snegur ordered that a state of emergency be introduced throughout the Republic. On May 11 and 23 elements of the 14th Russian Army reportedly launched a military assault on Cocieri and Cosnita, villages near Dubăsari.

The violence climaxed in bloodshed in the city of Bendery beginning on June 19 and lasting several days. Heavy fighting raged on both sides over control of the city, causing the

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<sup>3</sup> *Report on the USSR*, RFE/RL Research Institute, December 20, 1991, p. 25.

<sup>4</sup> Helsinki Watch interview with the following representatives of the Moldovan Ministry of Defense: Colonel Gargan, head of the Culture and Public Relations Division, Lt. Colonel Turturianu, and Major Mikhailevskii, August 6, 1992, Chişinău.

heaviest casualties in the conflict.<sup>5</sup> Multilateral peace-keeping forces were introduced into the area of conflict — the left bank and the area around the city of Bendery — in late July, the republic-wide state of emergency that had been in place for almost five months was lifted in August, and as of this writing there have been no casualties reported since early August.

It is difficult to obtain reliable statistics on the number of casualties in the conflict, in part because not all deaths and injuries were registered, some people having been buried immediately and haphazardly as the situation required, and in part because various ministries have made their calculations separately and it is possible that their statistics overlap. Moreover, the available statistics are so disparate as to be suspect. According to the Moldovan Ministry of Defense, 109 military personnel from the Ministry were killed and 563 wounded between December 1991 and August 1992.<sup>6</sup> (Basing his calculations on informal counts determined from working in hospitals that treated conflict-related injuries, one doctor whose name is being withheld quoted the number of wounded from the Ministry of Defense alone as 750.)<sup>7</sup> The Moldovan Ministry of Health recorded 284 dead and 1,205 wounded, registered on the right bank, from among Ministry of Internal Affairs forces between December 1991 and August 6,

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<sup>5</sup> The violence in Bendery has produced conflicting estimates of the numbers of people who were killed and wounded. The Foreign Relations Committee of the Parliament of the Republic of Moldova reports that fifty-eight were killed and 366 wounded in Bendery during the period of June 19-25. The DMR government issued a statement on July 8 quoting the casualty figures from Bendery as 650 dead and 4,500 wounded. An MVD spokesman stated that between March 2 and August 4 sixty-nine Moldovan police were killed, eleven of them from the carabinieri (a division of the MVD), and that 533 MVD employees were wounded in the conflict between March 2 and August 3. (Helsinki Watch interview with Lieutenant Colonel of Police and head of the republic's department of Public and Foreign Relations Dumitru A. Corlăteanu, August 5, 1992, Chişinău.) The Moscow "Memorial" human rights group cites "Moldovan sources" as recording seventy-six killed (forty combatants and thirty-seven non-combatants) and 532 wounded (348 combatants and 148 non-combatants) during the heaviest fighting, in Bendery in June and July 1992. The full text of the Memorial report is appended.

<sup>6</sup> Helsinki Watch interview with Major Igor' Mikhaelevskii, Moldovan Ministry of Defense, by phone to Chişinău, August 27, 1992. For the period May 18 through June 24 the Ministry of Defense cites the following figures: eighty-two dead (thirty-two from the National Army, nineteen from the Ministry of Internal Affairs forces, sixteen volunteers, and fifteen civilians) and 482 wounded (203 from the National Army, 132 from the Ministry of Internal Affairs troops, seventy-four volunteers, and seventy-three civilians). See *Nezavisimaa Moldova*, June 27, 1992.

<sup>7</sup> Helsinki Watch interview, August 6, 1992, Chişinău.

1992.<sup>8</sup> The DMR Supreme Soviet reported 425 killed on the DMR side between March 2 and June 22, 1992.<sup>9</sup>

The estimated material damage in Moldova is also startlingly high. In a speech to the Moldovan Industrial Union, President Snegur announced that reconstruction of buildings and other structures will require no less than 15 billion rubles (approximately \$333 million).<sup>10</sup>

The bloody clashes sent scattering some 100,000 civilians, primarily women, children and the elderly, as they fled the theater of conflict, primarily westward toward the capital and eastward into Ukraine, between March 2 and August 2, 1992. The hemorrhaging of refugees was sudden and profuse, making statistic-taking difficult. Moreover, according to the registration techniques used by Moldovan authorities, the refugees were responsible for making themselves known to officials; in the disorder, some may have been unaware of this rule, or were unable or unwilling to comply. In addition, some refugees were housed with relatives and friends and therefore were unregistered. As a result, it is likely that the actual figures are higher than statistics indicate.

Some 51,245 were registered as refugees on the right bank by Moldovan authorities.<sup>11</sup> The Ukrainian Ministry of Education, which was responsible for the school buildings used to

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<sup>8</sup> The Ministry offered the following breakdown of the nature of the injuries: 60 percent gunshot wounds, 21.42 percent shrapnel wounds, 18.58 percent serious contusions (mine explosions, burns and drownings). Their breakdown of the cause of death is as follows: 32.05 percent head injuries, 28.2 percent chest injuries, 20.51 percent miscellaneous wounds, 8.97 percent stomach and abdominal wounds, 5.71 percent burns, and 5.71 percent contusions. It should be noted that the statistics provided total more than 100 percent. Information provided to Helsinki Watch by Minister of Health Leonid Olinitskii, and Drs. Ioan Carp and Andrei Krushinskii of the Ministry of Health, August 7, 1992, Chişinău.

<sup>9</sup> *RFE/RL Research Report*, July 17, 1992, p. 74.

<sup>10</sup> TASS, August 17, 1992; cited in Foreign Broadcast Information Service Daily Report [hereafter *FBIS*], August 18, 1992, p. 46.

<sup>11</sup> According to Mihai Platon, head of the Moldovan Republic Parliamentary Refugee Committee, 53,763 refugees had been registered on the right bank as of August 2. It should be noted that there are mathematical inaccuracies in the statistics received from the Refugee Committee (adding up the Committee's breakdown yields 51,245, and not the 53,763 that Mr. Platon cited as the total). Among them were 28,084 children, 17,437 women, 5,724 men, 911 invalids, 1,561 retired persons and forty-six widows. Of them, 10,588 were registered in Chişinău and environs, at least half of whom (5,991) were children.

Mr. Platon and administrators of individual shelters provided Helsinki Watch with the following statistical information concerning the number of refugees registered on the right bank as of August 2: 1,574 individuals were being given refuge in twenty separate housing facilities outside Chişinău in Ialoveni raion, of whom 917 were children, 619 were adults, thirty-five were retired persons and three were invalids. As of August 4, refugees were being housed at the following locations in Ialoveni raion: 172 at the House of Writers' camp in the village of Railkovo; 674 at the children's camp in the village of Ivanca; 160 at the "Stroitel" pioneer camp in the village of Condroiţa; 420 at the Professional Technical School in the village of Dănceni, of whom 253 were children, 145 were adults, nineteen were retired persons and three were invalids. Helsinki Watch interviews, August 4, 1992, Chişinău.

house many refugees, estimates that some 53,000 refugees from Moldova sought refuge in Ukraine.<sup>12</sup>

At least three *ad hoc* exchanges of prisoners were completed during the fighting, totalling perhaps seventy individuals from both sides.<sup>13</sup> The exchanges were carried out under the auspices of the procuracy, on the Moldovan government side, and of the self-styled procuracy or the guardsmen on the DMR side.<sup>14</sup>

*Ad hoc* government bodies tended to displaced persons by turning school buildings and student dormitories left empty for the summer and other public spaces into shelters; the International Committee of the Red Cross provided for refugees in greatest need. Among others, the following groups were instrumental in aiding refugees: foreign-based Jewish relief organizations working in conjunction with local Jewish centers; local activist groups such as the Christian Democratic Popular Front, the Women's League and the Children's Fund, who provided and distributed foodstuffs and clothing; the Romanian government, which took in refugee children and paid for their passage, according to refugee camp authorities; and Ukrainian and Russian church parishes, which were active in the humanitarian aid effort in Ukraine. The rest of the refugees were absorbed by the private sector.

At least a dozen abortive cease-fires were declared bilaterally by Moldova and Russia and jointly by Moldova, Russia, Romania and Ukraine since March of 1992. Various settlements were discussed and abandoned, or introduced and then violated, making it difficult to determine the exact number of proposed peace settlements. The various parties to the conflict currently are involved in negotiating settlements. The bilateral plan announced on July 7 is responsible for the current calm.<sup>15</sup> On July 21, Russian President Yeltsin and Moldovan President Snegur signed a peace accord directing peace-keeping forces, under a Joint Control Commission, into the Dniester region. As of July 29, young men from Russia, Moldova and the DMR wearing "MS" ("Peace-keeping Forces") arm bands were already in place: six troop battalions from Tula and Pskov paratroop divisions; three battalions from Moldova, and three from the DMR. The peace-keeping forces have been complying with the neutrality restrictions since mid-August, with a few technical violations of the agreement, including some shooting in Tiraspol'. Bilateral and multilateral negotiators continue efforts to find a lasting resolution to the crisis. Some progress

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<sup>12</sup> Helsinki Watch interview with Ukrainian Secretary of Education Iurii Tabakov, August 10, 1992.

<sup>13</sup> Helsinki Watch interview with Moldovan Procurator General Dumitru Postovan, August 5, 1992, Chişinău.

<sup>14</sup> Helsinki Watch interview with Moldovan First Deputy Procurator Viacheslav Didik, August 6, 1992, Chişinău.

<sup>15</sup> On July 6, the Commonwealth of Independent States set in motion joint Belarus, Bulgarian, Romanian, Russian and Ukrainian peace-keeping operations in the Dniester area under the aegis of the CIS. The operations were never implemented, however, because within ten days of the signing Belarus, Bulgaria and Romania rejected the plan, deferring instead to CSCE troops, whom Moldova previously had asked to intervene.

On July 7 Russian President Yeltsin and Moldovan President Snegur concluded an agreement (with the acceptance of the DMR forces) committing themselves to maintaining the cease-fire.

has already been made, including the August 26 bilateral agreement concerning the withdrawal of Russian military forces from Moldovan soil.<sup>16</sup>

#### RECOMMENDATIONS

Helsinki Watch calls on all parties in the conflict to respect obligations to international human rights covenants.

#### **To both the Government of Moldova and the Authorities in the DMR:**

- ◆ abide by applicable international standards for the protection of civilians during armed conflict;
- ◆ rigorously investigate, apprehend and bring to trial in full compliance with international standards those law enforcement or military personnel who engaged in abusive treatment of combatants and civilians detained in their custody;
- ◆ allow prisoners prompt access to legal counsel in full accordance with international standards of due process;
- ◆ protect freedom of the press; and
- ◆ apprehend and try fairly in a court of law those responsible for the attack of March 30, 1992, on an ambulance near the village of Tașlîc, Grigoriopol' raion that resulted in casualties.

#### **To the Government of Moldova:**

- ◆ rigorously investigate, apprehend and bring to trial in a timely and lawful manner perpetrators of ethnically and politically motivated crimes;
- ◆ establish a bias crimes task force to investigate and prosecute physical attacks that reflect ethnic or linguistic animus;
- ◆ establish administrative and judicial remedies for job discrimination;
- ◆ set out and disseminate broadly legal guidelines defining minimum language proficiency for jobs indicated in Article 7 of the language law of September 1, 1989, as soon as possible; and

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<sup>16</sup> The agreement, concluded by the Moldovan and Russian Ministers of Defense in Moscow, provides among other things for the withdrawal of the Russian 300th Paratroop Division from Chișinău. During a meeting on September 1 Presidents Yeltsin and Snegur agreed to secure Ukrainian President Leonid Kravchuk's permission to withdraw Russian forces through Ukrainian soil. See *Izvestiia*, September 1, 1992, p. 1.

◆ bring to trial as soon as possible the cases of Petr Țurcan, Ivan Mikhailuk and Ivan Rotar', currently under investigation for the apparently ethnically motivated murder of Dmitrii Matiushin on May 14, 1990.

**To the Authorities in the DMR:**

- ◆ cease immediately discriminatory dismissals from the work place;
- ◆ provide international humanitarian organizations access to prisoners;
- ◆ investigate the disappearance of Anatolii Zhivotkov, a resident of Bendery who was last seen on March 6, 1992; and
- ◆ insure that Ilie Ilașcu, Andrei Ivanțoc, Aleksandr Leșco, Tudor Petrov (Popa) Viaceslav Garbuz and Petru Godiac, prisoners being held in the custody of DMR authorities, be treated in full accordance with legal norms and that due process be provided promptly.

**To the Government of the Russian Federation:**

- ◆ investigate and prosecute in accordance with due process charges of misconduct and breach of orders among the officers and soldiers of the 14th Russian Army in connection with the conflict in Moldova.

**To the Government of the United States:**

- ◆ use the Freedom Support Act of October 26, 1992, as leverage to insure that human rights are protected in the Republic of Moldova;
- ◆ condemn forcefully all violations of human rights by the government of Moldova and the authorities of the DMR; and
- ◆ concentrate more resources on monitoring and responding to human rights violations.



## BACKGROUND

### EVOLUTION OF THE CONFLICT

The strife in eastern Moldova began against the backdrop of heightened political and cultural consciousness of both majority and minority groups in the region. The seeds of the conflict were sewn in the late 1980s when three distinct movements for self-determination began to develop: for a Moldavia autonomous and independent from the USSR, and for a distinct status of political and territorial autonomy for the Dniester area and the predominantly Gagauz lands within Moldavia. The cultural and political movements and groupings that formed at that time contributed to the general spirit of rebellion. The Moldavian parliament, by adopting a series of legislative acts aimed at promoting Moldovan culture, further fueled the fires. In 1991 both the self-proclaimed Gagauz Republic and the DMR held separate elections and referenda, electing their own presidents. Political harassment, including assaults and murder, accompanied the elections. Abuses escalated into armed conflict with the introduction of military forces in eastern Moldova.

### New Social and Political Groupings

Social and political parties and movements flourished in Moldavia as elsewhere in the USSR in the late 1980s.<sup>1</sup> Prominent among them were the Moldovan Popular Front, renamed the Christian-Democratic Popular Front in February 1992;<sup>2</sup> Equal Rights Movement Unitatia-Edinstvo (Unity), which was set in motion in January 1989 and registered in early 1990 to defend "the equal rights of all," although it focuses almost exclusively on the rights of non-Moldovans, primarily Russians;<sup>3</sup> Demnitatea (Dignity), a multi-ethnic movement that supports the return of left-bank areas to Moldovan control, among other issues; and cultural centers for Russian, Ukrainian, Jewish and other minority groups.

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<sup>1</sup> See Helsinki Watch "USSR: Moldavia," April 1990.

<sup>2</sup> The Moldovan Popular Front was formed on May 20, 1989, and registered five months later on October 26 as a political movement. On the basis of consensus reached at the Front's Third Congress on February 15-16, 1992, the word 'Moldovan' was replaced with 'Christian-Democratic' to reflect what Iurie Roșca, head of the Popular Front, called in a Helsinki Watch interview "the return to religion as a reaction to post-communism" and a move away from a narrow, Moldovan-oriented agenda toward a more inclusive mandate with broader international appeal. According to Mr. Roșca, the popularity of the Popular Front peaked in the fall of 1989 with several hundred thousand supporters; it retained a strong voice in the Moldovan parliament as of August 1992, holding some 78 of the 340 seats, and claimed a membership of 100,000 in September 1992. Mr. Roșca explained that exact figures from the early period are unavailable because the movement did not conduct formal registration until 1990 ("we did not want to be a mass organization like the Communist Party"). Helsinki Watch interview, September 28, 1992.

<sup>3</sup> *Dvizhenie Ravnopraviiia (Unitatia-Edinstvo)*. According to council member Elena Barfolomeeva, the movement has its headquarters in Chișinău and chapters in two other cities in Moldova, as well as twelve affiliated chapters elsewhere in the former USSR. The Moldovan movement numbered its membership at 342 in October 1992. Helsinki Watch interviews, August 7 and October 5, 1992.

The United Soviets of Labor Collectives, or OSTK as it is known in Russian,<sup>4</sup> is a social organization centered in what is today the DMR that retains both its internal structure and ideological base from the Soviet period. The OSTK's first chairman, Igor' Smirnov, is now the president of the DMR, bespeaking the prominence of the organization and suggesting the political influence it wields today. According to one of the leaders of the organization, the OSTK fills many of the functions of the former Communist Party, "answering for" the political, ideological and even military functions of the state.<sup>5</sup>

The Popular Front has been by far the most vocal advocate of the creation of a common Romanian territory; indeed, the Front's former chairman, Mircea Druc, ran unsuccessfully for president of Romania in the fall of 1992. The formation of a greater Romania is one of the principal points on its agenda: "the main purpose of the Front is to work for the... unification of all Romanian territories, between the Rivers Pruth (sic) and Dniester, that were annexed by the USSR in 1940, under a new democratic and independent state named the Romanian Republic of Moldova."<sup>6</sup> Advocates cite a natural imperative for the two cultures, which are all but identical and which share an all but identical language, to be reintegrated (in Iurie Roșca's words, "It cannot be otherwise").<sup>7</sup>

Except for the supporters of the Popular Front there appears to be almost no support for reunification in Moldova. In interviews with a broad spectrum of people in urban Moldova, some individuals told Helsinki Watch representatives that Moldova has been a "colony" for so long that now that it has the opportunity to be independent it must take advantage of it; some pointed to Romania's weak economy as a reason to avoid reunification; still others expressed antipathy towards what they perceive as Romanian chauvinism, and the fear that creating a "Greater Moldova" would make non-indigenous populations feel disenfranchised, thereby inciting unrest.<sup>8</sup>

### Three Movements for Self-Determination

In 1990 the leaders of three independent movements, building on previous efforts, launched formal bids for independence. On June 23, the Moldavian Republic's Supreme Soviet

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<sup>4</sup> *Ob"edinennye sovety trudovykh kollektivov.*

<sup>5</sup> Ylena Danielian, "Pridnestrovskii Sindrom," *Novoe Russkoe Slovo*, August 18, 1992, p. 6.

<sup>6</sup> "Program of the Second Congress of the Popular Front of Moldova," July 1, 1990, translated from Romanian by Stephan Giripescu Sutton, in *Perestroika in the Soviet Republics: Documents on the National Question*, ed. Charles F. Furtado, Jr., and Andrea Chandler (Boulder, Colo.: Westview Press, 1992), p. 291. The Congress also passed a resolution proposing to the Moldovan parliament that the Moldavian SSR be renamed the "Romanian Republic of Moldova." *Moscow News*, No. 29, 1992, p. 5.

<sup>7</sup> Helsinki Watch interview, September 28, 1992.

<sup>8</sup> For detailed analyses of attitudes toward reunification in Moldova and Romania, see Vladimir Socor, "Why Moldova Does Not Seek Reunification with Romania," *RFE/RL Research Report*, January 31, 1992, pp. 27-33, and "Moldovan-Romanian Relations are Slow to Develop," *Ibid.*, June 26, 1992, pp. 38-45.

declared Moldavia a sovereign state (full independence was declared on August 27, 1991).<sup>9</sup> Two months later, on August 19, a self-styled Congress of Deputies from all levels of the regions heavily populated by Gagauz renamed the formation the "Gagauz Republic" and declared it independent from Moldova,<sup>10</sup> two weeks before the "Dniester SSR" was declared (September 2) and a year before the establishment of the Moldovan Republic (August 27, 1991). The presidium of the Moldovan Supreme Soviet subsequently declared the latter two proclamations null and void.

Supporters of the Dniester Moldovan SSR began to set up parallel political and judicial structures, in most cases by taking over the facilities that until that time had functioned as branches of the Moldovan government. They reportedly took over some buildings with armed guards, and intimidated some workers into declaring approval of the DMR or leaving work.

In the same show of autonomy, the DMR has conducted three referenda on sovereignty.<sup>11</sup> On November 22-25, 1990, elections were held on the left bank and in Bendery for seats on the "Supreme Soviet of the Dniester Moldovan Republic." The Moldovan Supreme Soviet declared their results null and void on November 27. A year later, a similar effort at autonomy manifested itself when, in defiance of the Moldovan presidential elections of December 8, authorities in the DMR and the Gagauz areas conducted their own presidential elections a week earlier, on December 1, as well as a referendum on independence. Ștefan Topal, formerly acting chairman of the Gagauz Republic government and chairman of the Comrat *raion* Soviet of People's Deputies, was elected "president of the Gagauz SSR," running unopposed. Igor' Smirnov, former premier of the Dniester area, won 65.4 percent of the vote against two other candidates.<sup>12</sup> A referendum concerning the independence of the DMR was also approved. These elections were declared unconstitutional by the Moldovan parliament. On December 8, most residents went to the polls to vote for the president of Moldova, a choice simplified by the existence of only one candidate on the ballot, the incumbent Mircea Snegur. All three winners of these elections remain in their posts as of this writing.

It is alleged that the December 8 elections held on the left bank were irregular: THAT "armed people" patrolled nearby in Dubăsari;<sup>13</sup> that access routes into Bendery were blocked by paramilitary detachments, and truckloads of armed detachments there scattered potential

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<sup>9</sup> For the full text of the declaration in English, see Charles F. Furtado, Jr. and Andrea Chandler, eds. *op. cit.*, pp. 289-291.

<sup>10</sup> The Gagauz Autonomous Soviet Socialist Republic had been proclaimed on November 12, 1989, and reconfirmed on December 3, 1989, and July 22, 1990.

<sup>11</sup> The referendum of March 17 proposed that the self-styled state formation become a part of the USSR. The referendum of December 1 proposed that the DMR be independent of a Union formation; it read "Are you in favor of the independence of the Dniester Moldovan Republic in the political and economic Union of sovereign states?"

<sup>12</sup> Grigorii Maracuța, chairman of the Supreme Soviet, won 33.4 percent of the vote, and Gennadii Blagodarnyi, running on the Democratic Party ticket, won 1.2 percent.

<sup>13</sup> Moscow All-Union Radio Maiak, December 8, 1991; cited in *FBIS*, December 9, 1991, p. 54.

voters with gun shots;<sup>14</sup> and that there were no open polling stations on December 8 in Dubăsari, Rîbnița, Grigoriopol', Tiraspol' and Bendery. Several residents of the Tiraspol' region reported to Helsinki Watch that they observed incidents in which a single voter was allowed to cast multiple votes, allegedly for family members. Some local residents told Helsinki Watch they believed that villages such as Cocieri, Coșnița, Pogreb'e, Lunga, Corjeva and Pîrîta later suffered attacks by DMR forces as retribution for not participating in the DMR elections.

A group of some five deputies from the St. Petersburg City Council who observed the voting procedures in Tiraspol', Dubăsari "and a series of rural population points," declared that "the elections and referendum [held on December 1, 1991] were conducted within the boundaries of generally accepted democratic practice for carrying out elections and referenda."<sup>15</sup> Representatives of the Commission on Security and Cooperation in Europe (CSCE) observed the December 8 elections and concluded that voting was "sporadic" in the left-bank area and that "officials did not permit any polling places to operate" in the Gagauz Republic.<sup>16</sup>

### *Unrest Among the Gagauz*

A period of unrest followed the declaration of independence of the Gagauz Republic on August 19, 1990. In October, the Moldavian government sent Soviet Ministry of Internal Affairs troops into areas in and around Comrat to challenge Gagauz separatists (who were joined by elements of supporters of the DMR, sympathetic to their call for autonomy). Then-president Mircea Druc declared a state of emergency on October 26. The Moldovan parliament passed a resolution denying the legitimacy of the Gagauz' claim and subsequent dialogue on the issue was minimal until the spring of 1992 when the first official Chișinău-Comrat negotiations took place.

Beginning around September 20, 1992, representatives of the self-proclaimed Gagauz republic, including parliamentary chairman Mikhail Kendigelian, met with Chișinău officials to negotiate a settlement of the secessionist dispute. According to "confidential sources close to Moldova's leadership," proposals discussed at the meetings included Moldova's recognition of a "self-governed Gagauz territory" in exchange for the Gagauz' pledge to abandon demands that Chișinău recognize their independence and turn the republic into a federation.<sup>17</sup> In recent talks between President Snegur and the three chairmen of the Gagauz Republic in Comrat, Moldova has proposed granting these *raions* administrative and territorial autonomy in the form

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<sup>14</sup> Rompres, December 8, 1991; cited in *FBIS*, December 9, 1991, pp. 55-56.

<sup>15</sup> See "Conclusion of a group of representatives of the St. Petersburg City Council attending the referendum on independence and elections for president of the Transdniester Moldovan Republic in the capacity of independent observers," no date.

<sup>16</sup> See "Report on the Moldovan Presidential Election, December 8, 1991, Kishinev, Komrat and surrounding regions," Commission on Security and Cooperation in Europe, December 21, 1991, p. 1.

<sup>17</sup> Interfax in English, September 22, 1992; cited in *FBIS*, September 23, 1992, p. 40.

of a "national country" within the Republic of Moldova;<sup>18</sup> the response to the proposal is not yet known. Also under discussion is a draft law on Gagauz territorial autonomy, prepared by a joint commission of the Moldovan parliament and government.<sup>19</sup> President Snegur reportedly made it clear in a meeting with Gagauz representatives that "it was impossible for Moldova to become a federal republic,"<sup>20</sup> but that it might be possible to make areas with high concentrations of Gagauz into a county with special status endowed with the right to manage its own local budget, determine its own educational system, elect its own *bashkhan* (leader), ratify its own laws on a local basis and run a separate police force.<sup>21</sup> As of this writing, prospects for settlement are unclear, in part because of discord within the Moldovan parliament.

### Reactions to Legislation Aimed at Promoting Moldovan Culture

The adoption of the law "On Granting the Moldavian Language the Status of State Language and the Return to It of the Latin Script" (August 31, 1989) and the law regulating its implementation, "On the Functioning of Languages on the Territory of the Moldavian SSR," (September 1, 1989) brought on a wave of unrest.<sup>22</sup> On September 4, 1989, within days of the adoption of the Moldovan language and script laws, workers at some 200 factories and other enterprises, mostly on the left bank, held a roughly month-long strike to protest their passage. On April 27, 1990, the Moldavian Supreme Soviet adopted a state flag (an eagle against the Romanian tricolor), and on September 21 the bull's head (the ancient symbol of Moldovan Romanians) against the tricolor was designated the emblem of the republic.

The August 31, 1989, language law restores the use of the Latin script in place of Cyrillic after a hiatus in most parts of Moldova of forty-five years — a process of reestablishing the primacy of local languages and alphabets going on elsewhere in the former Soviet Union. (The DMR has designated equal state status to three languages: Moldovan, Russian and Ukrainian. In practice, however, Russian appears to be the dominant language in areas claimed by the DMR.)<sup>23</sup> While guaranteeing the use of Russian, Gagauz and other languages spoken locally in other spheres of communication, the September 1 Moldovan law mandates that those "who associate with citizens in their official work capacity" meet a minimum level of fluency in

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<sup>18</sup> Moldovapress, reported September 18, 1992; cited in *RFE/RL Daily Report*, September 22, 1992, p. 4.

<sup>19</sup> *Ibid.*, October 6, 1992, p.2.

<sup>20</sup> Rompres, October 1, 1992; cited in *FBIS*, October 2, 1992, p. 28.

<sup>21</sup> Helsinki Watch interview with Vladimir Socor, October 15, 1992.

<sup>22</sup> Except where stated otherwise, all excerpts from laws and other legal documents cited in this report are translated from the official Russian version.

<sup>23</sup> For a more detailed discussion of the use of language, see the chapter in this report on "Violations of Freedom of Speech and Freedom of the Press."

Moldovan by January 1, 1994.<sup>24</sup> The law does not outline standards against which to appraise a candidate's knowledge of Moldovan, however, undermining confidence in the laws and causing anxiety among many non-Moldovan speakers. Moreover, the exact stipulations of the law are not well understood among the general population, exacerbating concern about who is legally required to exhibit a minimum knowledge of the state language, under what conditions, and what the penalties are for failure to comply.

One of the most commonly heard objections to the language laws is that they are unreasonably burdensome on the non-native speaking population. Some allege that the laws have been applied before legally warranted, resulting in discriminatory job dismissals. It is likely that the laws have caused unrest not because they are selectively punitive but because they are simultaneously menacing and vague, exacerbating an already tense atmosphere.<sup>25</sup>

Above and beyond legal and philosophical objections to the language laws, there is little evidence that they are achieving their goal of increasing proficiency in Moldovan among the general population. One impediment to the transition to a Moldovan-competent society is the lack of teaching materials and trained language instructors. Government officials, such as members of the Department of Nationality Problems in Chişinău, acknowledge and bemoan the lack of proper facilities, including grammar books and trained teachers, and point out that in the three years since the laws were passed Moldovan authorities have been unable to fill the breach satisfactorily.<sup>26</sup>

Another hindrance to the full implementation of the laws is that current Moldovan society has little need for the laws except on an ideological level. The reality is that most Moldovan speakers are at least conversant in Russian and in many cases fluent and are willing and able to accommodate Russian-speakers.

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<sup>24</sup> Article 7 reads: "For head workers, workers in the organs of government power, or government management and social organizations, and also for workers in enterprises, institutions and organizations who associate with citizens in their official work capacity (health care, public education, culture, the media, transportation, communication, commerce, the service sector, housing, law enforcement organs, emergency aid service and others), regardless of national affiliation, for the purposes of ensuring the rights of the citizen to choice of language, demands are set forth in the area of mastery of Moldovan, Russian and, in areas with a population of Gagauz nationality, Gagauz languages on the level of communication sufficient to execute professional duties. The scope and level of the knowledge of the languages is determined in the order set out by the soviet of ministers of the Moldavian SSR in accordance with existing legislation."

<sup>25</sup> Often overlooked, for example, is the guarantee set out in a Supreme Soviet resolution that the law 'On the Functioning of Languages' "is introduced gradually, in accordance with the degree of preparedness of the spheres of political, economic, social and cultural life, of national structure, and also of the concrete language situation in various regions and labor collectives of the republic." Resolution of the Supreme Soviet of the Moldavian SSR "about the order of introducing into active use the law of the Moldavian SSR 'On the Functioning of Languages on the territory of the Moldavian SSR,' September 1, 1989, Article 1.

<sup>26</sup> Helsinki Watch interview, August 18, 1992, Chişinău.

The thousands of workers who fall into the category of those who must be able to demonstrate a satisfactory command of Moldovan by 1994 face the real and imminent possibility of losing their jobs. Yet most residents interviewed by Helsinki Watch note that non-Moldovan-speakers have made little perceivable effort to attend language classes provided free of charge by the government, to work independently with available grammar books, or otherwise try to improve their knowledge of Moldovan. The middle-aged and elderly in particular are pessimistic about being able to reach a level of satisfactory proficiency, so most do not make a serious attempt to comply with the legal requirements. Some undoubtedly also resist learning Moldovan either as a sign of protest or because they are planning to leave the Republic. In many cases there is little real need to speak Moldovan in daily communication, particularly in urban areas, and therefore potential students make little natural progress through engaging in daily language practice.

A similarly divisive issue is the transition to the Latin script. To protest the script legislation, the self-proclaimed Supreme Soviet of the DMR passed a law on September 8, 1992, voiding the 1989 Moldovan law on script and reinstating the Cyrillic script for "all situations in which the language is used."<sup>27</sup> This law confirms what exists in practice: all signs in Moldovan seen in Tirapol' by Helsinki Watch representatives in August were still written in the Cyrillic script.

### **Political Harassment**

There were a number of politically motivated attacks in Chişinău before the outbreak of armed conflict allegedly against people's deputies who expressed disagreement with the views of the Popular Front or who represented Unitate-Edinstvo, and incidents of assault and murder of political leaders of the left bank during the conflict. Andrei Pologov, a deputy from Tirapol', told Helsinki Watch that on May 20, 1990, he and several other deputies representing Unitate-Edinstvo, including Anna Volkova and Igor' Smirnov (currently the "president" of the DMR), were attacked.<sup>28</sup> In independent testimony, Mr. Pologov and People's Deputy Il'ia Trombitskii<sup>29</sup> reported to Helsinki Watch that they and fellow deputy Petr Shornikov were assaulted in the Orion Café in Chişinău on November 15, 1990, according to Mr. Pologov, by supporters of the Popular Front. Deputies Gimn Pologov, A. Efanov and D. Matchin reportedly were beaten on March 5, 1991, as they entered the parliament building in Chişinău.<sup>30</sup> Another deputy, Valentin Krylov, told Helsinki Watch that a few days later, on March 17, 1991, during a vote for independence from the USSR, he was thrown into Chişinău's Komsomol Lake by four unknown attackers as punishment for his having cast a vote in favor of Moldova's continued unity with the USSR. He claims that there were "perhaps hundreds" of similar

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<sup>27</sup> *RFE/RL Daily Report*, September 10, 1992, p. 3.

<sup>28</sup> Mr. Pologov notes that the attack took place on the same day as the burial of Dmitrii Matiushin, a Russian who was known to have been beaten to death. See "Bias Violations" in this report. Helsinki Watch interview, February 18, 1993.

<sup>29</sup> Helsinki Watch interview, August 4, 1992, Chişinău.

<sup>30</sup> Memorial, "O polozhenii natsional'nykh men'shinstv v respublike Moldova [Concerning the status of national minorities in the Republic of Moldova]," no date, p. 2-3.

incidents during the voting process.<sup>31</sup> Although the alleged victims say that all of these attacks were reported to the police, as of this writing no suspects have been found.

Attacks on political leaders took a more violent form on the left bank during the conflict. On April 30, 1992, Nikolai Ostapenko, a deputy of the DMR parliament, chairman of the *raion* soviet for the left-bank city of Slobozia and one of the leaders of the Slobozia OSTK, was killed. This was followed several days later by the death of Aleksandr Gussar', the chief of staff for the DMR's paramilitary units. (See "Politically Motivated Killings" in this report.)

## PARTIES TO THE CONFLICT

In the fall of 1991, the only regular armed forces on Moldovan soil were those of the Russian 14th Army, the heir to the Soviet Army stationed on both banks of the Dniester, although garrisoned much more heavily on the left bank.<sup>32</sup> In addition, as the hostilities began, spontaneous defense units sprang up, supplementing the organized armies that were formed later and joined the military engagement.

Accurate statistics for the number of men who fought in the conflict in eastern Moldova are difficult to determine because of reluctance on the part of defense authorities on both sides of the conflict to disclose them, and because some combatants served as volunteers and mercenaries and consequently were not registered formally.

### Moldovan Government Forces

The fighting forces on the Moldovan side consisted of volunteers, police officers and hastily assembled National Army soldiers. Some wore camouflage, some solid fatigues, and some had the word "poliția" written on their uniforms.

As the only armed forces available to the Moldovan government when the fighting first broke out, the police (*poliția*, formerly known as the *miliția*) were called on to serve as soldiers. Armed with hand guns, automatic rifles and hand grenades, and dressed in policemen's uniforms, the Moldovan police, who numbered several thousand and received only their policemen's salary for their participation in the fighting, suffered a high number of casualties proportionate to their ranks. The Moldovan police force was the only GROUP engaged in active combat that included women, who represent less than ten percent of the police force, according to MVD authorities. It is unclear whether these female officers were used in combat. Another set of participants in the Moldovan fighting formations were the *carabinieri*, MVD employees

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<sup>31</sup> Mr. Krylov denies that he voted at all. He told Helsinki Watch that he reported the incident to the police, but ultimately did not pursue charges because he felt it was "useless." He states that he does not believe he was targeted because he was a deputy. Interview, February 5, 1993.

<sup>32</sup> The 300th Paratroop Regiment is garrisoned in Chișinău, but apparently did not participate in the conflict.

who served in the conflict zone. The carabinieri, who number some 1,000 - 1,200, also function during peacetime.<sup>33</sup>

One battalion of OPON (special function police units, similar to riot police),<sup>34</sup> numbering some 300, also participated in the fighting. A Republican Guard of Moldova was created on November 2, 1990; these soldiers numbered at their peak about 15,000. The government garnered additional recruits by initiating a universal draft in February 1992. Some soldiers were given a short refresher course before they were sent out into the field (almost all adult men had already served in the Soviet Army and had completed at least basic military training).

On March 4, 1992, the Moldovan Ministry of Defense was created, and was in place and functioning in time to send Moldova's first army recruits to the front. Of the approximately 4,000 soldiers and officers in the newly created Moldovan Republican Army, ninety-five percent of them were reserves. As of August, all received a salary of 3,500 rubles per month — roughly an average salary for a civilian. Officers in the Moldovan Ministry of Defense state that the Ministry obtained arms and military equipment such as automatic rifles and hand grenades from Romania by purchase and barter for use in the conflict.<sup>35</sup>

The left-bank press has reported that an informal albeit organized movement of resistance to the DMR government on the left bank was also responsible for violent acts in the conflict aimed at the DMR.<sup>36</sup> According to one analyst, these groups — including the "Panthers," the "Burunduki" (field rodents), the "Haiduki" (socially conscious historical robber bands, much like Robin Hood and band), the "Scorpions" and the "Buzhor"<sup>37</sup> — began functioning sometime in March 1992, and are composed mostly of left-bank villagers, many of them teenagers, who engaged in reconnaissance and other activities.<sup>38</sup> DMR authorities allege that these groups operated under the jurisdiction of the Moldovan military, a charge which has not been substantiated.<sup>39</sup>

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<sup>33</sup> Helsinki Watch interview with Dumitru A. Corlăteanu, August 5, 1992, Chişinău.

<sup>34</sup> *Otriady politzii osobogo naznacheniia.*

<sup>35</sup> Helsinki Watch interview with Moldovan Minister of Defense Aleksandr Gargan, August 6, 1992, Chişinău.

<sup>36</sup> One report indicates that fifteen "terrorists" were arrested in connection with the alleged workings of "Buzhor." *Narodnaia Pravda*, No. 33, August-September 1992.

<sup>37</sup> In one report, the "Buzhor" are identified as being centered in the village of Corjeva near Dubăsari under the leadership of Ştefan Urîtu and Ilie Ilaşcu. "Buzhor" has been accused in the press of being responsible for the murder of Aleksandr Gussar', although, according to one report, the group was "neutralized" several days after Gussar's death in May 1992. *Narodnaia Pravda*, *op. cit.*

<sup>38</sup> Helsinki Watch interview with Vladimir Socor, September 5, 1992.

<sup>39</sup> For the conclusions on this issue drawn by the military observers from the quadripartite group of 200 monitors (fifty each from Russia, Moldova, Romania and the DMR), see *Sfatul Ţării*, May 29, 1992.

The forces fighting on the Moldovan side used hand guns, automatic rifles, machine guns, grenades, anti-tank equipment, BTRs (armored personnel carriers), and MTBUs (anti-tank projectile missile launchers). DMR authorities allege that Moldovan government forces also used MiG-29 air power in attacks on Bendery and the bridge to Tiraspol.<sup>40</sup> The Moldovan Ministry of Defense denies using aircraft in combat.<sup>41</sup>

### **DMR Forces**

The military formations fighting for the DMR are even more eclectic.<sup>42</sup> Although no reliable figures are available, it is estimated that the Dniester joint command forces numbered roughly between 4,000 and 5,000 men. The largest part of the joint command was the Republican or Dniester guard, which began to be formed in 1988 from Workers Detachments for Cooperation with the Militia (ROSM),<sup>43</sup> and were activated on the order of Igor' Smirnov on September 27, 1991. Guardsmen are fulltime, paid soldiers, and are recognizable by the red head- and left arm-bands they wear; some also wear Soviet Army uniforms. On January 9, 1992, DMR authorities reportedly passed a resolution placing all former Soviet troops (approximately 20,000 men) under DMR command.<sup>44</sup> On September 25, 1992, President Smirnov issued a decree for compulsory military service in the area's armed forces and internal troops.<sup>45</sup> In an interview taken several days later, President Smirnov estimated DMR forces at 35,000 men.<sup>46</sup>

An additional several hundred to 1,000 mercenaries reportedly also served on the DMR side, wearing camouflage fatigues and khakis. These forces came voluntarily or were brought in from outside the Dniester area. Among them were Cossacks, ethnic Slavs who came from outside Moldova, primarily from the Don and Kuban regions but also from Siberia and the Caucasus mountains. Their traditional uniforms of blue wool tweedy coat, chevron on the left arm with blue, gold and red stripes, shoulder epaulets, knee boots and long swords made the Cossacks the most easily distinguishable among the participants in the conflict. Some, however, wore uniforms identical to those of the guardsmen. President Smirnov has stated officially that the DMR government asked the Cossacks not to enter the conflict, expressing the concern that

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<sup>40</sup> Records of the press center of the Government of the Dniester Moldovan Republic, June 23, 1992, p. 1.

<sup>41</sup> Helsinki Watch interview, August 6, 1992, Chişinău.

<sup>42</sup> Since the cease-fire, however, steps have been taken to formalize "national" armed forces. On September 8, for example, the DMR's Supreme Soviet approved plans for the formation of a formal air force and "department of military aviation," apparently formed from aircraft from the 14th Army.

<sup>43</sup> *Rabochie otriady dlia sodeistviia militsii.*

<sup>44</sup> Western agencies and Interfax, January 9, 1992; Cited in *RFE/RL Research Report*, January 24, 1992, p. 61.

<sup>45</sup> Moscow Maiak Radio Network, September 25, 1992; cited in *FBIS*, October 2, 1992, p. 29.

<sup>46</sup> Moldovapress citing western correspondents, September 29, 1992.

their participation would be misinterpreted as Russian interference.<sup>47</sup> Unofficially, however, it is widely believed that the DMR not only encouraged the Cossacks' participation but paid for their services, at wages allegedly many times higher than they paid their own forces, according to some residents of the DMR, interviewed by Helsinki Watch. It has also been reported in the Russian press that the DMR recruited young men for service by buying their way out of Russian jails in exchange for freedom and money.<sup>48</sup> Helsinki Watch could not confirm these allegations.

Other outside forces participating in the armed conflict apparently were pursuing their own agendas. The combined fighting forces of the Ukrainian People's Militia and those of the Ukrainian National Assembly, for example, provided manpower, equipment and financial aid to the DMR forces in order "to spread Ukrainian influence in Dniester with the goal of uniting these lands with Ukraine."<sup>49</sup> Likewise, it was reported that some twenty-five volunteers from Krasnoiarsk, Russia, and an unknown but undoubtedly small number of supporters of the Russian nationalist leader Vladimir Zhirinovskii also were or were about to be involved in combat in support of the DMR.<sup>50</sup>

The Dniester side was equipped with hand guns, automatic rifles, machine guns, anti-tank equipment, T-64 and T-72 tanks, Grad and Alazan rockets and BMPs (light artillery tanks with treads and a small cannon). DMR Minister of Defense Ștefan Cișac confirmed that the DMR purchased arms from the Russian 14th Army, although he declined to give specifics.<sup>51</sup>

### **The Russian 14th Army**

Although the Russian 14th Army was the primary supplier of arms, both intentionally and accidentally, to both sides in the conflict, elements of the army participated in the armed engagements only on the side of the DMR. The Army also provided critical moral support to the DMR through its widespread sympathy with the secessionist movement.

The 14th Army's presence in the Dniester region is large: there are nearly 10,000 servicemen and tens of thousands of reservists and retired military personnel living on the left bank out of a total population for the left-bank region of approximately 600,000, although the number of servicemen is believed to have dropped in the last year or so. Since many of the retirees and reservists are from the Russian Federation, their ties to the Russian military are strong. A large element of the 14th Army staff has lived for extended periods in the region; many, particularly retirees, reported to Helsinki Watch that they feel they have settled there and, consequently, are reluctant to leave it. As one "highly placed" but unidentified 14th Army

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<sup>47</sup> *Nezavisimaia Gazeta*; see *FBIS*, June 19, 1992, pp. 64-65.

<sup>48</sup> A.P., "U vsekh krov' alaia" [Everyone has red blood], *Argumenty i fakty*, July 28, 1992, p. 7.

<sup>49</sup> Sergei Starostin, "Goriachie golovy v Odesse boleiut za "PMR," [Hotheads in Odessa are Cheering for the "DMR"], *Nezavisimaia Moldova*, June 20, 1992.

<sup>50</sup> Interfax, June 28, 1992; cited in *RFE/RL Daily Report*, July 3, 1992, p. 3.

<sup>51</sup> Helsinki Watch interview, August 11, 1992, Tiraspol'.

officer stated, "The mood of the people is the following: 'We will not leave our land or abandon our fellow countrymen to the whim of fate. We have families here, and there is no other way to go than to protect our own home."<sup>52</sup> Grigorii Maracuța, chairman of the DMR's Supreme Soviet, recommended that the 14th Army remain for another "hundred - hundred and fifty years."<sup>53</sup>

On April 1, 1992, Russian President Yeltsin ordered that the staff and equipment belonging to the Soviet Army revert to Russian control. (Some units of the 14th Army were stationed in neighboring Ukraine, but most of them, unlike in Moldova, were under Ukrainian command.) As a result of the April decree, the domestic Soviet (now Russian) forces stationed in Moldova suddenly were on foreign territory, although there was considerable local support for the 14th Army to remain garrisoned on the left bank.

It is unclear how many of those engaged in active fighting or supplied arms to the insurgents, although these numbers are probably not more than 1,000. Arms were made available to insurgents primarily through outright gifts by sympathetic 14th Army personnel and through organized raids, many of which are believed to have been tacitly permitted by the guards on duty. Some of these raids on armories and military warehouses were spearheaded by the Women's Strike Committee, a left-bank political organization that has been active in civil disobedience and other actions against the Moldovan government.

The role of the 14th Army in the conflict initially was a hotly contested issue because of its implications for interference from Russia, a foreign actor.<sup>54</sup> Leading figures in the DMR and Russian governments, such as Russian Defense Minister General Grachev, originally denied any participation of the 14th Army in the combat in eastern Moldova. In an interview with Helsinki Watch, Major General Cițac referred to the Army vaguely as "guarantors of our safety" and denied categorically that either 14th Army equipment or staff had been involved in the conflict, although he acknowledged that the DMR had bought equipment from the 14th Army.<sup>55</sup> Major General Yurii Nekatchev, commander of the 14th Army through June of 1992, acknowledged that individual units were indeed involved in combat, but asserted that in doing so they had "gone out of control" and were disobeying his explicit orders.<sup>56</sup>

Subsequently, however, DMR officials began acknowledging the participation of elements of the 14th Army in the conflict. In an address on September 2, 1992, in honor of the second anniversary of the declaration of the DMR, President Igor' Smirnov hailed the involvement,

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<sup>52</sup> ITAR-TASS; cited in *Izvestiia*, June 3, 1992, p. 1.

<sup>53</sup> *The Express Chronicle*, August 12-18, 1992, p. 3.

<sup>54</sup> The Moldovan procuracy claims to be gathering evidence to use in war crimes against 14th Army members. Helsinki Watch interview with First Deputy Procurator Viacheslav Didik, August 6, 1992, Chișinău.

<sup>55</sup> August 12, 1992, Tiraspol'.

<sup>56</sup> *Izvestiia*, May 30, 1992.

saying "the republic has survived only thanks to Russia and the 14th Army."<sup>57</sup> Two weeks later Grigorii Maracuța stated at a press conference that "Russia's support for the Dniester region [is] not only moral and political but also material and military."<sup>58</sup>

The 14th Army currently is operating under the command of Colonel General Boris Gromov, the Deputy Minister of Defense of Russia, and under the direct supervision of Lt. General Aleksandr Lebed'.<sup>59</sup> In numerous public statements, Lt. General Lebed' has expressed the solidarity of his command with the DMR secession movement and his antipathy for the Moldovan government.

### **The "Third Force"**

Military manoeuvres were further complicated and abuses increased by the appearance of what was widely known as the "third force." Many point to a group of some 300 renegade guardsmen from the Dniester battalion in Bendery under the command of reserve Lt. Colonel Yurii Kostenko, who allegedly were involved in indiscriminate rampages in the DMR, causing scores of deaths and looting civilian property. A warrant for Kostenko's arrest was issued in April. On July 16 he was apprehended and delivered into the custody of the DMR procuracy and his battalion was "liquidated," in the words of the Dniester Procurator General.<sup>60</sup> Several days later, Kostenko (although technically in detention) reportedly was killed in a violent incident, his body found burned in a car.<sup>61</sup>

### **Foreign Involvement**

#### *Romania*

Romania's involvement has included sale and barter of arms to the Moldovan government (automatic rifles, grenades and ammunition),<sup>62</sup> and absorption of refugees, particularly children, who fled into western Moldova. Some Moldovan soldiers also reported to Helsinki Watch that certain Moldovan government forces had been trained in Romania.

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<sup>57</sup> RFE/RL correspondent; cited in *RFE/RL Daily Report*, September 3, 1992, p. 3.

<sup>58</sup> DR-Press and Radio Rossii; cited in *RFE/RL Daily Report*, September 21, 1992, p. 3.

<sup>59</sup> Interfax reported on September 18 that Aleksandr Lebed' was promoted from Major General to Lieutenant General on orders from Russian President Yeltsin, suggesting either Yeltsin's approval of Lebed's management of the 14th Army forces in Moldova or a concession to conservative pressure. He replaced Major General Nekatchev in late June 1992.

<sup>60</sup> Helsinki Watch interview, August 17, 1992, Tiraspol'.

<sup>61</sup> In part because the body was largely unrecognizable, rumors spread that Kostenko's "death" was staged, a corpse put in his place in order to remove Kostenko to Russia unharmed. See *Izvestiia* from July 21, 22 and August 7, 1992, and *Komsomol'skaia Pravda* of August 13, 1992.

<sup>62</sup> Helsinki Watch interview with representatives of the Moldovan Ministry of Defense, *op. cit.*

## *Russia*

The Russian Federation, through its control of and responsibility for 14th Russian Army, its diplomatic influence, and provision of peace-keeping forces, was unquestionably the most actively involved foreign actor in the Dniester conflict (*see* "Parties to the Conflict" above). The degree of involvement is notable because Russia lies some 320 miles from the nearest Moldovan border.

In a statement of October 8, 1992, President Yeltsin articulated Russia's political stance toward the conflict: "we have achieved our goal in Transnistria (sic)... We insist that the president of Moldova convince the parliament to grant Transnistria such political statehood that will provide for the exercising of the right to self-determination by this region."<sup>63</sup> By and large, Russian officials and the Russian press explain Russia's involvement by pointing to the country's perceived obligation to aid the ethnic Russian minority of the left bank, and response to the repeated pleas for intervention from the Dniester leadership. More cynical commentators see a continuation of Russian colonialism.

As of this writing, negotiations continue in Moldova as in other parts of the former Soviet Union outside Russia to set conditions for the withdrawal of former USSR, currently Russian, troops. The process was set in motion in Moldova on August 28, 1991, in the immediate wake of Moldova's declaration of independence; it now continues through bilateral Moldovan-Russian negotiations. Following talks with President Snegur, Russian Vice-President Aleksandr Rutskoi, who has been charged by President Yeltsin with working toward a peace settlement in Moldova, stated the following on July 15: "I won't say just yet what kind of status [we are discussing for the lands claimed by the 'DMR']... but such a status is obviously required before the peace-keeping troops can be withdrawn" from Moldovan territory.<sup>64</sup> The two sides reached agreement on "the gradual withdrawal of Russian military formations from the territory of Moldova" during talks in Moscow on August 14-15, 1992. In exchange, Russia is prepared to compensate Moldova by providing it with unspecified "alternate technology."<sup>65</sup>

## *Ukraine*

The Ukrainian government has steered a more cautious diplomatic course despite Ukraine's immediate proximity to the theater of conflict. Although the government sent no troops into the conflict, it could not prevent some volunteers from Ukraine from entering the fray, participating in military activities primarily but not exclusively in support of the Dniester insurgency (*see* "Parties to the Conflict" above). Ukraine's official involvement was limited largely to aiding and absorbing the tens of thousands of refugees who streamed into western Ukraine, primarily Odessa *oblast'* (county).

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<sup>63</sup> Cited in a letter of October 20, 1992, from Moldovan Minister for Foreign Affairs Nicolae Tău to the United Nations Secretary-General. United Nations General Assembly Security Council, A/47/561, S/24690, 20 October 1992, p. 2.

<sup>64</sup> TASS, July 15, 1992.

<sup>65</sup> *Nezavisimaia Gazeta*, August 15, 1992, p. 1.

The Ukrainian government did not take a position on a political resolution to the conflict until June 22 (during the heaviest fighting in Bendery) when President Leonid Kravchuk publicly endorsed the autonomy of the Dniester area within Moldova.<sup>66</sup> On that same date, Ukrainian Odessa Military District Lt. General Vitalii Radetsky stated that Ukrainian troops were ready for action in case of need to "protect the interests of the sovereign Ukrainian state."<sup>67</sup>

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<sup>66</sup> Radio Ukraine; cited in *RFE/RL Daily Report*, June 23, 1992, p. 1.

<sup>67</sup> ITAR-TASS; *Ibid.*

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

### **Politically Motivated Killings, Attacks on Medical Personnel and Vehicles, Mining, Indiscriminate Attacks on Civilians and Civilian Structures, Pillage, Mistreatment in Detention, Collective Punishment, Disappearances**

#### **POLITICALLY MOTIVATED KILLINGS**

Article 3 of the Universal Declaration of Human Rights states that "everyone has the right to life, liberty and security of person." Protocol II to the Geneva Conventions, Article 4 (2)(A) prohibits "violence to the life...of persons, in particular murder."<sup>1</sup> Article 6 of the International Covenant on Civil and Political Rights, to which Moldova is a party, states that "no one shall be arbitrarily deprived of his life."

Numerous incidents of apparently politically motivated killings took place during and possibly subsequent to the armed conflict, and undoubtedly were perpetrated by individuals on both sides of the secessionist struggle. In some cases investigations are either ongoing as of this writing or no charges have been brought, likely because of fear of retribution. Victims of these murders were either members of or were associated with a clearly pro- or anti-DMR stance, and in all likelihood were killed by supporters of the opposite political view.

#### **Killings Committed Allegedly by Supporters of the DMR**

One of the first of these allegedly politically motivated killings took place in March 1992.<sup>2</sup> The victim was Teofan Tuntulescu, a teacher in Dubăsari in his early fifties and the husband of an outspoken opponent of the DMR. The Moldovan Committee for the Defense of Human Rights undertook an investigation of the incident. Ștefan Uritu, Committee chairman

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<sup>1</sup> Although the Republic of Moldova has not submitted a formal notice of succession to Protocol II, it nonetheless is obliged under international law to uphold its provisions. The Union of Soviet Socialist Republics submitted its ratification of Protocols I and II to the Swiss Government on September 29, 1989, taking effect on March 29, 1990. Article 12 of the Agreement Establishing the Commonwealth of Independent States, to which the Republic of Moldova became signatory on December 21, 1991, states that "The High Contracting Parties undertake to discharge the international obligations incumbent on them under treaties and agreements entered into by the former Union of Soviet Socialist Republics." See generally Restatement Article 210 (3) of the Foreign Relations Law of the United States on succession of newly independent states to international agreements.

The scope of Protocol II additional to the Geneva Conventions is defined in Article 1: "This Protocol...shall apply to all armed conflicts which are not covered by Article I of the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) and which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol."

<sup>2</sup> According to other reports, the attack on the Tuntulescus' apartment took place in mid-February.

and until early 1992 a leading member of the Popular Front, recounted the details of the Committee's findings for Helsinki Watch:<sup>3</sup>

The death of Teofan Tuntulescu was directly connected with the joint trip to Moscow which we returned from on the 19th or 20th of January, 1992, in which I and members of other political movements met with Russian Federation officials to discuss evidence of a connection between Russia and the Dniester region [Pridnestrov'e]. Tuntulescu's wife was a member of our delegation who maintained active ties with Integritat<sup>4</sup> but was not a member of it. They threatened her the way it usually goes in our parts: "Get out of here, beyond the Dniester" and so forth. Tuntulescu died in March from an explosive device that was attached to the handle of his door, clearly meant for his wife. People were throwing rocks at his window — who of us hasn't had his windows broken? He started to run out onto the street, opened the door and was blown up on the spot, right in front of his wife and daughter.

Aleksei Konovalov, aged forty-three at the time of his death, was deputy chairman of the village council of Caragaş, a village whose residents are reported to have expressed opposition to the DMR by not participating in local elections and referenda, housing a permanent office of Democratic Movement Demnitatea and hosting President Snegur during his election campaign in the fall of 1991, a meeting Mr. Konovalov himself organized. (Mr. Konovalov was a member of Demnitatea, but left the organization in March 1992 because he had been threatened by individuals in the Regional Executive Committee (Raiispolkom), according to a member of Demnitatea).<sup>5</sup> According to several sources close to the case, he was last seen being accompanied from his office in Slobozia on May 19, 1992. One source, whose name is being withheld, reported that his body was found in a well on September 29 in the right-bank village of Copanca in Slobozia *raion*.

Ivan Ivanov, a member of Demnitatea and friend of Mr. Konovalov, reported the following to Helsinki Watch:<sup>6</sup>

He wasn't connected with any political or terrorist group whatsoever. Previously he had worked in the militia. Rumors had been spread that former militia officers were keeping weapons at their houses. They searched his apartment about two weeks before he was taken away. They threatened to "take care of his family" if he didn't give up the weapons, but they didn't find anything.

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<sup>3</sup> Helsinki Watch interview, September 14, 1992.

<sup>4</sup> Integritat is a political group that, among other things, advocates maintaining the territorial and political integrity of the Moldovan Republic.

<sup>5</sup> Helsinki Watch interview, February 11, 1993.

<sup>6</sup> Helsinki Watch interview, February 12, 1993.

His wife identified the body. She said he had been shot in the back of the head and had broken teeth. His arm and leg were also broken. Apparently he had been beaten; they disfigured him. He was probably killed for political reasons. They wanted to get information from him about the connections between Chişinău and democratic thinkers on the left bank. But he didn't know anything.

Ştefan Urîtu, who investigated the disappearance in his capacity as the chairman of the Committee for the Defense of Human Rights, recounted the following for Helsinki Watch:<sup>7</sup>

We were able to learn that the chairman of the kolkhoz of the village of Caragaş, Volchanskii, and chairman of the Slobozia OSTK, Zatiţa, met in the village one hour before Konovalov disappeared. There was a car parked next to them — a red ninth edition "Zhiguli" with tinted windows in which two men with machine guns were sitting. Right after that someone called Konovalov out of the office, and he advised his secretary that he would be back in half an hour. The secretary saw through the window that he had gotten into the red "Zhiguli." We know that Konovalov was kept for three days in Slobozia, and then he was taken in the same "Zhiguli" in the direction of Tiraspol'.

Konovalov's wife came to see me two weeks after he disappeared, on May 29, several days before my own arrest. With Procurator Luchik's permission we went to the Directorate of Internal Affairs (UVD) of the Dniester area [Pridnestrov'e], the former KGB, where we had reason to believe Konovalov was located. The same Vladimir Ivanovich [who later was involved in Mr. Urîtu's arrest] directed us to wait in the vestibule. At that time I noticed a red "Zhiguli" of the same make in the courtyard and jotted down the number. Later I saw that piece of paper on the investigator's desk. It had been confiscated from me during my search.

A half hour later we were told to "remove ourselves from the building" and only after a repeat visit to the procurator and a visit with Igor' Smirnov was it proposed that Konovalov's wife be given the opportunity "to have a look through the cells." Naturally she didn't find her husband, nor could she find him because the red "Zhiguli" with the tinted windows was no longer in the courtyard. When I said that it was probable that Konovalov had just been taken away in that car, the officials at the UVD and the procuracy began assuring me that I had just thought I had seen the car. The next day I was arrested.

### **Killings Committed Allegedly by Opponents of the DMR**

Nikolai Ostapenko, deputy of the DMR parliament, chairman of the Slobozia *raion* soviet and one of the leaders of the Slobozia OSTK, reportedly was shot to death when machine gun

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<sup>7</sup> Interview taken by Yelena Danielyan, September 3, 1992. Contents of conversation confirmed by Helsinki Watch with Mr. Urîtu on January 29, 1992.

fire ripped through his car in the village of Caragaş near the town of Slobozia. It is reported that he died of his wounds on April 30, 1992.<sup>8</sup>

Just over a week later, Aleksandr Gussar', one of the leaders of the Slobozia OSTK and chief of staff for the DMR's paramilitary units, reportedly was kidnapped on May 8, 1992; his body reportedly was found shot and burned in a torched car shortly after that.<sup>9</sup> According to DMR Procurator General Boris Luchik, eight men were arrested in May and June of 1992 and charged with these murders under Article 63 of the Moldovan SSR Criminal Code ("terrorist act"), among other violations.<sup>10</sup> As many as seven others were arrested and later released on charges of terrorism.<sup>11</sup> As of this writing, six individuals are known to remain incarcerated in Tiraspol' on these charges: Ilie Ilaşcu, Andrei Ivanţoc, Aleksandr Leşco, Tudor Petrov (Popa), Viaceslav Garbuz and Petru Godiac. At least four of the six were members of the Popular Front at the time of their arrest.<sup>12</sup>

#### ATTACKS ON MEDICAL PERSONNEL AND VEHICLES

Article 11 (1) of Protocol II additional to the Geneva Conventions states that "medical units and transports shall be respected and protected at all times and shall not be the object of attack." In at least one reported incident, this prohibition was flagrantly violated. The perpetrators have yet to be found and brought to trial.

According to victims, at 3:40 a.m. on March 30, 1992, an ambulance with the identifying words "Emergency Aid" on the side of the vehicle was carrying civilian patients to the hospital in the village of Taşlîc, in the left-bank *raion* of Grigoriopol'. In the ambulance were Sergei Lazarenko, a seven-year-old boy who reportedly was suffering from appendicitis; his mother, Nina Lazarenko; twenty-year-old Svetlana Semenova, who was about to have a baby; a midwife, Violeta Rozhka; and the driver, Aleksei Rusnak.

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<sup>8</sup> Moscow Interfax in English, May 2, 1992.

<sup>9</sup> TASS, May 8, 1992. In one report, Mr. Gussar' is identified as the "chief of the local popular front headquarters." See ITAR-TASS in English, May 8, 1992; cited in *FBIS*, May 11, 1992, p. 54.

<sup>10</sup> Helsinki Watch interview, August 14, 1992, Tiraspol'. In most cases Moldovan laws are still applicable in the DMR. The law defines the act as "Murder of a government or social leader or representative of power committed in connection with his state or social activities with the goal of undermining or weakening Soviet power." *Ugolovnyi kodeks Moldavskoi Sovetskoi Sotsialisticheskoi Respubliki* (Kishinev: Katria Moldoveniaske, 1983), p. 79.

<sup>11</sup> According to Ştefan Urîtu, one of those released, his case and those of at least two others (Vadim Marian and Pavel Vasil'iev) were closed for lack of evidence. Procurator General of the DMR Boris Luchik, however, told Helsinki Watch that Mr. Urîtu remains under investigation. Correspondence dated February 2, 1993.

<sup>12</sup> For more information on these arrests, see the Romanian Helsinki Committee and the International Human Rights Law Group, "Report on the Arrest and Detention of the Tiraspol Six," January 1993.

Nina Lazarenko recounted the following to a journalist from her hospital bed after the attack:<sup>13</sup>

A group of five or six men stopped the ambulance, I think to check documents. There was a wooded area to the left of the car, and on the right side was an open field. The car started up again at a slow speed and started moving away, and machine gun fire broke out from the wood, ripping through the vehicle. The driver called out "Don't shoot! This is an ambulance!" Finally they stopped shooting and after a long while I opened the door and let myself down onto the road. I went in the direction of the town and found the guard post and told them what happened.

According to the television report, everyone on board was wounded; the midwife, fifty-two year-old Violeta Rozhka, died of multiple shots to the head and upper body.

### MINING

One of the most serious and reprehensible violations of international law committed during the Moldovan-DMR conflict is the practice of using land mines in civilian areas. Mines have been reported in the cities of Bendery and Dubăsari, and the villages of Pogreb'e, Dorotskoe, Coşnița and Cocieri. According to the Moldovan Ministry of Health, wounds suffered from mine explosions constituted approximately eight percent of all casualties registered from the conflict.<sup>14</sup> It was not possible to confirm who is responsible, although residents of Bendery and its environs interviewed by Helsinki Watch blamed both sides. Regardless of responsibility, the act itself must be condemned in the strongest terms.

#### Bendery

Parts of the city was mined during the conflict, including civilian structures such as private homes, courtyards to private homes and libraries. During Helsinki Watch's mission, the "Druzhba" (Friendship) movie theater, located on one of the main streets, was cordoned off with signs that warned "mined."

In Bendery, in a complex of four single-story homes connected by a common courtyard with vegetable gardens and grapevines, residents who had held out during the fighting pointed out the places where mines had been removed from their home by peace-keeping forces. One of the residents, a heavy-set, elderly woman named Vera, pointed to the pockmarked ground in the yard and in the lean-to abutting her home. Indicating a hole in the dirt near the garden, she said:

A little boy was blown up by a mine yesterday — here. You can see. The peace-keeping forces have been here and are de-mining. We have already walked along this path to the garden, so here it is alright. Don't worry.

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<sup>13</sup> Interview with cable television AsKet, date unknown.

<sup>14</sup> Casualty statistics provided by Dr. Andrei Krushinskii, August 7, 1992, Chişinău.

## **Cocieri**

Cocieri is a small left-bank village of some 10,000 in a crook of the Dniester River near Dubăsari. Helsinki Watch representatives heard repeated, independent testimony concerning the existence of mines in this agricultural village. Tania, a soft-spoken eighteen year-old mother and student at the local polytechnical institute, recalled the scene she fled on May 21:

The shooting went on day and night: machine gun fire, Alazan rockets, tanks. Our neighbor, Arton Pavlovich Duca, went out to feed his pigs and got blown up when he stepped on a mine, everything blown off up to his waist.

### **INDISCRIMINATE ATTACKS ON CIVILIANS AND CIVILIAN STRUCTURES**

The protection of civilians during internal armed conflict is provided for in Article 13 (2) of Protocol II additional to the Geneva Conventions, which mandates that "the civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited." In violation of international law, both Moldovan and DMR forces failed to insure the safety of the civilian population.

Many civilian and "friendly-fire" casualties on both sides undoubtedly were caused by the high number of inexperienced and unprepared combatants. Still other civilian casualties were caused by Alazan rockets, atmospheric devices whose radius of accuracy is broad; they are designed to hit clouds, not targets as small as a person.

#### **Attacks by Moldovan Government Forces**

##### *Bendery*

Twenty-nine-year-old Igor', a lively Russian entrepreneur who lives in Bendery, recalled the following for Helsinki Watch representatives from his hospital bed at the Dniester Republican Hospital in Tiraspol' (formerly the Tiraspol' City Hospital):

I live two blocks from the police station, right in the center of town. There are five-story residential buildings on my street, where Kommunisticheskaia and Komsomol'skaia streets intersect. Generally there are [Moldovan] volunteers stationed there. On July 26 at 8:20 at night I left my house to go across the street to my father's. I was in a T-shirt and regular street clothing, and was unarmed. I got two gunshot wounds in my left leg. The shooting definitely came from the [Moldovan] side.

#### **Attacks by DMR Forces**

##### *Bendery*

An elderly man who identified himself as a Russian from Bendery recounted to Tiraspol' television journalists in a shaky voice how he was attacked at home in March. He had cuts under his left eye.

It was my birthday. The table was set. Guardsmen broke in. They put me in a neck hold, started hitting me in the kidneys, and stole the keys to my car. They even took the vodka that we were drinking.

### *Slobozia*

Professionals such as doctors and teachers were the particular target of deliberate terrorizing acts perpetrated by left-bank authorities, primarily guardsmen; some were attacked in Slobozia, a left-bank town about half an hour's drive south of Tiraspol'. Victims and others interviewed by Helsinki Watch reported that the goal of these attacks was to purge the area of the intellectual and social leaders who were the products of right-bank education (prior to 1990 the only institutions of higher education in Moldova were located in Chişinău). Victims allege that the attacks were aimed at intimidating them and removing them from the area in order to allow for the advancement of newly-educated professionals from the left bank.

A young doctor in Slobozia, whose name is being withheld, reportedly was a victim of one of a series of violent assaults on doctors from the Dniester by left-bank forces that ended in his suffering permanent damage to his right leg. Helsinki Watch representatives interviewed him in the Traumatology Hospital in Chişinău, where seriously wounded and ill patients wandered the shady grounds of the former monastery. An ethnic Moldovan, he was brought to this hospital on June 1 with multiple bullet wounds to his right leg. Taking a break from reading the volumes by Solzhenitsyn and Freud that crowded his hospital bed, he recalled the events leading up to the attack.

Before [my attack], several other doctors were harassed, some were arrested. I saw one doctor who worked at the hospital. He came to work with bruises and cuts from beatings. He said guardsmen [beat him up]. Two weeks before the attack two doctors were arrested: they had lists of people who had been targeted for torture and murder. The atmosphere was very tense.

The guardsmen would get drunk and terrorize people. They are not authorized to act here. They just don't want to work. The guardsmen compile lists of "unnecessary" people. They came to the hospital to sign up volunteers, and wanted me to accept arms. I was against the war. Everyone knew that I was against it. I was afraid to go to work.

[The attack] took place on May 14 at around 11:15 at night. I was relaxing at home, undressed, watching television. I heard two cars drive up at high speed. I told my elder son to turn on the light on the porch. I saw everything because of the light. They came into the house. They were wearing masks and had machine guns. They were guardsmen and were dressed in "Afghan" uniform, multicolored khakis. They threatened when they came in that if we went to the procuracy they would finish me off. They spoke pure Russian, and theirs were unfamiliar voices to me. I didn't know any of them, but they were almost certainly local.

They started shooting. They shot up the kitchen, the television set, all of the rooms. I was afraid for my family. My wife and sons were there [aged six and the

other in tenth grade]. They hit my younger son with a rifle butt and beat my wife. They told them to stand with their faces to the wall and their hands up. They shot around them... [The bullets] didn't hit them. They beat my wife and she lost consciousness. They hit my older son in the face. Then they went out to look for me. I knew they would find me, so I decided to go out myself. I went out the door. They shot me, and I fell. I knew I had been hit. I didn't cry out or they would have finished me off. I'm a doctor so I knew how to hold my leg to stem the flow of blood. I lost a lot of blood. I almost died. I saw the muscles had been torn away. I lay for an hour on the street in a semi-conscious state, holding the wound with my hand. The neighbors didn't come out onto the street. Finally my little son came out to see me, to see what had happened to his father. With him I crawled thirty meters to the house. My wife was lying on the floor unconscious.

I wound up in the same hospital where I work. Pretty ironic. Two other doctors also wound up in the same hospital. One of them is a good friend of mine. He had been shot in the head. They had attacked him before. One time they shot at his house, another time they set his house on fire. I found out that four families in my part of town had also been shot up the same night as I was. I can't work [at the hospital] anymore.

They have operated on me four times. I've lost ten centimeters [from my right leg]. I've been here almost three months. I had to get a grip on myself because I was crying all the time.

### *Cocieri*

Throughout the early months of 1992, the road into Cocieri, a left-bank village near Dubăsari, was blockaded by tanks from the DMR fighting forces and the barricades became the site of numerous *ad hoc* negotiations between the residents and patrols. On March 3, local residents reportedly seized arms and brought on the first military engagement in that area. Tensions continued there, erupting in a bloody incident on May 11 when seven people reportedly were killed near Cocieri, including a sixteen-year-old girl, and again on May 21, when 14th Army tanks reportedly opened fire on the river crossing, killing and wounding several civilians.<sup>15</sup>

Valentina L., a factory worker in her forties, was evacuated from Cocieri along with her three children following the clashes on May 21. She recounted the following to Helsinki Watch representatives, huddled in the dark school house in the village of Dănceni outside Chişinău that was a shelter for some 420 refugees:

They [the DMR forces] were shooting from Alazan rockets during the night. At around eight o'clock my cousin, Gheorge Afanasievich Kozhushiiian, who is forty-five, was sitting near the gate to his house. A shell hit him and he died outright. The house next door was completely destroyed. At around two o'clock in the morning — we couldn't sleep — I saw my neighbor, Mikhail Soldatov, out the

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<sup>15</sup> *Russkaia Mysl'*, June 26, 1992, p. 8.

window, out on the street. He is about sixty-seven years old. They blew off his legs.

Another woman from Cocieri, Valentina P., who was evacuated on May 22, recalled the attacks by DMR forces on the village:

The shelling was heavy at night. The main target was the invalid hostel, which was a sanatorium for military personnel, old heroes of various nationalities. The building was damaged and the windows were all broken. The shells also hit the school and the Polytechnic Institute, which was empty, as well as the residential homes and stores. The windows were all blown out.

On the 22nd a shell fell right into our window, and another one into our neighbors' vegetable garden. The gunfire shot through our house and left a line of holes, like for seeds. The Alazan rockets would shoot past the window, red like balloons, and they went whizzing by, that's the kind of noise they made. They shot from up high and worked their way down, always working their way downward through the buildings.

### *Butorii*

There were also reportedly attacks on civilians perpetrated by individual DMR fighters. On July 11 in the village of Butorii in Grigoriopol' *raion* (district), seven civilians — all members of one farming family and including three women and an eight-year-old boy — reportedly were shot to death. A witness and fellow militiaman stated in a videotaped interrogation in Tiraspol' that the perpetrator was Vladimir Kaziulin, a volunteer militiaman and former factory worker serving with the DMR forces.<sup>16</sup> A criminal case has been initiated against him. The witness reported:

My friend offered me some alcohol. I refused, but he asked again, so I drank with him. Then I fell asleep. When I woke up he was all excited and told me he had killed two people. I didn't believe him.

A blond sixteen-year-old male resident of the village, speaking hesitantly on the videotape, picked up the story:

I witnessed it, yes. I was down by the river. He had a machine gun, and made me throw the bodies into the water. So I picked them up and threw them into the water. Then he started shooting at me. He emptied a whole magazine of his gun. But I dove into the water and swam to the other side.

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<sup>16</sup> Videos provided to Helsinki Watch by independent television AsKet.

## Attacks by Unidentified Forces

### *Bendery*

According to witnesses interviewed by Helsinki Watch, the situation during the period of fighting in Bendery, from June 19 to early August, was chaotic. The fighting forces on both sides wore a variety of uniforms; some were not in uniform at all and thus were indistinguishable from civilians. The victims themselves in most cases were unable to identify their attackers, either in ethnic or military terms.

One resident who had remained in her house throughout the fighting gave Helsinki Watch representatives a tour of the bent wire, burned out motorcycle shell and wild weeds that were her front yard. In the middle of the enclosure, recessed at least thirty feet from the street and separated from it by a wide metal gate, was a mound with a cross made of sticks over it. According to this woman, her neighbor, a young man, had been shot as he stood in the garden, and had been buried where he died.

A Moldovan woman in her fifties who did not give her name lives in the same neighborhood. Helsinki Watch representatives found her cooking the produce from a wrecked vegetable garden over a butane canister. She reported the following:

They killed my nephew. He was such a good man, such a calm man. He would do anything for you, never got tired, always helped out. His name is Valerii Cencic. He was thirty-four and is Moldovan, too. We don't know who killed him.

There were fires in three houses nearby. He went out on to the street to help. They shot him in the legs. They abused him, shot him in the mouth. We couldn't get to him, even though we could see him through the gate, because we didn't want to go out onto the street. He lay there like a dog for...days. His wife screamed so much. She had lost her brother, too.

In numerous television interviews filmed by independent Tiraspol' television, residents of Bendery told of being shot by gunfire while they were in their homes, even in apartments that were well above ground level.<sup>17</sup> One middle-aged woman reported:

They were shooting from side-to-side, up and down each floor of the apartment building. The building was shaking like an earthquake.

In another film clip, a young woman with her right arm in a gauze bandage recounted the following in a near-hysterical state:

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<sup>17</sup> The justification for shooting at the tops of apartment buildings is often that the gunmen were aiming at snipers allegedly positioned on the roof. This was likely to have been the case in Bendery since fighters did take over some residential buildings for combat purposes. Helsinki Watch condemns this practice in the strongest terms.

I was shot at home. They were shooting up and down the apartment building. I went into the third room, away from the window. The gunfire was so powerful that the bullets hit even in the third room.

### *Parcani*

Parcani, on the outskirts of Tiraspol', is located on the shore of the Dniester opposite from Bendery. A woman recovering at the Dniester Republican Hospital in Tiraspol' recounted the following to Helsinki Watch:

I was shot in the arm on June 20 in the middle of the day as I was standing in my yard. The shooting had begun on June 19 — we could hear it from Bendery. Shots were exchanged between the two cities. By the 20th people did not pay much attention to the fighting, and some would come outside to chat with their neighbors during the shooting. I have met other wounded from Parcani here at the hospital.

### *Dubăsari and Environs*

Helsinki Watch spoke with Colonel Mikhail Ryzhalov, the chief surgeon at the Ministry of Defense military hospital in Chişinău, who had been tending the sick and wounded in the village of Holercani near Cocieri and witnessed further attacks on civilian structures:

I was working in a pension that had been turned into a medical facility. On June 5 or 6 we were hit by gunfire coming from the direction of Dubăsari. The shots levelled at the hospital started up high and worked their way down to the bottom of the building. They also hit a church in the town.

Evidence suggests that this incident was not isolated. Independent television footage shows the aftermath of a shooting attack on a civilian driver, himself in civilian clothes, and in a clearly non-military car. The driver, approximately forty-five years old, reportedly was driving through Dubăsari during the day on approximately March 14 when his car was shot through by machine-gun fire, hitting him in the left thigh.

There is also evidence of shelling of civilians in the Dubăsari area. On June 25 or 26 in the village of Tsybulyovka, near Dubăsari, eight civilians allegedly were killed outright and fifteen were wounded as they were hit by shelling from an unidentified source. One apparent eyewitness, interviewed on independent television, recalled in an independent television interview how his nine-year-old daughter had been wounded in the attack.

### *Dorotskoe*

Medical records of the Moldovan Ministry of Defense reflect further incidents of indiscriminate attacks on civilians. "On her way from work" on April 17, forty-eight year-old Valentina Strikh of the village of Dorotskoe was hit in the right shin by gunfire. On April 20, a state farm worker from the same village, thirty-three-year-old Liubov' Kozhokar', was recorded as having been brought in to the Chişinău Emergency Hospital for broken bones and "gun shot wounds suffered while standing in her own courtyard."

## *Rogi*

These medical records also reflect that Tat'iana Popova, a forty-two-year-old sanitation worker, told medical workers who registered her at the local hospital that she had been "caught in gunshot fire" at 10:00 p.m. on April 22 in the village of Rogi, and that she had received shrapnel shards in her rib cage.

## **PILLAGE**

Article 4 (2)(g) of Protocol II additional to the Geneva Conventions prohibits pillage.

### **Pillage by Moldovan Government Forces**

An elderly woman in Bendery named Vera led Helsinki Watch representatives through the rubble of the one-story house she shared with relatives, most of whom had since left the city, and recounted the following:

I lived for one month in the basement. One day a group of military volunteers, OPON, broke into the house. They were wearing the white head and arm band [that is characteristic of Moldovan forces]. They spoke to me in my native language [Moldovan]. They said "Old woman, get out of the way." They took everything. We used to live here peacefully. Everyone knew we lived peacefully. It was an excellent courtyard.

Her neighbor, a Moldovan man in his thirties named Vasia, with whom she shared a courtyard and vegetable garden, showed Helsinki Watch representatives the wreckage as he stroked the cat who had recently reappeared after two months of fighting. He reported:

Men wearing white arm-bands came in. They broke into the house. They robbed the house. They even shot my goat, who lived here in the yard.

In one videotaped arrest, shot by independent television on July 21, Commander Bergman interrogated a group of men, some in uniform, some not, by the roadside in Parcani, near Tiraspol', as they had been driving out of Bendery. The men, who identified themselves as guardsmen, Cossacks and militiamen, stood sheepishly as the investigator opened their sacks of civilian booty: rugs, cassettes, radio equipment, books. By way of explanation, one of the detainees said: "There were open apartments in Bendery."

### **Pillage by DMR Forces and Mercenaries**

Testifying to the scope of looting in Bendery, there were crowds of people at the door of the joint military command in Bendery who waited daily in late summer for written certification that they have the right to remove property, such as furniture, from the city. The measure was instituted so that residents leaving the city with their own property would not be suspected of looting, the assumption being that anyone seen carrying away goods is a thief. A special Military Command began functioning on July 25 under the leadership of Mikhail Bergman to apprehend military personnel involved in criminal activity, such as robbery.

## MISTREATMENT IN DETENTION

Article 4 (2)(a) of Protocol II additional to the Geneva Conventions prohibits "violence to the life, health and physical or mental well-being of persons, in particular...Cruel treatment such as torture, mutilation or any form of corporal punishment." Article 4 (2)(e) also forbids "outrages upon personal dignity, in particular humiliating and degrading treatment." Article 7 of the International Covenant on Civil and Political Rights states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Principle 6 of the United Nation's "Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment" (1989) mandates that "No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment of punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment." Principle 21 (2) of the "Body of Principles" states further that "No detained person while being interrogated shall be subject to violence, threats or methods of interrogation which impair his capacity of decision or his judgement."

### Mistreatment by Moldovan Government Forces

Dumitru A. Corlăteanu, head of the Department of Public and Foreign Relations for the Moldovan MVD, admitted that "many" prisoners were beaten in Moldovan custody. "This is war," he said.<sup>18</sup>

In an interview filmed by a journalist employed by the Moldovan MVD, a young Cossack about twenty-five years old recounts how he was taken prisoner by Moldovan forces in the left-bank village of Cocieri. Helsinki Watch believes the source to be credible since it is not in the interests of the Moldovan MVD to present evidence that implicates Moldovan forces in human rights violations. In a barely audible voice, further muffled by a swollen and bruised face, he reported the following:

There were about 800 of us Cossacks in the area of Cocieri. I came on March 5 for reconnaissance, and after that the fighting started. I was attacked by Moldovan forces along with nine other Cossacks. The others were hit by the shooting and died outright. I am the only one to survive. I didn't have any arms when they took me in. They beat me. Then they brought me to Chişinău and released me.

### Mistreatment by DMR Authorities

Four students at the T.G. Shevchenko Pedagogical Institute in Tiraspol' (Eduard Moshniagul, Sergei Port, Victor Semeniev, and Yurii Mogildan) and other witnesses report that during the night of March 17-18, 1992, the four students were arrested in their dormitory rooms by armed men from the DMR battalion. Ivan Panchenko, assistant rector and dean of the

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<sup>18</sup> Helsinki Watch interview, August 5, 1992, Chişinău.

Mathematics Department at the Pedagogical Institute, recalled for Helsinki Watch representatives the events leading up to the arrests:<sup>19</sup>

They had begun to terrorize the staff and students at the Institute. It all came from the deputies of the Supreme Soviet of Dniester. For example, every day Radio Dniester would sling mud at the Institute, against the group, against the teachers, saying that they stole, calling them "nationalists" and other names. They claimed that there were weapons hidden at the Institute. Finally, on March 15 the rector proposed letting the students out of classes for a week until things calmed down. I went out and tried to calm the students, and gave them my home phone number. At eight o'clock that night I got a call from the dormitory that there was shooting on the campus of the student area. So I called the police. I remember their answer verbatim. They asked "Who was shooting?" I said, "I don't know." They asked "Did they kill anyone?" I said "No." They said "Well, that means they weren't shooting right."

I got another call at 1:30 in the morning. They said to come immediately, that they were taking students away. I went right over; it's not far from my house. I went into the dormitory and saw six armed men from the Dniester battalion standing in the corridor of the first floor. I saw a student standing with his hands up and legs spread, and his face to the wall.

Sergei Port, a twenty-year-old Moldovan, was a third-year student in the Physics and Mathematics Department of the Pedagogical Institute at the time of the incident. He reported the following in a separate interview with Helsinki Watch:<sup>20</sup>

There were about fifty guardsmen. I was on the fourth floor of the dormitory so I could count them out the window: thirty of them came into the dorm, about ten per floor. We were in the last room on the corridor, three of us, all Moldovans. We weren't asleep, but we were lying on our beds so there wouldn't be any incidents. We heard a knock at the door, then they started breaking down the door. Seven guardsmen came into the room, and there were another ten in the corridor near the door. They had automatic rifles, pistols, and I saw two grenades. They said they were looking for whoever had shot out the window. I didn't have any weapons, and they didn't find anything in our room. They ordered us to lie face down on the floor and close our eyes, and they started beating us with their rifles: on our backs, and one guy on his head. They beat us for about twenty or thirty minutes. It was awful, like what the Germans did. Then they stood us against the wall and promised to shoot us all. They picked up three cartridges and one of them said "Here, one of these cartridges is going to wind up in your head," and prepared the rifle and put it to my head.

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<sup>19</sup> Helsinki Watch interview, September 15, 1992.

<sup>20</sup> Helsinki Watch interview, September 16, 1992.

Again, Mr. Panchenko:

On the fourth floor I heard noises coming from one of the rooms. I tried to see what was going on inside, but a guardsman closed the door. I pushed at the door and was able to open it a bit and saw what was going on. I saw three students lying face down on the floor with their hands behind their heads. The guards were beating them. On the wall I saw one of them had a fifteen-by-fifteen centimeter tricolor flag. One of the men from the battalion was saying "I'm taking you in and then I'll show you a tricolor!"

Mr. Port continued in a separate interview:

They took the three of us downstairs to the first floor. We asked why we were being taken. One soldier said "Because you are Moldovans." I asked "What did we do wrong?" They said "You don't want to support us." They asserted that we were drunk and took a blood sample for analysis, but they didn't find anything. While we were there the captain told us to go back to Moldova — even though we were in Moldova — because the Russians didn't have anywhere to study. Five hours later they let us go. They never charged us with anything.

A twenty-year-old student in the Geography Department of the Pedagogical Institute whose name is being withheld recalled for Helsinki Watch an incident that he reported took place in the custody of the procuracy:<sup>21</sup>

In early June — I don't remember the exact date — about 400 of us gathered on the square in front of the Government Building [Dom Sovetov] in Tiraspol' to protest the arrest of Ștefan Urîtu, who teaches at our institute. Suddenly four people came up in civilian clothes and were pointing at my friend and classmate Vova Poia and said "That's him!" They took him by the arms and took him into the Government Building. We asked to accompany him and they let three of us go with him. They took him through a back door to the procuracy, which is where the Executive Committee [Ispolkom] is located. The procuracy workers accused him of murder, of having slashed a guardsman to death with a knife the previous night. They took him away, and we heard sounds of him being beaten, which went on for about half an hour.

They questioned each of the three of us who were accompanying him one-on-one, each for about three hours: 'What terrorist organization is fostered in the Institute? Who is organizing it? Where did we get weapons?' Questions like that. They let us all go, including Vova, after four hours. They never initiated criminal charges against him.

In another incident, Ștefan Urîtu, chairman of the Committee for Human Rights, former chairman of the Popular Front's Tiraspol' chapter and associate professor and former deputy

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<sup>21</sup> *Ibid.*

dean of the Physics Department at the Pedagogical Institute, was arrested on June 2. He recounted the following for Helsinki Watch:<sup>22</sup>

The doorbell rang. I went to the door and said "who is it?" My neighbor said "it's me." So I opened. My neighbors were standing there. You could tell the woman neighbor was upset. You could see she wanted me to come out. Without stepping out of the apartment I peeked out to see who was standing behind the wall because she indicated to me "they are waiting for you around the corner." I turned away and at that moment two people came out from behind my neighbors' door, twisted my arms behind my back and dragged me — I was in a t-shirt and pants — down the stairwell. They were all in civilian clothes. They did not present any identification. When they arrested me they took me out onto the landing and immediately began hitting me around my heart, I assumed, in order to stop my heart. There is that technique: a sharp blow. At first maybe I did not feel it, but while I was sitting in the [jail] cell I had bruises for about two weeks. Investigator Storozhuk, Procurator General Luchik and the Defense Minister could [all] see them. They could see them because when they brought me in there were scratches and there was blood on [my] hands. "What, they beat you?" I said "of course they beat me." "I'll show them. I'll take care of them. What, they took you right from your apartment? They'll get it for that." You see, that's what they said.

Mr. Urîtu's wife, Liuba, recounted the following about the arrest for Helsinki Watch:<sup>23</sup>

When I came home there were two guys waiting on the stairs to our building. My husband came home at 8:30 p.m. Four men who were well dressed and in civilian clothes came in. They beat my husband and handcuffed him. They turned a gun on me and threatened to rape our daughter. They took him away in his underwear; he had no shoes on. Two of them stayed behind with me in the apartment to keep me inside and stayed there until the next morning. I out-stood them, though, and didn't sit down all night. They searched the apartment. I saw my husband a week after his arrest. He had bruises on his arms and back, which he said were from the initial beating.

Procurator General of the DMR, Boris Luchik, acknowledged in an interview with Helsinki Watch that Mr. Urîtu had been hit, claiming that it had been necessary and lawful since he had resisted arrest.<sup>24</sup>

Ilie Ilaşcu, one of several individuals arrested by DMR authorities in May and June 1992 on charges of terrorism, is alleged to have written a letter from prison in Tiraspol' describing mistreatment in detention. In a letter dated November 26, 1992, which was obtained from the

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<sup>22</sup> Helsinki Watch interview, September 31, 1992.

<sup>23</sup> Helsinki Watch interview, August 12, 1992, Tiraspol'.

<sup>24</sup> Helsinki Watch interview, August 14, 1992, Tiraspol'.

Christian-Democratic Popular Front of Moldova and appeared in several Moldovan newspapers, the author alleges that he and others held on terrorism charges — Andrei Ivanțoc, Alesksandr Leșco, Tudor Petrov (Popa) and Petru Godiac — "over the course of six months have been subjected to continual torture and physical and psychological methods...Of 'beating out necessary evidence.'" The author of the letter alleges suffering attacks by dogs, beatings and psychological terror, such as being told that their families had been shot because of the prisoners' misdeeds. He further describes being subjected to mock executions four times in July and August while in the custody of the Russian 14th Army. Although Helsinki Watch cannot confirm the authenticity of the letter, Ilașcu's lawyer, Ioan Voziian, who has met with Mr. Ilașcu on several occasions during his incarceration, reported to Helsinki Watch that Mr. Ilașcu repeated to him these allegation in person. Mr. Voziian further states that Mr. Ilașcu has had access to other prisoners being charged with terrorism, in some cases living with them in the same cell, lending credibility to Mr. Ilașcu's allegations that these other prisoners have been mistreated.<sup>25</sup>

### COLLECTIVE PUNISHMENT

Article 4 (2)(b) of Protocol II additional to the Geneva Conventions prohibits "at any time and in any place whatsoever...collective punishments."

Tiraspol' is the source line that supplies natural gas to Chișinău and its environs, the most populous area of Moldova. On June 20, 1992, that line was cut, presumably by DMR authorities. Igor' Smirnov declared it reopened to Bendery and Moscow on August 7 at 9:00 a.m.<sup>26</sup> For that approximately six-week period, the 754,000 residents of the capital city, as well as those of towns along the line, including Anenii Noue, Ialoveni, Orhei Rezina and Criuleni, were without gas, including basic cooking facilities.

### DISAPPEARANCES

Incidents of disappearances are alleged to be widespread, most of them presumably of individuals missing in action. Helsinki Watch received evidence of one apparently politically motivated disappearance.

Anatolii Zhivotkov, an ethnic Jew who worked as a deacon in the church in Bendery and then in Suple, reportedly disappeared on March 6, 1992. His case was investigated by the Committee for the Defense of Human Rights. Committee chairman Ștefan Urîtu related the following:<sup>27</sup>

Zhivotkov was not even a member of the Popular Front, but back when the law on language was being adopted and when generally the rise in the movement

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<sup>25</sup> Helsinki Watch interview, February 2, 1993.

<sup>26</sup> *The Express Chronicle*, August 5-11, 1992, p. 3.

<sup>27</sup> Interview taken by Yelena Danielyan, September 3, 1992. Contents confirmed by Ștefan Urîtu in Helsinki Watch interview January 29, 1993.

was taking place, he wore the insignia pin of the Popular Front, came to meetings, and came out in support of the independence of Moldova. He disappeared on March 6; he went to work and never came back. We were unable to find any trace of him. Dniester Procurator Boris Luchik has a saying: "God grant that he be found without a head, but alive." In our experience when that is said you are never going to find that person ever. We had a certain understanding with Luchik: he would ask us to inform him of everything that we knew about these cases, as I understood later, only for the purpose of being able to cover up for the perpetrators in time.

## VIOLATIONS OF CIVIL AND POLITICAL RIGHTS

### Violations of Due Process, Violations of Freedom of Speech and Freedom of the Press, Bias Violations

Limitations on fundamental civil and political rights, including freedom of speech, on both sides of the Dniester are a result — and, to some extent, a cause — of the armed conflict in eastern Moldova. Failure to cease these abuses and institute mechanisms for permitting free expression jeopardizes the prospects for peace in the future.

#### VIOLATIONS OF DUE PROCESS

The right to counsel from the moment charges are brought or within twenty-four hours after arrest is guaranteed in the 1990 amendment to the USSR Fundamentals of Criminal Procedure, which applies to the Moldovan Republic in the absence of any superseding legislation.<sup>1</sup> Article 14 (3)(d) of the International Covenant on Civil and Political Rights states that "everyone shall be entitled...to have legal assistance assigned to him...without payment by him in any such case if he does not have sufficient means to pay for it."

Helsinki Watch documented several cases connected with the conflict in which persons detained on both sides of the struggle were deprived of this right by police authorities and by the procuracy. Procurator General of the DMR Boris Luchik asserted during meetings with Helsinki Watch representatives that "all the prisoners [being held on charges of terrorism] have attorneys."<sup>2</sup> However, according to several prisoners with whom Helsinki Watch representatives spoke upon their release from prison, that assertion is false.<sup>3</sup> Ștefan Urîtu was held in a DMR prison for almost twelve weeks but reportedly was allowed to meet with his lawyer only twice (on August 7th and 13th), the first time more than two months after his initial arrest.<sup>4</sup> His lawyer, Ioan Voziian, told Helsinki Watch that he had been denied access to materials pertaining to the case that were necessary to prepare the defense.<sup>5</sup> Ilie Ilașcu, another prisoner

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<sup>1</sup> *Zakon o vnesenii izmenenii i dopolnenii v osnovu ugovornogo sudoproizvodstva SSSR i Soiuznykh Respublik* [Law on the Introduction of Changes and Additions to the Fundamentals of Criminal Legal Procedure of the USSR and the Union Republics], Articles 22 and 23 (April 10, 1990).

<sup>2</sup> Helsinki Watch interview, August 14, 1992, Tiraspol'.

<sup>3</sup> These prisoners were or are still being incarcerated on charges of terrorism, charges which in some cases are believed to be politically motivated. See "Mistreatment in Detention" in this report.

<sup>4</sup> Ștefan Urîtu maintained a dry hunger strike from August 3 to 7 to protest his illegal detention, agreeing to eat again only when his wife informed him by phone that she had been able to engage a defense lawyer. Mr. Urîtu's first lawyer was forced to abandon the case when he was called up for military service. There was also difficulty finding an affordable attorney. Helsinki Watch interview with Leonid Eggi, member of the *ad hoc* Committee for the Protection of Ștefan Urîtu, August 8, 1992, Odessa, Ukraine.

<sup>5</sup> Helsinki Watch interview, August 17, 1992, Tiraspol'.

held by DMR authorities on terrorism charges, reportedly met with a defense lawyer for the first time in September, three months after his arrest.

Under the law of the former USSR and the present Republic of Moldova, prisoners in pre-trial detention may be allowed visitors only with the permission of the procurator. DMR Procurator General Luchik initially suggested that he could arrange for Helsinki Watch to meet the prisoners, but in the end refused.<sup>6</sup> He repeatedly assured Helsinki Watch that "everyone [who has asked] has been granted the opportunity to meet with" the prisoners held on terrorism charges, including human rights and humanitarian organizations and journalists. Ștefan Urîtu told Helsinki Watch that during his incarceration, except for relatives, he met with only one journalist.<sup>7</sup> Access was also apparently granted to some unidentified petitioners to Viacheslav Garbuz.<sup>8</sup>

### VIOLATIONS OF FREEDOM OF SPEECH AND FREEDOM OF THE PRESS

In the DMR, newspapers and television and radio stations have been forcibly closed or dismantled, in some cases under threat of force, and newspaper property confiscated (the ability to confiscate paper, for example, obviates the need to close an enterprise down entirely). The free distribution of both print and broadcast media has been impeded to varying degrees on both banks. There is no official censor in Moldova.

Some long-standing technical problems prevent radio and television programming from being broadcast evenly throughout the territory of Moldova. Left-bank radio broadcasts do not reach right-bank audiences, for example, because the transmitters are too weak. Likewise, cable service is still largely unavailable, so the cable television programs broadcast from Tiraspol reach only a limited, almost exclusively left-bank audience.

The dependence of the media on economic sponsors to finance their work, such as government bodies and branches of the armed forces, to whom they are beholden for their finances, has also impeded free expression. The rare exceptions are those media which are indeed self-financing. In most cases, however, these media have small circulations and concomitantly limited influence. Some journalists also indicated that they practice self-censorship out of fear of reprisal or ostracism; at least one prominent left-bank correspondent uses a pseudonym when submitting articles for distribution in the DMR.

Many journalists interviewed by Helsinki Watch lamented the relatively low level of accountability in local journalistic reporting. They reported that radio broadcasts, for example, are aired without bylines; consequently, radio journalists may broadcast with impunity, knowing that their personal reputations are not jeopardized if their information turns out to be inaccurate. The resulting instances of irresponsibly alarmist and subjective reporting by some

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<sup>6</sup> He proposed a meeting with a prisoner the representatives had not requested instead.

<sup>7</sup> Helsinki Watch interview, September 11, 1992.

<sup>8</sup> Other prisoners allege that Mr. Garbuz was granted special privileges by SIZO (investigative isolation) officials in return for his turning evidence against other defendants.

media of both banks (and some in Russia) contributed to the misunderstanding and antipathy of some residents of Moldova toward each other.<sup>9</sup> Some combatants reported to Helsinki Watch that they joined the fighting specifically in response to media reports of atrocities, many of which subsequently turned out to be exaggerated or untrue. Supposed eyewitnesses on both sides recounted outrages which, on closer examination, turned out to be repetitions of unverifiable stories reported in the media.

### Violations by the Moldovan Government

Russian and Moldovan media sources have reported a number of incidents in which they allege that the Moldovan government has set restrictions on Moldovan and Russian media. The Russian newspaper *Komsomol'skaia Pravda* reported that the Moldovan parliamentary presidium passed a resolution on August 23, 1991, following the failed coup in Moscow, stopping transmission of Ostankino (Central Russian Television) and closing newspapers it deemed "instruments of the propaganda of anti-constitutional violence."<sup>10</sup> In an interview with Helsinki Watch, Vlad Pascaru, Deputy Chairman of the Moldovan Parliamentary Commission on issues of glasnost' and the mass media, confirmed that two newspapers (*Sovetskaia Moldova* and *Cuvîntul*) had been banned following the failed coup because they were organs of the communist party.

The Moscow-based human rights group "Memorial" has charged that Moldovan government authorities ceased re-transmitting television broadcasts from Russia as of January 1, 1992, and later that month ceased airing central television and radio programming.<sup>11</sup> Mr. Pascaru called this "a lie." *The Express Chronicle* reported that on September 3, 1992, the Glasnost' and Mass Media Commission removed several Russian newspapers from the list of possible subscriptions for the year 1993-94, but lifted the ban five days later.<sup>12</sup> Mr. Pascaru denied that any bans on the Russian media had ever been adopted, although he acknowledged that the possibility of such a ban had been discussed in his commission: some of its members felt that some Russian newspapers and Ostankino disseminated "incorrect information about Moldova" and that a ban would be appropriate to punish Russia for its failure to distribute more than five

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<sup>9</sup> A journalist in Tiraspol' who follows the Moldovan press defines the most extreme ends of the political spectrum on the issue of the Dniester separatist movement as *Țsara* (Country), the newspaper of the Christian Democratic Popular Front, on the extreme pro-Chișinău end, and *Trudovoi Tiraspol'* (Working Tiraspol') on the pro-DMR end.

<sup>10</sup> August 28, 1991, p. 1; cited in *FBIS*, August 29, 1991, p. 118.

<sup>11</sup> "O položenii natsional'nykh men'shinstv v respublike Moldova [On the status of national minorities in the Republic of Moldova]," Historical-Educational, Human Rights and Charitable Society "Memorial", no date, p. 2.

<sup>12</sup> Those excluded reportedly included *Den'* (Day), *Krasnaia Zvezda* (Red Star), *Sovetskaia Rossiia* (Soviet Russia), *Pravda* (Truth), *Rabochaia Tribuna* (Workers' Tribune), *Sovetskii Voin* (Soviet Soldier), and *Moskovskaia Pravda* (Moscow Truth). *The Express Chronicle*, September 2-8, 1992, p. 2. *Krasnaia Zvezda*, however, named *Krasnaia Zvezda*, *Sovetskaia Rossiia*, *Moskovskaia Pravda*, *Rabochaia Tribuna* and *Pionerskaia Pravda* as those being prevented from being distributed on Moldova territory. *Krasnaia Zvezda*, September 9, 1992; cited in *FBIS*, September 14, 1992, p. 31.

Moldovan newspapers on its territory.<sup>13</sup> He stated that Moldova currently receives all newspapers, all radio stations and one television station (Ostankino) from Russia.<sup>14</sup>

### Violations By DMR Authorities

Authorities in the DMR closed or dismantled numerous organs of the print and broadcast media on the left bank, in part through forcible removal of editorial boards. According to a local journalist who asked not to be identified, these included the newspaper *Tighina*, published in Bender, <sup>15</sup> and the Dubăsari newspaper *Znamiia Pobedy* (Banner of Victory). One journalist asserts that "after the closing of *Adevărul Nistrean* and *Slobozieni Nistrean* (Moldovan versions of *Dnestrovskie Novosti* [Dniester News] and *Slobodzeiskie Novosti* [Slobozia News]) not one newspaper remained in the Dniester area in the Moldovan language."<sup>16</sup> *Țara* (Country), the newspaper of the Christian Democratic Popular Front, which criticizes the DMR, was available at kiosks in Tiraspol' during the Helsinki Watch mission, but there are no local opposition news sources in the DMR.

All five of the *raion* radio stations on the left bank were closed between the fall of 1991 and the spring of 1992; it is unclear as of this writing whether any of them has resumed regular broadcasting. In 1991 local authorities began to establish a centralized broadcast system for both radio and television based in Tiraspol' which provides programming for the left bank areas, replacing the previous system. A local journalist reported that "television broadcasts go out only in Russian," and that "almost all editorial staffs of *raion* radio stations" were replaced "for political reasons."<sup>17</sup> According to a Chișinău radio report, the radio center in Grigoriopol' *raion* based in the village of Maiak "was seized by forces from an armed Dniester battalion." The report charges that Mr. Okulov, the chief of the directorate for press, radio and television broadcasting in the DMR, apparently "participated" in the seizure.<sup>18</sup>

A resident of Tiraspol' recounted to Helsinki Watch an incident that occurred in early summer that suggests the degree to which some DMR residents feel inhibited about exercising their right to free expression:

My daughter is in fifth grade. She and the other children in her class were asked to draw a map of the Dniester Moldovan Republic. She and a little Jewish girl drew the area and included Moldova, and also added at the top the tricolor

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<sup>13</sup> Mr. Pascaru explained that there was no official ban on these publications from the Russian side; there is merely little demand for them in Russia.

<sup>14</sup> Helsinki Watch interview, February 8 and 11, 1993.

<sup>15</sup> The journalist states that its paper was confiscated following the issuance of a resolution from the city soviet that the newspaper was slandering the leadership of the DMR.

<sup>16</sup> "The Dniester Regime and Civil Liberties," *The Express Chronicle*, July 28-August 3, 1992, p. 4.

<sup>17</sup> *Ibid.*

<sup>18</sup> Chișinău Radio Chișinău Network, May 8, 1992; cited in *FBIS*, May 11, 1992, p. 54.

[Moldovan Republic] flag and a dove. When the teacher saw the maps she became enraged and yelled at the girls. She called the director of the school, who came and reprimanded them. The other children became hostile, too. One of the teachers had to walk my daughter home because she was afraid she would be beaten up.

## BIAS VIOLATIONS

### Violent Attacks

Ethnically and politically motivated harassment of and by non-combatants is one of the most disturbing developments in Moldova in recent years. Attacks began well before the conflict assumed military proportions, and have been reported on both banks.

It is difficult to gauge the scale of such harassment for several reasons. First, law enforcement and judicial authorities do not keep statistics on the number of such attacks because they do not categorize them separately as "bias crimes." Second, victims may be hesitant to report such crimes to law-enforcement officials; some commented to Helsinki Watch representatives that they had become cynical and doubted that local law enforcement would investigate and effectively prosecute such crimes. The experience of the Balin case (*see* below) suggests that there may be a basis for this skepticism. Others reported that they fear retribution if the case were characterized publicly as ethnically motivated. Unitatia-Edinstvo, an equal rights advocacy group that focuses almost exclusively on the rights of Russians, claims that the movement has registered thirty to forty what it considers bias attacks in the last three years; they state that the incidents have also been registered with the local police, but that none of these cases has been resolved in court.<sup>19</sup> Helsinki Watch investigated two apparent bias crimes and was able to confirm them. Because of the problems of registering such attacks, discussed above, there is reason to believe that hate crimes are more widespread than just these isolated attacks.

One of the most well-known incidents of alleged bias crimes was the attack on May 14, 1990, of Dmitrii Matiushin, a young man who was beaten to death in the center of Chişinău. Medical records show that Matiushin died of head wounds. According to the written statement of a self-identified eyewitness, one man who dealt some of the fatal blows accompanied them with provocative anti-Russian comments. Three men are subjects of a criminal investigation of the murder, which was initiated on April 30, 1991. Almost two years later the case has not come to trial.<sup>20</sup>

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<sup>19</sup> Helsinki Watch interview with Elena Barfolomeeva, member of Unitatia-Edinstvo's council, August 7, 1992, Chişinău.

<sup>20</sup> The three defendants are Petr F. Ţurcan, born in 1969, currently in detention; Ivan K. Mikhailuk, born in 1958, and currently in detention; and Ivan Rotar', born in 1964. According to the Procuracy of the Moldovan Republic, Petr Ţurcan was released pending trial and then rearrested on unrelated charges on January 20, 1992; and a search warrant has been issued for Ivan Rotar', who escaped custody on August 19, 1992. The status of Ivan Mikhailuk is unclear. Correspondence from Viacheslav Didic to Helsinki Watch dated February 11, 1993.

An example of a more recent alleged hate crime is the attack on sixty-one-year-old economist Vitalii Balin in Chişinău on June 23 of this year. At the time of the Helsinki Watch mission, Mr. Balin was still recuperating in the hospital and unable to speak with Helsinki Watch representatives. His wife, Aleksandra, who was not present at the time of the attack, recounted the following:<sup>21</sup>

Vitalii was born in Russia, but has lived in Moldova since 1955 when he was twenty-four. On June 23 he was working alone at his place of work on the outskirts of Chişinău. Three people came into his office, one of whom he knew. One of them was named Lupashko, whose brother had been killed in the Dniester area. They locked the door behind them and said "You killed my brother, so I'm going to kill you." They beat him, hitting him on the face and head. Now he has almost complete hearing loss in his right ear. As they were leaving they told him to explain that he had fallen down, not that he was beaten, "or else we'll annihilate your family." A neighbor heard and called an ambulance. They had heard that he was involved in collecting money to send in support of the movement in the DMR, but that wasn't true. In fact, no one on his work expedition was collecting money.

We filed a report with the police, who apparently got in touch with at least Lupashko. When he realized that he was facing time in prison he came to the hospital where my husband was to ask his forgiveness. My husband answered that he was in bad condition and said "I'm not going to speak with you."

We received an answer from police official Captain Chebotar' about one month after they attacked my husband in response to our request that they initiate a criminal case. They said that it was not a crime but an act of hooliganism, and that therefore they would not initiate a criminal case. They said we could sue if we wanted, but we are not going to sue. We are afraid for our safety.

### **Discriminatory Dismissals from Work**

There are numerous allegations of mass firings that occurred in Moldova immediately following the adoption of the law on state language, reportedly of people who were unable to demonstrate sufficient knowledge of the Moldovan language. The human rights division of the Moscow branch of "Memorial" asserts that many workers who feared they would not be able to pass a Moldovan language proficiency test resigned their places at work because they feared that they would be fired.<sup>22</sup> Helsinki Watch was unable to confirm these allegations. It is not known how widespread the practice was or is on either bank.

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<sup>21</sup> Helsinki Watch interview, October 10, 1992.

<sup>22</sup> "O polozhenii natsional'nykh menshinstv v respublike Moldova," *op. cit.*, p. 1.

### *Dismissals by DMR Authorities*

Numerous individuals with whom Helsinki Watch representatives spoke told of being dismissed from work as a means of intimidating them for expressing support of either the Moldovan government or Moldovan culture. Anna, a portly Moldovan woman from Bendery in her forties, broke down in tears as she recounted the following to Helsinki Watch. At the time of the interview she was a refugee housed temporarily in a refurbished pioneer camp in the village of Condrița, on the outskirts of Chișinău.

I teach Russian language in school. My husband is Ukrainian. I speak five languages: Moldovan, Russian, Bulgarian, Gagauz and Ukrainian. I teach Russian and speak it at home. But I feel that Moldovan should also be respected. I frequently spoke out to protest that the Moldovan language is not being taught in school, and once appeared on television saying so. On September 17, 1991, I was fired from work because of my activities. On June 21, thirteen guardsmen attacked me and my husband and children in broad daylight, around noon, because they recognized me as a defender of Moldovan culture. They shot at us and chased after us. We ran down an alley and got away.

Numerous other refugees testified to similar incidents of individual punitive discharges from work. One egregious case of discrimination on the basis of political conviction, however, was the mass dismissal of workers in Tiraspol' on June 25, 1992. On that date, President Smirnov issued a decree firing eighty-four teachers and staff members from the T.G. Shevchenko Pedagogical Institute. Ivan Panchenko, a teacher, former dean, and vice-president (prorector) of the Institute at the time, recounted the event for Helsinki Watch:<sup>23</sup>

Smirnov had wanted to unite the Pedagogical Institute, which had been founded in 1930 and was sixty-two years old, with the new Corporate University that had been established in December 1989. On June 15 or 16, 1992, several of us on the staff met with Vasiliï Iakovlev, the dean of the University, who read us a decree from Smirnov ordering the unification of our institute with the Corporate University. The University was one and a half years old and offered five years of study, many departments, from medicine to mathematics and so on. It had no cadre of teachers, no base, and the teachers in our group by and large didn't see any reason to unite with the University.

Just before June 25th, Shershnev, a senior member of the Dniester battalion, and four men came to my office, claiming we were hiding arms. We showed them all the rooms but they didn't find anything. Before they left, they closed and sealed two rooms. As he left Shershnev said "I'm sorry." The next day five people came from the same battalion, again searched, and again found nothing. We were afraid they were going to plant something on the premises. Then came the spate of arrests: Garbuz, Leșco, Ivanțoc, Urîtu. After that they came to the Institute in black uniforms with berets and machine guns and searched Urîtu's laboratory, but didn't find anything.

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<sup>23</sup> Helsinki Watch interview, September 15, 1992.

All teachers at our institute were required to sign a statement answering three questions, which some had to answer verbally in front of a ten-member commission, including a few people from our institute who were content to stay put, such as Grigoriev, who is retired, and some were asked to respond in written form. The questions were the following: the first one, the most important, was "Do you recognize the Dniester Moldovan Republic?" The second question concerned professional background, and the third moral qualities, which was a pure formality. If you answered 'no' to the first one, that you did not recognize the DMR, you almost certainly wouldn't get your job back. Of three hundred teachers at the Pedagogical Institute, eighty-four people refused to sign the statement. They sent us letters asking us to sign the statement by a certain date. Then they moved the deadline back because no one was signing.

We had a joint meeting of staff and student bodies from both institutions, but were so upset and frustrated that we were forced to walk out of the meeting after only ten minutes. When we went out, however, we saw police on the street. That same day, June 25th, Iakovlev, the new dean, issued a decree firing eighty-four people from the staff of the Pedagogical Institute — those who hadn't signed the statement. I also wound up on this list. The condition that accompanied the firings was that whoever wanted to get his job back must sign a statement (I didn't sign), a contract with the University, and must answer the three questions. I told them right out "I can not work with a gun in my face". We couldn't work that way. About eighty percent of the staff didn't return to work. Those who stayed were mostly pensioners. Finally we were forced to leave Tiraspol', and now we are all in Chişinău, mostly in one dormitory.

**APPENDIX**  
**"MEMORIAL" HUMAN RIGHTS CENTER REPORT\***

**Large-scale and Gross Violations of Human Rights and the  
Situation in the Zone of Armed Conflict In and Around  
the City of Bendery (June-July,1992)**

This report is based on materials obtained by observers by the Memorial Human Rights Center in the zone of conflict, specifically documents provided by representatives of the conflicting sides as well as by mass media coverage of the conflict.

The latest investigation in the zone of conflict was conducted by field parties of the Memorial Center in the period between July 2 and 30, 1992. Members of the parties collected information on both sides of the front line; questioned civilian victims of the conflict in the city of Bendery and in the neighboring villages of Gyska, Varnitsa and Parkany; interviewed official representatives in Kishinev, Tiraspol, Bendery, Kaushany, Varnitsa; procured necessary documentation at the parliament, Procurator's Office and Ministry of Interior of the Moldovan Republic; spoke with prisoners-of-war in penitentiaries and reformatories in Kishinev, talked to police officers in Bendery and to members of armed formations; and conducted survey areas in residential quarters and industrial sites in Bendery, Gyska, Varnitsa, Parkany.

**EVENTS PRECEDING THE OUTBREAK OF COMBAT ACTIONS IN BENDERY**

The strife in the Trans-Dniester region, although having a distinctive national aspect, can not be defined as ethnic conflict.

Geographically, the Trans-Dniester region is the territory stretching over 200 kilometers along the banks of the river Dniester. Unlike the region on the right bank, the left bank area, also known as Trans-Dnistria, was not part of Romania from 1918 to 1940. In 1924 the left bank territory was proclaimed the Moldovan Autonomous Soviet Socialist Republic within the Soviet Socialist Republic of Ukraine. Following the occupation of Bessarabia by Soviet troops in 1940, the left bank became part of the Moldovan Soviet Socialist Republic (MSSR). The majority of the left bank population are not of Romanian extraction (see the statistics below).

The beginning of confrontation in the Trans-Dniester region dates back to the summer and fall of 1989 when the MSSR Supreme Soviet discussed and endorsed a package of laws, affirming the Moldovan language as the single state language in the republic. Subsequently, Councils of Workers Collectives (CWC) were set up at many industrial work places in the Trans-Dniester region to organize mass protest actions and strikes, demanding a referendum on the issue of language. These demands were turned down by Kishinev. The conflict became further aggravated as the Russian-speaking population (mainly the intelligentsia) on the right bank of the river Dniester began to feel discrimination in getting education and promotions.

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\* Translation from the original Russian kindly provided by Memorial.

The fall of 1989 was the beginning of the movement for the autonomy of the Trans-Dniester region. In the period between January and October, 1990, referendums were held in Bendery and the majority of the left bank settlements (except for a few villages with predominant Moldovan population). Seventy-nine percent of all voters in the Trans-Dniester region took part in these referendums, and 96 percent voted for the institution of the Trans-Dniester Republic. The Presidium of Moldovan Supreme Soviet declared the results of the referendums null and void.

In the summer of 1990 a number of Russian-speaking deputies of the Moldovan parliament were abused in public. Shortly afterwards, the majority of MPs representing the Trans-Dniester region left Kishinev as a result of which the Supreme Soviet and the Council of Ministers of Moldova virtually became mono-national structures. The draft laws on citizenship and local self-government met harsh negative reaction from the left bank population. The Moldovan leaders failed to provide convincing guarantees that in some not very distant future Moldova would not be joined to Romania. In the meantime, the authorities in Kishinev made it clear that no region of the republic was to be granted autonomous status.

September 2, 1990, the II Congress of Deputies of All Levels of the Trans-Dniester region proclaimed the Trans-Dniester Moldovan Soviet Socialist Republic (TDMSSR) within the USSR. Later the TDMSSR was renamed the Trans-Dniester Moldovan Republic (TDMR) on the left bank of the river Dniester, its jurisdiction also encompassing those villages with predominant Moldovan populations where the referendum had not been held or had yielded negative results. The city of Bendery and several villages on the right bank also claimed the jurisdiction of the TDMSSR. Moldovans (Romanians) accounted for 39 percent of the TDMSSR population, Ukrainians 28 percent, Russians 24 percent and Bulgarians, Gagauz and other nationalities 9 percent. A few days after the Congress in Tiraspol, deputies of all levels from the Trans-Dniester region who had disagreed with the decisions of the Congress gathered for a conference in the village of Pyryta. Meanwhile, the Supreme Soviet of Moldova declared the TDMSSR illegitimate. In Tiraspol, which had been proclaimed the capital of the TDMSSR, self-defense forces were formed.

November 2, 1990, women in Dubossary on the left bank assaulted the local Council, Court and Prosecutor's Office and held the premises for several hours. The central authorities retaliated by trying to bring police forces into Dubossary. Having met resistance of residents, police used fire arms, killing three people and wounding thirteen: these were the first casualties of the conflict. On November 20-25, 1990, elections to the Supreme Soviet of the TDMSSR were held in the majority of settlements of the region, followed by presidential elections and a referendum on independence on December 1. Taking part in the referendum were 78 percent of electors and 97.7 percent of them supported independence of the TDMSSR (later TDMR).

The next phase of the evolution of the conflict was connected with the development of armed formations in the TDMR and the attempts to pressure the Moldovan power structures, primarily village councils, police departments and prosecutor's offices in the Trans-Dniester region, for the purpose of placing them under the jurisdiction of the TDMR. Starting in mid-1991, paramilitary formations in the Trans-Dniester region were supplied with fire arms. September 6, 1991, the Supreme Soviet of the TDMR decreed to begin the formation of republican national guards.

In the second half of 1991 and early 1992 most of the prosecutor's offices and police departments were placed, often forcibly, under the jurisdiction of the TDMR. Particularly tense situations took shape around the police department in Dubossary. For several days the department was picketed by local residents and several people were killed in the shoot-out between policemen and national guards. On March 2, 1992, the police department in Dubossary was taken by national guards, and policemen were arrested, brought to Tiraspol and there exchanged for the captured national guards.

Starting March 1992, the conflict began swiftly to develop into a war. The repeated skirmishes between Moldovan policemen and TDMR national guards involved numerous casualties. The sides kept accusing each other of armed provocations. Intensive combat actions took place around the villages of Koshnitsa and Kochiery near Dubossary, and Kitskany near Tiraspol, both sides employing fire arms, artillery and Alazan missiles. Many non-combatants were victimized as a result of violence, practiced by both conflicting forces.

Weapons for both sides came mostly from the arsenals of Russia's 14th Army, stationed on the territory of Moldova. The Moldovan formations procured the weapons as a result of official division of arms and ammunition of the former Soviet armed forces. In the Trans-Dniester region local fighters usually gained weapons by force as a result of picketing and assaulting garrisons of the 14th Army. On April 2, 1992, the 14th Army was officially placed under the jurisdiction of the Russian Federation. At least one unit of the army, stationed in the Parkany village, came under the jurisdiction of the TDMR.

Bendery is a city on the right bank of the Dniester River with a population of 146,000. In the course of the referendum the majority of residents favored joining the TDMR. Starting in April 1991, city authorities decreed to place all the institutions, factories and government structures in Dubossary under the jurisdiction of the TDMR. Like in other cities of the region, the most explosive situation centered around the police department and prosecutor's office. On several occasions national guards detained the city prosecutor. On December 7, 1991, the City Council decreed liquidating the police department in Bendery and instituting in its place the department of militia. Policemen were offered up to join the new force. Significantly, serving in both new and old forces were people of different nationalities. The situation evolved that two police departments operated in the city. The militia was short of trained personnel. On top of that, the city prosecutor still considered himself to be accountable to the Moldovan authorities, and therefore the militia had difficulties securing the prosecutor's sanction to carry out investigations and often had to pass cases over to the police. In the meantime, the police were largely paralyzed by the actions of the national guards who not only often held up and beat policemen, but also assaulted precincts. Likewise, quite a few national guards fell victim to police violence. The crime situation in Bendery deteriorated dramatically: in the first five months of the current year there were fifty registered cases of murder and none of them was detected (previously the average murder rate in the city didn't exceed fifteen a year).

In December 1991, the battalion of the TDMR national guards was formed in Bendery under the command of Y. Kostenko, ex-lieutenant colonel of the Soviet armed forces and veteran of the war in Afghanistan. The military commandant of the TDMR, Colonel Bergman, as well as representatives of city authorities and militia in Bendery, testified that Kostenko had recruited many ex-convicts for his forces. Kostenko's guards were reported to have looted the homes of local residents and requisitioned private cars without authorization. There is a video-

tape at the Memorial Human Rights Center with testimonies given by victims of the looters. According to the Military Commandant of the TDMR, Kostenko and his henchmen illegally sold as many as 1,300 pieces of fire arms. Some officials, interviewed by the Memorial observers, revealed unofficially that President of the TDMR, Igor Smirnov, personally objected to the displacement of the Bendery national guards commander.

In March 1992, the body of a national guardsman, tied to a tree, was found in the Gerbovitsky forest. Kostenko launched a series of punitive operations. In March and April, 1992, Kostenko's thugs killed a police sergeant, Puritch (found in the Dniester River with eight bullet wounds and marks of savage beating), and an ex-policeman, Pavlyuk (found dead in the forest on the left bank of the Dniester). Incidentally, forensic experts disproved the wide-spread allegation that Puritch had been found crucified with a five-pointed star cut into his forehead.

The next round of escalation of the conflict began after the assault of the Dubossary police department by national guards. On the night of March 13-14, an encounter took place near the village of Koshnitsa between TDMR national guards and Moldovan police. On March 15, the Moldovan authorities issued an ultimatum to the TDMR leaders, demanding that they terminate combat action and lay down their arms within forty-eight hours. On March 16, the president of the TDMR declared a state of emergency. On March 17, an hour after the ultimatum expired, combat action was stopped (later it was repeatedly resumed).

On March 28, 1992, the Moldovan president declared a state of emergency on the entire territory of the republic. Bodies of state power were instructed to effect "all the necessary measures to liquidate and disarm illegal formations." On April 1, 1992, a police unit entered Bendery in two armored vehicles and tried to disarm a group of national guards. In the ensuing combat, several people, including civilians, were killed and wounded. Skirmishes and local fights continued in the city for the next few days.

On the same day, officers of the Bendery garrison of the 14th Army made the following statement to the presidents and parliaments of Moldova, Russia and Ukraine: "We are firmly convinced that the armed conflict in Moldova is a direct result of repeated violations of the human rights of the Russian-speaking population and the unmasked desire of certain political forces in Moldova to be joined to Romania. The responsibility for the continued escalation of the conflict should be left with both sides involved in it... It is necessary to undertake the following measures: 1) the 14th Army must be temporarily assigned the function of peace-keeping force; 2) the conflicting sides must be immediately pulled out from the borders of the Trans-Dniester region;... 5) if these demands are disregarded and the escalation of the armed conflict continues unabated, we reserve the right to take prompt measures to defend our city."

Further expansion of the war was prevented after a cease-fire agreement was reached at the meeting of the foreign ministers of Moldova, Romania, Russia and Ukraine on April 6. The cease-fire and disengagement of conflicting troops got underway on April 13 under the supervision of the Working Group with representatives of both sides. Control of the implementation of the agreements was also exercised by members of local Soviets. At the next quadripartite foreign ministerial meeting, on April 17, the special group of military supervisors was set up with representatives of the four countries. On May 8, the military supervisors arrived in the conflict zone.

In keeping with the agreement, all armed formations, except for the local police and militia, were to be pulled out from Bendery, and all the fortifications, obstructing the functioning of transport, were to be dismantled. The Moldovan side withdrew the armor, sappers began to clear up the territory, and the police and militia started to jointly patrol the streets of the city. In many respects the agreements were observed. But complete disarming of the volunteers proved to be an unfeasible task. Besides, Kostenko's 300 national guards stayed in the city. In general the situation in the Bendery region remained relatively quiet until June 19, 1992.

Meanwhile, combat actions with the use of heavy artillery continued in the Dubossary region. Casualties among non-combatants were multiplying. Each side accused the other of violating the cease-fire agreement. On several occasions the Moldovan forces fired at the positions of the 14th Army. On May 19, the military council of the 14th Army warned the government of Moldova that in case of another attempt to attack its position, the 14th Army would have to open reciprocal fire. On the same day, the 14th Army's tanks, requisitioned by national guards and Cossacks, showed up on the positions of the TDMR.

The Moldovan parliament perceived the statement of the 14th Army as a declaration of war.

The sides reached a general cease-fire agreement, to become effective on June 9. Military supervisors were authorized to control the observation of agreements. Representatives of the TDMR began to exercise control on both sides of the front line, but Moldovan supervisors could not arrive in the Bendery region since no guarantees of their safety had been provided by the TDMR. On top of that, Kostenko repeatedly threatened to do away with any representative of Moldovan authorities who dared step on the territory controlled by national guards.

On June 9, unidentified gunmen killed deputy commander of the Bendery battalion, Major Serikov, and his driver. National guards were led to believe that the killing had been committed by policemen. Major Perzhu of the Bendery police department was captured by national guards on June 11 and executed on the following day.

On June 11, the Moldovan parliament decreed the establishment of a combined commission of people's deputies and military personnel, representing both conflicting sides, to work out concrete procedures of disengagement and to control the observation of the cease-fire agreement.

MPs from the Trans-Dniester region resumed attending sessions of Moldovan parliament.

On June 16, the combined commission came up with basic principles of a settlement that envisaged refraining from the use of force on the basis of observance of the constitution and laws of the Moldovan Republic; disarming and disbanding voluntary paramilitary formations; exercising joint control of the cease-fire agreement and disengagement of conflicting forces; finalizing the legal status of Moldova's Eastern regions; reorganizing national guards into units of the regular armed forces of Moldova; restoring the economic infrastructure of the entire territory of Moldova; providing refugees with the opportunity to come back to their home regions and make up for the damage they had suffered; jointly investigating the crimes

committed during the conflict; and exchanging hostages and giving back all confiscated equipment, machinery and weapons.

In the meantime, a whole range of problems remained unresolved. The parliament of Moldova refused to consider the proposal to sign the Federal Treaty between the Moldovan Republic and the TDMR. Representatives of the latter objected to the restoration of Moldovan government structures on the territory of the TDMR and to disarmament and disbanding of the TDMR military formations. The negotiations were carried on, but the CWC of Tiraspol and the Cossacks Assembly of the Black Sea Army came out with a series of harsh statements, condemning the collaboration of the MPs from the TDMR with the Moldovan parliament. Rallies were held at industrial work places in Bendery, demanding that the Moldovan police be pulled out of the city, and the campaign to collect signatures in support of this demand was launched.

### DEVELOPMENT OF EVENTS, JUNE 19-26, 1992

#### Participants in Combat Actions

*On the side of the Moldovan Republic* engaged in combat actions in the region of Bendery were forces of the Ministry of the Interior, units of the national army, formations of volunteers and self-defense units - all equipped with fire arms, hand grenades and grenade launchers.

The forces of the Ministry of the Interior comprised career police officers, called up from different regions of Moldova, brigades of the OPON special police, and formations of carabinieri (Moldovan citizens enlisted on a contractual basis). Apart from fire arms, these forces employed armored vehicles, artillery guns and mortars.

The national army, still in its formative stage, also employed armored vehicles, guns and mortars. The national army of Moldova is made up of conscripts, has a field manual, and servicemen are required to swear allegiance. Privates are paid monthly salaries, comparable to the average wage. There are quite a few draft resisters among Moldovan citizens of call-up age who did not want to take part in the civil war. Draft resistance incurs penalties, although, according to the Procurator General of Moldova, nobody has yet been legally indicted on these charges.

The formations of volunteers consist of citizens of the republic who have volunteered to take part in combat actions. They are required to swear allegiance, but have no manual. The activities of volunteers are regulated only by orders from senior officers. The majority of volunteers are young men, and many of them joined the force bringing their own weapons.

Self-defense units were set up in a number of Moldovan villages and assigned to local police departments.

According to some officials, the Moldovan forces engaged in the war employed twenty (fifty, according to the TDMR observers) armored vehicles, several 57-mm anti-aircraft guns, up to a dozen 100-mm anti-tank guns, eleven 82-mm and seven 120-mm mortars (most of the mortars were positioned on the Suvorov hill near the city), no less than four units with 150-mm guided anti-tank missiles, and an installation for launching the Alazan anti-hail missiles. The

Moldovans also had six long-range 150-mm guns, but no proof has been found that these guns were used to shell the city. According to the military observers from the 14th Army who supervised the observation of the cease-fire agreement, the Moldovan forces used no tanks in or around the city of Bendery.

*On the side of the Trans-Dniester Moldovan Republic* engaged in combat actions in the Bendery region were republican national guards, units of militia, paramilitary formations, and units of Cossacks and territorial rescue teams, all employing fire arms, hand grenades and grenade launchers.

The republican national guards are enlisted on a contractual basis (minimum salary - 5,000 rubles a month). Most of the national guards either have army service experience or have undergone special training. National guards are equipped with armored vehicles, artillery guns, and mortars. In the course of the armed conflict in Bendery many people joined the national guards.

Before June 19, 1992, units of militia consisted mainly of local militia officers. Later they were reinforced by officers from other regions of the TDMR.

Paramilitary formations were set up at industrial work places, mainly volunteers in Bendery and Tiraspol. On June 20, chairman of the Executive Committee of Bendery V. Kogut appealed to all reservists to report to their enterprises and join the ranks of city defenders. Reservists aged eighteen to fifty-five were prohibited to leave the city.

The Black Sea Cossacks Army (BSCA) was established in the TDMR by decree of the republican Supreme Soviet as a special force, consisting of volunteers who had sworn to observe the Cossack Code. The BSCA was equipped with armored vehicles, artillery guns and mortars. According to Cossacks, the BSCA privates were paid salaries of 1,500 rubles per month.

Territorial rescue teams were set up earlier to carry out rescue operations during major accidents and natural disasters, but during the war they were actively engaged in combat action in and around Bendery.

The call-up campaign in the TDMR was carried out in keeping with the USSR Conscription Law. Significantly, it did not matter whether a particular person considered himself citizen of the TDMR or not. Reservists and draftees were restricted from leaving the territory of the republic unless they carried a special permit. Conscripts enlisted through military commissariats were assigned either to the 14th Army or the armed formation of the TDMR. Reservists were regularly called up to undergo refresher drills at the units of the 14th Army.

According to the Memorial observers, relying on various sources of information, the TDMR forces engaged in the armed conflict employed from ten to twenty tanks, several dozen armored vehicles as well as KAMAZ heavy-duty trucks, specially adjusted for combat use, mortars of varying calibers, anti-tank guns, howitzers, self-propelled anti-aircraft guns, and launchers for Alazan anti-hail missiles. Eye-witnesses testify that the Moldovan positions were shelled from the territory of one of the 14th Army units, stationed on the territory of Bendery.

In the course of inspection conducted by the Memorial observers in clinics and hospitals of Bendery and Tiraspol at least five casualties were found to be officers of the 14th Army.

### THE BEGINNING OF EVENTS, JUNE 19

The events that followed were largely a result of the detention by Moldovan police of the 14th Army's Major Yermakov, who commanded a special reconnaissance unit of national guards. On that day, Yermakov took three guards and drove to the printing shop in Bendery to collect newspapers and leaflets (the shop happened to be next door to the city police department). Yermakov's car was registered at the 14th Army headquarters (numbers of such cars were known to police). On all previous occasions, papers from the printing shop were collected by an employee of the national guards' daily newspaper. According to police, shortly before the arrival of Yermakov, an unidentified person called and warned that subversion had been planned against the police.

At 5:25 p.m., Yermakov's car reached the printing shop. Two guards went inside. At the same moment, the car was encircled by more than ten policemen who told Yermakov and his driver to drop their weapons; they checked their papers and ordered them to get out of the car (policemen claimed later that they had no intention of detaining Yermakov). Threatened with guns, Yermakov and his driver had to obey. Precisely at that moment a group of unidentified gunmen, sheltered in the opposite building, opened fire on the people around the car (Yermakov and chief of the city police Gusliaru confirmed this fact). Policemen began to shoot back, then took the car and their captives to the backyard of the police department building. Later, one of the policemen testified that fire was opened only when the car with Yermakov and his driver entered the backyard. It is still unclear what happened first: the detention of Yermakov or the shooting at the policemen.

In a series of interviews, carried by papers in Kishinev, Yermakov made a guess that a provocation had been planned against police and he had been used as "bait". Yermakov's revelations should not be taken for granted: after his arrest he was taken to Kishinev on June 20 and kept in the pen of the Ministry of the Interior where Memorial observers were allowed to talk to him only in the presence of a police officer.

Going back to the incident at the city police department, the shooting continued for some time. According to militia men who arrived later, the police department was attacked by national guards, and chairman of the city Executive Committee, Kogut, indicated that their commander was Kostenko. One policeman was killed and nine were wounded. Chief of the city police tried to call the authorities in Tiraspol and Defense Department of the TDMR, asking them to stop fire. At about 6 p.m. member of Moldovan parliament and chief of the Kaushan administration, Y.Pyslaru, tried to call the Executive Committee of Bendery, but there was no answer. An hour after the beginning of the shooting, the chief of the city police called the Ministry of the Interior of Moldova and asked for help.

At about 7.00 p.m., military observers suggested that the shooting could be stopped if the policemen released the detainees. But the chief of police said he would not let Yermakov and his driver out before the attackers stopped shooting. According to Kogut, at about the same time the city authorities ordered Kostenko and his men to withdraw and appealed to the national guard command in Tiraspol. But the attackers continued shooting (according to Moldovan

officials, during the settlement talks in July Kostenko claimed that he had been ordered to attack the police by chief of the TDMR Defense Department Kitsak). A cameraman from Bendery cable TV, V. Vozdvizhensky, was killed in the skirmish.

At about 8.00 p.m., Kogut reached the Moldovan Minister of the Interior, Antotch, and asked him not to send police reinforcements, swearing that every possible measure was being taken by the TDMR authorities to stop the shooting. Antotch said: "I can't do it. My men are in trouble and ask for help." For the next two or three hours none of the attempts to get in touch with high-ranking officials in Kishinev yielded results.

By 9.00 p.m., commander of the TDMR national guards, Colonel Losev, his deputy, Colonel Atamanyuk, and a group of MPs from the TDMR had gathered at the Executive Committee of Bendery. They already knew that columns of Moldovan armored vehicles were heading for the city. The Executive Committee ordered to alert the volunteers and militia.

Between 9.00 and 10.00 p.m., Moldovan armored vehicles entered the city. But prior to that, Moldovan armed groups arrived in downtown Bendery on requisitioned buses and began to shoot it out with national guards. Additional forces were brought into the city on the night of June 19-20.

According to Moldovan officials, the decision to bring the police forces into Bendery was made by Minister of the Interior Antotch, while regular troops and formations of volunteers were ordered to move into the city by Defense Minister Kostash. Later, a number of high-ranking officials questioned the expediency of using regular troops against Bendery. On June 20, President of Moldova Snegur spoke on national TV, revealing that the government troops had been brought into Bendery on the request of the local police department. He suggested that residents should stay in their homes "until the gangster formations were completely disarmed and constitutional order was fully restored."

#### DEVELOPMENT OF EVENTS

Having run into disorganized resistance of the population of Bendery, the Moldovan forces opened intensive, but mainly unaimed, fire. It was the time when there were many people in the streets and evening shows were about to begin in movie theaters. Many people both in the streets and in their apartments were victimized by indiscriminate fire.

It took the Moldovan forces little time to take hold of the city by 4.00 a.m., June 20, and take under control the only bridge across the Dniester River.

According to Moldovan officials, by 6.00 a.m. on June 20, casualties of the attackers numbered one trooper killed and several wounded. This estimate is consistent with the information obtained by the Memorial observers.

Meanwhile, there remained several seats of resistance in the city: the Executive Committee, offices of the militia and Workers Committee, the central post office, and the barracks of the national guards. All these premises were intensively shelled. For instance, the building of the Executive Committee took five or six shells and was subjected to heavy machine gun and mortar fire. The city authorities contacted officials in Kishinev and were told to surrender, but refused.

On June 20, the Moldovan formations began to take hold of industrial work places in the city, occasionally meeting armed resistance.

At about 6.00 a.m. on June 20, fighting began for the bridge across the Dniester River. From 4:00 to 6:00, TDMR tanks attempted to attack the bridge from the left bank. Two of them were destroyed by artillery fire, the rest had to retreat.

In Tiraspol, reservists were ordered to come to assembly points where weapons were handed out. On the same day, national guards appropriated no less than eleven tanks from the 59th division of the 14th Army.

The military council of the 14th Army made a statement to the government of Moldova, demanding that the shooting be stopped immediately. Since units of the Army, stationed in Bendery, also suffered from the attack of Moldovan forces, the military warned that they reserved the right to open reciprocal fire. Later it was reported that personnel and combat materiel of the 14th Army were brought in fighting to defend members of the servicemen's families and other non-combatants.

The Memorial observers ascertained that the positions of the 14th Army were shelled, but it is still unclear whether the fire was aimed or unaimed.

At 8 p.m. on June 20, the TDMR formations, supported by tanks, attempted another attack on the bridge across the Dniester. The Moldovan forces were smashed and the attackers broke through the defenses to reach downtown areas. By 2:00 a.m. on June 21, the city center was completely controlled by the TDMR national guards.

Combat actions continued in the city throughout June 21-22, with both sides employing artillery and armor. On June 22, the front-line, stretching across the residential and industrial areas of the city, became stabilized.

On June 21, refugees began to flee the city. According to the Executive Committee of Bendery, more than half of the city residents fled Bendery in just a couple of days. Some left across the bridge to the left bank, others sought safe places on the right bank. In July there were 80,000 registered refugees in the TDMR.

Between June 22 and 26 the Moldovan forces bit by bit were ousted from their positions. The Moldovans retained control only of the Leninsky district in the southern outskirts of Bendery, an area downtown, adjoining the office of police department, and a strip connecting the two locales. The conflict entered the phase of protracted combat with occasional raids and exchange of fire. Some quarters of the city changed hands several times. These actions continued (mostly at night) after the official cease-fire agreement was reached on July 7, and heavy armaments began to be taken out of the city.

Between June 22 and the beginning of July Moldovan mortars on the Suvorov hill intensively shelled the positions of the TDMR forces, occasionally hitting residential quarters.

Both sides widely employed snipers, shooting from roofs and top floor windows of multi-storey houses, which gave both sides a pretext for shelling residential areas (according to the

TDMR troopers, they were not allowed to shoot at residential quarters, except for special units who were shooting for snipers).

### CASUALTIES

Combat actions in the Bendery region involved heavy casualties among both combatants and the civilian population. Casualty data were obtained by the Memorial observers from the Moldovan Ministry of Health, the TDMR Department of Health, Executive Committee of Bendery, Kaushany clinic, the morgue in Tiraspol and administration of the Novoye cemetery in Bendery.

Casualties reports, drawn by the sides after June 19, listed mainly persons who were registered at medical institutions. According to these reports, the TDMR casualties in the period between June 19 and July 3 comprised 203 people killed, including 169 combatants (twenty-six perished in the Parkany village as a result of an explosion at the ammunition dump) and thirty-four civilians (including unidentified corpses), including ten women.

By preliminary estimates, in the period between June 19 and July 3 clinics and hospitals received over 300 troops wounded in action.

In estimating casualties one has to take into account that in Bendery the dead were often buried in the backyards of residential houses. The Executive Committee in Bendery reported forty-five such burials (by that time twenty-three out of them had been exhumed and buried in the cemetery). But it is possible that official casualties reports did not include these victims, which must account for the fact that the reports mentioned no children, although according to eye-witnesses there were casualties among children. The Executive Committee also reported that about 200 residents of Bendery were looking for their missing relatives.

Among the casualties on the TDMR side there were also members of paramilitary formations.

The heaviest casualties among both combatants and non-combatants were registered in the first three days of the combat action. Thus, sixty-four percent of the wounded civilians entered the city hospital in Bendery during those first three days.

According to the official data of the Executive Committee, 245 people (including 73 women and 10 children) were wounded in Bendery from June 19 to July 3, and twenty-seven people (including nine women) between July 4 and 27.

According to Moldovan sources, casualties of the Bendery conflict were as follows:

seventy-seven killed (forty combatants and thirty-seven non-combatants); 532 wounded (348 combatants and 148 non-combatants).

Casualties among civilians during the first three days of the conflict resulted from the fact that combat actions took place in the city before the majority of civilian population was evacuated. Presumably, many people fell victim to chaotic fire in the streets. According to some

eye-witnesses, the troops entering the city on June 19 were firing at houses, courtyards and cars from heavy machine-guns mounted on armored vehicles. In the daytime on June 20, Moldovan troops were shooting at civilians who were hiding in their houses, trying to flee the city or help wounded national guards. Eye-witnesses also testify that on that day a group of unarmed men, having gathered in a downtown square, summoned by the Executive Committee, were fired at from machine-guns.

Casualties among non-combatants on June 21 and 22 resulted from the fact that both sides were engaged in street combat, employing armor, artillery and grenade launchers. It is impossible to establish which of the sides was responsible for casualties among the civilian population. Officers from both sides have admitted that non-combatants could have been victimized as a result of the officers' actions. In the following days, civilian casualties were mainly the result of chaotic street fire. There are reports that snipers were deliberately shooting at non-combatants and that a group of such snipers was captured by national guards. However, the Memorial observers failed to find confirmation of these reports. On many occasions, fire was opened at ambulances. The sides accused each other of such actions. Doctors testified that heavy fire from the positions of Moldovan forces on June 19-20 prevented them from rendering help to the wounded. According to the TDMR sources, one doctor was killed in Bendery and several were wounded. There also were casualties among ambulance personnel in Kaushany (six people wounded).

#### **SITUATION IN VILLAGES NEAR BENDERY**

The village of Parkany on the left bank of the Dniester River, overlooking Bendery, is controlled by TDMR forces. Its population is mostly Bulgarians.

According to the villagers, eleven people were killed and over thirty wounded in combat between June 19 and July 20. There were many casualties among villagers during the intensive exchange of fire on June 20 between the TDMR forces in Parkany and Moldovan troops on the right bank of the Dniester. Sixty-five houses were damaged (six seriously).

On June 22, two combat planes of the Moldovan air force attacked the bridge across the Dniester, dropping three bombs. Two bombs fell into the river and one hit the village. By lucky chance the bombing caused no human casualties, but two houses suffered severe damage.

The village of Varnitsa, populated predominantly by Moldovans, is on the outskirts of Bendery. The village is controlled by Moldovan forces, assisted by the local self-defense unit. In the last decade (sic) of June, Varnitsa was the arena of intensive combat.

The Memorial observers have established that starting in April, ten villagers, all members of the self-defense unit, were killed, and twelve (including four non-combatants) were wounded.

On two occasions the village was shelled from the left bank. On June 21, heavy grenade and missile fire was laid on the village for twenty minutes, killing two civilians and one policeman, and damaging seven or eight houses. On July 15, a local school, which was serving as police headquarters, was shelled from grenade launchers. One woman was wounded. The scale of damage in the village as a result of these attacks were largely overstated by the media in Kishinev.

Gyska is a village near Bendery, its population being mostly Russians and Ukrainians. It is controlled by the self-defense unit, taking orders from the TDMR command. In April the village and surrounding areas were controlled by Moldovan forces. Villagers were ordered to turn in weapons and promised that no repercussions against them would follow. Self-defense fighters with weapons left the village for Bendery. When the cease-fire agreement took effect in July, the village remained in the zone controlled by Moldovan forces. On July 21, the self-defense unit returned to the village. An observer from Memorial witnessed a member of the Bendery Executive Committee taking instructions by telephone from TDMR president Smirnov who was in Moscow at the time, discussing a peace settlement between Moldova and the TDMR. In particular Smirnov said that Gyska village had to be kept at all costs.

On July 22, Moldovan police and volunteers, supported by armored vehicles and artillery fire, kicked the self-defense unit out of the village. The media in Bendery carried reports on the massacre of prisoners of war and acts of mass violence against villagers, destruction of houses and the slaughter of live-stock.

The Memorial observers investigating the pogrom in Gyska established the following:

Eye-witnesses testified that fighters from the Gyska self-defense unit had been cruelly murdered. In particular the Moldovans were said to have been finishing off the wounded. In the meantime, there seem to have been no acts of violence against non-combatants after the combat was over. During the combat a dairy-farm and the school were destroyed by artillery fire. The building adjoining the local clinic suffered severe damage. At least three villagers were killed by stray bullets and fragments of shells. Two more villagers were beaten by volunteers, mopping up the village. On several occasions, unprovoked fire was opened on the houses of villagers (fortunately, there were no victims). Two cows were killed by stray bullets.

There were victims among non-combatants and damage to houses in other villages near Bendery.

#### **DESTRUCTION IN BENDERY**

According to chairman of the Bendery Executive Committee Kogut, in the period between June 19 and July 25 the city suffered material damage estimated at 4.5 billion rubles. One hundred and forty residential houses were damaged. Severe damage was also suffered by several industrial work places in the city. The Memorial observers point to complete destruction of residential quarters, adjoining "the front line" and having changed hands several times. The apartment houses in this zone were completely burned down in the first decade (sic) of June. Private one-story houses were smashed during the same period by artillery fire. In the districts outside the front-line zone quite a few buildings also suffered serious damage from shells and grenades.

The mass media in the TDMR and in Moscow reported the deliberate destruction of industrial work places in the city by Moldovan forces. Reports also said equipment, particularly of foreign manufacture, products and raw materials had been taken out from these works. The Memorial observers visited factories that were most often mentioned in these reports: a silk factory, cotton mill, cannery, shoe factory and electric equipment factory. It was established that no equipment had been dismantled or taken from these places. Furthermore, it seemed that the

equipment had suffered virtually no damage. Observers also established that products of these work places had not been confiscated, except for some perishable products from the cannery. On the other hand, the stores of the shoe factory had been repeatedly plundered, despite all the attempts of the command to stop the looters. The Memorial observers witnessed the carabinieri breaking the lock and pilfering ready-made footwear.

The damage suffered by a number of factories resulted from combat actions that took place at their sites. Thus, the store at the cotton mill burned down and one of the mill premises was shattered by artillery fire. Fire also destroyed a section of the workers' club of the cannery. Minor outbreaks of fire took place at the shoe factory. The city authorities of Bendery reported on July 24 that only half of the industrial work places in the city would be able to resume work within two or three weeks.

#### **PUBLIC ORDER AND CONDITIONS OF THE POPULATION IN BENDERY**

*In the Zone of the City Controlled by Moldovan Forces* pillaging of deserted apartments and stores by volunteers and armed villagers from nearby settlements took place on a wide scale. This was admitted by officers of the Moldovan Prosecutor's Office. Residents of Bendery testified that looters had been coming on trucks and even armored vehicles and took away property from deserted dwellings. Quite a few people were robbed in the streets. A number of Moldovan officials were directly involved in these actions. Thus, the head of a village administration, escorted by armed volunteers, attempted to take stolen property out of the village, but was stopped by a police patrol. The Moldovan Ministry of the Interior and the Prosecutor's Office took measures to put a stop to pillaging. All motorways to Bendery were patrolled by police, and all passing vehicles were searched. Legal action was instituted against scores of people on charges of burglary. But these measures proved to be insufficient to restore law and order. Looting continued to escalate.

Drinking was wide-spread among volunteers. On many occasions, drunk troops opened indiscriminate fire at residential quarters.

The Memorial observers failed to find proof of large-scale violence against non-combatants, reported by mass media in the TDMR and Russia. For example, the alleged case of brutal slaughter of guests at a school graduation ball made headlines in many papers. However, interviews with police and militia officers and representatives of the city authorities disproved these reports.

Despite some reassuring statements by Moldovan President Snegur, it is a fact that people in Bendery suffered from shortages of food. In order to buy food people had to cross the front-line. Only by the end of July did free distribution of food begin at the police department.

In both zones of the city the supply of gas was cut off. However, running water and sewage systems functioned normally and there were no interruptions in the supplies of electric power.

*In the Zone Controlled by Armed Formations of the TDMR* there were also many cases of pillage of deserted apartments and stores by both troops and civilians. The city militia, acting as combat force in the conflict, virtually gave up the functions of enforcing the law. The

Prosecutor's Office and militia did not even register crimes. The struggle against crime and violence was waged by armed patrols belonging to different formations of the TDMR. A number of looters were shot on the spot without investigation or trial. The Cossacks, for instance, shot two of their fellow troopers who had been caught in the act of burglary. Two other Cossacks had been flogged to death for having raped an underage girl. There were also cases of murder for personal motives. Despite the prohibitions that became operative in Bendery starting June 22, drunk troopers could often be seen in the streets.

In the zone of the city, controlled by the TDMR forces, there were no major shortages of food. Stores were open in the morning hours, and pensioners and children were offered free meals.

On July 16, the special force of the 14th Army, as requested by the Prosecutor of the TDMR, made an attempt to detain commander of the Bendery national guards Kostenko, who was charged with a series of capital crimes. However, Kostenko managed to escape and was arrested later in an attempt to cross the Ukrainian border. He was in the custody [alternately] of the TDMR security service, the police, and the 14th Army, "changing hands" several times. A few days later, Kostenko, according to the TDMR authorities, was murdered by unidentified assassins who shot at the car in which he was being transported.

#### **PRISONERS OF WAR**

In Kishinev the Memorial observers talked to twelve POWs who were suspected of association with armed formations of the TDMR. Some of them were later tried.

The observers were permitted to talk to prisoners privately. The conditions in which they were kept were no different from those of other inmates of penitentiaries. No physical or psychological pressure had been applied to them in Kishinev. However, the prisoners revealed that in the act of detention and during following interrogations in Kaushany they had been savagely beaten with clubs and gun butts. Some of them were threatened with facing the firing squad. One of the detainees had to be taken to the Kaushany hospital, where he was battered by wounded volunteers. Representatives of Moldovan police confirmed other cases of batterings of prisoners of war in hospitals by volunteers.

In a clinic in Tiraspol, a representative of Memorial talked to militiaman Vladimir Serdyukov, who had been detained by volunteers in Bendery on June 24. The drunk men beat him savagely and cut with knives three stars and the letter "V" on his body. According to Serdyukov, his torturers were both volunteers and policemen. The observer studied Serdyukov's case record that confirmed the suffering of severe bodily injuries and saw marks of torture on his body.

There is also a wealth of facts attesting to violence and torture of captured Moldovan policemen, troopers and volunteers.

#### **THE CRIME SITUATION AND CONDITIONS OF POPULATION IN THE ZONE OF CONFLICT**

Masses of people on both sides of the Dniester River took up arms. According to military commander of the TDMR Colonel Bergman, in the Dniester region alone at least 16,000 pieces

of fire arms, mainly submachine-guns, were handed out to the population. Officers of Moldova's Prosecutor's Office testified that on the left bank, too, the civilian population acquired lots of weapons. The armed formations of both sides comprised many ex-convicts.

Countless crimes were committed against the civilian population. Significantly, criminals did not seem to care to which side of the conflict their victims belonged.

Thus, starting this spring [1992], the press in the Trans-Dniester region repeatedly reported acts of violence: burglary, assaults in the streets, etc. Farmers working in the fields could easily take a bullet "from either friend or foe," and armed troopers were incessantly abusing young girls (Pridnestrovskaya Pravda, July 14, 1992). According to the Ministry of the Interior and the Prosecutor's Office of Moldova, national guards were terrorizing civilian population, suspected of disloyalty to the TDMR. These facts were confirmed by the military commandant of the TDMR.

In the zone controlled by Moldovan forces, the volunteers proved to be the most difficult to manage. The Prosecutor's Office of Moldova reported a number of concrete cases of violence, burglary and murder committed by volunteers on both right and left banks of the river. Specifically, the Prosecutor's Office confirmed the widely reported incident with the Velichko family in Dubossary (the husband was killed and his wife was raped). In the Kaushany clinic an observer from Memorial talked to a woman from one of the right bank villages who had been wounded by a drunk volunteer. According to Moldova's Ministry of the Interior, starting this March [1992], twenty-eight persons, including four women, in the zone of conflict outside Bendery were reported missing. Since April eighteen unidentified corpses (all men) with marks of violent death were found in the Dniester River. Some of them bore marks of torture, and three had tied hands.

Attempts to curb crime were undertaken in the zone of conflict on both sides of the river. The Prosecutor's Office of Moldova initiated 214 criminal cases. Fifteen volunteers, charged with various crimes, were arrested. However, by the end of July none of the investigations into the crimes committed by volunteers had been completed. All too often it was impossible to detain or interrogate troops who operated in the zone of conflict.

The Prosecutor's Office of the TDMR initiated legal action only in connection with the murder of seven civilians in the Pyatigailovka village. Basically, the crimes committed in Bendery were not registered. According to military commandant of Bendery Colonel Bergman, who seems to be the only official trying to put the crime situation under control and, specifically, to disarm the formations that had become unmanageable, he had to release a group of men arrested in connection with the Kostenko case on the demand of the TDMR Prosecutor.

## CONCLUSIONS

1. In the course of combat actions in Bendery there were casualties among the civilian population. However, there was no deliberate annihilation of non-combatants or acts of large-scale violence against civilians. There were incidents of indiscriminate shooting launched by both sides at residential quarters, and these actions must be qualified as criminal. This particularly applies to the Moldovan forces who entered Bendery on the night of June 19-20. The military command of Moldova readily availed itself of the situation that had taken shape

as a result of actions of the other side, and is fully responsible for having used artillery and armor, as well as forces unprepared for combat actions in conditions of the densely populated city.

2. The actions of national guards commanded by Kostenko created an atmosphere of terror and violence in Bendery, which in large measure accounted for the incidents that brought on tragic events.

The circumstances of the incident on June 19 (the mission of the commander of the national guards reconnaissance unit Major Yermakov to the printing shop and the anonymous call to the police department) do not rule out the possibility of provocations. Police actions in relation to Yermakov undertaken in conditions of truce can not be qualified as rightful. The massive shooting by national guards in response to police actions prior to any attempt being made to negotiate the situation with police caused the escalation of the conflict.

3. The majority of TDMR casualties in the Bendery conflict were members of armed formations. Most of the victims among both combatants and non-combatants occurred in the first three days of combat actions before the "front line" in the city stabilized.

4. The conditions of prisoners of war are unsatisfactory. There were cases of beating, humiliation and torture.

5. In the armed formations of the TDMR there were cases of execution of troopers caught in acts of crime without investigation or trial.

6. The crime situation in the region deteriorated dramatically resulting from the fact that many people had weapons. Numerous crimes against the civilian population were committed in the conflict zone. Specifically, during the combat actions deserted apartments and stores in both zones of the city of Bendery were pillaged. The authorities of both sides proved to be unable to bring the crime situation under control. According to the Memorial observers, the law enforcement bodies of the TDMR have less control of the situation than their Moldovan counterparts. In the meantime, there is no reason to accuse the authorities of either sides of deliberate instigation of large-scale physical violence.

7. The scale of destruction in Bendery is quite extensive, especially in the districts adjoining the front line. The reports on the dismantling and taking out of equipment and products from industrial work places in the zone of the city controlled by Moldovan forces were not proven. Also disproved were reports of the deliberate destruction of industrial work places. The damage suffered by some factories in the city was the result of combat actions.

8. The mass media in Moldova, the TDMR and Russia, often spreading false or biased information, in some measure contributed to the escalation of the armed conflict.

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