



**PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA
TO THE UNITED NATIONS OFFICE IN GENEVA**

No. 494/ R-ONU- 548

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, Special Procedure Branch, and has the honour to transmit herewith the response of the Government of the Republic of Moldova to the Joint Urgent Appeal no. *UA G/SO/218/2 G/SO 214 (67-17) Assembly and Association (2010-1) G/SO 214 (107-9) MDA 1/2014* dated 18 June 2014, of the Chairperson-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and association; and Special Rapporteur on the situation of human rights defenders.

The Permanent Mission of the Republic of Moldova to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, Special Procedure Branch, the assurances of its highest consideration.

Geneva, 18 August 2014



Encl.: 1 page

Respect of human rights and fundamental freedoms in the Transnistrian region of the Republic of Moldova remains a challenge to the national authorities due to the impossibility of exercising the constitutional control over the region. Nevertheless the Moldovan Government undertakes major effort to ensure respect of the rights of individuals like Andrey Rezanov in accordance with national and international legal framework.

The investigation process

On 27 June 2011 the Balti Prosecutor Office opened a criminal case at the demand of Tatiana Rezanov (mother of the applicant Andrey Rezanov) in compliance with the Article 166 (1) of the Criminal Code of the Republic of Moldova referring to illegal deprivation of liberty.

According to the criminal materials Mr Rezanov was arrested by the so called *militia* from the Transnistrian region of the Republic of Moldova.

Additionally, on 1 April 2013, the Bender Prosecutor Office opened a criminal case on the basis of the same article 166 concerning the ill-treatment suffered by Andrey Rezanov in custody of the so called "*judicial authorities*" from the region. Furthermore, on 26 December the both cases were resembled in one criminal procedure.

Taking into account the complexity and the political conjuncture referring to the existence of an unsolved conflict, the national authorities are unable to finalize the criminal procedure to condemn the persons guilty of committing offenses against Mr Rezanov. Consequently the criminal investigation was suspended on 30 May 2014 according to the Article 287 (1)¹ (2)² of the Criminal Procedure Code of the Republic of Moldova.

Mr Rezanov vs Republic and Moldova and Russian Federation – case at European Court of Human Rights (ECHR)

Currently the European Court of Human Rights is examining the case Andrei Rezanov vs Republic of Moldova and Russian Federation, on the basis of the complain submitted by Mr Rezanov on 16 May 2012. The applicant claims the violation of his rights according to the Articles 3 and 5 of the Convention. Consequently the Court will take decision upon the applicant's allegations on illegal deprivation of liberty (art 5), ill-treatment (art 3) and the right of effective remedies (art 13). Additionally ECHR will determine if the cause is under the jurisdiction of the Republic of Moldova or the Russian Federation.

The Bureau for Reintegration sent letters to the political representative in the negotiation process from Tiraspol, Nina Stanski, with the request to ensure the fundamental freedoms and rights of Mr Rezanov and to inform about the conditions of detentions. A similar appeal was launched to the OSCE Mission to Moldova asking to delegate an OSCE representative to visit Andrey Rezanov for the purpose of an objective evaluation of the detentions conditions and for offering the necessary assistance.

¹ (1) The resumption of the criminal prosecution after the cessation of the criminal prosecution, dismissal of the criminal case or dropping of the criminal prosecution will be ordered by the hierarchically superior prosecutor through an ordinance, if it is found afterwards that, in fact, the reasons which have determined the taking of these measures did not exist or that the circumstance on which the cessation of the criminal investigation, dismissal of the criminal case and dropping of the criminal prosecution was