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COALITION FOR FREE AND FAIR ELECTIONS

PROMO-LEX ASSOCIATION

## REPORT

### ELECTORAL PROCESS MONITORING IN THE TRANSNISTRIAN REGION OF REPUBLIC OF MOLDOVA

PERIOD OF MONITORING: February 10<sup>th</sup> - March 18<sup>th</sup>, 2009



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## **I. Introduction**

Monitoring Parliamentary elections in the Transnistrian region of the Republic of Moldova is a project implemented by Promo-LEX Association within the Civic Coalition for free and fair elections -2009. It is for the first time in the history of elections in the Republic of Moldova that civil society shall monitor the election process in the Transnistrian region, as under the control of the Tiraspol administration from 1992.

Promo-LEX Association possesses the required experience for the electoral monitoring process, with the assistance of colleagues from Coalition-2009. The project's implementation in the Transnistrian region has been made possible due to the complex and miscellaneous support offered by the representatives of the civil society from the area.

The report was developed by Ion Manole, Diana Moraru and Pavel Postica. The authors request relevant information from interested persons and organizations, they also ask for comments and explanations of some aspects, conclusions or suggestions taken account of in Reports on monitoring of the election process in the Transnistrian region.

The project is implemented by a team consisting of 10 persons, out of which 7 are observers from the region. At the same time, 14 volunteers are also involved within the activities of monitoring the election process in the Transnistrian region. The data presented in the report is collected by direct observation, and the conclusions and suggestions of the present report are formulated on the principles of fair-mindedness aiming at contributing to the development of a transparent and fair electoral process in the Transnistrian region of the Republic of Moldova.

The first monitoring report, implemented in the period of February, 10- March 18, 2009, is a statement of the situation in Transnistria and aims at informing the interested community.

The project is financially supported by the Eurasia Foundation with funds provided by the Swedish International Development Cooperation Agency (Sida/Asdi) and the United States Agency for International Development (USAID).

## **II. Executive Summary**

Moldovan citizens, residents of the Transnistrian region, that is not controlled by the constitutional authorities since 1992, are discriminated against in the exercise of the right to vote, comparing to citizens from other regions of the country. This situation is also relevant for the parliamentary elections on 5 April 2009.

Parliamentary elections in the aforementioned period were characterized by obstacles gradually created by Tiraspol authorities, on the one hand, and the constitutional authorities' negligence with regard to the enjoyment of right to vote of the citizens living in the territory, on the other hand. Thus, the parliamentary elections for the citizens of the Republic of Moldova from the Transnistrian region, take place only in the neighbouring localities under the constitutional authorities' jurisdiction. Constitutional authorities ensure the right of suffrage only, without guaranteeing and fully ensuring other rights and liberties that are characteristic to the electoral process.

The number of voters participating in the elections increased compared to previous elections, being double as compared to the previous election (from 4298 in 2001 up to 8206 in 2005). Certainly, the number of voters could increase significantly and rapidly, provided that authorities and election competitors had the possibility to actively conduct information and party campaigns, thus ensuring adequate conditions for participation and access to the electoral process.

The authorities show interest for the creation of conditions to exercise the right of suffrage for people from the region. At the same time, the electoral bodies have adopted decisions that unfortunately do not lead to effective realisation of the right to vote for the Moldovan citizens located in the transnistrian region.

CEC adopted the Decisions No.2095-2129 to establish district Electoral Councils for all the administrative electoral districts corresponding to Level 2, except for the administrative electoral district No.37 for the localities situated on the left bank of Nistru River and the municipal administrative electoral district No.3 Bender.

The 10 polling stations, open for the participation in the elections of the citizens from the Transnistrian region are the only polling stations in the Republic of Moldova which lack voters' rolls. This makes difficult the realisation of the right to vote for citizens living in the regions, taking into account the fact that the authorities possess information for each area and locality with regard to the number of Moldovan citizens with right to vote, residing in the region. Also, these 10 polling stations do not meet the minimum criteria necessary to conduct elections.

In the absence of the electoral lists, the citizens of the region can not obtain the certificates for voting, issued by the electoral bodies, which would allow them to vote in other localities of the country. The possible participation of the Transnistrian region voters to the elections will generally represent an unconscious vote.

Both electoral bodies and electoral competitors disregard mainly and groundlessly the Transnistrian voters discriminating them in comparison with voters from other administrative electoral districts.

The representatives of the regional administration pronounced categorically on behalf of all the region people, against participation in the election, thus attempting to determine both people's attitude and the societal environment.

Generally, mass-media from the region referred indirectly to parliamentary elections of 2009 mainly in specific news or declarations, the negative content expressed a position against participation in the elections.

Activities specific to election campaign are absent in Transnistrian region. The parties did not make attempts of organizing meetings with the voters from the region, except for several localities and institutions subordinated to constitutional authorities.

During the monitoring period there were not registered any cases of intimidation, prosecution of representatives of electoral candidates or Promo-LEX observers.

### **III. Findings**

#### **Relevant legal aspects**

The localities situated on the left bank of Nistru River can be ascribed special autonomous forms and conditions in compliance with the special legal status adopted by the organic law.<sup>1</sup> In this respect on 22 July 2005 the Parliament adopted the Law on special legal status of the localities situated on the left bank of Nistru River, which provides for the establishment of the

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<sup>1</sup>art.110 of the Constitution of the RM

autonomous territorial unit with special legal status- Transnistria, within the Republic of Moldova.<sup>2</sup>

In accordance with the Electoral Code of the Republic of Moldova, for the purpose of organizing and conducting elections, the Central Electoral Commission shall establish, at least 55 days prior to election day, administrative electoral districts corresponding to Level 2 territorial-administrative units of the Republic of Moldova.

*On February 6, 2009 CEC adopted the Decision No. 2065 regarding the establishment of administrative electoral districts corresponding to Level 2 territorial-administrative units of the Republic of Moldova, thus being established the administrative electoral district No.37 for the localities situated on the left bank of Nistru River and the municipal administrative electoral district No.3 Bender.*

CEC shall establish 50 days prior to elections, electoral councils. The candidatures of 2 members are to be appointed by the District Court, the candidatures of the other members having the deliberative polling right are appointed by parties and other social-political organizations, represented in the Parliament at the date of the establishment of electoral councils, proportionally with the mandates.

In accordance with the Law on the judicial organization courts are provided for the Transnistrian region (e.g. 17 judges in the Municipal Court of Tiraspol, 6 judges in the Municipal Court of Bender, etc.)

*On February 12, 2009 CEC adopted the Decisions No.2095-2129 to establish district Electoral Councils for all the administrative electoral districts corresponding to Level 2, except for the administrative electoral district No.37 for the localities situated on the left bank of Nistru River and the municipal administrative electoral district No.3 Bender.*

In compliance with Art.9 of the Electoral Code, the voting right shall be exercised in the locality where the voter is registered for a permanent residence visa (in the period of its validity)

*The Electoral Code does not stipulate any exemption or a specific procedure for the state territory that is under foreign control.*

Art.39 par 1 of the Electoral Code provides that the voter rolls shall be developed by the mayoralty and includes all citizens enjoying right to vote who reside in the radius of the polling station.

*According to data provided to Promo-LEX Association by the Ministry of Informational Development on 27.02.2009, there are 223580 citizens of the Republic of Moldova, enjoying the right to vote, registered in the Transnistrian region. The 10 polling stations, open for the participation in the elections of the citizens from the Transnistrian region are the only polling stations in the Republic of Moldova not to determine the voter rolls. It is unaccountable this fact, as the authorities possess the full information for each area and locality with regard to the number of inhabitants or the region, citizens having the right to vote.*

Art.39 par 2 of the Electoral Code provides for the rights of Persons who have changed residence to declare their current place of residence at the body of local public administration in order to be included into the list of voters at the respective polling station.

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<sup>2</sup>art.3 par.1 Law nr.173 from 22 July 2005

*The authorities did not provide for the situation of changing residence within the region territory a, fact that will dishearten this category of voters to participate in the elections on April 5<sup>th</sup>. At the same time, the current situation can lead to the mass violation of their rights as the public administration from the region is not under the constitutional authorities' jurisdiction. For instance, voter X residing in Camenca district, but working or being student in Bender town will have the possibility to exercise his/her right to vote only at the pooling station No. 59 from Sanatauca, Floresti, open for citizens from Camenca district. Voter X will be discriminated as compared to the citizens from other country regions, as he/she will not have the possibility to vote at the place of his/her last residence.*

Art.39 par 8 of the Electoral Code Cod stipulates that a voter may be included only in one voter roll.

*Voters from the Transnistrian region remain out of any voter roll.*

Art.39 par 9 of the Electoral Code provides the possibility of the voter to get a voting right certificate, in the event that the voter changes his/her residence in the period between the day of determining the rolls and election day. That is, in the event at the day of elections the voter will be in other country region, he/she has the possibility to obtain from the electoral bureau of the polling station a certificate on which ground to vote in any other polling station from the country.

In the absence of rolls for citizens from Transnistrian region, the voters from this area will not be able to obtain the voting right certificate for voting in another polling station. Therefore, these voters will not be able to vote in other than in one of those 10 polling stations open in the radius of their residence, written on their identity cards.

In conclusion, the provisions of the Art.39 of the Electoral Code are not valid for voters from Transnistrian region, a fact that represents clear discrimination. At the same time, where absence of local and electoral constitutional authorities, and under the conditions of inadequate information of voters from region about the voting procedures, there is a risk that numerous voters will travel to specific polling stations but will not be able to vote on account of the problems as mentioned in the present chapter.

## **Election Administration**

On December 3, 2008 the CEC President stated the existence of required financial sources for opening of 500 polling stations in Transnistria and expressed the hope that the region administration will not impede this incentive.

The constitutional authorities' initiative to establish polling stations in the Transnistrian region failed. Tiraspol administration promoted the necessity of submitting an official petition to the electoral authorities from the region. The constitutional authorities circumvented this procedure. Thus, on March 10, 2009, CEC of the Republic of Moldova adopted the Decision No. 2282 on the modality of participation in the Parliamentary elections of 5<sup>th</sup> April of the citizens of the Republic of Moldova residing in some of the localities situated on the left bank of Nistru, in Bender and some localities of Causani district.

In compliance with this, for the purpose of assuring region citizens' right of suffrage, CEC decided that the Transnistrian voters shall participate in Parliamentary elections by reporting

themselves at the polling station No.59 SanataucaNo.3 (Rezina), No.4 (Cocieri), No.6 (Doroțcaia), No.40 (Varnița), No.41 (Varnița), No.33 (Hagimus), No.23 (Răscăieți), No.23 (Copanca) and No.27 (Forlădeni). Pursuant to the same document, the voting ballots shall be held under particular supervision, the voters being enlisted in additional roll, and the voting ballots shall be dropped in ballot boxes marked “special ballot boxes” Moreover, par 2 of the Decision No.2282 provides that the voting ballots for the mentioned polling stations shall be distributed under particular supervision by the electoral district councils No. 18 Floresti, No.26 Rezina. No.15 Dubassari, No.4 Anenii Noi, No.32 Ștefan Vodă and No.10 Căușeni.

*We state the existence of 2 inconsistent Decisions adopted by CEC. One conveys the establishment of 2 administrative electoral districts for the Transnistrian region, the other entrusts the councils of the 6 administrative electoral districts with the distribution of the voting ballots for the additionally established polling stations.*

Concomitantly, Decision No.2282 was grounded on the provisions of Art.18, 26 of the Electoral Code, solving two issues: 1.participation in the elections of the citizens from the left bank of Nistru River and 2. de facto establishment of additional polling stations.

*As a matter of principle, the issuing of the decision in question is encouraged as an attempt to create the possibility for the citizens from the region to exercise their right of suffrage.*

*Indisputably, their rights shall be equally respected and defended and shall be exercised within the constitutional boundaries.*

*However the legal argumentation of the CEC Decision from March 10, 2009 raises serious question marks. The references to the provisions of art.18 and art.26<sup>3</sup>are formal and irrelevant for the legal adoption of such decisions.*

*However, CEC was to establish electoral councils for the administrative electoral districts No. 3 and 37 that had the right to establish the stations in question without CEC intervention.*

*Therefore, in line with the same Decision from 10.03.2009 CEC stated that the citizens from the region shall report themselves to the Parliamentary elections from 5 April, 2009 at 10 polling stations only, established in the neighbouring localities under constitutional authorities*

Provisions of art.29 of the Electoral Code clearly stipulate that each precinct shall have no less than 30 and no more than 3,000 voters.

*According to data provided to Promo-LEX Association by the Ministry of Informational Development on 27.02.2009, there are 223580 citizens of the Republic of Moldova, enjoying the right to vote, registered in the Transnistrian region. Thus, each polling station would have an average number of 22.000.*

*Pursuant to CEC Decision No 2282 only citizens enjoying the right of suffrage from Tiraspol, Caragaș, Blijnii Hutor, Parcani, Sucleia and Tornăuca, as well the great majority of Bender (Tighina) municipality can vote in the mentioned polling stations, while only in Tiraspol live 47265 citizens enjoying the right to vote. Thus, the most serious problem exists in this regard for the polling stations No.40 and 41 established in the Cultural Centre of Varinta village.*

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<sup>3</sup> Stipulates the general responsibilities of CEC and can be taken into account par.1 let.h) only, by which CEC can solve issues with regard to the modality of participation in the elections of citizens who on the elections day are not on the country territory. However, the territory on the left side of Nistru River is de jure not the territory of the country.

*Being situated in the same place (Cultural Centre), both polling stations would have to ensure adequate conditions for exercising the right of suffrage to a potential number of voters above 100.000.*

*In the event the majority of citizens of the region would like to participate in the elections at 10 polling stations, the authorities may not be capable of coping with the great number of voters. The establishment of electoral bureau for the Transnistrian region and the creation of optimal conditions would encourage citizens to participate more actively and to promote their candidates or competitors in the Parliamentary elections. The fact of ensuring public order at these polling stations is an alarming issue, as increasing the number of policemen requires the approval of the Joint Control Commission (JCC).*

## **Mass-media and civil society from the region**

The regional press delivers confusing and ambiguous information and comments, a fact that provides the impression of centralized leading. For instance, on the one hand, some actors declare that region people are not interested in participating in election (fostering the idea of people being forced to execute Moldovan passports only for free movement outwards the region), on the other hand, they claim that the citizens' participation in elections guarantees a great number of suffrages to the governing party. The declarations of leaders of the region are contradictory as well; on the one hand they state the population doest not want to participate, and on the other hand they assert that a possible establishment of the polling stations in the region would prove a great number of voters, a fact that would give Chisinau the option to justify the theories about peoples' opportunities, etc.

The representatives of the regional administration pronounced categorically on behalf of all the region people, against participation in elections, thus attempting to determine both people's attitude and the societal environment.

"Pridnestrovie" (Transnistria) daily newspaper - "by involving Transnistrian people in Parliamentary elections and indirectly in the elections of the President of Moldova, in an official manner Chisinau attempts to prove to Russia and the European Union the fact "making peace" has occured between the two banks of Nistru River, to provide the impression of existence of premises to bring to an end negotiations and sign documents regulating the transfer of Transnistria under the jurisdiction of the Republic of Moldova"

Valerian Tulgara, the leader of "The Union of Moldavians in Transnistria", has qualified the CEC incentives as a "provocation and attempt to injure the image of Transnistrian government".

He declared also that "the region people were not active during the previous elections, and this time Transnistrian inhabitants will ignore Parliamentary elections, as a result of provocative policy for the region fostered by Chisinau". In another interview, he declared that "for the moment there is no sense for the participation of Transnistrian population in 5<sup>th</sup> April elections".

Patriotic or military Civic organizations declared in local mass-media that the participation of region inhabitants in the elections should not be allowed.

Grigorii Agre, president of "The Union of Defenders of Transnistria" stated that "there are no real pro-Russian forces in the Republic of Moldova, thus there is nobody to sustain Transnistria".

Victor Arestov, leader of "The Union of Russian Communities in Transnistria" claimed that "we must not support several forces from Moldova. Moreover, we must not allow the participation of Transnistrian candidates in the Parliamentary elections"

The president of "The Union of Officers in Transnistria", Serghei Zaicenco, declared that "Transnistria can not participate in the elections. This is the political domain of another state, a state which destroys the social and state structure of Transnistria".

Leaders of Union of Labour Communities (OSTK) from Tiraspol consider that participation in the elections will create dependence from Moldova to Transnistria, offering Chisinau the possibility to pretend that the Transnistrian territory is ready to come under the jurisdiction of the Republic of Moldova.

Alexandr Porojan, former representative of Tiraspol at JCC declared that active participation of the voters in elections is convenient firstly to Communist Party of Moldova as it would obtain the majority of suffrages.

The term "special ballot boxes" raised criticism on behalf of numerous administrative institutions and representatives of various organizations from the region. For instance, Piotr Denisenko, president of the so-called CEC from Tiraspol declared that "the establishment of the "special ballot boxes" reveals the real attitude of Moldovan authorities towards Transnistrian people, as our people are considered of a inferior category on the right bank of Nistru River"

Moreover, Oleg Beleakov, Tiraspol representative in the JCC considers the establishment of "special ballot boxes" a serious violation of human rights. The same is the opinion of Valerian Tulgara, deputy in the regional legislative, leader of „The Union of Moldavians in Transnistria", considering this procedure infringes secret suffrage.

Piotr Denisenko president of the so-called CEC from Tiraspol declared the absence of meetings or common actions with the electoral bodies of the Republic of Moldova. In his opinion "Transnistrian inhabitants who have the citizenship of the Republic of Moldova are first of all Transnistrian citizens. For this reason, observers of the Transnistrian party should be present at polling stations, in order not to allow humiliating or offending actions of our citizen..."

Vasillii Kaliko, region "ombudsman" declared that "noone has ever created obstacles for Moldovan citizens to travel and to vote at polling stations and nobody intends to do it".

The leader of the branch of Association of Orthodox political scientists from Russia, Vladimir Bukarski declared that "Transnistrian authorities must be interested in promoting friendly forces into the Parliament of Chisinau. Respectful of the fact that if the electoral bodies of the Republic of Moldova will address, for the purpose of establishment of polling stations in Transnistria, Tiraspol must undertake all measures that the vote of each inhabitant of the region shall influence the structure of the future legislative of the Republic of Moldova. The refusal to establish polling stations in Transnistria will be the worst decision ever taken."

*Generally, mass-media from the region referred indirectly to parliamentary elections of 2009 mainly in specific news or declarations, the negative content expressing position against participation in the elections.*

### **Election campaign and Parties' activity**

Activities specific to election campaign are absent in Transnistrian region. The voters do not have the possibility to be informed about the 5<sup>th</sup> April event, about electoral candidates and their electoral programs.

Only once, candidate Vasile Tarlev, CUM leader presented his electoral program at the end of February, on a TV channel, as being financed from public resources.

Although the electoral candidates' representatives are present in Transnistrian region in a small number, rarely and only in some areas. For the most part they are conducting their activity secretly in urban areas (Bender, Tiraspol, Ribnița, Grigoriopol and Dubăsari). They conduct an insignificant amount of activity in rural areas. Electoral competitors conducting activity in Transnistrian region are as follows: PLDM (Bender mun.), AMN (Bender mun. and Dubăsari), PL (Tiraspol mun.), UCM (Bender mun. and Tiraspol, Grigoriopol and Ribnița), MAE (Grigoriopol and Ribnița), PCRМ (Dubăsari).

The parties did not make attempts to organize meetings with the voters from the region, with the exception of several localities and institutions subordinated to constitutional authorities. Leaders of some electoral competitors organized meetings with Transnistrian voters in the neighbouring localities subordinated to constitutional authorities

In the period of 1-15 February, unofficial meetings of some political leaders with the representatives of local public administration from Tiraspol and Grigoriopol were organized.

Representatives of custom structures have strengthened controls, especially with regard to identification of electoral materials.

The observers registered a positive progress in Corjova, Dubasari district, as inhabitants and local public administration were not impeded to conduct public meeting and a march in commemoration of victims on the occasion of 17 years from the beginning of the military conflict.

For the first time the separatist public order bodies observed the event discretely and without intervention, although the demonstrators ran up the flag of the Republic of Moldova.

We consider this to be a positive sign in comparison to the local elections of June 3 and 7 2007, and hope such type of manifestations will be possible in other localities totally or partially under Tiraspol administration control. Electoral competitors or their representatives participated at the event, but they did not make electoral speeches.

*During the monitoring period there were no registered cases of intimidation, prosecution of representatives of electoral candidates or Promo-LEX observers.*

#### **IV. Pre-election environment in the Transnistrian region**

The Parliament elected by universal, equal, direct, secret and freely expressed suffrage, is deemed the supreme representative body of people of the Republic of Moldova and is the unique legislative authority of the state. The fifth Parliamentary elections in the Republic of Moldova from its independence (1994, 1998, 2001 and 2005) will take place on April 5, 2009.

After the signing of the Moldo-Russian Agreement on July 21 1992, the constitutional authorities from Chisinau lost control over the Transnistrian region. The region is administered by a de facto regime, which has obtained state power for over 20 years by non-democratic, aggressive and military means supported by an exterior power. With the support of the Russian Federation at all levels, there was created an administrative system, which meets all the characteristics and requirements of a state entity, with the exception of international recognition.

Beginning with 1994 the Parliament of the Republic of Moldova was elected on the basis of the absolute proportional electoral system, meaning the existence of a single national electoral district for the whole country, represented by 101 mandates on the basis of closed party-lists. The D'Hondt method is applied in the Republic of Moldova in the process of the distribution of Parliamentary deputy mandates, but this method has been criticized during recent years. The most important argument in favour of changes deems the necessity of dividing the country territory into 101 administrative electoral districts to allow the delegation of deputies in the Parliament on the behalf of all administrative-territorial units. Only in such events are citizens deemed to be able to follow the delegated deputy's activity, and at the same time, the degree of representation and responsibility of the legislative body shall be increased.

On the other hand, the problem presented by Transnistria remains the most important argument of the opponents of amendments to the electoral system in Moldova, due to which the conduct of elections on the whole country territory has been made impossible so far. From this view point, the population of country as a whole has found themselves in a hostage situation.

The Parliamentary elections represent the unique possibility of the citizens from Transnistrian region to exercise their right to vote within the legal constitutional framework. For the purpose of creating proper conditions for participation in Parliamentary elections, the authorities establish special polling stations in the localities under the constitutional jurisdiction.

Under the existing conditions, the participation of citizens from Transnistrian region in the elections is a mere formality, which, as a rule, circumscribes the procedure of applying the seal "votat" on the ballot. This is a serious problem for the respect of the majority's fundamental and civil rights.

Controlling the territory, the Transnistrian region administration imposes conditions that contravene the democratic principles and constitutional norms, thus restricting their fundamental rights and liberties. However, the right of suffrage is bound not only by the voting procedure, but includes a series of other fundamental rights and liberties such as the right to freedom of speech, right to information, right of assembly and association, etc.

Right of suffrage, as a basis of democracy, remains unknown, not understood and unrealised by the great majority of citizens of the Republic of Moldova and residents of Transnistria, as a

result of regional administrative opposition to the organisation and conduct of electoral campaigns and national suffrage in the territory in question.

In parliamentary elections conducted on February 27, 1994, 7664 citizens from Transnistrian region<sup>4</sup> were observed to have participated, as Transnistrian voters went to common polling stations, a fact that made the calculation of the exact number of voters difficult.

In parliamentary elections conducted on March 22, 1998, the number of region citizens who participated in the elections decreased to 3776. Several polling stations were established by the constitutional authorities in the neighbouring localities.

In parliamentary elections conducted on February 25, 2001 only 4298 of citizens from the region realized their right of suffrage in the polling stations.

In parliamentary elections conducted on March 6, 2006 about 8206 persons participated. Cases of voters refusing to vote because of the crowds in the polling stations were registered.

Parliamentary elections in the aforementioned period were characterized by the gradual creation of obstacles by Tiraspol authorities, on the one hand, and the constitutional authorities' negligence with regard to the enjoyment of right to vote of citizens living in the territory, on the other hand. Thus, the parliamentary elections for the citizens of the Republic of Moldova from the Transnistrian region, take place only in the neighbouring localities under the constitutional authorities' jurisdiction. Constitutional authorities ensure the right of suffrage only, without guaranteeing and fully ensuring other rights and liberties that are characteristic to the electoral process.

## **V. Effects of Transnistrian problem settlement process on the realisation of the right to vote for the Moldovan citizens residing in the transnistrian region**

At present, the Transnistrian problem settlement process takes place in a „5+2” negotiation format, which asserts the participation of constitutional authorities and Tiraspol administration, OSCE as a mediator, with the Russian Federation and Ukraine as guarantor states, and in 2006 the European Union and the United States of America began in the capacity of observers.

The current format is a equilibrated one, although the situation became uncertain due to the signing of documents within the period of 1997-2001, and the Tiraspol administration, as supported by the Russian Federation, insisting upon the “parties' equality” ignoring the basic principles of the 1992 Moldo-Russian Agreement. Under such conditions, fuel tension was established between constitutional authorities and separatist administration, and the negotiations often take place in a spontaneous, unforeseeable manner, dependant on certain conditions.

Under such conditions the “negotiations” appear to be a perfect way of maintaining the current situation without positive changes and the region population suffers the consequences being precluded from the decision taking process.

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<sup>4</sup> <http://www.e-democracy.md/comments/political/20090214/>, The problem of election organization in Transnistria

Moreover, the population is denied the possibility to inform themselves from various sources and the possibility to freely and actively participate in the country's and region's public life.

Negotiations regarding Transnistrian voters' participation in 2009 Parliamentary elections were officially resumed in summer of 2008. The constitutional authorities touched upon the problem of the establishment of polling stations and participation of the Transnistrian citizens in the elections. In this respect, the press called upon the declarations made by the Ministry of Reintegration Vasile Şova, who recommended the making of an agreement with the separatist administration, offering the Tiraspol region administration representatives a number of seats in the Parliament.

The president of the Republic of Moldova accused the Tiraspol administration of creating obstacles for the exercising the right of suffrage by Moldovan citizens who are residents of the region, in an interview given to Russian radio station „Echo Moskv”.

On December, 3, 2008, the president of the Republic of Moldova declared that constitutional authorities created required conditions for Moldovan citizens, residents of the region at all times, giving them the possibility to vote at any polling station.

On January 28, 2009, within a bilateral meeting, the Ministry of Reintegration Vasile Şova and the Head of OSCE Mission in the Republic of Moldova Philip Remler focussed on the problem of Parliamentary elections preparation and organization in the localities from Transnistrian region, mentioning the need of ensuring the participation in the elections of Moldovan citizens, residents of the region.

At the same time the Delegation of OSCE Parliamentary Assembly discussed during the visit to Chisinau and Tiraspol the necessity of electoral competitors' access into the Transnistrian region for the purpose of conducting the electoral campaign in the event that the polling stations would not be established in the territory.

“Ministry of External Affairs” from Tiraspol, Vladimir Yastrebciaak declared on December 11, 2008 that the polling stations will be established in the region with the status of foreign electoral districts, mentioning the previous experience of the region with electoral bodies from both the Russian Federation and Ukraine.

Within the bilateral meeting (Voronin-Smirnov) from December 24, 2008, Smirnov declared in the presence of President Voronin that he knew nothing about elections “you have elections, we do not have any”. At the same time, on February 12, 2009, Smirnov declared in an interview given in Moskow that “Transnistrian citizens will be free to vote in the 5<sup>th</sup> April Parliamentary elections”. Later, Smirnov, announced CEC<sup>5</sup> that Tiraspol refuses to allow the establishment of polling stations in the region.

Oleg Beleakov, the Tiraspol representative in the JCC declared that region citizens “did not decide whether Moldovan elections should be conducted on their territory, and that the CEC incentive to establish 500 polling stations is pathetic. At present Transnistria has no need to participate in Parliamentary elections of the Republic of Moldova. I believe this opinion is shared by the majority of the region people”.

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<sup>5</sup> <http://www.protv.md%stiri/politic/locuitorii-din-stanga-nistrului-vor-vota-in-localiatea-ile-aflatae.html>, Inhabitants from the left bank of Nistru River will vote in the localities under Chisinau jurisdiction

The visit of the Russian Ministry of Foreign Affairs S. Lavrov on 24.02.2009 to Chisinau was considered by the region public opinion as indirect support to the governing party on behalf of Russian authorities, that could have an impact on voters' decision, especially from the left bank of Nistru River.

In the midst of the electoral campaign, on 18 March 2009 in Moscow the meeting of Presidents of Moldova and the Russian Federation with the leader of the separatist administration from Tiraspol was held. During the meeting, participants did not discuss the possibility of ensuring minimum conditions necessary for the exercise of voting rights for citizens of the Transnistrian region.

## **VI. Recommendations**

Promo-LEX Association recommends the electoral bodies of the Republic of Moldova:

- To inform all voters from the region about the election date, about the location of the polling stations, election procedures and other information necessary for the full exercise of the right to vote.
- To ensure polling stations with sufficient number of ballots;
- To ensure evidence and to issue the voting certificates for the voters from Transnistria in order to avoid discrimination in relation to voters from other regions of the country;
- To ensure voting conditions in village Corjova, Dubasari district in order to prevent incidents similar to those of 2007.
- To analyze the current situation and to develop strategies aiming to prevent confusing, contradictory and even illegal situations, for the future election ballots.

Promo-LEX Association recommends the electoral candidates adopt a non-discriminatory approach towards the voters from the localities controlled by the Tiraspol regime.

Promo-LEX Association recommends International Election Observation Mission to closely monitor the situations and the details highlighted in this report.