REPORT ON
MONITORING OF THE RESPECT FOR
FREEDOM OF ASSEMBLY
IN THE REPUBLIC OF MOLDOVA
January – December 2010

Resource Center for Human Rights
Centrul de Resurse pentru Drepturile Omului (CReDO)
Al. Hajdeu 95 "A", CHISINĂU, MD 2005, Moldova
(373 22) 212 816, fax (373 22) 225 257
CReDO@CReDO.md, www.CReDO.md
Resource Center for Human Rights (CReDO), www.CReDO.md
Executive summary

The report was prepared as part of the initiative implemented by the Resource Center for Human Rights (CReDO) covering period January - December 2010 and supported by the OSCE Mission to Moldova. The informational basis of the report was supplemented by monitoring the freedom of assembly conducted during the year 2010.

The report presents analysis of developments in the area based on the information gained in comparison with previous periods. The current report presents and analyzes on the progress of compliance and implementation of the freedom of assembly practice with the law on public assemblies.

The findings of the report confirm a positive dynamic in the exercise of freedom of assembly in the Republic of Moldova. The new regulatory framework provides greater freedom in the organization and conduct of peaceful assemblies to organizers and participants. Total number of assemblies and the number of spontaneous assemblies is increasing and the rate of violent assemblies is continuously decreasing.

During 2010, we note that authorities responsible for ensuring the conditions for exercising freedom of assembly have adapted and have been applying a much more coherent practice in the implementation of the Law on Assemblies. Police authorities manifest a much more adequate behavior and attitude on policing assemblies. At the same time, we note lack of progress concerning more efficient institutional organization of police agencies involved on the one hand in protecting and ensuring public assemblies, and, on the other hand, in maintaining public order.

Representatives of local public administration are to further consolidate their capacities, skills and instruments relevant for adequate application of the legislation. Deficiencies in the ability of the representatives of the local public administration to assist assemblies in progress and deal with problematic situations that may arise during the assemblies are still registered. There are, also, signals indicating poor communication and collaboration between local government and law enforcement bodies.

During 2010, we assisted at the public discussions of several draft laws and of the Concept on reforming police authorities, as well as of several draft Laws that target freedom of assembly, all of them are relevant for ensuring freedom of assembly. The draft Law on Carabineers aims at centralizing the responsibilities of ensuring public assemblies in conditions of lack of necessary competences and abilities of the Carabineer troops in this respect – thus requiring greater efforts for creating them. The draft Law on Mass Assemblies includes certain provisions that can be interpreted as limiting in some respect the freedom of assembly.

The report makes a series of recommendations to improve the exercise of freedom of assembly in the Republic of Moldova. The most important recommendations relate to the need to ensure the capacity building of police and local public administration in assisting and managing assemblies:

- Increasing the efficiency of the institutional organization of the police, including decentralization and increasing transparency of its activity, thus offering a greater role to the local police in ensuring assemblies;
- Abandoning the draft Law on Mass Assemblies because it limits the freedom of assembly and regulates aspects which actually refer to the organization of the police forces and to adopting some adequate tactics, which actually should not be regulated by legal provisions;
- Strengthening police skills and tactics to deal with confrontational behavior;
- Creation of some specialized groups of policemen who would be responsible for the control and supervision of assemblies;
- Better cooperation and communication between police and local authorities on managing and facilitating freedom of assembly;
- Functional reorganization within the local public administration of their responsibilities deriving from the Law on Assemblies;
- Strengthening the capacity of the representatives of local public administration to manage assemblies and work with organizers, particularly in case of conflict situations;
- Effective actions of the Prosecutors Office to investigate cases of infringement of the right to freedom of assembly, including through police inaction;
- Central Electoral Commission (CEC) and local administration to enforce adequate parties financial reporting on the expenses related to the public events.
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1 Introduction

Practice of respect of the freedom of assembly requires comprehensive collection of data including quantitative and qualitative information that provides us with understanding on the compliance of practices with the national legal provisions and international standards. CReDO continued its monitoring process of the freedom of assembly in Moldova for 2010. The monitoring process started in December 2007 (when the old Law on organization and unfolding public assemblies was in force) and monitoring continued in 2008\(^1\) in 2009\(^2\) and during 2010. The monitoring process was developed by a national network of monitors under the coordination of CReDO.

The assemblies are documented and relevant information is placed at the on-line monitoring platform, [http://www.credo.md/assembly/\(^3\)](http://www.credo.md/assembly/), which hosts information about all public assemblies and all monitoring reports. The monitoring process carried out within the project follows both international and national standards. Monitors respect and abide a code of ethics for monitors. The period of monitoring documented in this report extends until December 2010.

Objectives

The monitoring report has several specific objectives:

- systematization of the existing freedom of assembly practices;
- analysis of challenges concerning institutional organization of the police authorities related to public assemblies,
- analysis of how freedom of assembly practice and application of the existing legal and institutional framework is respected, to ensure the freedom of assembly standards.
- elaboration of proposals for improving practices of ensuring freedom of assembly.

The project has an important educational effect on these actors who are practically involved in freedom of assembly rights: the organizers, the police, the media and the general public. Finally the project helps generating information, data and consequently evidence in order to make an informed judgment regarding the standard of practice relating to freedom of assembly.

Methodology

The monitoring project has continued to produce a comprehensive database of assemblies for the period of January-December 2010. This information is based on the individual reports of each assembly monitored by one or several specially trained

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3 For video documentation of assemblies in Moldova visit internet television [www.PublicTV.md](http://www.publictv.md/ro/Public_Assemblies/) - partner organization in monitoring the assemblies
independent monitors. The project has been monitoring more than 50% of all assemblies in Moldova, targeting particularly those that could have generated difficult situations.

The project targeted some difficult and generic situations through comprehensive case studies. Interviews have been held with the police officers and local authorities. Information about the assemblies has also been collected from the various specialized NGOs, from the media and from the contact persons among organizers, the law and the responses of the authorities. Statistical information and data has been compiled from the individual reports. The report discusses this information specifically in the context of the effective functioning of the new law, and based on its conclusions, the report sets out a series of recommendations to improve the coherence of the application of the new law.

The data and information in chapters 3, 4, 5 and 6 focusing on the description of findings of the assembly rights, are based on:

- individual monitoring reports, which include specific information on each event. The reports are written by trained and experienced monitors, complex assemblies are monitored by several monitors. Their reports cover events prior to and during the assemblies and activities following the assembly, and focus on the role and actions of various factors including organizers, participants, police, local authorities and the judiciary bodies;
- collection of data and information (including observed facts, numbers, pictures and assessments), which are further analyzed to form the core quantitative information on assemblies, while all individual reports are placed under the monitoring platform: http://www.credo.md/assembly;
- some individual reports have been complemented by case study research, including interviews with relevant actors, and collection of other relevant information;
- information provided by representatives of public institutions and other stakeholders;
- compiling the statistical data in retrospective (old law, new law in first months and new law application at a later stage) and comparison of the statistics from the mentioned periods of time;
- presentation of concise qualitative information on the case studies that explain the most representative situations.

Chapter 7 contains detailed analysis of the public events carried out during the electoral period of time in the course of 2010. Chapter 8, which presents analysis of the draft laws (on Carabineers and on Mass Assemblies).

The report was elaborated by Serghei Ostaf (research design, analysis, and writing) and Florin Gisca (coordination of monitoring, case studies).
2 Organizing and carrying out assemblies

This section contains a comprehensive overview of the public assemblies\(^4\) carried out in the Republic of Moldova during the period from January to December 2010. In the case of assemblies that have not been monitored, some information has been gathered from the media, the relevant authorities, or directly from the organizers.

2.1 Assemblies: number, types, forms

Public assembly is a tool of freedom of expression. Knowledge of issues related to the number of assemblies and how they manifest is important for understanding the extent and peculiarities of using this tool in Moldova.

In 2010, in the period from January to December, there were recorded a 716 assemblies in the Republic of Moldova (comparing to 773 in 2009 and 417 in 2008), of which 449 were directly monitored by the project monitors. The statistics and observations presented in this report cover registered and monitored assemblies.

In 2010, early parliamentary elections and constitutional referendum took place. In comparison, in 2009, 2 parliamentary campaigns were held, and, therefore, the number of public assemblies should not substantially change in comparison to that period. Following the analysis of evolution of the number of assemblies carried out in 2010, the

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\(^4\) The law on assemblies LPC26/2008 Article 3. Main concepts In this law, the following main concepts mean: assembly – intended temporary presence of a group of people, located together in order to express ideas or attitudes;
tendency from 2009 concerning the number of assemblies remains unchanged, which means that in 2010 no increase in the number of assemblies is noted comparing to the number of assemblies held in 2009.

In 2010, the lowest number of assemblies was registered in the months of January, February, August and December.

In the months of April, May and June, we note a tendency of increase in the number of assemblies. In these months, from 75 to 120 assemblies took place. This phenomenon is explained by conduct of electoral campaign and constitutional referendum: referendum from 05.09.2009 and early parliamentary elections from 28.11.2010. Therefore, we note that on average around 40 assemblies took place monthly in the non-electoral period in accordance with the new Law (by 10% fewer than in 2009).

This data corroborated with the information about organizers of the assemblies show that the number of assemblies has dropped below the level of 2009, registering a decreased activism of the political actors. For political actors, public assemblies remain a popular instrument which has been used during electoral period on the whole territory of the Republic of Moldova, but the number of assemblies organized by a political actor in 2010 is lower than in 2009, probably because of the increased accessibility of the mass-media channels and to a change in the strategy of the electoral campaign

- **peaceful vs. non-peaceful assemblies**

The Law guarantees the peaceful exercise of the right of freedom of assembly. Using non-peaceful items is prohibited and punishable by law. In 2010, the number of non-peaceful assemblies has decreased (4 non-peaceful assemblies) compared with the previous monitoring periods (9 non-peaceful assemblies in 2009 and 7 non-peaceful assemblies in 2008). According to the charts 2 and 3, comparing to the total number of assemblies, we note a continuous reduction in the number of non-peaceful phenomena, from 2.6% in 2008 after the introduction of the new law, to 2.1% in 2009 and less than 1% in 2010.
Chart 2. Peaceful and non-peaceful assemblies

Only 4 non-peaceful assemblies were registered in 2010.

Chart 3. Peaceful and non-peaceful assemblies %

A general characteristic of violent phenomena produced by the organizers or participants during assemblies from the Republic of Moldova is their isolated and reduced nature, in what concerns the extent and level of danger. Of the cases recorded so far in 2009, the violent disturbances took place on 7 April 2009 is an exception both in extent and intensity, as well as in effect. In 2010, non-peaceful assemblies were non-significant.

Violent manifestations during assemblies are characterized by aggressive interventions of the organizers, while in 2009 violent elements were characterized by aggressive interventions of third parties. Overall, in 2009 there were 24 aggressive interventions of third parties during peaceful assemblies, and in 2010, their number decreased until 3-4.
In 2010, the degree of aggression and violence was relatively small, and it was manifested either in the form of demolishing a fence or simply pushing up policemen, without causing light bodily injuries. Most often, these interventions represent short sequences of time.

**Case study 1. Non-peaceful assembly**

On 03.03.2010, approximately at 08:15, at the crossing of the streets Traian with the street Decebal, a spontaneous protest was initiated by the employees of the fast-food booths network G. The protest was caused by the intention of the authorities of Chisinau city to remove the booth illegally placed on the respective crossing. The purpose of the protesters was to obstruct removing of the booth. Attitude of the protesters was aggressive both towards the public authorities, as well as towards the outsiders. Several cases of verbal aggression were registered. During the day, representatives of public authorities did not manage to remove the booth because of the opposition manifested by the protesters. As a result, at around 5.00 p.m., 50 more additional police officers in uniforms and several police officers in plain clothes arrived at the place of the event in order to create a police cordon to allow technical team to evacuate the booth. Reaction of the protesters was violent. Those around 20 protesters have physically opposed the policemen and a general agglomeration with pushing up and application of physical force by both sides has occurred. Finally, at around 9.00 p.m, the cordon formed by police allowed removal and evacuation of the booth.

**Pictures 1. Non-peaceful assembly**

![The booth (orange, in the middle) surrounded by policemen, protesters and passing by](image1)

![The cordon of policemen around the booth that was going to be removed](image2)

**Case study 2. Non-peaceful elements assembly 1**

On the occasion of the International Workers’ Day, on May 1st, Association S. organized a manifestation in the Great National Assembly Square. Those approximately 150 participants were disturbed by the protection fence installed by the police on the perimeter of the square. As a result, during those 3 hours when the assembly took place, participants have tried a number of times to remove and destroy the fence. The attitude of the protesters towards people around them became aggressive (similarly to majority of other assemblies organized by the Association S.). In this atmosphere, one monitor of the assembly who was filming the events was hit in a consecutive way by 2 elderly people, who were participating in the assembly, and who were revolted at the fact that the assembly has been filmed. The removal of the fence was not successful, and the assembly was over after it has been „absorbed” by another more numerous assembly that followed.
Pictures 2. Non-peaceful assembly

The beginning of the assembly

The participants grouped in front of a scene that was going to be used by another assembly

M.L. – leader of Association S. attempts to disassemble the fence installed around the Square. On the other side, three policemen try to balk

M.L. together with other protesters, try to access the fence through violent actions

Case study 3. Non-peaceful elements assembly 2

Around 40 believers of the church St. P. manifested on 02.05.2010 in the center of Chisinau against homosexuals. Participants at the assembly moved in a successive marching in front of the Cathedral, monument of Stefan cel Mare and the Great National Assembly Square. During the marching, the column has several times crossed the street irregularly on red color traffic lights. At some point, after another irregular crossing, one of the participants at the assembly hit the monitor present at the assembly laterally and warned him not to film any longer the marching. The monitor was later warned that the person who had hit him was a veteran of Afghanistan war and that it would not be a good idea to look for him or to take measures against him. On the same day, another monitor was aggressed during another manifestation with a similar message by two young women who tried to take the photo camera belonging to the monitor.
Case study 4. Non-peaceful elements assembly 3
Inhabitants from the street Dimo from Chisinau have organized several protest actions against building on the territory of the Riscani Park of a auto service. On 12.09.2010 inhabitants, supported by the Movement EM, have organized another assembly in the proximity of the construction plot. After 90 minutes of protest, the majority of those 70 participants have dispersed. A group of approximately 10 elderly persons have remained at the place of the assembly and have broken the fence that surrounded the building site. The fence was largely destroyed. At that moment, no police officer was present at the spot.

Pictures 4. Pictures Non-peaceful elements assembly

After the new Law entered into force of the on 22.04.2008, an increase in the number of spontaneous assemblies was observed, in conditions when the new law provides for the possibility to conduct such assemblies. In 2009, the number of spontaneous assemblies has further increased, reaching 3-4 assemblies per month, almost double comparing to the same period in 2008, when there were 1-2 spontaneous meetings organized per month. However in 2010, as the following chart proves, the number of spontaneous assemblies has decreased 3 times comparing to 2009.
Chart 4. Spontaneous and notified assemblies

About 1/3 of the spontaneous assemblies monitored in 2009 took place some days after the elections of 5 April 2009. The spontaneous assemblies that took place in 2010 were also an immediate reaction to some actions of the authorities.

Despite the declarations of the organizers not all the assemblies declared as spontaneous are spontaneous. The previous chart does not include the assemblies that are declared as spontaneous and which clearly not such.

Case study 5. Spontaneous assembly 1

On 25.05.2010, more than 60 members and supporters of the Association F.D. gathered for a spontaneous protest in the Great National Assembly Square, which has continued in the Square of the Opera and Ballet Theater. The protest was a reaction to the last minute ban in organizing concerts of the international company of Chinese art Shen Yun. Concerts had to take place on 25 and 26 May in the Opera and Ballet Theater. Members of the band Shen Yun, who came to Chisinau for concerts, have also participated at the assembly. Protesters alleged that concerts were cancelled by the Administration of the Opera and Ballet Theater unilaterally and in the last minute, in spite of the existing signed contract and in spite of the fact that a large amount of tickets has been sold. Among others, protesters also alleged involvement in the case of central authorities, upon intervention of the representatives of the Chinese state, which is in an open opposition with the members of the Association F.D. Manifestations continued also in the next days, gathering several hundreds persons who came for the concert.
Resource Center for Human Rights (CReDO), www.CReDO.md

Pictures 5. Spontaneous assembly 1

One of the messages addressed to the persons considered guilty of canceling the shows

Members of the Shen Yun company together with other protesters aligned in silence in the Square

Case study 6. Spontaneous assembly 2

On 14.02.2010 a group of journalists from the JTM trust picketed headquarters of the Supreme Court of Justice. Picketing was organized spontaneously as a reaction to the declarations of the President of the Supreme Court of Justice, I.M., who called journalists “mad dogs”. The assembly lasted almost an hour and gathered 15 persons.

Pictures 6. Spontaneous assembly

Journalists with toy and real dogs, picketing the Supreme Court of Justice

The same protesters displaying messages addressed to the president of the Supreme Court of Justice

Except cases of spontaneous assemblies, organizers usually follow the procedure of notification of local authorities.

Case study 7. Non-notified assembly

On 16.04.2010, 11 young people from the initiative group “Conserva” conducted an assembly in front of the Center for Combating Economic Crimes and Corruption. The group announced that its purpose was to collect objects and food in order to give them in a parcel to I.G. – detained police officer in the isolator of the Center for Combating Economic Crimes and Corruption, who was investigated in relation to the events of 7 April 2009. At the same time, the young people addressed an ironic open appeal asking that I.G. is not ill-treated in the isolator, as happened to persons detained and arrested in April 2009. The intention of the group was to sensitize public opinion
concerning detention conditions and treatments applied to the detained persons. The action was prepared and publicized through social networks and the Mayor’s office was not notified about its organization.

**Pictures 7. Non-notified assembly**

![One of the demonstrators bringing a pizza and a glass of tea for I.G.](image1)

![A part of the package prepared by the demonstrators gathered in front of the Anticorruption Centre](image2)

- **various forms of assemblies**

The form a certain public assembly could take depends directly on what it seeks, but also on the imagination and organizational capacities of the responsible persons. There is no classic pattern of conducting a meeting that would fit any public demonstration, but experience shows the popularity of certain forms, which are more comfortable and more expressive. Thus, according to observations, picketing of institutions represents the most common form of assembly in the Republic of Moldova. In most of the cases, picketing is a way of expressing a protest, involving a small number of people or even a single person. Indicative for picketing is V.Z.’s action, which started in July 2007 by picketing the Parliament. In April 2009, V.Z. changed the picketing place, moving in front of the General Prosecutor’s Office. V.Z. is present at the picketing almost daily, from morning till evening.

Moreover, the protest is one of the main reasons for organizing assemblies in the Republic of Moldova. A lot of organized meetings or demonstrations represent another form of expression of protest.
Concerning the dynamics of the forms of assemblies, one can see a constant proportion between them. Picketing and demonstrations/meetings are the most common forms, followed by about the same number of processions, social or cultural activities. In the electoral period the increased use of marches was noted as a form of expression.

Case study 8. Assembly in the form of march 1
Association M. carried out a march in the center of Chisinau which aimed at sensitizing the public concerning the problems faced by persons with locomotive disability. 25 persons participated in the march, 8 of them in wheelchairs. Participants at the procession marched on the footway, and for some part of their route they were accompanied by a road police car. The itinerary of the march included: Great National Assembly Square, UNIC Square, Stefan cel Mare Street, and headquarters of the Ministry of Finance.

Pictures 8. Assembly in the form of march

Participants in the march try to raise awareness of their problems by showing the difficulties they have to face every day while moving in through the city.

Case study 9. Assembly in the form of march 2
Around 3000 persons participated on 13.06.2010 in a march dedicated to the commemoration of 69 years since beginning of Stalinist deportations of the population between Prut and Dniester.
Participants at the march left the Great National Assembly Square on the Stefan cel Mare Street, and reached the Square of the railway station, where they laid down flowers at the monument of victims of Stalinist deportations. The traffic on the main street was blocked in order to make it possible for the column to move. The march was preceded by a large manifestation in the Great National Assembly Square. Many persons from the state leadership participated in the assembly.

Pictures 9. Assembly in the form of march

Visual exhibits referring to the Stalinist deportations from the ‘40

Participants in the march on the Stefan cel Mare bd.

The commemorative stone from the Railway Square was the final destination of the march

Case study 10. Assembly in the form of march 3

On 12.09.2010, some 350 persons participated in the Rose March, organized by the A.M. Foundation and A. Company in Ungheni. Participants at the march moved through the city on the road way and were assisted by several police officers in plain clothes and in uniforms. March represented one of the actions of the campaign aimed at preventing late diagnosis of breast cancer, and supported the carrying out of a systematic medical control.

Pictures 10. Assembly in the form of march

Marching on the streets of the Ungheni city

Case study 11. Assembly in the form of picketing

Every year, on 7 August, Russian Embassy in Chisinau is picketed by the representatives of the Georgian community, as a sign of protest towards the war initiated on 07.08.2008. On 07.08.2010, 12 representatives of the Georgian Association I. manifested during two hours across the street to the entrance in the building of the Russian Embassy. Participants have displayed placards and addressed declarations to Russian authorities, expressing their protest against the occupation,
requesting withdrawal of Russian troops and munitions from the Georgian territory. Another purpose of the action was to commemorate victims of the August 2008 war in Georgia.

**Pictures 11. Assembly in the form of picketing**

The protesters aligned across the street to the Russian Embassy displaying messages addressed to the Russian officials.

**Case study 12. Assembly in the form of a meeting**

On 11.09.2010, Association E.G. organized a meeting on the Victoria Square in Comrat. The meeting lasted for three hours and gathered more than 1000 persons. The purpose of the assembly was to promote a certain person for the function of Bashkan. During the assembly, signatures were collected, and at the end of the meeting, a concert was organized on the scene, which was installed for that purpose.

**Pictures 12. Assembly in the form of meeting**

Participants in the meeting sited in front of the scene where speeches were made.

Demonstrators holding flags of the organizer and of the Gagauz autonomous region.

**Case study 13. Assembly in the form of manifestation**

On 27.03.2010, at the Summer Bandstand from Balti a manifestation took place to celebrate the Day of Small Unification organized by the Movement N.C. The manifestation lasted for 95 minutes with participation of about 140 persons who sang unionist songs and exclaimed slogans. The assembly was assisted by quite a number of police officers in plain clothes and in uniforms. At the end of the assembly, the participants who came from Chisinau and Bucharest left with a bus to Orhei and Chisinau where they carried out similar manifestations.
87% of all assemblies held in the Republic of Moldova in 2010 had duration of less than 3 hours. In 2010, the number of assemblies that lasted till one hour was on a significant rise compared to the year 2009. While in 2009, they represented 33% of the assemblies, then in 2010 they represented 41%. Compared with earlier periods, there is a constant decrease in the share of assemblies lasting from 3 to 5 hours, in favor of assemblies lasting up to one hour and of those lasting 1-3 hours. This is explained by the fact that the procedure for organizing assemblies was simplified and the organizers and participants prefer to conduct shorter assemblies, but repeatedly, than to conduct longer assemblies. The election campaigns from 2009 and 2010 represented another factor that influenced this proportion, and they led inevitably to a greater number of street actions organized by political actors, and most of them were short, up to 1 hour.
During the year 2010 the share of assemblies lasting from 7 to 12 hours (5 assemblies) decreased compared to the year 2009 (41 assemblies). In 2010 the attention should be given to the assemblies that lasted non-stop on the duration of several months (some of them still going on as this report was elaborated). By the cumulative time of their duration, these assemblies lasted over 8 months.

**Case study 14. Short duration assembly**

On 17.11.2010 L.T.R. organized a flash-mob in the Great National Assembly Square, which started at 15:17 and lasted for 3 minutes. 23 participants came to the place of assembly and have suddenly dispersed immediately after its finalization. The purpose of the assembly was to sensitize public opinion and to ask the authorities to remove the commemorative stone installed for the victims of the Communism.

**Pictures 14. Short duration assembly**

Protesters in front of the Government Building

Protesters making noise by bumping toy hammers of the ground

**Case study 15. Average duration assembly**

On 22.04.2010 in the Vasile Alecsandri Square from Balti, a meeting took place to celebrate the jubilee of 140 years since the birth of V. I. Lenin. The meeting was organized by the TC Union and
gathered approximately 110 persons. The meeting took place in the first hours of the morning and lasted for 1 hour and 20 minutes.

**Pictures 15. Average duration assembly**

Participants in the meeting gathered around the statue of Lenin, listening speeches

**Case study 16. Long duration assembly**

Following the kidnapping of I.C. by the self-proclaimed authorities of the r.m.n., his parents A.V. and S.S. started a protest action by non-stop picketing the Embassy of Russian Federation. The action started on 12.06.2010, when A.V. and S.S. have installed a tent across the street of the premises of the Embassy. The two persons have carried out their protest action non-stop until 16.08.2010. During the assembly, each of the protesters missed for some periods of time because of their physiological needs or in order to be hospitalized. The protest lasted 66 days (1586 hours).

**Pictures 16. Long duration assembly**

S.S. giving interviews from the tent installed across the street from the Russian Embassy, on 12.06.2010

The protesters’ tent after a month of protests surrounded by inscriptions addressed to the Embassy

**Case study 17. Very long duration assembly**

T.P. – volunteer of the Dniester war from 1992, picketed the building of the USA Embassy starting from 12.07.2010 until 29.09.2010. T.P. installed a tent across the road from the embassy’s building and requested political asylum in the USA, as well as awarding him the rights in his capacity of veteran of war. During the assembly, T.P. was sometimes supported by his daughter and wife. On 29.09.2010 T.P. changed his place of assembly to the Great National Assembly Square where he brought his tent. Presently, T.P. continues to protest in front of the Government of the Republic of Moldova. On 24.12.2010 T.P. was taken to the hospital by an ambulance due to his state of health. The protest was carried on by T.P.’s wife. T. P. returned to protest in the early days of the year.
2011. The protest in front of the Government is the longest non-stop protest carried until now with duration of over 93 days (2238 hours) in 2010.

**Pictures 17. Very long duration assembly**

T.P. In front of his tent, installed across the street from the US Embassy, on 27.07.2010

T.P. cleaning up the snow around his tent installed in front of the Government building, having inscriptions on the roof and on the near by parapet, on 15.12.2010

**- peculiarities and complex elements of the assemblies**

Next, we shall present some details and peculiarities of the assemblies, which describe the general atmosphere and tone of street actions in the Republic of Moldova.

The chart below reproduces the number of cases when assemblies were equipped with sound amplifiers, the number of assemblies where officials or notorious persons and media representatives were present, the number of counter-demonstrations and simultaneous assemblies, and the number of assemblies attended by medical emergency services.

**Chart 8. Particularities of monitored assemblies %**

![Chart of particularities of monitored assemblies]
From observations made, every two out of three assemblies used a sound amplification device. The usefulness of these devices is twofold, one to communicate with the participants in the assembly and the second to make known the message to the passers, the relevant persons from the nearby institutions, or mass-media representatives. Often, these devices are indispensable because of the noise present at the places where assemblies take place, which are located in the areas with intense road traffic.

Concerning the mass-media representatives, they are present in 70% of all assemblies. The previous periods have registered the same level of attendancy. However, either because of lack of documentation or other reasons, the assembly messages are sometimes distorted through media channels. In any case, media channels are the most important means of disseminating information on assemblies and messages they communicate. Officials or well-known persons in the society were present in 21% of all assemblies. Here we have included all assemblies in which these persons have participated or assisted, even if they have not played an active or organizational role.

We also note the existence of counter-demonstrations and simultaneous assemblies, as phenomenon of freedom of expression and functionality of the new law. If during counter-demonstrations certain disputes or incidents are sometimes registered, then in case of simultaneous assemblies\(^5\), their carrying out is often merged without clashes or incidents occurring. During assemblies emergency services are present only in exceptional cases.

**Case study 18. Simultaneous assemblies**

On 26.06.2010, on the occasion of the International Day against Torture, in the Europe’s Square from Chisinau, 3 assemblies have been organized and carried out simultaneously. Organizers of the assemblies divided the space in the Square in a fair way, each of them occupying about 1/3 from the perimeter. Therefore, at 11:00 a.m. manifestation organized by the Association F.D. has begun. The purpose of this manifestation was to protest against repressions and torture against the members of the F.D. in China. Assembly gathered 13 participants, who tried to draw the attention of the public to their message through theatrical scenes. The assembly finalized at around 3:00 p.m. At 12:00 a.m., another assembly started in the Square, which was organized by the Association A.I.M. together with the Center R.V.T.M. During the assembly that gathered 18 participants, the International Day for the Support of Victims of Torture was marked and signatures were collected for the authorities of the Republic of Moldova and Kirgizstan calling them to stop applying torture in these countries. The assembly finished at 2:10 p.m.

The third assembly started in the same place at 12:10 p.m. and finished at 4:00 p.m. The third assembly was organized by the NL Party and had the purpose of gathering signatures for liquidating consequences of the Ribbentrop - Molotov Pact. Therefore, between 12:10 - 14:10 p.m. in the Europe’s Square 3 assemblies with 3 different messages took place simultaneously without problems, where each of the organizers could use the desired means of manifestation. As accessory, organizers used cages where simulated tortured people were staying, placards, a tent and music.

\(^5\) The law on assemblies LPC26/2008 Article 3. Main concepts

In this law, the following main concepts mean: ... *simultaneous assemblies* - assemblies that take place in the same place and at the same time, which may or may not have same reasons or goals, whose organizers may have similar, different or conflicting views.
Case study 19.  Counterdemonstration
Following the decree of the President of the Republic of Moldova, declaring the day of 28 June 1940 the Day of Soviet occupation, on 28.06.2010, at 08:00 a.m., a group of about 30 persons gathered in front of the Republican Palace, in order to express their support to the decree and to the message communicated through this decree. Half an hour later, 4 persons approached the participants, and expressed their disagreement with the adopted decree and indignation towards the message communicated by the first 30 demonstrators. After the atmosphere became hot and turned into a dispute, those 4 counterdemonstrators left the initial group and continued their counterdemonstration at distance. Until 09:45 a.m., the number of counterdemonstrators has gradually increased, and at 10:30 a.m., they joined a group of 250 persons who came in front of the Republican Palace in order to manifest their disagreement with the respective decree. The initial 30 demonstrators, who expressed their support to the decree, finished their assembly at 09:45 a.m. and moved to the Great National Assembly Square, where they joined the other 1500 persons who came to participate at the meeting of commemoration of Soviet occupation.
Concerning the distribution of assemblies by day of week we note that weekend days (Saturday and Sunday) are preferred to the other days.

Chart 9. Day of the week
The preference for days of rest is explained by increased availability of people to attend assemblies when they have more free time. The difference between the numbers of assemblies held on other days of the week is not substantial; however, in 2010 the Tuesdays and Fridays seem to have been preferred by the organizers.

2.2 Assembly organizers, participants and assembly coverage

Further we shall discuss issues relating to the places where assemblies take place in the Republic of Moldova and some characteristics of the participants and organizers.

Chisinau is still the favorite place to conduct assemblies in the Republic of Moldova. Over 89% of all assemblies are held here. This phenomenon is explained by the fact that the premises of the main institutions and organizations targeted by assembly organizers and participants are located in Chisinau, as capital. In addition, the events taking place in Chisinau are more likely to be mediated by national media channels, and therefore, more likely to achieve their goal. In 2009, Chisinau hosted 85% of all the assemblies and even more in 2010.

Chart 10. Geographic coverage of assemblies

Per number of assemblies, Chisinau is followed by Balti and Cahul cities, but at a big difference. Public assemblies take place not only in cities but also in rural areas, however with a considerably reduced intensity, and driven by issues of local interest.
The main area to conduct assemblies in Chisinau and, implicitly, in the Republic of Moldova, is Bd. Stefan cel Mare, between the streets S. Lazo and Armeneasca. The headquarters of the main state institutions are located specifically there and the major public places where traditionally people meet are situated there.

Therefore, one of the vital areas for exercise and regulation of the right to free assembly is the Blvd. Stefan cel Mare, in the limits mentioned above. In this context it is important how the state institutions control and manage access to favorite places for public assemblies, some of which being close to the main institutions of state.
Chart 12. Places of assembly in downtown Chisinau

Creating impediments in any of the places mentioned in the scheme virtually affects the exercise of freedom of assembly in the proportion corresponding to each location. In this sense, the Great National Assembly Square, Stefan cel Mare Public Garden (including the Stefan cel Mare Statue Square) and the spaces in front of the Presidency, Parliament and the Chisinau City Hall accounted in 2010 for 46.8% of all public assembly locations in Chisinau and 42.10% of all locations in the Republic of Moldova. The 2010 percentage of assemblies taking place downtown Chisinau is lower than in 2009 (63.2%/53%) due to the decreased number of political assemblies that targeted public institution located in the mentioned segment of the Stefan cel Mare bd.

Assemblies monitored in the period January - December 2010 had cumulated about 78430 participants, which is a slight decrease comparing to 2009, when over 116 000 participants took part in the monitored assemblies.

After the entry into force of the new Law on Assemblies, an increasing trend in the share of assemblies with up to 50 participants and a decreasing trend in the share of assemblies with 100-5 000 participants were registered. In 2010, this trend was confirmed. There was noted a continuous increase in the number of assemblies with less than 50 persons. The weight of the small numbered assemblies increases both due
to the procedural facilities (no notification needed) and probably because of the lack of availability of large number of persons to manifest on certain issues.

According to the observations made, combined with data in Chart 7. Duration of assemblies, a typical assembly in the Republic of Moldova, would have up to 50 participants and would last up to 3 hours.

**Chart 13. Number of participants at assemblies**

People who protest solitary have more discretion in actions, because they are not constrained by organizational reasons when they conduct an assembly. Therefore, solitary assemblies are more unpredictable on their occurrence and on their beginning and ending time. The number of solitary assemblies is dependent on the individual problems and on the determination of the organizers (see for example the case of Varvara Zingan⁶).

**Case study 20. Solitary assembly**

V.D. is one of the most prolific organizers of solitary assemblies in the Republic of Moldova in 2010. During the year, he conducted assemblies on various topics and is present at almost all assemblies on any topic carried out in Chisinau. Below, we shall present 3 examples of assemblies carried out by V.D.:

- On 06.04.2010 V.D. picketed the building of the Ministry of Internal Affairs to express his indignation with the injustice committed by the ex-Minister towards his father.
- After the Smolensk catastrophe, V.D. picketed for more than a week the premises of the Russian and USA Embassies, as well as the S.I.S building, invoking occult implications in the accident that led to the death of many persons from the Polish Governmental elite.
- After the victory of the National team of Spain in the World Football Championship, V.D. expressed his happiness during several days in front of the Stefan cel Mare monument.

Resource Center for Human Rights (CReDO), www.CReDO.md

Pictures 20. Solitary assembly

V.D. in front of the US Embassy, on 15.04.2010, making his point of view about the flight accident in Smolensk

V.D. picketing, on 14.05.2010, the Chisinau Municipal Council as a protest against the physical aggression he was exposed to from a municipal councilor

V.D., on 13.07.2010, celebrating the victory of Spain in the football World Cup

V.D. along with a group of religious extremists, at their meeting against homosexuals

V.D. picketing the Russian Embassy along with the non-stop assembly of S.S. and A.V.

The longest string of assemblies was carried out by V.Z. who pickets almost daily the headquarters of state institutions for already three years and a half. In July 2007 V.Z. started picketing the Parliament’s building. In April 2009, V.Z. changed the place of the protest in front of the General Prosecutor’s Office, where she still can be found today. The purpose of her protests is to sensitize the authorities regarding the problem of convicting her son, conviction considered by V.Z. as illegal.

Case study 21. Assembly of more than 7000

The assembly with the biggest number of participants was organized in 2010 by the Party C. On the occasion of the International Labor Day, the Party C organized a manifestation on 01.05.2010 in the Great National Assembly Square. About 7500 persons, who came from several regions of the Republic of Moldova, participated at the manifestation. Demonstrators came to the Great National Assembly Square, marching from four different directions. In order to manage the participants, responsible persons were delegated for maintaining order and organizing the participants during the marching. During the assembly, more than one hundred police officers in plain clothes and in uniforms have also assisted at the assembly, besides their own agents responsible for ensuring public order.
Resource Center for Human Rights (CReDO), www.CReDO.md

Pictures 21. Assembly with more than 7000 participants

The demonstrators surrounded by a protective fence installed for the first time in the National Square on the occasion of an assembly

The leaders of the organizing party in front of the participants in the National Square

Chart 14. Organizers of assemblies

The carrying out in 2009 of two electoral campaigns and in 2010 of one parliamentary election campaign and one referendum is reflected in the chart above, where an increased activity of political actors in 2009 and an increased activity of the NGO sector in 2010 is observed. The number of assemblies held by these actors during the 4 months of higher electoral activity exceeds the number of assemblies held by them in prior periods and the number of assemblies held by other generic actors. Individuals and less NGOs are the social actors who have a large share on the chart of organizers of assemblies. Clearly, individuals' public assemblies aim most often at personal goals, and NGOs' assemblies have usually general social purposes.
The most active political actors in this period were the Liberal and the Communists party. Another active political actor was the Comunist Youth Union. Anyway all, these actors organized in 2010 together far less assemblies than in 2009. Other than political actors, the most constant organizer of assemblies in recent years is the Falun Dafa association with constant, 3-4 assemblies per week. The most active individual organizer of assemblies is again Varvara Zingan with an almost daily picketing, in 2010, of the General Prosecutors office. Since July 2007, Varvara Zingan has picketed almost daily the Parliament (until April 2009) and the General Prosecutor’s Office (from April 2009 to date). The number of assemblies carried out by her during the period included in the chart amounts to several hundreds.

The chart does not include assemblies organized by Varvara Zingan. The number of assemblies held by Varvara Zingan during the period included in the chart amounts to several hundreds. From July 2007 Varvara Zingan pickets almost daily the Parliament building (until April 2009) and the Prosecutor General’s Office (from April 2009).

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7 The chart does not include assemblies organized by Varvara Zingan. The number of assemblies held by Varvara Zingan during the period included in the chart amounts to several hundreds. From July 2007 Varvara Zingan pickets almost daily the Parliament building (until April 2009) and the Prosecutor General’s Office (from April 2009).
Case study 22.  Assembly organized by a political actor
On 31.10.2010, Party L. organized in the Square of the rayon council from Straseni a manifestation which aimed at announcing the launch of the electoral campaign of the party for the parliamentary elections from 28.11.2010. Assembly gathered about 70 participants present with party flags and symbols. Speeches were held, and at the end, the party members left for the villages of the rayon in order to organize meetings with the voters.

Case study 23.  Assembly organized by an individual
On 10.06.2010 around 150 persons participated at an assembly organized by R.G. in Cahul. Participants at the assembly wore placards and cried out slogans, intending in this way to sensitize the public opinion and representatives of local authorities concerning a construction (which was illegal in their view) in an internal court yard of a district of blocks in Cahul city. Majority of participants were inhabitants of the blocks situated in the neighborhood who were unhappy by the beginning of the construction. During the assembly, a march was carried out which finalized in a meeting. The itinerary of the march included premises of the Court of Appeal, Mayor’s Office, Police Commissariat, Prosecutor’s Office, the Center for Combating Economic Crimes and Corruption and Rayon Council. Subsequently, the inhabitants of the block managed to obtain, through a court decision, the ban of the respective construction.

Case study 24.  Assembly organized by a NGO
On 01.12.2010 around 25 members and supporters of the Association GDM carried out a manifestation close to the Arch of Triumph from Chisinau, in order to draw the attention on the problem of spread of HIV virus. Demonstrators wore white T-shirts with the inscription „WITH OR WITHOUT HIV EQUAL
IN RIGHTS!” During five minutes, in silence, the participants held their hands together and arranged in the form of red tape – symbol of solidarity with HIV-positive persons and persons with AIDS. After this, they have dispersed.

Pictures 24. Assembly organized by a NGO

A human chain in the shape of the Red ribbon (HIV/AIDS solidarity symbol) next to the Arch of triumph

The assembly’s appeal printed on the backs of the participants
3 The practice of enforcement of assembly rights by authorities

This section discusses the involvement of the police in issues related to the freedom of assembly. This section also touches upon the policing practices, the enforcement of laws, and the roles of local authorities and the intervention of third parties.

3.1 Police actions on assemblies

After the adoption of the new Law on Assemblies in April 2008, police was encouraged to play a different role in ensuring public assemblies. The Law has established three main duties of the police: 1) facilitation of assemblies, 2) protection of assemblies, 3) maintaining public order and protection of the rights of other persons. Until now the first two duties represented a challenge in managing assemblies by the police. The change produced by adopting the new Law has disclosed the fact that police was not prepared to face new positive obligations stipulated in the adopted law. The old tactical methods of managing assemblies in some cases contradict the new obligations of the police based on the provisions of the new Law on Assemblies, their skills require modernization, and police officers feel personally unprotected because of absence of personal equipment.

- Conditions imposed on assemblies

After the entry into force of the new law, police was virtually deprived of the right and opportunity to impose conditions or restrictions to assembly organizers, except in some particular cases provided by law as exception. However, as shown in the chart, there are still cases in which police representatives influence the conduct of an assembly by intervening with organizers. Nevertheless this intervention of the police has considerably decreased during the last years and especially in 2010. In 2010 and 2009 there were registered a couple of assemblies each year with restrictions imposed before the carrying out of assemblies, but their number is decreasing comparing to the previous periods.

Chart 17. Conditions and restrictions on assemblies, nr
Regarding restrictions and conditions imposed after the assembly has began; a downward trend of the share is recorded, from 23% in 2008 to 7% in 2009 and 16 cases in 2010, which represents 4%. Of the 16 cases when police imposed conditions or restrictions throughout the course of the assembly, organizers or participants have complied with the imposed conditions or restrictions in 4 cases. The situations in which police imposed restrictions and conditions occurred mainly in the case of assemblies taking place in front of the embassies. Usually the police unit that interferes unjustifiably is the carabineer troops delegated with the guard of the embassies. In most of the cases the restrictions consist in prohibiting the development of the manifestation in front of the embassy, invoking a required distance. The source of such unlawful interventions reside in the lack of knowledge and skills within the carabineer troops. A more detailed description of the carabineer and other police units in charge with assisting the public assemblies can be found in the 7th Chapter of the current report.

In 2008, more than 90% of monitored assemblies were notified to the local authorities. Of the non-notified, most assemblies did not require submitting a prior notification. The trend of decreasing the share of assemblies notified to local authorities began after the introduction of the new procedures for notification. Basically, compared to the period when the authorization procedure was in force, the rate of declared assemblies fell, in 2009 the rate fell by 25% and in 2010 the rate fell by 15% comparing to the previous year. In this respect, the provisions of the new law, which make it easier to organize public assemblies, are welcomed.

**Case study 25. Restrictions imposed after the manifestation began.**

On 31.03.2010, starting with 1.00 p.m., members and supporters of ACI HP have conducted a picketing of the headquarters of the Russian Federation Embassy in order to support protests taking place in Russia, which militate for the right to freedom of assembly. Immediately after they have demonstrated their intention to start the assembly, the participants were approached by the commissar of Buiucani district I.V., who asked the demonstrators to move at a 30 meters distance from the embassy’s gate, and to go on the opposite side either of the boulevard Stefan cel Mare or of the street T. Ciorba. The restriction was motivated by the interdiction to stay in the proximity of
the Embassy, because an official delegation was expected to arrive at the embassy. Although the protesters have partially complied with the restriction (1.30 p.m.), other pedestrians were in fact allowed to cross the street at some time after the restriction was imposed. Passing to the side of the Embassy was prohibited also to other pedestrians around 1.50 p.m. The assembly was over at 2.20 p.m.

According to the Law on Assemblies, police can oblige demonstrators not to conduct an assembly in a particular place, only if the respective place is closed to the public access (for any person). In fact, after the demonstrators have crossed the street, other people have passed the respective place for about 15-20 more minutes before the place was isolated by the police.

**Pictures 25. Assembly with restrictions imposed after the manifestation began**

The Buiucani Commissar, in front of the Russian Embassy, having a verbal dispute with the protesters, persuading them to move across the de road. Plain clothes policemen and journalists assist from proximity.

The protesters moved across the Russian Embassy while the space in front of the embassy was still crossed for another 15 minutes

**Case study 26. Restrictions and abusive use of force by the police**

On 24.09.2010, 4 persons, members of the Association F.D. have picketed the headquarters of the Embassy of China. At the beginning of the assembly, one of the 2 carabiners standing in front of the embassy tried to stop the process of carrying out the assembly; subsequently he prohibited the participants who were situated across the embassy to stand or to pass on the footway in front of the Embassy. Additionally, the same carabineer has prohibited in an aggressive manner the monitor to take pictures of the participants. On the request to call a superior and explain the reason of interdiction, the carabineer declared that he was the superior there and that he was the one deciding who and what shall do. The carabineer has threatened that in case the monitor did not close the camera, he would break it, the carabineer has hit the monitor on his hands, was closing the camera’s lenses, was pulling the camera, and was pushing the monitor when the latter wanted to take pictures.
Resource Center for Human Rights (CReDO), www.CReDO.md

Pictures 26.

Assembly with previous restrictions

One of the F.D. members in their usual hypostasis in front of the Chinese Embassy

A blurred image resulted in the attempt to take pictures of the protesters across the road to the Embassy, damaged by the aggressive actions of the Carabineer

The aggressive carabineer photographed underhand after committing the abusive actions

Number of police officers involved

This indicator is relevant in order to identify the necessary administrative resources for ensuring assemblies. According to the following chart, the number of police officers present at the public assemblies continues to decrease.

Chart 19. Police presence

The police have an obligation to ensure public order and security of participants during the assembly. We note that in most of the cases that occurred in 2010 and in 2009, an assembly was assisted by maximum 5 policemen. The weight of the assemblies assisted by up to 5 policemen continued to increase in 2010. A higher number, up to 20
policemen, assisted about 34% of all monitored assemblies in 2009 and only 29% of all monitored assemblies in 2010. The number of assemblies with up to 50 police officers responsible for assisting assemblies is decreasing; over 100 policemen have participated only in certain assemblies in exceptional cases. The increases of the number of assemblies assisted by over 50 policemen, can be explained by the slight increase of the number of problematic assemblies, which require more attention from police.

The usual practice, in which assemblies are assisted by the police, is in line with legal standards, according to which the police have a positive obligation to ensure security of the assembly and public order. In the monitored period in 2010, we note a decrease in the average number of policemen per assembly. If in earlier periods the average number of policemen was 12, in 2009 this average increased to 15 (mostly due to the exceptional assemblies from April 2009 when the average number of policemen was times higher then during regular assemblies), and in 2010 the average number of policemen was 11. Actually the year average for 2010 represents, according to the past year observance, a return to the normal figures of Republic of Moldova, while the 2009 average was an exception.

**Chart 20. Assemblies-policemen proportion**

![Chart showing assemblies-policemen proportion](chart20)

Police presence at assemblies is constantly perceived by some participants or organizers as a negative aspect. This attitude emerged as a result of the presence of police in plain clothes, as well as following certain assemblies in which police intervention or non-intervention resulted in negative consequences for the respective assemblies. Cases

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8 The Law on Police No. 416-XII of 18.12.90 Article 2. The main tasks of the police: The main tasks of the police are:
1) protection of life, health, honor, dignity, rights, liberties, interests and property of citizens against criminal attacks and other illegal attacks;
2) preventing and curbing crimes and other offences;
3) finding and discovering crimes, searching people who have committed them;
4) maintaining public order and ensuring public security;
5) providing help, under the conditions and manner prescribed by this law, to citizens, government authorities, enterprises, institutions and organizations in order to protect their rights and their duties established by law; ...
when the main organizers are threatened by the presence of contra-demonstrators or of some violent persons represent an exception.

**Chart 21. Uniform police vs. police in plain clothes**

According to observations, in 2010 the total number of police officers present at assemblies decreased compared with 2009. The weight of policemen dressed in plain clothes decreased in 2010 to 38% comparing to 2009, when police officers dressed in plain clothes were present in 40% of all police units, down from the previous period when the rate was 52%. The numerical dynamics in this period was influenced by several factors, including types of assemblies, organizers and number of participants.

Again, as noticed in the previous years reports, determining the number of police officers in plain clothes presents difficulties, because of the police mode of operation and specifics.

### 3.2 Police intervention with assemblies

- **Police use of barriers, detentions and of other restrictions**

Police are entitled to use various legal methods to accomplish their positive obligation to ensure public order and freedom of assembly. Contradictions and problems relating to police interventions occur when the legality of such interventions is put under question.

The main methods used by the security forces are represented in the charts below.

Generally, we note a continuous decrease of police intervention in the use of barriers, in the use of force and lack of actions of dispersing, detentions and arrests. The presented
data confirm a generally positive tendency in this regard obtained during the years 2009 - 2010.

**Chart 22. Police interventions**

The absolute value of the number of interventions in the form of barriers and application of force has decreased in 2010 by 2-3 times comparing to 2009. Thus, dispersion and use of force decreased in 2009 by more than half, from 5.7% to 1.9% and, respectively, from 5.3% to 2.4% of cases, and in 2010 actions of dispersal totally missed and there was observed 1 case of detention (see Charts 22 and 23).

**Chart 23. The relative weight of police interventions %

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9 The Chart does not include figures on people detained following the events of April 7. Further detailed information can be found in the Report “Freedom, security of person and torture: The events of April 2009 in Moldova” developed by IDOM and CRsDO http://credo.md/arhiva/documente/MoldovaLibertyTortureApril2009%20v8.pdf
The use of barriers and application of force remain present. The relevance and appropriateness of these methods of intervention can be assessed by examining each case separately, and based on court decisions rendered in connection with these methods. While in most of these cases the police intervention is justifiable and necessary, there are still a few cases (as shown in the case of Carabineers) when the interventions are abusive.

Case study 27. A third party removed by the police officers
On 07.10.2010 ACI HP was carrying out an oratorical marathon in the Stefan cel Mare Public Garden Park. During the marathon, the participants expressed one by one their point of view concerning the problems included in the discussion. At a certain moment of the respective assembly, a third party who was drunk started to disturb the participants at the assembly. Upon the request of the organizer, the drunk person was moved away from the place of assembly by the collaborators of the regiment Scut who were assisting the assembly.

Contraventions most often referred to in the charges brought in 2009 are insult of police officers and petty hooliganism. Among the charges brought in 2009, 28% refer to contraventions committed against police officers, such as insubordination to police, resistance opposed to police, interfering with police activity or insult of police officers. In 2010 the charges brought were almost entirely new compared with the previous years (only once a charge was brought on an article repeated from the previous years (see Chart 24).

Chart 24. Prosecuting reasons based on Law articles

The Law on Assemblies No. 26 of 22.02.2008
A a.5(1) Place of assembly - outside the buildings
B a.6(a) Assemblies organizers
C a. 8(c) Prohibited assemblies
D a. 9(2)Mounting temporary constructions
N a. 174/1(5) Participation with objects that could cause damage/ a. 67(4)
O a. 174/5 Opposing resistance to police / a. 353(2)
P a. 174/6(1) Insult of policeman / a. 353(1)
Q a. 174/10 Interfering with legitimate police action / a.
Charges brought in 2010 referred both to breaking the law on assemblies in such aspects as place of assembly, assembly organizer, mounting temporary constructions as well as to administrative violations such as offending religious feelings, blocking the entrance in buildings, disturbance of public peace. Courts have responsibility to assess the merits and fairness of police actions from which these accusations arise. This issue is addressed in the section on jurisprudence.

Unlike 2009 and 2008 when most of the allegations brought referred to the violation of certain administrative provisions rather than of rules concerning the organization and carrying out of assemblies, the observations made in 2010 show a balance between the two nominated types of allegations. Comparing to the previous years, in 2010 there were no charges related to the failure of establishing legal relations between citizens and police, while in 2008 and 2009 those charges were prevalent.

The charges were brought against some traditionally charged organizers/participants of/at assemblies, as well as some organizers whose over time actions determined the state institutions to start the judicial cases (Chart 25).

**Chart 25. Organizers or participants prosecuted**
In 2010 there were only 9 individual charges brought against participants or organizers of assemblies, 3 times less than in 2009. The figures prove an important improvement of the conduct of the different actors during the public assemblies. They show mainly a change of tactics in the actions of the police units (the main bodies bringing charges) which are less intrusive and allow now a greater freedom to the participants of assemblies. On the second place the figures also prove a better compliance from the behalf of the assembly participants with their legal rights and obligations.

Chart 26. Law enforcement bodies bringing charges

Again, like in 2008 and 2009, the body bringing most of the charges in 2010 is the Buiucani district (Chisinau municipality) Police Commissariat. The main explanation for this is the jurisdiction of the Buiucani district Police Commissariat which includes the central part of the Chisinau city. Compared with the previous periods the number of the charges is much lower and continuously dropping.

In 2010 there was registered a notable improvement in the police actions regarding the freedom of assembly. Although the statistic trends are generally positive, the progress is not supported by any structural or organizational changes within the Police forces or within the Ministry of Internal Affairs. No legislative or procedural modifications were made in the institutions responsible with assisting and protecting the freedom of assembly in Republic of Moldova. The logical conclusion that emerges is that the difference was made by the will and approach of the specific persons who came in charge at different levels in the latter period of time. Still, further concern remains about the structural and organizational aspect of the Police divisions responsible with assisting and protecting the freedom of assembly, some of which were and are deficient (see the Carabineer troops case for example) in dealing properly with freedom of

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10 The Chart does not include figures on people detained following the events of 7 April. Further detailed information can be found in the Report "Freedom, security of person and torture: The events of April 2009 in Moldova" developed by IDOM and CReDO http://credo.md/archiva/documente/MoldovaLibertyTortureApril2009%20v8.pdf
assembly. For a more detailed analysis of this problem see the Chapter 7 of the current report.
4 Facilitating the assembly rights by the Local Authorities

The role and involvement of the local public administration in facilitating the right to freedom of assembly is limited and provides little power of discretion in the conduct of assemblies. In most of the cases, the role of the local public administration is limited to registration of prior notifications on the conduct of assemblies, and informing and enabling subordinate services to facilitate assemblies. Under the new law, local public administration has still powers, in certain cases, to limit the right of assembly through legal proceedings.11

The responsibilities of the local administration representatives can be separated into three stages: (I) to register the prior notifications, (II) to ensure all conditions for conducting the assembly (according to the law and according to the requests of the organizers; this phase also includes communicating information about the assembly to security structures (police, Information and Security Service (SIS), (III) to assist the assembly (especially in problematic situations when the law requires intervention of a representative of local public administration authorities)

4.1 Registration of notifications

The first responsibility is generally fulfilled without any complications, some of the local administrations (including Chisinau City Hall) still use a standard form12, advanced by the old law, and maintained by the practice due to its convenience. Some of the organizers from Chisinau show disagreement with the current procedure, accusing it of being too bureaucratic, because of the necessity to get several stamps before the registration itself.

Still, the registration procedure is not generally an issue and does not require any principal improvement except for the localities where assemblies do not occur too often and there simply are no registration procedures established.

11 The Law on Assemblies LPC26/2008 Article 14. Changing conditions for the conduct and prohibition of assemblies
(1) When examining a prior notification or an application, and to ensure public order during the assembly, public authorities will act so as to eliminate only illicit elements of the assembly, securing as much as possible the right to assembly.
(2) If, from the prior notification or other data it holds, emerges that the purpose or conduct of the assembly as planned violates the Constitution of the Republic of Moldova or may lead to breaking the law, local government authority shall inform without delay the organizer on the obligations it has as such, and draws organizer’s attention to the existing legal framework.
(3) If deemed necessary to ensure peaceful conduct of the assembly, the local government may recommend the organizers to change the conditions for conducting the declared assembly regarding time, place or form of conduct. The final decision on modifying the time, place or form of conduct of the assembly belongs to the organizer.
(4) If it has conclusive evidence that the assembly is to be conducted with breaching Article 8, the local government may initiate a judicial proceeding, requiring the prohibition of the assembly or amendment, as appropriate, of its time, place or form of conduct. The initiation of this action does not suspend the right to conduct the assembly.
(5) The court examines the request to ban the assembly or to change, as appropriate, its time, place or form of conduct and takes a decision no later than 3 days after submission.
(6) The court may adopt one of the following decisions:
a) prohibition of the declared assembly or change of its time, place or form of conduct;
b) maintain the right to conduct the assembly.

Article 15. Challenging judicial decision. Either party has the right to appeal, not later than 3 days from the date of delivery, the judicial decision adopted under Article 14.

In facilitating the right to freedom of assembly\textsuperscript{13} at this stage, under the new law, the local public administration can only take note of the prior notification, with possibility to limit it through judicial proceedings, but without the possibility to reject it. In 2010, the Chisinau City Hall made use once of the right to change the place of an assembly, by addressing the court. The assembly was eventually banned to take place in the required location. See more details about this case in the next section of the current report in the Case study 35.

4.2 Ensuring the conditions for conducting assemblies

Local public administration authority is required to create all conditions for the peaceful conduct of the assembly\textsuperscript{14}. To this end, it shall timely inform the subordinated units and take all measures necessary for the proper conduct of the assembly, provided that the organizer has complied with the procedure for applying for this service. Some services, such as use of electricity or medical services are provided against payment.

Following some communication deficiencies that occurred in the previous years between the Chisinau City Hall and the municipal Police of Chisinau on issues regarding the freedom of assembly, there was established an electronic system to solve the communication problems. Starting with the end of the year 2010, the Chisinau local public administration has launched an electronic application via internet \url{http://intruniri.chisinau.md/}. The application is a complementary tool for the registrations process of the assembly notifications. It is edited by the Social Humanitarian and Interethnic Relations Direction, responsible with the public assemblies in the municipality. The main utility of the application is the quick transmission of information regarding the registered notifications for public assemblies.

The application allows the instant transmission of all the notified data as soon as registered. All the public information on the notified assemblies is publicly available on-line. By means of the application, the Police units along with other services in charge with ensuring the conditions for public assemblies instantly receive all the data required for assisting an assembly.

The online platform substitutes a more bulky system of information circulation between the mentioned units. As secondary utility, the application also provides the calendar of public assemblies, statistic reports, and RSS feeds for public use, ensuring thus, the transparency of the process and the availability of public information on public assemblies in Chisinau municipality. One of the options of the application is the on-line notification of assemblies. Still, this option does not replace the traditional procedure and is so far, strictly informative.

In case of successful utilization of the on-line platform in Chisinau, it should be extended as a practice in other cities of Republic of Moldova.

\textsuperscript{13} The Law on Assemblies LPC26/2008 Article 10. Notification procedure ... (3) The local government records the prior notification and issues to the organizer a stamped copy of it, which shall contain the registration number, date and time of notification ...

\textsuperscript{14} The law on assemblies LPC26/2008 Article 10 Notification procedure ... (4) Public authorities shall take the actions necessary to ensure the services required by the organizer, which are normally provided by the subordinated bodies and the enterprises they manage
4.3 Assisting the assemblies

According to the Law on Assemblies, local public administration authorities assign a responsible person\(^{15}\) for each assembly, who has, inter alia, the responsibility to ensure public order, to interrupt\(^ {16}\) and disperse\(^ {17}\) the assembly. In practice, almost every assembly has a responsible official appointed from the public administration, but in very few cases he/she is physically present at the venue of the assembly, and therefore he/she cannot exercise the listed responsibilities.

**Chart 27. Assemblies assisted by a representative of local public administration**

In 2010, almost 11\% of the assemblies were assisted by the responsible person designated by the local public administration authority. This rate is higher than in 2009, when only 4\% of the assemblies were assisted. Although the dynamic is positive, still the absence of the local administration responsible might result in some cases in a theoretical vacuum of authority. On the other hand the practice shows that even in the absence of the local administration representative (and sometimes in the absence of Police), most of the assemblies develop lawfully and do not require any intervention. The dynamics of different indicators (presented in the current report) over the last years show a positive evolution of the situation even under a diminished control from the public authorities.

Given the fact that Chisinau municipality hosts over 90\% of all the assemblies, there still remains a question if the Chisinau City Hall has enough employees delegated with the

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\(^{15}\) The Law on Assemblies LPC26/2008 Article 20. Rights and obligations of local government authority
(1) The local government authority has the following obligations:
a) to create the conditions for peaceful conduct of the assembly;
b) to designate a responsible person for the legal conduct of the assembly and to inform the organizer and the police about his/her name and contact details ...

\(^{16}\) The Law on Assemblies LPC26/2008 Article 21. Ensuring public order. Interrupting the assembly
... (2) If during the assembly actions occur which seriously violate the provisions of Article 8, the representative of the local government authority will require the organizer to immediately cease the assembly. This is an exceptional measure that can be used only if other measures are not sufficient to ensure a legal conduct of the assembly. ...

\(^{17}\) The law on assemblies LPC26/2008 Article 22. Forced dispersion of assembly
(1) If the assembly organizer does not observe the demand of the representative of the local public authority or fails to interrupt the assembly, the representative shall ask for the dispersion of participants. ...
responsibility to register the notifications and assist assemblies. For the moment, like in the previous years, there is only one employee assigned with assembly responsibilities. There are other 2 employees who take over some of the responsibilities in some limited number of cases.

Moreover, officials responsible for public assemblies from local governments are not specifically trained to manage problematic situations that may arise in the conduct of assemblies. In this regard, police representatives have expressed dissatisfaction with the capacity and degree of involvement of public administration representatives. In 2010, given the positive evolution of the assembly indicators in Chisinau, no such dissatisfaction was expressed.

Following the observations, we can still assess that in Chisinau, there is a need to have 2-3 persons who would be in charge of only public assemblies. Regarding the professional profile of these people, they should know first of all the legal proceedings relevant to public assemblies. In addition, the delegates should possess knowledge on communication, mass psychology and modus operandi of the security structures, in order to be able to manage all possible situations.
5 Court jurisprudence on assembly rights

5.1 Court jurisprudence on Assembly Rights

In 2010 the number of charges brought as a result of the organization or conduct of public assemblies has continued to decrease confirming the dynamics from the previous year. As it happened in 2008 and 2009, courts have not supported most of the charges brought against assembly organizers or participants. In 2010, of 9 individual charges brought, 7 were discharged in the first instance and another 1 in the second instance. Some of the proceedings initiated during the monitored period are still in progress.

Chart 28. Court jurisprudence

The figures show that in 90% of the cases from 2010 the court has found no legal basis for the brought charges. This percentage is even higher than in 2009 when 70% of the individual charges brought in court had found no legal basis.

The high percentage of acquitted cases shows, like in the previous years, that the body that brings charges does not have or does not give sufficient evidence to support these accusations, or the accused persons have not committed the acts they are charged of. Both options indicate a lack of accountability of the body which brought charges.

A couple of the court decisions in 2010 refer to cases “inherited” from the previous years (see for example the Case study 34), which shows a long trial duration. Indeed in the past years, there were several cases when the final court decision was taken after about 1 year or longer trial duration.
The Law on Assemblies No. 26 of 22.02.2008
A a.5(1) Place of assembly - outside the buildings
B a.6(a) Assemblies organizers
C a.8(c) Prohibited assemblies
D a.9(2) Mounting temporary constructions
E a.10 Breach of notification procedure
F a.14 Changing conditions

Code of Administrative Offenses
G --- / a. 54(5) Offense to religious feelings
H a. 174 Insubordination to police / a. 336
I a. 174/1(1) Breach of notification procedure / a. 67(1)
J --- / a. 67(1) Breach of conditions (place) of assembly
K --- / a. 67(5) Blocking the entrance in building
L a. 174/1(2) Unauthorized assembly / ---
Ma. 174/1(3) Failure of organizer to fulfill his/her obligations. / a. 67(3)
N a. 174/1(5) Participation with objects that could cause damage/ a. 67(4)
O a. 174/5 Opposing resistance to police / a. 353(2)
P a. 174/6(1) Insult of policeman / a. 353(1)
Q a. 174/10 Interfering with legitimate police action / a. 349
R a. 174/15 Blocking transport / a. 225
S a. 164(1) Petty hooliganism / a. 354
T a. 47/3(1) Insult / a. 69
U a. 200/1 Electoral agitation in the pre-election day / V a. ... / a. 63(1) Non-fulfillment of parental obligations
W a. ... / a. 181 Violation of the cleaning rules in public places
X --- / a. 357 Disturbance of public peace
Y other

In the court practice of 2010, there was only one final decision against a participant to an assembly. The charge was brought based on the administrative code article 357 for Disturbance of public peace. The decision was not contested by the offender.

5.2 Concise discussion of some selected cases

In this section we will discuss some cases to exemplify and at the same time to encourage administration of justice on assembly cases.

Case study 28. Court proceedings on banning an assembly
On 23.03.2010, GDM submitted a prior notification, where he announced the intention to carry out an assembly in support of the Antidiscrimination Law. Presence of 50 persons dressed in blue jackets was announced and the content of posters that followed to be used was indicated: „Law is for everyone”, „All different all equal”, „We support the Antidiscrimination Law”, „United against discrimination”, „Let’s block speeches instigating to hatred”. Organizers expressly requested ensuring security of persons who were going to participate in the respective action. Next weeks, mayor’s office received many letters coming from different people and associations who requested to ban the organization of a gay pride in Chisinau. On 23.04.2010, Chisinau Mayor’s office initiated a court action in order to ban assembly based on Articles 166-167 of the Code of Civil Procedure and Article 6 and Article 14 of the Law on Assemblies, invoking the letters and petitions received, as well as imminence of a counter-demonstration (a meeting against homosexuals) with participation of 150 persons organized by A.O. M.N.C. earlier on the same date in the Great National Assembly Square. On 28.04.2010, Chisinau Court of Appeal decided to ban conduct of the assembly on 02.04.2010 in the Great National Assembly Square and allowed carrying out of the assembly in the Summer Theater. The organizer finally gave up on holding the assembly because the offered location was not suited for the assembly. On a later date, following the appeal of GDM, the court annulled the prior decision in the favor of GDM.

**Pictures 27. Other GDM Assemblies**

A flower deposition organized by the GDM during the court development

The un-notified picketing of the City Hall, by the GDM members, on 29.04.2010 – one day after the first court decision

The practice of banning the assemblies of the LGBT minorities became a “traditional” practice in Chisinau, since 2008, when a similar situation took place. Due to the consequences of the events from April 2009, in 2009 there was no attempt to organize an assembly militating for the LGBT rights. In 2010, as shown in the study case above, the City Hall intervened in the assembly process. Even if eventually the court decision was in favor of the organizer of the pro LGBT assembly, the Chisinau City Hall preferred to obstruct the assembly rather than take all the necessary measures to ensure the peaceful development of the assembly.

The actions of the City Hall come as an extension of a prevailing social attitude towards the LGBT community, which dispraises every action of this community, even if legal

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and legitimate. The situation related to the organization of an LGBT assembly is more likely to be repeated in the next years, until there will be enough political will desirous to overcome the deadlock. Despite the interventions in the LGBT assembly notification procedures, in 2010 there were held several LGBT assemblies which did not require (less than 50 participants) a notification. These assemblies (see for example Case study 25) went on peacefully without any excesses from the organizers, participants, policemen or other parties. In fact, this kind of development proves that the LGBT assemblies do not generally cause or provoke any disorders and the issues behind the subject have a rather political meaning and interest.

Case study 29. Trial case to change the place of an assembly
V.Z. is picketing on a daily basis the General Prosecutor office in Chisinau since April 2009. V.Z. places banners on the steps of the building, and holds speeches on a megaphone, without blocking the entrance. On 12.10.2010 Chisinau Prosecutor’s office claimed in court on a VZ seeking to change the place of the conducted assembly by moving it at a distance not less than 25 meters away from the General Prosecutor's office. The basis of the request for court prosecution relied on art. 5 of the Law on Assembly saying that open meetings may be held outdoors, invoking that the access stairs of the General Prosecutor's office building are part of the building. The second piece of legislation that has been invoked was the art. 8 c) of the Law on Assembly, which prohibits the meetings seeking the breach of public order or of the rights and freedoms of others; motivating that the protester creates inconveniences and impediments to the effective exercise of prosecutors through the use of the megaphone. The third piece of legislation that has been invoked was article 9(2) of the Law on Assembly stating that the organizer has to take all the necessary measures to avoid creating disproportionate inconvenience to participants or bystanders and not cause environmental damage.

On 18.10.2010 the administrative section of the Court of Appeal decided that the assembly organized by VZ takes place outside the spaces enclosed for free access and that the modification of the conditions for holding assemblies lies within the competence of the Local administration by means of legally established procedures in the Law on assemblies, in case of breach of article 8 of the same law. The court also found no infringement of Article 8 and that the actions VZ do not constitute grounds to alter the conditions of holding the assembly. The General Prosecutor's petition was accordingly dismissed as unfounded and has been maintained the right of VZ to conduct the assembly.

Pictures 28. V.Z. in front of the General Prosecutors- Office
The case brings into discussion the issue referring to the stairs of a building, interpreted on several occasions by the representatives of state authorities, as being part of the building, attempting thus to reduce the area for assemblies outside the limits of the stairs. As stated in the court decision, this is an abusive interpretation of the current law. This court decision confirms the spirit and the intention of the law which presumes any public space to be available for a public assembly as long as there is not a legal objective decision that limits the public access to that place.

The other issue brought into attention here is the right of the assemblies to use all the legal visual and sound equipment which serve for the message transmission, even if it creates an inconvenience for some people.

Case study 30. Court proceedings A.C
On 13.12.2009, A.C. together with a group of believers from the church where he is serving disassembled a menorah which was installed by a Jewish organization in the center of Chisinau. For this action, A.C. was fined under Contravention Code with 600 Moldovan lei. A.C. challenged this fine in court. During 2010, several court sittings were scheduled, however only three of them took place. In the other cases, the court sittings had been postponed either because of absence of the parties, or because of other reasons invoked by A.C. During this year, the prosecutor participating at the proceedings has been changed, two requests to recuse the judges were submitted and 5 court sittings were scheduled and did not take place. A first instance court decision was pronounced in the end of the year 2010, which annulled the fine. The final decision is has not yet been delivered.

In addition to the case studies above, we also mention here a positive practice in 2010 which basically brings back to normality a situation that aroused many debates in the previous years. It is the case of the March 27th Celebration of the Unification of Bessarabia and Romania, on which occasion in 2008 and 2009, the organizers were every time detained by the police, preventing thus their participation in the assemblies. Each time the final court decision was in favor of assembly organizers or participants, but it was adopted only after measures were applied, through which, basically, the persons against whom the contravention process was initiated were prevented from exercising their right to free assembly. In 2010, the detentions didn’t happen and the assemblies went on without any intervention from the police, and consequently without the need for any court decision.
6 Public events in electoral process

6.1 Legal provisions

Public events are organized based on 2 possible legal options: meetings with the electorate and organizing assemblies. Meetings with the electorate are part of the electoral agitation and can be realized after the official registration of a party as electoral competitor, and the authorities of the local public administration are obliged to facilitate this right equally to all. The second option provides that parties organize public assemblies that require notification of the local public administration and police involvement to protect the assembly and maintain public order. As practice shows, when parties want to organize events in central places that are subject to frequent public demonstrations, they use the law on assemblies with proper notification; otherwise they proceed as with meetings with the electorate.

In this section, we cover both types of public events focusing on their cost of organization.

6.2 Practice

We estimate that during the electoral period there have been organized somewhat 2,200 public events. This number includes various types of public events: meetings with voters in open spaces (with the participation of party candidates), meetings with voters in closed spaces/buildings (with the participation of party candidates), dissemination of electoral materials, and organization of concerts. The Ministry of Internal Affairs estimate the number of meetings with the electorate at 2,080, yet some of the events, such as dissemination and distribution of electoral materials and meetings held in buildings, might not have been reflected in their statistics. In any case, the observed and extrapolated data from the initiative interrelate well with the information received from police.

We admit that the initiative has not been able to capture door-to-door activities by parties. These undertakings are small scale activities where party representatives meet individually with household members and distribute electoral materials and also hold some small talks about electoral options. The information from various sources reveals that the major political parties cover the whole country, with their representatives talking to at least some household members. Parties’ agitators are allocated sectors of  


22 Abreviation of political parties: AEI – Alliance for European Integration (initially composed of PLDM, PDM, PL and AMN, lately of only the first three); PCRM – Party of Communists (V.Voronin); PLDM – Liberal Democratic Party (V.Filat); PDM – Democratic Party (M.Lupu); PL – Liberal Party (M.Ghimpu); AMN – Alliance Our Moldova (S.Urechean); MAE – European Movement (V.Untila); PUM – Humanistic Party (V.Pasat)
settlements that they have to cover with the distribution of electoral materials and at best with direct talks with household members. These efforts have not been estimated and captured by this initiative.

One can see that according to our estimates PLDM (around 700 events), PDM (somewhat less than 500 events) and PCRM (around 300 events) are at the top according to the number of public events organized, followed by AMN (around 200 events) and PL (less than 200 events).

**Chart 30. Number of public events organized by parties**

![Chart 30](image)

The organization of public events requires allocation of resources in terms of people to organize, transport to travel to events, rent of meeting places (where necessary), use of sound and other equipment (where necessary), participation by artists in public events. Public events in the form of concerts required equipment, artists and organization efforts - these could be quantified and monetized. Meetings in public spaces require at least human resources and transportation – which again have to be quantified and monetized.

The graph below presents qualitative information on the type of public events organized by parties. The majority of the public events take form of distribution of materials; their share varies from 50% to almost 80%. The public events of the most costly category - meetings with voters and concerts – have been found to be organized only by PLDM, PDM, PL and AMN. The percentage of these types of meetings varies from 10% (AMN) to 25% (PLDM).

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23 Methodology note: In this section we present an estimate of the number of public events organized throughout Moldova. The initiative had directly observed more than 300 public events in the targeted regions including Chisinau, Balti Cahul, Ungheni, Edineti, Soroca, and Comrat as cities and as rayon centers. It is likely that we covered almost 30% of all public events organized in the targeted regions. For the extrapolation to other regions we have used a multiplication factor of 6 minus specific cities of Chisinau and Balti. Our estimate of the overall number of public events corroborate quite well with the Ministry of Internal Affairs figures (less than 5% devisor).
Another interesting classification of public events is based on the number of participants. One can see, based on the graph below, that more than half of the public events had less than 100 participants, of which the majority had less than 50 participants. Around 30-40% of the public events comprised 100-300 participants. Only PCRM, PLDM, PDM and PL generated public events with the participation of more than 500 people, and only PLDM, PDM and PL comprised between 1,000-5,000 participants; finally, only PLDM and PDM managed to organize meetings with the participation of more than 3,000 people.
These expenses have been aggregated in the graph below. Our estimate is based on the economic consideration of the incurred cost given the required input of a factor that is tangible and could be quantified and estimated in unit cost of the number of hours, number of people, cost of performance, cost of rent, etc.; each public event factor input cost is practiced according to the lowest possible market prices.

**Chart 33. Estimate expenditures towards organizing of public events by parties, MDL**

One can see that PDM and PLDM top the expenses related to public events. The estimated expenses of the PDM are likely to reach almost MDL 5 million, while those of the PLDM – above MDL 4 million. PL follows with MDL 0.5 million, and other parties, such as PCRM, AMN, MAE and PUM, with less than MDL 0.25 million. One can see that the expense structure depends heavily on the cost of equipment (sound and stage), as well as on the cost of artists and of the renting of premises. In case of PDM and PLDM equipment and artists cost makes up 90% of the expense structure characterizing a number of concerts organized by these parties.

As for concerts, the initiative directly observed the participation of more than 50 various artists, whose names are listed below in order to provide qualitative content of the presented information. The hourly cost of the performance of the artists varies from MDL 2,000 to MDL 16,000.

**Chart 34. Artists who participanted in concerts organized by parties**

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Acord</td>
<td>16</td>
<td>DJ Smash</td>
<td>31</td>
<td>Lidia Bejenaru</td>
</tr>
<tr>
<td>2</td>
<td>Adrian Ursu</td>
<td>17</td>
<td>Doiniţa Gherman</td>
<td>32</td>
<td>Livica Cazacu</td>
</tr>
<tr>
<td>3</td>
<td>Adriana</td>
<td>18</td>
<td>Fuego</td>
<td>33</td>
<td>Maria Sarabaş</td>
</tr>
<tr>
<td>Case studies of the concerts with the use of equipment, artists by parties as examples could be found below. This information is public domain information:</td>
<td></td>
<td></td>
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<tr>
<td>---</td>
<td></td>
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<td></td>
</tr>
<tr>
<td><strong>PLDM:</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>PL:</strong></td>
<td></td>
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<tr>
<td>- 2010.11.07 – Launching of LP platforma in <a href="http://www.youtube.com/watch?v=LpofNr4xStY">http://www.youtube.com/watch?v=LpofNr4xStY</a></td>
<td></td>
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<tr>
<td>- 2010.11.21 – Launching of LP platforma in Călărași - <a href="http://www.youtube.com/watch?v=wkUcDymNolI&amp;feature=related">http://www.youtube.com/watch?v=wkUcDymNolI&amp;feature=related</a></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PD:</strong></td>
<td></td>
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</tbody>
</table>
Gender perspective on public events

During the monitoring process, the public events organized by parties with voters were subject to analysis. From the gender prospective, it is of great interest, because:

- Traditionally, women from political parties participate or/and are invited to participate in public events less than their male colleagues, and when they are present with the team that travels to various localities, they speak not as often as men do;

- The events are organized most of the times after 17:00, when women due to their traditional gender role are busy mostly with household activities and children, which is the reason why they participate less in the debates.

The monitoring of public events organized by the parties included in the research has confirmed that the women included on the candidates’ lists are present at these meetings in a lesser number than their male colleagues (132 women and 407 men at 421 monitored events).

Within the research the following number of events was monitored: PCRM – 58, PD – 97, PLDM – 142, PL – 37, AMN – 42, PUM – 9, MAE – 19, PSD – 24, PPCD - 11 and PNL - 1.

The data obtained from the monitoring of the 421 public events organized by monitored political parties in various localities give us the following information:

**Chart 35. Participation of political parties’ representatives (candidates on the lists) in the public events, per political party and per sex.**

This graph reveals that women as members of political parties and candidates on the lists participate in the public events, organized by electoral competitors at a disproportional extent. Among all the monitored parties, PCRM and PNL had a more proportional participation of women and men at monitored events.

The presence in these 421 public events of other members of monitored political parties has been also analyzed.
Chart 36. Participation of other representatives of electoral competitors in the events, per political party and per sex.

![Bar chart showing participation of other representatives of electoral competitors](chart36.png)

The 421 monitored public events organized by the electoral competitors have been analyzed in terms of the involvement by physical presence of the representatives of the local public authorities.

Chart 37. Participation of LPA representatives in the events organized by monitored electoral competitors, per party and per sex.

![Bar chart showing participation of LPA representatives](chart37.png)

Thus, it is to be remarked that the LPA representatives participated proportionally (162 women and 160 men) in the events organized by electoral competitors, which can be explained by the fact that in LPA most clerks in subordination positions are women. The participation of LPA members was significantly more active in the events organized by larger parties (PCRM, PLDM, PD and PL).
6.3 Conclusion

Almost none of these directly observed expenses could be found in the declared expenditures submitted by parties. One could only see perhaps renting of premises, transportation and other expenses as potential lines to accommodate the expenses related to the organization of public events.

Chart 38. Declared expenditures by parties, MDL

Most importantly, the cost of equipment, payments for performing artists and for people responsible for the organization of the events could not be found in the expenses reported by parties. For PDM and PLDM these expenses are substantial. For other parties, these expenses have not been assessed as substantial.

The expenses for most of the observed public events are not found in the declared expenditures submitted by parties. This is a substantial budget line, yet, parties ignore accounting for it.
7 Analysis of draft laws related to freedom of assembly

The Government established the structure of the Ministry of Internal Affairs\(^\text{24}\), so that it has central apparatus and Ministerial subdivisions that, \textit{inter alia}, include subdivisions that have relevant responsibilities for policing of assemblies:

- General Department of Public Order Police (GDPOP),
- Carabineer troops Department (Carabineers), and
- Special Police Brigade “Fulger” (Fulger).

General Department of Public Order Police (GDPOP) includes Public Security Direction (PSD) which oversees the activity of the public order police within the police commissariats. The leadership of the Ministry of Internal Affairs is exercised by the Minister of Interiors who is personally accountable for the realization of the objectives of the Ministry. The minister directly coordinates and supervises the Carabineer troops Department, appoints and dismisses the heads of the directions and subdivisions of the Ministry, heads of police commissariats and head of the Police Academy.

Police has the mandate of maintaining public order and ensure public security\(^\text{25}\). In accordance with the Law on police, police is separated into state police and municipal police. Municipal police is subordinated both to the Ministry of Internal Affairs, and to the municipal authorities. Ministry of Internal Affairs provides methodological and regulatory support for the municipal police, while the municipal authorities support it financially\(^\text{26}\).

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\(^{25}\) Law on Police from 31.01.2002 published in Monitorul Oficial No. 17-19 No. 56, Law on Police, Article 2. Main tasks of the police are as follows: 4) maintaining public order and ensuring public security;

\(^{26}\) Article 9. Competence of the Ministry of Internal Affairs in maintaining public order and combating criminality by police. Ministry of Internal Affairs: ... 3) coordinates the activity of the state police and municipal police; ... 8) exercises general management of the activity of maintaining public order, ensuring public security; ... 9) cooperates with the law enforcement bodies from other countries and with international organizations on issues related to combating criminality and protecting public order; 2. In case of need, Ministry of Internal Affairs offers help to the municipal police on the territory of the respective administrative-territorial units with forces and means of the state police
Police bodies involved in ensuring public order during carrying out of assemblies, as part of the process of maintaining public order

Legend:
1. General Police Commissariat is subordinated to both Ministry of Internal Affairs (through Ministerial Public Security Department) and Municipal Council; part of finances (for public order police and district policemen, maintaining of the building) come from the Municipal Council and part come from the Ministry of Internal Affairs (criminal police, administration, etc).
2. Patrolling and Sentinel Police Scut (which exists in Chisinau and Balti) is subordinated to the General Police Commissariat and is integrally financed from the Municipal Council (salaries and administration).
3. Police Commissariats (5 districts in Chisinau and rayon Police Commissariats) have in its competence public order policemen and district policemen. Public order policemen are the criminal investigators that investigate cases of the violations of public order and district policemen work within the police district posts (in Chisinau) and in regions (rayon Police Commissariat).

4. Fulger and Carabineer receive 100% of finances and are subordinated to the Ministry of Internal Affairs.

Scut was created in order to maintain public order in municipalities Chisinau and Balti. One of the key objectives of the Scut unit is to maintain public order during mass and large manifestations. Patrolling and sentinel also exists outside cities of Chisinau and Balti at the level of rayon authorities, although their number is limited to about 30 units. In this chapter, we shall refer to the obligations of the Scut patrolling and sentinel as active forces of maintaining public order only in the area of Chisinau and Balti cities. Regiment Scut carries out its main tasks of patrolling streets and public places, ensures security of citizens during carrying out of public manifestations, detains persons who committed administrative offences, carries out video recordings of the persons who disrupt order, limits temporary circulation of public transport, and participates at the liquidation of mass disorders of public order.

Carabineer troops are directly subordinated to the Carabineer troops Department from the Ministry of Internal Affairs. The key role of the carabineers is to ensure public order, protection of buildings with diplomatic status and of other governmental buildings. Carabineer troops were invested with the status of military troops within the Ministry of Internal Affairs. Carabineers cooperate with the police and offer the police their support in maintaining public order. Law on Carabineer troops stipulates that Ministry holds total control over the Carabineer troops and oversees its activity. The only particularity that differentiates Carabineer troops is that they cannot document cases of violation of public order.

In accordance with the Government Decision from 1991, Special police brigade “Fulger” is tasked to: a) ensure public order during mass actions, b) liquidate mass disorders in public places, and c) disarm armed criminals. Fulger brigade was created on the bases of OMON (Special Destination Militia Brigade). Police brigade Fulger has several tasks: release of hostages, capturing and neutralizing especially dangerous criminals and evaded detainees (together with specialized troops from the Penitentiary Department - Pantera – from subordination of the Ministry of Justice), intervention in

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27 Government Decision No. 526 from 22.05.1995 on „Some measures of intensifying combating criminality in municipalities Chisinau and Balti”,
30 05.12.1991, through Government Decision No. 677-4, following unification of two units of the Ministry of Internal Affairs – separate Special Police Brigade and Brigade No. 1 of Patrolling and Sentinel of Chisinau – Special police brigade (SPB) „Fulger” was created
exceptional situations (together with troops for exceptional situations), ensure witness protection within the criminal procedure. Besides these tasks, brigade Fulger also is responsible to intervene in order to protect public order in case when demonstrations and assemblies become very violent.

Assembly Policing Tactics. Policing tactics and cooperation among various police units in ensuring public assemblies are not elaborated in detail in any of the internal regulations available for public review. Moreover, during the interviews and discussions with the various police officers, it became clear that there is some internal institutional order or even so called classified regulation on the management tactics of policing of assemblies. The information provided below is based on the verbal statements and the evidence gathered from the monitoring of the assemblies where the particular actions of the police could be observed. Therefore, in this section we describe the tactical approaches in policing of the assemblies. Three generic situations can be distinguished:

- Situation 1: Small or medium scale demonstrations of roughly less than 100-200 persons and the event takes place not in the central part of Chisinau;
- Situation 2: Small or medium scale demonstration of roughly less than 100-200 persons and the event takes place in the central part of Chisinau;
- Situation 3: Large scale demonstrations taking place in any part of Chisinau.

7.1 Draft law on Border Guards

In this section we shall briefly present proposal of the Ministry of Internal Affairs to amend and redistribute competences among police agencies. This chapter is elaborated based on the draft Law on Border Guards and the statute of carabineer as of April 2010 published on the electronic web page of the Ministry of Internal Affairs.

Brief description of the new competencies of Carabineers

Following the process of police reformation, carabineers will fully take over the duties of maintaining and reestablishing public order from the police, and will transfer to the military contract service. This process will be accompanied by the transfer of the subdivisions responsible for maintaining and reestablishing public order from the police to the carabineers, and, at the same time, the process of recruiting soldiers will be interrupted. According to the above-mentioned draft Law, carabineers will ensure and reestablish public order on the whole territory of the country, they will be dislocated in all cities and rayon centers, and will gradually, until the end of 2012, transfer to the contract military service (professional). Carabineers will be transferred to another level of functions and tasks and namely to the level allowing them to ensure intervention in crises situations and to

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31 It is regretful that this internal Regulation is declared secret and is not available for review
32 This includes also a number of smaller assemblies, with less than 50 participants.
contribute to the maintaining of public order through activities of patrolling the territory of localities in order to prevent and stop offences and crimes.

Carabineers follow to take over an active role in maintaining public order and even in identifying offences. In the process of elaboration and adoption of the Law on carabineers and carabineers’ statute, the statute of carabineers follows to be strictly identified and established in the system of armed forces and in the structure of bodies responsible for maintaining public order. At the same time, competences of carabineers in maintaining public order, as well as in differentiating their competences from the competences of the police follow to be established. Clear differentiation is necessary in order to exclude doubling of functions or artificially creating a gap in the competencies in solving public order and legal problems.

This section develops policy options based on the discussions related to the organizational structure and the tactical approach of the various police bodies involved in policing of assemblies. The key lines of policy options elaboration are:

- A) structural and institutional optimization of police bodies involved in assembly management;
- B) changing policing tactics and approaches in the process of ensuring public order during assemblies;
- C) skills development relevant to assembly policing and management.

Criteria for the evaluation in practice means to judge on the best option proposed. We suggest these criteria:

- 1) capacity to put in practice and administrate the proposed option;
- 2) political feasibility;
- 3) efficient costs of the options,
- 4) complying with best practices which exist in other jurisdictions.

In practice the policy options are built along the combination of the best police option mix of A (institutional set-up) and B (policing approach). Line C) of the policy option will be considered as the component part of B and in practice integrated into the respective policy option discussed.

Institutional options

Institutional optimization option – group A – is derived from the conclusions of the 3rd and 4th chapters (proposal of institutional change). It goes along the possibility for:

a) keeping 3-4 police bodies, as they are, in their role for assembly policing management,
b) focusing assembly policing management to Police Commissariat (with overall management) in close cooperation with Scut police,
c) refocusing policing of assemblies to the Scut police (overall management) with specially created prevention assembly management unit with the support from district police commissariats,
4) concentrating the role of policing assemblies within the Carabineer troops (current proposal).

These four options at institutional level will be discussed next:

- A1. “Status quo (existing)”: 1) District police/public order police, 2) Scut police, 3) Carabineer troops,
- A2. “District police”: 1) District police/public order police, 2) with support from Scut police, and
- A3. “Scut police”: 1) Scut police with specially created prevention units, 2) with support from district police.
- A4. “Carabineers”: 1) Carabineers, 2) with support from district police.


The “Status quo” option has been extensively discussed in this Study.

A2. “District police”: 1) District police/public order police, 2) with support from Scut police
This option is a moderate modification of the current option, where District Police Commissariat and public order police retain its overall management of assembly policing. Scut police is to play a complementary role in supporting Police Commissariats.

A3. “Scut police”: 1) Scut police with specially created prevention unit, 2) with support from district police.
This option provides for a more substantial switch of operation in management of assembly policing. In this case Scut is given the primary responsibility for the management of public assemblies: district Commissariats would only perform the documentation of public order violations, by deploying police investigators.

A4. “Carabineers”: 1) Carabineers, 2) with support from district police.
This option reflects the draft Law on Carabineers. Within this option, Carabineers will have to substantially consolidate their professional capacities and skills, substantially change their competences by receiving responsibilities of fact finding agent.

Operational tactics options

Changing assembly tactics and approaches is being derived from the 3rd, 4th and 5th chapter discussions and these options are strongly linked to the abilities and skills necessary to the police from the first line and command police. These options should be also supported with providing the adequate equipment. The policy options are: a) confrontational perspective with narrow definition of public order maintenance (restricted only to documenting committed violations), b) facilitation approach with establishing communication among the police and organizers and adequate protection of the assemblies.
Assembly policing management tactics line policy options:  
**B1. “Status quo tactics”: 1) confrontational approach, 2) public order maintenance (documenting violations), 3) non-involvement in case of interference of third parties, and**

**B2. “Facilitation/protection”: 1) facilitation approach, 2) facilitation, protection, 3) public order**

The current approach has been described in detail in this Study. It could be summarized as documenting public order violations by the police commissariats and presence of Scut police units at the assembly scene to protect public order and public buildings.

**B2. “Facilitation/protection”: 1) facilitation approach, 2) facilitation, protection, 3) public order**  
This tactical option provides for the substantial improvement. This change very much resembles the good practice described in the chapter 4. Police units would be developing the approach for the facilitation of the assemblies. Facilitation includes constructive communication, comprehensive risk assessment. Facilitation of assemblies includes their protection from the actions of third parties, particularly aggressive actors. Most of the changes lead to the upgrade of the communication, risk assessment skills, developing a different approach to assemblies.

For the policy analysis of the possible options we shall construct several policy options that look viable and at the same time reflect option 1 in order to make possible understanding of the comparative results. Therefore, we construct three possible policy options mixing organizational line options (A) and tactical line (B).

**Policy option 1 (status quo):**


- **B1. “Status quo - tactics”: 1) confrontational approach, 2) public order maintenance (documenting violations), 3) non-involvement in case of interference of third parties**

This is the current situation in both organization and tactical approach for assembly police management.

**Policy option 2 (District police +):**

- **A2. “District police”: 1) District police/public order police, 2) with support from Scut police,**

- **B2. “Facilitation/protection”: 1) facilitation approach, 2) facilitation, protection, 3) public order**

This option provides for the extensive improvement in the tactical approach for the management of assemblies, improvement of skills, developing constructive engaging approach with the assembly organizers. This option foresees no role of Carabineer troops and perhaps the relevant resources should be channeled towards Scut police.
The overall management of the policing of assemblies remains with the District commissariats as it stands now. Within this option, investigators from the district police commissariats currently and within this option would pursue their statutory duty of documenting cases of public order violations. Therefore, the initial institutional response of the documentation team is likely to keep the traditional focus. The Scut police support would be seen as crucial to facilitate public assembly, protect public order of the assemblies themselves. In both cases, skills upgrade and intensive trainings should take place.

This option keeps the institutional tension as Scut police has its own juridical entity and is subordinated to General Police Commissariat and in case of the district police commissariats being responsible for the management of the situation, one could see institutional hierarchy mismatch.

Additional issue represents whether Scut police will undergo professional upgrade in the creation of the specialized prevention unit. A specialized unit that has experience and adequate skills and practiced tactical approaches in dealing with the assembly management should be welcomed in Scut. The unit could have around 50-75 personnel that could be deployed each time an event takes place.

Policy option 3 (Scut police +):
- A3. “Scut police” : 1) Scut police with specially created prevention unit, 2) Support from district police,
- B2. “Facilitation/protection”: 1) facilitation approach, 2) facilitation, protection, 3) public order

This option provides for the change in the organizational structure of the police and extensive improvement in the tactical approach for the management of assemblies, improvement of skills, developing constructive engaging approach with the assembly organizers. This option foresees no role of Carabineer troops and perhaps the relevant resources should be channeled towards Scut police.

This option requires that after local authorities have informed the police of the intended assembly, the Scut police takes the overall management, deploys the patrolling units, or as necessary, prevention unit. Scut police units have the objective to facilitate and protect the assembly. When district police is informed about the assembly, it has the responsibility to judge whether they need to be present on the spot to document cases of violation of public order. This function does not require the intervention with the assembly.

This option as the previous one requires substantial professional upgrade in skills and approaches of management of policing of assemblies. The issue of creation of the specialized unit is critical. A specialized unit is to have experience and adequate skills and develop practice in tactical approaches in dealing with the assembly management.
The unit could have around 50-75 personnel that could be deployed each time an event takes place.

Option 4 (Carabineers):
   a) A4. “Carabineers”: 1) Carabineers, 2) with support from district police.
   b) B2. “Facilitation/protection”: 1) facilitation approach, 2) facilitation, protection, 3) public order

Within this option, Carabineer troops will have to learn to carry out activities that they have never carried out before – maintaining public order and facilitating assemblies. It is foreseen to transfer Carabineer troops under professional contract service within 2 years; meanwhile the activity of Carabineers will be carry out by the enrolled militaries that have an absolutely inadequate professional training. Carabineer troops are characterized by military corporative culture which can have an important constraint factor in carrying out an accessible and friendly service for the citizens.

This option foresees a powerful process of centralization of services of maintaining public order. If currently, also within the other solutions, we have a more plenary participation of police services with municipal or mix subordination, in case of this option with Carabineers, a powerful centralization is carried out.

An emphasized centralization of the services of maintaining public order and facilitating public assemblies might have adverse effects on the development of relations of dialogue between civil society, local authorities and police authorities.

At the same time, within a longer period of time, the service might accumulate necessary specialized skills, and might have a higher capacity in maintaining public order in safety.

Below we present a summary of the comparative analysis of the three possible options.
### Table Comparative Criteria based Policy Options Analysis:

<table>
<thead>
<tr>
<th>Policy option 1 (status quo)</th>
<th>Policy option 2 (District police +)</th>
<th>Policy option 3 (Scut police +)</th>
<th>Policy option 4 (Carabineers +)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliance with freedom of assembly</td>
<td>Minimum</td>
<td>Medium</td>
<td>Medium-to-high</td>
</tr>
<tr>
<td>Capacity to administrate implementation</td>
<td>High</td>
<td>Medium</td>
<td>Difficult</td>
</tr>
<tr>
<td>Political feasibility</td>
<td>High</td>
<td>Easy-to-medium</td>
<td>Medium</td>
</tr>
<tr>
<td>Cost efficiency</td>
<td>Minimum</td>
<td>Medium</td>
<td>Medium-to-high</td>
</tr>
<tr>
<td>Good practice</td>
<td>Low compatibility</td>
<td>Low-to-medium compatibility medium</td>
<td>Medium-to-high compatibility medium</td>
</tr>
<tr>
<td>Best option/modality</td>
<td>Recommended from the administration perspective (short-term preference)</td>
<td>Recommended from result achievement perspective (medium-to-long term preference)</td>
<td>It is difficult to be implemented because it requires restructures, change of legal competences. May become a long term quality option. Excessive centralization</td>
</tr>
</tbody>
</table>
Comparing concurrent policy options to the status quo policy, we conclude that the options proposed for discussion stand much better than the existing policy regarding the objective of implementation of the freedom of assembly. When comparing policy options, one has to compare policy outcomes and effects rather than simply policy options. Projection of the possible policy outcomes should form the basis of the formal policy options comparative analysis.

The possible outcomes of Policy Option 3 (Scut Police +) could be tailored based on the experience from other jurisdictions. The research presented in chapter 4 reflects good practices developed in some jurisdictions. Good practice shows that police approach and mentality, development of the relevant policing skills are crucial in the implementation of the assembly rights. In both our policy options, we attach adequate tactical facilitator-oriented approach in the implementation of the assembly rights to the police agencies in various organizational subordination lines.

The possible outcomes of the Policy Option 4 (Carabineers) could be tailored based on the experience from other jurisdictions, where Carabineers or and Gendarmerie play an important role in implementation of the right to freedom of assembly.

The two additionally developed policy options differ by only who takes overall management of the assembly policing. In both cases operationally Scut police is involved in exercising facilitation and protection functions. In both cases Scut police is much more likely to have adequate resources and functions to maintain public order. Police Commissariat policemen mandate is limited to documenting public order violations. In both policy options, setting up a specialized police unit to manage public assemblies is necessary. There are around 90 assemblies organized monthly. Management of this number of assemblies is likely to require relevant skills. This specialized unit to manage public assemblies is only possible within Scut police.

There are a number of causes that contribute to the difficulties and failures in the implementation of the freedom of assemblies’ rights that reside within the police authorities. After the adoption of the new Law on Assembly in 2008, police has been called upon to play different role in ensuring public assemblies.

The law established the three core functions of the police: 1) facilitation of assemblies, 2) protection of assemblies and protection of others and 3) maintaining public order. The first two functions have represented a challenge of how the police have been doing so far policing of assemblies. The change introduced after adopting the new Law has revealed the fact that police is unprepared to face the new positive obligations imposed by the Law on Assemblies. Old tactical approaches in policing of assemblies run counter the obligations of the police under the new Law on Assemblies, skills and mentality has lagged behind, and policemen felt personally unprotected due to the absence of the personal equipment. Modern technologies of monitoring and managing documentation and gathering of evidence are lacking.

Conclusions

A comprehensive list of conclusions follows:
- 3 various police bodies are responsible for the policing of assemblies, this creates the situation of unaccountability for the performed results,
- in many cases (actually 80% of all assemblies) police commissariats have to command with Scut police units and sometimes Carabineer troops, units that are not directly accountable to them, this creates inter-institutional tensions,
- assembly policing tactics approach focuses on protection and maintenance of public order and sets back the facilitation and protection of assemblies, this approach transcends into the whole methodology of risk assessment, policing actions, police force deployment, etc,
- police front officers and police force lack adequate skills and knowledge relating to interaction with the assembly organizers and participants,
- police forces are not adequately equipped, with both personal protection equipment and special means equipment,
- training programs for the policing of assemblies (within Scut professional training for front-line officers, Police Academy for the assembly policing management and assembly management planning) are not adequate and particularly not practice-oriented,
- assembly management tactical methodology and guidance plans reflect the old-fashioned public order maintenance perspective only and need to be integrally overhauled,
- Although Carabineer troops do play some role in assembly policing, their added value remains insignificant in this matter.

7.2 Draft Law on Mass Assemblies

The announced intention of the Ministry of Internal Affairs

The draft Law on ensuring and re-establishing law order foresees a legal spectrum of actions to be taken by the security forces, based on exercising functional obligations and the rights attributed by the legislation in force from the moment, when mass assemblies lose their peaceful and civilized character and spontaneously change into mass disorders. The spectrum of actions regulated in the draft Law covers actions to be taken until Parliament declares „emergency situation” regulated by a separate Law No. 212 from 24.06.2004 on emergency situation, siege and war regime. The Law regulates duties of all decision-making factors involved in mass disorders, responsibilities of law enforcement bodies and central and local public authorities in ensuring, documenting, cooperating, re-establishing law order and liquidating consequences of mass disorders. Creation within the Ministry of Internal Affairs of the Unique Operational Command Center, according to the practices of European countries, will allow concentration of different level decision-making bodies, which will urgently evaluate the created operative situation and will jointly approve a unique legal decision of how the reaction of security forces should be and how to find a way out of the created impact. The Operative General Headquarters of the Ministry of Internal Affairs, as intermediary body between the Unique Operational Command Center and security forces, will monitor all the events, according to the attributed competences

34 Based on the informative note elaborated by the Ministry of Internal Affairs to the draft Law
within the mass disorders, will manage all actions of the security forces in order to execute decisions approved by the UOCC.

Following evaluation of the events taking place in other countries of the world and relating to mass disorders, it was established that majority of these events take place in streets, markets and boulevards, stadiums and in their neighborhood, in proximity of embassies and consular offices etc. This aspect has been regulated also in the given draft Law, taking into consideration the location, distance between the buildings and architecture of constructions.

Similar provisions were introduced also for protection of objects of major and strategic importance, in order not to allow the participants at the mass disorders to devastate them or to enter inside, to take weapons, armored equipment and special combat transport units. The draft Law also regulates actions of the security forces, as well as other mass measures, which are not regulated by the Law No. 26 from 22.02.2008 on Assemblies, such as:

a) sport, cultural-artistic, promotional, commercial and entertainment activities;

b) religious mass gatherings with the purpose of consultation or study;

c) commemorational ceremonies and ceremonies occasioned by official visits.

These categories of measures take place frequently on the territory of our country, and they can also lose their peaceful and civilized character and transform into mass disorders. In this context, amendments and completion to the Law No. 26 from 22.02.2008 on Assemblies follow to be proposed or a new Law shall be elaborated, which shall regulate organization, authorization and carrying out of all mass measures.

Analysis of the draft Law

In this section, we shall analyze only provisions directly related to the exercise of the freedom of assembly.

The draft law envisages in Article 5 (1) that security forces intervene in order to disperse an assembly only when assemblies lose their peaceful and civilized character, upon the request of the organizer or of the representative of the local public administration. At the same time, Article 5 (2) envisages intervention of the security forces without a request, in cases when:

a) participants come at a distance closer than 50 meters of the main state buildings,
b) public order or other norms of law are violated,
c) participants’ intentions and actions might endanger life,
d) threats with overthrowing state power or destruction of public property are persisting,
e) other cases envisaged by the legislation are signaled.

Provisions of Article 5(1) are partially contradicting Article 21(2) of the Law on Assemblies that envisages that only in cases of repeated and massive violations of Article 8 of this Law, in case there are no other options of mitigating the violations, based on Article 22 of the same Law, police might intervene for dispersing the assembly. It is clear that Article 5(1) of the draft Law offers a much larger discretion for intervention. At the same time, Article 5(2) of the draft Law envisages an even larger discretion of intervention, but also directly contravenes with the provisions of Article 21(2), Article 22. Especially, contradictions are
manifested in sub-points of Article 5(2): a) in case when participants come closer than 50 meters (Article 5 of the Law on Assemblies), b) public order and other legal norms are breached, because the provisions are too general and contravene Article 8 of the Law on Assemblies, which envisage exhaustive cases of interventions, c) intentions cannot be assessed as violation of Article 8 of the Law on Assembly, e) signaling other cases directly contravenes to Article 8 of the Law on Assemblies.

Provisions of Article 6(1) envisage conditions of ceasing and dispersing assemblies in case of slandering the state, calling for war, inciting to discrimination, undermining security and concentrating masses at violation of public order. Similarly, with explanations from the preceding paragraph, provisions of Article 6(1) are not compatible with Article 8, Article 21, and Article 22 of the Law on Assemblies. These provisions are much larger and cover more interpretable situations in an unpredictable and unclear way.

Provisions of Article 24 explain that intervention with force is possible in cases of hooliganism actions, when conflicts among participants arise, when buildings are devastated, property is deteriorated, fires are set, entrances are blocked, and other cases of public violence occur. Procedurally, such intervention is exercised upon the command of SMO (Operative General Headquarters), according to Article 25, after all callings to re-establish law order did not have an effect. At the same time, according to Article 28, in exceptional cases, intervention with force is possible also without command of SMO, meaning, in cases: when no postponements are possible, during mass conflicts.

Exceptional cases are formulated in such a comprehensive way, that they overlap with the ordinary cases that create unforeseeableness of application of the provisions of Article 24 and Article 28. In case of mass events, a decision-making body should exist to approve an eventual intervention and its format. Such provisions do not explain the modality of intervention and its format.

Therefore, the discussed provisions are not compatible and contravene the constitutional norms and the Law on Assemblies, as well as international standards and practices. Subsequently, we recommend that this draft Law is rejected.
8 Conclusions and Recommendations

8.1 Conclusions

In the year 2010 the situation of freedom of assembly in Moldova has improved considerably compared with earlier periods. Most of the negative indicators have been falling causing a relaxed and calm atmosphere in which public assemblies were held. The number of violent manifestations during assemblies is also decreasing, the rate of assemblies comprising violent elements in 2010 fell below 1%.

During the year, on the right bank territory of Republic of Moldova, there were recorded over 700 assemblies, less than in 2009 (almost 800 public assemblies). Chisinau municipality continues to be the main venue for public meetings in Moldova with nearly 90% of the total. The periods with electoral implications (before September 5, 2010 – the constitutional referendum and November 28, 2010 the anticipated parliamentary elections) the number of assemblies was higher than the average of the non-electoral periods. In 2010, the total number of assemblies from these periods was well below those of 2009. The decrease is explained by the fact that in 2010 the opportunity to promote messages through the media became more accessible, the reason, politicians have turned less on public assemblies.

There was also noticed a change in the actions and tactics of the main police units responsible for public assemblies which led to less interference in the conduct of assemblies, and to a greater degree of freedom of assembly and expression. Consequently, the indicators of the unjustified interference of police in peaceful assemblies have declined significantly. Some doubts and concerns still remain regarding the Carabineer troops who inadvertently interact with public assemblies, imposing undue limitations.

The local administration authorities perform their responsibilities, mostly without prejudice to the freedom of assembly in any way. However, there are still some questions regarding the intervention of the Chisinau City Hall, which by means of a trial has imposed the transfer of a LGBT group assembly, in an irrelevant place, which led to canceling the concerned public assembly.

The draft Law on Carabineers and the draft Law on ensuring and re-establishing the law order do not have additional value for the implementation of the freedom of assembly.

8.2 Recommendations

Concerning the notification process:

1. To develop the options of the on-line platform http://intruniri.chisinau.md/ for publishing notifications in Chisinau, and eventually adapting the legal procedures in order to make possible the submitting and processing on-line the notifications;
2. To multiply and implement the on-line platform for publishing notifications in other localities.

Concerning carrying out of assemblies and of the interventions:

3. To build capacities of the LPA representatives in management in managing assemblies and in working with the organizers, especially in conflict situations;
4. To enhance skills and tactics of law enforcement bodies to deal with confrontational behavior;
5. To create specialized groups of policemen who are responsible for the control and supervision of assemblies, and that could be deployed to facilitate public assemblies;
6. Better cooperation between police and local authorities on control over and on facilitation of freedom of assembly.

Concerning the general process of elaborating policies:

7. To use the disaggregated information and statistics collected through the on-line platform in Chisinau (90% of all the assemblies) and eventually from other localities, in order to understand and to examine the practice and to make conclusions on the development of freedom of assembly in Republic of Moldova;
8. Firm actions of the prosecutors to investigate cases of violation of freedom of assembly rights, including the police inaction;

Concerning organizational set of police institutions in facilitating the freedom of assembly and the analysis of the existing policy options, we recommend the following:

9. In the short run (1-2 years) to adopt the Policy Option 2, while in the mid-term and in the context of police reform to follow the Policy Option 3 (Scut),
10. Preference for long-term is to consolidate the capacities of Scut and use Carabineers exclusively in case of mass manifestation,
11. Adopting Option 4 could offer important long-term benefits; however this solution is costly, difficult in implementation, and represents an expression of centralizing police services. This option requires important investments, development of the qualitatively different corporative culture,
12. In adopting both policy options a substantial change in planning and risk assessment and police force deployment is necessary;
13. To match the existing and forthcoming challenges of assembly policing, a prevention assembly management specialized unit should be created, which should be composed of at least 50-75 specially equipped policemen who would be primarily involved in the assembly policing,
14. Equipping the police with personal protection means and general protection equipment relevant to the assembly policing is strongly recommended in any of the policy options preferred,
15. Transfer of resources for the assembly policing to Scut police, particularly resources from Carabineer troops.
In what concerns the Law on ensuring and re-establishing law order, it should be rejected because it contravenes to the freedom of assembly principle.

Concerning public events during elections:

16. Most of public events observed expences are not found in the declared expenditures submitted by parties; Central Electoral Commission (CEC) should be more vigorous in scrutinizing parties onbligations to report on exepnces while organizing public events in electoral times.
9 Annexes

9.1 Draft Law on Border Guards

Provisions of the draft Law on Carabineers

Article 2. Statute and territorial competence
(1) Carabineers represent specialized state institution, with military status, within the Ministry of Internal Affairs, which exercises, under law, its duties relating to the protection of public order, fundamental rights and freedoms of the citizens, public and private property, prevention and discovery of crimes and other violations of the laws in force, as well as protection of fundamental institutions of the state.
(2) Carabineers, through their duties related to the organization, training and territorial disposal, contribute to the guarantee of sovereignty, independence, authority, state unity and security, constitutional democracy on the whole national territory both in times of peace, as well as in situations of crisis.

Article 8. Special Mobile Intervention Regiment
(1) Special Mobile Intervention Regiment of the Carabineers, subsequently called Special Regiment, is subordinated directly to the Department of Carabineers, it has a general territorial competence and is assigned to execute missions aimed at ensuring and re-establishing public order, ensuring protection of fundamental institutions of the state and neutralize serious threats launched in their address, independently or in cooperation with other structures of the Ministry of Internal Affairs and of other institutions from the defense system and national security.
(2) The structure of the Special Regiment described in paragraph (1) is composed of the command system organized per services, special intervention companies, platoons, groups, sub-units of logistical support and other Carabineer structures, constituted according to the Law.

Article 9. Territorial Brigade of Carabineers
(1) Territorial Brigade of Carabineers is functionally subordinated to the Department of Carabineers, and as a structure it is assigned to organize and execute missions of ensuring and re-establishing public order and combating criminality, as well as to provide assistance in maintaining public order in places which fall under its territorial responsibility.
(2) The structure of the Territorial Brigade of Carabineers, depending on the specifics of the mission, is composed of the command system organized per services, battalions, companies, platoon, groups, posts, and structures with specialists, logistical and medical support.

Article 16. Responsibilities of Carabineers
(1) Carabineers, through their specialized structures, have the following responsibilities:
   a) to defend, through the means and methods prescribed by law, life, bodily integrity and personal freedom, public and private property, legitimate interests of the citizens, of the community and state;
b) to execute missions aimed at ensuring public order during social-political, cultural-artistic, sport, religious actions, etc., which take place in public places and have mass character;

c) to execute missions aimed at ensuring and reestablishing public order in cases when it was disrupted by any kind of actions or facts that contravene to the legislation in force;

d) to execute independently or with police, based on activity or special plans, orders, dispositions, indications of the Minister of Internal Affairs, missions of maintaining public order, combating and discovering crimes in localities on the whole territory of the country;

e) to execute, in cooperation with the competent state institutions, missions of ensuring public order during official visits or other activities carried out on the territory of the Republic of Moldova where high officials of the country or from abroad participate, on the territory where objects are located and on the territory where activities are conducted;

f) to ensure, under law conditions, guarding or protection and defense of the objects, goods and values of special importance, special transports, established as such by the decision of the Government;

g) to ensure guarding, protection and defense of objects that belong to the Ministry of Internal Affairs, established as such through the order of the Minister of Internal Affairs;

h) to ensure guarding and defense of the premises of diplomatic missions, consular representations or of other representations of foreign states;

i) to execute, under law conditions, upon the request of the competent authorities, investigation missions and missions aimed at searching escaped persons, deserters and other persons about whom data and reasoned grounds exist that they intend to commit or that they have committed crimes or they have evaded from preventive arrest or from execution of imprisonment sentences;

p) to identify contraventions and apply contravention sanctions, in accordance with the law;

q) to carry out, under conditions of the law, acts and actions which are necessary for initiating criminal proceedings against crimes discovered during execution of special missions, in accordance with the Code of Criminal Procedure;

r) to carry out investigation and documentation activities in order to constitute a database of operative interest, necessary for execution of specific missions, by including persons with records in committing disorder acts during public manifestations, persons known as belonging to some groups with disorderly behavior, as well as other information of operative interest necessary for carrying out the missions.

(2) Upon the request of individuals and legal entities, in situations which cannot be postponed, upon the proposal of the commander of the Carabineers, the Minister of Internal Affairs may approve measures of temporary protection of certain persons, objects, goods, values and special transports, others than those established under law conditions.

(3) Carabineers shall respond to the request of the prosecutor to jointly participate in carrying out some procedural acts.

Article 21. Structure of Carabineers

(1) Carabineers include professional militaries, temporary enrolled militaries and volunteers (civil employees).
(2) Carabineers-militaries have military grades, distinct signs and uniform. The laws regulating military service extend on the carabineers-militaries, and in their activity they follow the legislation in force.
(3) The number of Carabineer posts, during times of peace and mobilization, is established by the commander of Carabineers, in the limit of the approved structure.

**Article 27. Munitions and means**
In carrying out their service duties, carabineers use munitions from the associated stocks of munitions, anti-bullets jackets, protective shields, helmets with sight, rubber truncheons, truncheons with electrostatic energy, devices with tear gas substances, white weapons, water cannons or colorants, weapons with rubber bullets or colorants, handcuffs, service horses and dogs, sound and light devices, armored means, trencher works and means, as well as any available protection and immobilization means, in the following situations:

a) in order to impede and neutralize aggressive actions of the persons who seriously disturb public order, actions that could not have been removed or annihilated by the use of other legal means;

b) against those who illegally enter premises of the public authorities or other institutions of public or private interest and who, being warned and summoned, refused to immediately leave these buildings, as well as against organized groups who obstruct normal carrying out of activities through communication means, in public places and in other important objects;

c) for immobilizing persons or groups of persons who provoke disorders and take actions that endanger life, bodily integrity or health of people, public or private property, insult security forces or other persons invested with the functions that involve exercise of public authorities or seriously disrupt public order, through acts of violence.

**Article 32. Competition of local public administration authorities**
(1) Intervention by force is ordered in written form by the mayor or his/her deputy from the locality where one of the situations envisaged in Article 27 took place.

(2) The written disposition of the mayor concerning intervention in force is not necessary in case when violence is exercised on security forces, other persons or on goods or protected values that imminently endangers life, their bodily integrity or health, or when there are grounded indications that participants prepare or have committed a crime.

**Article 33. Detention of offenders**
Persons who commit illegal actions will be immobilized, removed as soon as possible from the place of disorders and brought, by case, at the closest police or Carabineer unit, in order to take sanctioning measures envisaged by law against them.

**9.2 Draft Law on Mass Assemblies**

**Draft Law on ensuring and re-establishing law order**

**Article 3. Main concepts**
In the sense of the present Law, the following main concepts mean:

mass disorders (disturbances) – spontaneous actions in group, organized or non-organized, that exceed the limits of assemblies, severely violate public order through
violence, aggression, vandalism and other forms of extremism, that endanger life and health of persons, integrity of objects of strategic importance, as well as goods and patrimonial values of the citizens;

security forces – subdivisions of the Ministry of Internal Affairs tasked with the rights and duties of preventing, ensuring and re-establishing law order;

ensuring law order – a set of measures taken by the security forces in order not to allow violation of public order or the fundamental human rights and freedoms during assemblies;

re-establishing law order – specific actions of intervention undertaken by the security forces, in accordance with the provisions of the legislation, aimed at normalizing the situation, stopping and not allowing participants at the assembly to take violent actions or have aggressive behavior;

protection zone (red line) – territory associated to a state building which is under state protection, including territory associated to premises of central public administration (ministries, departments, services), to autonomous territorial, rayon and local units, established through the title authorizing the right of the land holder by the authorities responsible for land and cadastre relations;

Unique Operational Command Center (CUOC) – a unique command center specialized in monitoring, supervising and evaluating mass disorders (disturbances) and other exceptional situations;

Operative General Headquarters (SMO) – mobile body responsible for managing forces and means of the Ministry of Internal Affairs in case when mass disorders (disturbances) take place.

**Article 4. Main principles**

The present Law is applied based on the following main principles:

a) the principle of human rights respect, according to which any intervention of the security forces in ensuring and re-establishing law order should be based on the respect and protection of the fundamental human rights and freedoms, envisaged in the Constitution;

b) the principle of legality, by which the whole activity of the security forces engaged in reestablishing law order during mass disorders (disturbances) should be conducted under conditions, limits and forms regulated by the legislative and normative acts, without any abuses;

c) the principle of efficiency and prevention of anti-social actions, according to which the entirety of measures and rapid, operative, active and efficient actions taken by the law enforcement bodies shall anticipate and overcome illicit activities, avoid mass disorders (disturbances) and their negative consequences;

d) the principle of neutrality and equidistance of the security forces, by which personnel of the security forces involved in actions of reestablishing law order should promote constant attitude of neutrality, without adhering to one of the parties in conflict. Regardless of the political, social, religious or other kind of affiliation of the representatives of security forces, efforts should be oriented only towards re-establishing law order in the limits accepted by the legislation.

**Article 5. Intervention of security forces**

(1) Security forces, engaged in the process of ensuring public order, intervene in actions of preventing and discovering mass disorders (disturbances), in dispersing assemblies, upon the request of the organizer or a representative of the local public administration authorities, when assemblies lose their peaceful and civilized character.
(2) Security forces are entitled to intervene without request in order to impede or suppress illegal actions and reestablish the law order from the moment when:

a) participants leave the place of assembly and are staying at a distance smaller than 50 meters from the protection zone of the premises of Presidency, Parliament, Government, residence of the President of the Republic of Moldova, Constitutional Court and Supreme Court of Justice or at a distance smaller than 25 meters from the premises of the central specialized public administration bodies, local public administration authorities, courts of law, prosecutor office, police, penitentiary institutions and institutions of social rehabilitation, military units and objects, railway stations, airports, hospitals, economical units with installations, equipment or devices, with an increased level of danger in exploitation, as well as diplomatic institutions;

b) public order or other norms of law are violated;

c) intentions, appeals and actions of the participants might endanger life or health, or integrity of goods and patrimonial values of the citizens, including of the law enforcement bodies personnel;

d) threats of overthrowing the state power persist, with violation of other constitutional state values, or destructions and devastations of public of private goods;

e) other cases envisaged by law are signaled.

Article 6. Ceasing and dispersing assemblies

(1) Security forces are entitled to intervene and request the organizer to cease the further carrying out of the assembly, as well as leave the place, if the following facts or actions are established in their actions:

a) defamation of the state or people;

b) inciting to war, aggression, national, racial, ethnic or religious hatred;

c) inciting to discrimination, territorial separatism, public violence;

d) undermining national security or territorial integrity of the country;

e) concentration aimed at committing crimes, violating public order or organizing mass disorders (disturbances), at violating public morality, the rights and freedoms of other persons, or endangering their life or health.

(2) In case when the requirements are not executed, security forces, upon the command of the SMO, will intervene in action.

Article 23. Application of the physical force and special means

(1) During the period of re-establishing law order, the security forces are entitled to apply in the direction of the crowd physical force, special means, including for passive, active, additional defense, as well as other available technical means, envisaged by the legislative and normative acts in force.

(2) Physical force, special means and technique may be applied, in the limits of the law, upon the SMO command, only after warning and challenging the participants to disperse and to stop illegal actions.

(3) Depending on the situation, the security forces might offer the participants reasonable time to understand the situation and the necessity of urgently leaving the place of mass disorders (disturbances), through the ways (exits) proposed by the mediators.

Article 24. Cases of intervention in force

Security forces intervene in force in cases when:
a) food products or objects that might cause bodily injuries are thrown on them, on buildings, state and public premises, or material damages or deterioration of equipment and special means is caused etc.;
   b) acts of group hooliganism take place;
   c) the integrity and safety of other persons is endangered;
   d) conflicts, fights, or injured or deceased persons are identified among participants;
   e) transport units are turned upside down, are damaged, are set on fire or are used as barricades;
   f) buildings, state or public premises are devastated or set on fire;
   g) goods and other patrimonial values of the citizens, as well as public goods and other patrimonial values are deteriorated;
   h) fires are set and symbols of the Republic of Moldova or of other states, other public or patrimonial objects, are put on fire, etc.;
   j) the access of special and medical units towards buildings and transport units set on fire for providing the necessary assistance is blocked;
   k) in other cases of public violence.

**Article 25. Summons within the process of reestablishing law order**

(1) Summons within the process of reestablishing law order are mandatory.
(2) The text of summons is approved though a normative act.
(3) Depending on the reaction of the participants to the summons of the mediation group, the summons is repeated, and the last summons should be accentuated.
(4) The summons which is put forward should be clear, convincing, amplified by necessity in other languages spoken on the territory of the Republic of Moldova.
(5) In case when special available equipment for sound amplification of summons is lacking or is damaged, the mediation group of the security forces may use, for free, any installed equipment, including the one installed by the organizers.

**Article 26. Intervention in force**

(1) After the expiry of the last summons, upon the command of SMO, the security forces intervene in force.
(2) In order to efficiently disperse the participants and stop illegal actions, the security forces may apply different special tactics and special means (passive, active and additional) approved by the Government.

**Article 27. Protection actions**

When taking actions in force, the security forces must:

a) avoid, as much as possible, causing bodily injuries to the participants;

b) divide active participants from occasional participants, visitors and other persons, who did not manage to leave the place of mass disorders (disturbances) consciously or involuntarily;

c) provide protection to minors, women with visible signs of pregnancy, elderly people or people with clear physical deficiencies, who, for reasons of age, health or other physical impossibilities, did not manage to leave the place of mass disorders (disturbances) in due time;

d) provide, depending on the existing possibilities, the first medical aid to the injured persons, unconscious persons or create access ways for medical intervention teams, including organizing their transportation to the medical units or to safe places.
Article 28. Intervention of security forces without SMO command and approval

(1) Security forces might intervene immediately for reestablishing law order, without command of SMO or approval of the prosecutor, in the following exceptional cases:
   a) during night or day, when events cannot wait until SMO and prosecutor is alerted;
   b) in case of mass disorders (disturbances) during sport competitions in stadiums, during cultural-artistic activities or in other places/buildings prepared for this purpose;
   c) in case of conflicts that resulted in maltreatments and killings;
   d) in other exceptional cases when violent actions or other forms of mass disorders (disturbances) endanger life and health of persons.

(2) Head of security forces informs SMO about intervention in force.

Article 29. Involvement of the security forces with special destination

In exceptional cases, the Ministry of Internal Affairs involves security forces with special destination, as well as special tactics and means, in the following cases:
   a) during freeing the devastated buildings and transport units, including of the hostages who are there;
   b) in case of armed attacks;
   c) in case of use by the participants in mass disorders (disturbances) of the transport units, toxic substances or explosive substances;
   d) in situations when animals or special techniques adapted with explosive substances, that can be blasted from a distance, are used or sent in the direction where people are situated;
   e) military units, premises of the police commissariats, other force structures are devastated, with the purpose of appropriating weapons, available munitions and special means;
   f) in other cases upon the SMO command.

Article 30 Use of available special transport means

The Ministry of Internal Affairs, within the process of reestablishing law order, may use, upon necessity, the following types of available special devices:
   a) water hoses, including with colorants, foams, etc.;
   b) available armored transport units, helicopters;
   c) road tankers, tower cars, auto-pumps, hydraulic elevators, other cars with special destination and devices necessary for carrying out discharging, pumping works and transportation of different substances with special destination;
   d) devices necessary for destroying obstacles, barricades and for forcibly stopping the transport means.

Article 35. Neutralizing aggressive actions

(1) In case of forceful dispersal of participants at the mass disorders (disturbances), the security forces shall neutralize aggressive actions of the crowd.

(2) After dispersing participants in mass disorders (disturbances), security forces will carry out special operations, orientated towards preventing, combating and liquidating their consequences.

Article 36. Actions of the security forces management in the period of liquidating consequences of mass disorders (disturbances)
Security forces management will organize:

a) identification, establishment, detention and punishment of the guilty persons based on collected evidences;

b) identification of organizers, provocateurs and executors of illegal actions;

c) investigation and discovering of crimes and flagrant contravention offences based on „hot traces”, with detention and punishment of the offenders, according to legal provisions;

d) observance of the rights of detained persons guaranteed by the law.

Article 37. Ensuring and maintaining public order after liquidating consequences of mass disorders (disturbances)

(1) After all consequences of mass disorders (disturbances) are liquidated; management of the security forces must take all necessary measures in order to prevent mass disorders (disturbances) from occurring again.

(2) The measures for ensuring and maintaining public order will be taken in the perimeter of the areas and routes where manifestations are carried out, until final amelioration of the situation.

(3) Road traffic will be reestablished immediately after evacuation and reparation of the consequences of mass disorders (disturbances).

Article 38. Ensuring security forces and law enforcement bodies logistically

(1) In case of long-term mass disorders (disturbances), longer than 6 hours, the state will provide the security forces and law enforcement bodies involved in reestablishment of law order with free food and water, according to the established norms.

(2) Security forces and law enforcement bodies exercising their work duties of reestablishing law order during mass disorders (disturbances) will receive double salaries for each hour of work and triple salaries when working during night.
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- Regulation of the Municipal Police approved through Government Decision No.139 from 20.02.2001;
- Decision of the Government of the Republic of Moldova No.77 from 31.01.2001 on „approving Regulation on the administrative-military activity and structure of the administrative-military bodies”;
- Decision of the Government of the Republic of Moldova No. 508 from 11.05.2006 on „approving the List of paid services and their fees, as well as the Regulation on the formation and utilization of special means of the subdivisions of the Ministry of Internal Affairs;
- Decision of the Ministry of Internal Affairs No.250 from 29.07.2005 on “approving Regulation on General Department of Public Order Police”;
- Regulation-type of the Headquarters of the Police Commissariat approved by the Order of the Ministry of Internal Affairs No. 374 from 02.10.2003;
- Regulation-type of the Police Commissariat General Headquarters approved by the Order of the Ministry of Internal Affairs No. 292 from 31.07.2003;
- Order of the Ministry of Internal Affairs No.435 from 13.11.2003 on „Approval of the Regulation of the General Police Commissariat of Chisinau municipality”.
- Order No. 270 from 08.08.2005 on „Approval of the Regulation of the Direction of Prophylaxis of the General Department of Public Order Police”;
- Order of the deputy Minister of Internal Affairs No. 203 from 05.09.2003 on approving Regulation of the Carabineer Troops General Headquarters Service of the Ministry of Internal Affairs.