

# MOLDOVA:

**Comprehensive denial to Moldova's principal LGBT organisation of the right to freedom of assembly**

Report as of 19 November 2006 by



**The European Region of the  
International Lesbian and Gay Association**

*(This document is an update of a report originally issued on 8 November 2006)*

## **Moldova**

### **Comprehensive denial to Moldova's principal LGBT organisation of the right to freedom of assembly**

The last 18 months have produced evidence of what appears to be an increasingly concerted campaign by elements in government ministries, the Chisinau City Hall, and the police, co-operating with fundamentalist religious organisations, to deny freedom of assembly to Moldova's principal LGBT organisation, the GenderDoc-M Information Centre. It is particularly disturbing that, after initially supporting GenderDoc-M strongly, Moldova's courts have failed to uphold that organisation's right to freedom of assembly.

The Appendix to this report documents a series of events which provide evidence of violations of the right to freedom of assembly, police malpractice, failure by government ministries to observe the basics of fair and non-discriminatory government, and oppressive use of legal processes.

These are summarised below in Section A. There then follows in Section B an analysis of the evidence for a concerted campaign against GenderDoc-M, and of concerns over the failure of Moldova's judiciary to apply international human rights standards. Section C relates these events to Moldova's National Human Rights Action Plan, which Moldova has undertaken to implement within the framework of the EU/Moldova Action Plan, a part of the EU Neighbourhood Policy.

The numerical references below are to the relevant paragraphs of the Appendix.

#### **A Summary of violations of the right to freedom of assembly, police malpractice, administrative malpractice, and adverse behaviour by the courts**

**Officials of Chisinau City Hall** have violated the right to peaceful assembly on four occasions, by prohibiting:

- The May 2005 Pride demonstration (1.1.1)
- The May 2006 Pride demonstration (3.1)
- The All Different/All Equal youth march - almost certainly because of participation by GenderDoc-M (4.2)
- The Amnesty International demonstrations against the death penalty, because of participation by GenderDoc-M (6.2)

**The Chisinau police** have acted improperly and oppressively by:

- Exceeding their powers in insisting that all outdoors activities by GenderDoc-M are impermissible (1.2.2 and 5.2)
- Infiltrating GenderDoc-M events in a manner likely to intimidate (1.2.3)
- Failing to discipline a senior officer for manifestly inflammatory statements (2.1 and 2.3)
- Pressurising GenderDoc-M by subjecting their President to inappropriate questioning in response to a protest letter from a religious organisation (4.3.2.3)

- Attempting unlawfully to force Amnesty International officials to remove GenderDoc-M's flag at the Violence Against Women public action (5.2, 5.3)
- Exercising improper pressure on Amnesty International, by stating that the refusal to remove GenderDoc-M's flag at the Violence Against Women public action would be advised to City Hall and taken into account when giving or refusing to give permission for subsequent demonstrations (5.3)
- Withdrawing police protection following the refusal of Amnesty International to remove GenderDoc-M's flag at the Violence Against Women public action, and thus potentially putting participants at risk (5.3)

**The Ministry of the Interior** has failed to exercise fair and non-discriminatory governance by:

- Absolving a senior police officer of manifestly inflammatory statements with the spurious reasoning that he was protected by the "religion" ground in the anti-discrimination article of the Labour Code (2.2)

**The Ministry of Education and Youth** has failed to exercise fair and non-discriminatory governance by:

- Acquiescing in the banning of the youth march (4.2)
- Removing all references to GenderDoc-M from the All Different/All Equal web site after the Causeni Festival (4.3.2.2)
- Pressurising GenderDoc-M to accept a compromise which would effectively deny GenderDoc-M any visibility (4.3.2.5)

These failings are particularly striking: the incidents described took place within the context of Moldova's participation in the Council of Europe's All Different/All Equal Programme, a key purpose of which is to combat discrimination, and for which the Ministry has responsibility.

#### **Other administrative failings**

- The use of a government vehicle by unidentified persons for distributing homophobic leaflets (4.3.1.5)

#### **The Courts**

The Moldovan courts have failed in their duty to uphold the right to freedom of assembly on four occasions:

- Through the failure of the Supreme Court to support the Appeal Court's initial ruling that the ban on the May 2005 Pride Demonstration was illegal (1.1.3)
- Through the reversal by the Appeal Court of its initial ruling that the ban of the May 2005 Pride Demonstration was illegal (1.1.4)
- Through the support of the Supreme Court for the Appeal Court's (second) ruling upholding the ban on the May 2005 Pride Demonstration (1.1.4)
- Through the Appeal Court's decision to uphold the ban on the Amnesty International demonstrations against the death penalty (a judgment subsequently overturned by the Supreme Court) (6.2)

In one case, a fair hearing has been denied:

- Through the refusal of the Appeal Court to allow the President of GenderDoc-M to give evidence regarding letters opposing the May 2006 Pride Demonstration (3.1)

Courts have also behaved oppressively in failing to observe their own time limits for reaching decisions:

- In the case of the ban on the May 2005 Pride Demonstration (1.1.6)
- In the case of the failure of the Appeal Court to deliver a judgment in relation to the ban on the May 2006 Pride Demonstration within the prescribed three days, such judgment still not being available five months after the event (3.1)

## **B Evidence of a concerted campaign against GenderDoc-M**

The incidents described in the Appendix show that any attempt by GenderDoc-M in the last 18 months to exercise the right to freedom of assembly in a public place in Chisinau has been met with immediate moves to frustrate the exercise of this right. This has been the case even where GenderDoc-M was engaged in activities not involving the advocacy of LGBT rights (see 4.2, the banning of the youth march, and 6, the Amnesty International demonstrations against the death penalty). And it has even been the case where no prior warning was given of GenderDoc-M's involvement in such an event (see 5 -- the Amnesty International Violence against Women public action). The only event involving GenderDoc-M which has proceeded unopposed by the authorities was the Causeni Festival (4.3), which, significantly, took place outside Chisinau. And even here it was necessary to assure the local authorities that the event was a general human rights event, and not one addressing LGBT rights.

This comprehensive ban on GenderDoc-M's public activities seems to have been achieved through cooperation by elements in a number of state agencies, apparently to some extent influenced by religious organisations. The two religious groups in question (see 4.3.1.2) only came to GenderDoc-M's knowledge very recently, and neither appears to be of any significant substance. The more active, "English for a new life", provides bible-based English lessons as part of its programme. The insignificance of these organisations tends to suggest that the main influence in denying freedom of assembly to GenderDoc-M comes from within government circles, rather than from these groups.

**Possible links between the police and religious fundamentalists** are documented as follows:

- At the police training seminar in October 2005 Lieutenant-Colonel Ghennadie Chirita made extreme inflammatory comments of a religious nature, and introduced himself as the leader of an organisation of Christian policemen (see 2.1). He also indicated his involvement in the picketing of the closing ceremony of 2004 Pride (2.1).
- At the Amnesty International Violence against Women public action, "English for a new life" religious demonstrators appeared shortly after the departure of the police officers who had instructed Amnesty to remove the GenderDoc-M flag (5.4).

**Mutual support between the City Hall and the police** in denying GenderDoc-M freedom of assembly rights is evidenced by the comment of the police during the Amnesty International Violence against Women public action that Amnesty's collaboration with GenderDoc-M would be taken into consideration by the City Hall when making decisions on authorising subsequent demonstrations proposed by the organisation (5.3).

**Support from the Ministry of the Interior for the actions of the police** can be adduced from its response to GenderDoc-M in relation to the statements of the Lieutenant-Colonel at the police training seminar in October 2005 (2.2).

**Support from the Ministry of Education and Youth** for denying GenderDoc-M exercise of the right of freedom of assembly is evident from its actions outlined in section A above.

**Other support by government officials** for religious organisations protesting against the Causeni Festival is indicated by the use of a government vehicle for distributing homophobic leaflets in support of their demonstration (4.3.1.5).

**The behaviour of the courts is of particular concern:**

- As noted in 1.1.2, the Appeal Court initially ruled strongly in favour of GenderDoc-M over the banning of the Pride 2005 demonstration. Its reversal of this judgment, and the subsequent support for this new position by the Supreme Court in October 2006 are extraordinary (1.1.4).
- In the case of the Pride 2006 demonstration, the fact that the Appeal Court has not yet ruled some five months after the event, despite a procedure requiring judgment within three days (3.1).

Indeed, this behaviour by the courts is such as to raise concerns that they may have become part of a concerted effort to deny freedom of assembly to GenderDoc-M, and to raise doubts regarding their independence from other branches of government.

**C Implementation of the National Human Rights Action Plan**

Moldova's National Human Rights Action Plan, which has to be implemented within the framework of the EU/Moldova Action Plan, requires that legislation be introduced by the end of 2006 to enable the prosecution of degrading and humiliating treatment of sexual minorities, as well as for the instigation of hatred towards sexual minorities. At the date of this report there is no sign of such legislation being introduced.

## Moldova

### **Comprehensive denial to Moldova's principal LGBT organisation, the GenderDoc-M Information Centre, of the right to freedom of assembly**

This Appendix sets out a series of incidents in which government ministries, the Chisinau City Hall, and the police, co-operating with fundamentalist religious organisations, have denied freedom of assembly to Moldova's principal LGBT organisation, the GenderDoc-M Information Centre. Further, it documents judgments by the Moldovan courts which fail to uphold fundamental human rights.

#### **1 Pride 2005**

##### **1.1 The banning of the Pride demonstration**

1.1.1 In May 2005, as part of its Pride celebrations, GenderDoc-M applied to Chisinau City Hall to hold a demonstration in front of the Moldovan Parliament in support of anti-discrimination legislation for minorities, including sexual minorities, and the legal recognition of same-sex relationships. The City Hall refused permission. In his letter of rejection the interim city mayor Mr Vasile Ursu referred to the fact that Moldova "has already a law on national minorities", and concluded there was no point in a demonstration.

1.1.2 GenderDoc-M challenged this ban in the Appeal Court<sup>1</sup>. In June 2005 this court found the ban on GenderDoc-M's demonstration to be unconstitutional. Its judgment stated that **"it is incontestable that GenderDoc-M enjoys a right to organise peaceful manifestations in accordance with article 40 of the Constitution"** and emphasised that **"making a decision on authorisation or refusal to authorise a public gathering cannot be conditioned by the nature of the problems to which the public manifestation participants want to draw the attention of society"**. The Court found the municipal authorities' decision illegal and ordered them to pay the state tax and to reimburse GenderDoc-M's expenses.

1.1.3 However the municipal authorities appealed to the Supreme Court. In October 2005 this Court passed the case back to the Appeal Court for re-examination, on the basis that there was new information concerning a possible threat to public order by religious organisations.

1.1.4 The Appeal Court then reversed its earlier decision, rejecting GenderDoc-M's case. GenderDoc-M appealed to the Supreme Court, which, in October 2006, upheld the ruling of the Appeal Court. The Supreme Court has not yet communicated the reasoning for its decision. GenderDoc-M is now taking a case to the European Court of Human Rights.

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<sup>1</sup> In Moldova cases such as this are heard first by the appeal court, that is, without a trial in a lower court

1.1.5 Earlier, in September 2005 the Rapporteurs of the Parliamentary Assembly of the Council of Europe, commented in their report to the Assembly: "During our last visit to Chisinau, representatives of the gay and lesbian NGO GenderDoc-M complained that the city's municipal authorities had refused to authorise a peaceful demonstration .... pending a satisfactory response, we wish to point out that democratic governments are required to respect the fundamental rights of all their citizens and that discrimination against sexual minorities is inadmissible."

1.1.6 The time taken by the courts to reach their decisions (from May 2005 until October 2006) is understood to exceed substantially the prescribed time limits.

## **1.2 Other events during 2005 Pride**

1.2.1 GenderDoc-M's 2005 Pride celebrations involved a programme of events spread over three days, from 20-22 May. This programme was sent by GenderDoc-M to government agencies including the police.

1.2.2 One of the events involved the laying of flowers at the Chisinau Monument of Glory. GenderDoc-M were advised by the police that this event was also banned, as was any other outdoors activity.

1.2.3 During the three days of the celebrations the police intervened several times, either in person, or by telephone, in a manner that seemed intended to intimidate. The opening ceremony of the Pride celebrations took place on the evening of Friday 20th May, in the disco club "Star Track". Approximately 6 police officers were identified as being present, in plain clothes. The following day, police telephoned the office of GenderDoc-M repeatedly, demanding to know what actions they were taking. At the closing ceremony on 22nd May at the Chaos disco-bar, a number of police officers again were present, this time in uniform.

## **2 Police training seminar in October 2005**

2.1 In October 2005 GenderDoc-M staff took part in a police training seminar. One of the participants, Lieutenant-Colonel Ghenadie Chirita, introduced himself as the leader of an organisation of Christian policemen. He stated that "the most important law for me is the Law of God, according to which homosexuality is a sin, and the one who commits this sin shall die". He added that in May 2004 he had played a role in the picketing of the Chaos disco bar, where the final events of that year's Pride celebration were taking place<sup>2</sup>.

2.2 Following this incident GenderDoc-M sent an open letter to Members of Parliament, Parliamentary lawyers, the Ministry of Internal Affairs, the Ministry of Justice and the General Prosecutor's Office which raised a number of questions regarding the compatibility of the Lieutenant-Colonel's statements with his position as a police officer, the legality of his actions in the picketing the Chaos disco-bar, and

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<sup>2</sup> The event was picketed by members of a taekwondo (Korean martial art) club which appears to have links to the fundamentalist Christian organisation English for a New Life (see 4.3.1.2).

the policy of the Ministry of Internal Affairs. They received a reply from the Ministry of Internal Affairs, as follows:

"In response to the open letter of the employees of the GenderDoc-M Information Centre, an in-depth investigation has been carried out, the findings of which are as follows: the opinions expressed at the seminar carried out in October by GenderDoc-M Information Centre<sup>3</sup> reflect the civil position of the citizens of the Republic of Moldova. These opinions do not reflect the position of the Ministry of Internal Affairs. The Constitution of the Republic of Moldova, as the fundamental law of the state, acknowledges and guarantees the rights of all the citizens to the same extent. Article 16 p.2 of the Constitution of the Republic of Moldova stipulates: "all the citizens of the Republic of Moldova are equal before the Law and authorities regardless of race, nationality, ethnic background, language, religion, sex, beliefs." Moreover, article 32 (1) of the Constitution of the Republic of Moldova stipulates: "every citizen is guaranteed the freedom of thinking, opinion, and public expression through words".

In compliance with article 8 of the Labour Code, any discrimination of the employee, either direct or indirect, on the basis of sex, race, ethnic background and religion, political belief, social background, place of residence, intellectual or physical disabilities, trade union activity, as well as other criteria not related to professional skills is prohibited".

The letter was signed by the Deputy Head of the General Department of State Security of the Ministry of Internal Affairs, police Lieutenant-Colonel V Mihailsecu.

2.3 Lieutenant-Colonel Ghenadie Chirita's statements have not been the subject of criminal or disciplinary proceedings.

### **3 Pride 2006**

#### **3.1 The banning of the 2006 Pride demonstration**

In March 2006 GenderDoc-M again applied to the City Hall to hold a demonstration. The City Hall again rejected the application, citing the possibility of public disorder, and stating that many letters had been received from the public and from organisations opposing the demonstration. GenderDoc-M challenged this ruling in the Appeal Court. During the hearing its President, Alexei Marcicov, who was present as a witness, asked the judge to be allowed to comment on the letters of opposition received by City Hall. He was refused permission to speak. To date, five months after the hearing, no judgment has been delivered by this Court, despite the procedural rule that judgments must be delivered within three days.

### **4 Events planned within the framework of the Council of Europe's All Different/All Equal Programme.**

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<sup>3</sup> The seminar was not "carried out" by GenderDoc-M - its staff were invited by the organisers to participate.

4.1 At the end of May 2006 GenderDoc-M learned that Moldova was to take part in the All Different/All Equal programme of the Council of Europe. In early June they contacted the sponsoring ministry, the Ministry of Education and Youth, and proposed their participation in three events taking place as part of the programme:

- A youth march organised by the Ministry and the National Youth Council of Moldova
- A Festival in Causeni which GenderDoc-M offered to organise. It would include a "roundtable" in which public officials and NGOs could discuss the issues they faced in implementing the provisions of the National Human Rights Action Plan, which Moldova has undertaken to implement within the framework of the EU/Moldova Action Plan, a part of the EU Neighbourhood Policy. A Festival in Rezina, which was to be a follow-up to the event in Causeni. GenderDoc-M would again play a leading role in its organisation.

It was also proposed that the 2007 Pride events be held within the framework of the programme.

Towards the end of June the web site of the All Different/All Equal programme (which is managed by the Ministry of Education and Youth) was updated to reflect GenderDoc-M's participation in / contribution of these events. GenderDoc-M were provided with All Different/All Equal promotional material such as hats and flags, and also its logo.

## **4.2 The banning of the youth march**

On 18 July, one day before it was due to take place, GenderDoc-M were informed that the City Hall had banned the youth march. They were advised unofficially by a member of the National Youth Council of Moldova that the reason for the ban was GenderDoc-M's participation. Attempts to obtain an official explanation for the ban have so far proved unsuccessful. The Ministry of Education and Youth informed GenderDoc-M that it supported the ban, saying that it was not the appropriate time for organising such a march. The National Youth Council of Moldova has stated that it wishes to challenge the ban, but is awaiting the official justification for the ban.

In a press conference on 21 July (see 4.3.1.2 below) two religious organisations claimed that the youth march had been banned at their request, for the reason that representatives of the LGBT community were to take part in it.

## **4.3 Causeni Festival**

4.3.1.1 In late June GenderDoc-M issued a public statement announcing their plan to organise the festival, and inviting participants. GenderDoc-M stressed their wish that minorities be represented, particularly the disabled, and the Roma. They also invited Amnesty International. Seven or eight organisations applied to be involved. Representatives of the Ministry of Education and Youth, and of the National Youth Council of Moldova were also invited. A human rights NGO based in Causeni, the Causeni Raion Law Centre, joined GenderDoc-M in organising the

event, and obtained the authorisation of the local authority. In addition to the roundtable, the festival included the showing of a film and an open-air concert.

4.3.1.2 On July 21 two religious organisations, “English for a new life” and “Equity” held a press conference in which they stated that the Festival was "an event for sexual minorities and that more than 200 gay and lesbians would come for this Festival". They telephoned the Mayor's office and other officials of the local administration asking why they were facilitating activities supporting LGBT people and requesting that the festival be banned. GenderDoc-M explained to the local authority that this was not an action in support of LGBT rights, but one relating to human rights generally. The local authority were reassured, and confirmed their authorisation of the event. They instructed the police to arrange security for all the different elements of the event.

The two religious organisations had only recently come to GenderDoc-M's attention. Their first knowledge of “English for a new life” was a letter from its leader, Elena Brewer, in May 2006, before the Pride event<sup>4</sup>.

4.3.1.3 On 22nd July, when the participants from Chisinau arrived for the first of the three events, the roundtable, they found demonstrators from “English for a new life” wearing yellow and orange T-shirts next to the municipal building where the event would be held. This was the first time that members of this organisation had appeared at a GenderDoc-M event. Local people later confirmed that they were not from Causeni and had been bussed in from outside. While the preparations for the roundtable were under way, a group of these demonstrators, led by a priest, entered the building unhindered.



Leader of “English for a New Life”  
Elena Brewer interrupting the round  
table in Causeni

4.3.1.4 The event was initiated with a speech by the Mayor of Causeni. 10 NGOs, and representatives of the Democratic Party of Moldova and of the town administration, were amongst those present, as was a representative of the OSCE. There were 100 participants, of whom four were from GenderDoc-M.

Once the roundtable proper began, the religious demonstrators started interrupting speakers, preventing participants from speaking, repeatedly demanding to know what was the link between the roundtable and GenderDoc-M, and claiming that it was a cover for promoting homosexuality. It was clear that the intruders were trying to prevent the activity from taking place. However, they were allowed to participate, even when they became offensive -- for example, the President of GenderDoc-M was called a "faggot".

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<sup>4</sup> The website of “English for a new life” is at: [http://www.precept.md/efnlschool\\_about\\_us.html](http://www.precept.md/efnlschool_about_us.html)

The roundtable finished at lunchtime. Outside the participants found that the hostile demonstration had been joined by a group of school pupils.

4.3.1.5 After lunch the event continued with the showing of a film at the local cinema club. As participants walked to the club a Volga car with official government number plates (RM A 177) drove by. Leaflets with the words "Will Causeni become Sodom?" were thrown from its windows.



Religious protesters trying to gain entry into the cine club, Causeni

At the cine club the protesters tried to gain entry. The organisers agreed to allow those who were over 18 into the building. When they saw that the film had nothing to do with homosexuality they left.

4.3.1.7 After the film, the Festival was to continue with a concert in a public square. When the cinema audience arrived at the square they found the performers surrounded by "English for a new life" protesters, trying to persuade them that the event was designed to promote homosexuality, and urging them not to take part.

The concert took place. There were tables with displays of materials from the participating organisations -- including GenderDoc-M. The police were present to maintain order, which they did in an appropriate manner, as they had done throughout the day.

4.3.1.8 After the concert ended, there was a concluding speech, a reception, and then participants from Chisinau returned to the city. There were no further incidents.

## 4.3.2 Events following the Causeni Festival

4.3.2.1 After the Festival there were positive reports in the media, and the participating organisations were supportive of GenderDoc-M. However religious organisations started a letter-writing campaign, protesting to parliamentarians, and the media. They argued that GenderDoc-M was promoting homosexuality and involving minors. They claimed that their rights had been violated, alleging that they had not been allowed to participate in the roundtable. They called for the closing of GenderDoc-M.

4.3.2.2 Immediately after the letter-writing campaign all references to GenderDoc-M were removed from the web site of the All Different/All Equal

programme. This web site is managed by the Ministry of Education and Youth. GenderDoc-M were told that the reason was that they had been late in applying to participate in the programme.

GenderDoc-M took this up with the representatives of the Ministry for Education and Youth and of the National Youth Council of Moldova with whom they had been dealing, and who had been present at the Causeni Festival. They responded that they had nothing against GenderDoc-M participating in the Programme, but were unable to resolve this issue, as it had been decided by more senior staff in the Ministry.

4.3.2.3 At the end of July, one week after the Causeni Festival, a police officer came to the GenderDoc-M office, with a protest letter from one of the religious organisations. He asked the President of the GenderDoc-M to explain what they had been doing.

4.3.2.4 In the second week of October the Council of Europe manager of the All Different/All Equal programme, Michael Raphael met with the President of GenderDoc-M, Vera Turcan (of the National Youth Council of Moldova), and Igor Casapu (President of the National Youth Council of Moldova) to discuss what action could be taken. Igor Casapu advised that the National Youth Council of Moldova could not pressurise the Ministry of Education and Youth, and that it was necessary to find some compromise. The President of GenderDoc-M, Alexei Marcicov, responded that the All Different/All Equal programme was meaningless if a group was excluded. The National Youth Council of Moldova promised to organise a meeting with the Ministry of Education and Youth to try to resolve the situation.

4.3.2.5 In the third week of October the representatives of GenderDoc-M met with an official of the Ministry of Education and Youth, Ion Ceban. He suggested that GenderDoc-M be considered as a partner in the All Different/All Equal programme, but not to refer publicly to this. His hope was that if this approach was adopted, the problems would go away. He advised GenderDoc-M not to make an issue of their participation, otherwise their remaining actions would be cancelled. He said that influential people were behind the religious protesters, and doubted that the Parliament would support GenderDoc-M.

## **5 The Amnesty International Violence against Women public action**

5.1 Amnesty International planned a Violence against Women public action and invited GenderDoc-M to participate.

5.2 The action was authorised by the City Hall, and took place on 31st August 2006. GenderDoc-M staff took information leaflets and the organisation's flag to the action site, the main square in Chisinau. The flag was displayed on a fence, along with those of other organisations participating. When the action was already under way several high-ranking police officers appeared, including the Head of the Chisinau Department of Public Order, Mr. Krijanovskii, and urged that the GenderDoc-M flag be removed. They explained that GenderDoc-M:

- worked with sexual minorities, "propagating" their lifestyle and therefore could not carry out any public actions in Chisinau

- was not in the official list of participants in the action
- had been refused authorisation to carry out public events in Chisinau, a fact which Amnesty International should have taken into consideration

Moreover, its flag disturbed the public order.

5.3 Amnesty International officials responded that they would not remove GenderDoc-M's flag, and suggested that the police do it themselves if they considered their claims legal. No one from the police took the flag down. After that one of the police said that if the flag was not taken down,

- the police would have full rights to stop the action immediately
- he would call the Mayor of Chisinau for the order to stop the action
- he would inform Chisinau City Hall that Amnesty International Moldova cooperated with GenderDoc-M so that "the City Hall would take it into consideration when making decisions on authorising the following actions carried out by the organisation".

Growing tension was only reduced when reporters of TV7 channel arrived.

Finally the police spokesman said that if the flag was not removed, he would order all police officers guarding order at the site of the action to leave and "if something happens, it will be your responsibility". Shortly afterwards, at around 13.00, all the police officers did indeed leave, and participants in the action were left without any protection. This, despite the fact that the action was authorised to continue until 16.00.

5.4 Approximately 30 minutes after the police left a group of approximately eight religious demonstrators, wearing yellow and orange T-shirts, appeared. They were from the same organisation, "English for a new life", which had disrupted the Causeni Festival. The episode terminated with a peaceful discussion.

5.5 After the action Amnesty International issued a press release, held a press conference, and sent letters of protest to the City Hall and the Ministry of Internal Affairs. They expressed their hope that there was no connection between the words and actions of the police officers and activists from the religious organisation.<sup>5</sup>

## **6 Amnesty International demonstrations against the death penalty**

6.1 On September 25, 2006 Amnesty International applied for authorisation to demonstrate against the death penalty in front of the US and Belarusian embassies on 10th October, on the occasion of the World Day against the Death Penalty. In the application form they included GenderDoc-M amongst the organisations which would participate.

6.2 In a meeting at City Hall the authorities requested that Amnesty International exclude GenderDoc-M, on the grounds that its aims had no connection with the death penalty. Amnesty International refused. Authorisation for the demonstration was then denied, despite the fact that Amnesty has been conducting public demonstrations in

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<sup>5</sup> Amnesty International Moldova -- press release dated September 13, 2006 -- "Moldova: Police Must Not Substitute the Law for Personal Opinions"


Moldova for the last six years without problems<sup>6</sup>. Amnesty International challenged the ban and lost the case in the Appeal Court, but that decision was overturned in favour of Amnesty by the Supreme Court on 15 November 2006.

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<sup>6</sup> Amnesty International Moldova -- press release dated September 13, 2006 -- "Moldova: Police Must Not Substitute the Law for Personal Opinions"

**Appendix 2**  
**Response to ILGA-Europe's Letter of Protest by the Chisinau Mayor**

00023165



**MUNICIPIUL CHIȘINĂU**  
**PRIMĂRIA**

MD-2012, Republica Moldova, municipiul Chișinău, bd. Ștefan cel Mare și Sfânt, 83.  
Telefon: 227-236, 222-380, fax: 223-145. E-mail: primaria@pmc.md

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Nr. HP/3522 / 22.05.06

*I hope this  
has some meaning for you!*

Asociația ILGA EUROPE,  
dnei Patricia Prendiville,  
1040, Belgia, Bruxelles,  
avenue de Tervueren, 94

Stimată dnă Patricia Prendiville,


Primăria municipiului Chișinău a examinat demersurile dvs. din 03.05.2006 referitor la neatorizarea unei întruniri declarate de Centrul de Informație "Genderdoc – M" pentru ziua de 5 mai curent și vă informează că Legea Republicii Moldova nr. 560-XIII din 21.07.1995 "Privind organizarea și desfășurarea întrunirilor" conține și anumite restricții atât la autorizarea, cât și în timpul desfășurării întrunirilor.

Astfel, art. 12 (6) din Legea sus-menționată prevede dreptul autorității publice de a nu autoriza desfășurarea unei întruniri, în cazul în care, consultând organul de poliție, dispune de probe convingătoare că în timpul întrunirii vor fi încălcate prevederile art. 6 și art. 7 din această Lege.

La momentul examinării declarației prealabile și semnării dispoziției, Primăria dispunea o mulțime de scrisori de la persoane fizice și organizații obștești, prin care era informată despre posibilitatea organizării unor manifestări de protest în cazul în care ar fi autorizat marșul de solidaritate, declarat de Centrul de Informație "Genderdoc – M".

Pentru a evita declanșarea unor întruniri de proporții, cu participarea a mii de persoane, care ar fi provocat încălcarea ordinii publice, cu posibilitatea survenirii unor consecințe grave pentru societate și participanți, întrunirea declarată de Centrul de Informație "Genderdoc – M" nu a fost autorizată.

Cu respect,

  
PRIMAR GENERAL INTERIMAR  
Vasile Ursu

Carmazan  
222262

**Translation:**

Dear Mrs. Prendiville:

The Mayoralty of Chisinau has examined your demarche of 03.05. 2006 regarding the refusal to authorize a meeting called by the Information Centre “GenderDoc—M” for the day of May 5 of the current year, and wishes to inform you that the Law of the Republic of Moldova number 560-XIII of August 21, 1995 “Concerning the organization and conduct of gatherings” contains several restrictions with regard to both authorizing and conducting gatherings.

Thus, Article 12(6) of the above-mentioned Law provides for the right of the public authorities to refuse to authorize a public gathering in the event that, consulting the organs of the police, there arise convincing proofs that, during the gathering, violations of articles 6 and 7 of this Law will take place.

At the time of examining the preliminary declarations and signatures provided, the Mayoralty received many letters from physical persons and community organizations, through which it was informed of the possibility that a protest demonstration might be organized if it authorized the march of solidarity called by the Information Center “GenderDoc—M.”

To avoid the unleashing of a protest gathering of such proportions that thousands of people might participate, which would provoke a violation of public order, with the possibility of grave consequences befalling society and the participants, the gathering called by the Information Center “GenderDoc—M” was not authorized.

Chisinau City Acting Mayor  
Vasile Ursu

Appendix 3

Chisinau City Hall Refusal to Authorise the GenderDoc-M Public Gathering

*Unitate de suport, GenderDoc-M*  
*St. Colina Puskin*  
*17 ap. 29.*

REPUBLICA MOLDOVA

CONSILIUL MUNICIPAL CHIȘINĂU  
PRIMARIA  
DISPOZIȚIE

*27 aprilie* 2005 Nr. *313-d*

Cu privire la neautorizarea desfășurării unei întruniri în municipiul Chișinău

Urmare a examinării declarației prealabile nr. 7 din 07.04.2005, înaintată de către Centrul de Informații "Genderdoc-M", luând în considerare faptul că cerințele invocate în declarație vin în contradicție cu prevederile art. 73 din Constituția Republicii Moldova și art. 28 din Legea Republicii Moldova nr. 317-XV din 18.07.2003 "Privind actele normative ale Guvernului și ale altor autorități ale administrației publice centrale și locale", precum și faptul că Legea privind minoritățile naționale a fost deja adoptată, în temeiul art. 4 lit. b), art. 6, art. 7, art. 8 (1,3), art. 11, art. 12 (1-6) și art.13 alin. 1 lit. b) din Legea nr. 560-XIII din 21.07.1995 "Cu privire la organizarea și desfășurarea întrunirilor", art. 34 alin. 1 pct. 1 lit. f), art. 37 (1) și art. 39 (1) din Legea nr. 123-XV din 18.03.2003 "Privind administrația publică locală", primarul general interimar al municipiului Chișinău DISPUNE:

1. Se refuză eliberarea autorizației de desfășurare a întrunirii sub formă de pichetare, declarată de către Centrul de Informații "Genderdoc-M" pentru ziua de 20 mai 2005.
2. Direcția social-umanitară și relații interetnice (dna Nina Stratulat) va asigura controlul executării prevederilor prezentei dispoziții.

PRIMAR GENERAL INTERIMAR  
SECȚIA PROTOCOL  
Yasile Ursu

*Das zicnozeu Shapgarb H.*  
*22-52-57*

**Translation:**

Republic of Moldova  
Chisinau Municipal Council  
Disposition

27.04.2005

With regards to non-authorisation of a  
public gathering in the municipality of Chisinau

As result of examination of a preliminary declaration Nr.7 from 07.04.2005, put forward by the Information centre "GenderDoc-M", taking into consideration that demands invoked in the declaration contradict to art. 73 of the Constitution of the Republic of Moldova and art. 28 of the Republic of Moldova Law Nr. 317-XV from 18.07.2003 "With regards to Normative Acts of the Government and Other Central and Local Public Administration Authorities", as well as the fact that the Law on National Minorities was already adopted, based on art. 4 (b), art.6, art.7, art.8 (1,3), art.11, art.12 (1-6) and art. 13 (1) from the Law Nr. 560-XIII from 21.07.1995 "On Organising and Holding Public Gatherings", art.24 (1.1.f), art.37 (1) and art.39 (1) from the Law Nr. 123-XV from 18.03.2003 "On Local Public Administration", general acting mayor of the City of Chisinau decides:

1. To refuse issue of an authorisation to organise a gathering in form of a picket, declared by the Information Centre GenderDoc-M for the date of 20.05.2005.
2. The Unit on Social-Humanitarian Issues and Interethnic Relations (Mrs. Nina Stratulat) will control the execution of the decisions provided for in this disposition.

General Acting Mayor  
Vasile Ursu