

DECLARATION ON DISPROPORTIONATE CONDUCT OF AUTHORITIES AT PROTESTS AND PUBLIC DEMONSTRATIONS OF 26-27 AUGUST AND 1 SEPTEMBER 2018

Chisinau, 3 September 2018

Signatory organizations express their deep disappointment regarding the way the authorities of the Republic of Moldova have exercised their duties in connection with the protests and public demonstrations that took place in Chisinau municipality on 26-27 August and 1 September 2018. We will highlight some of the key issues that we consider important for the public knowledge and in relation to which we request the authorities to take the necessary measures.

1. We condemn the way the authorities acted as regards the protests in the Great National Assembly Square (Piața Marii Adunări Naționale - PMAN) in Chisinau on 26 August 2018. According to the [official information](#) and that the information available in the public space, [confirmed by the Head of the Public Relations Department of Chisinau mayor's office](#), two public assemblies were announced to be held in the PMAN on 26 August 2018. These included: 1) The General Assembly of Citizens, organized by the Committee of the National Resistance Movement ACUM starting at 14:00 (The Liberal Democratic Party of Moldova (LDPM) submitted a prior declaration to the Mayor's office on 28 June 2018) and 2) „Consumers Assembly“, organized by the NGO „Salvgardare“ led by Maia LAGUTA, starting at 13:00 (prior declaration submitted on 1 August 2018), which joined Aurel BUCUREANU, Alexei FROLKOP and Svetlana SANDOVSKAIA against the raising of prices for fuel (this group submitted a prior declaration on 25 June 2018).

In the morning of 26 August 2018, mobile kitchens, tents and a stage for concerts were installed in the central part of the PMAN by the representatives of Șor/Shor Political Party (hereinafter Shor Party), and the state institutions did not confirm that it had any authorization in this respect. No information about the demonstration organized by Shor Party has been made public in advance. There was no information about any demonstration of the respective party planned in the PMAN for 26 August 2018 on the website of the Mayor's office of Chisinau municipality under the heading of prior declarations for the public assemblies. In the interviews given at 12:00 on 26 August 2018, the organizers who were to start the protest first, in conformity with prior declarations, [Aurel BUCUREANU and Maia LAGUTA](#), said they did not know about the demonstration of Shor Party and were surprised by the concert held in the PMAN. Aurel BUCUREANU just said that he was called by many people who wanted to come to the PMAN and he replied them that everyone is accepted as long as they do not have political slogans. [The purpose of Shor Party demonstration was not clear](#). Finally, [the police surrounded Shor Party demonstration](#), allowing the participants who had been gathering at the demonstration to continue the action unhindered, including playing music at a high volume and serving participants with food. Shor Party demonstration continued until about 15:00. Meanwhile, the organizers of the protest announced by the National Resistance Movement ACUM called their participants to gather around the monument of Ștefan cel mare și Sfânt/Stephen the Great and the Holy (hereinafter the monument of Stefan cel Mare). The participants in the protest organized by ACUM booed the participants of Shor demonstration. Between 14:00 and 15:00 there was a real danger of altercations between these two groups. The Chairperson of Shor Party, together with two or three other people from the demonstration, was escorted from the PMAN behind the Government building by the police, including by the [Head of the National Inspectorate of Police](#), and his own apparently armed bodyguards, then they were assisted to climb two cars that came from Pushkin Street and left. However, the people who participated in Shor Party demonstration, although easily identifiable due to the bags with bread and buckwheat provided to them by the organizers, were left to leave without any protection from the police after they have left the place surrounded by the policemen in the PMAN.

We condemn the way the authorities acted as regards the protests held in the PMAN on 26 August. The protest of the National Resistance Movement ACUM (hereinafter the protest ACUM) was announced in advance, including with the submission of a prior declaration. The investigation of the billion theft, in which Ilan SHOR is a key figure, was among the claims of ACUM from the very beginning. Mr. Shor was convicted by the court of the first instance in the case concerning the „billion theft“, and both KROLL reports point directly to that person. One of the organizers of the protest ACUM is the political party “Dignity and Truth” Platform, which appeared following the protests initiated just after the billion theft. These facts are notorious and it is obvious that two demonstrations organized in the same place by two groups with diametrically opposite claims create a real danger of altercations.

The Mayor's office of Chisinau municipality and the police have to provide public explanations shortly as to why they allowed the Shor Party the organization of demonstration in the PMAN on 26 August 2018, even if it did not submit a prior declaration, the demonstration was not spontaneous and more than 50 people participated in it. Moreover, music at Shor demonstration was played at high volume, which obviously prevented the other protest from being held, and there were installed grills that emanated smoke and presented danger in the context of high temperatures and the potential concentration of many people in a limited space. Police have shown selective behavior - they did not provide any security to the people who participated in Shor Party demonstration, but provided guard forces to the head of this party, exposing the former to the risk of altercations. The indulgence of the police towards the demonstrators that appeared without any prior declaration and the absence of protection of the persons who left the place, being easily identifiable due to the received bags, is even more surprising in the context when [on 23 August 2018 the police announced one of the organizers of the protest ACUM about the initiation of the criminal case](#) for „preparations for mass disorders“. In this context, from publicly available information, it seems that police warnings were strictly limited to opposition parties or movements. In order to avoid altercations and respect the freedom of assembly, the police and the Mayor's office of Chisinau municipality should have provided to Shor Party either another place for demonstrations or a shorter period for holding it, so that their demonstration did not to coincide with the other two protests (announced for 13:00 and 14:00 respectively) given the imminent risk of altercations and the absence of prior declaration regarding the Shor Party demonstration. Allowing Mr. Shor demonstration has in fact created situations of provocations and altercations among the participants, which would have given the police „legal“ reason to intervene forcefully against the participants in the protest.

2. We condemn restriction of the journalists' access to the events of 26-27 August 2018 and police inaction when the representatives of Shor party have pushed the journalists off. We reiterate [the statement by media NGO's of 28 August 2018 on preventing journalists from covering the events of 26-27 August](#) and request the competent authorities, first of all the Prosecutor General's Office and the Ministry of Interior, to investigate promptly and impartially the cases reported in the statement.

3. We condemn the way the police dispersed the protesters at the Stefan cel Mare monument in the morning of 27 August 2018. Although the organizers of the protest ACUM announced as early as on [22 August 2018 about the prolongation of the protest overnight with the purpose to celebrate the Independence Day on 27 August 2018 together](#), in the morning of 27 August 2018, at around 6 o'clock, the police surrounded those approximately 70 protesters near the monument of Stefan cel Mare with several hundreds of police officers wearing balaclavas and protection equipment, and having no signs that allow identification of police officers in case of abuse on their side. After two warnings, the police scattered the protesters. [Police representatives confirmed that they had requested](#) protesters to leave the place near the monument of Stefan cel Mare only in the morning of 27 August, at the request of the local public authorities, referring to the order by the acting mayor of Chisinau on the limitation of public access and public assemblies in several places in Chisinau, including the monument of Stefan cel Mare, issued according to the authorities on 24 August 2018.

We condemn [the brutal way in which the protesters were dispersed](#), despite the fact that they were peaceful and in a much lower number than the policemen, presenting no danger to the lives and security of the latter. The Mayor's office of Chisinau municipality had to inform the organizers of the protest about that order in advance. Forced scattering took place on the basis of an unpublished order. It was published [on the Mayor's office website only on 27 August, after the protesters were scattered](#). Thus, the violent dispersal of the public assembly near the monument of Stefan cel Mare was a manifestly disproportionate measure.

4. We condemn and qualify as illegal the dispersal of the [civic group](#) of protesters [OccupyGuguță](#) and seizure of their goods in the morning of 27 August 2018. As early as on 27 June 2018, the OccupyGuguță civic group filed a prior declaration regarding the daily protest in the Public Garden Stefan cel Mare near the Guguta Café until the end of 2018. The civic group had a tent in which various objects used for the permanent protest and several banners were stored. In the morning of 27 August 2018, at about 6 o'clock, the police ordered the people present near the Guguta café to leave the place and seized the goods of the OccupyGuguță civic group. [The police officers who dispersed the group in the morning of 27 August 2018 and seized their goods did not provide any explanation](#). The order by the acting mayor of Chisinau municipality on limiting public access and public assemblies on 27 August 2018, which included the perimeter of protest actions of the OccupyGuguță civic group, was distributed on the social networks only later.

The police did not provide any explanation for the dispersal and seizure of the goods of the OccupyGuguță civic group in the morning of 27 August 2018. The Mayor's office of Chisinau municipality did not inform the civic group about the restriction of assemblies on 27 August 2018, although it had the obligation and all possibilities to do so. An unpublished order cannot be imputable to the public. Even if the order could have served the basis for dispersal, it should have been brought to the attention of the participants. Moreover, the order does not provide for the seizure of the goods. The official flower-laying ceremony in connection with the Independence Day was held about 400 meters from the place where the OccupyGuguță goods were located, and it does not seem either necessary or proportionate to seizure of the goods. Such conduct is contrary to the Law on public assemblies.

5. We condemn and qualify as excessive the actions of the police and of the Government administration on 1 September 2018 against the participants in the Centenary March. On 1 September 2018 several people [organized a demonstration](#) in the PMAN to celebrate the 100th anniversary of the Great Union (1918 Great Unification of Transylvania, Bessarabia and Bucovina with the Romanian Kingdom). Subsequently, the organizers said they had to move to another location after the police had blocked access of three vehicles carrying informative materials on unification that were driving to the PMAN. The participants had [altercations with the police](#), which were in large numbers, the policemen were wearing balaclavas and had no identification signs. The police said they had to intervene forcefully because the protesters blocked traffic on the Leuseni highway in Chisinau municipality. [The police specified](#) that the organizers of the public assembly would be sanctioned for public order disturbance and that they „*did not respect the law that stipulates the obligation to hold the public assembly only in the form, at the place and within the time indicated in the prior declaration*“. Subsequently, the Internal Protection and Anti-Corruption Service of the Ministry of Interior (SPIA) [initiated an investigation](#) regarding the actions of the Ministry of Interior employees to determine the causes and conditions that led to the given incidents.

Although the vehicles seized by the police were already in Chisinau, the police stopped them and then escorted to Straseni Police Inspectorate for checks following the calls to 112 emergency service that informed about the presence of dangerous substances in them. [The police explained](#) that bringing the vehicles to the PMAN is unacceptable during public assemblies for security reasons and in order not to disturb the traffic in the area. The police did not explain the forced displacement of the vehicles to a distance of about 30 km from Chisinau. Later,

following the searches, no prohibited or explosive objects were found. After the altercations with the police, the participants in the demonstration dedicated to the Great Centenary Assembly returned to the PMAN. The officers of the Police Brigade with special destination „Fulger”, armed with automatic rifles, were on patrol along the perimeter of the demonstration and in both adjacent parks. The police did not explain these disproportionate measures. Moreover, on 1 September at about 20.00, in the perimeter of the demonstration, [street lighting was switched off and switched on again](#) at about 01.00, on 2 September. It is the first time the lights were switched off in front of the Government building, where public demonstrations usually take place.

We condemn the disproportionate and provocative actions of the police, which [seized the vehicles and intervened using force](#), switching off the lights at the place of the demonstrations and intimidation of the participants through the massive and armed presence of the police and special intervention troops.

6. We are concerned and require the Ministry of Interior to explain the presence of the persons in civilian clothes alongside the police without the possibility of identifying them and the way how to identify the policemen in balaclavas. In the protests of 26 August, at the scattering of the protesters in the morning of 27 August (the monument of Stefan cel Mare and in the Public Garden Stefan cel Mare near the Guguta Café - see [the pictures](#) and [videos](#) distributed in the public space) and at the demonstration on 1 September, there were observed many people in civilian clothes who scattered the participants or participated in scattering actions together with the police. The Ministry of Interior has to present clear explanations about the use of persons in civilian clothes while scattering the protesters, as international standards clearly recommend that public authority officers should be clearly identifiable in public assemblies. Unidentified persons in civilian clothes raise a lot of questions about the role of public authorities in protests, including in case of provocations or altercations. Also, the police were wearing balaclavas at the protests and could not be easily identified. It is unclear if they had numbers for identification on their backs in case of abuses on their side at the protest. This was one of the main recommendations after the events of April 2009. Special police officers must have numbers on the back so that they can be identified later by prosecutors within the framework of the potential investigations. We require the Ministry of Interior to explain the presence of people in civilian clothes and the way how to identify policemen in balaclavas.

Finally, we reiterate that the peaceful protest is an important method of showing disagreement with certain public policies. The way in which the protest is conducted and the conduct of public authorities at the protest is an important indicator of the state of democracy in a state. The conduct of the public authorities of the Republic of Moldova during the protests of 26-27 August and the demonstration of 1 September 2018 raised many serious questions. We request the competent public authorities - in particular the Mayor's office of Chisinau municipality, the Ministry of Interior and the Prosecutor General's Office - to provide a comprehensive analysis of the events of 26-27 August and 1 September 2018, thoroughly investigate all complaints regarding those events and publish the results of the analysis and investigations within a short period of time. We request to abstain from actions that create the danger of altercations between protesters and to respect fully the law on public assemblies in the future.

Signatory organizations:

Legal Resources Centre from Moldova
Amnesty International Moldova
Association for Participatory Democracy “ADEPT”
Association for Efficient and Responsible Governance
Association of Independent Press
Foreign Policy Association
Centre for Investigative Journalism

Centre for Independent Journalism
Rehabilitation Centre for Torture Victims "Memoria"
National Environmental Centre
WatchDog.md Community
CPR Moldova
Institute for European Policies and Reforms (IPRE)
Institute for Public Policy
Pilgrim-Demo
Transparency International – Moldova

The list remains open for other signatories