

EUROPEAN PARLIAMENT

2004



2009

Session document

5.5.2009

B6-0262/2009 }
B6-0265/2009 }
B6-0266/2009 }
B6-0267/2009 } RC1

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 103(4) of the Rules of Procedure, by

- José Ignacio Salafranca Sánchez-Neyra, Marian-Jean Marinescu, Charles Tannock, Alexandru Nazare and Daniel Petru Funeriu, on behalf of the PPE-DE Group
- Graham Watson, Annemie Neyts-Uyttebroeck, Jelko Kacin, Karin Resetarits and Cristian Silviu Buşoi, on behalf of the ALDE Group
- Konrad Szymański, Wojciech Roszkowski, Adam Bielan and Inese Vaidere, on behalf of the UEN Group
- Marie Anne Isler Béguin, and Elisabeth Schroedter, on behalf of the Verts/ALE Group

replacing the motions by the following groups:

- ALDE (B6-0262/2009)
- Verts/ALE (B6-0265/2009)
- UEN (B6-0266/2009)
- PPE-DE (B6-0267/2009)

on the situation in the Republic of Moldova

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European Parliament resolution on the situation in the Republic of Moldova

The European Parliament,

- having regard to its previous resolutions on the Republic of Moldova, in particular that of 24 February 2005, as well as those on the European Neighbourhood Policy (ENP) and Black Sea Regional Cooperation,
- having regard to the Final Statement and Recommendations of the EU-Republic of Moldova Parliamentary Cooperation Committee meeting of 22-23 October 2008,
- having regard to the Commission Strategy Paper of 2004, including the Republic of Moldova country report,
- having regard to the Partnership and Cooperation Agreement signed on 28 November 1994 between the Republic of Moldova and the EU, which entered into force on 1 July 1998,
- having regard to the Communication of 3 December 2008 from the Commission to the European Parliament and the Council on the Eastern Partnership (COM(2008)0823),
- having regard to the aid provided by the European Union to the Republic of Moldova in the framework of ENPI, including for the project 'Electoral Support to the Republic of Moldova', which provided financial assistance in support of free and fair elections in the Republic of Moldova,
- having regard to the EU-Republic of Moldova ENP Action Plan adopted at the seventh EU-Moldova Cooperation Council meeting on 22 February 2005, as well as to the annual progress reports on the Republic of Moldova,
- having regard to the EU-Republic of Moldova Visa Facilitation Agreement signed in 2007,
- having regard to the statement of preliminary findings and conclusions of the International Election Observation Mission to the Republic of Moldova for the parliamentary elections of 5 April 2009 and to the OSCE/ODIHR's post-election report for the period 6-17 April 2009,
- having regard to the joint statement of 9 April 2009 by the French, Czech and Swedish Ministers of Foreign Affairs on the situation in the Republic of Moldova,
- having regard to the EU Presidency statements of 7 and 8 April 2009 on the situation in the Republic of Moldova,
- having regard to the Conclusions of the General Affairs and External Relations Council of 27-28 April 2009, as well as to the exchange of views on this issue with the EU Presidency held in its Committee on Foreign Affairs on 28 April 2009,
- having regard to the statements of 7 and 11 April 2009 by Javier Solana, EU High Representative for the CFSP, on the situation in the Republic of Moldova,
- having regard to the statements of 6, 7 and 11 April 2009 by Benita Ferrero-Waldner,

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Commissioner for External Relations, on the situation in the Republic of Moldova,

- having regard to the statement of 12 April 2009 by the UN Country Team in the Republic of Moldova,
 - having regard to Resolution No 1280 of the Council of Europe of 24 April 2002,
 - having regard to Amnesty International's Moldova Memorandum of 17 April 2009 on the situation in the Republic of Moldova during and after the events of 7 April 2009,
 - having regard to the report of its ad hoc delegation to the Republic of Moldova, whose visit took place from 26 to 29 April 2009,
 - having regard to Rule 103(4) of its Rules of Procedure,
- A. whereas the ENP and the Eastern Partnership due to be launched shortly recognise the Republic of Moldova's European aspirations and the importance of Moldova as a country with deep historical, cultural and economic links with the Member States of the European Union,
- B. whereas the EU-Republic of Moldova Action Plan aims at encouraging political and institutional reforms in the Republic of Moldova, including in the fields of democracy and human rights, the rule of law, independence of the judiciary and freedom of the media, as well as good-neighbourly relations,
- C. whereas a goal set for June 2009 is to launch the negotiations on the new Agreement between the Republic of Moldova and the EU at the EU-Moldova Cooperation Council,
- D. whereas the Republic of Moldova is a member of the Council of Europe and of the OSCE and has thus committed itself to genuine promotion of democracy and respect for human rights, including in the field of preventing and fighting torture, ill-treatment and other inhumane and degrading treatment,
- E. whereas parliamentary elections took place in the Republic of Moldova on 5 April 2009, and whereas they were monitored by an International Election Observation Mission composed of the OSCE/ODIHR and representatives from the European Parliament, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe,
- F. whereas serious concern was expressed during the pre-electoral period about government control of the public media, intimidation and harassment of opposition leaders and the private media and misuse of administrative resources for the benefit of the government party,
- G. whereas between 500 000 and 1 million Moldovans live abroad, and whereas several appeals signed by a large number of NGOs and associations of the Moldovan diaspora, including one addressed to the President of the Republic of Moldova, the President of Parliament and the Prime Minister of Moldova in February 2009 concerning measures depriving Moldovans living abroad of the right to vote, were sent to the Moldovan authorities prior to the elections of 5 April and were ignored; having regard to the very limited number (22 000) of Moldovan voters outside the Republic of Moldova,

- H. whereas the de facto authorities of the breakaway region of Transnistria prevented the participation of a large number of Moldovan citizens in the elections,
- I. whereas the International Election Observation Mission concluded in its preliminary findings that the elections met many international standards and commitments, but that further improvements were required to ensure an electoral process free from undue administrative interference and to increase public confidence,
- J. whereas the opposition parties and Coalition 2009 complained about massive irregularities during the election of 5 April in the preparation of lists of voters and supplementary lists and in counting and tabulation,
- K. whereas, after a recount, the final results of the elections were published by the Central Election Commission on 21 April 2009 and validated by the Constitutional Court on 22 April 2009,
- L. whereas the events that followed the elections were characterised by violence and the Moldovan Government's massive campaign of intimidation and violence, thus casting doubt on the commitment of the Moldovan authorities to democratic values and human rights and on the existence of public confidence in those authorities,
- M. whereas peaceful protests were fuelled by doubts regarding the fairness of the elections and distrust of public institutions, including those that administered the electoral process, and whereas regrettable acts of violence and vandalism were exploited by the authorities to intimidate civil society by responding in a violent and disproportionate manner and to further restrict the already fragile fundamental rights and freedoms of Moldovan citizens,
- N. whereas it is accepted that at least 310 people were arrested and detained, whereas a certain number of those arrested are still being held in prison, and whereas, when arrested, detainees suffered systematic ill-treatment at police stations to an extent that might be regarded as torture,
- O. whereas beatings and unwarranted arrests of civilians by unidentified police units seemed not to be directed towards pacifying the situation, but rather to lead to deliberate acts of repression,
- P. whereas serious human rights abuses committed by the Moldovan authorities, unjustified harassment of representatives of civil society and protesters and instances of disregard for the rule of law and relevant European conventions to which the Republic of Moldova is a signatory are still continuing in that country,
- Q. whereas the Moldovan Government accused Romania of involvement in the post-electoral demonstrations and expelled the Romanian ambassador; whereas the Moldovan Government also restored the visa obligation for citizens of that EU Member State,
- R. whereas it must be stressed that no serious indications or evidence have come to light on the

basis of which any EU Member State could be accused of being responsible for the violent events of recent weeks,

S. whereas a genuine and balanced partnership can only be developed on the basis of common values with regard, in particular, to democracy, the rule of law and respect for human rights and civil liberties,

T. whereas the European Union is seeking to establish, through its programme for an Eastern Partnership, greater stability, better governance and economic development in the Republic of Moldova and in the other countries at its eastern borders,

1. Underlines the importance of a closer relationship between the EU and the Republic of Moldova and confirms the need to work together to contribute to increased stability, security and prosperity on the European continent and to prevent the emergence of new dividing lines;
2. Reaffirms its commitment to continuing a meaningful and goal-oriented dialogue with the Republic of Moldova, but attaches great importance to the introduction of strong provisions regarding the rule of law and respect for human rights, while stressing that further consolidation of relations, including through the conclusion of a new, enhanced agreement, should be made contingent on a real and manifest commitment on the part of the Moldovan authorities to democracy and human rights;
3. Stresses that full compliance with international democratic standards before, during and after the electoral process is of the greatest importance for the further development of relations between the Republic of Moldova and the European Union;
4. Strongly condemns the massive campaign of harassment, grave violations of human rights and all other illegal actions carried out by the Moldovan Government in the aftermath of the parliamentary elections;
5. Urges the Moldovan authorities to immediately cease all illegal arrests and conduct government action in accordance with the country's international commitments and obligations with regard to democracy, the rule of law and human rights;
6. Is particularly concerned about the illegal and arbitrary arrests and the widespread violations of the human rights of arrested persons, in particular the right to life, the right not to be subjected to physical abuse, torture or inhumane or degrading treatment or punishment, the right to freedom and safety, the right to a fair trial and the right to freedom of assembly, association and expression, and about the fact that these abuses are still continuing;
7. Stresses that a national dialogue must be established, with the participation of the government and the opposition parties, in a serious effort to fundamentally improve democratic procedures and the functioning of democratic institutions in the Republic of Moldova, and that it must immediately address the deficiencies noted in the findings of the International Election Observation Mission;
8. Underlines, however, that internal tensions in the Republic of Moldova are very high and

therefore firmly believes that there is an urgent need to create an independent investigatory committee, involving the EU, the Council of Europe's Committee for the Prevention of Torture and independent experts, aimed at ensuring an impartial and transparent process of investigation;

9. Insists that all those found responsible for the brutal violence against detainees be brought to justice; insists, further, that the findings of the investigatory committee should also lead to a genuine reform of the legal system and the police forces in the Republic of Moldova;
10. Calls for a special investigation to be conducted into the cases of those who died during the events following the elections as well as into all allegations of rape and ill-treatment during detention and politically-motivated arrests, such as those of Anatol Matasaru and Gabriel Stati;
11. Condemns the campaign of harassment launched by the Moldovan authorities against journalists, civil society representatives and opposition parties, involving in particular arrests and expulsions of journalists, interruption of access to websites and TV stations, broadcasting of propaganda on public channels and denial to opposition representatives of access to the public media; considers that these actions are intended to isolate the Republic of Moldova from domestic and international media and public scrutiny; deplores and condemns the continuation of this censorship through the letters sent by the Minister of Internal Affairs and the Minister of Justice to NGOs, political parties and the mass media;
12. Strongly deplores the decision by the Moldovan authorities to expel the Romanian Ambassador and to introduce a visa obligation for citizens of that European Union Member State; insists that discrimination against EU citizens on the basis of their national origin is not acceptable and calls on the Moldovan authorities to restore the visa-free regime for Romanian citizens;
13. Urges the Council and the Commission, at the same time, to undertake a review of the EU's visa system for the Republic of Moldova in order to relax the conditions for granting visas to Moldovan citizens, especially the financial conditions, and to make better regulated travel arrangements possible; hopes, however, that Moldovan citizens will not take advantage of a better visa and travel system to start a mass exodus from their country, but will be encouraged to make an active contribution to the further development of their home country;
14. Notes that claims that an EU country was involved in the events seem unfounded and were not discussed or repeated during the meetings held by the ad hoc delegation in the Republic of Moldova;
15. Requests immediate and substantial proof in support of any allegation by the Moldovan Government concerning the supposedly criminal actions of the protesters and the involvement of foreign governments;
16. Takes note of the statements by the Moldovan authorities with regard to the opening of a criminal file on the 'attempted usurpation of state power on 7 April' and calls for the investigation to be conducted in a transparent manner and to clarify all the allegations made by the Moldovan authorities with regard to the possible involvement of one or more

third countries in these events;

17. Considers it unacceptable, while condemning all acts of violence and vandalism, to present all protests as criminal acts and an alleged 'anti-constitutional plot'; believes that peaceful protests were considerably fuelled by doubts regarding the fairness of the elections, distrust of public institutions and dissatisfaction with the social and economic situation in the Republic of Moldova;
18. Believes that constructive dialogue with the opposition parties, civil society and representatives of international organisations is the only way out of the current situation in the Republic of Moldova;
19. Emphasises that any new election requires a consensus between the opposition and government on concrete improvements to the electoral process;
20. Reiterates the importance of the independence of the judiciary, and calls for further steps to ensure the editorial independence of all media, including Radio Television Moldova, and the cessation of any intimidation against the ProTV Channel and of any threats relating to the extension of its licence, and for considerable improvements in the Moldovan electoral law as crucial elements of any future electoral process and democratic consolidation in the Republic of Moldova;
21. Deplores the fact that the Moldovan Government made no efforts to facilitate voting by Moldovan citizens living abroad, in line with the suggestions of the Venice Commission; calls on the Moldovan authorities to adopt in due course the necessary measures for this to take place;
22. Stresses the considerable discrepancies between the OSCE/ODIHR preliminary report on the conduct of the elections and the claims of widespread irregularities by a considerable number of Moldovan NGOs; points out that such discrepancies must be taken into account in any future review of OSCE/ODIHR election monitoring activities and EU contributions to international election observation missions;
23. Believes that, in order to preserve its credibility for the people of the Republic of Moldova, the EU should become involved in the management of the current situation in a proactive, profound and comprehensive way; urges the Council to consider the possibility of sending a Rule of Law Mission to the Republic of Moldova, in order to assist the law enforcement authorities in their reform process, especially in the police and justice areas;
24. Stresses that the Commission, the Council and the Member States must make full use of the ENP and, in particular, of the new programme for the Eastern Partnership to establish greater stability, better governance and balanced economic development in the Republic of Moldova and in the other countries at the Union's eastern borders;
25. Calls on the Commission to ensure that EU funding available to the Republic of Moldova in the field of human rights and fundamental freedoms has greater outreach, in particular by making full use of the European Instrument for Democracy and Human Rights and

the provisions of the ENP instrument; calls on the Commission to submit to it a detailed report on the use of all European funds in the Republic of Moldova, with special focus on the funds allocated to good governance and democratic development;

26. Calls on the Council and the Commission to strengthen the mission of the EU Special Representative to the Republic of Moldova, in terms of both its scope and its means;
27. Reiterates its support for the territorial integrity of the Republic of Moldova and points out that a more robust EU role in finding a solution to the Transnistrian question is needed;
28. Stresses once again that the European Union must do everything in its power to offer the people of the Republic of Moldova a truly European future; urges all political forces in the Republic of Moldova and Moldova's partners not to take advantage of the current situation of instability to divert Moldova from its European course;
29. Instructs its President to forward this resolution to the Council, the Commission, the Parliamentary Assemblies of the Council of Europe and the OSCE and the Government and Parliament of the Republic of Moldova.