

Country/entity	Moldova Russia Transdniestria
Region	Europe and Eurasia
Agreement name	Agreement between the Russian Federation and the Republic of Moldova on Matters Related to Jurisdiction and Mutual Legal Assistance on Issues Regarding the Russian Federation Military Formations Temporarily Situated in the Territory of the Republic of Moldova (Agreed in Moscow 21.10.1994)
Date	21 Oct 1994
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Interstate/intrastate conflict(s) Transdniestria War (1992) Towards the end of the 1980s, nationalist movements became a leading force in the Moldovan Soviet Socialist Republic (SSR), which expressed intent on leaving the USSR. In 1988, the Popular Front of Moldova, demanded that the USSR make Moldovian the only official state language, thereby alienating Russian-speaking groups within the Republic. This was particularly the case with Transdniestria region where Russian-speakers (and Ukrainian-speakers) represented 53.8 per cent of the population. Furthermore, events during the Second World War helped define a historical identity for the Transdniestria region. Nonetheless, following the language laws, Slavic-backlash in the form of the Yedinstvo Movement began pressing for equal rights. Following the election of the nationalist Popular Front in the Spring of 1990, the Pridnestrovian Moldavian Soviet Socialist Republic was proclaimed by an unelected assembly in September. Wishing to maintain the territorial unity of the Moldavian SSR, Soviet President Mikhail Gorbachev intervened citing restriction on minority rights by Moldova and annulled the Pridnestrovian proclamation. Armed clashes broke out in March 1992 between Moldovian and Transdniestrian/Pridnestrovian forces. However, due to the slow devolution of Soviet authority (the armed forces had only been divided between the former republics in April 1992), the Russian Federation maintained 9,000 troops of the 14th Guards in Moldova, and they eventually intervened on behalf of Pridnestrovian forces in July 1992. A ceasefire was signed on 21 July, which has remained although the conflict remains unresolved despite attempts by the OSCE during the end of the 1990s. Close Transdniestria War (1992)
Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	Moldova Transdniestria process

Parties Government of the Russian Federation;
Government of the Republic of Moldova;

Third parties -

Description -

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Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

**Racial/ethnic/
national group** No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

**Refugees/displaced
persons** No specific mention.

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI

No specific mention.

Family

Page 1, Article 1

The competent authorities of the Russian Federation and the competent authorities of Republic of Moldova render each other legal assistance on matters regarding civil, criminal and administrative offenses, related to the temporary stay of the Russian Federation military formations on the territory of the Republic of Moldova.

For the purposes of this Agreement the following terms mean:

... 4. "Family members of persons belonging to military formations"- Spouses, minors, parents, as well as other persons living together with the persons included in the military formations and in the manner prescribed by law as their dependants.

Page 2, Article 7

In the occurrence of a legal relation with the state bodies of the Republic of Moldova, individuals who are composing part of the Russian Federation military formations and members of their families, shall enjoy the same legal protection as citizens of the Republic of Moldova.

Page 3, Article 8

The competent authorities of the Republic of Moldova shall immediately notify the competent authorities of the Russian Federation of each event of initiation of a criminal case (proceeding), detention or arrest of a person part of the military units of the Russian Federation or members of his family.

Page 3, Article 10

Article 9 of the present Agreement does not apply to acts committed by persons who are members of military Formations of the Russian Federation, and members of their families:

- a) in places of deployment;
- b) against the Russian Federation or against persons who are members who compose part military formations of the Russian Federation, as well as in cases of military crimes;
- c) while fulfilling official and special duties.

Official and special (liquidation of consequences of natural disasters and other extraordinary circumstances) duties of servicemen and the order of their fulfilment are determined by legislative acts, general military charters and other normative acts of the Russian Federation. In order to fulfil special duties on the territory of the Republic of Moldova, the military formations of the Russian Federation are asked at request by the local authorities. Serviceman performing official and special duties is not recognised, as performing a socially dangerous act, provided for by the criminal laws of the Russian Federation and the Republic of Moldova.

With respect to the acts provided for in this article, the legislation of the Russian Federation shall be applied and its prosecutor's office, judicial and other competent bodies shall operate.

Page 4, Article 13

... In case of a committed crime by a person who is part of military formations of the Russian Federation, or a member of his family, subject to the jurisdiction of the Republic of Moldova, the arrest of these persons in the places of deployment is carried out by the competent bodies of the Russian Federation on the basis of a decision of the competent bodies of the Republic of Moldova.

The competent authorities of the Republic of Moldova may conduct procedural actions with persons taken into their custody (detainees) who compose a part of the military units of the Russian Federation or members of their families in the presence of representatives of competent authorities or military authorities of the Russian Federation.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society No specific mention.

Traditional/religious leaders No specific mention.

Public administration No specific mention.

Constitution No specific mention.

Power sharing

Political power sharing No specific mention.

Territorial power sharing No specific mention.

Economic power sharing No specific mention.

Military power sharing No specific mention.

Human rights and equality

Human rights/RoL general No specific mention.

Bill of rights/similar No specific mention.

Treaty incorporation Page 7, Article 29
This Agreement does not affect the rights and obligations arising from international treaties to which the Parties are party.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures Page 3, Article 11
The Competent authorities of the Republic of Moldova on their territory of State shall provide for judicial decisions and resolutions the competent bodies of the Russian Federation, the detention of persons in custody and their escort. The execution of condemnation sentences of persons deprived of liberty referred to in Article 10 of the present Agreement shall be carried out on the territory of the Russian Federation, and in the cases specified in Article 9, by decision of the competent bodies of the Republic of Moldova.

Page 4, Article 13
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The competent authorities of the Republic of Moldova may conduct procedural actions with persons taken into their custody (detainees) who compose a part of the military units of the Russian Federation or members of their families in the presence of representatives of competent authorities or military authorities of the Russian Federation.

Media and communication Rights related issues→Media and communication→Other
Page 5, Article 19
When applying the legislation of the Republic of Moldova on matters regarding the publicity of the trial, the security interests of the military formations of the Russian Federation shall be taken into account.

Mobility/access No specific mention.

Protection measures

Rights related issues→Protection measures→Protection of civilians
Page 2, Article 7

In the occurrence of a legal relation with the state bodies of the Republic of Moldova, individuals who are composing part of the Russian Federation military formations and members of their families, shall enjoy the same legal protection as citizens of the Republic of Moldova.

Page 5, Article 20

In cases of crimes committed by persons who are part of the military units of the Russian Federation or members of their families that are subject to consideration by the courts of the Republic of Moldova, the accused (suspect) is provided with the same legal protection as the citizens of the Republic of Moldova. These individuals, on their will, could use the services of a Russian lawyer.

Other

No specific mention.

Rights institutions

NHRI

No specific mention.

Regional or international human rights institutions

No specific mention.

Justice sector reform

Criminal justice and emergency law Justice sector reform→Criminal justice and emergency law→Delimitation of powers in Criminal Justice System

Page 2, Article 3

When rendering legal assistance, the competent bodies of the Parties shall interact directly with each other, and when necessary, through the appropriate higher authorities.

In the case of a request to an improper authority, the latter immediately passes that request to the competent authority, notifying authority which requests for that.

Page 2, Article 4

The requested authority shall inform the requesting authority, at its request, the place and time of execution of the errand (task).

Representatives of the requesting bodies of the Parties are given the right to be present at the procedural actions, carried out at their request, if this does not involve the disclosure of military or state secrets.

Page 2, Article 5

Legal assistance is provided by the Parties at no cost. Expenses associated with the implementation of legal assistance activities are borne by the Party that produces these actions.

Page 2, Article 7

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Page 3, Article 8

The competent authorities of the Republic of Moldova shall immediately notify the competent authorities of the Russian Federation of each event of initiation of a criminal case (proceeding), detention or arrest of a person part of the military units of the Russian Federation or members of his family.

Page 3, Article 9

In cases of crimes and administrative offences committed by persons who are part of the military units of the Russian Federation and members of their families outside the places of deployment, the legislation of the Republic of Moldova is shall be applied, as the court, the prosecutor's office and other competent bodies shall be acting.

Page 3, Article 10

Article 9 of the present Agreement does not apply to acts committed by persons who are members of military Formations of the Russian Federation, and members of their families:

- a) in places of deployment;
- b) against the Russian Federation or against persons who are members who compose part military formations of the Russian Federation, as well as in cases of military crimes;
- c) while fulfilling official and special duties.

Official and special (liquidation of consequences of natural disasters and other extraordinary circumstances) duties of servicemen and the order of their fulfilment are determined by legislative acts, general military charters and other normative acts of the Russian Federation. In order to fulfil special duties on the territory of the Republic of Moldova, the military formations of the Russian Federation are asked at request by the local authorities. Servicemen performing official and special duties is not recognised, as performing a socially dangerous act, provided for by the criminal laws of the Russian Federation and the Republic of Moldova

State of emergency provisions No specific mention.

Judiciary and courts

Page 1, Article 1

The competent authorities of the Russian Federation and the competent authorities of Republic of Moldova render each other legal assistance on matters regarding civil, criminal and administrative offenses, related to the temporary stay of the Russian Federation military formations on the territory of the Republic of Moldova.

For the purposes of this Agreement the following terms mean:

1. "Competent authorities"- on the side/part of the Russian Federation - military courts and bodies of the military prosecutor's office of the Russian Federation, serving military formations, military commandants of garrisons, commanders of military units (as a body of inquiry) and other bodies located on the territory of the Republic of Moldova, regulated by this Agreement;

On the side/part of the Republic of Moldova - courts, prosecuting authorities, bodies of internal affairs of the republican and local subordination and other bodies by whose competences the issues governed in this Agreement are regulated.

Page 3, Article 9

In cases of crimes and administrative offences committed by persons who are part of the military units of the Russian Federation and members of their families outside the places of deployment, the legislation of the Republic of Moldova is shall be applied, as the court, the prosecutor's office and other competent bodies shall be acting.

Page 5, Article 18

The competent bodies of the Republic of Moldova, in accordance with the procedure established by law order, shall inform the military justice bodies of the Russian Federation, upon their petition for the progress of the investigation and judicial proceedings against members of the Russian Federation military units and members of their families.

Page 6, Article 24

Decisions on claims arising from contractual relations of military formations of the Russian Federation, persons composing part of them and their families, with institutions and citizens of the Republic Moldova shall be considered by the courts of the Republic of Moldova in accordance with its Legislation.

Execution of the court's decision on these cases in respect of persons, who are part of the military formations of the Russian Federation, members of their families residing in the territory of the Russian Federation, is organized by the Ministry of Justice of the Russian Federation.

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/rights No specific mention.

Pastoralist/nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment Page 3, Article 10

...

Official and special (liquidation of consequences of natural disasters and other extraordinary circumstances) duties of servicemen and the order of their fulfilment are determined by legislative acts, general military charters and other normative acts of the Russian Federation. In order to fulfil special duties on the territory of the Republic of Moldova, the military formations of the Russian Federation are asked at request by the local authorities. Serviceman performing official and special duties is not recognised, as performing a socially dangerous act, provided for by the criminal laws of the Russian Federation and the Republic of Moldova.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire No specific mention.

Police Page 4, Article 17
The competent authorities of the Parties shall provide mutual assistance in the disclosure of crimes, as well as in the organization for cases investigation.

Armed forces

[Summary] Agreement delimits the legal jurisdiction in regards to the members of Russian Military Formations in Moldova and their families.

Page 1, Article 1

The competent authorities of the Russian Federation and the competent authorities of Republic of Moldova render each other legal assistance on matters regarding civil, criminal and administrative offenses, related to the temporary stay of the Russian Federation military formations on the territory of the Republic of Moldova.

For the purposes of this Agreement the following terms mean:

... 2. "Russian Federation Military formations temporarily located on the territory of the Republic of Moldova", hereinafter referred to as the "military formations"- formations, units, enterprises and institutions of the Russian Federation Armed Forces.

Page 2, Article 1

The competent authorities of the Russian Federation and the competent authorities of Republic of Moldova render each other legal assistance on matters regarding civil, criminal and administrative offenses, related to the temporary stay of the Russian Federation military formations on the territory of the Republic of Moldova.

For the purposes of this Agreement the following terms mean:

... 3. "Persons included in the composition of the Russian Federation Military Formations":

- a) Servicemen in ongoing military service as part of military units;
- b) Civilian personnel serving in the military formations, who are not citizens of the Republic of Moldova;

Individuals seconded to the Russian Federation Military Formations on the territory of the Republic of Moldova, who are not citizens of the Republic of Moldova, have equal status with those who are part of the military formations;

4. "Family members of persons belonging to military formations"- Spouses, minors, parents, as well as other persons living together with the persons included in the military formations and in the manner prescribed by law as their dependants.

5. "Place of deployment" - the territory on which military units, enterprises and institutions (establishments) of the Russian Federation military formations are located.

Page 3, Article 9

In cases of crimes and administrative offences committed by persons who are part of the military units of the Russian Federation and members of their families outside the places of deployment, the legislation of the Republic of Moldova is shall be applied, as the court, the prosecutor's office and other competent bodies shall be acting.

Page 4, Article 16

The competent authorities of the Russian Federation shall immediately notify competent authorities of the Republic of Moldova about crimes that have become known to them, committed by persons part of the military units of the Russian Federation or members of their families and falling under the jurisdiction of the Republic of Moldova, and also conduct initial investigative actions until the arrival of a representative of the competent authorities of the Republic of Moldova.

Page 6, Article 26

In the competent bodies of the Republic of Moldova, the representation of the military formations of the Russian Federation, as well as persons who are members of their composition, and members of their families, is exercised by the command of military formations of the Russian Federation in the manner established by the legislation of the Republic of Moldova.

DDR	No specific mention.
Intelligence services	No specific mention.
Parastatal/rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	No specific mention.
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.

Reparations Transitional justice→Reparations→Material reparations
Page 5, Article 23:
Reimbursement for material (property) damage extends to the compensation of all claims arising from:
a) from causing harm due to unlawful actions and sources of increased danger for which the military formations of the Russian Federation are responsible, as well as their members and members of their families, on one hand, and institutions and citizens of the Republic of Moldova on the other;
b) from obligations under contracts agreed by military formations and citizens of the Russian Federation, on one hand; And institutions and citizens of the Republic of Moldova - on the other hand;
c) from other actions and omissions, as a result of which legal entities or individuals of one Party caused damage to legal entities or individuals of the other Party.
Legal costs and necessary expenses, incurred in connection with the consideration of the case by the Party in whose favour the judgment was rendered, shall also be subject to reparation.

Reconciliation No specific mention.

Implementation

UN signatory No specific mention.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 4, Article 15
In case of disagreement in respect of jurisdiction, the matter is decided by the Russian-Moldovan Joint Commission envisaged in Article 21 of the Agreement.
Until the decision of the Joint Commission, the competent bodies of the Parties shall coordinate with each other the issue of measures to secure the traces of the crime, to establish and detain the persons who committed it.

Related cases No specific mention.

Source UN Peacemaker <http://peacemaker.un.org>