

## THE IMPORTANCE OF THE ILIE ILAȘCU CASE FROM A HISTORICAL AND LEGAL PERSPECTIVE

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### ABSTRACT

*Ilie Ilașcu is part of the generation of Bessarabian Romanians who made a name for themselves in the early 1990s by fighting for the Romanian language, Latin spelling and independence in those complicated moments of the post-Soviet transition. Thanks to his work in Transnistria, the Soviet-style breakaway republic that emerged as a result of the weakness of the young state of the Republic of Moldova in the context of the collapse of the USSR, he later suffered in the dungeons of the separatist regime. Known for his role in the fight for human rights in the context of a landmark trial at the ECHR, which for the first time ruled the direct involvement and responsibility of a state, in this case the Russian Federation, for actions that took place abroad, i.e., on a territory that does not belong to it but over which it exercises authority, namely Transnistria. During Gorbachev's period of reform, society became polarized and divided, and in Moldova, the majority of democratic forces grouped together in the Popular Front of Moldova. Ilie Ilașcu was a prominent leader of this movement in Transnistria, noted for his defense of the Romanian language and freedom. In 1990, he publicly condemned the proclamation of the "Transnistrian republic", which heightened political tensions in Tiraspol. Despite pressures and threats, Ilașcu continued to fight for the integrity of the Republic of Moldova, becoming an active part of the Romanian resistance in Transnistria. Arrested in 1992 and accused of subversive activities, his trial was marked by numerous irregularities and abuses. Ilașcu was finally released after prolonged international pressure and only after a resounding victory at the ECHR, the purpose of this paper is to present a brief biography of the man who decided to fight for justice and freedom in the face of oppression.*

**Keywords:** Bessarabia, Transition, Human Rights, Transnistria, ECHR.

### INTRODUCTION

One objective of this paper is, on one hand to present biographical details and information that support the claim that Ilie Ilașcu is a relevant personality in the recent history of the Republic of Moldova and the struggle for human rights in the former Soviet Union, while presenting the tense context and some of the historical reasons that led to the creation of the separatist republic of Transnistria.

Known for his work in the Moldovan Popular Front, Ilașcu distinguished himself by his determination to promote the Romanian language and national values in an extremely turbulent political context. The Transnistrian conflict, marked by

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ethnic and political tensions, was a testing ground for many of the emerging democratic forces in the region. In this context, Ilașcu and his colleagues from the Popular Front active in the territory east of the Dniester were a cohesive factor, as founders of the National Revival Movement in Bessarabia, while facing a hostile and authoritarian separatist regime.

His story, marked by arrest and persecution, reflects not only the political struggles of the 1990s, but also the complexities and difficulties of the post-communist transition in the former Soviet states. This paper explores both his key contributions and the impact he had on democratic movements and Romanian national identity.

### SHORT BIOGRAPHY AND SOCIAL CONTEXT

Ilie Ilașcu was born on July 30, 1952, in Taxobeni, nowadays Fălești district, and graduated from the State Agrarian University, Faculty of Economics. He was chief economist at the “Dnestr” Scientific Research Institute in Tiraspol and an officer of the Soviet Army. He is one of the founders of the National Revival Movement in Bessarabia (1988–1992) [Mișcarea de Renaștere Națională], which was set up in the context of the fact that, at that time, out of the more than 200 thousand inhabitants of Tiraspol, 35 thousand were of Romanian ethnicity (Moldovans) – about 17%, and yet they had no school or kindergarten in Romanian, all 19 educational establishments in Tiraspol being taught in Russian. Furthermore, the use of language policies as a means of blackmail or a form of Russification in the Transnistrian region was and still is a defining element of the entire existence of this separatist republic and of the authority exercised by the Russian Federation, which we will see is not only morally but also legally responsible for the abuses in this region<sup>420</sup>.

In 2012, the European Court of Human Rights (ECHR) sanctioned Russia for violating the right to education in three Transnistrian lyceums: “Evricea” in Ribnitsa, “Ștefan the Great” in Grigoriopol and “Alexander the Good” in Tighina<sup>421</sup>. In 2018, the ECHR issued a new ruling on Romanian schools in Transnistria and ordered the Russian government to pay tens of thousands of euros in compensation to those affected by the closure of the boarding-school for orphans in Tighina. The Russian Federation, which denies responsibility, has so far failed to implement these ECHR decisions.

The school dispute has its origins in 1989, when the Latin alphabet was reintroduced for the Romanian/Moldovan language and when it was declared the

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<sup>420</sup> Andrei S. Tuluma and Denis Yu. Zubalov, “Impact of Language Ideologies on Language Practices in Pridnestrovie”, in *Journal of Siberian Federal University. Humanities & Social Sciences*, Vol. 15, No. 11/2022, pp. 1552–1572.

<sup>421</sup> Case Catan and others vs. Moldova and Russia (Applications Nos 43370/04, 8252/05 and 18454/06) Judgement of October 19, 2012.

only official language of the Republic of Moldova, to be used in all public domains. The language issue became a trigger for the secessionist movement in the country's eastern districts. After the forces of the unrecognized regime took control of most of the territory on the left bank of the Nistru river and the city of Bender, they maintained the use of the so-called Moldovan language with Cyrillic alphabet, in line with Soviet practices. Only a few educational institutions administered by the constitutional authorities remained in this region, of which some schools continued to use the Latin alphabet for teaching<sup>422</sup>.

The Russian-speaking population of Transnistria was characterized by a feeling of loyalty to the Soviet regime, given the fact that its central leadership created the region both in the interwar period, when it was part of the Ukrainian Soviet Republic, and later, after its annexation to the Moldovan Socialist Soviet Republic. This situation is also due to the fact that the territory was never an integral part of Romania, even though during the Second World War the Transnistrian Government functioned under the authority of the Romanian state, it was not a territory fully integrated into the administrative structure of the Kingdom of Romania. With the armed offensive and the installation of the Soviet authority, there followed decades of hardship for the Romanian natives who suffered the dramas of deportation and denationalization<sup>423</sup>. In the final moments of the Soviet empire of sad memory, in the light of the events triggered by Gorbachev's reform, society throughout the Union became polarized and divided, lacking any kind of democratic political experience, with no relevant ideological orientations that could counter communism, the desire for secession and the reaffirmation of national sentiment took root in most of the Union republics.

## THE BREAKDOWN OF THE SOVIET UNION

The secessionist mobilization emerged in the Soviet Union as a powerful transnational force, not as a collection of isolated movements, developing initially in the Baltic states in the summer and autumn of 1988 and then spreading massively to Georgia, Armenia, Azerbaijan, Moldova, Ukraine and even, eventually, Russia itself<sup>424</sup>.

In Moldova, the majority of democratic forces grouped around a new political movement, the Popular Front. Between 1989–1991, the Moldovan Popular Front was a real mass organization, able to organize rallies with tens of thousands of people

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<sup>422</sup> Alin Gvidiani, „Școlile cu predare în grafie latină din regiunea transnistreană – istoricul și problemele cu care se confruntă acestea” [“Latin-script schools in the Transnistrian region – their history and the problems they face”], published in November 12, 2017, in *Laboratory for the Analysis of the Transnistrian Conflict*, Lucian Blaga University Sibiu.

<sup>423</sup> Andrei Vartic and Nicolae Rusu, *Basarabia, rana de la hotarul de est [Basarabia, the wound at the eastern border]*, Bacău, Vicovia Publishing House, 2008, p. 55.

<sup>424</sup> Mark R. Beissinger, *Nationalist mobilization and the collapse of the Soviet State*, Cambridge, UK, Cambridge studies in comparative politics, Cambridge University Press, 2002, p. 160.

and numerous street actions, which were peaceful but politically very effective. These street actions were an important factor in the passing of landmark democratic laws in the Supreme Soviet – Moldovan Parliament (August 31, 1989 – the Romanian language acquires the status of state language of the Republic of Moldova and the transition to Latin script<sup>425</sup>. April 27, 1990 – the Romanian tricolor becomes the state flag of the Republic. June 23, 1990 – adoption of the “Declaration on the Sovereignty of the Moldovan SSR”<sup>426</sup>. November 3, 1990 – the state coat of arms of the Republic of Moldova was adopted<sup>427</sup>.)

Much of these events in the late 1980s were dedicated to the Romanian language and Latin alphabet. While at first glance it may seem unexpected that a claim as simple as the linguistic evidence that Moldovans speak Romanian and not the Stalinist invention called *Moldovan language* could generate such mass emulation, the phenomenon of “national awakening” generated a groundswell of political change. The fact that such natural claims degenerated into war illustrates, in essence, a historical and self-determination dilemma. If the language spoken in this territory is Romanian, it is practically accepted that Bessarabia was occupied by the Soviet army without having this right, neither ethnically, linguistically or historically, and as a result this province could, at some point, reunite with Romania.

Thus, the sympathy for the Popular Front was always lower in the Transnistrian region compared to Bessarabia, and in Tiraspol in 1990 there were two organizations of the Popular Front in operation. One of them was made up of academics and students of the Pedagogical Institute, its presidents were Tudor Trișcă and Ștefan Urătu, and it had about 300 members. The city branch of the Front had another 3–400 members and was headed by Ilie Ilașcu<sup>428</sup>. Ilașcu was to stand out for his fight for the Romanian language and freedom, and he was active throughout the military conflict, even after the disbanding of these branches of the Front.

## THE SEPARATIST MOVEMENT IN TRANSNISTRIA

On September 2, 1990, in Tiraspol, the “Congress on the Establishment of Pridnestrovian Moldavian Soviet Socialist Republic (PMSSR)” was held<sup>429</sup>. Although it was suggested that the Pridnestrovian Moldovan SSR would be the legal successor of the former MASSR (Moldovan Autonomous Soviet Socialist Republic),

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<sup>425</sup> The Soviet Supreme Assembly of the Moldovan Soviet Socialist Republic on the return of the Moldovan language to the Latin spelling. Law No. 3462 of August 31, 1989.

<sup>426</sup> The Soviet Supreme Assembly of the Moldovan Soviet Socialist Republic – Declaration of the sovereignty of the Soviet Socialist Republic of Moldova, No. 148-XII of 23.06.90.

<sup>427</sup> The Soviet Supreme Assembly of the Moldovan Soviet Socialist Republic on the State Coat of Arms of the R.S.S.M. of November 3, 1990.

<sup>428</sup> Victor Bârsan, *Procesul Ilașcu – Carte Albă a Comitetului Helsinki Român [The Ilașcu Trial – White Book of the Romanian Helsinki Committee]*, Bucharest, Romanian Cultural Foundation Publishing House, 1994, p. 15.

<sup>429</sup> Congresul de Constituire a Republicii Sovietice Socialiste Moldovenești Nistrene (RSSMN)/Pridnestrovskaiia Moldavskaiia Sovestkaiia Soșialisiceskaiia Respublika (Russian).

it was preferred to maintain a certain ambiguity, avoiding the perception of a simple reissue of the entity created by the Bolsheviks in 1924. In order to avoid a possible conflict of interest with Ukraine, since the former MASSR had been part of the Ukrainian SSR, but also to justify the inclusion of Tighina, which had always belonged to Moldova between the Prut and the Dniester, in the new republic, the Moldovan SSR proclaimed itself a unitary republic within the USSR, with equal status with the other unitary republics<sup>430</sup>.

As some authors emphasize,

“the addition of the qualifier *Moldovan* to the name of the *Pridnestrovian republic* was not accidental. It was intended to capture the sympathies of Moldovans in the region and to alienate them from their brothers across the Dniester, to make this enclave a repository of Moldovan ethnocultural heritage in Russian clothing, just in case (...)”<sup>431</sup>.

Shortly afterwards, on September 17, 1990, Ilașcu issued to the public space *Resolution No. 6* of the Tiraspol City Organization of the Popular Front

“In connection with the proclamation of the so-called socialist Moldovan Socialist Soviet Republic of Transnistria, which is unconstitutional and directed against the integrity of the Republic of Moldova and its people”<sup>432</sup>.

At the same time, it is decided “not to recognize and blame the formation of the self-proclaimed PMSSR”<sup>433</sup> asking the population not to submit to the structures of force of this so-called republic, and

“the delegates of the Second Congress and the persons who are part of the leadership of the self-proclaimed republic should be held criminally responsible”<sup>434</sup>.

This text of the decision immediately reached the Tiraspol press, which is exclusively Russian-language.

A good number of Popular Front members were surprised by the appearance of this decision, as they considered it too clear-cut, especially in that tense context. Noting such an attitude, Ilașcu noted that the text of that decision expressed his own vision and not a collective position of the organization he led. The members of the organization of the Pedagogical Institute distanced themselves from this decision and even launched a comparative discussion in the public space analyzing the causes that

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<sup>430</sup> Ioan C. Popa and Luiza Popa, *Românii, Basarabia și Transnistria [Romanians, Bessarabia and Transnistria]*, Bucharest, European Titulescu Foundation, 2009, p. 227.

<sup>431</sup> „alăturarea calificativului moldovenească la numele republicii nistrene nu a fost accidentală. Ea a avut menirea de a capta simpatiile moldovenilor din regiune și de a-i înstrăina de frații lor de peste Nistru, de a face, pentru orice eventualitate (...) din această enclavă un depozitar al patrimoniului etnocultural moldovenesc, în veșmânt rusesc”, in Ion Chirtoagă and Demir Dragnev, *O istorie a regiunii transnistrene din cele mai vechi timpuri și până în prezent [A history of the Transnistrian region from the earliest times to the present]*, Chișinău, Civitas, 2007, p. 358.

<sup>432</sup> „În legătură cu proclamarea așa-zisei republici sovietice socialiste moldovenești nistrene, care este anticonstituțională și orientată contra integrității Republicii Moldova și a poporului ei”, in *Resolution No. 6* of the Tiraspol City Organization of the Popular Front, quoted by Victor Bârsan, *quoted work*, 1994, p. 18.

<sup>433</sup> „să nu se recunoască și să se blameze formarea autoproclamatei RSSMN”, in *Ibidem*.

<sup>434</sup> „delegații Congresului II și persoanele care intră în conducerea auto-proclamatei republici să fie trași la răspundere penală”, in *Ibidem*.

led to the tension in the political atmosphere in Transnistria, thus trying to find ways to normalize the situation. Although the Russian-language press, the only one present in the region, was extremely prompt in publishing the text of the decision, the release of these conciliatory statements was only achieved after two weeks of insistence and efforts<sup>435</sup>.

The increasingly agitated and oppressive atmosphere in Tiraspol led to a significant reduction in the membership of the two Popular Front organizations, so that at the end of 1990 they merged and formed a single movement. Ilie Ilașcu was elected president at the first meeting where elections were organized, and the effects of the issuance of Decision No. 6 were discussed, it was considered that a political mistake such as this could be forgiven, given the spirit and courage that Ilașcu had shown in the fight for the integrity of Moldova.

This text by Ilie Ilașcu must be analyzed from the perspective of the period in which it was elaborated and disseminated, namely an uncoagulated, newly formed civil society, led by politicians with no political experience and absolutely devoid of a serious political culture. At that time, a considerable number of organizations and associations appeared, which often represented nothing more than a nucleus of people gathered around a person with organizational spirit and charisma, and thus numerous declarations, appeals and resolutions appeared, all of which caused confusion among citizens, many of which were not always taken seriously. Added to all this was a very large number of dubious individuals, often provocateurs who took advantage of these confusing situations, playing the role of patriots to derail or even undermine initiatives.

These people who were temporarily involved in civic activities were always ready to provide texts with greatly exaggerated appeals that could later be used by Soviet propaganda to incriminate “Moldovan nationalism”. In itself an absurd expression, but enough to justify the “defense measures” that the Russian community and the separatist leaders applied by creating a secessionist state.

The danger of “Romanization” and unification, *i.e.*, the return of Bessarabia to the borders of Romania, acted like a narcotic on the indoctrinated masses on the left bank of the Dniester:

“the almost ancestral fear – of the restoration of the old borders of Romania, inflamed with distorted evidence from the historical past and stirred to the boiling point, will have the greatest mobilizing effect and, consequently, the shaping of an explosive cold war climate”<sup>436</sup>.

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<sup>435</sup> Ion Costăș, *Transnistria 1989–1992. Cronica unui război nedeclarat [Transnistria 1989–1992. Chronicle of an undeclared war]*, RAO Publishing House, 2012, p. 214.

<sup>436</sup> „frica aproape ancestrală – de refacere a vechilor hotare ale României, inflamate cu probe distorsionate din trecutul istoric și surescitate până în pânzele albe, vor avea cel mai mare efect mobilizator și, în consecință, modelarea unui climat exploziv de război rece.”, in Ion Chirtoagă and Demir Dragnev, *quoted work*, p. 360.

As the U.S. State Department's 1993 Country Report on Moldova noted "the separatist leadership of the RMN has sought to capitalize on fear of discrimination to gain the support of the majority Russian-speaking population in the region"<sup>437</sup>.

### THE WAR IN TRANSNISTRIA AND ILIE ILAȘCU'S TRIAL

On March 1, 1992, when Moldova was admitted to the UN, Transnistrian guard troops and Cossack units attacked the police post in Dubăsari, the last one in Transnistria where the Chisinau authorities still had control<sup>438</sup>. This marks the beginning of the war between the Moldovan Republic of Transnistria and the Republic of Moldova, a conflict in which the latter entered virtually without its own army, which was only established in May 1992. It is also probably the only war in which a country is attacked by large armed forces and defends itself with police.

After the outbreak of the war, the rights of Moldovan citizens loyal to Chișinău who were still living in Transnistria were under continuous assault, many freedoms were affected, they were subjected to hate speech, their expulsion or even physical liquidation were constant threats. An eloquent case is the day of March 5, 1992, when separatist fighters who were victims in the first days of the conflict were buried in Tiraspol, on the local radio station where the procession was broadcast, the name of Ilașcu was pronounced 23 times, the population was urged to acts of violence against him<sup>439</sup>.

Although he was urged by friends and relatives to leave the region because his life was in danger, he refused and told them that he was a symbol of Romanian resistance in Transnistria, a resistance that must be maintained at all costs. As military hostilities unfolded, the situation of those who continued to actively support the Moldovan government became increasingly critical. Some people's homes were under surveillance, with attacks on the residence of Ilașcu and Urâtu and raids on the dormitories of the Pedagogical Institute, where students were terrorized, beaten and humiliated, as Ilașcu described the atmosphere:

"From 1991 until June 2, 1992, when I was arrested and accused of committing the so-called crimes, I was placed under strict surveillance. In March, a post of gunmen was installed near my house to guard me. In the same month several attacks were carried out on my home"<sup>440</sup>.

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<sup>437</sup> „conducerea separatistă a RMN a încercat să obțină capital din frica de discriminare pentru a obține suportul majorității populației rusofone din regiune”, in New York City Bar Association, *Thawing a Frozen Conflict: Legal Aspects of Moldova's Separatist Crisis*, Special Committee for European Affairs, Mission to Moldova, 2006, p. 35.

<sup>438</sup> Vlad Greu, *O viziune din focarul conflictului de la Dubăsari. O istorie trăită [A vision from the outbreak of the conflict in Dubăsari, History lived]*, Chișinău, Prut International Publishing House, 2005, p. 30.

<sup>439</sup> Victor Bârsan, *Masacrul inocenților. Războiul din Moldova, Martie 1 – Iulie 25, 1992 [Massacre of the innocent. War in Moldova, March 1 – July 25, 1992]*, Bucharest, Romanian Cultural Foundation Publishing House, 1992.

<sup>440</sup> „Din 1991 și până la 2 iunie 1992, când am fost arestat și învinuit de înfăptuirea așa ziselor crime, am fost pus sub o urmărire strictă. În martie, lângă casa mea a fost instalat un post de pistolari care mă păzeau. În aceeași lună au fost întreprinse câteva atacuri asupra locuinței mele.”, in Statement made by Ilie Ilașcu at the public sitting of October 19, 1993, published in *Țara Journal*, Chișinău, October 27, 1993.

A wave of arrests took place between June 2, and June 4, 1992, with the capture of persons loyal to the Chisinau authorities, namely Ilașcu, Ivanțoc, Petrov (Popa), Leșco, Urâtu, Marian and so on, in total about 15–18 persons. This measure was taken without respecting the most basic rights and provisions of criminal procedure. Around 12 armed militiamen raided the house, arresting him without presenting an arrest warrant or search warrant, the house was also inspected, numerous “corpus delicti” were planted and subsequently mentioned in the search report. These included an “explosive detonator”, which was described in detail, although a later commission was unable to establish its identity, provenance or even whether it belonged to the category of such devices<sup>441</sup>. The question thus arises as to how the person who drew up the minutes knew these details so precisely, and other aspects, such as the inconsistency of details regarding the location of some of the objects discovered during the search, again underline the way in which the search was carried out.

The 140-page indictment of the “Dniester republic” prosecutor’s office contains several accusations, but they all center around the following facts: 1) the “Transnistrian Moldovan Republic” is the legitimate heir of the AMSSR and the MSSR; 2) Ilașcu fought by illegal methods against an established state, and that behind it is the Popular Front, the Ministry of National Security of Moldova and Romania; 3) Ilașcu and his accomplices represent the fifth column of Moldova’s aggression against Transnistria, 4) Ilașcu’s actions represent the implementation of the ideas presented in the document called *Decision no. 6*, 5) Ilașcu coordinates a complex activity of training the group led by him, procuring arms and ammunition, recruiting new members, etc. 6) Ilașcu plans several attacks, some of which succeed, others fail, some of which he deliberately gives up, and others are prevented from taking place by his arrest<sup>442</sup>.

All these allegations will be impossible to refute as the defense of those arrested was only a formal one. The self-proclaimed state asserts through all its organs and methods of action that it is a Soviet state, and the legal framework is decided by the *Supreme Soviet*. In such a regime political opponents are treated extremely violently, and the mere accusation of being “anti-Soviet” generates a maximum repressive reaction, being associated with an “enemy of the people”, “fascist” or “terrorist”. These labels never led to a fair or just trial, as the sentence was inevitably one of condemnation, which brought extremely harsh punishments such as deportation to camps or even immediate liquidation.

## THE ISSUE OF HUMAN RIGHTS, SOCIAL JUSTICE AND DIGNITY

We note that in this context, respect for dignity, fundamental rights and the imposition of social justice are flagrantly violated aspects, in a way that is specific to a regime of Soviet origin, profoundly anti-Romanian. It is in this context that we

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<sup>441</sup> Victor Bârsan, *quoted work*, 1994, p. 25.

<sup>442</sup> *Ibidem*, p. 32.



can approach the notion of Social Justice. Since it represents the application of “fundamental rules” in the establishment of social, national or humanitarian objectives, as well as those considered intermediate in relation to them. Therefore, we can understand that political justice involves the harmonization of

“social, national or humanitarian objectives of the social will – each of which has a spiritual, economic, political and legal dimension – [which] form an indissoluble, coherent and necessary unity, corresponding to the unitary social whole”<sup>443</sup>.

A first manifestation of justice is dignity. This has two components: self-respect and the respect accorded by others to the actor concerned. The actor can be individual or collective. For example, a prerequisite for the self-respect of each one of us is national dignity, followed by that of the professional group to which we belong. The state is the repository of national dignity. The social actors responsible for protecting collective dignity are the political class and intellectuals<sup>444</sup>. In Ilie Ilașcu’s situation, this individual actor had numerous rights violated, undermining the idea of social justice, and it is all the more interesting to analyze if we consider that he took up the fight to protect and preserve national identity, even in the absence of a consolidated state, driven by his national consciousness and the certainty of his identity as a Romanian.

As for the detention of the other members of the “Ilașcu Group”, the procedure was similar in all cases, i.e., the methods of apprehension and the treatment applied to them were almost identical. Specifically, between June 2 – 4, 1992, most of them were detained at their homes in the early morning hours by numerous members of the USSR Fourteenth Army, wearing uniforms with distinctive markings, but there were also persons wearing only camouflage uniforms without badges.

Once they were picked up from their homes, the first place they were transported to was the Tiraspol militia headquarters, which is also the headquarters of the “Ministry of Security of the RMN”, where they were interrogated and mistreated for several days. During the first days of their arrest, they were severely and regularly beaten, with almost no food or hydration, all of this taking place in the militia’s rooms, by “investigators” wearing military uniforms, or even identical to those of the Fourteenth Army<sup>445</sup>.

## INHUMANE TREATMENT DURING IMPRISONMENT

Moscow has over the years deployed significant military forces, weaponry and combat technology in the Transnistrian region, closely linked to the strategic objectives

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<sup>443</sup> „obiectivelor sociale, naționale sau umanitare ale voinței sociale – fiecare dintre acestea având o dimensiune spirituală, economică, politică și juridică – [care] formează o unitate indisolubilă, coerentă și necesară, corespunzătoare întregului social unitar.”, in Dimitrie Gusti, *Opere, Vol. II [Works, Volume II]*, Bucharest, Academy Publishing House, 1969, p. 35.

<sup>444</sup> Radu Baltasiu, *Introducere în sociologie: spiritualitate, națiune și capitalism: considerații de sociologie românească și weberiană [Introduction to Sociology: Spirituality, Nation, and Capitalism: Considerations of Romanian and Weberian Sociology]*, Craiova, Beladi Publishing House, 2007, p. 219.

<sup>445</sup> Victor Bârsan, *quoted work*, 1994, p. 18.

of the USSR and later the Russian Federation in southern and central Europe. After the end of the Second World War, the Soviet 46<sup>th</sup> Army, which advanced through Romania as far as Vienna, was withdrawn to the Odessa military district, with most of its units concentrated in Transnistria. This force was later reorganized as the 14<sup>th</sup> Army, with about 3.000 officers and tens of thousands of local soldiers and reservists and became one of the elite units of the Soviet army during the Cold War<sup>446</sup>.

According to Ilie Ilașcu's testimony, he was taken immediately after his detention to the office of a so-called Minister of Security, where he and five other people who identified themselves as "colonels" from the Russian counter-espionage service were offered a compromise. Specifically, he was asked to offer in exchange for his release all the knowledge and skills he had acquired during his military service in the USSR special troops, recognizing that he was an agent of the Romanian secret services. After he refused, they threatened him that the only alternative was the cemetery<sup>447</sup>.

They were then transferred in vehicles with Russian identification marks to the headquarters of the 14<sup>th</sup> Army in Tiraspol, where they stayed for about two months. The members of the group were also guarded and mistreated by soldiers of this Army. All these details relating to the involvement of the Fourteenth Army are essential for the subsequent determination of the direct involvement of the Russian Federation in this case, which is why they are mentioned and highlighted throughout this paper, just as they were emphasized in the trial that took place at the European Court of Human Rights.

The Tiraspol Command was headed by Mikhail Bergman, where people were held without cellmates and interrogated mainly during the night, with ill-treatment accompanying the interrogation sessions. Beatings were used during interrogation, but also on other occasions, which were extremely severe and regularly carried out by soldiers of the Fourteenth Army or Transnistrian militiamen. But other methods of intimidation and abuse of detainees were also used. For example, Ilie Ilașcu was subjected four times to mock executions. The first time his death sentence was read out to him, and in the other cases he was taken blindfolded to a field near the place of detention where the guards fired blanks in his direction until he lost consciousness<sup>448</sup>.

Another member of the group, Alexandru Leșco, was subjected to psychological abuse, including threats of rape. While Mr. Ivanțoc was hospitalized in a psychiatric hospital due to the blows he received, this hospitalization lasted about a month.

Detention conditions were typical of Soviet prisons, with a complete lack of any safety measures and medical stability, to which were added the clearly malevolent attitude of the authorities. Thus, the cells were not equipped with sanitary

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<sup>446</sup> Charles King, *Moldovans: Romania, Russia and Cultural Policy*, Chișinău, ARC Publishing House, 2002, p. 188.

<sup>447</sup> ECHR, *Ilașcu and Others vs Moldova and Russia*, 2004-VII p. 43.

<sup>448</sup> Mihai Vicol, *Ilie Ilașcu-mărturisirile unui condamnat la moarte [Ilie Ilașcu – the confessions of a condemned to death]*, Galați, Porto-Franco Publishing House, 1998, p. 59.

facilities, water or natural light, with only one lamp in constant use even during rest hours. A folding bed was fixed to the wall, which was lowered at midnight and raised at five in the morning, with no mattresses, sheets or beds, just simple planks<sup>449</sup>.

In terms of movement time, they were given 15 minutes a day to walk in an enclosed space, and during their detention they were not allowed to change their clothes or even wash them, they remained in the clothes they had been wearing since the morning of their detention. As for their physiological needs, they were taken to a shared toilet at the end of the hall, once a day, by guards accompanied by an Alsatian wolf dog. They were each given 45 seconds to relieve themselves, otherwise the wolf was set upon them. As they were only given this opportunity once a day, they were forced to relieve themselves in the cell, the inhuman conditions being obvious.

Isolation from the outside world was also realized, as their family was not allowed to visit them, nor to contact them or send them parcels, and they were also denied access to a lawyer, as they were not allowed to correspond with or visit a lawyer. The period spent in the command of the Fourteenth Army came to an end when General Lebed took over its command on August 23, 1992, and the detainees were transferred to militia barracks in Tiraspol, also in vehicles of the Fourteenth Army<sup>450</sup>.

Their stay in these militia units was not long, as they were held here until April 1993, but the conditions were just as harsh, and the brutal treatment was repeated. The cells here were also deprived of natural light and the rooms were equally unsanitary, and interrogations took place at night and were accompanied by regular beatings. For the first few weeks they were not allowed any visits or parcels, but later they were allowed to receive parcels from their families, but still in a discretionary and irregular manner. Most of the time they could not even benefit from the contents of the parcels as the guards carried out "security checks" so that the food was spoiled and could no longer be consumed. Correspondence with lawyers was not allowed here either and their visits were also forbidden<sup>451</sup>.

The inmates' health deteriorated rapidly, during this period there were only extremely rare medical check-ups and even after beatings or ill-treatment, the doctor's visit took place only after a long time. Alexandru Ivanțoc's situation was even worse, as he was given hallucinogens which caused chronic migraines. Throughout this period, he was not offered treatment for his headaches, and medication sent from home was not offered, as his wife was forbidden to send such parcels<sup>452</sup>.

Both prisoners and their families were constantly informed that their trial was to follow "in two weeks", that "they will be shot soon" or that "all the others have been shot". In one specific case, one of the detainees, Ștefan Urâtu, overheard one of the other detainees shouting that they were "going to be shot at noon"<sup>453</sup>. However, as these measures did not produce the expected results, they often resorted to beatings.

<sup>449</sup> Victor Bârsan, *quoted work*, 1994, p. 26.

<sup>450</sup> ECHR, Ilașcu and others vs. Moldova and Russia, 2004-VII p. 53.

<sup>451</sup> *Ibidem*.

<sup>452</sup> Iași Newspaper, „Sănătatea lui Ilașcu îngrijorează chiar și autoritățile transnistrene” [“Ilașcu's health worries even the Transnistrian authorities”], December 22, 1997.

<sup>453</sup> The Situation of the 6 Detainees in Tiraspol, report of the Romanian Helsinki Committee and the IHRLG, edited by Manuela Ștefănescu and Ed Recosh, January 1993.

## SOVIET-STYLE CONDITIONS AND ABUSE

The most degrading treatments were applied to Ilașcu<sup>454</sup>, in addition to the mock executions, procedures such as placing him against a wall, so that bullets could be fired from nearby to the right and left of his head. In one of the cases, on his way back from the toilet, while running due to the extremely short time provided by the guards, he tripped and fell. At that moment a guard shouted “Runner!”, and blanks were fired until he lost consciousness and was dragged into the cell.

The guards’ actions were also aimed at the mental disturbance of the prisoners, in addition to the complete isolation that deeply affects the resistance of any person, they were given false information to frighten and alarm them. Ilașcu was told that his wife and little daughter were being terrorized by the guards and the Cossacks and the only solution to save them was to sign a written statement by the authorities in which he clearly admitted the facts. During the course of the investigation, they were constantly lied to, being told that the government in Chișinău had collapsed and that the Moldovan authorities had declared them terrorists and that the separatist republic was to be “recognized worldwide”.

This inhumane treatment on top of the intoxication with fake news, as well as the alarming news about his family and political developments, had tragic effects on Andrei Ivanțoc. His health was already very poor as in 1988 he had undergone surgery for a hydatid cyst, for which he had received strict recommendations on diet and exercise. After being forcibly administered psychotropic substances, Ivanțoc was set up for an interview with a supposed reporter who filmed him while the prisoner, in a deeply distressed state, repeated with long pauses what he was hearing from a voice speaking lines behind him. These lines are sometimes loud enough that they can also be heard on the footage that was broadcast on ASKET television in Tiraspol, in which Ivanțoc in this interview practically “admits” to killing two people in a so-called terrorist attack<sup>455</sup>.

As a result of the beatings, psychological abuse and threats, Andrei Ivanțoc was seriously mentally disturbed. He even tried to hang himself with strips of cloth obtained by tearing his clothes, but fortunately he failed in this tragic attempt, even though he was discovered by the guards. As a result, absolutely all his clothes were confiscated and he was forced to remain completely naked for 24 hours, after which he was seen by a doctor who was unable to give a clear diagnosis<sup>456</sup>. He was transferred to Odessa for further examination, after which he was recommended to be admitted to a psychiatric clinic. However, he was sent back to prison and given a new diagnosis, namely that he was “sane”. It is important to note that as a professional driver, Ivanțoc regularly underwent medical and psychological tests in accordance with Soviet

<sup>454</sup> US State Department Country Report on Human Rights Practices 1993 – Moldova.

<sup>455</sup> ECHR, *Ilașcu and Others vs. Moldova and Russia*, 2004-VII, p. 66.

<sup>456</sup> General Judgment – Decision on the admissibility of application No. 48787/99 lodged by Ilie Ilașcu and Others against the Republic of Moldova and the Russian Federation. European Court of Human Rights, sitting on July 4, 2001, p. 11.

legislation, all of which had “very good” results and were recorded in a medical book. This book was suddenly lost while he was hospitalized in Odessa, to put forward the theory that he was suffering from ailments before his arrest.

As mentioned, the right to defense was not respected according to essential human rights standards either. During the first two to three months, access to a lawyer was completely forbidden, and Ilașcu’s first meeting with a lawyer took place on August 28, 1992, while Petrov-Popa and Godiac did not have a lawyer until the beginning of the trial. The atmosphere of the interrogations during this period can be reconstructed on the basis of statements by Ștefan Urâtu, who states that there was a constant attempt to intimidate the detainees. For example, in response to Mr. Urâtu’s objections about inhuman conditions and human rights violations, the interrogator said:

“You forgot where you are. Maybe Ethiopia has better laws. Here we’ll shoot you when we want, and no one will hold us to account”<sup>457</sup>.

On another occasion, when he refused to sign a statement proposed by the investigator, he was told:

“Be careful, it’s wartime and a bullet in the forehead is no big deal, and you’ll be floating down the Dniester like so many others”<sup>458</sup>.

Prior to the start of the trial, there can be no question of respect for the presumption of innocence, which is an essential condition in any trial that claims to be fair. This principle was breached in the very first days of his arrest, when the tape of Andrei Ivanțoc, recorded under the above-mentioned conditions, was broadcasted on local television, in which he “admitted” his crimes. At the same time, the chief prosecutor of the Transnistrian Republic, Boris Lucik, made inflammatory statements to the press, such as that the prisoners’ guilt was proven, that they were the perpetrators of terrorist acts. Such statements were repeated on numerous occasions until the trial began.

Many times, during the trial, the plaintiffs were only able to talk to their lawyers in the presence of armed militiamen. The sessions took place in a tense atmosphere, with the public holding placards hostile to the plaintiffs. As shown in a photo taken in the courtroom, which appeared in a Moldovan newspaper, one of the placards read “Terrorists – take responsibility!”<sup>459</sup>.

Such events were the starting point in the fierce campaign of slandering the detainees, actions carried out in the separatist media, causing the level of tension in society to rise and automatically polarizing the population against those who were to be tried, being extremely violent during the trial, calling for the shooting of prisoners. Another important factor is the fact that at the “Transnistrian Interior

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<sup>457</sup> „Ai uitat unde te afli. Poate în Etiopia or fi legi mai bune. Aici noi te-om împușca atunci când om voi și n-are să ne ceară nimeni socoteală.”, in Victor Bârsan, *quoted work*, 1994, p. 30.

<sup>458</sup> „Ai grijă, e vreme de război și un glonte în frunte nu e mare lucru, și o sa plutești și tu pe Nistru ca atâția alții”, in *Ibidem*, p. 30.

<sup>459</sup> “Террористов – к отвety!” – Russian translation.

Ministry”, the place where credentials for access to the trial were granted, propaganda leaflets were also offered incriminating “Moldovan terrorism”, such as the material entitled “Dubăsari, Transnistria’s bleeding wound”<sup>460</sup>. This brochure was full of forgeries and scandalous photos of civilian victims among the Transnistrian population. The pictures were later dismantled with the help of refugees from the Dubăsari area, who recognized that the victims of Cossacks and guards were in fact presented as crimes of Moldovan policemen or volunteers<sup>461</sup>.

This is how events unfolded even before the start of the trial, we can observe actions typical of a totalitarian state, with obvious Soviet reminiscences. Attempts were being made to obtain false confessions, under psychological pressure and violence, in order to incriminate the prisoners, even if they were extremely far from the truth, just as in the Stalinist period, when conviction was more important than justice. These violations of fundamental human rights would continue during that sham trial and in the years that followed, until release, with slight differences in quantity or quality.

## CONCLUSION

As I said in my introduction, I wanted to demonstrate that Ilie Ilașcu and the other members of his group are notable figures of the post-Soviet history of the Republic of Moldova and of the struggle for Romanian identity in Bessarabia. Their case attracted international attention, and their conviction by an illegitimate Transnistrian court on fabricated charges and following an unfair trial was seen as a flagrant human rights abuse. These men were convicted because they fought for the independence and integrity of the Republic of Moldova, and their detention has been condemned by numerous international organizations and prominent political figures.

Despite countless protests and interventions by the international community, the separatist authorities in Transnistria continued to keep them in detention, which underlined the inability of the Republic of Moldova to exercise sovereignty over the entire national territory. Ilie Ilașcu, nominated for the Nobel Peace Prize and elected Member of the Parliament of the Republic of Moldova, was unable to exercise his mandate because of his illegal imprisonment. This was stated by the Romanian Parliament itself in the declaration of the Romanian Senate on the Ilașcu group of April 17, 2001:

“At the beginning of the third millennium we are facing a unique case on the European continent: The patriot Ilie Ilașcu, unjustly convicted for the ‘crime’ of having fought to defend the independence and unity of his country, nominated in 1996 for the Nobel

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<sup>460</sup> Vlad Grecu, „Tăcerea de miel a Chișinăului” [“Chișinău’s lamb’s silence”], in *Moldova*, March 2, 2010, Available at: <https://www.moldova.org/vlad-grecu-tacerea-de-miel-a-chisinaului-206821-rom/>, Accessed on July 24, 2024. (Vlad Grecu is a former combatant in the Dniester War, originally from Corjova village, Dubăsari).

<sup>461</sup> Violation of the presumption of innocence in the Ilașcu trial, CHR report drafted by Victor Bârsan.

Peace Prize, twice democratically elected, twice elected deputy of the Parliament of the Republic of Moldova in two successive legislatures, in elections monitored by the Organization for Security and Cooperation in Europe and other European organizations, has been unable to exercise his mandate as elected representative of the people, because he continues to be imprisoned in Transnistrian jails<sup>462</sup>.

In recognition of their heroism and outstanding contribution to the National Liberation Movement, the members of the Ilașcu Group were decorated with the “Order of the Republic” by the interim President of the Republic of Moldova. These distinctions underline their sacrifice in the struggle for the independence and territorial integrity of the country, as well as in the defense of human and national dignity in the face of an unconstitutional regime<sup>463</sup>. A further argument to underline the importance of Ilie Ilașcu and his group in the post-Soviet history of the Republic of Moldova is their recognition and honoring by the Romanian state. On July 3, Romanian President Traian Băsescu decorated Andrei Ivanțoc, Alexandru Leșco and Tudor Petrov Popa with the National Order “Romania’s Star” in the rank of Knight. This gesture underlines not only the gratitude for their heroism and sacrifice, but also the deep connection they have with the Romanian cultural and historical vein. Mr. Băsescu underlined that although there are state borders between Romania and the Republic of Moldova, there are values and ties that cannot be delimited by them, such as love of country and common cultural roots. The Romanian President said at the time:

“There are people who, beyond their love for the Romanian vein of their country, their love for the Romanian people, their love for Romanians, have, in days of peace, in the mother country, dug out pages of history for a country that was once part of Romania”<sup>464</sup>.

With these distinctions, the three, together with Ilie Ilașcu, become living symbols of the struggle for national identity and sovereignty, illustrating the Romanian resistance in Bessarabia and its influence in defining the contemporary history of the Republic of Moldova.

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<sup>462</sup> „La începutul mileniului III ne aflăm în fața unui caz unic pe continentul european: patriotul Ilie Ilașcu, condamnat pe nedrept pentru «crima» de a fi luptat pentru apărarea independenței și unității țării sale, nominalizat în 1996 la Premiul Nobel pentru pace, ales de două ori, în mod democratic, deputat al Parlamentului Republicii Moldova în două legislaturi succesive, în cadrul unor alegeri monitorizate de Organizația pentru Securitate și Cooperare în Europa și de alte organizații europene, nu și-a putut exercita mandatul de ales al poporului, deoarece continuă să se afle întemnițat în închisorile transnistrene.”, in \*\*\*, „Declarație-Apel

a Senatului României cu privire la grupul Ilașcu” [“Declaration-Appeal of the Romanian Senate on the Ilașcu group of April 17, 2001”], in *Deputies Chamber*, n.d., Available at: [https://www.cdep.ro/pls/legis/legis\\_pck.htp\\_act\\_text?id=27107](https://www.cdep.ro/pls/legis/legis_pck.htp_act_text?id=27107), Accessed on July 21, 2024.

<sup>463</sup> Jurnalul Newsroom, „Decorații pentru «grupul Ilașcu»” [“Decorations for the ‘Ilașcu group’”], in *Jurnalul*, August 2, 2010, Available at: <https://jurnalul.ro/stiri/externe/decoratii-pentru-grupul-ilascu551008.html>, Accessed on July 21, 2024.

<sup>464</sup> „Sunt oameni care, dincolo de dragostea față de filonul românesc al țării lor, de dragostea pentru poporul român, de dragostea pentru români au săpat, în zile de pace, în patria mamă, file de istorie pentru o țară care cândva a fost parte a României”, in IPN Newsroom, „Trei foști deținuți din grupul Ilașcu au fost decorați cu Ordinul «Steaua României»” [“Three ex-prisoners from the Ilașcu group were decorated with the Order of the ‘Star of Romania’”], in *IPS*, July 7, 2007, Available at: [https://www.ipn.md/ro/treifostidetinutidingrupu-ilaascaufostdecoraticu7965\\_965451.html](https://www.ipn.md/ro/treifostidetinutidingrupu-ilaascaufostdecoraticu7965_965451.html), Accessed on July 21, 2024.

As a result, for his suffering in prison, for the dignity with which he defended himself during the trial and for his courage to face the separatist regime in Tiraspol, Ilie Ilașcu remains an emblematic figure of the Romanian resistance in Transnistria and a relevant figure in the post-Soviet history of the Bessarabian Romanians. Through his tireless fight for human rights and for the integrity of the Republic of Moldova, Ilașcu demonstrated devotion and a spirit of sacrifice during an extremely difficult period in the Transnistrian region. His arrest and trial highlighted the abuses and injustices committed by the separatist regime, as well as the vulnerability of civil society in a period of political transition. Although he went through enormous suffering, Ilașcu remained true to his ideals, becoming a symbol of the dignity and resistance of the Romanian nation.

### **ANNEX – INTERVIEW**

**Taken on 26.06.2020 from Mr. Alexandru Leșco, member of the Ilașcu Group, detained, convicted and imprisoned in the separatist region of Transnistria.**

**1) What was the atmosphere like in Transnistria before the war on the Dniester?**

Very tense. On March 2, 1992, the Dubăsari police station was attacked by Cossack units. The roads were blocked, militiamen and armed Cossacks were stationed everywhere. So-called protest rallies against Moldova were held daily. The railroad to Chisinau and Odessa was blocked.

**2) What was your activity before the arrest of the Ilașcu group?**

We were members of the Tiraspol city organization of the People's Front of Moldova. We used to hold our own meetings, participate in separatists' rallies, distribute flyers, explain to people that what was happening in Chișinău was not against them. In Tiraspol, Russian propaganda scared people with the danger of unification with Romania and enslavement of the Russian-speaking population, that is all kinds of nonsense. That's too much we couldn't afford.

**3) How were Romanians treated by the Tiraspol authorities in the past and has anything changed now?**

From bad to worse. And until the conflict in 1992, the Romanians were not well regarded on the left bank of the Dniester, let alone after it started, the situation became even more precarious. The Russian propaganda was working at full capacity, scaring people with the arrival of gendarmes and security over them. If Romanians come, they told them, then goodbye to the Russian language and your future is slavery. You can imagine how dangerous it was to speak Romanian in the street.



**4) How was the trial in which you were convicted, do you feel that your defense was considered in any way?**

The so-called trial lasted from June 1992 to December 1993, i.e., a year and a half, depending on the evolution of events in Moscow. The hall, where the so-called court sessions were held, was a well-guarded bastion. Snipers were posted on the roofs of all the nearby blocks. Our wives called lawyers from the country and from Chisinau. They attended the first few sessions and then they didn't show up. They didn't have to, because all their pleadings were rejected by the so-called judges right from the start. I insisted that we have the right to lawyers, and we received them ex officio, i.e., their own people in principle. There is a lot to say about the so-called trial, but I will limit myself to saying that even the lawyers that they provided, when the so-called sentence was pronounced, declared that we should all be released directly from the courtroom. In other words, everything was stitched up. But no one could do anything about it, and in my opinion, they didn't want to.

**5) How were the people coming to the courtroom to watch the trial?**

Behavior? Everything happened on command. Too few came alone to waste time. They brought them organized from different organizations and enterprises. On command they shouted, yelled, booed. Everything was well organized in advance. That's why the lawyers hired by our wives couldn't stand it any longer and withdrew.

**6) Were you surprised by the sentence you were given?**

No, I had neither doubts nor hopes that it would be otherwise. What was decided a long time before was accepted, and not in Tiraspol, but in Moscow. This was also said at the ECHR. In the Court's judgment, it is written in black and white that Russia is recognized as an aggressor in the conflict and that it is guilty of our arrest and sentencing.

**7) How were you treated by the guards and military in custody and in prison?**

I don't really like to remember all the things that I experienced there. In the atmosphere there I experienced many unpleasant things. As time went by, the unpleasant things became less, but not so much that we forgot all that was there. As I said at the beginning, there was everything, beatings, thirst, hunger, drugs and so on.

**8) What would be your most dramatic experiences during the years you were imprisoned in Transnistria?**

There were many, starting with my wife, who was chased out of Tiraspol within 24 hours, together with the other declared wives of the enemies of the people, and ending with the death of my father, whom I did not have the opportunity to spend his last journey. There were also some pleasant ones, such as Romania's consistent course towards NATO and the EU. As much as possible, we were following this development and we were very happy. We hoped that there would be changes in Chişinău too, but it was not to be...

**9) Do you feel that the authorities in Chişinău have done everything in their power to get you released more quickly?**

We always said that more could have been done, but probably what could have been done was done. With betrayals, with changes of governments, which did not go beyond Moscow's word, with a population that had fun in Chişinău, while people were dying on the Dniester, with artists who went to Tiraspol and made them party there, with businessmen from both sides of the Dniester, for whom money has no smell, it could not be otherwise. The good Lord was watching over us, we could have ended even worse.

**10) What message do you have for Romanians on both sides of the Prut in the current context?**

To the Romanians on both sides of the river, which still separates us, I wish you good health, prosperity, decent living, hope that in the near future we will be one COUNTRY!

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