

**PARLAMENTUL
REPUBLICII MOLDOVA**



**ПАРЛАМЕНТ
РЕСПУБЛИКИ МОЛДОВА**

The LAW
Concerning the Rehabilitation of Victims of Political Repressions
[The Law title as amended by Law no. 295-XIII of 23 November 1994]

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Note: Throughout the Law text the word “Soviet” is replaced by the word “state” in an appropriate case according to the Law no. 295-XIII of 23 November 1994

Note: See Decree of the Parliament no. 1226-XII of 8 December 1992 On Introduction of the Law Concerning the Rehabilitation of Victims of Political Repressions committed by the occupying totalitarian communist regime (7 November 1917 – 23 June 1990)

Within the totalitarian regime state authorities committed a number of mass political repressions beginning from 7 November 1917 on the territory of the present Republic of Moldova, initially in the Moldavian Autonomous Soviet Socialist Republic, and from 28 June 1940 in the Moldavian Soviet Socialist Republic.

In the course of proceedings within the period of the totalitarian regime administrative, judicial and extrajudicial authorities (the Cheka, GPU – OGPU, NKVD, MTB, KGB, prosecutors and their collegiate organs, “twos”, “threes”, “special councils”, other bodies with similar functions) grossly violated the rights and freedoms of citizens.

The Parliament, strongly condemning political repressions committed by the state administrative, judicial and extrajudicial authorities within the period of the totalitarian regime and violation of the rules of law and morality, adopts the present Law in order to rehabilitate victims of repressions, to restore their political, social and civil rights, to compensate for pecuniary damage, as well as to eliminate other consequences of power abuse during the totalitarian regime.

[The Preamble as amended by Law no. 295-XIII of 23 November 1994]

Chapter 1 GENERAL PROVISIONS

Article 1. The concept of political repression

Political repression is considered to be deprivation of life of persons, enforcement measures applied by the state to the citizens on political, national, religious or social grounds, in the form of imprisonment, exile, expulsion, compulsory labor in conditions of the limited

freedom, deportation and deprivation of the citizenship, compulsory institutionalization, and in other forms of violation of rights and freedoms of persons considered to be socially dangerous for the state or the political regime, pursuant to the decisions of the state administrative, judicial and extrajudicial authorities.

Article 2. Victims of political repressions

Victims of political repressions are considered to be:

Persons of the political repressions, stipulated in Article 1;

Persons in relation to who decisions on political repression were made, but who managed to avoid immediate repression, also due to departure from the republic.

Family members of repressed persons, including children born in areas of repressions or on the way, persons compelled or forced to follow their parents, relatives, guardians to exile or to a detention facility, or left without their care, and children of persons executed due to political repressions.

Executive Committees and the City Hall issue relevant certificates to the victims of political repressions at the place of their permanent residence.

[Article 2 amended by the Law no. 84-XIV of 8 July 1998]

[Article 2 amended by the Law no. 295-XIII of 23 November 1994]

Article 3. Principles of Rehabilitation

All persons who were subjected to political rehabilitation on the territory of the present Republic of Moldova within the period from 7 November 1917 to 23 June 1990, and the citizens of the Republic of Moldova who were subjected to political repressions on the territory of another state are found not guilty and entitled to rehabilitation to the society with the restoration of rights regardless of the present place of residence:

a) Repressed on the basis of decisions of judicial and extrajudicial authorities (the Cheka, GPU – OPTU, NKVD, MTB, KGB, prosecutors and their collegiate organs, “twos”, “threes”, “special councils”, other bodies with similar functions) for “counter-revolutionary activity”, “treason against the Fatherland”, “distribution of the libellous fabrication discrediting the state and social structure” and other “state crimes”, “violation of laws and rules on the separation of church and state and school and church“, “trespass to the person and civil rights under the image of religious ceremonies”;

b) Sentenced for failure to pay taxes or to fulfill the plan of grain delivery to the state on the basis of Articles 58, 58-1, 58-2 of the Criminal Code of the Ukrainian SSR (as amended by 1927);

c) Placed for compulsory medical treatment to the psychiatric facilities on the decisions of the judicial and extrajudicial authorities on political, national, religious or social grounds;

d) Subjected to expropriation, deported or expelled from the Moldavian ASSR and the Moldavian SSR on the decisions of the administrative authorities under pretence of fighting with kulaks, opponents of collectivization or so called bandits and their families, and also accused in cooperation with “the occupying bourgeois regime”;

e) Involved to compulsory labor in conditions of the limited freedom, including in penal institutions of NKVD and disciplinary battalions;

f) Placed in state concentration or filtration camps, sentenced to prison, exiled or involved to compulsory labor in conditions of the limited freedom for participation being mobilized in World War II;

g) Sentenced or executed for evasion of military service in the Red Army;

h) Dismissed from work or expelled from educational institution on political, national, religious or social grounds;

i) Convicted for participation in public demonstration for the proclamation of the sovereignty and independence of the Republic of Moldova or regarding those whose criminal proceedings were initiated on the ground of the same activities, and then were terminated without rehabilitative reasons, if these persons did not committed criminal offence.

[Article 3 quashed by the Law no. 295-XIII of 23 November 1994]

Article 4. Individuals who are not the subject of rehabilitation

Persons legally convicted for committing crimes of genocide, crimes against peace, mankind or criminal offence are not the subject of rehabilitation, as well as those persons found guilty of falsification of criminal cases within this period, or directly involved in political repressions, even if they themselves were subsequently repressed.

Chapter II PROCEDURE OF REHABILITATION

Article 5 Application on rehabilitation

An application on rehabilitation is filed by a repressed person or by another persons or entities:

To the Interior Ministry – in respect of the individuals specified in paragraphs d) and e) of Article 3;

To Prosecutor General's Office – in respect of the individuals specified in paragraphs a), b), c), f), g) and i) of Article 3;

To the district, municipal courts – in respect of individuals specified in paragraph h) of Article 3.

Applications on rehabilitation are examined within a three-month time from the moment of their lodging.

[Article 5 as amended by Law no. 788-XIII of 26 March 1996]

1. “>Article 5¹. Consideration of the cases by the Internal Affairs Ministry

The Interior Ministry considers the case on rehabilitation upon the application or on its own initiative, establishes the fact of exile, expulsion, expropriation, and compulsory labor in conditions of the limited freedom or restrictions of rights and freedoms of individuals in other forms on the basis of decisions of administrative authorities, draws the conclusion on rehabilitation and issues an appropriate certificate.

The decision of the Ministry of Interior on dismissal of rehabilitation may be appealed against in the judicial instance.

[Article 5¹ introduced by Law no. 788-XIII of 26 March 1996]

1. “>**Article 5²**. Consideration of the cases by the General Prosecutor’s Office

The General Prosecutor’s Office upon the application or on its own initiative identifies and examines cases on which judicial and extrajudicial authorities delivered decisions in respect of persons specified in Article 3 of the present law in accordance with the procedure established by the current legislation.

The General Prosecutor’s Office draws the conclusion on rehabilitation and issues an appropriate certificate on the grounds of examination of the case on which extrajudicial authorities delivered decisions.

The decision of the General Prosecutor’s Office on dismissal of rehabilitation may be appealed against in the competent judicial instance.

In result of examination of the cases on which judicial authorities issued decisions the General Prosecutor’s Office delivers an appeal concerning their quashing or delivers a decision on dismissal of rehabilitation.

[Article 5² introduced by Law no. 788-XIII of 26 March 1996]

1. “>**Article 5³**. Consideration of the cases by courts

Complaints against the decisions of the Ministry of Interior and the General Prosecutor’s Office on dismissal of rehabilitation stipulated by Article 5 part 2 and Article 5² part 3 of the present law are examined by the Supreme Court of Justice in accordance with the procedure established by Article 348 of the Code of Criminal Procedure.

Appeals on reversal or decisions of the General Prosecutor’s Office on dismissal of rehabilitation stipulated by Article 5 part 4 of the present law are examined by the Supreme Court of Justice in accordance with the procedure for examination of appeals on reversal established by the Code of Criminal Procedure.

Due to the examination of a case on rehabilitation judicial instance issues an appropriate certificate.

[Article 5³ amended by Law no. 191-XV of 8 May 2003, became effective on 31 May 2003]

[Article 5² introduced by Law no. 788-XIII of 26 March 1996]

Article 6. Establishing a fact of political repression in a judicial procedure

In case the archival materials on political repressions were not reserved due to expiration of time for their keeping or due to other reasons establishing a fact of political repression is implemented in a judicial procedure.

Article 7. Consideration of the materials and cases without application on rehabilitation

Authorities directly involved in rehabilitation with the right to deliver decisions concerning the matter are obliged to examine all the cases, including those without applications on rehabilitation.

Article 8. Rights of previously rehabilitated persons

Decisions on rehabilitation delivered by competent authorities prior to the enactment of the present law remain after its enactment as well.

Previously rehabilitated persons shall exercise the rights stipulated by the present law.

Article 9. Materials of political repressions

Rehabilitated persons, or their relatives in case of their death, are entitled to familiarize with the case file on the ground of which they had been subjected to repressions.

Rehabilitated persons and their successors are entitled to claim restitution of remaining manuscripts, photographs, personal documents.

Upon applications of interested individuals or social organizations relevant state authorities are obliged to inform them of the time and the cause of the death, as well as the burial place of a rehabilitated person.

[Article 9 amended by Law no. 295-XIII of 26 March 1996]

Chapter III
RESTITUTION OF POLITICAL, SOCIAL,
CIVIL AND PROPERTY RIGHTS

Article 10. Recovery repressed persons of the rights

Repressed and subsequently rehabilitated persons are restored in political, social and civil rights lost due to political repressions.

Decisions on deprivation of government awards, scientific degrees, military posts, special and honorary ranks, pensions and other rights are declared void.

Article 11. Right of repressed persons for a place of residence

Repressed and subsequently rehabilitated persons are recognized the right to live in a place where they would live until repressions. This right is recognized for members of their families as well as their relatives who lived with them.

Article 12. Return of property, compensation for its cost to persons subjected to political repression

Property confiscated, nationalized or otherwise seized from the possession of the Moldovan citizens who had been subjected to political repressions and subsequently rehabilitated is returned on the ground of the application filed either by themselves or by their successors.

Ground, forests, perennial plantings, expropriated things as well as other property confiscated, nationalized or otherwise seized from the possession due to reasons not related to political repressions cannot be returned.

In case if property confiscated, nationalized or otherwise seized from the possession due to reasons related to political repressions cannot be returned, its value is compensated on the ground of an application of rehabilitated persons or their successors.

On consent of the persons subjected to political repressions and subsequently rehabilitated, or their successors, specific restitution of residential houses can be substituted for compensation of their cost which is set in accordance with the market price existing at the moment of the application satisfaction, or providing with comfortable housing as a matter of priority.

The persons subjected to eviction from returned houses, at the moment of eviction are provided with housing as a matter of priority by local public authorities in accordance with the effective legislation. Expenses connected with housing provision are to be financed from and within the district budget, municipality budgets of Chisinau and Belz, the budget of the autonomous territorial unit of Gagauzia as well as at the expense of the state budget.

Return of property, compensating for the property cost which cannot be returned are implemented on the ground of application at the expense of the district budget, municipality budgets of Chisinau and Belz, the budget of the autonomous territorial unit of Gagauzia as well as at the expense of the state budget. Applications on return of property or compensation for its cost are examined by commissions specially created for these purposes.

In case if property is not preserved or cannot be restituted in kind as it was privatized in accordance with the law, its cost is compensated in the form of monetary or pecuniary compensation according to the market price existing at the moment of the application examination.

In case if property cost does not exceed 200 000 Moldovan lei, compensation is performed by installments within three years, and within five years – for property whose cost exceeds 200 000 lei.

Property cost is defined as follows:

a) property evaluation based on calculations of the territorial cadastral offices in accordance with market prices existing at the moment of the application examination;

b) Evaluation of livestock, poultry, agricultural products and another property in accordance with market prices existing at the moment of the application examination.

[Article 12 as amended by Law no. 186-XVI of 29 June 2006, became effective on 1 January 2007]

[Article 2 amended by the Law no. 84-XIV of 8 July 1998]

[Article 12 as amended by Law no. 295-XIII of 23 November 1994]

1. “>**Article 12**¹. Procedure for consideration of applications for property restitution or compensation of its cost

Applications for property restitution or its cost compensation are examined by special commissions established by local public authorities, municipalities of Chisinau and Belz, the autonomous territorial unit of Gagauzia on the territory where rehabilitated persons lived at the moment of political repressions.

Applications for restitution of property confiscated, nationalized or otherwise seized from the possession or for its cost compensation are lodged within three years from the moment of informing a repressed person about his/her rehabilitation, and examined within six months from the day of lodging.

The commissions establish which property should be returned and determine its cost on the grounds of the documents confirming confiscation, nationalization and otherwise seizure from the possession, and issued by achieves and other authorized institutions, or on the ground of other legal evidence.

The decision of the commission on property return, compensation of its cost or compensation may be appealed against in the judicial instance.

Disputes in connection with property return, arising between the rehabilitated persons or their successors, on the one hand, and entities of any form of property or individuals, on the other hand, are resolved in the judicial procedure.

For Moldovan citizens who was subjected to political repression on the territory of another state, whose property was confiscated, nationalized or otherwise seized from the possession on the territory which is not currently part of the Republic of Moldova, restitution or compensation for cost of the property is implemented on the ground of the agreement between the Republic of Moldova and a respective state. While developing projects of treaties the Ministry of Finance, the Ministry of Interior, the Ministry of Foreign Affairs and European Integration, the Ministry of Economy and Trade, other ministries and competent authorities should include provisions on return of property confiscated, nationalized or otherwise seized from the possession or for its cost compensation to Moldovan citizens who was subjected to political repression on the territory of other states.

[Article 12¹ introduced by Law no. 186-XVI of 29 July 2006, became effective on 1 January 2007]

Article 13. Compensation to repressed persons

Moldovan citizens subjected to political repressions and subsequently rehabilitated receive by privatization pecuniary compensation in accordance with the provisions of the law and other regulations on privatization.

Article 14. Rights for compensation in case of death due to political repression

Spouses who did not create a new family, parents or children of persons executed due to political repression or died in a detention facility or on the way and who are citizens of the Republic of Moldova receive if applied compensation for each executed or diseased person in the amount of 540 lei paid monthly in installments according to the procedure established by the Government.

[Article 14 amended by Law no. 520-XV of 11 November 2001]

[Article 14 as amended by Law no. 295-XIII of 23 November 1994]

[Article 15 excluded by the Law no. 552-XIV of 28 July 1999]

Article 16. Calculation of the employment history by privatization

Two terms of repression but not more than 15 years are included in the employment history of the Moldovan citizens repressed and subsequently rehabilitated within the period of privatization.

Repressed and subsequently rehabilitated persons who received compensation in full on the ground of the Order of the Presidium of the Supreme Soviet of the USSR of 18 May 1981

On compensation for damage caused to an individual as a result of unlawful acts of state and public authorities as well as state officials performing their official duty are not subject to Provisions of part 1.

Article 17. Employment history restitution of the persons illegally dismissed from work or expelled from educational institution

Period of service in a specialty including scientific and pedagogical activity for the entire period of the forced interruption of work or study is restored in a judicial procedure to persons illegally dismissed from work or expelled from educational institution on political, national, religious or social grounds.

Chapter IV **BENEFITS FOR REHABILITATED PERSONS**

Article 18. Provision of housing

Citizens of the Republic Moldova – victims of political repressions – are entitled for provision with housing as a matter of priority at the place of their permanent residence in case if they forfeit a right to the earlier occupied residence due to political repressions or need improvement of housing conditions.

Moldovan citizens – victims of political repression who were returned residential houses or who are building new homes in settlements where they were repressed, are entitled to receive interest-free loans and the priority provision of building materials to restore old housing or build new housing. Loan amount is established by local public authorities on the ground of the conducted inspection and determination of the degree of housing damage

[Article 18 as amended by Law no. 295-XIII of 23 November 1994]

Article 19. Exemption from the court fee payment

Disputes connected with the rehabilitation of victims of political repression are considered by the courts of all levels, without the court fee payment.

Article 20. Right to pension

Moldovan citizens subjected to political repressions and subsequently rehabilitated have the right to pension in accordance with the law *On state social insurance pensions*.

[Article 15 amended by the Law no. 552-XIV of 28 July 1999]

Article 21. Social benefits

Disabled people and pensioners – citizens of the Republic of Moldova, repressed and subsequently rehabilitated, have the right to:

medical assistance in accordance with the minimum of free health insurance established by the legislation, as well as providing specific medications according to national programs;

free manufacturing and repairing of dentures (except for dentures made of precious metals), provision of other prosthetic-orthopedic devices on privileged terms;

annual treatment in sanatoriums under permits with 30 per cent discount and free transportation to the resort and back;

Priority lodging of the old and disabled people in senior center including free state provision and preserving not less than 25 per cent of calculated pension;

Priority telephone installation.

Rehabilitated persons having rights to benefits stipulated by the present law are provided with the relative identity.

[Article 21 amended by Law no. 154-XVI of 21 July 2005, became effective on 1 January 2006]

[Article 21 amended by Law no. 523-XV of 11 November 2001]

[Article 21 amended by Law no. 439-XV of 11 November 2001]

[Article 21 amended by Law no. 934-XIV of 14 April 2000]

[Article 21 amended by Law no. 493-XIV of 09 July 1999]

[Implementation of Article 21 §§ 3, 4(2) suspended in 1999 in accordance with the law no. 216-XIV of 12 December 1998]

[Article 21 amended by Law no. 1592-XII of 27 February 1998]

Chapter V **FINAL PROVISIONS**

Article 22. Publicity in the political rehabilitation

Lists of persons rehabilitated in accordance with the present law including main biographical data, repression reasons and grounds on rehabilitation are published periodically in mass media of the Republic by authorities who delivered a decision on rehabilitation.

Article 23. Criminal liability for participation in political repressions

Workers of the Cheka, GPU - OGPU, NKVD, MTB, KGB and prosecutors, judges, members of "twos", "threes", "special councils" and employees of other bodies with similar functions involved in the investigation and examination of cases of political repressions and committed violations of laws in force at the time of repressions, as well as employees of government, administrative and party officials who deliberately participated in political repressions, falsifying case file, bear criminal responsibility on the grounds of the decision of the court in accordance with the applicable law.

Article 24. Deprivation of privileges of persons participating in political repressions

Persons living in the Republic of Moldova and immediately participating in political repressions, if it is established by the court decision, are deprived all the privileges in the pension, social security and housing.

PRESIDENT OF THE REPUBLIC OF MOLDOVA

Mircea
SNEGUR

Chisinau, 8 December 1992. No

1225-XII.

Legile Republicii Moldova

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