



Strasbourg, 13 December, 2017

Ministry of Justice of Moldova

Mr Minister Vladimir Ceborati
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Chisinau, Moldova

General Prosecutor's Office of Moldova

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Rishcani District Court

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Centru District Court

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Dear Madam and Sirs,

As Members of the European Parliament (EP), we would like to direct your attention to the current human rights situation in Moldova, and the very urgent crackdown on civil society activists, independent judges and peaceful protesters in the country. With this letter, we renew the EP's appeal over the noteworthy cases of **Mrs Ana Ursachi**, **Mr Alexei Alexeev** and **Mr Alexandru Machedon**, among others listed below.¹ It is with regret that we acknowledge that despite the numerous appeals of NGOs and Members of the EP, the Moldovan authorities have not stopped the politically motivated prosecutions, threats or defamation campaigns against them and we reiterate that such actions are the result of systematic reprisals perpetrated by the Moldovan oligarch and influential politician, Vlad Plahotniuc and his cronies.

¹ <http://en.odfoundation.eu/a/8460,report-the-authorities-of-moldova-roll-back-the-democratisation-process-and-fail-to-fulfill-their-obligations-to-the-eu>

The case of **Mrs Ana Ursachi**², a highly regarded Moldovan counsel and human rights activist, received international recognition shortly after criminal proceedings were begun against her on political grounds in October 2016. Mrs Ursachi was engaged in *pro-bono* defense of critics and political opponents of Mr Plahotniuc, and participates in civil activism and anti-government movements. She also acted as a defense attorney in sensitive criminal cases relating to public corruption, as well as in the case of **Mr Sergiu Cibotari**³, a Moldovan citizen, ex-employee of the state-owned ‘Post of Moldova’ and opposition activist. Mr Cibotari was detained because of his willingness to cooperate with the investigative bodies on the involvement of Mr Plahotniuc’s family in drug smuggling activities through the ‘Post of Moldova’.

Mrs Ursachi now faces false accusations of involvement in a murder that happened 19 years ago, notwithstanding the fact she was previously cleared of any connection to the case. Despite the reinstatement of criminal proceedings being in breach of the Moldovan Criminal Procedure Code (the limitation period for bringing the case had already expired in 2012), the Rascani District Court admitted its legality on 4 October, 2017. What makes this even more problematic is that the Court disregarded the defence of Mrs Ursachi, which claimed that according to a decision issued by the Constitutional Court in 2015, it is the courts’ competence to reopen a criminal case, not the General Prosecutor’s Office’s.

As part of the procedure, the Prosecutor’s Office also ordered an unauthorized late-night search of Mrs Ursachi’s house and new charges of ‘abuse of power’ (allegedly relating to 2012) were brought against her. As a result, Mrs Ursachi was forced to leave the country and her name is now at risk of being put on Interpol’s Red Notices List.⁴ The EP has issued several statements in defense of Mrs Ursachi; however, too little has yet been done to stop the politically motivated prosecution.

We condemn the practice of pressuring judges in Moldova, especially the case of **Mr Dorin Munteanu**, a judge who has refused to issue a politically motivated arrest warrant against Mrs Ursachi. Consequently, on 11 January, 2017, Mrs Ursachi’s case was withdrawn from Mr Munteanu’s competence and the General Prosecutor’s Office charged him with alleged fraud crimes. Another judge facing prosecution for accomplishing her duty is **Mrs Domnica Manole**, prosecuted by the Superior Council of the Judiciary for her “unjust decision” upon the holding of a constitutional referendum.

We regret that Mr Plahotniuc in fact misuses the Moldovan judiciary, law enforcement agencies, and media outlets to persecute independent counsels, judges and representatives of civil society, as well as businessmen participating in and financing opposition activities. This kind of practice severely affects the normal activity of the courts in the Republic of Moldova. The ultimate purpose of these actions is to intimidate Moldovan citizens taking part in civil activism and peaceful protests. Two further examples are

² <http://en.odfoundation.eu/a/7992,moldova-prosecution-of-consuel-ana-ursachi>

³ <http://en.odfoundation.eu/a/8188,the-captured-state-politically-motivated-prosecution-in-moldova-and-usurpation-of-power-by-vladimir-plahotniuc>

⁴ <http://en.odfoundation.eu/a/8201,the-report-the-reform-of-interpol-don-t-let-it-be-stopped-halfway>

those of **Mr Alexandru Machedon**⁵, the chief of StarNet', a Moldovan IT business, and **Mr Alexei Alexeev**⁶, a minibus driver.

Mr Machedon still faces oppression because of his public sponsorship of opposition activities and the support given to independent channels of information. We welcome that the criminal charges against Mr Machedon were withdrawn and his prosecution suspended. However, it appeared clear that new means of intimidation have been used to harm Mr Machedon and his entrepreneurial activity. There have been episodes of surveillance, new 'economic crimes' have been reported and his company was set on fire just recently, causing damages worth 400,000 euros.

On 17 September, 2017, in Chişinău, thousands of protesters demonstrated against the climate of impunity towards public officials involved in high level corruption schemes. Indeed, 5,000 activists took to the streets to demand the EU issue personal sanctions against Mr Plahotniuc and his corrupt circle. The next day, Mr Alexeev, a driver who was carrying the sound system for the anti-government protests, was unlawfully arrested and accused of entering the police cordon with a minibus and of hurting police officers.

Similarly, other related cases of political prosecutions include those of independent journalist **Mr Ghenadie Brega** and **Mr Felix Grincu**, a businessman and representative of the opposition party "Our Party", held in prison beyond the limits of preliminary arrest period (12 months), currently at risk of heart attack due to his health conditions; and the disturbing case of **Mr Andrei Braguta**,⁷ who, after being arrested for speeding with his car, was beaten in prison and eventually died and can be seen as a tragic example of the failure of implementation of the justice reform.⁸

As Members of the European Parliament, we strongly condemn this recent wave of repression carried out against Mrs Ursachi and other victims, as well as the unlawful abuse of Moldova's state judicial system for political purposes. We also note that Moldova has signed an association agreement with the European Union, which obliges it to honour its conditions. Among them, we recall: respect for human rights and the rule of law, investigation of major banking frauds and depoliticisation of institutions and media. In the hope you will welcome our appeal, we remind you that the EP and its Delegation to the EU-Moldova Parliamentary Committee will continuously evaluate the state of play as regards human rights and fundamental freedoms.

Yours sincerely,

Members of the European Parliament

Ana GOMES

⁵ <http://en.odfoundation.eu/a/8188,the-captured-state-politically-motivated-prosecution-in-moldova-and-usurpation-of-power-by-vladimir-plahotniuc>

⁶ <http://tribuna.md/en/2017/09/22/societatea-civila-cere-eliberarea-lui-alexeev-retinut-dupa-protetul-din-17-septembrie/#>

⁷ <https://www.youtube.com/watch?v=tWMKCKltHTg>

⁸ https://eeas.europa.eu/delegations/moldova/33723/moldova-eu-cuts-budget-support-programme-justice-reforms_en

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