

TO: Ministry of Justice of Moldova

Minister Ms Victoria Iftodi
82, 31 August 1989 Street
Chisinau, Moldova

General Prosecutor's Office of Moldova

General Prosecutor Eduard Harunjen
26, Mitropolit Gavriil Bănulescu-Bodoni Street,
Chisinau, Moldova

Brussels, 9 April 2018

Honorable Minister,
Honorable General Prosecutor,

We, Members of the European Parliament, would like to express our grave concern at the attacks currently being organised against independent lawyers and judges in the Republic of Moldova. Human rights organisations, such as Amnesty International¹ and the Open Dialog Foundation², have reported numerous cases of politically motivated prosecution against lawyers involved in the defence of whistleblowers, activists and opponents of Vladimir Plahotniuc, the Moldovan oligarch who controls media and law enforcement agencies in your country. In particular, we have been informed about the worrying case of **Ana Ursachi**³, a prominent attorney and civil society activist, who made public sensitive information about Plahotniuc's participation in high-profile cases of corruption and drugs smuggling. The circumstances and facts of Ursachi's criminal prosecution in retaliation for her professional activity are illustrated below.

In October 2016, the Moldovan authorities reopened a criminal case of murder against Ursachi, allegedly committed 19 years ago. According to a decision dated 14 May 2015, the Constitutional Court of Moldova ruled that it is forbidden to pursue multiple persecutions against the same person within the framework of the same case. Moreover, the statute of limitations in the case of Ursachi has already expired and, back in the 1997 trial, the case against Ursachi was dismissed for lack of evidence.

In addition, since her involvement in the defence of clients aware of sensitive information concerning Plahotniuc and his circle (among them: Alexandru Machedon, Sergiu Cibotari, Grigore Petrenco and

¹ <https://www.amnesty.org/en/latest/research/2018/02/annual-report-201718/>

² <http://en.odfoundation.eu/a/8188.the-captured-state-politically-motivated-prosecution-in-moldova-and-usurpation-of-power-by-vladimir-plahotniuc>

³ <http://en.odfoundation.eu/a/7992.moldova-prosecution-of-consuel-ana-ursachi>

others), Ursachi became the target of a defamation campaign initiated by Plahotniuc-controlled media. TV channels persistently broadcasted smear material aimed at harming Ursachi's reputation. For example, a documentary film entitled *The Devil's Advocate* portrayed the lawyer to the Moldovan public as 'the leader of a criminal organisation which functioned in Moldova in the 1990s', thus violating the principle of the presumption of innocence.

Other pressures and intimidations were inflicted on her family members (Ursachi's 72-year-old father and 19-year-old son), such as an illegal search of the flat of Ursachi's parents, conducted in dubious circumstances. The search was conducted at night time and materials containing confidential information such as a tablet and computers were seized, in total disregard for the attorney-client privilege of confidentiality.

We are aware that in today's Moldova, other lawyers and judges have been harassed and persecuted because of their independent stances. Among them Moldovan lawyer **Eduard Rudenco**, Ana Ursachi's attorney and replacement, who became the victim of four criminal cases as soon as he took up the defence of Ursachi. Other cases of pressure and unlawful dismissals have involved judges, such as **Dorin Munteanu**, who refused to issue a warrant for Ursachi's arrest, or **Domnica Manole**⁴, whose wrongdoing was issuing an "unjust decision" regarding the holding of a constitutional referendum. As a consequence of their brave actions these judges have been severely punished: on 11 January 2017, Munteanu was withdrawn from Ursachi's case and charged with fraud crimes, while Manole is now being prosecuted by the Superior Council of the Judiciary.

As Members of the European Parliament, we join together in expressing our major concern over the practice of pressuring and persecuting lawyers and judges in the Republic of Moldova. In this regard, we call upon your state institutions to immediately cease the ongoing crackdown and respect freedom of exercise of lawyers and judges. We also underline the urgent need to fully restore the independence of Moldova's judiciary and abide by the stringent conditions on human rights, rule of law and justice reform set out in the EU-Moldova association agreement.

Yours sincerely,

Members of the European Parliament

Jaromír ŠTĚTINA
Julie WARD
Tomáš ZDECHOVSKÝ

⁴ <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>



European Parliament

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