



**MOLDOVA:
A RENOWNED COUNSEL
WAS SUBJECTED TO POLITICALLY MOTIVATED
CRIMINAL PROSECUTION
DUE TO HER PROFESSIONAL ACTIVITY**



Photo: Ruslan Verbitki

Counsel Ana Ursachi represents the interests of numerous opponents of the powerful oligarch Vladimir Plahotniuc who exerts influence on the judiciary and law enforcement agencies of Moldova and may be involved in her unlawful criminal prosecution.

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Table of contents:

1. INTRODUCTION.....	4
2. ACCUSATIONS OF INVOLVEMENT IN A MURDER COMMITTED 19 YEARS AGO	4
3. VLADIMIR PLAHOTNIUC’S INFLUENCE ON MOLDOVAN LAW ENFORCEMENT AGENCIES	7
4. THE DEFENCE OF VLADIMIR PLAHOTNIUC’S OPPONENTS	8
5. THE REACTION OF THE INTERNATIONAL COMMUNITY	13
6. CONCLUSIONS.....	14

1. INTRODUCTION

Ana Ursachi is a Moldovan attorney and human rights activist who became famous due to her participation in the defence of victims of politically motivated prosecutions in the Republic of Moldova. Ursachi is also known for her opposition activities – in particular, as the founder of the public movement #NuMaTem (in Romanian - 'I am not afraid').¹ Ana Ursachi took part in anti-government protests organised by the parties: Dignity and Truth Platform and The Red Bloc.

Moldovan oligarch Vladimir Plahotniuc, who is one of the leaders of the Democratic Party of Moldova², using the influence he has over the state's law enforcement agencies and the huge media resources at his disposal (the TV channels: Prime, Publika, Canal 2, Canal 3, Moldova 1), is trying to settle the score with Ana Ursachi. This is due to the fact that, for the past 7 years, Ursachi has defended the interests of many political and business opponents of Plahotniuc such as: Grigore Petrenco, Razvan Paveliu, Alexandru Machedon, Ion Matasevich, Marina Anton, Domnica Manole, Radu Cibotari, Sergiu Cibotari, Ion Butmalai, Anatolie, Gheorghe and Sergiu Stepuleac, Renato Usatii, Vyacheslav Platon (Kobalyev) and Viorel Topa. Many of these people have accused Plahotniuc of corruption and of seizing their businesses and, as a result, they have all become defendants in questionable criminal proceedings.

Since October 2016, an information campaign has been carried out against Ana Ursachi in a bid to discredit her. Consequently, not only has the counsel suffered personally, but her relatives and associates have also suffered. On 5 December 2016, it transpired that criminal proceedings had been instituted against Eduard Rudenco, Ana Ursachi's counsel, with respect to charges of abuse of professional capacity (Art. 326 of the CC). A case was opened against Rudenco in April 2016, but he remained oblivious to this fact until as late as December 2016, after he had already been declared a suspect.³

The criminal proceedings against Ana Ursachi are being carried out in violation of Moldovan legislation and bear indications of being political motivation. This case may well have a detrimental effect on Moldova's international reputation, a country which has positioned itself as both a democratic and law-abiding state.

2. ACCUSATIONS OF INVOLVEMENT IN A MURDER COMMITTED 19 YEARS AGO

In early September 2016, the Moldovan pro-government blogger Eugen Lukyanyuk posted in his online journal,⁴ a ruling by the Appellate Chamber of Chisinau on the case of the murder of a teacher, Lyubov Manoli, committed in 1997. Ana Ursachi's ex-husband, Ruslan Moiseev, was determined to be one of the perpetrators and was sentenced to 18 years in prison. As stated by Lukyanyuk, in the judgment, the Appellate Chamber stated that Ana Ursachi 'may be linked to the Manoli case'.

According to the former ambassador of Moldova at the Council of Europe and the UN, Alexey Tulbure and the independent journalist Natalia Morari, Eugene Lukyanyuk is a payroller of the Moldovan authorities and is tasked with spreading false information and discrediting individuals inconvenient to Plahotniuc. Previously, Lukyanyuk was convicted of writing paid articles (biased articles, written in exchange for financial reward). In particular, in 2015, Ana Ursachi represented politician Oleg Bodruk who managed to prove in court that Lukyanyuk had written a paid article in order to blacken his name.

¹ <https://www.facebook.com/numatemdeplaha/>

² The Democratic Party of Moldova is part of the ruling coalition.

³ <http://newsmaker.md/rus/novosti/protiv-advokata-eduarda-rudenko-vozbuzhdeno-ugolovnoe-delo-28706> ; <http://moldnews.md/rus/news/83039>

⁴ <http://luchianiuc.com/blog/2016/09/02/dna-ana-ursachi-si-cu-omorul-din-1997-cum-ramane/>

The court ruling of 2011, which was made public by Lukyanyuk, has nothing to do with Ana Ursachi, but still, it was used to launch the campaign aimed at discrediting her.⁵ It is noteworthy that the decision was made public only after Ana Ursachi became involved as a defence counsel of Vyacheslav Platon (Kobalyev). Platon (Kobalyev) was formerly a legal adviser of foreign investors who collaborated with Vladimir Plahotniuc. Platon (Kobalyev) is a witness in the case regarding the embezzlement of 1 billion euros from the Moldovan budget, which was achieved by means of declarations of bankruptcy filed by three Moldovan banks in November 2014, as well as in the case regarding the laundering of \$ 21 billion through Moldova's banking system.⁶ Platon (Kobalyev) declared his readiness to give testimony to American and European investigators concerning Vladimir Plahotniuc's possible involvement in these cases. In late August, Vyacheslav Platon (Kobalyev) was extradited from Ukraine to Moldova in gross violation of Ukrainian legislation.⁷

A huge defamation campaign against Ana Ursachi was launched by media outlets owned by Vladimir Plahotniuc. In the campaign, she was accused of involvement in the murder as well as other crimes committed in the late 1990s. The pinnacle of the campaign aimed at discrediting Ana Ursachi was the repeated broadcast of the film *Devil's Advocate*⁸ by major TV channels owned by Vladimir Plahotniuc. In the film it is argued that in the 1990s, Ana Ursachi, along with her ex-husband Ruslan Moiseev and two other accomplices: 'established a criminal group which engaged in seizing housing from single people'. According to the information presented in the film: "as a result of one of these operations, the teacher Lyubov Manoli was killed".

Also, media outlets owned by Plahotniuc actively covered protest actions against Ana Ursachi in which activists demanded that the Moldovan law enforcement agencies "bring the attorney to criminal responsibility".^{9,10} These protests were attended by approximately two dozen people, some of them minors, which could serve as an indication that the rallies were staged. The 'activists' admitted that some amongst them were former police officers and some of those present even conceded that they did not know Ursachi at all.¹¹ In addition, by the entrance of the house where the attorney lives with her parents, unidentified individuals hung posters which contained insults and accusations of murder.

According to Ana Ursachi, in 1997, as the wife of one of the accused, she was subjected to verification in order to determine whether she was involved in the murder of Lyubov Manoli. Similarly, relatives of other defendants were also subjected to such verification. Subsequently however, the case against Ana Ursachi was closed due to lack of evidence of her involvement in the crime. As stated by Ana Ursachi, the evidence against her ex-husband Ruslan Moiseev was based entirely on the testimony of another man involved in the case - Vilen Vetrenko. In 2010, the ECHR ruled on the case *Vetrenko v Moldova*.¹² In its ruling, the court acknowledged that Vetrenko had been subjected to torture and coerced into giving convenient testimony.

In October 2016, the Moldovan prosecutor's office task force for the fight against organised crime reopened the investigation into the murder of Lyubov Manoli 'due to the emergence of new circumstances'. The prosecutor's office stated that the aim of the new investigation was to establish the degree of Ana Ursachi's involvement in Manoli's murder.¹³

⁵ <http://luchianiuc.com/blog/2016/09/02/dna-ana-ursachi-si-cu-omorul-din-1997-cum-ramane/>

⁶ <http://www.jurnal.md/ru/politic/2016/9/29/ekspert-rumynia-ne-dolzna-predostavlat-den-gi-rm-v-preddverii-vyborov-finansovaa-pomos-mozet-popast-k-necistym-na-ruku-moldavskim-politikam/>; <http://jurnaltv.md/ro/news/2016/11/26/fbi-a-initiat-investigatii-in-dosarul-bem-10261972/#1>

⁷ <http://ru.odfoundation.eu/a/7977.otchet-ukraina-pomogaet-postsovetskim-gosudarstvam-presledovat-politicheskikh-opponentov-i-bezhencev>

⁸ <https://www.youtube.com/watch?v=kSBsvWO9KnU>

⁹ <http://www.prime.md/rus/news/politics/item41962/>

¹⁰ <http://www.prime.md/rus/news/social/item42257/>

¹¹ <http://moldnews.md/rus/news/82515>

¹² <http://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2236552%22%2C%22itemid%22:%5B%22001-98537%22%5D%7D>

¹³ https://ru.crimemoldova.com/news/rassledovaniya/genprokuratura-voznovnit-delo-ob-ubiyстве-k-kotoromu-yakoby-prichastna-advokat-ana-ursachi/?sphrase_id=2924

The resumption of criminal proceedings against Ana Ursachi is unlawful for a number of reasons:

- Under the old Criminal Procedure Code (CCP), effective in the Republic of Moldova until 2003, the statute of limitations for ‘crimes of utmost gravity’ was 15 years. Accordingly, with respect to case of the murder of Lyubov Manoli, that statute of limitations expired in 2012 and hence, any subsequent resumption of the criminal case is unlawful.
- According to the new Code of Criminal Procedure, resumption of criminal proceedings is permissible in the event of significant irregularities, however, proceedings should be resumed no later than within 1 year from the date of entry into force of the decision to discontinue the criminal proceedings (Art. 287 of the CCP).¹⁴ Therefore, even under the new Code of Criminal Procedure, the prosecutor's office had no grounds to reopen the case against Ursachi.
- In its ruling of 14 May 2015, Moldova's Constitutional Court declared unconstitutional Article 287 of the CCP (the possibility to resume criminal proceedings), as it violated the principle of *non bis in idem* (no person may be tried or punished twice for the same act). ***"The Constitutional Court notes that according to the principle of non bis in idem, the competent public authorities are not only prevented from conducting a re-trial, but also from prosecuting an individual multiple times for the same criminal act"***,¹⁵ - the court decision reads.

At the end of October 2016, the Moldavian prosecutor's office announced via the media that "it had sent several summonses to Ana Ursachi ordering her to report for questioning, but she did not appear, as at that time, she was outside the territory of Moldova". According to Ursachi, not one these summonses was sent to her address properly. Yulian Rusanovskiy, Ana Ursachi's counsel, suggested that the prosecutor, Dumitru Ștefîrță, speak with Ursachi on the telephone, but the prosecutor refused to do so.

On 3 November 2016, the Prosecutor's Office sent to the district court of Central Chisinau, an arrest warrant for Ana Ursachi (the court session is scheduled for 9 December 2016).¹⁶ Ana Ursachi's defence, in turn, sent a petition to the District Court of Riscani in Chisinau (the court session is scheduled for 7 December 2016) a motion requesting an annulment of the decision of the Prosecutor's Office on the resumption of the criminal case.¹⁷

An illegal search

On the night of 21 November 2016, Prosecutor Dumitru Ștefîrță along with several police officers, raided an apartment owned by Ana Ursachi's father. At the time of the search, her 72-year-old father and her 19-year-old son were present in the apartment. The search was carried out in gross violation of Moldovan legislation. According to Art. 125-127 of the CCP, a search cannot be conducted late at night (after 10:00 p.m.). Also, the party subjected to a search, has the right to demand that the search be carried out in the presence of lawyers. Law enforcement officers arrived at the apartment at 9:30 p.m., after which Ana Ursachi's father demanded that lawyers be present during the search. Given the time it would have taken for lawyers to travel to the apartment, law enforcement officers would have had insufficient time to carry out the search prior to 10.00 p.m. and for this reason, they proceeded to conduct the search without lawyers being present.

It should also be noted that law enforcement officers did not present a judicial search warrant, but merely a decision signed by Prosecutor Dumitru Ștefîrță who himself carried out the search. *"The decision to carry out the search was made on the basis of the principle of proportionality between the*

¹⁴ <http://lex.justice.md/index.php?action=view&view=doc&lang=2&id=326970>

¹⁵ <http://lex.justice.md/ru/360888/>

¹⁶ <http://newsmaker.md/rus/novosti/advokatu-pokazali-delo-prokurory-potrebovali-aresta-anny-ursaki-28204>

¹⁷ [https://ru.crimemoldova.com/news/social/sudebnoe-zasedanie-o-vydache-ordera-na-arest-na-imya-anny-ursaki-bylo-vnov-otlozheno/](https://ru.crimemoldova.com/news/social/sudebnoe-zasedanie-o-vydache-ordera-na-arest-na-imya-anny-ursaki-bylo-vnov-otlozhen/)

*human rights and freedoms guaranteed by the law, and the need to instigate legal proceedings. According to the said principle, **human rights are not absolute and the necessity of their observance shall be assessed in the context of the wider public interest***"¹⁸, - the prosecutor's decision reads.

According to Moldovan legislation, searches can only be carried out late at night and without a court order in urgent situations (in cases involving a terrorist threat or especially grave crimes against the state and/or society).

As a result of the search, computer equipment (a PC, laptop and 2 tablets) were seized, also, Ana Ursachi's documents were verified. According to Art. 128-131 of the CCP, all persons present during the search are to familiarise themselves with the inventory of items seized and sign the search record. However, as Ursachi noted, as of 6 December 2016, the law enforcement bodies have not summoned her son, or her father, or counsels for a visual inspection of the seized items.

Shortly after the search, Moldovan media¹⁹ disseminated information that, during the search, allegedly, "video and audio-materials containing damaging evidence concerning famous Moldovan politicians (in particular, Renato Usatii and Andrei Nestase) were seized".²⁰ Ana Ursachi denies ever having such records. The counsel believes that this constitutes an attempt by the Moldovan security services to legalise and publicise illegal or fraudulent records, attributing them to the opposition human rights activist.²¹ It is noteworthy that on 30 November 2016 and 1 December 2016, pro-government portals *today.md*²² and *deschide.md*²³ published video footage of what they claimed was a filmed conversation involving Ana Ursachi, seized during the search. Ursachi labelled the video material 'fabricated'. The online portals *today.md* and *deschide.md* reported that 'other illegal records made by Ursachi' had also been seized.

The day prior to the search, Ana Ursachi announced that she would hold a press conference about Vladimir Plahotniuc's illegal influence on the law enforcement and judicial authorities of Moldova. In this connection, the late night search can be seen as an attempt to exert pressure on the attorney as well as members of her family.

3. VLADIMIR PLAHOTNIUC'S INFLUENCE ON MOLDOVAN LAW ENFORCEMENT AGENCIES

In late August 2016, the blog platform Wordpress published documents²⁴ indicating that a number of Moldovan judges and senior prosecutor's office and police personnel had received money from companies affiliated to Vladimir Plahotniuc. The sums, amounting to tens or hundreds of thousands of dollars, were paid as fees for "legal services" - the excitation of criminal cases and the adoption of relevant judicial decisions in their regard.

According to the released documents, the list of persons who received remuneration, includes senior workers of the prosecutor's office such as: former General Prosecutor; Valery Gurbul, the current head of the anti-corruption prosecutor's office; Viorel Morar and the head of the Criminal Investigation Department at the General Prosecutor's Office of Moldova; Nikolai Kitoroaga. Also included in the list were the names of numerous judges of the Supreme Court Chamber and the Appellate Chamber.²⁵

¹⁸ <http://omg.md/index.php?newsid=12922>

¹⁹ <http://moldova24.info/2016/11/update-bomba-gasita-de-oamenii-legii-la-ana-ursachi-acasa/>

²⁰ https://ru.crimemoldova.com/news/social/ana-ursaki-protiv-genprokuratury-prokurory-nezakonno-obyskivali-dom-moego-ottsa/?sphrase_id=2929

²¹ <http://newsmaker.md/rus/novosti/v-banditskom-stile-ana-ursaki-rasskazala-svoyu-versiyu-nochnogo-obyska-v-kvartire-28506>

²² <http://today.md/ro/news/social/12205/EXCLUSIV--Todaymd-a-intrat-%C3%AEen-posesia-unei-%C3%AEregistr%C4%83ri-video-din-arhiva-Anei-Ursachi.htm>

²³ <http://www.deschide.md/ro/stiri/social/3789/EXCLUSIV--Clientul-interceptat-de-Ana-Ursachi-este-un-colonel-SIS.htm>

²⁴ <https://offshoreplaha.wordpress.com/2016/08/30/схемы-плахотнюка-в-оффшорах-и-лицах/>

²⁵ <http://ru.crimemoldova.com/news/rassledovaniya/morar-trebuat-u-kharunzhena-proverit-spisok-sluzhashchikh-kotorym-platil-plahotnyuk/>

According to the payment data corresponding to these documents, funds were to be collected from various companies associated with Vladimir Plahotniuc in order to pay the 'bonuses'.²⁶

It is worth noting that Prosecutor Nicolae Kitoroaga is head of the department which is handling the investigation into the criminal case against Ana Ursachi. Viorel Morar, as head of the anti-corruption prosecutor's office, is also responsible for supervising the criminal prosecution of Vyacheslav Platon (Kobalyev).

In addition, Ana Ursachi considers it noteworthy that Plahotnyuk has previously arranged for several judges to undergo treatment for cancer, thus securing their loyalty. According to Ursachi, the following judges were provided such treatment: Chief Justice Mihai Poalelungi, Supreme Court Justice Oleg Sternioala and Judge of the Buiucani Court in Chisinau, responsible for the issuance of arrest warrants, Ghenadie Pavliuc.

4. THE DEFENCE OF VLADIMIR PLAHOTNIUC'S OPPONENTS

As an attorney, Ana Ursachi participated in many criminal cases bearing indications of political motivation and/or fabrication. A common theme which linked all of these cases was that each and every victim of persecution had somehow managed to become embroiled in a conflict with the oligarch Vladimir Plahotniuc.

- **The case of Sergiu Cibotari**

Sergiu Cibotari is a former employee of the state enterprise Post of Moldova and a member of the party Dignity and Truth Platform. In 2016, he publicly stated that in 2012, he had learnt that Post of Moldova, with the consent of the company's management, had shipped anabolic steroids to the EU and the United States daily inside parcels which, at first glance, seemingly contained books or cosmetics. According to Cibotari's testimony, the criminal scheme involved the Moldovan Customs Service, MP Yevgeny Nichiforciuc and Vladimir Plahotniuc's godson, Dorin Damir.²⁷

On 29 July 2016, the day on which Cibotari planned to present to the special parliamentary commission evidence concerning the smuggling plot involving Post of Moldova, he was detained for 30 days having been accused of committing several crimes, including embezzlement and the use of forced labour.²⁸ His arrest warrant was later annulled.²⁹ The status of the criminal case currently remains unclear.

- **The case of Alexandru Machedon**

Alexandru Machedon is a businessman and the founder and owner of StarNet, one of the largest telecommunications companies in Moldova (which provides internet services, home telephone services as well as digital television).

Alexandru Machedon supports numerous projects concerning the development of civil society in Moldova. Also, he supports Moldovan opposition movements, parties and politicians which is how he came to incense Vladimir Plahotniuc, a representative of the authorities. For example, in October 2015, in the midst of anti-government protests, organised by the party Dignity and Truth Platform, the company StarNet amended the numerical order of TV channels, elevating to the first two places

²⁶ <http://www.terra.md/ru/news/moldova/doc-klan-plahotnyuka-prokurory-i-sudi-poluchali-de/default.aspx>

²⁷ <http://actualitati.md/ru/vnutrennyaya-politika/plahotnyuk-ispolzuet-gospredpriyatie-pochta-moldovy-dlya-kontrabandy>

²⁸ <http://anticoruptie.md/ro/investigatii/integritate/mafia-anabolizantelor-drumul-sterozilor-din-fabricile-moldovenesti-spre-sportivii-straini>

²⁹ <http://www.jurnal.md/ru/usticia/2016/8/1/sergiu-cebotari-a-primit-30-de-zile-de-arest/>; http://www.noi.md/ru/news_id/89144#close

Chisinau Live and Dignity and Truth in place of the channels Moldova 1 and Prime (according to some sources, these channels belong to Vladimir Plahotniuc). The company StarNet broadcast live protests and speeches of leaders of the party Dignity and Truth Platform.³⁰

Previously, in early 2014, StarNet was the only major broadcaster to continue to retransmit the opposition TV channel Jurnal TV, after other Moldovan operators had refused to broadcast it. The channel's administration stated that oligarch Vladimir Plahotniuc had a hand in persuading broadcasters to drop the channel.³¹ Due to his oppositionist stance, in 2011, the license granted to Starnet for the retransmission of television channels in Moldova was revoked.³² Despite this fact, the company continues to operate in the telecommunications market. Ana Ursachi has previously defended the StarNet's interests .

In October 2016, in the midst of a presidential election campaign in Moldova, Alexandru Machedon was notified by law enforcement authorities of the Odessa Province that in Ukraine, a criminal case had been initiated against him on suspicion of the corruption of minors. Alexandru Machedon argued that his last visit to Ukraine had been in March 2016 and lasted less than two hours, which is confirmed by documents provided by Moldova's border guard. During this visit to Odessa Airport he spent the vast majority of the two hours travelling. Ukrainian investigators contacted Alexandru Machedon and suggested that he presented to the Investigation Department of the National Police of Ukraine in order to provide testimony. However, in light of his knowledge of the illegal extradition of Vyacheslav Platon (Kobalyev) from Ukraine to Moldova, Machedon was too afraid to establish contact with Ukrainian law enforcement authorities.

- **The case of Marina Anton**

Marina Anton is a judge of the Appellate Chamber of Chisinau.

In 2015, judicial immunity was lifted from Marina Anton and four other judges: Nina Trachuk, Mikhail Chuguryanu, Ion Secrieru and Yuri Kotrute. Subsequently, a criminal case was instituted against them. The reason for the charges was an error contained in a court decision on deprivation of parental rights.

Marina Anton stated that the criminal case against her and her colleagues concerned a technical error which had already been corrected: *"Taking advantage of the human factor, purely accidental omission in the process of drawing up a court judgment, which, by law, enters into force upon its pronouncement, and not on the date of its drafting; on the basis of a preliminary scenario, having servile media at command, and obedience of some members of the Superior Council of Judiciary, treacherous acts of public lynching have been taken."*³³

According to Anton, the criminal case was fabricated at the request of members of the judiciary Mihai Poalelunzh, Viktor Mica, Ion Drute and General Prosecutor Corneliu Gurin: *"All the levers used today are aimed at restricting my right to freedom of expression, so as not to expose all the existing problems in the system and prevent me from opposing all negative actions which are practiced."*³⁴ ³⁵

Ana Ursachi noted that Judge Marina Anton was subjected to criminal prosecution for having taken decisions which were inconvenient to Plahotniuc and for criticising the actions of judiciary personnel under his control.

³⁰ <http://newsmaker.md/rus/novosti/ploshchad-podklyuchili-k-televideniyu-starnet-zapustil-onlayn-translyatsiyu-protos-18270>

³¹ http://www.noi.md/ru/news_id/34136#close

³² <http://enews.md/news/view/15054/>

³³ <http://www.zdg.md/ru/?p=532>

³⁴ <http://jurnal.md/ru/social/2015/5/1/zarkoe-zasedanie-vsp-po-delu-pati-sudej-my-zertyvy-mesti-klanov-sudebnoj-sistemy/>

³⁵ <http://jurnal.md/ru/politic/2015/3/17/vinovny-li-5-sudej-v-tom-cto-v-moldove-samaa-korrumpirovanaa-sistema-pravosudia-v-mire-dokumenty/>

- **The case of Domnica Manole**

Domnica Manole is a judge of the Appellate Chamber of Chisinau. In March 2016, the Central Election Commission of Moldova rejected demands made by the Dignity and Truth Platform to hold a referendum on amending the Constitution. Activists claimed that they had collected approximately 400,000 signatures in support of the referendum which was to decide four issues: a return to direct presidential elections, a reduction of the number of MPs, deprivation of MP immunity and the introduction of a mechanism for parliament to recall a president.³⁶ In April 2016, Judge Domnica Manole reversed the decision of the Central Election Commission, thus paving the way for the referendum to go ahead.

On 31 May 2016, the Supreme Council of Judiciary granted the motion of the Moldovan General Prosecutor's Office to institute criminal proceedings against Domnica Manole. High Representative of the EU for Foreign Affairs and Security Policy Federica Mogherini as well as the US Embassy in Moldova subsequently expressed concern over the lack of rule of law and judicial independence in Moldova. In response, the Head of the Supreme Council of Judiciary declared that the actions of the Supreme Council of Judiciary in the case of Manola were 'transparent and independent'.³⁷ Non-governmental organisations, including Transparency International-Moldova and the Human Rights Embassy, as well as 15 judges of the Appellate Chamber of Chisinau made statements in defence of Domnica Manole.³⁸

- **The case of Radu Cibotari and Ion Matasevich**

On 24 April 2016, Radu Cibotari, Ion Matasevich, Valeriu Casu and Alexandru Penute took part in a protest rally near the residence of Vladimir Plahotniuc in Chisinau. Afterwards, they were arrested on suspicion of organising mass disorder (Art. 2, Art. 285 of the CC).³⁹ According to police, the protesters had hurled stones at police officers. In July 2016, all four were placed under house arrest.⁴⁰

- **The case of Ion Butmalai**

Ion Butmalai is a former member of the Moldovan Parliament and a member of the Liberal Democratic Party of Moldova.

Ion Butmalai has repeatedly criticised the government and the growing influence of Vladimir Plahotniuc. He has stated that Plahotniuc was wanted by Interpol and that he was involved in the embezzlement of funds from Banka de Economii. Butmalai also reported that Vladimir Plahotniuc had threatened him.⁴¹

In December 2014, he was found dead having suffered a gunshot wound to the chest. According to investigators, Butmalai committed suicide. Ana Ursachi, who knew Butmalai personally, refused to accept the claim that he had taken his own life and announced that civil society would carry out a parallel investigation.^{42, 43} According to her, prior to his death, Butmalai had complained to family members about pressure exerted upon him.

³⁶ <http://newsmaker.md/rus/novosti/apellyvatsionnaya-palata-annulirovala-reshenie-tsik-ob-otkaze-v-provedenii-referend-24130>

³⁷ <http://newsmaker.md/rus/novosti/sudite-smirno-glava-vsm-objyasnil-poslam-es-i-ssha-cto-reshenie-po-delu-domniki-m-25523>

³⁸ <http://newsmaker.md/rus/novosti/ironiya-sudi-es-raskritikoval-moldovu-za-delo-domniki-manole-25456>

³⁹ <http://www.zdg.md/ru/?p=4406>

⁴⁰ <http://www.moldnews.md/rus/news/81221>

⁴¹ <http://www.jurnal.md/ru/politic/2014/12/9/samye-gromkie-zaavlenia-iona-butmalaj/>

⁴² <http://newsmaker.md/rus/novosti/ion-butmalay-ni-s-kem-ne-borolsya-5695>

⁴³ <http://www.jurnal.md/ru/politic/2014/12/9/ion-butmalaj-mog-soversit-samoubijstvo-tol-ko-pod-besprecedentnym-davleniem/>

- **The case of Anatolie, Gheorghe and Sergiu Stepuleac**

In 2009, the Stepuleac brothers were defendants in a criminal case, accused of organising mass disorder during protests that took place on 7 April 2009, following the parliamentary elections in Moldova. Later, some of the prosecution witnesses retracted their testimonies, claiming that they were forced to give false evidence by a representative of the Interior Ministry, Alexandr Pynzar. According to the witnesses, Dorin Damir, the godson of Plahotniuc, who is involved in a running battle with the Stepuleac family in connection with conflicting business interests, was involved in the case.⁴⁴

On 6 November 2007, the ECHR took the side of the Stepuleac family and ordered that the Moldovan authorities pay them compensation. According to the media, criminal cases were instituted in Moldova against Damir Dorin, Alexandr Pynzar and others involved in fabricating the charges.

On 30 November 2016, pro-government media, in particular today.md, accused Anatolie Stepuleac of providing wiretapping devices to Ana Ursachi's office to be used for the purpose of eavesdropping on judges, prosecutors and opposition politicians.⁴⁵ Anatolie Stepuleac publicly supports Ana Ursachi, and according to him, it is due to the support he has received from her that the smear campaign has been launched against him. Currently, a criminal case against Anatolie Stepuleac is being initiated in Moldova.

- **The case of Renato Usatii**

Renato Usatii is an opposition politician and the leader of Our Party, the Bălți municipality mayor. Our Party has a reputation as a pro-Russian political force. In April 2016, Renato Usatii paid a visit to occupied Crimea, where he met with the head of the self-proclaimed government, Sergei Aksyonov. On his website, Usatii referred to Aksyonov as the head of the Republic of Crimea.⁴⁶

The Moldovan authorities accused Usatii of fraud (Art. 190, section 5 of the CC of the RM) and attempted murder (Art. 46, Art. 27, Art. 145, section 2 of the CC of the RM). According to the prosecution, in 2011, Renato Usatii fraudulently deprived the Russian banker German Gorbuntsov of his share in Universalbank before ordering his assassination.⁴⁷

On 24 October 2016, the online portal Moldova24, referring to flight data regarding Ana Ursachi (most probably, obtained through the hacking of the attorney's email account) spread information that, allegedly, on the night of 23 October 2016, in line with a secret instruction by Renato Usatii, Ursachi was to arrive in Minsk for a meeting with representatives of the Belarusian Prosecutor's Office scheduled for the following day.⁴⁸ As it transpired, on 24 October 2016, Ana Ursachi participated in a press conference in Kiev. The press conference was devoted to the issue of the illegal extradition of Vyacheslav Platon (Kobalyev) from Ukraine to Moldova.⁴⁹

On 24 October 2016, the court of the district Centre of the Chisinau issued a warrant for the 30-day arrest of Renato Usatii and granted a petition from the prosecutor to place Usatii on the international wanted list. At the moment, he is residing in Moscow. He states that Interpol has now removed his name from the wanted list.⁵⁰

Renato Usatii actively criticizes Vladimir Plahotniuc, noting that he 'captured the State'. He claims to be a witness in the case of the assassination attempt on Gorbuntsov, which is being investigated in Great

⁴⁴ <http://www.jurnal.md/ru/usticia/2016/10/27/kisinevskaa-apellacionnaa-palata-opravdala-glavu-gip-po-delu-7-aprela/>

⁴⁵ <http://today.md/ro/news/social/12205/EXCLUSIV--Todaymd-a-intrat-%C3%AEn-posesia-unei-%C3%AEnregistr%C4%83ri-video-din-arhiva-Anei-Ursachi.htm>

⁴⁶ <http://ru1.md/usatyj-uchastvuet-v-rabote-ii-yaltinskogo-mezhdunarodnogo-ekonomicheskogo-foruma/>

⁴⁷ <https://ru.crimemoldova.com/news/kriminal/prokuratura-moldovy-obvinyayet-renato-usatogo-v-popytke-ubiystva-germana-gorbuntsova/>

⁴⁸ <http://moldova24.info/2016/10/exclusiv-ana-ursachi-a-zburat-la-minsk-insarcinata-de-renato-usatii-cu-o-misiune-noua-dovada-foto/>

⁴⁹ <http://press.unian.net/event/8557-ekstraditsiya-platona-proval-mejdunarodnoy-politiki-ili-prodaja-ukrainskih-grajdan-za-milliard.html>

⁵⁰ <http://newsmaker.md/rus/novosti/renato-usatyv-zavavil-cto-snyat-s-mezhdunarodnogo-rozyska-28171>

Britain. He links his criminal prosecution to the fact that Vladimir Plahotniuc fears that the direct executor of the assassination attempt, Vitaly Proca will name his paymaster: *"They initiated the case on 16 October. It was very recently, just as Plakhotnyuk realised that the killer would report him and there was a need to blame someone else for the crime"*.⁵¹

- **The case of Razvan Paveliu, and Viorel Topa**

During a press conference in 2010, businessmen Viorel Topa and Razvan Paveliu enunciated that Vladimir Plahotniuc had carried out raider attacks on their businesses: from Topa – the shares of the Banca de Economii, from Paveliu – the TVR1 channel. After that, the Moldovan authorities brought criminal charges against them (the case of the Atrium company). Viorel Topa was accused of forging documents (Art. 42, para. 3, Art. 361, para. 2 of the CC) and large-scale money laundering (Art. 42, para. 3, Art. 243, para. 3 of the CC) in the Atrium company and Razvan Paveliu of complicity in the crimes. Both Topa and Paveliu stated that the case was fabricated by investigators working for Plahotniuc.⁵²

On 29 September 2016, the Buiucani District Court in Chisinau ruled on the case and sentenced Razvan Paveliu in absentia to 8 years in prison, and Viorel Topa to 9 years.⁵³ Previously, on 13 January 2012, the same court sentenced Viorel Topa in absentia to 8 years in prison having convicted him of the embezzlement of 11 million lei (approx. 0.9 million dollars) through the Banca de Economii (Art. 191, section 5 of the CC: embezzlement of property on a particularly large scale).⁵⁴ In its latest decision, the court merged two cases, and for this reason, Viorel Topa faces 15 years in prison.

In May 2013, Interpol removed Viorel Topa's name from the wanted list, recognising the prosecution as politically motivated. Currently, Viorel Topa and Razvan Paveliu reside outside the territory of Moldova.

- **The case of Grigore Petrenco**

Grigore Petrenco is a leader of the political party "Casa Noastră — Moldova" (Our Home - Moldova). Grigore Petrenco and other six persons were detained when they were peacefully protesting against the Plahotniuc's regime on 6 September 2015. The group of Petrenco were jailed and subjected to detention for six months. Petrenco considered his case politically motivated and fabricated, declaring that the main purpose of this action was the intimidation of protesters and active representatives of the Moldovan civic society⁵⁵.

30 September 2015 PACE representatives signed Written declaration calling to immediately release all political prisoners in Moldova. According to the declaration, on 6 of September 2015 Grigore Petrenko and thousands of other activists peacefully rallied "for release of the state institutions from the influence of oligarch Plahotniuc"⁵⁶.

- **The case of Vyacheslav Platon (Kobalyev)**

Platon (Kobalyev) is a businessman and former member of the Moldovan Parliament from the party Moldova Noastra Alliance. Platon (Kobalyev) declared his readiness to give testimony to American and European investigators concerning the possible involvement of Vladimir Plahotniuc in the corruption schemes. After that, on 22 July 2016, Moldovan authorities accused Platon (Kobalyev) of both fraud and

⁵¹ <http://newsmaker.md/rus/novosti/ya-dokazhu-cto-eto-politicheskoe-delo-renato-usatyy-vyskazalsya-po-povodu-obvinen-27994>

⁵² <http://press.try.md/item.php?id=115301>

⁵³ <http://pan.md/zakon/tsopa-osujden-zaochno-esche-po-odnomu-ugolovnomu-delu>

⁵⁴ http://www.vedomosti.md/news/Viorel_Tsopa_Obyavlen_V_Rozyisk_I_Dolzhen_Byt_Arestovan

⁵⁵ <http://jurnal.md/en/politic/2016/5/12/grigore-petrenco-plahotniuc-s-governance-used-our-case-to-intimidate-the-forces-of-opposition-and-the-civic-society-in-our-place-stay-other-protesters/>

⁵⁶ <https://southfront.org/mps-of-all-pace-factions-demand-release-of-petrenko-group-in-moldova/>

money laundering (Art. 190 and Art. 243 of the CC of Moldova). The charges were brought after the questioning of another accused - businessman Ilan Sor, Plahotniuc's business partner.⁵⁷

On 29 August 2016, Platon (Kobalyev) was extradited from Ukraine to Moldova on a chartered plane paid for by the Moldovan authorities.⁵⁸ The extradition was carried out in gross violation of the law.

Article 590 Code of Criminal Procedure prohibits extradition until such time that the deadline for appealing against the extradition order has passed. However, the General Prosecutor's Office of Ukraine and the Ukrainian Security Service did not permit Platon (Kobalyev) to exercise his right to appeal. Moreover, Platon (Kobalyev) holds a Ukrainian passport and the Ukrainian Constitution prohibits the rendering of its citizens. And yet, in the absence of any court rulings, the General Prosecutor's Office of Ukraine determined that his passport was counterfeit.

In Moldova, Platon (Kobalyev) is being held in detention in the basement of Chisinau Penitentiary Facility No. 13 and has stated that he is being held under inhumane conditions of detention. On 7 September 2016, representatives of Amnesty International were refused access to the facility. The case against Platon (Kobalyev) is being supervised by the head of the Anti-Corruption Prosecutor's Office, Viorel Moraru, who, according to the counsels and some Moldovan media environment, is an associate of Plahotniuc.

5. THE REACTION OF THE INTERNATIONAL COMMUNITY

The international community has expressed concern over the criminal prosecution of Ana Ursachi, as well as the deterioration of the human rights situation in Moldova in general.

On 11 October 2016, 21 members of the PACE signed a declaration in which they condemned the criminal prosecution for political reasons of a number of persons in Moldova (Victor Topa, Viorel Topa, Vyacheslav Platon (Kobalyev), whose interests are being defended by Ana Ursachi. The MPs called on Moldova to honour its commitments in the field of the protection of human rights and to cease the practice of intimidating politicians, civil society activists and key witnesses in high-profile criminal cases.⁵⁹

On 7 November 2016, German Ambassador to the Republic of Moldova, Ulrike Knotts expressed her concern over the persecution of Ana Ursachi and called for adherence to the principle of the presumption of innocence.⁶⁰

On 16 November 2016, Member of the Bundestag, Frank Schwabe addressed the Ambassador of the Republic of Moldova, as well as the Minister of Justice and General Prosecutor of the Republic of Moldova with written inquiries: "Is it possible to protect Ana Ursachi from the hate campaign which has been launched against her in Moldova?" and "How is Vyacheslav Platon's (Kobalyev's) right to a defence being ensured?"

On 16 November 2016, in her statement to the Ambassador of the Republic of Moldova in Poland, Member of the Polish Sejm, Kornelia Wróblewska, expressed her concern over the dubious criminal prosecution and slanderous media campaign being waged against Ana Ursachi.

⁵⁷ Tor is also accused, but after giving evidence, he was released from custody and placed under house arrest. According to Shore, he took loans from two Moldovan banks, however, Plato (cobalt) allegedly seized these funds. At the same time, we know that on 04/02/2015 the international consulting company Kroll prepared the results of its investigation, according to which "in order to establish the identity of the final beneficiaries 8 billion Moldovan lei ... a full judicial inquiry is required. However, it is clear that Ilan Shor, and persons associated with him, were very much involved in the scheme " - <http://candu.md/opinii/raportul-kroll/>

⁵⁸ <http://press.unian.net/multimedia/video-1/51635-ekstraditsiya-platona-proval-mejdunarodnoy-politiki-ili-prodaja-ukrainskih-grajdan-za-milliard.html>

⁵⁹ <https://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=23134&lang=EN>

⁶⁰ <https://www.facebook.com/deutsche.botschaft.chisinau/photos/a.346743922296.152091.323207282296/10154153024007297/?type=3&theater>

At the end of November 2016, a number of activists from Moldova addressed representatives of the EU, the PACE and the US with an appeal to defend Ana Ursachi. *"Since September 2016, Ana Ursachi, in defence of Platon (Kobalyev), published a significant piece of evidence concerning Vlad Plahotniuc's involvement in illegal and criminal financial transactions. This fact prompted a huge reverberation in the Moldovan media, as well as during Ana Ursachi's meetings with European politicians and diplomats, including the European Parliament and the PACE ... The case of Ana Ursachi is a continuation of a series of political persecutions by the oligarch Plahotniuc"*, - they stated in the letter signed by independent journalist Natalia Morar, a former Ambassador of Moldova at the Council of Europe and the UN Alexey Tulbure, editor-in-chief of the Omg.md online portal Alexandr Petkov, member of the European Business Association Alexandru Machedon and others.

6. CONCLUSIONS

The criminal prosecution of the Moldovan attorney Ana Ursachi is illegal and bears signs of a political order. It is noteworthy that the resumption of the criminal case was initiated at the very moment when Ana Ursachi became involved as a defence counsel in the case against Vyacheslav Platon (Kobalyev) who expressed his intention to give evidence against the influential oligarch Vladimir Plahotniuc.

The Open Dialog Foundation believes that the allegations of involvement in the crime of 19 years ago is merely a cloaked attempt to tarnish the name of a famous counsel and to have her removed from the case against opponents of Vladimir Plahotniuc. To this end, extensive media resources owned by the Moldovan oligarch as well as his influence on the country's law enforcement agencies are employed.

At present, Moldavia's prosecutor's office is striving to bring about, through the courts, the arrest of Ana Ursachi. Due to this fact, the counsel cannot return to Moldova in order to continue to defend her clients as there is a real risk that she would be taken into custody.

In addition, Eduard Rudenco, Ana Ursachi's counsel, and also a participant in the defence of Plahotniuc's opponents: Grigore Petrenko, Vyacheslav Platon (Kobalyev) and Sergey Cebotar, was also subjected to criminal prosecution. The criminal prosecution of the counsels: Ana Ursachi and Eduard Rudenco constitute a disturbing sign of U-turn by the Moldovan authorities from the declared democratic direction and commitments in the field of human rights. The EU and US authorities should react to these incidents by sending to the Moldovan authorities, a clear message underlining the inadmissibility of the prosecution of attorneys for their professional activities and criticism of the ruling elites.

We hereby call on the Moldovan authorities to adhere to their commitments to respect human rights and cease the illegal prosecution of the counsel Ana Ursachi.

We also call on the international community to speak out in defence of Ana Ursachi, Moldovan social activist and attorney who has suffered both due to her professional activities her and civic position.

All those willing to support our demands are requested to address the following persons and institutions:

Contacts in Moldova:

- President of the Parliament of the Republic of Moldova Andrian Candu - MD-2073, Chişinău, Bd. Ştefan cel Mare şi Sfânt 105, e-mail: viorica.stanislavciuc@parlament.md, tatiana.ursachi@parlament.md, fax: 022 268 491, phone: 022 820 390;
- General Prosecutor of the Republic of Moldova Eduard Harunjen – MD-2005, Chişinău, Mitropolit Gavriil Bănulescu-Bodoni str, 26, phone: +373 022 225 075

- Minister of Justice of the Republic of Moldova Vladimir Cebotari – MD-2012, Chişinău, 31 August 1989 str, 82, e-mail: secretariat@justice.gov.md, phone: (+373 22) 23 47 95;
- Ombudsman of the Republic of Moldova Mikhail Cotorobai - MD-2012, Chişinău, 16 Sfatul Tarii str, e-mail: cpdom@mdl.net, phone: (+373 22) 23 48 00;

International contacts:

- PACE President Pedro Agramunt — e-mail: pedro.agramunt@senado.es, tel: +33 88 41 23 41;
- OSCE PA Presidente Christine Muttonen — e-mail: christine.muttonen@parlament.gv.at, tel: +43 (1) 401 10 3660, +43 (1) 401 10 3444;
- OSCE PA Chair of the Committee on Democracy, Human Rights and Humanitarian Questions Ignacio Sanchez Amor – e-mail: crisrina.casado@gps.congreso.es, tel: +34 91 390 6919;
- European Parliament President Martin Schulz - 1047 Brussels, Belgium, Bât. Paul-Henri Spaak 09B011, Rue Wiertz / Wiertzstraat 60, e-mail: martin.schulz@europarl.europa.eu, tel: +32(0)2 28 45503 (Brussels), +33(0)3 88 1 75503 (Strasbourg);
- EU High Representative for Foreign Affairs and Security Policy Federica Mogherini – 1049 Brussels, Rue de la Loi / Wetstraat 200, e-mail: federica.mogherini@ec.europa.eu, tel: +32 2 584 11 11; +32 (0) 2 295 71 69;
- The Head of the European Parliament Committee on Foreign Affairs Elmar Brok – 1047 Brussels, Belgium, Bât. Altiero Spinelli 05E240, Rue Wiertz / Wiertzstraat 60, e-mail: elmar.brok@europarl.europa.eu, tel: +32(0)2 28 45323 (Brussels), +33(0)3 88 1 75323 (Strasbourg);
- The Head of the European Parliament Subcommittee on Human Rights Elena Valenciano - 1047 Brussels, Belgium, Bât. Altiero Spinelli 11G354, Rue Wiertz / Wiertzstraat 60, e-mail: elena.valenciano@europarl.europa.eu, tel: +32(0)2 28 45846 (Brussels), +33(0)3 88 1 75846 (Strasbourg);
- The President of the European Council Donald Tusk — 1048 Brussels, Rue de la Loi / Wetstraat 175, e-mail: donald.tusk@european-council.europa.eu, tel: +32 2 28 15650;
- The President of the European Commission Jean-Claude Juncker – 1049 Brussels, Belgium Rue de la Loi / Wetstraat 200, e-mail: president.juncker@ec.europa.eu;
- The Secretary General of the Council of Europe Thorbjørn Jagland - e-mail: thorbjorn.jagland@coe.int, tel: + 33 (0)3 88 41 20 00;
- United Nations High Commissioner for Human Rights Ra'ad Zeid Al-Husseini – Palais des Nations CH-1211 Geneva 10, Switzerland, tel: +41 22 917 9220;
- United Nations High Commissioner for Refugees Filippo Grandi - Case Postale 2500 CH-1211 Genève 2 Dépôt, Switzerland, тел: +41 22 739 8111.