

HAS THE STATE BEEN CAPTURED YET AGAIN?

**CORRUPTION AND POLITICAL
PERSECUTIONS IN MOLDOVA**



OPEN DIALOGUE

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The Open Dialogue Foundation (ODF) was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovska (who currently serves as President of the Foundation). Since its founding, [statutory objectives](#) of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. The Foundation originally focused its attention primarily on Kazakhstan, Russia, Ukraine and – since 2016 – Moldova, but this area of interest was expanded in July 2017 due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments.

ODF pursues its goals through the organisation of observation missions, monitoring especially individual human rights' violation cases. It also advocates for international legislation better serving human rights, such as the Magnitsky Act or the adding of conditionality clauses to EU & international financial assistance programmes directed at non-democratic states and hybrid regimes. The Foundation also has extensive experience in the field of protection of the rights of political prisoners and refugees.

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The Foundation has its permanent representative offices in Warsaw and Brussels.

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1. SUMMARY

The fall of Vladimir Plahotniuc's regime

The Democratic Party of Moldova came to power in the Republic of Moldova for the first time in 2013. Over 6 years, the party and its leader the oligarch Vladimir Plahotniuc managed to establish control over the key state bodies and to usurp power in the state. The government was sabotaging the conducting of systemic reforms in Moldova, while the law-enforcement bodies were being used for persecuting the opposition and civic activists.

Parliamentary elections took place in Moldova in February 2019. Victory at the elections was secured by the Party of Socialists of the Republic of Moldova (PSRM), which had previously been headed by the current president Igor Dodon. Likewise getting into the parliament were the Democratic Party of Moldova (DPM), controlled by Vladimir Plahotniuc, the ACUM bloc¹, and the «ŞOR» party. 36 deputies from the PSRM made it into the parliament, 30 deputies from the DPM, 25 deputies from ACUM, and 7 deputies from «ŞOR».

Coalition talks between the two winners of the parliamentary elections – the pro-Russian Party of Socialists and the Democratic Party – were not crowned with success. Under pressure from the international community, on 8 June 2019 the Party of Socialists created a coalition with the pro-Western ACUM bloc, which had garnered third place at the parliamentary elections. The Democratic Party went into opposition, while the oligarch Vladimir Plahotniuc was hurriedly fleeing the country.

Sandu's government

On 8 June 2019 a government was formed in Moldova that was headed by one of the leaders of the ACUM, Maia Sandu. The objectives of the new government were proclaimed to be deoligarchisation, fighting corruption, and conducting reform of justice.

Sandu's government as formed predominantly of representatives of the ACUM bloc (9 of the 11 members). That said, ACUM has only 25 places out of 101 in the parliament. In such a manner, right from the start, conditions were created under which all political responsibility for the adoption of decisions in the state was laid on ACUM; however, that said, ACUM did not have the needed support in parliament for the realisation of its initiatives.

Right from the very beginning of its work, Sandu's government ran into the problem of purging the key bodies of state of persons who had compromised themselves by cooperating with Vladimir Plahotniuc's corrupt regime.

Society was expecting new persons at the head of key state bodies from the government; however, in many cases, representatives of Vladimir Plahotniuc's regime were not removed from the posts they held. This impacted society's attitude toward the government's actions in a negative manner.

Conflict within the coalition

Sandu's position of principle in the question of reforming the justice system in Moldova and appointing independent specialists to executive positions in key bodies of state led to conflict within the coalition. Maia Sandu tried to change the procedure for choosing the general prosecutor, after which the Socialists announced about a violation of the coalition agreements.

¹ ACUM – a political alliance between Maia Sandu's pro-Western «Action and Solidarity» Party and Andrei Năstase's pro-Western «Dignity and Truth Platform» Political Party.

The Party of Socialists went for cooperation with the Democratic Party, which it had earlier been accusing of usurping power in the state. On 12 November 2019 they announced a vote of no confidence against Sandu's government.

Factually, the Party of Socialists used the ACUM bloc to remove the Democratic Party and Vladimir Plahotniuc from power, and later went for an alliance with what was left of the Democratic Party, in order to dispatch the pro-European political forces. That said, the Party of Socialists is now dependent on the Democratic Party, inasmuch as it does not have a majority of votes in the adoption of decisions in parliament.

Transfer of power to Igor Dodon and the Party of Socialists

After the resignation of Sandu's government, control over bodies of state factually transferred to president Igor Dodon and the Party of Socialists (PSRM).

On 14 November 2019 the Party of Socialists, with the support of the Democratic Party, appointed a new government, which was headed by Igor Dodon's former advisor Ion Chicu.

Persons connected with the Party of Socialists and Dodon head the government, the Constitutional Court, and the parliament, as well as the biggest city in the country - Chişinău. Half of the members of the new "technocratic" government are former advisors to Dodon. Besides that, the Socialists have influence over the top leadership of the bodies of the prosecutor's office.

The status of politically motivated criminal cases in Moldova

After Sandu's government had come to power, some instances of politically motivated political persecutions were stopped – the cases of Domnica Manole, Dorin Munteanu, Veaceslav Țurcan, and Maxim Belinschi. The case of Ion Crețu was sent to court for reconsideration.

Nevertheless, many politically motivated criminal prosecutions that had been initiated by the law enforcement bodies under Plahotniuc's control were continued under Sandu's government - the cases of Ana Ursachi, Eduard Rudenco, Alexandru Bernaz, Alexei Alexeev, Ruslan Verbițchi, Alexander Raichuk, Valentin Eșanu, Gheorghe Petic, and Serghei Cebotari, as well as the case of the Open Dialogue Foundation and Lyudmyla Kozlovska. With respect to the case of Grigore Petrenco, which is being examined by the ECHR, the Ministry of Justice of Moldova refused to acknowledge a violation of the rights of the applicants on the part of Moldova.

2. NEGOTIATIONS ABOUT A COALITION BETWEEN THE PARTY OF THE SOCIALISTS AND THE DEMOCRATIC PARTY

Prior to the formation of the coalition with the ACUM bloc, the presidential Party of Socialists had been trying to form a coalition with the Democratic Party, which was being headed by Vladimir Plahotniuc.

On 8 and 9 June 2019 the Publika TV television channel, owned by Vladimir Plahotniuc, published several video recordings made with a hidden camera² on which a conversation between Igor Dodon and Vladimir Plahotniuc is recorded. Proceeding from the video, Dodon and Plahotniuc were discussing a future coalition between the Party of Socialists and the Democratic Party. In particular, they were

² https://ru.publika.md/vidiodokazatelstvo-3-dodon-poluchal-denezhnye-perevody-s-rossii-v-razmere-do-odnogo-milliona-dollarov_2181835.html ; https://ru.publika.md/vidiodokazatelstvo-igor-dodon-nastaivaet-na-federalizacii-rm_2181829.html ; https://ru.publika.md/vidiodokazatelstvo-2-dodon-skazal-cto-rossiya-zakroet-vse-ugolovnye-dela-na-plahotnyuka-posle-podpisaniya-soglashenie-o-federalizacii-rm_2181830.html

talking about entering into some kind of agreement between the two parties, which it was being planned to sign in the presence of Russia's ambassador. They were likewise discussing the distribution of the ministries in the future government.

On the video, Dodon reports that he had been getting money from Russia for support of the Party of Socialists. Dodon is saying that vice-premier of Russia Dmitry Kozak had told him that it is imperative to "keep Plahotniuc" [in power — *Ed.*] and that he should take upon himself the expenses for funding the Party of Socialists. Factually, Kozak had in mind the necessity of forming a coalition between the Party of Socialists and the Democratic Party. The video confirms that the Party of Socialists remains under the control of Igor Dodon despite the fact that officially he left it after taking the post of president.

Based on the fact of the video recordings that had been made public, the General Prosecutor's Office began an investigation into illegal funding of the Party of Socialists from beyond the border. However, in July 2019 this case was closed. The prosecutors had supposedly heard Dodon and Plahotniuc and had not found any facts of illegal funding of the Party of Socialists³.

3. SANDU'S GOVERNMENT: DERAILMENT OF HOPES FOR SWIFT REFORMS

Based on the results of the parliamentary elections, not a single one of the parties was able to gather a sufficient quantity of votes to form a ruling majority in parliament. This triggered a political crisis in the country. After long negotiations and pressure from the international community, a coalition was formed in parliament between the pro-Russian Party of Socialists and the pro-Western ACUM bloc. On 8 June 2019 leader of the «Action and Solidarity» Party Maia Sandu was chosen as Prime Minister of Moldova.

Vladimir Plahotniuc was fleeing the country. He divested himself of the duties of chairman of the Democratic Party and relinquished his deputy's mandate.

On 08 June 2019 Moldova's parliament adopted a declaration that recognised the republic as a "captured state". The oligarchic regime headed by Vladimir Plahotniuc was condemned in the declaration. It is noted in the declaration that key bodies and institutions of state had been usurped by Vladimir Plahotniuc and the Democratic Party of Moldova. Parliament expressed a vote of no confidence in the general prosecutor, the leadership of the Information and Security Service, the members of the Central Electoral Commission, members of the Council for Television and Radio Broadcasting, and the top leadership of the National Integrity Authority, as well as the top leadership of the Higher Judicial Chamber [Supreme Court — *Ed.*]⁴.

The adopted declaration designated two key tasks for the new authorities:

- **purging the bodies of state of persons who had compromised themselves by cooperating with Vladimir Plahotniuc's corrupt regime;**
- **bringing to account those who had been involved in the usurpation of power in Moldova in the period of the Democratic Party's rule, in first order, Vladimir Plahotniuc.**

Both tasks fell through, which led to the resignation of Sandu's government, on which all political responsibility for the actions of the new authorities had been laid.

³ <https://newsmaker.md/rus/novosti/plahotnyuk-i-dodon-dogovorilis-o-bartere-nestase-potreboval-vozobnovit-rassledovanie-o-nezakonnom-finansirovanii-psrm/>

⁴ <https://acum.md/declaratia-cu-privire-la-recunoasterea-caracterului-captiv-al-statului-republica-moldova/>

3.1. Change of leadership of the Constitutional Court and the bodies of the prosecutor's office

Maia Sandu called reform of justice goal number one of her government's activity. However, from the very beginning, the new government ran up against the problem of revamping the personnel composition of judicial and law enforcement bodies. On 28 August 2019, after nearly 3 months had passed since the start of her government's work, Sandu admitted that "the courage and will to purge these structures" are absent in the judicial system and the bodies of the prosecutor's office⁵.

- **The Constitutional Court**

In June 2019 the entire makeup of the Constitutional Court of Moldova announced about its resignation in connection with charges of abetting an anti-constitutional coup organized by the Democratic Party. The new makeup of the Constitutional Court began its work on 16 August 2019. On 19 August 2019 **Vladimir Țurcan** was elected chairman of the court. Before this he had been a deputy in the parliament from the Party of the Socialists. The chairman of the court is elected by all 6 judges of the Constitutional Court by secret ballot.

Maia Sandu attacked the election of Țurcan as chairman of the Constitutional Court. She declared that the election of a representative of the Party of Socialists as head of the court undermines trust in the institution of the Constitutional Court and that the voting could have been erroneous⁶. She asked all of the judges to publicly name for whom they had given their vote. Judge Domnica Manole declared that she had not voted for Țurcan⁷. One more judge, Liuba Șova, declared that the election of Țurcan had been planned in advance and that people from parliament had approached her and asked her to cast a vote for Țurcan⁸.

- **The bodies of the prosecutor's office**

On 8 June 2019 parliament cast a vote for a vote of no confidence in general prosecutor **Eduard Harunjen** in connection with complicity in the usurpation of power in the state. However, Harunjen continued to hold the post of general prosecutor for a span of another month after this. On 7 July 2019 minister of internal affairs Andrei Năstase demanded that the general prosecutor's office open a criminal case against Harunjen for complicity in the usurpation of power. Only after this did Harunjen submit his resignation, which was accepted on 11 July 2019.

On 17 September 2019 **Viorel Morari** was restored to the post of head of the Anti-Corruption Prosecutor's Office. He had been head of the agency since 2016 and had submitted his resignation in April 2019 after he had been accused of involvement in a raider attack on the Molinart Grup company⁹. Later, Morari declared that he had been wrongfully ousted and demanded restoration to the post.

Morari likewise figured in other corruptional scandals. In August 2016 documents (in the Romanian language)¹⁰ were laid out on the offshoreplaha blog, which is registered in Wordpress, that bear witness that firms affiliated with Plahotniuc had been paying Moldovan judges and senior officials of the law enforcement bodies for the opening of criminal cases and the adoption of the needed decisions with respect to them. Figuring in the lists of persons who received money is head of the Anti-Corruption Prosecutor's Office Viorel Morari¹¹.

⁵ <https://ru.sputnik.md/society/20190828/27390029/reforma-yustitsii-moldova-sudey-i-prokurorov-zhdet-zhestkaya-chistka.html>

⁶ <https://www.facebook.com/maia.sandu/posts/1050758375132781>

⁷ <https://point.md/ru/novosti/obschestvo/domnika-manole-ia-ne-golosovala-za-vladimira-tsurkana>

⁸ <https://nokta.md/sudya-ljuba-shova-reshenie-o-naznachenii/>

⁹ <https://newsmaker.md/rus/novosti/glava-antikorrupsionnoy-prokuratury-viorel-morar-podal-v-otstavku-obnovleno-43288/>

¹⁰ <https://offshoreplaha.wordpress.com/2016/08/30/схемы-плахотнюка-в-оффшорах-и-лицах/>

¹¹ <http://www.btv.md/klan-plahotnyuka-prokurory-i-sudi-poluchali-desyatki-tysyach-dollarov-za-konkretnye-ugolovnye-dela/?fbclid=IwAR3Ed2WRUZUCzTI2X4gDPXy6-GKGBQX663BaiTzMLDyfmcdH4vEWRdqxRA>

3.2. Investigation of criminal cases in relation to Vladimir Plahotniuc

The bodies of the prosecutor's office, the top leadership of which had not been replaced after the transfer of power sabotaged the criminal prosecution of leader of the Democratic Party Vladimir Plahotniuc:

1. Criminal cases against Vladimir Plahotniuc in Moldova were begun only under public pressure. On 22 July 2019 head of the Ministry of Internal Affairs Andrei Năstase reported that the agency through its channels had received a letter from Switzerland's authorities about the intention to transfer information with respect to a criminal case against Vladimir Plahotniuc that is being investigated in Switzerland. The Moldovan authorities were supposed to confirm receipt of this information before 21 July 2019. Năstase declared that the General Prosecutor's Office and the Anti-Corruption Prosecutor's Office had suppressed the fact of receiving the given letter, in order to impede the starting up of a criminal case against Vladimir Plahotniuc. In particular, complicit in this was former general prosecutor Eduard Harunjen. Năstase complained about Harunjen to the Higher Council of Prosecutors; however, they ignored his filing there¹².

In December 2019 Switzerland and Liechtenstein prohibited entry onto their territory to Vladimir Plahotniuc. The official reason is not indicated; however, this is likely connected with the criminal investigation against Plahotniuc in Switzerland¹³.

2. On 26 October 2019 head of the Anti-Corruption Prosecutor's Office Viorel Morari recounted that he had previously not initiated criminal cases against Plahotniuc because he "had not dared to"¹⁴. He likewise admitted that when he was head of the Anti-Corruption Prosecutor's Office, he had been in the office of the Democratic Party, where he had spoken with Vladimir Plahotniuc about "emerging problems"¹⁵.

The tenure of Viorel Morari, who had earlier been accused of corruptional collaboration with Vladimir Plahotniuc, at the post of head of the Anti-Corruption Prosecutor's Office, creates a conflict of interests and may do harm to the investigation of criminal cases that the Anti-Corruption Prosecutor's Office is conducting against Plahotniuc. In August 2019, still before Morari's restoration to the post, the Anti-Corruption Prosecutor's Office reported that it is investigating a criminal case in relation to Plahotniuc on a charge of forming a criminal group, blackmail, fraud, and money laundering¹⁶. On 23 September 2019 the Anti-Corruption Prosecutor's Office opened two criminal cases against Plahotniuc based on the fact of money laundering in particularly large amounts¹⁷, while on 29 October 2019 yet another criminal case on a charge of unlawfully receiving a second Moldovan passport was opened. There are also analogous fears in relation to a criminal investigation about usurpation of state power by the Democratic Party, which is being investigated by the General Prosecutor's Office since August 2019.

Moldova is trying to declare Vladimir Plahotniuc an internationally wanted fugitive through the line of Interpol, and is likewise searching for him through the mechanisms of inter-state legal assistance¹⁸.

¹² <https://ru.sputnik.md/society/20190722/26952837/nastase-trebuat-srochno-vozbudit-ugolovnoe-delo-po-faktu-uzurpatsii-vlasti.html>

¹³ <https://www.facebook.com/dumitru.alaiba/photos/a.601680736937140/811036799334865/?type=3&theater>

¹⁴ https://www.youtube.com/watch?time_continue=4996&v=eAJ5BzdKd9E

¹⁵ <http://tv8.md/2019/06/19/ex-seful-procuraturii-anticoruptie-viorel-morari-da-am-fost-la-sediul-pdm-am-discutat-inclusiv-cu-vlad-plahotniuc-tet-a-tet/>

¹⁶ <https://ru.sputnik.md/society/20190830/27407805/procuror-soobschil-ob-ugolovnom-dele-gde-figuriruet-plahotniuc.html>

¹⁷ <https://ru.sputnik.md/society/20191010/27821255/morari-procuratura-anticoruptie-trebuat-obyavit-plahotniuc-rozysk.html>

¹⁸ <https://ru.sputnik.md/politics/20191204/28426102/Dodon-Interpol-esche-ne-obyavil-Plahotnyuka-v-mezhdunarodnyy-rozysk--.html>

3.3. Dubious actions by ACUM members that have undermined trust in the government

Some compromising actions by representatives of the ACUM bloc may have negatively impacted the rating of Sandu's government and has contributed to Andrei Năstase's loss at the elections of the mayor of Chişinău.

- Minister of Internal Affairs Andrei Năstase appointed his relative Veaceslav Țurcan head of the General Inspectorate of Police¹⁹.
- Former head of the sixth administration of the National Inspectorate of Investigation Anatolie Macovei reported that he had approached minister of internal affairs Andrei Năstase several times with reports about incidence of raider attacks on business, attacks and extortions, attempts to take ownership of property from citizens, which bear an organised character and are continuing in Moldova. In Macovei's words, complicit in the commission of the crimes are, among others, representatives of Moldova's law enforcement bodies. Macovei asserts that he had proposed ways of resolving the given problem to Năstase; however, that one had replied that it is not yet the time for this²⁰.
- By the votes of 54 deputies, the coalition of the Party of Socialists and the ACUM bloc appointed Vladimir Țurcan and Domnica Manole as judges of the Constitutional Court. At the parliamentary elections, Manole had been a candidate from the ACUM bloc. The parliament did not take into account the results of a competition conducted by the parliamentary commission, which had recommended appointing Nicolae Eșanu and Vladimir Grosu as judges of the Constitutional Court. 13 Moldovan NGOs expressed concern in connection with the fact that the parliament had ignored the results of the competition²¹. Factually, the governing coalition had divided up the places in the Constitutional Court under the parliament's quota among itself. This evoked public indignation²².
- Due to her vacation, Minister of Justice Olesia Stamate did not take part in a session of the Higher Council of the Magistracy at which judges of the Constitutional Court under the council's quota were being elected. After this Stamate was subjected to criticism from the public because she had gone on holiday at a critical moment²³.
- Local elections took place in Moldova on 20 October 2019. As at the parliamentary elections, Maia Sandu's «Action and Solidarity» Party and Andrei Năstase's «Dignity and Truth Platform» Political Party participated in the elections as the united ACUM bloc. However, after the elections in some districts of Moldova the «Dignity and Truth Platform» was voting together with the Party of Socialists and the Democratic Party, factually acting as a coalition. This led to a certain cooling of relations within the ACUM bloc²⁴.

3.4. The conflict around the procedure for choosing a new general prosecutor

On 16 September 2019 Moldova's parliament introduced amendments to the Law on the Prosecutor's Office. According to the amendments, the preliminary selection of candidates for the post of general prosecutor must be conducted by a special commission under the Ministry of Justice on the basis of a public competition. After confirmation several candidacies must be passed on for the consideration of

¹⁹ <https://point.md/ru/novosti/politika/sandu-prokomentirovala-naznachenie-kuma-nestase-na-dolzhnost-ispolniaiushchego-obiazannosti-nachalnika-gjp>

²⁰ https://www.youtube.com/watch?v=Ff3xgvUINGE&feature=share&fbclid=IwAR0oJfUWxNzLPcmKXW7pu8FnsP1bmtRSSRMy68ptfgThciLLldOGB_ii-go

²¹ <https://newsmaker.md/rus/novosti/13-npo-raskritikovali-naznachenie-sudej-ks-vne-konkursa/>

²² <https://newsmaker.md/rus/novosti/fedya-esli-ugadaesh-v-kakoj-ruke-monetka-to-segodnya-pem-kak-v-soczsetyah-obsudili-reshenie-parlamenta-naznachit-manole-i-pulbere-sudyami-ks/>

²³ <https://omg.md/index.php?newsid=16968>

²⁴ <https://newsmaker.md/rus/novosti/ya-poluchila-trevozhnye-signalny-iz-bryusselya-sandu-rasskazala-chto-budet-s-kvotami-na-eksport-v-es-kak-ona-otnositsya-k-filatu-i-budet-li-uchastvovat-v-parlamentskih-dovyborah/>

the Higher Council of Prosecutors in order to choose the sole candidate, and afterwards - for confirmation to the President of Moldova.

The Ministry of Justice conducted a competition and on 29 October 2019 announced the names of 4 candidates for the post of general prosecutor. The public attacked²⁵ the results of the competition, inasmuch as, despite the declarations of intent to revamp the system, three of the four winners of the competition were prosecutors. That said, the lawyer Ștefan Gligor, who enjoyed the support of Moldovan civil society, was not confirmed into the final list of candidates for the post of general prosecutor²⁶.

The competition commission consisted of 7 experts, one of whom had been delegated by speaker of the parliament Zinaida Greceanîi, who is a member of the Party of Socialists. The assessments of this expert differed greatly from those that were put up by the other experts²⁷. Sandu's government began to have doubts about the objectivity of the competition and repealed its results.

On 8 November 2019 Sandu declared that with the aim of preserving the existing coalition, it had been necessary for her to put up with attempts by the “new boss” to take state institutions under control. Sandu declared that previous reforms in the sphere of justice had turned out to be ineffective due to clandestine political understandings. For this reason, she had decided to take upon herself the political responsibility for the selection of candidates for the post of general prosecutor²⁸. The government proposed a draft law according to which the candidates are chosen by the Prime Minister, who then passes them on for the consideration of the Higher Council of Prosecutors and the president's confirmation.

In the Party of Socialists they declared that the draft law proposed by the government threatens the independence of the prosecutor's office²⁹. On 8 November 2019 the Socialists registered in the parliament a petition on advancing a vote of no confidence in Sandu's government, which in consequence led to the government's resignation on 12 November 2019.

3.5. Reaction of the international and Moldovan public to the resignation of Sandu's government

After the announcement of the vote of no confidence in Sandu's government, **they announced in the EU** that the resignation of the government sends a disturbing signal for the process of reforms in Moldova. In the EU, they recalled that the previous coalition had begun a series of important reforms in the sphere of fighting corruption, independence of the justice system, and investigating bank frauds³⁰.

In the **US embassy** they called the resignation of Sandu's government “unfortunate”; however, they declared that the priorities of relations between Moldova and the US had not changed after this³¹.

President of Romania Klaus Iohannis declared that the vote of no confidence in Sandu's government is aimed against the interests of Moldova and its citizens. In Iohannis's opinion, Sandu's government had begun a series of very important reforms in Moldova and had restored international partners' trust in the country³².

²⁵ <https://newsmaker.md/rus/novosti/pora-pereviti-na-konkursy-krasoty-kak-v-sotssetyah-otreagirovali-isklyuchenie-gligora-iz-konkursa-na-dolzhnost-genprokurora/>

²⁶ <https://newsmaker.md/rus/novosti/vtoroy-shtefan-v-istorii-moldovy-v-seti-podpisyvayut-petitsiyu-za-naznachenie-gligora-genprokurorom/>

²⁷ <https://newsmaker.md/rus/novosti/my-gotovy-zaplatit-lyubuyu-tsenu-sandu-o-koalitsii-s-psrm-i-reforme-yustitsii/>

²⁸ <https://www.moldpres.md/ru/news/2019/11/08/19009022>

²⁹ <https://www.moldpres.md/ru/news/2019/11/08/19009022>

³⁰ https://eeas.europa.eu/headquarters/headquarters-Homepage/70293/statement-spokesperson-situation-republic-moldova_en

³¹ <https://www.facebook.com/U.S.EmbassyMoldova/posts/10157166199154081>

³² <https://www.presidency.ro/ro/media/comunicate-de-presa/declaratie-de-presa-a-presedintelui-romaniei-domnul-klaus-iohannis-privind-situatia-din-republica-moldova>

In the **International Monetary Fund** they reported that they intend to keep a very close watch on political events in the country, in order to assess the prospects for further cooperation. The IMF thanked Maia Sandu for decisive measures and advancing important reforms in Moldova³³.

Many experts after the collapse of the coalition of the Party of Socialists and the ACUM were convinced that the Socialists will go for an alliance out of the Democratic Party, which they had earlier been accusing of usurpation of power in the state.

In particular, political expert Dionis Cenușa ruled out the possibility of early elections, having declared that it will be easier for the Party of Socialists to find a consensus with the Democratic Party than with the ACUM. In Cenușa's opinion, what interests the Socialists is not reforms, but political stability.

Leader of the Romanian Popular Party Vlad Țurcanu declared that the ACUM is paying for its naïveté in putting trust in the Socialists³⁴.

Political expert Alexei Tulbure expressed the opinion that in the coalition crisis situation that had emerged, the only sensible way out must become early parliamentary elections, which would confirm the trust of the citizens in the members of parliament. In Tulbure's opinion, any voting without the ACUM bloc will signify a "capture of power by mafia structures subordinate to Plahotniuc"³⁵.

4. IGOR DODON TAKES OVER THE LEVERS OF POWER FROM VLADIMIR PLAHOTNIUC

On 12 November 2019 the parliament announced a vote of no confidence in Sandu's government. The Socialists and representatives of the Democratic Party voted for the decision. An *ad hoc* alliance of the Party of Socialists and the Democratic Party, which had been accused of usurpation of power in the state by several months earlier, had been factually created in the parliament.

4.1. The informal coalition of the Party of Socialists and the Democratic Party

Officially there is no coalition between the Party of Socialists and the Democratic Party. However, for key decisions in the parliament they vote jointly, which testifies to the existence of an informal coalition. After the resignation of Sandu's government, representatives of ACUM were removed from the leadership of some parliamentary committees, and representatives of the Party of Socialists and the Democratic Party were appointed in their stead.

On 14 November 2019 the Party of Socialists and the Democratic Party voted for the makeup of a new government. Before the voting, leader of the Democratic Party Pavel Filip declared that the party is prepared to vote for the government, which is going to continue the initiatives begun by the Democratic Party³⁶.

Presidential elections are supposed to take place in Moldova in 2020. Member of the Democratic Party Andrian Candu, who had earlier held the post of speaker of parliament, declared that the president ought to be chosen not at nationwide elections, but in the parliament³⁷. Such a system had been in effect in Moldova until 2016. A high probability exists that the Party of Socialists and the Democratic Party, are going to try to return the system of choosing the president through the parliament.

³³ <https://www.imf.md/press/press/press1-191113ru.html>

³⁴ <https://www.facebook.com/vlad.turcanu/posts/10156506172831716>

³⁵ <https://www.btv.md/aleksej-tulbure-lyuboe-dalneishee-golosovanie-psrm-bez-bloka-akum-na-ruku-tolko-mafii/?fbclid=IwAR35yuTYzCdZvnyZwocOtkqt0DpDCKWo0GTk1Qsd-i9uJxpDfKCAMhBQBAO>

³⁶ <https://www.moldpres.md/ru/news/2019/11/13/19009142>

³⁷ <https://newsmaker.md/rus/novosti/kandu-vystupaet-za-izbranie-prezidenta-v-parlamente/>

4.2. Ion Chicu's "technocratic" government

The new government was headed by **Ion Chicu**. President Igor Dodon called Chicu a "technocrat", who had earlier not belonged to any party whatsoever³⁸. That said, prior to being appointed to the post of head of government, Chicu had been Dodon's advisor, and before this he had held the post of minister of finance in Pavel Filip's government, which had been formed predominantly by the Democratic Party of Moldova. In October of 2019, Ion Chicu made a scandalous declaration about how former European Union officials were involved in the theft of a billion from Moldova's banking system³⁹.

To call the new government "technocratic" and "independent of political forces" is complicated; after all, the majority of the new ministers had previously either been advisors to Igor Dodon or, on the other hand, been connected with the government of Pavel Filip and the Democratic Party, controlled by Vladimir Plahotniuc.

- Minister of internal affairs **Pavel Voicu** and minister of justice **Fadei Nagacevschi** are members of the Party of Socialists of the Republic of Moldova. Pavel Voicu had earlier held the post of advisor to Igor Dodon.
- In 2017-2019 minister of finance **Serghei Pușcuța** headed the State Tax Service of Moldova. According to mass information media reports, earlier Pușcuța had likewise held a high post in Victoriabank, owned by Plahotniuc⁴⁰.
- Prior to appointment to his post, minister of health **Viorica Dumbrăvianu** had been an advisor to Igor Dodon. Under Pavel Filip's government, Dumbrăvianu had held the post of state secretary of the Ministry of Health.
- Under Pavel Filip's government, minister of economics and infrastructure **Anatol Usatîi** had held the post of state secretary of the Ministry of Economics and Infrastructure.
- Likewise advisors to Igor Dodon were minister of defence **Victor Gaiciuc**, minister of agriculture **Ion Perju**, and minister of education **Corneliu Popovici**, as well as minister of foreign affairs **Aureliu Ciocoi**⁴¹.

Besides control over the government, the Socialists likewise managed to bring **Ion Ceban**, who had been secretary for ideology of the Party of Socialists, to victory at elections of the mayor of Chișinău. Ceban's main rival was minister of internal affairs and one of the leaders of the ACUM bloc **Andrei Năstase**, who had already won at elections of the mayor of Chișinău in 2018; however, the results of the elections had been overturned.

The Moldovan mass information media likewise report about other instances of the new authorities' collaboration with persons who had previously worked with the Democratic Party. Appointed as Igor Dodon's advisor for social questions was former Democratic Party deputy **Galina Balmoș**⁴². Advisors of Chișinău's mayor **Ion Ceban** became **Alla Mîrza** and **Olga Ursu**, whom the mass information media associate with former speaker of the parliament **Andrian Candu** and **Vladimir Plahotniuc**⁴³.

4.3. Personnel changes in the bodies of the prosecutor's office

One of the first decisions of new minister of justice **Fadei Nagacevschi** became the sending to the Higher Council of Prosecutors of a list of candidates for the post of the general prosecutor, who had been

³⁸ <https://www.rferl.org/a/moldovan-parliament-approves-new-technocratic-government/30271333.html>

³⁹ <https://deschide.md/ro/stiri/politic/57136/Chicu-%C3%AEnc%C4%83-nu-%C8%99i-a-cerut-scuze-de-la-Michalko-pentru-c%C4%83-a-acuzat-oficialii-europeni-de-frauda-bancar%C4%83.htm>

⁴⁰ <http://gagauzveri.md/politika/6020-v-novoe-pravitelstvo-voshli-priblizhennye-plahotnyuka-i-sovetniki-dodona.html>

⁴¹ <https://ava.md/2019/11/17/rezume-i-imuschestvo-pravitel-stva-tehnokratov/>

⁴² <https://omg.md/index.php?newsid=17831>

⁴³ <https://omg.md/index.php?newsid=17829>

removed by Sandu's government. On 28 November 2019, it became known that **Alexandru Stoianoglo**, who had been a parliament deputy from the Democratic Party from 2009 through 2014, had won in the competition for the post of general prosecutor. After being appointed, Stoianoglo promised to bring a "new team" into the agency and to stop "giving nightmares" to entrepreneurs. That said, appointed as Stoianoglo's deputies were Iurie Perevoznic, Ruslan Popov, and Mircea Roşioru, who had occupied top executive posts in the bodies of the prosecutor's office under Plahotniuc's regime⁴⁴.

On 6 December 2019 deputies of the ACUM bloc advanced a vote of no confidence to minister of justice Fadei Nagacevschi in connection with "exceeding the authority of his office and profanation of the reform of the court system". The deputies called on parliament to recall Nagacevschii from the post of minister of justice⁴⁵. That said, speaker of the parliament Zinaida Greceanîi did not let a representative of ACUM to read out a text of the resolution from the podium of the parliament. According to procedure, a special parliamentary commission must examine an initiative about a vote of no confidence in the course of seven days.

On 9 December 2019 Viorel Morari was removed from the post of head of the Anti-Corruption Prosecutor's Office. He was transferred to work in the General Prosecutor's Office. Many experts associate Morari's removal with an investigation on the illegal funding of the Party of Socialists that is being conducted by the Anti-Corruption Prosecutor's Office⁴⁶. Likewise removed from his post was head of the Prosecutor's Office for Fighting Organised Crime and Special Cases Dorin Compan. He was transferred to the Anti-Corruption Prosecutor's Office.

4.4. A geopolitical swing in the direction of Russia?

With the coming of the new government, factually formed by the pro-Russian Party of Socialists, a geopolitical swing in the direction of Russia began to take shape in Moldova. Ion Chicu made his first visit abroad in the status of Prime Minister to Moscow, where he received consent for the granting to Moldova of a line of credit in an amount of 500 million dollars. The first official visit abroad by Ion Ceban in the capacity of mayor of Chişinău took place to Moscow⁴⁷.

The Moldovan authorities' negotiations with Russia about the granting of the credit can be appraised as an attempt to influence the European Union in the question of granting Moldova financial aid in exchange for geopolitical loyalty. Moldova's authorities are interested in such aid being granted without the conditions of conducting systemic reforms and carrying out obligations with respect to human rights.

5. THE PROBLEM OF POLITICALLY MOTIVATED PERSECUTIONS REMAINS TIMELY

Over the span of several years, the Open Dialogue Foundation has been monitoring the observance of human rights and democratic standards in Moldova and informing the international public about the results of the monitoring. In particular, the Foundation had reported on numerous occasions that the principle of supremacy of law is being trampled upon, the space for the free activity of independent

⁴⁴ <https://newsmaker.md/rus/novosti/vyshshiy-sovet-prokurorov-naznachil-zamestiteley-genprokurora-stoyanoglo/>

⁴⁵ <https://newsmaker.md/rus/novosti/fraktsiya-pas-vynesla-votum-nedoveriya-ministru-yustitsii/>

⁴⁶ <https://newsmaker.md/rus/novosti/genprokuratura-dolzha-znat-skolko-del-vy-zasolili-kak-v-sotssetyah-otreagirovali-na-perevod-morarya-v-genprokuraturu/?fbclid=IwAR0DQkmpfTuAqcaVzVVb3KEJcbb7GRc2uvbSGSDuk-iejQffZM3I-Nrjo>

⁴⁷ <https://www.facebook.com/Ion.Ceban.public/posts/2492831420938791>

mass information media and human rights organisations is narrowing, and instances of politically motivated criminal prosecutions are being documented in the country⁴⁸.

In response to the criticism, the Moldovan authorities conducted an investigation into the Foundation's "subversive" activity, as well as initiating a criminal case against the human rights advocate Lyudmyla Kozlovska.

Criminal prosecution based on dubious criminal charges is a popular method of combating political opponents and critics in Moldova. **The majority of politically motivated criminal cases that the law enforcement bodies under Plahotniuc's control have initiated remain open.** Below are **24 cases of prosecutions** which bear signs of political motivation:

1. Cases of prosecutions which continue at the moment: **Ana Ursachi, Eduard Rudenco, Alexandru Bernaz, Ion Crețu, Alexei Alexeev, Ruslan Verbițchi, Alexander Raichuk, Gheorghe Petic, Valentin Eșanu, Serghei Cebotari, Lyudmyla Kozlovska.**
2. Person, against whom guilty verdict were imposed: **Grigore Petrenco.**
3. Persons who were acquitted: **Domnica Manole, Dorin Munteanu, Veaceslav Țurcan and Maxim Belinschi.**
4. Other instances of political prosecutions: **Alexandru Machedon, Sarkis Ayri, Hüseyin Bayraktar, Rıza Doğan, Feridun Tüfekçi, Hasan Karacaoğlu, Yasin Özdil, Müjdat Çelebi.**

Cases of prosecutions which continue at the moment:

Ana Ursachi – a counsel and a civil society activist. She participates in high-profile cases, in particular, she defends the interests of Vladimir Plahotniuc's opponents. In 2016, the media owned by Plahotniuc alleged that she had been 'involved in the murder committed 20 years before'.⁴⁹ Thereafter General Prosecutor Eduard Harunjen resumed the criminal case.

On 20 March 2017, the authorities of Moldova initiated a criminal case against Ursachi under Article 327 of the Criminal Code ('abuse of power'). She was accused of illegal activities in the provision of legal advice in 2012. Ursachi emphasised that she had been carrying out her professional activities, and Article 327 of the Criminal Code cannot be applied to a counsel. The criminal case on the charge of 'abuse of power' was started up by the Anti-Corruption Prosecutor's Office under the leadership of Viorel Morari.

On 29 March 2018, the Central Court of Chisinau granted the request of the prosecutor's office regarding the arrest of Ana Ursachi. According to Ursachi, Moldova requested Interpol to issue the 'red notice' in her name.

In August 2019, Ana Ursachi's defence sent a filing to the General Prosecutor's Office about terminating the criminal case in relation to her. The filing was motivated by the conclusions of the parliamentary declaration on the "Captured State", as well as multiple calls on the part of the international public to cease the prosecution of Ana Ursachi. The General Prosecutor's Office answered with a refusal. In such a manner the criminal prosecution of Ana Ursachi continues.

Eduard Rudenco is a counsel who participates in the defence of Ana Ursachi and other opponents of the oligarch Vladimir Plahotniuc. Rudenco claimed that he and his family were being subjected to

⁴⁸ <https://en.odfoundation.eu/a/8188,the-captured-state-politically-motivated-prosecution-in-moldova-and-usurpation-of-power-by-vladimir-plahotniuc> ; <https://en.odfoundation.eu/a/9249,moldova-political-persecution-of-critics-and-opponents-of-authorities>

⁴⁹ <https://en.odfoundation.eu/a/7992,moldova-prosecution-of-counsel-ana-ursachi>

surveillance. According to Rudenco, since 2015, law enforcement officials have demanded that he stop defending certain individuals, threatening him with criminal prosecution⁵⁰.

In 2016, the Moldovan authorities initiated three criminal cases against Rudenco on charges of 'gaining profit from his influence' (Article 326 of the CC) in his legal practice. In 2017, the fourth criminal case was initiated against him on charges of 'violating traffic safety rules' (Article 264 of the CC). In all criminal cases, court trials continue, and Rudenco is facing a prison sentence.

Alexandru Bernaz is a lawyer. Earlier Bernaz was charged in a criminal case filed against his client, and in 2015 he was acquitted. In March 2018 Bernaz submitted a claim against the bodies of the prosecutor's office about recovery of damages in connection with illegal criminal prosecution. In July 2018 the court decreed that he be paid out pain and suffering and pecuniary damages. But in October 2018, Bernaz reported that the Prosecutor's Office resumed this criminal case against him.

Ion Crețu is the lawyer. In July 2018, the Moldovan court sentenced him in absentia to 6 years' imprisonment. He was found guilty of 'gaining profit from his influence' (Art. 326 of the CC). The criminal case was opened back in 2014. Crețu allegedly took a bribe of approximately 15700 euros from his client and promised to help him close the criminal case in exchange for the money. The lawyer stated that the money was his working fee and, as evidence, presented the court with a contract that he had concluded with his client⁵¹. When Ion Crețu found out about the upcoming arrest, he left the territory of Moldova⁵².

In September 2019 the Appellate Chamber sent Ion Crețu's case for reconsideration to the court of the first instance.

Alexei Alexeev - the driver of the car which delivered sound amplifying equipment for the anti-government protest action of 17 September 2017. On that day, approx. 4,000 people gathered near the Parliament Building, demanding to cancel amendments to the legislation on elections, and to impose sanctions against Plahotniuc and his entourage. Alexeev was accused of 'using threats or violence against a public official' (Article 349 of the CC). According to the investigative bodies, he drove into the police cordon and injured several policemen. However, video records contradict this accusation.⁵³ On 20 September 2017, he was arrested. On 26 September 2017, the measure of restraint was changed to house arrest. He faces from 4 to 8 years of deprivation of liberty.

Ruslan Verbițchi is a civic activist. He was accused of 'mass disorder' (Art. 285 of the CC of Moldova) for participation in the protest action near the Moldovan Parliament building on 20 January 2016. On 22 August 2018, at the Ukrainian border post, the search of Verbițchi's vehicle revealed cartridges for a Kalashnikov assault rifle. He claims that the ammunition was planted on him in Moldova when his car was unattended.⁵⁴ It is noteworthy that the detention took place a few days before the big protest action of The Dignity and Truth Platform. Verbițchi was one of the organisers of the action.

⁵⁰ https://ru.crimemoldova.com/news/politika/eduard-rudenco-za-mnoy-sledyat-bolee-polugoda-potomu-chto-ya-soglasilsya-zashchishchat-platona/?sphrase_id=12481 ; <http://omg.md/index.php?newsid=12951>

⁵¹ <http://newsmaker.md/rus/novosti/zashchita-bitadvokata-vyacheslava-platona-prigovorili-k-shesti-godam-tyurmy-38238>

⁵² <http://newsmaker.md/rus/novosti/unizit-arestovat-pokonchit-s-nim-kak-v-moldove-zapugivayut-neugodnyh-advokatov-pya-41838>

⁵³ <https://www.youtube.com/watch?v=CFZG9JMDIPQ&app=desktop> ;

⁵⁴ <https://www.zdg.md/ru/?p=20472>

A criminal case was initiated against him on charges of ‘acquisition and storage of ammunition’ (Article 263 of the CC of Ukraine). On 23 August 2018 Verbițchi was placed under house arrest by the decision of the Ukrainian court. Later he was allowed to return to Moldova to await the trial there.

In October 2019 former high-ranking police employee Anatolie Macovei reported that a special section that was engaged in the fabrication of criminal cases had existed in Moldova’s police over a span of many years. As an example of falsified cases he named the instance of the prosecution of Serghei Cebotari and Ruslan Verbițchi. *“People from the fifth administration planted combat rounds in the bumper of his automobile. Moldovan policemen, having used connections with Ukrainian colleagues, knew that he intends to cross the border”⁵⁵*, - recounted Macovei.

Alexander Raichuk - a civil activist from the city of Bălți. On 9 March 2017, three criminal cases were simultaneously initiated against him on charges of hooliganism (Article 287 of the Criminal Code of the Republic of Moldova). According to the Prosecutor's Office, in February 2017, Raichuk committed the following acts: he took a video footage of a school headmaster who was allegedly involved in illegal exactions for school textbooks; he tried to enter the courtroom for a hearing in public court; he filmed a court hearing on a video camera and addressed a judge from the court of Bălți with ‘provocative’ questions. Previously, in October 2016, a criminal case was initiated against Raichuk for video recording in the cadastral department of the city of Bălți. In connection with the criminal prosecution, Alexander Raichuk spent three months in custody⁵⁶. Raichuk is facing imprisonment.

Gheorghe Petic - activist. In July 2018, Petic publicly stated that he was aware of a cigarette smuggling scheme across the Moldovan-Romanian border. Shortly afterwards, two criminal cases were opened against him. On 15 October 2018, Petic was arrested under Article 171 of the CC (‘Rape’). Petic asserts that not long before the rape charges a threat had been passed on to him from then-minister of internal affairs Alexandru Jizdan, that it is better for him to leave the country, otherwise he will be “harshly punished”⁵⁷.

On 15 October 2018 Gheorghe Petic was arrested. On 20 March 2019, the court sentenced him to 3.5 years in prison. On 19 July 2019 the court of appeal cancelled the sentence and sent the case for reconsideration. Petic was released from custody. He is prohibited from forsaking the territory of Moldova.

On 11 December 2019 Petic reported that yet another criminal case had been started up against him. As Petic asserts, this is already the 11 criminal case against him⁵⁸.

Serghei Cebotari - the former head of the financial control service of the state enterprise ‘Post of Moldova’. Cebotari was detained on 29 July 2016, when he was going to the meeting of the special commission of the Moldovan parliament in order to give evidence about smuggling at the ‘Post of Moldova’. Three criminal cases were initiated against Serghei Cebotari on charges of using forced labour (Article 168 of the CC) and fraud (Article 190 of the CC).

On 20 March 2019, the Moldovan court sentenced Serghei Cebotari to 8 years of imprisonment. In August 2019 the Appellate Chamber of Chișinău overturned the verdict for Serghei Cebotari and acquitted him. On 10 October 2019 the prosecutor’s office submitted a complaint to the Higher Council of Prosecutors against the verdict of acquittal. After the verdict was issued Cebotari abandoned the

⁵⁵ <https://point.md/ru/novosti/obschestvo/politseiskii-rasskazal-o-falsifikatsii-ugolovnykh-del-v-mvd>

⁵⁶ <https://ru.crimemoldova.com/news/rassledovaniya/kak-grazhdanskaya-aktivnost-stala-prestupleniem-v-respublike-moldova/>

⁵⁷ <https://newsmaker.md/rus/novosti/140317/>

⁵⁸ <https://www.facebook.com/photo.php?fbid=437838327146580&set=a.100881187508964&type=3&theater>

territory of Moldova; however, he returned to the country when Sandu's government came to power. Now he faces imprisonment once again.

The case of the Open Dialogue Foundation (ODF) and Lyudmyla Kozlovska. Lyudmyla Kozlovska - a human rights defender and President of the Open Dialogue Foundation.

In October 2018, representatives of the then-ruling Democratic party (led by oligarch Vladimir Plahotniuc) initiated the creation of a parliamentary commission to investigate the "*interference of the Open Dialogue Foundation in the internal affairs of Moldova*". The commission has prepared a report⁵⁹ in which the Foundation is charged, among others, with the following "crimes": "subversive activities" and "slander" of the Republic of Moldova in Europe; lobbying for a European Parliament resolution in which facts of political persecution are noted and Moldova is described as a state captured by oligarchic interests; lobbying for a European Commission decision to suspend financial assistance to Moldova; lobbying for personal sanctions against representatives of the Moldovan authorities; and "Illegal financing" of Moldovan opposition parties, which consisted of the fact that, in May 2017, the Open Dialogue Foundation paid for airline tickets for opposition politicians Maia Sandu and Andrei Năstase to participate in a conference and meetings at the European Parliament and the European Commission.

The report of the Moldovan Parliament is a compilation of fake information which at various times had appeared in pro-government and dubious media as well as on social media pages. The defamatory information attacks against the Open Dialogue Foundation in Moldova were a continuation of similar attacks in Kazakhstan and Poland⁶⁰. The attacks are revenge for the Foundation's human rights activity. This report is an undisguised attack against civil society and discredits the Moldovan government. But despite the change of power in Moldova, the report has still not been reconsidered as of yet.

Based on the report of the parliamentary commission, the Moldovan Prosecutor's Office opened a criminal case against Lyudmyla Kozlovska on charges of "money laundering" (Art. 243), "espionage" (Art. 338) and "illegal party financing" (Art. 181).

On 29 January 2019, the Moldovan authorities, through the Belgian police, served Lyudmyla Kozlovska with a summons for interrogation by the Moldovan Prosecutor's Office. The summons states that Lyudmyla Kozlovska is a suspect in a criminal case. At the same time, the Moldovan Prosecutor's Office refuses to provide Kozlovska with the case file. As of 31 October 2019, the lawyer has not received documents about the current status of the case or Kozlovska's status.

Valentin Eșanu – the businessman, who spent about 2 years in a pre-trial detention center without the verdict of a court. There are grounds to assume that Eșanu became the victim of a politically motivated political prosecution because of revelatory declarations about the activity of a state enterprise. In 2014 workers of Eșanu's enterprise conducted a protest action next to Moldova's parliament. They were demanding liquidation of the Metalferos state enterprise's monopoly on the export of metals. Eșanu declared at a press conference that hundreds of millions of lei are being stolen every year through Metalferos and that the enterprise is being unofficially managed by Vladimir Plahotniuc's relative Veaceslav Andronache. Eșanu considers that because of this, representatives of the Democratic Party decided to take revenge on him.

Several months afterwards a criminal case was started up against Eșanu on a charge of evasion from the payment of taxes in a particularly large amount. Eșanu asserts that the criminal case was fabricated at the behest of ex-speaker of the parliament of Moldova Andrian Candu, who subsequently got hold of his business. Likewise Andrian Candu was holding the post of deputy chairman of the Democratic Party.

⁵⁹ <http://www.parlament.md/LinkClick.aspx?fileticket=8RaDVrZx%2fBY%3d&tabid=86&mid=488&language=ro-RO>

⁶⁰ <https://en.odfoundation.eu/a/8473,a-smear-campaign-against-the-open-dialog-foundation-has-reached-the-walls-of-the-european-parliament-updated>

In August 2017 Eşanu and another 7 employees of his enterprise were arrested in the case of the evasion from the payment of taxes. Eşanu's colleagues spent several months under arrest, while Eşanu himself spent about 2 years. Under the law, a provisional arrest can not extend longer than a year. In order to extend the term of holding Eşanu under arrest, they started up a new criminal case against him - on a charge of forcible assertion of private right for the supposedly illegal erection of a fence. And when the term of detention under the new case ended, the prosecutor's office started up yet another case on a charge of money laundering and non-payment of taxes⁶¹.

On 28 June 2019 the Appellate Chamber released Valentin Eşanu from provisional arrest. Likewise, the court terminated proceedings in the case of forcible assertion of private right in connection with the expiration of the statute of limitations. The criminal prosecution under the charge of evasion from the payment of taxes continues.

Person, against whom guilty verdict were imposed:

Grigore Petrenco – the leader of the party "European left". On 28 June 2017, the court sentenced Petrenco to a suspended sentence of 4.5 years' imprisonment on charges of 'participating in mass riots' (Article 285 of the CC). Other protesters, namely: Mihail Amerberg, Pavel Grigorciuc, Alexandr Roşco, Vladimir Jurat, Oleg Buznea and Andrei Druz were sentenced to conditional sentences of 3 to 4.5 years in prison.

On 12 April 2019, the Court of Appeal upheld the sentence. However, one of the judges of the Appeals Chamber, **Svetlana Balmush**, disagreed with this decision. She expressed a separate opinion that the convicts are not guilty, since their actions lack the features of a criminal offence⁶². A few days after the decision of the Appeals Chamber, Svetlana Balmush resigned⁶³.

Petrenco and the others convicted in his case turned to the ECHR with complaints of illegal arrest and unsuitable conditions of detention. The ECHR accepted the case for consideration⁶⁴. In September 2019 the Ministry of Justice of Moldova refused to recognise violations of the applicants' rights on the part of Moldovan law-enforcement bodies.

Petrenco informed that on 18 October 2017 Germany granted him political asylum⁶⁵.

Persons who were acquitted in July-October 2019:

Domnica Manole – a judge of the Appellate Chamber of Chisinau. On 14 April 2016, she recognised as illegal the CEC decision to deny holding a referendum on amendments to the Constitution. On 31 May 2016, a criminal case was initiated against the judge on charges of 'issuing an unjust decision' (Article 307 of the CC). In Manole's words, General Prosecutor Eduard Harunjen was personally insisting that a criminal case against her be opened⁶⁶.

On 4 July 2019 the prosecutor's office dropped the charges against Manole. On 8 July 2019 the Moldovan court acquitted Manole.

Veaceslav Turcan and **Maxim Belinschi** - are counsels and leaders of the human rights organisation Human Rights Embassy. A former police officer, suspected of fraud by the counsels, filed a complaint

⁶¹ <https://newsmaker.md/rus/novosti/proverki-ugrozy-ugolovnye-dela-tyurma-kak-biznesmena-valentina-eshanu-proderzhali-44606/>

⁶² <http://newsmaker.md/rus/novosti/est-shansy-cto-sistema-prognila-ne-do-kontsa-odna-iz-sudey-ap-ne-soglasilas-s-pri-42930>

⁶³ <http://newsmaker.md/rus/novosti/moldavskaya-vustitsiya-nezavisima-ot-lyuboy-formy-nezavisimosti-kak-v-seti-otreagi-43031>

⁶⁴ <https://promolex.md/14764-ctedo-a-comunicat-guvernului-cauza-petrenco-si-altii-v-republica-moldova/?lang=ro>

⁶⁵ <http://newsmaker.md/rus/novosti/grigoriya-petrenko-vzval-berlin-on-poluchil-politicheskoe-ubezhishche-v-germanii-34173>

⁶⁶ <https://newsmaker.md/rus/novosti/eks-sudyu-domniku-manole-opravdali-posle-goda-rassmotreniya-dela-v-nem-ne-nashli-s-44798/>

against them for 'providing false information'. On 23 December 2015, the prosecutor's office accused Turcan and Belinschi under Art. 352 of the CC ('False statements in declarations').

In June 2019 the prosecutor's office reported to the court about circumstances that rule out the possibility of criminal prosecution of Turcan and Belinschi, as well as apologising to the lawyers. On 12 July 2019 the court issued a verdict of acquittal with respect to their case. Now they are going to bring to justice those employees of the prosecutor's office who carried out the illegal prosecution⁶⁷.

Dorin Munteanu - judge. In December 2016 he issued a decision on the impossibility of issuing an arrest warrant for lawyer Ana Ursachi. On 31 January 2016, General Prosecutor Eduard Kharunjen accused Munteanu of 'issuing an unlawful decision' in one of the cases. In October 2019 the prosecutor's office dropped the charges against Dorin Munteanu due to lack of evidence. After this the court issued a verdict of acquittal in his case⁶⁸.

Other instances of political persecutions:

Alexandru Machedon – the owner of the group of companies 'StarNet' (one of the largest in the telecommunications market of Moldova). Machedon supports some civil society organisations and is one of the sponsors of the opposition party 'The Platform 'Dignity and Truth''. Machedon was supporting the protest movement that earlier had become the reason for persecutions organised by Vladimir Plahotniuc.

The state authorities have repeatedly tried to deprive 'StarNet' of a license, accusing the company of violating the rules of retransmission.

On 23 February 2019, Alexandru Machedon stated that he, as well as his children, wife and relatives, were 'poisoned with a mixture of toxic metals, including mercury'. Machedon has published the results of analyses for August 2017, according to which he and his family members had mercury levels in their blood several times higher than the norm⁶⁹.

Maya Sandu (Party of Action and Solidarity) and Andrei Nastase (Dignity and Truth Platform Party) reported the same problem earlier, on 22 February 2019. Sandu and Nastase noted that long-term treatment did not remedy the situation, and expressed suspicion that, they had been subjected to poisoning, in which the previous authorities may be complicit.

The case of the employees of the Orizont lyceum

Seven members of the Moldovan-Turkish Lyceum network Orizont were forcibly expelled from Moldova, which in fact can be regarded as kidnapping. Turkish authorities believe that Orizont Lyceums are linked to Fethullah Gülen, who is accused of "attempting a coup d'état" in Turkey in July 2016. The teachers and members of the lyceum administration who were expelled from Moldova, include: Sarkis Ayri, Hüseyin Bayraktar, Rıza Doğan, Feridun Tüfekçi, Hasan Karacaoğlu, Yasin Özdil, Müjdat Çelebi (of which the last five were asylum seekers in Moldova).

On 6 September 2018, they were detained with the use of force by officers of the Information and Security Service of Moldova. On 7 September 2018, it became known that these persons were already in Turkish jails. The day before their expulsion, "on the recommendation" of the Information and Security

⁶⁷ <https://www.facebook.com/100000340325331/posts/2433308923357095/>

⁶⁸ <https://news.abra.md/obshhestvo/sudya-obvinyaemyi-v-neobosnovannom-osvobozhdenii-lica-iz-pod-aresta-opravdan/>

⁶⁹ <https://www.facebook.com/amachedon.starnet.md/posts/2307457232631816>

Service, the Moldovan Migration Service refused to grant them asylum⁷⁰. The Lyceum employees were not notified of the refusal of asylum. They were not given the opportunity to defend their rights in court.

In October 2018, a representative of the Moldovan government, Oleg Rotari, told the ECHR that the expelled persons “did not state that they would be tortured in Turkey”. In June of 2019, the ECHR ruled that Moldova had violated the rights of the expelled citizens of Turkey and obligated the Moldovan authorities to pay them a monetary compensation. In Turkey, they all were convicted and sentenced to prison terms from 6 to 12 years. According to the information of the mass information media, Feridun Tüfekçi, who was sentenced to 7.5 years of deprivation of liberty, may be additionally sentenced to a new term for his journalistic activity⁷¹.

On 27 June 2019 29 PACE deputies signed a declaration with a call to the new Moldovan authorities to ensure the return of the 7 employees of the Orizont lyceums back to Moldova⁷².

In July 2019 hearings took place in Moldova’s parliament on the removal of the Orizont employees. The deputies came to the conclusion that ex-director of the Information and Security Service (SIB) **Vasile Botnari had adopted the decision on expulsion under political pressure and that it had been illegal and arbitrary**. Botnari gave a verbal instruction to his deputy Alexandru Baltaga, who was the one who actually signed the decision on expulsion. Taking part in the operation were employees of the Bureau for Migration and Refugees, the Border Police, the National Patrol Inspectorate, and representatives of the Turkish embassy. In the parliament, they declared that former speaker Andrian Candu could not but have known about this operation⁷³.

Based on the fact of the illegal removal of citizens of Turkey, the prosecutor’s office of Chişinău started up a criminal case of exceeding official authority. Despite the charges addressed at Vasile Botnari that were heard earlier, the figurants in the criminal case became ex-deputy head of the SIB Alexandru Baltaga and director of the Bureau for Migration and Refugees Olga Poalelungi. On 6 September 2019 Baltaga was detained for 72 hours. Later he was transferred to house arrest. Olga Poalelungi was removed from her post and prohibited from leaving the country.

6. CONCLUSIONS AND RECOMMENDATIONS

As a result of the parliamentary elections, Vladimir Plahotniuc, who had usurped power in the state, was forced to flee from Moldova. However, the democratic forces did not manage to take advantage of the situation to begin fundamental radical changes in Moldova

Maia Sandu’s government, from which the conducting of systemic reforms was awaited, as well as a purge of representatives of Plahotniuc’s regime from bodies of state, was unable to cope with the tasks that had been set. As a result, Maia Sandu and the ACUM bloc lost the political battle to Igor Dodon and the Party of Socialists.

Factually, having a minority in the parliament, Igor Dodon and the Party of Socialists managed to establish control over all the main bodies of state in Moldova. The Party of Socialists went for an alliance with the Democratic Party, which testifies to a return of the old corruptional practices.

It is becoming evident that it is specifically Dodon who has occupied the place of shadow leader in the state. Moldova is once again facing the threat of usurpation of power and the further reduction in the level of democracy and civil liberties.

⁷⁰ <http://newsmaker.md/rus/novosti/oni-ne-govorili-cto-ih-budut-pytat-v-turtsii-kak-moldavskie-vlasti-obiyasnil-esp-39883>

⁷¹ <https://noka.md/vyslannomu-iz-moldovy-byvshemu-direktoru-litseya-orizont-v-chadyr-lunge-feridunu-tjufekchi-mogut-velichit-tjurennyj-srok-v-turtsii/>

⁷² <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=28051&Lang=EN>

⁷³ <https://newsmaker.md/rus/novosti/za-orizont-pochemu-spustja-god-posle-vysylki-iz-moldovy-tureckih-uchitelej-za-jeto-nikto-ne-otvetil/>

The Open Dialogue Foundation hereby calls on the European Commission to take decisive actions in connection with Moldova's failure to fulfill its obligations in the human rights dimension. We consider it necessary:

- To support demands of the Eastern Partnership Civil Society Forum Moldovan National Platform⁷⁴. In particular - to conduct an independent investigation into the USD1 billion bank fraud; to apply sanctions against those guilty of usurping state power in the Republic of Moldova; to monitor and react to the situation in Moldova; to develop and apply an international Magnitsky Act-type document that targets those in power who use illegal funds to obstruct democratic processes in Moldova and abroad.
- To extend financial sanctions in the form of refusal to provide any financial assistance to Moldova without an improvement in the situation with democratic standards and the rule of law in the country.
- To exert pressure on Moldova's authorities with the aim of achieving the introduction of the necessary anti-corruption reforms in the country and the adoption of measures with respect to ensuring the independence of the law enforcement and judicial system.
- To raise the issue of revising the Association Agreement between Moldova and the EU in connection with the increasing number of incidents of violation of democratic principles, human rights and fundamental freedoms in Moldova.
- To demand the immediate cessation of politically motivated criminal prosecutions of representatives of the opposition, human rights defenders, journalists and judges in Moldova.
- To condemn the practice of defamatory information campaigns against civil society activists, human rights activists and critics of the authorities.

⁷⁴ <http://eap-csf.eu/wp-content/uploads/SC-Moldova-October-2018-1.pdf>



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