



**Joint NGO Submission by**

**Human Rights Without Frontiers (HRWF)**

**Forum for Religious Freedom- Europe (FOREF)**

**Universal Periodic Review of Moldova**

**2<sup>nd</sup> Cycle, 4 November 2016**

## Stakeholder Information

1. *Human Rights Without Frontiers (HRWF)* is a Brussels-based NGO, registered since 2001 in Belgium, that seeks to shape European and international policy in ways that strengthen democracy, uphold the rule of law and protect human rights globally. The foundation for the organization's advocacy is the body of international covenants and treaties that obligates its signatories to the respect of fundamental rights and freedoms. Among those instruments are the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Charter of Fundamental Rights and legal precedents set by decisions of the European Court of Human Rights. HRWF International carries out its advocacy mainly through EU institutions, the United Nations, the Fundamental Rights Agency (FRA), the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

2. The *Forum for Religious Freedom-Europe (FOREF)* monitors, reports on and advocates for victims of religious persecution with reference to international standards and law. FOREF is an independent NGO based in Vienna, Austria. The organization was founded in 1995 by Professor Christian Bruenner, an internationally recognized expert on religious freedom, former Austrian MP and rector of Graz University, and human rights activist and journalist Peter Zoehrer, who serves as Executive Director. Its current president is Dr. Aaron Rhodes.

3. *Human Rights Without Frontiers* and the *Forum for Religious Freedom-Europe* are both secular, nonpartisan organizations. We defend the basic human rights of individuals but do not have any position about the teachings and practices of religious and other groups to which the individuals may belong.

### I. Executive Summary

4. This Submission focuses on a serious violation Article 18 of the International Covenant on Civil and Political Rights (ICCPR) in the Republic of Moldova. At the time of this writing, two members of the Unification Church in Moldova, Oleg Savenkov and Mihail Calestru, are under house arrest and awaiting trial on charges of violating anti-trafficking laws. They were arrested in October 2015. *Human Rights Without Frontiers (HRWF)* and the *Forum for Religious Freedom-Europe (FOREF)* investigated the case during a fact-finding mission to Moldova in January 2016. We concluded that the charges against the two men are baseless, that they are an assault on religious freedom, and that the Office of the Prosecutor General has violated Moldova's constitutional and international human rights obligations. We strongly recommend, therefore, that the charges be immediately and unconditionally dropped.

5. The charges against Oleg Savenkov and Mihail Calestru were brought as the result of a dispute within the Unification Church that led to the exclusion of several members. Moldova's anti-trafficking law is unusually broad; for example, it includes the criminalization of "begging" as a form of labor exploitation. The Prosecutor's allegations against the two men are based on assertions made by excluded members of the Church claiming that the activities organized by the defendants were criminal activities as defined by the anti-trafficking law. The allegations furthermore state that the Unification Church was established in 2008 as an "organized criminal group" for the explicit purpose of carrying out such criminal acts.

6. The Unification Church, which was founded in Korea by Sun Myung Moon after the end of World War II, has about 120 members in Moldova. Rather than being an "organized criminal group," as the State of Moldova has claimed, the Unification Church has adhered to principles and activities consistent with its legal registration as a religious organization, and its own internal rules. Its fundraising activities have been undertaken in accordance with its internal rules, and have been considered a "spiritual activity." While the allegations claim that the defendants are guilty of organizing a criminal group (the Unification Church), Oleg Savenkov, a Ukrainian citizen, was not in Moldova when the Church was founded, and Mihail Calestru has never been a part of the Church leadership.

7. HRWF & FOREF consider the case to violate the right to religious freedom insofar as the State has defamed a religious group and attacked its very existence by labeling it an "organized criminal group." The State has furthermore interfered in the affairs of the Unification Church by taking sides in a civil dispute and subjecting some of its members to criminal charges at the behest of others.

8. In addition to being a State party to the ICCPR, Moldova is bound by the European Convention on Human Rights, and the Moldovan Constitution enshrines fundamental civil and political rights, including the freedom of religion.

## II. The Unification Church and its Work in Moldova; Events Leading to the Arrests of Oleg Savenkov and Mihail Calestru

9. The Unification Church -- formally the Holy Spirit Association for the Unification of World Christianity -- is a new religious movement founded by Sun Myung Moon on 1 May 1954 in Seoul, Korea. Unification Church members believe that Jesus appeared to Moon when he was sixteen years old on Easter morning of 1935, and asked him to accomplish the work left unfinished because of his crucifixion. Sun Myung Moon preached in northern Korea after the end of World War II, and in 1946 he was imprisoned by the communist regime in North Korea. He was later released by the advance of UN forces during the Korean War and moved to South Korea.

10. The Church expanded rapidly in South Korea and by the end of 1955 had 30 church centers throughout the country. Missionaries were sent to Japan, the Philippines, and other nations in East Asia. The Church sponsored many organizations and projects over the years, including businesses, news media, projects in education and the arts, and political and social activism.

11. With the collapse of the Soviet Union and the demise of communism in Eastern European countries, the Unification Church started expanding in former communist countries and created new organizations within the Unification movement, such as: the *Collegiate Association for the Research of the Principle* (CARP), the *Family Federation for World Peace & Unification* (FFWPU), the *International Relief and Friendship Foundation* (IRFF), the *Women's Federation for World Peace* (WFWP, which is accredited as an NGO with consultative status in UN-ECOSOC) and the *International Education Foundation* (IEF).

12. After Rev. Moon's death on 3 September 2012, his wife, Hak Ja Hans, assumed the leadership of the Church.

13. Unificationist beliefs are derived from the Christian Bible and are explained in the church's textbook, the *Divine Principle*. The UC is well-known for its highly publicized collective marriages in which Rev. Moon and his wife blessed thousands of internationally mixed couples they had previously matched to promote unity among nations, including historically belligerent nations like Japan and South Korea.

14. The first UC missionary to Moldova came to the country in 1993 from Italy, having freshly graduated from Unification Theological Seminary in the United States of America. With the support of other missionaries from Ukraine, Korea, and Japan, he laid the foundation of the first Moldovan Unification Church. In 1995, UC members in Moldova submitted a request for registration of their church to the Department of State for Religious Affairs. Their request, however, was rejected due to the hostile stance of the Moldovan Orthodox Church, which had a track record of combating all small and new religious groups<sup>1</sup>.

15. Until the UC in Moldova could eventually register in 2008, its members carried out their religious activities without any registration under the spiritual leadership of an American couple. Many young missionaries from former Soviet countries (CIS) participated in evangelizing and community service activities under the cover of the Collegiate Association for the Research of the Principle (CARP), a civil organization

---

<sup>1</sup> See for example page 1698 of the US Country Reports on Human Rights Practices 2009 which discusses hostilities between Moldovan Orthodox Church and NRMs:

<https://books.google.be/books?id=sD1lq4Mim0sC&pg=PA1698&lpg=PA1698&dq=Moldovan+orthodox+church+against+other+groups&source=bl&ots=UXTAk9iXpZ&sig=sQIXErehouXCbTJIEWLf-MVidd8&hl=en&sa=X&ved=0ahUKEwjp8NS2L LAhVFXRoKHdCNCjAQ6AEIRjAG#v=onepage&q=Moldovan%20orthodox%20church%20against%20other%20groups&f=false>

that was registered in 1995. For short periods (ranging from one to three months) between 1997 and 2000, a Japanese and a Korean missionary visited and supported the activities of the Church spiritually and financially.

16. Without the group having legal status, members of the Unification Church were slandered in the local media or arrested by undercover police working for the Secret Intelligence Service. In the spring of 2004, members attending a Sunday religious service were all arrested and taken to a police station. Three of them were detained for twenty-four hours, and another two (citizens of Romania and Ukraine) were detained for seven and fourteen days in Chisinau's main prison.

17. On 26 July 2007, the Moldovan Parliament adopted a new law allowing small religious groups to be registered more easily by the Justice Department and not any more by the Department of State for Religious Affairs (which was dissolved on 16 October of the same year).

18. On 15 May 2008, the Unification Church was registered as a religious organization with its seat located at N. Titulescu 28, ap 49 in Chisinau (Registration Nr 2326). This allowed its members to freely and legally exercise their freedom of worship and assembly. From 2010 onwards, the UC was led by a council of local members; among them were Sabina Nadejdin and Mihail Calestru. In August 2014, Sabina Nadejdin, a mother of four children, became the president of the legal entity of the Moldovan UC.

19. Currently, the legal entity of the Moldovan UC is run by an Administrative Council comprising three members: the president, Sabina Nadejdin, and two vice-presidents, Viktor Vlasov and Vladislav Dobrovolsky. An auditing committee composed of three people, elected by the general assembly, is mandated to check the implementation of the decisions and the financial policies of the general assembly. By the end of the year, there were 120 members, including 77 voting adult members of the General Assembly.

#### **Events Leading to the Arrests of Mihail Calestru and Oleg Savenkov**

20. At the end of March 2015, four Unification Church (UC) members were excluded from the Church because they disagreed with the management by its leaders:

Elena and Valeriu Guzun, owners of a construction company

Octavian Rughină, self-employed actor and children's entertainer

Artyom Poberejnik, a former police officer with a license in law

The wives of the latter two members were not excluded because they were not perceived as a threat, according to the president of the Church. Moreover, two other members resigned on personal grounds around the same time: Mariana Stramtu, because she was a candidate in the mayoral election in her village, and her mother, Elena Bostan. The exclusion decision was taken in the framework of a UC general

assembly after it appeared that Mrs. and Mr. Guzun also had relational problems with other members. According to Octavian Rughinã, the members to be excluded were locked out of the meeting.

21. In reaction, Valeriu Guzun and his son Eduard Guzun (non-excluded member), Octavian Rughinã and his wife Enkhtuya Dorj Rughinã as well as Vladimir Croitor (a non-member) wrote letters accusing several UC leaders in Moldova of running a “totalitarian sect” that was involved in trafficking in human beings, exploiting its members financially, and forcing them to beg on the streets in Moldova and in other countries under the guise of raising funds for humanitarian purposes. Terming them the “Group of Opponents,” they threatened the UC leaders with denouncing them to the authorities if their demands concerning the management of the Church were not taken into consideration. They also publicized their accusations on the Church chat group on Facebook. During a general assembly convened on 4 April, 2015 nine new members were accepted, and the six previously mentioned individuals were removed from the records.

22. The Group of Opponents visited the Office of the UN Resident Coordinator and the government’s Anti-Trafficking Center in Chisinau to share with them the accusations they had listed in their letters. This move triggered the opening of a criminal case.

23. On 30 October, between 7:00 and 8:00 am, agents of the Moldovan government’s Anti-Trafficking Center carried out simultaneous warranted raids at five separate locations connected with the Unification Church of Moldova and its main actors, arresting Mihail Calestru and Oleg Savenkov.

### **The Defendants**

24. Mihail Gheorghe Calestru is a Moldovan citizen born in Cimislia on 10 August 1978. He graduated from the Faculty of Biology of Moldova State University in 2001, having specialized in biochemistry. He was introduced to the Unification Church during his university studies in 1996. He took part in the development and promotion of organizations related to the Unification Church, including the Family Federation for World Peace and Unification, the International Interreligious Federation for World Peace, and the International Education Foundation, of which he became president. In addition, he organized numerous seminars and workshops for teachers and students on character education, and supported the initiation of the Church-inspired Universal Peace Federation movement in 2005. Calestru is married and has a young son.

25. Oleg Anatol Savenkov is a Ukrainian citizen from Vinnitsa, born on 28 September 1975. He graduated from the mechanical engineering department of the Polytechnic University in 1998, and then moved on to fulfill his two-year military service. He joined the Unification Church in 2000, and in 2005-2006 served as Leader of the Unification Church in Ukraine. In 2007-2008, Savenkov traveled to Korea to study at the Sun Moon University, and then returned to Ukraine to resume his leadership of the Church. After spending a year in Kazakhstan, he moved to Moldova in 2013, where he took up duties as the leader of the Unification Church. Oleg is married and has two young daughters.

### III. Arrest and Prosecution of Savenkov and Calestru

#### **The Arrests**

26. On the morning of Friday, 30 October 2015, Oleg Savenkov and Mihail Calestru, were arrested in Chisinau. Officers from the Anti-Trafficking Center presented documents from the General Prosecutor indicating that the men were suspected of violating Moldova's anti-trafficking law, specifically Article 165, para 3, of the Criminal Code. The document included a list of alleged victims of the crime, all of whom were former members of the Church. The arresting officers arrived at the one-room apartment at N.H. Costin 61/2, Chisinau, where Mihail Calestru lived with his wife Olga and their four-year-old son, at 7:35. Calestru complied with the request to hand over his computer, notebooks, and a bank card that had been supplied by his employer.

27. Simultaneously, teams of police arrived at the homes of two other Church members, Sabina Nadejin, the President of the legal entity of the Church, and Lilia Akhunzeanov, who is president of a Unification Church-affiliated nongovernmental organization the International Relief and Friendship Foundation, and at the headquarters office of the Church at C. Virnav 13, Chisinau.

28. The police were admitted to the Church headquarters by two other members. There they had expected to find Oleg Savenkov, who had lived in the building, but he had moved out two weeks before. The officers searched the headquarters for financial records, confiscating any records they found as well as two computers.

29. Mihail Calestru was brought to the Center to Combat Trafficking in Persons (Centrul de Combaterere a Traficului de Persoane), V.Aleksandri 1, Chisinau, MD-2009. He was informed that he had been formally charged and was placed under arrest at 10:50 for seventy-two hours. He was provided with a court-appointed lawyer, whom he described as "very passive." Under interrogation he explained his

role as a former spiritual leader in the Church, a non-official position. He denied the charges against him. Oleg Savenkov was also brought to the Center to Combat Trafficking in Persons, was interrogated along with his assistant Vitalie Ciconci, and was arrested at 16:00. Approximately twelve other members and former members of the Church were also interrogated. Afterwards, Savenkov and Calestru were brought to the Temporary Detention Isolator of the General Police Station, Tighina 6, Chisinau.

## **The Charges Against Savenkov and Calestru**

### ***Moldova's Anti-Trafficking Legislation***

30. Oleg Savenkov and Mihail Calestru have been charged with violating Moldova's anti-trafficking law, specifically Article 165, para 3 of the Criminal Code. The legislation has been promulgated based on international standards adopted by the United Nations in the Palermo Protocol, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), and by the European Union, which has broadly defined four required steps to combat trafficking in human beings: prevention, protection, prosecution and partnership. The Palermo Protocol requires States to criminalize intentional acts of trafficking as defined by Article 3 of the Protocol and Article 4 of the Council of Europe Convention.

31. Under Article 3 par a) of the Palermo Protocol and Article 4 par a) of the Council of Europe Convention, trafficking in persons/human beings is

the recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.<sup>2</sup>

The Moldovan anti-trafficking legislation goes beyond the main international standards in defining exploitation through trafficking.<sup>3</sup> Article 2 par 3 defines exploitation, *inter alia*, as “abuse of a person in order to obtain profit, namely (i) compelling [others] to engage in begging...”[and] “(k) compelling [others] to engage in other activities that violate fundamental human rights and freedoms.”

32. HRWF and FOREF consider that these two elements of the definition of exploitation need to be scrutinized by Moldovan and international legal authorities as posing a threat to religious minorities and other civil society groups that raise funds.

---

<sup>2</sup> OSCE ODIHR, Review of the legislation combating trafficking in Human Beings of the Republic of Moldova, 2011, p 24

<sup>3</sup> *ibid*, p 25



## *The Allegations*

33. According to a summary of the allegations against Savenkov and Calestru,

In 2008 while in Chisinau, a group of persons of Korean origin whose identities are unknown to the criminal investigation, created a pre-organized criminal group for the purpose of labour exploitation and begging, for committing the crime of human trafficking (Article 165 of the Criminal Code).

Thus, during 2008-2015, an organized criminal group, headed at different times by various different people, having as its goal the recruitment, transportation, and housing, with the consent of the persons, for the purpose of labour exploitation in the form of begging, in a stable structure [included] Oleg Anatol Savenkov, Mihail Gheorghe Calestru, Sabina Ion Nadejdin, Vitalie Valeriu Ciconi, Hon Mo Lee, Cho Il Guk, and other persons unidentified by the criminal prosecution.

In the period 2008-2015, the organized criminal group committed the crime of trafficking against Iurie Colomiet, Irina Teaca, Octavian Rughina, Andrei Gaiduchevici, Daniela Lazarova, Vladimir Croitor, Enkhtuya Dorj, Valeriu Guzun, Eduard Guzun, Alina Matei, Ana Faramus and others unidentified by the criminal investigation, by means of deception, abuse of position, labour exploitation and begging, both within the country as well as in Romania, Ukraine, Russia, Slovenia, Hungary and South Korea. The members of the criminal group were Oleg Savenkov and Mihail Calestru.

At the same time, in order to carry out their criminal intentions and to ensure control over their victims, some restrictions were imposed such as: compulsory accommodation of victims in apartments especially rented by the criminal group, registration of marriages only between the members of the religious group and the enforced cutting off of relations with their families.

Thus, by their actions, Oleg Savenkov and Mihail Calestru intentionally committed trafficking, i.e. recruitment, transportation and harboring of a person with his consent, for the purpose of labor exploitation, begging; they committed mental violence by a method that is safe for human health and life, by fraud or abuse of the vulnerability of the victims, upon a group of people, in an organized criminal group, in accordance with Article 165, para 3, of the Criminal Code.<sup>4</sup>

34. Sabina Nadejdin, the Church President, has been identified as a suspect in the case. She was interviewed on 18 February 2016 for four hours. Vitalie Cicone, while named in the allegation, does not appear to be an official suspect.

---

<sup>4</sup> Summary provided by Attorney Anatolie Ceachir, Chisinau

35. As the summary of the allegations shows, the case against Messrs Savenkov and Calestru thus rests on these key elements: that the Unification Church in Moldova was founded as a “criminal group,” and that in this context, the defendants perpetrated crimes defined in Article 165.

36. HRWF and FOREF have received testimonies from the defendants about prison conditions they have experienced. These conditions have been at variance with the *Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations*.<sup>5</sup> Heating was inadequate, they were deprived of facilities to keep themselves clean, food was sub-standard, dishes could not be cleaned properly, bedding was infested with insects, at times they were subjected to rooms filled with thick tobacco smoke, accessibility to fresh air and exercise was limited, cells were overcrowded (with five men in an eight square meter cell), drinking water was putrid, and requests for medical assistance were often ignored.

#### IV. Violations of Religious Freedom

37. The case against Mihail Savenkov and Oleg Calestru is legally baseless, thus posing the threat of a tragic miscarriage of justice should the two men be convicted. It is a criminal case evidently constructed to resolve a civil dispute, and as such raises questions about the integrity of Moldovan criminal justice authorities. It also constitutes an assault on religious freedom in Moldova and, should the case go forward and result in convictions, could lead to the persecution of other religious minorities in Moldova and in other countries using the same legal techniques.

#### **Weaknesses in the Prosecution’s Case**

38. The Prosecution’s case rests on the assertion that the Unification Church in Moldova was founded as a “criminal group” for the purpose of undertaking labor exploitation. The allegation claims that members of the Church were “trafficked” by the “organized criminal group” in Moldova and in other countries, in order to carry out “begging.” According the summary of the allegations,

...in order to carry out their criminal intentions and to ensure control over their victims, some restrictions were imposed such as: compulsory accommodation of victims in apartments especially rented by the criminal

---

<sup>5</sup> Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

group, registration of marriages only between the members of the religious group and the enforced cutting off of relations with their families.<sup>6</sup>

39. Within this framework of analysis, actions by the defendants are characterized as having “criminal intent.”

Thus, by their actions, Oleg Savenkov and Mihail Calestru intentionally committed trafficking, i.e. recruitment, transportation and harboring of a person with his consent, for the purpose of labor exploitation, begging; they committed mental violence by a method that is safe for human health and life, by fraud or abuse of the vulnerability of the victims, upon a group of people, in an organized criminal group, in accordance with Article 165 # (3) of the Criminal Code.<sup>7</sup>

40. The defense attorney for Oleg Savenkov and Mihail Calestru has outlined several main points refuting these charges:

First, the Unification Church has been a registered religious entity by the Ministry of Justice since 2008. The actions by the Church and its members have been consistent with its Charter and its internal rules. The Unification Church is demonstrably not a “criminal group.” It was not established for the purpose of criminal activities, and it does not conform to the characteristics of a criminal group in any way.

Second, like all religious organizations, and indeed like virtually all institutions of civil society, the Unification Church raises funds needed to carry out its programs. Fundraising is considered a spiritual activity by the Unification Church, and assumes qualities of evangelical, missionary outreach. Experience in fundraising is considered a necessary step in a person’s spiritual development as a member of the Church. The Church’s internal regulation describes the role and function of fundraising in Article 26 (5):

Fundraising is a spiritual activity, practiced by the members of the Church by directly addressing natural/physical or legal persons with the primary purpose to acquire spiritual experience and experiment the reality of the existent spiritual world; the secondary purpose is to collect donations to maintain the activities within the Church...<sup>8</sup>

Finally, it is not logical to charge either of the defendants with establishing a criminal group even if one were to accept the allegation that the Unification Church is such an organization. Oleg Savenkov is a Ukrainian citizen who was not in Moldova in 2008; he only took up residence in Moldova and began his engagement with the Unification Church in Moldova in 2014. He had nothing to do with founding the Unification

---

<sup>6</sup> Summary by Anatolie Ceacher

<sup>7</sup> Ibid

<sup>8</sup> “INTERNAL RULES of the “Unification Church” approved through the order of the President of the Unification Church Sabina Nadejdin.” Translation obtained by HRWF/FOREF.

Church in Moldova. Mihail Calestru has never been part of the Church leadership in Moldova. Indeed, several of those disaffected members of the Church whose complaints led to the criminal charges were founders of the Church. But they have not been charged.

### **Civil issues**

41. HRWF & FOREF have spoken at length with former members of the Church whose complaints resulted in criminal charges against Oleg Savenkov and Mihail Calestru. Over a period of several years, tensions among the membership had grown; there was strong personal animus, in particular between Ms. Elena Guzun, who had been one of the Church founders and was expelled, and the Church president. Some members felt that the leadership style of Oleg Savenkov was harsh and too demanding. Dissident members complained about a lack of transparency in regards to financial issues.

42. The basis for the prosecution of the defendants lies in complaints from dissenting members of the Church, who first wrote letters alleging crimes and threatening the Church leadership that if their demands were not met, the letters would be publicized. Dissident members told HRWF & FOREF that the involvement of the Prosecutor resulted from advice from the Office of the United Nations; efforts to confirm this have not been successful. The anti-trafficking unit in the Prosecutor's Office encouraged dissenting members to describe their experiences, and initiated an investigation. It is clear that some of the dissident members did not expect their complaints to result in a criminal case, and that their main goal was the reform of practices they felt to be manipulative. Several have rescinded statements they made to the prosecutors.

43. According to the attorney for the defendants,

We believe that the reason for criminal proceedings stems from the fact that certain former members of the religious organisation known as the Unification Church who were expelled from membership of the Church for various actions contrary to the statutes and rules of the Church (minutes of exclusion) appealed to the law agencies for cessation of the activities of the Church, its liquidation and reorganization under a different leadership.

44. How and why internal conflicts in the Unification Church could be transformed into a deeply flawed criminal case is not clear. HRWF & FOREF were made aware of allegations that the case has been instigated with the goal of assuming control of the property on which the Church headquarters stands, which is owned by the *Family Federation for World Peace & Unification* (FFWPU). It was also reported that one of the dissenting members also had an interest in the property. It is beyond the scope of

this Report and of the competencies of HRWF & FOREF to fully investigate and clarify the motives for the case.

### **Religious freedom issues**

45. The Unification Church has been defamed by the charge that it is an “organized criminal group.” HRWF & FOREF believe this case constitutes an attack against the very existence of a minority religion. It is not a case simply against two members of the Church, but rather an indictment of the entire community. In the allegations, a number of the core practices of the Unification Church, including for example its marriage traditions, are claimed to indicate “criminal intentions.”

46. The Unification Church has been demonized by the State, its reputation severely compromised, and its ability to exist and carry out its work crippled. The government has thus violated the principle of state neutrality *vis a vis* religious groups.

47. The state has effectively taken sides in a civil dispute, and the case represents an intervention by the state into the internal affairs of a religious organization. The Moldovan Constitution of 1994 guarantees freedom of conscience, and states in Article 31.4 that “Religious cults shall be autonomous, separated from the State and shall enjoy the support of the latter...” The state is empowering a faction within a religious community to the detriment of other members of that community.

48. The case clearly constitutes a violation of Moldova’s international legal obligations as regards freedom of religion, as well as Moldova’s political obligations as a signatory to the Helsinki Accords and Follow-up Document.

49. To arbitrarily declare a religious group to be an “organized criminal group,” and to prosecute its members for their religious activities, is an attack on their freedom of thought, conscience and religion and on that of all the group’s members, which is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR), and likewise by Article 9 of the European Convention on Human Rights, both of which are legally binding on the Republic of Moldova.

50. The 1981 UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief noted the right to solicit and receive voluntary financial and other contributions.

51. Moldova is furthermore obligated to respect commitments to respect freedom of religion undertaken by the OSCE participating States. These include, *inter alia*:

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practice, alone

or in community with others, religion or belief acting in accordance with the dictates of his own conscience. (Madrid document, 1983, par. 12)

[The participating States will] respect the right of...religious communities to establish and maintain freely accessible places of worship or assembly, organize themselves according to their own hierarchical and institutional structure, select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State, **solicit and receive voluntary financial and other contributions** (Vienna document, 1989 16.4) (emphasis added)

## V. Recommendations

### 52. **To the General Prosecutor of Moldova:**

**Dismissal of the case against Oleg Savenkov and Mihail Calestru, and their unconditional release.**

In view of the concerns raised in the foregoing, and the reform process within the Office of the General Prosecutor, the case should be reviewed and dismissed. At the same time, such a review ought to investigate fully the circumstances that resulted in opening the case, and the reasons for its legal failures and threats to human rights.

### 53. **To Members of the Moldovan Parliament:**

To review Moldova's anti-trafficking legislation, and to consider revising the law to ensure that it does not include language and provisions that may be used to persecute religious and other civil society groups

### 54. **To all Moldovan authorities and Parliament:**

To ensure that actions by public authorities respect religious diversity, and to promote religious diversity as per the accepted recommendation of Thailand in the 1<sup>st</sup> UPR cycle.