



Religious Freedom: Moldova in the Dock

Report about the Imprisonment of Two Members of a Minority Religion

The Case of Mihail Calestru (left) and Oleg Savenkov (right)



Willy Fautré & Aaron Rhodes - Brussels/ Vienna, 15 March 2016

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Introduction and Executive Summary

This report provides information about two members of the Unification Church in Moldova, Oleg Savenkov and Mihail Calestru, who were arrested on charges of violating anti-trafficking laws in October 2015. Two independent, international human rights monitoring groups, **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. The organizations concluded that the charges against the two men are baseless; **that they are an assault on religious freedom, that the Office of the Prosecutor General has violated Moldova's international human rights obligations; and that therefore, the charges should be immediately and unconditionally dropped.**

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. **Chapter I** provides facts about this dispute, the defendants, and their arrest. It also provides an analysis of the charges against them. 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.**

Chapter II provides a summary of the main beliefs of the Unification Church, which was founded in Korea by Sun Myung Moon after the end of World War II, and a short history of the Church in Moldova, which has about 120 members.

Chapter III shows why the charges against Oleg Savenkov and Mihail Calestru are baseless. **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.**

HRWF&FOREF consider the case to violate the right to religious freedom for 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.

Chapter IV provides relevant information about the **legal and political context**. 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. The Office of the General Prosecutor is the most powerful legal institution in Moldova, but has been associated with corruption and ties to the Communist Party since Moldova gained independence. Moldova has been suffering from a protracted crisis of governance for many months; protests have erupted throughout the state, many of which are driven by the alleged corruption of law-enforcement officials and the judiciary.

The Report concludes with **recommendations to Moldovan officials, international intergovernmental and human rights bodies, and civil society human rights campaigns.**

NOTE: Human Rights Without Frontiers and the Forum for Religious Freedom-Europe are secular, nonpartisan, independent 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.

Chapter I

Arrest, Interrogation and Detention

1. Timeline of the Events Leading to the Arrests of Mihail Calestru and Oleg Savenkov

March - April 2015

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 Rughină, the members to be excluded were locked out of the meeting.

In reaction, Valeriu Guzun and his son **Eduard Guzun** (non-excluded member), Octavian Rughină and his wife **Enkhtuya Dorj Rughină** 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 a committee was established to manage the admission and exclusion of members. The committee is composed of five members: the president, the two vice-presidents, two other members, and one rotating member in charge of sponsoring the proposed new members. During this general assembly nine new members were accepted, and the six previously mentioned individuals were removed from the records.

May – June 2015

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.

October 2015

On 30 October, between 7.00 and 8.00am, 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. As a result, they arrested **Mihail Calestru** and **Oleg Savenkov** on the basis of Article 165, para 3, of the Moldovan Penal Code related to "Human Trafficking by Criminal Organized Groups," which is punishable by a jail term of six to twelve years. They were accused of having perpetrated criminal activities over the period 2008-2015 under cover of a religious organization, and a list of alleged victims, including expelled members, was presented.

Mihail Calestru and Oleg Savenkov were first kept in custody for seventy-two hours.

2. The Defendants

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 Unity, 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.

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.

3. The Arrests

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 O. 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.

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, and at the headquarters office of the Church at C. Virnav 13, Chisinau.

The police were ~~also~~ 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.

Mihail Calestru was brought to the Center to Combat Trafficking in Persons (Centrul de Combatere 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.

4. The Question of Detention or House Arrest: Timeline

To date, numerous court hearings have been held to consider the confinement of the defendants.

November – December 2015

At 9:00 on 2 November, Mihail Calestru was taken to the Office of Prosecutor **Aliona Bucuci** where he again stated his innocence. There he was shown a transcript of a telephone conversation he had had with his assistant Vitalie Ciconi, in which he asked questions about the raising of some funds. Oleg Savenkov met with the prosecutor several hours later.

Savenkov and Calestru were subsequently brought before a judge at the Central District Court. The prosecutor claimed it was premature to release them under house arrest, and their detention was prolonged for thirty additional days.

On 4 November, they were transferred to Prison 13 (Penitenciarul 13), Bernardazzi 3, Chisinau, MD-2001. After spending eight days in the quarantine room, they were moved to permanent cells.

On 5 November, the defendants' lawyer requested that the earlier court decision be appealed, but the prison detention was upheld.

On 27 November, the Central District Court prolonged the detention of Savenkov and Calestru by thirty days.

On 7 December, the defendants' lawyer submitted an appeal to this decision, but the prolongation of the pre-trial detention was sustained.

On 29 December the Central District Court decided to put the two accused under house arrest.

January 2016

On 11 January, the Court of Appeal, referred to by the prosecutor, revised the first instance decision and ordered the re-incarceration of the suspects. On 26-27 January, the Central District Court of Chisinau ruled that Mihail Calestru and Oleg Savenkov should be released and put under house arrest. At the time of the court hearing Oleg Savenkov was hospitalized.

On 29 January, the prosecutor appealed the decision again.

February 2016

On 3 February, the Court of Appeal dismissed the prosecutor's appeal and upheld the decision to release Mihail Calestru and Oleg Savenkov into house arrest.

On 25 February, at the end of another hearing, the judge of the Central District Court prolonged the house arrest. This time, the prosecutor did not appeal the decision.

March 2016

On 10 March, the Court of Appeal heard Mihail Calestru. His lawyer, Anatolie Ceachir, unsuccessfully tried to obtain the permission for him to move freely in the city as he urgently needs to carry out a project that is funded by the EU and other partners. Without his contribution, the risk is that the grant (150 000 euro) might have to be returned for lack of implementation. The house arrest was maintained.

4. The Charges Against Savenkov and Calestru

Moldova's Anti-Trafficking Legislation

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.

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.¹

The Moldovan anti-trafficking legislation goes beyond the main international standards in defining exploitation through trafficking.² 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.”

¹ OSCE ODIHR, Review of the legislation combating trafficking in Human Beings of the Republic of Moldova, 2011, p 24

² *ibid*, p 25

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.

The Allegations

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.”³

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.

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.

The case is deeply flawed from a legal perspective, but also constitutes an attack on religious freedom in Moldova. It reflects an egregious misuse of anti-trafficking legislation by bringing baseless criminal charges against one side in what is essentially a civil dispute. The context is described in the following chapter.

HRWF and FOREF have received testimonies from the defendants about the prison conditions they have experienced, which are appended to this report as Appendix I. These conditions have been at variance with the *Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations*.⁴ 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.

5. Fact-finding mission of HRWF and FOREF to Moldova

From 13 to 19 January, **Willy Fautré**, director of *Human Rights Without Frontiers* (Brussels), and **Dr. Aaron Rhodes**, President of *Forum for Religious Freedom/Europe* (Vienna), carried out a fact-finding mission in Chisinau. They had meetings with the wives and the lawyer of the two prisoners, the president and members of the Unification Church, a former excluded UC member, and the head of the human rights NGO Promo-Lex. They visited the Ombudsman’s Office, US Embassy, the OSCE Mission, and the UN Office. The Prosecutor General declined the request of the two representatives of the mission to meet. On 19 January, Willy Fautré and Aaron Rhodes held a press conference in Chisinau and met other excluded members. A representative of Amnesty International-Moldova, a former prosecutor, was also present and supported the conclusions of the fact-finding mission: the accusations are baseless and both detained should be released.

³ Summary provided by Attorney Anatolie Ceachir, Chisinau

⁴ 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

Chapter II

Short History of the Unification Church in Moldova

The Unification Church - formally the Holy Spirit Association for the Unification of World Christianity – is a new religious movement which was 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.

The Church expanded rapidly in South Korea and by the end of 1955 had thirty 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.

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) and the *International Education Foundation* (IEF).

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

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.

1. The Unification Church in Moldova

1993

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.

1994 - 2008

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 groups⁵.

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 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.

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.

2008

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).

On 15 May 2008, the Unification Church was registered as a religious organisation with its seat located at N. Titulescu 28, ap 49 in Chisinau (Registration Nr 2326). This

⁵ 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=0ahUKEwjp8NS2_L_LAhVFXRoKHdCNCjAQ6AEIRjAG#v=onepage&q=Moldovan%20orthodox%20church%20against%20other%20groups&f=false

allowed its members to freely and legally exercise their freedom of worship and assembly.

2010 – 2014

From 2010 onwards, the UC was led by a council of local members; among them were Sabina Nadejdin and Mihail Calestru.

The first president of the registered Moldovan UC (from 2008 – 2012) was Radu Vascan. In 2012, he moved with his family to the Russian Federation.

In 2013, Mr. Yoon Chan Wook was assigned to Moldova as a special elder consultant to guide the UC community and promote its development.

In 2014, Mr. Yoon received a new mission in Mongolia. He was replaced by Mr. Oleg Savenkov, a Ukrainian citizen who had previously been the spiritual authority of the Church in Ukraine and afterwards in Kazakhstan. He was appointed to the Moldovan position by the Regional/ Continental Director (Chung, Jin Hwa from South Korea), who is based in Moscow and whose jurisdiction covers the whole of the former Soviet Union (including the Baltic States).

In August 2014, Sabina Nadejdin, a mother of four children, became the president of the legal entity of the Moldovan UC.

2015

At the beginning of 2015, Mr. Cho Sung Soo was mandated by the wife of Rev. Moon, as a Special Envoy to assist the Moldovan UC.

In March, an internal conflict broke out inside the community, the results of which were described in Chapter I.

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.

2. UC-Related Organizations in Moldova

In 1995, UC members registered the *Collegiate Association for the Research of the Principle* (CARP) but a complaint was lodged against CARP on the ground that as a

non-religious body it had been carrying out religious activities. After a year-long court case, CARP was permitted by the Department of Justice to continue its activities provided that it agreed to abide by the laws governing "*Public Non-Religious Associations*" in the future.

In 1996, UC members founded and registered the *Family Federation for World Peace & Unification* (FFWPU) in Moldova. Similar accusations to those made against CARP for "*performing religious activities under the auspices of a non-religious organisation*" were levelled against FFWPU. The issue was eventually cleared up by presenting all necessary documentation, financial reports and explanations.

In 1997, UC members started long term *International Relief and Friendship Foundation* (IRFF) projects, with the financial support from Italian and other donors. IRFF is the international humanitarian relief organisation founded by Rev and Mrs Moon in 1976 in New York and which has carried on numerous disaster relief projects around the world. In the same year the *Women's Federation for World Peace* (WFWP), the worldwide women's organisation founded by Rev. and Mrs Moon, opened a chapter in Moldova. It remains very active, with local support from Moldovan women (not affiliated with the Church) and financial support from co-religionists in Japan and Korea, as well as in Moldova itself.

In 2000, the official work of the *International Education Foundation* (IEF) began with the support of the Ministry of Education of Moldova. Later on, despite some local hostility, the scale of IEF activities diminished but continued in regions and schools where the IEF curriculum had won the support of educators, parents and their children.

In 2002 UC members began activities under the banner of *Service for Peace*, an international youth service organisation which had carried on many service projects around the world. Under this organisation they started teaching Martial Arts.

Chapter III

A Baseless Case that Violates Religious Freedom

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

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

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.⁷

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

⁶ Summary by Anatolie Ceacher

⁷ Ibid

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.

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...⁸

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 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

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.

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

⁸ “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 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.

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.

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

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.”

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.

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.

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.

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.

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.

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)

Chapter IV

The Legal and Political Context

The Republic of Moldova became an independent state in August 1991 and is a Parliamentary Republic. Moldova has been a member of the Council of Europe since 1995, and is a Participating State of the Organization for Security and Cooperation in Europe (OSCE). In 2014, an association agreement was signed with the European Union.

A census in 2004 found a population of 3,383,332 people, with another 555,347 living in Transnistria, a region not under the control of the central government. The population is currently declining, with a negative growth rate of 0.2, due to a low fertility rate of only 1.28 and other factors.

According to the International Organization on Migration, Moldova's per capita real GDP is the lowest in Europe.⁹ The economy is largely agricultural. Moldova has a yearly budget deficit of about 3.3 percent of GDP.

Ethnic Moldovans constitute over 75 percent of the population, with the balance being Ukrainians, Russians, Gagauz and Bulgarians. Eastern Orthodox Christians comprise over 93 percent of the population.

Constitutional Rights

The Constitution of the Republic of Moldova was adopted on 29 July 1994. The Constitution guarantees basic individual rights and freedoms of citizens.

In particular:

Article 1 guarantees the supreme value of personal dignity. Point three states that:

“Governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values that shall be guaranteed.”¹⁰

Article 4 guarantees human rights and freedoms:

“(1) Constitutional provisions on human rights and freedoms shall be interpreted and are enforced in accordance with the Universal Declaration of Human Rights, with the conventions and other treaties to which the Republic of Moldova is a party. (2) Wherever disagreements appear between the

⁹ IOM, FREQUENTLY ASKED QUESTIONS - MOLDOVA, MIGRATION, TRAFFICKING - IOM MOLDOVA,,February 2014

¹⁰ http://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf

conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations.”

Article 6 guarantees the separation of Powers: “The Legislative, the Executive and the Judicial Powers are separate and cooperate in the exercise of the assigned prerogatives pursuant to the provisions of the Constitution.”

Article 16 specifies that the highest duty of the state is the protection of individuals, and para 2 states that: “All citizens of the Republic of Moldova are equal before the law and public authorities, regardless of the race, nationality, ethnic origin, language, religion, sex, opinion, political affiliation, property or social origin.”

Article 20 guarantees the right to a free and accessible justice system that protects the rights, freedoms and interests of citizens.

Article 21 guarantees the right to the presumption of innocence until proven guilty by means of a legal public trial in which the accused benefits from all the guarantees required for his/her defense.

Article 24 guarantees the right to life and prohibits torture and other cruel, inhuman and degrading treatment.

Article 25 guarantees the inviolability of personal liberty and the security of person. It limits custody to 24 hours, requires that arrests be made only pursuant to a warrant and for a maximum of 30 days, and that persons detained or arrested be informed of the reasons for their detention or arrest as soon as possible. The accusation and reasons for detention must be brought to his/her attention in the presence of a lawyer.

Article 26 guarantees the right to a defense and the assistance of a lawyer during trial.

Article 31 guarantees Freedom of Conscience:

“(1) The freedom of conscience shall be guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect. (2) The freedom of religious cults shall be guaranteed and they shall organize themselves according to their own statutes, under the law. (3) In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity. (4) Religious cults shall be autonomous, separated from the State and shall enjoy the support of the latter, here included any facilitation for the religious assistance in the army, hospitals, prisons, asylums and orphanages.”

Articles 40 and 41 guarantee freedom of assembly and association, including in respect of social and political organization.

Article 53 guarantees to every person whose rights have been infringed by a public authority, by an administrative act or by the fact that his or her request has not been resolved within the period prescribed for by law, to obtain the withdrawal of the act and reparation of the prejudice by invoking the law. Article 53 stipulates that the state is legally responsible for damages following errors committed by the courts in criminal proceedings or by investigative and judicial authorities.

Article 117 guarantees the public nature of court proceedings. Closed trial proceedings are allowed only in cases established by law and must be conducted in accordance with the rules of procedure.

The Moldovan Legal System and Prosecutor

Moldova has a civil law system reflecting the influence of Germanic law. Its judicial and legal systems are typical of those in post-Soviet transitional states. The General Prosecution Office is the most powerful legal institution, headed by a Prosecutor General. This office organizes investigations, orders arrests, and prosecutes criminal cases. It also charged administers the judicial system and is responsible for ensuring the legality of government actions.

Formerly the “Procuracy,” the Office of the General Prosecutor in Moldova has been associated with corruption and ties to the Communist Party since Moldova gained independence. In 2015, Moldova was ranked 103 of 168 countries in terms of corruption by Transparency International.¹¹ In a report dedicated specifically to problems in Moldova, Transparency International wrote:

Reported bribery rates in the country remain relatively high, at an average of 29 per cent across eight public services, while the judiciary, political parties and parliament are perceived to be the sectors most affected by corruption. Ineffective checks on government power, impunity of government officials in regard to misconduct, and government interference in the delivery of civil and criminal justice are seen to be among the reasons why corruption levels in Moldova remain high.¹²

The report stated that reforms of the Prosecutor’s Office had been very slow; what is more, “The judiciary is considered among the weakest institutions in terms of corruption, with only the Ombudsman’s office worse on the governmental level.”¹³

In recent months, investigative journalists in Moldova have published articles exposing the financial interests of members of the Office of the General Prosecutor.¹⁴

¹¹ <http://www.transparency.org/cpi2015/>

¹² State of Corruption, p 22

¹³ Ibid., 23

At the time of the investigation and arrest of Oleg Savenkov and Mihail Calestru, the General Prosecutor was Corneliu Gurin, but he resigned on 1 March, saying that, "It's important to start reforms from the top, to show we are ready to have a fresh start with an honest, constructive approach."¹⁵

The Office of the General Prosecutor has established an anti-trafficking section and added two prosecutors to strengthen its work. But according to the US Department of State, corruption has negatively affected efforts to combat human trafficking:

[C]orruption has increased within the judicial sector, including the Supreme Court; shelters had little security, and victims and witnesses participating in trial were threatened. Court hearings were frequently delayed and prosecutors did not maintain regular contact with the victims.¹⁶

Moldova's Political and Law Enforcement Crisis

All parts of the Moldovan government, including the Office of the Prosecutor, have been affected by a protracted political crisis with geopolitical implications. Its roots lie in protests that drove Moldovan President Vladimir Voronin from office in 2009. Voronin had been head of the Communist Party and had led Moldova toward cooperation with NATO and the European Union. An alliance of the Liberal-Democratic, Democratic and Liberal Parties followed, all of which pledged further cooperation with the EU, leading to the aforementioned Association Agreement in 2014. The arrangement was endorsed by Western liberal democracies, which were concerned about Russian aggression in Ukraine and its possible spread to Moldova.

But the economy worsened and reforms were stalled by the failure of the two main political parties, the Liberal-Democratic and Democratic Parties (which are considered by some analysts to be "oligarchical clans"), to cooperate.

Among other demands, protestors called for the dismissal of the General Prosecutor, a protégé of the leader of the Democratic Party, Vladimir Plakhotnyuk. These have been based, at least in part, on the failure of the government to bring to justice those responsible for the embezzlement of USD \$1 billion, and on the jailing of protesters who complained about allegedly unlawful police actions.

¹⁴ for example, <http://anticorruptieold.hm.md/journalistic-investigations/re-form-prosecutors-with-luxurious-mansions-and-lucrative-businesses/?lang=en>

¹⁵ <http://abcnews.go.com/International/wireStory/moldova-top-prosecutor-resign-calls-reforms-37215952>

¹⁶ <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226779.htm>

HRWF & FOREF do not wish to imply any specific illegality in connection with the prosecution of Oleg Savenkov and Mihail Calestru, but only to place the issue within its legal and political context. The office responsible for initiating and prosecuting the case has been evaluated by neutral investigators as suffering from corruption. The General Prosecutor's Office is seen by observers to be influenced by strong political and perhaps even economic interests. It is at the center of a wide-ranging political and corruption crisis afflicting Moldova. In this context, it is neither far-fetched nor inappropriate to question the integrity of the case against Oleg Savenkov and Mihail Calestru.

Recommendations

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.

To the United Nations Special Rapporteur on Freedom of Religion or Belief:

To express concern about the case, and to enter into dialogue with the appropriate Moldovan authorities about dismissal of the case and ways to ensure that minority religions in Moldova are not subject to negative actions and characterizations by law enforcement and other authorities

To the United Nations Working Group on Arbitrary Detention:

To investigate the case as a case of arbitrary detention

To the United Nations Human Rights Committee:

To request information from Moldovan authorities during Moldova's next review and to add the case to the List of Issues of possible violations of Article 18 of the International Covenant on Civil and Political Rights (ICCPR)

To Member States of the United Nations:

To express concern about the case during the Universal Periodic Review Process as a violation of Moldova's legal obligations to uphold freedom of religion

To Members of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE):

To express concern about the case in the Permanent Council and at the Human Dimension Implementation Meeting in 2016

To the European Union and its Members:

To take up the issue in the framework of the Human Rights Dialogue EU-Moldova and in international human rights forums, and to bring the issue to reviews of Moldova's Association Agreement

To the Human Rights Commissioner and Members of the Parliamentary Assembly of the Council of Europe:

To express concern about the case as a violation of Moldova's obligations under the European Convention of Human Rights

To the United States Commission on International Religious Freedom, and the Department of State:

To intervene concerning the case with Moldovan authorities

To civil society human rights organizations:

To appeal to Moldovan authorities for the immediate and unconditional release of Oleg Savenkov and Mihail Calestru

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

ANNEXES

ANNEX I

Testimony of Mihai Calestru and Oleg Savenkov about their detention conditions (30.10.2015-29.12.2015)

Mihai Calestru

Temporary Detention Prison

On the evening of 30 October 2015, I was placed in the Temporary Detention Prison (TDP).

The cell was terrible. It measured approximately eight square metres and had an iron bunk bed with a dark blue mattress and two dirty, smelly cotton covers for each bed. It was very cold, as the heating system was not on. The room had a toilet, separated from the rest of the room with a brick wall. I had no towel, toothbrush or access to a shower. Through a small window, between the rows of iron bars, I could see the sunlight for three to four hours per day. These few hours of light were an immense source of joy and delight for me during my 5 days in this cell.

A few hours after my arrival, guards brought me to the kitchen to eat. I was given one plate of cold, salty soup and some buckwheat porridge with fish. A cup of tea was taken from a large twenty-litre pot. The lack of sanitation was appalling. After every meal, we had to wash our spoons, plates and cups in the small iron sink in our cells, which had only cold water and no soap or other detergents.

At night time I was unsure whether it was safe to use the blankets, and my hesitations proved valid. After two days my face and hands were covered in insect bites, which became red and swollen due to an allergic reaction.

Each cell was to have a designated walking time every day. This rule, however, was often disregarded. The guards would reply to requests for walks with claims that the walking area was already occupied. The truth, as we later found out when prisoners one day insisted on going for a walk, was that the guards were simply too lazy, and the walking area had not been occupied as they had claimed it was.

Due to the lack of sanitation, hygiene, and exercise my health got worse over the days. I found myself getting frequent headaches and asked for medical assistance. A doctor gave me a shot to diminish the allergic reaction to the insect bites, and checked my blood pressure, which was unusually high for a man of my age with my lifestyle. Thankfully, after a few days, my wife was able to pass through the bureaucratic requirements and bring me a toothbrush and some food.

It was not only physically difficult, but also spiritually difficult to stay alone in such a dirty place (not only the cleanliness of the external environment, but also internally and morally). I tried to connect myself to God and find power in Him. I was praying often and felt that God was encouraging me. After two days of prayer, God gave me a roommate. An old man, over fifty-three years old, who had been disabled from childhood and depended on sticks to walk. He had a Bible. I felt so much joy and gratitude towards Heaven for sending me this person. I felt that God responded to my prayers through my new roommate. We read the Bible over the next three days; Sunday, Monday and Tuesday. It brought me great joy and happiness during my 5 days in the TDP.

Quarantine Room

I was eventually transferred from the TDP to the main jail #13, where I had to spend my first nine days in a quarantine room.

Among the ten inmates in the quarantine room, eight were heavy smokers, each having between three and four cigarettes per hour. Quarantine rooms are provided with an unlimited supply of cigarettes; my new cellmates were smoking nonstop. The ventilation system was not functioning and the only two windows faced the hallway; no daylight or fresh air entered the room. It was like a hell.

My first night, I couldn't sleep at all. Heavy smoke burned my throat. I asked to be placed in a separate cell with non-smokers, but it was ignored. One day, I felt so weak, I felt as though I was suffocating, that I did not have enough air to breath. I called for medical assistance. The guards, after seeing me, called for an ambulance. I received some medication to help my breathing.

The only time I could enjoy fresh air in the quarantine room was during a couple of hours at night, when my inmates were sleeping. Though, even during the night, some of them would wake up to smoke. Walking time was for one hour per day, and was indoors, in an eight square-metre room with an iron net roof.

If you do not smoke, you should have the right to be free from those who smoke. While inhaling the secondhand smoke, I could not help but think about the dozens of lectures I had given to thousands of teens in schools and colleges about the dangers of smoking.

After six days in the smoke-filled room, I was finally able to wash myself with a small plastic pot in a dirty, smelly room.

Cell number 88

The living conditions in cell number 88, where I was imprisoned, were even worse than those in the quarantine room.

For weeks, until my temporary release on 29 December 2015, I shared the eight square-metre cell with five other people. The only thing you could do in the room was stand, sit on a bed, or lay down on a bed. There was not even space to walk.

The iron beds were from 1959; the mattresses were half destroyed and the blankets dirty. The toilet, shared by six of us, was the only source of water, and was therefore the only place where we could wash our plates, spoons, and cups. The walls around the toilet were covered with black spots of mold. The water was not remotely clean; if you drank it cold, you couldn't smell or taste the putridness, once it was warmed up however, it was impossible to drink.

Here, as I experienced several times, if you were in trouble or needed emergency medical assistance, the guards were often not in place. Multiple times, my cell mates and I were knocking on the door and calling for the guard's assistance for twenty minutes, thirty minutes then for one full hour without any response.

Even when asking for medical assistance during the daily morning visitation by prison administration, requests from inmates were ignored. I had personally requested to see a dentist two times, but never received an answer. My roommate had some skin problems lasting a week and asked for medical assistance every day. Finally, he got some medicine, but none of the doctors in the prison offered him any medical assistance curing the skin. During my 60 days in detention, I was subjected to neglect by guards and medical staff, and cramped, unsanitary and inhumane living conditions.

Oleg Savenkov

On 30 October, 2015, I was taken to the pre-trial prison. It was truly agonizing; staying in such a horrible place brought me into despair both mentally and physically. The atmosphere is impossible to describe. The cell was dark, stinky and full of heavy smoke; the ventilator window was open, causing the cell to become extremely cold. The conditions were harsh on my health and my spirit was no better. Being surrounded by such a negative and low-energy environment, it was difficult to pray, and it was hard to find myself spiritually.

After three days of imprisonment, I was told I would spend another 30 days in prison.

First, I would be held in a quarantine room. This was unpleasant, as everyone was always smoking and the smell was killing me. We were taken out for a walk in a

small prison yard once a day, but all other hours of the day we stayed in the cell. The atmosphere was awful, the inmates had foul language that is indescribable. In my church life, I was always working on purifying my soul from ungodly things. In contrast to the blasphemous place I found myself, I realized how holy my brothers and sisters in church are. I felt helpless in trying to save the inmates souls. I did not believe that it is possible, and I felt ashamed for such thoughts.

Later, I was moved to another cell, shared with three other people. The cell was two-by-five metres, much smaller than the previous quarantine cell, and was located in the basement where the air was stale. The mattresses were very old, and the bed frame under the mattress was sinking in some places. For a long time I did not receive bed linens, a cup or a spoon. I never received a plate.

My roommates in this cell had already received prison terms. I felt so embarrassed. How could they put me in a cell with such people? I was just under investigation, and they are recidivists. I was treated like a criminal, despite my life of full dedication to God's work; I was always striving for goodness, sacrificing my personal needs for the sake of others, volunteering for noble projects and living a modest life. And now I was treated like this and put in such conditions.

Whenever prisoners were taken to court, conditions were not any better. During the car rides, a mass of prisoners (fourteen to sixteen people) were stuffed, both sitting and standing, into a completely dark space of four square-metres. During the appeal procedure too, we were often kept in small booths where there was only room to stand. Only if you have a strong immune system could you hope to be protected against the flu or other respiratory infections during court visits.

My worries and stress only increased as I learned about what was happening to my loved ones at home. One of my sisters, Lilia Akhunzyanova, had passed away. She was only thirty-nine and had four children, whom her husband now had to raise on his own. When I found out, my mind was flooded with thoughts. I could feel that our church community was under enormous pressure and stress, as some members had been interrogated and were scared. I was worried for my pregnant wife and my daughters. I was worried for the health of my expecting wife and for the baby, for my wife, similar to Lilia, was experiencing fear and stress.

I later found out that the media had been attacking our church and described us as criminals. The church foundation and reputation was being destroyed. To me, it is unbelievable that a community is facing such discrimination in a country that strives to follow European values.

Today, I am grateful to God that I can be with my family at the moment and that I am able to write this testimony.

ANNEX II

Pictures of the Detention Conditions



Image of a cell in Prison #13

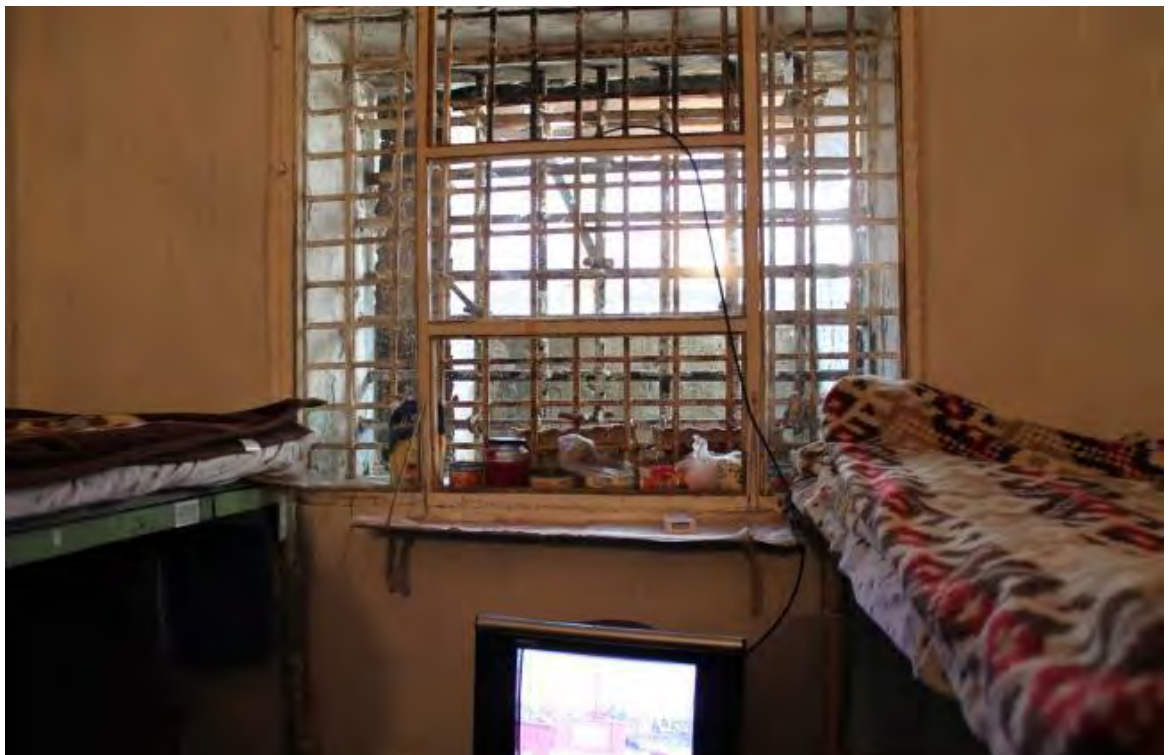


Image of a cell in Prison #13



Image of a cell in Prison #13

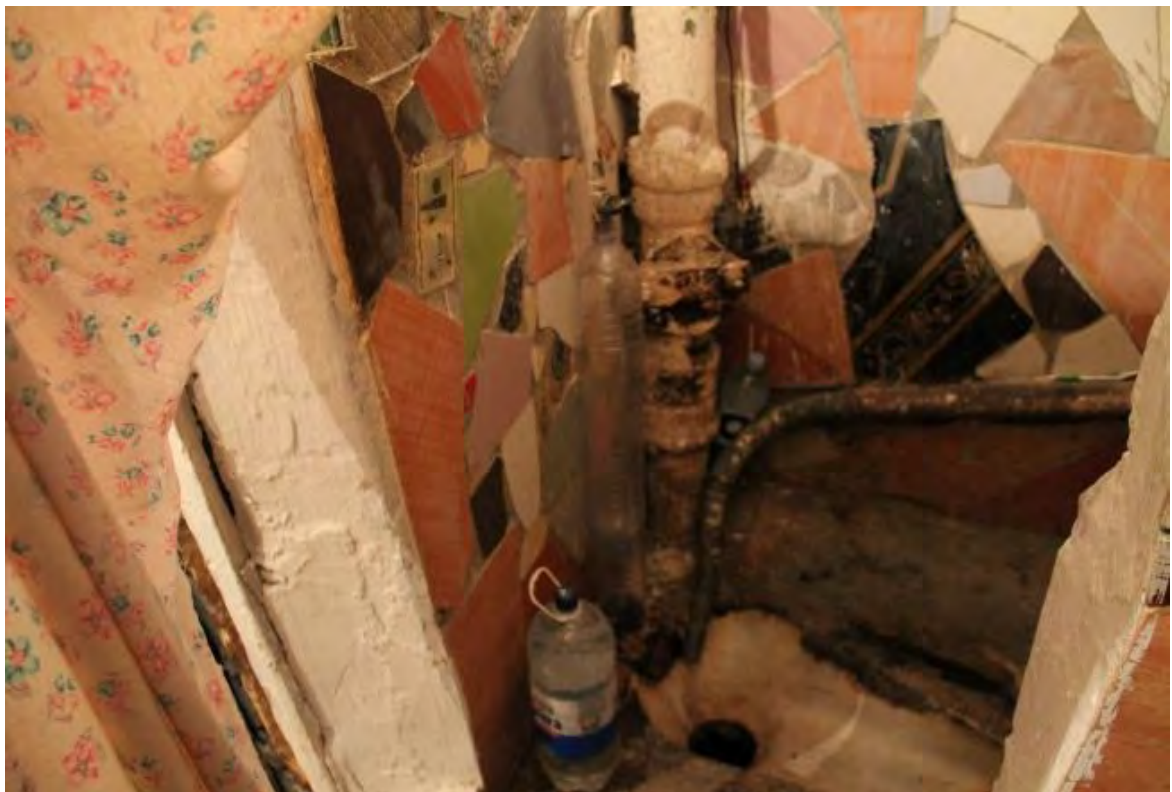


Image of a cell in Prison #13



Image of a cell in Prison #13

Mihail Calestru and Oleg Savenkov's wives visited the prison to bring them food once a week. The following are photos they took of people waiting outside the prison to bring food to their loved ones. They were allowed to bring them food once a week, but the bureaucratic processes were difficult and slow. The two wives usually had to wait outside for three to six hours, regardless of the weather.





ANNEX III

HRWF & FOREF Media Campaign

Court upholds house arrest of Mihai Calestru and Oleg Savenkov

Falsely accused members of the Unification Church had been jailed since 30 October 2015

HRWF/ FOREF (04.02.2016) - A Moldovan court yesterday denied a Prosecution appeal and upheld a decision to release into house arrest Mihail Calestru and Oleg Savenkov, two members of the Unification Church who have been charged with trafficking in human beings. Oleg Savenkov is currently hospitalized. Both men were jailed on 30 October 2015.

As indicated in two earlier statements, *Human Rights Without Frontiers* and the *Forum for Religious Freedom-Europe*, investigated the charges against the two men during a fact-finding mission in Moldova in January 2016, and found them to be baseless.

Both human rights organizations express support for the decision and the hope that charges against both of the accused would be dropped.

New court hearing of Mihail Calestru and Oleg Savenkov planned next Tuesday

Their wives hope that their pre-trial detention will not be extended again and they will be released



Family members wait for hours outside the prison in Moldova to bring food to their loved ones behind bars.

HRWF (21.01.2016) - On 26th January, there will be a new court hearing about whether or not pre-trial detention of Mihail Calestru and Oleg Savenkov will be extended. The two men are members of the Unification Church who arrested on false charges (human trafficking) on 30th October 2015.

Yesterday, the wives of the prisoners went to the prison to bring them food. They told HRWF that, “their daily menu is porridge in the morning and in the evening. For lunch they just get clear soup (almost water) and it has a bad taste. That is why relatives of the prisoners have to feed them. We are only allowed to pass food once a week. People bring 25-30 kg per week in average. The procedure is burdensome. First we must submit a request in three copies in which we must list the content of the bag. Then we have to wait for our turn until we are called. It means usually 3 to 6 hours waiting outside whatever the weather and for the moment it is -15°C. Once people submit their request, they cannot leave because they must also give their identity card.” (See picture above)

On Tuesday, representatives of Human Rights Without Frontiers Int’l (HRWF) and Forum on Religious Freedom/ Europe (FOREF) held a press conference in Chisinau and asked Oleg Savenkov and Mihai Calestru to be "immediately and unconditionally released." A representative of the local branch of Amnesty International, who was also a former prosecutor in Moldova, commented on the case during the press conference and confirmed that it was unfounded.

The Prosecutor's allegation against the two men is deeply flawed. It claims that they established the Unification Church in Moldova in 2008 as an "organized criminal group." One of the defendants, Oleg Savenkov, is a Ukrainian citizen who entered Moldova only in 2014. Mihai Calestru was never a Church leader.

"Moldova's anti-trafficking legislation was not meant to be instrumentalized against peaceful religious organizations," said Dr Aaron Rhodes, President of the Forum for Religious Freedom-Europe.

If convicted of trafficking under Article 165, Oleg Savenkov and Mihail Calestru face jail terms of 6 to 12 years.

Last year, the movement of Falun Gong was banned by a court on the basis of a law against extremism that is now reviewed by the Constitutional Court of Moldova.

PRESS RELEASE

Two Members of a Minority Religion Jailed in Moldova

HRWF Int'l (19.01.2016) *Chisinau, Moldova*. Oleg Savenkov and Mihai Calestru, two members of the Unification Church who are in pre-trial detention in Moldova charged with trafficking in human beings, should be **"immediately and unconditionally released,"** according to *Human Rights Without Frontiers* and the *Forum for Religious Freedom- Europe*, two international human rights organizations that have investigated the charges.

The two men were jailed on 30 October 2015, and remain in detention. If convicted of trafficking under Article 165, they face jail terms of 6 to 12 years.

"Oleg Savenkov and Mihail Calestru have not committed the crimes with which they are charged," according to Willy Fautre, Executive Director of *Human Rights Without Frontiers*. "The charges against them are based solely on accusations by dissatisfied members of the Unification Church who denounced alleged illegal activities to the authorities. Moreover, we have found no evidence of an objective investigation in this case," he said.

The Prosecutor's allegation against the two men is deeply flawed. It claims that they established the Unification Church in Moldova in 2008 as an "organized criminal group." One of the defendants, Oleg Savenkov, is a Ukrainian citizen who entered Moldova only in 2014. Mihail Calestru was never a Church leader.

"Moldova's anti-trafficking legislation was not meant to be instrumentalized against peaceful religious organizations," said Dr Aaron Rhodes, President of the *Forum for Religious Freedom-Europe*.

"It will be a travesty of justice if the law is misused for private reasons, and it will threaten the freedom of religion in Moldova and in Europe," Rhodes said.

The two international human rights groups said they would bring the case to the attention of authorities in the United Nations, the Council of Europe, the European Union, and the Organization for Security and Cooperation in Europe. (OSCE), as well as national governments and the civil society human rights community. They said a conviction would not only be harmful to the defendants and their families and the Unification Church, but to other religious movements and to the image of Moldova.

PRESS CONFERENCE: INVITATION

Two members of a minority religion jailed in Moldova

HRWF/ FOREF (18.01.2016) - Leaders of two international human rights organizations are in Chisinau to investigate the situation of **Oleg Savenkov** and **Mihail Calestru**, members of the Unification Church who are currently jailed and awaiting trial on charges of Trafficking of Human Beings (Art 165).

Presenting the case will be:

Mr. Willy FAUTRE, Executive Director of **Human Rights Without Frontiers Int'l** (HRWF Int'l), Brussels, Belgium. Mr. Fautre is an internationally recognized authority on the freedom of religion. Human Rights Without Frontiers Int'l (<http://www.hrwf.eu>), founded in 1989, is an independent, secular non-governmental organization doing research, advocacy and education on human rights and the freedom of religion.

Dr. Aaron RHODES, President of the **Forum for Religious Freedom/Europe**(FOREF), Vienna, Austria. Dr. Rhodes was also director of the International Helsinki Federation for Human Rights (1993-2007) and a founder of the Freedom Rights Project. The Forum for Religious Freedom Europe (FOREF) is an independent, secular non-governmental organization advocating for the freedom of religion (<http://foref.info> & blog in English: <http://foref-europe.org>)

O. Calestru and **Dorina Savenkov**, the wives of the two prisoners, will participate in the press conference.

As seating is limited, please register for the press conference with an email to:

International.secretariat.brussels@hrwf.net