

PUBLIC

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UA 183/06

Intimidation / possible prisoners of conscience

30 June 2006

MOLDOVA

**Ana Ursachi (f) lawyer
Roman Zadoinov (m) lawyer**

The two Moldovan lawyers named above, who have worked closely with Amnesty International to issue Urgent Actions on torture cases, were informed on 28 June that they face criminal prosecution for spreading false information about human rights violations in Moldova. In a letter to the national Bar Association of Moldova, dated 26 June, the Prosecutor General's Office states that the two lawyers are accused under Article 335 of the Criminal Code of "misuse of official position" which means that they could face a maximum prison sentence of five years or a fine.

Ana Ursachi is the lawyer of Sergei Gurgurov, who was allegedly tortured by police from the Ryshkan district police station in the capital of Chisinau on 25 October 2005. Amnesty International issued an Urgent Action on this case on 18 November 2005 and on 9 December Sergei Gurgurov was released on bail. (UA 292/05, EUR 59/006/2005, 18 November 2005). The subsequent publicity was clearly a great embarrassment to the General Prosecutor's Office, and in a letter to Amnesty International on 9 March the General Prosecutor's Office stated that the version of events given in the Urgent Action "does not correspond to the reality, generates image crisis for our state". A second Urgent Action was issued when Sergei Gurgurov was detained again on 18 April 2006. He was released on 12 May 2006. No action has been taken against the police officers concerned.

Roman Zadoinov's client, Vitalii Kolibaba, was reportedly tortured at Buiucani district police station in Chisinau on 25 April 2006. Vitalii Kolibaba was allegedly hung from a crowbar and beaten, and after being taken back to his cell attempted to commit suicide by slitting his wrists. Following the Urgent Action he was released on bail on 15 May. The General Prosecutor's Office informed the lawyer at the end of May 2006 that a criminal case would not be started against the police officers concerned.

In the letter to the Bar Association, the General Prosecutor's Office refers to the Urgent Actions that were issued by Amnesty International on the two cases and claims that there was no evidence of torture in either case. It goes on to say: "In these circumstances the irresponsible and unfounded oppositional behaviour of the lawyers Anna Ursachi and Roman Zadoinov is incomprehensible and questionable...The lawyers have created a bad image for the country internationally using improper methods to defend the interests of their clients." The General Prosecutor's Office asks the Bar Association to ensure that they use all possible means at their disposal to prevent further damage to the interests of the state.

BACKGROUND INFORMATION

In April 2006 the European Court of Human Rights ruled in the case of Corsacov v. Moldova that Moldova had violated Article 3 of the European Convention because the applicant had been ill-treated by police officers. The court also decided that the General Prosecutor's Office had failed to conduct an effective investigation and by refusing to open a case against the police officers concerned deprived the applicant of an effective remedy against the ill-treatment he had suffered.

Amnesty International is concerned that the letter to the Bar Association of Moldova is a deliberate attempt to intimidate Ana Ursachi and Roman Zadoinov, and to prevent lawyers in Moldova from making public information about human rights violations. It is a violation of the right to freedom of expression, and if the lawyers were to be imprisoned for this offence Amnesty International would consider them prisoners of conscience.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Romanian, Moldovan, Russian, English or your own language:

- urging the authorities not to instigate criminal proceedings against Ana Ursachi and Roman Zadoinov for the legitimate exercise of their right to freedom of expression;
- calling for an immediate end to all attempts to intimidate and harass lawyers for the legitimate exercise of their professional duties;
- reminding the authorities that Moldova has ratified the International Covenant on Civil and Political Rights, Article 19 of which states that the right to freedom of expression includes the freedom "to seek, receive and impart information and ideas of all kinds, regardless of frontiers";
- reminding the authorities of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Article 5 of which states that everyone has the right to communicate with non-governmental or intergovernmental organizations nationally and internationally.

APPEALS TO:

Prosecutor General of the Republic of Moldova

Valeriu BALABAN

Mitropolitul Banulescu-Bodoni Str. 26

MD-2005 Chisinau

Republic of Moldova

Fax: +373 2221 2032

Salutation: Dear Prosecutor General

COPIES TO:

Minister of Foreign Affairs of Moldova

Andrei STRATAN

31 August Str. 80

MD – 2012 Chisinau

Republic of Moldova

Fax: +373 2223 2302

Chair of Bar Association of the Republic of Moldova

Gheorghe Amihalachioaie

53/A Mitropolitul Banulescu-Bodoni Str.

MD-2012 Chisinau

Republic of Moldova

Please send only letters (no faxes) to the Bar Association

Parliamentary Human Rights Advocate

Mrs Raisa APOLSCHII

Director of Centre for Human Rights in the Republic of Moldova

16 Sfatul Tarii Str

MD - 2012 Chisinau

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and to diplomatic representatives of Moldova accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 August 2006.