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Libertatea religioasă: Moldova pe banca acuzațiilor

Raport privind detenția a doi membri ai unei minorități religioase Cazul lui Mihail Calestru (stânga) și Oleg Savenkov (dreapta)

Pentru a vedea raportul complet, consultați
<http://hrwf.eu>
<http://foref-europe.org>



Willy Fautre & Aaron Rhodes - Bruxelles / Viena, douăzeci și unu martie 2016

HRWF / FOREF (21.03.2016) - Arestarea și urmărirea penală a doi membri ai Bisericii Unificării din Moldova, Oleg Savenkov și Mihail Calestru, privind taxele anti-trafic constituie **un atac asupra libertății religioase, care încalcă obligațiile internaționale ale Moldovei privind drepturile omului. Acuzațiile împotriva celor două persoane ar trebui să fie retrase imediat și necondiționat**, în conformitate cu cele două grupuri internaționale, independente de monitorizare privind drepturile omului, **Drepturile omului fără frontiere (HRWF)** și **Forumul pentru libertatea religioasă-Europa (FOREF)**, care au investigat cazul în timpul unei misiuni de documentare în Moldova în ianuarie 2016. Raportul complet este acum disponibil la

<http://hrwf.eu> and <http://foref-europe.org>

Acuzațiile împotriva lui Oleg Savenkov și Mihail Calestru au fost aduse ca urmare a unei dispute în cadrul Bisericii Unificării, care a dus la excluderea mai multor membri. **Capitolul I** oferă informații cu privire la această dispută, inculpați și arestarea lor. Acesta prevede, de asemenea, o analiză a acuzațiilor împotriva lor. Legea antitrafic din

Republica Moldova are un domeniu de aplicare foarte extins; de exemplu, aceasta include incriminarea "cerșitului" ca o formă de exploatare a muncii. **Acuzațiile procurorului împotriva celor doi bărbați se bazează pe afirmațiile făcute de membrii excluși ai Bisericii, care pretind că activitățile organizate de către inculpați erau activități infracționale, în modul în care acestea sunt definite de legislația antitrafic. În plus, acuzațiile precizează că Biserica Unificării a fost înființată în 2008 ca un "grup criminal organizat" pentru scopul explicit de a săvârși astfel de acte criminale.**

Capitolul al II-lea oferă un rezumat al principalelor convingeri ale Bisericii Unificării, care a fost fondată în Coreea de către Sun Myung Moon după sfârșitul celui de al doilea război mondial, și o scurtă istorie a Bisericii din Moldova, care numără aproximativ 120 de membri.

Capitolul III demonstrează de ce acuzațiile împotriva lui Oleg Savenkov și Mihail Calestru sunt lipsite de temei. **În loc de a fi un "grup criminal organizat", precum a susținut statul Republica Moldova, Biserica Unificării mai curînd a aderat la principii și activități în conformitate cu înregistrarea sa juridică ca organizație religioasă, precum și propriile norme interne.** Activitățile sale de colectare de fonduri au fost efectuate în conformitate cu regulile sale interne, și au fost considerate drept o "activitate spirituală." **În timp ce acuzațiile pretind că inculpații s-au făcut vinovați de organizarea unui grup criminal (Biserica Unificării), Oleg Savenkov, cetățean ucrainean, nu se afla în Moldova atunci când Biserica a fost creată, iar Mihail Calestru nu a făcut parte niciodată din conducerea Bisericii.**

HRWF & FOREF consideră că cazul constituie o încălcare a dreptului la libertatea religioasă, pe motiv că Statul a calomniat un grup religios și a atacat însăși existența sa, etichetîndu-l drept "grup criminal organizat." Statul a intervenit, în plus, în afacerile Bisericii Unificării, făcînd partizanat în favoarea unei părți ntr-un litigiu civil, și a supus acuzațiilor penale pe unii dintre membrii Bisericii la indemnul altor membri.

Capitolul IV furnizează informații relevante despre **contextul juridic și politic.** Moldova este obligată prin Convenția europeană a drepturilor omului, iar Constituția Republicii Moldova consacră drepturile civile și politice fundamentale, inclusiv libertatea religioasă. Procuratura Generală este cea mai puternică instituție juridică din Republica Moldova, dar a fost asociată cu corupția și legăturile cu Partidul Comuniștilor, odată cu obținerea independenței. Republica Moldova suferă de o criză de guvernare prelungită timp de mai multe luni; pe întreg teritoriul statului au avut loc proteste, multe dintre care au fost declanșate de pretinse acte de corupție ale oficialilor organelor de ocrotire a normelor de drept și ai sistemului judiciar.

Raportul se încheie cu **recomandări în adresa oficialilor moldoveni, organismele internaționale și interguvernamentale din domeniul drepturilor omului, precum și pentru campaniile de apărare a drepturilor omului, desfășurate de către societatea civilă.**

NOTĂ: Drepturile omului fără frontiere și Forumul pentru Libertatea religioasă Europa sunt organizații laice nepărtinitoare, independente. Noi apărăm drepturile fundamentale ale omului ale persoanelor, dar nu exprimăm nici o poziție cu privire la învățăturile și practicile religioase și ale altor grupuri din care persoanele pot face parte.

Pentru mai multe informații sau interviuri, vă rugăm să contactați Aaron Rhodes (FOREF)

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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)

See full report at:

<http://hrwf.eu>

<http://foref-europe.org>



By Willy Fautré & Aaron Rhodes - Brussels/ Vienna, 21 March 2016

HRWF/FOREF (21.03.2016) - The arrest and prosecution of two members of the Unification Church in Moldova, Oleg Savenkov and Mihail Calestru, on anti-trafficking charges is **an assault on religious freedom that violates Moldova's international human rights obligations. Charges against the two men should be immediately and unconditionally dropped**, according to two independent, international human rights monitoring groups, **Human Rights Without Frontiers (HRWF)** and the **Forum for Religious Freedom-Europe (FOREF)**, which investigated the case during a fact-finding mission to Moldova in January 2016. Their full report is now available at:

<http://hrwf.eu> and <http://foref-europe.org>

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.

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Court upholds house arrest of Mihai Calestru and Oleg Savencov

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 Mihai Calestru and Oleg Savencov, two members of the Unification Church who have been charged with trafficking in human beings. Oleg Savencov 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 Mihai Calestru and Oleg Savencov 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 Mihai Calestru and Oleg Savencov 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 Savencov 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 Savencov, 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 Savencov and Mihai 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 Savencov 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 Savencov and Mihai 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 Savencov, 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*.

"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.

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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 Savencov** and **Mihai 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>)

Olga Calestru and **Dorina Savencov**, 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
