LRCM | LEGAL RESOURCES CENTRE FROM MOLDOVA

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GOOD GOVERNANCE

THE GOVERNMENT REFORM WAS ANNOUNCED

The chairperson of the Democratic Party of Moldova (DPM), Vladimir PLAHOTNIUC, announced in a news briefing of the party on 10 May 2017 the launch of the central public administration reform. Just one month after the announcement, at the meeting of 8 June, the Cabinet of Ministers approved a new Law on the Government. The draft excluded the express list of the ministries from the law, granting the Prime minister the right to amend their list by a simplified procedure, namely by proposing the approval of the list of ministries by the Parliament decision. On 7 July 2017, the Parliament voted Law no. 136 on the Government in final reading, and it was promulgated by the President of the Republic of Moldova on 18 July. On 21 July, with the vote of 53 Members of the Parliament, the new structure of the Government was approved.

The new Government consists of the Prime Minister, 3 Deputy Prime Ministers and 9 Ministers, instead of 16 that were until now. The new ministries are: Ministry of Economy and Infrastructure, Ministry of Finance, Ministry of Justice, Ministry of Foreign Affairs and European Integration, Ministry of Internal Affairs, Ministry of Defence, Ministry of Education, Culture and Research, Ministry of Health, Labour and Social Protection, Ministry of Agriculture, Regional Development and Environment. Also, a new state institution - the Public Services Agency was established. It merged the State Information Resources Centre "Registru", the Civil Status Service and the Licensing Chamber.

At the meeting of 30 August 2017, the Government approved the Regulations on the functioning of the new ministries, which stipulate the mission, functions, fields of activity, rights, as well as organization of their activity. At the same time, the reform of the Government also provides for the liquidation of the position of the Deputy Minister and its replacement with that of the General Secretary of State and Secretary of State. Even if there is an important emphasis on the introduction of the positions of the General Secretary of State and Secretary of State (positions that existed previously) with the view to differentiate between political and administrative functions, new legislation is not clear enough in this respect. However, taking into account the provisions of para (4) of art. 25, Law no. 136, "The Minister, under the law, may delegate to the General Secretary of State management of the current activities of the ministry", we conclude that the function of management is nevertheless attributed to the Minister, who may delegate this function at his/her discretion. The function of managing the ministry can only be delegated to the General Secretary of State, and not to the Secretary of State.

Iurie CIOCAN, head of the Reforms Implementation Center, said that the reform of the Government would involve staff cuts of about 40-42%, which would allow doubling the monthly salaries of the remaining officials. On this issue, the National Trade

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Union Confederation of Moldova (NTUCM) expressed concern that hundreds of employees working in the public authorities would become unemployed, which could further develop the phenomenon of "black market" or migration for working abroad.

On the other hand, the experts in the domain mention that the process of the Government reform has raised more concerns; especially that it was not accompanied by a functional analysis presenting the analytical reasoning and the financial basis of such restructuring. This indicates the probability that the reform was rather determined by political considerations (reducing the number of ministries, the number of civil servants and the economies created thereby) rather than by streamlining the processes. Moreover, most draft normative acts related to the reform of the national authorities were not subject to public consultations (*see for details the Monitoring report on the implementation of the Priority Reform Action Roadmap (5 July - 22 November 2017), chapter 1 Public Administration Reform*).

> **THE REFORM OF THE GOVERNMENT WAS NOT ACCOMPANIED BY A FUNCTIONAL ANALYSIS PRESENTING THE ANALYTICAL REASONING AND THE FINANCIAL BASIS OF SUCH RESTRUCTURING**

According to the statements of the President of the Parliament, Andrian CANDU, the restructuring of all components of the Government and the implementation of this reform has to be carried out by the end of this year.

NOW ANY PERSON CAN BE ELECTED THE PRESIDENT OF THE RAYON

On 21 July 2017, the Parliament of the Republic of Moldova voted in final reading some amendments to Law no. 436 as of 28.12.2006 on Local Public Administration, which allow the president and vice-president of the rayon to be elected not only from among rayon council members (rayon councillors), as it was up to now, but also from among all the citizens of the respective administrative territorial unit. The procedure for the election of the rayon leadership remained unchanged.

The authors of this draft law, representatives of the Democratic Party of Moldova (DPM), believe that this will "make managerial capacity more efficient, because council members will not be limited to the election of candidates only from among the members who are usually elected based on political criteria, but it will be possible to elect a professional manager that would bring added value and maximum efficiency in managing the affairs of the rayon". On the other hand, members of the Congress of Local Authorities from Moldova (CLAM) were baffled that such a draft has been voted in a hurry and in the absence of public debates, which raises questions as to the representativeness of those who will be in the leadership positions, and their legitimacy in front of voters. Also, according to the opinion of the National Anti-Corruption Centre, the lack of requirements for potential candidates identified by rayon councillors may affect the public interest in terms of integrity of the candidates. More specifically, in the case of persons proposed to the position of the president of the rayon not from the list of rayon council members, there is the risk of installing non-professionals, without studies in the field, lacking ethics and professional integrity or with a criminal record.

> **FOR THE PROVISION ALLOWING RAYON COUNCILS TO ELECT AS PRESIDENTS AND VICE-PRESIDENTS PERSONS OUTSIDE THE RAYON COUNCIL MEMBERS WAS VOTED IN A HURRY, WITHOUT PUBLIC DEBATES AND SERIOUSLY AFFECTS THE REPRESENTATIVENESS OF THOSE CANDIDATES**

UNINOMINAL ELECTION CONSTITUENCIES WERE CREATED WITH VIOLATION OF THE ELECTION CODE AND AFTER FAKED PUBLIC CONSULTATIONS

According to Law no. 154 of 21 July 2017, under which the proportional electoral system was changed for a mixed system, the Government should set up an independent Commission for the establishment of permanent uninominal (single-member) constituencies (hereinafter "the Commission") within 30 days since the entry into force of the law. On 23 August 2017, the Government approved the Regulations on the activity of the Commission. This was criticized by some civil society organizations (CSOs) from Moldova because it is a direct interference into the activity of the Commission and violates its independence, since the Electoral Code provided that the Commission would act based on a regulation drafted by the Commission and only approved by the Government. The risk of political influence on the process of creating uninominal constituencies was also highlighted by the Venice Commission in its opinion of June 2017 regarding the change of the electoral system in the Republic of Moldova.

On 6 September 2017, with a delay of more than two weeks, the Government approved the nominal membership of the Commission. The CSOs, both from the country and abroad, requested the Commission to consult publicly the draft of the Government Decision and to publish the summary of comments and objections as stipulated by the Law on transparency in decision-making.

Although in its action plan the Commission provided for public consultations regarding the way how to form the constituencies, on 30 October 2017 the Commission voted the draft map of the constituencies without holding any public consultations. On 7 November 2017, several CSOs made a public appeal regarding limited transparency and drawbacks found in the process of adopting the draft decision on the establishment of uninominal constituencies, and requested the Government to organize public consultations and adopt the Government Decision after the Constitutional Court judgment regarding the complaint on unconstitutionality of Law no. 154.

On 7 November 2017, the Government approved the draft Government Decision without holding public consultations and without asking any questions to the representative of the Commission. According to the decision, out of 51 uninominal constituencies, 46 will be created in the country, 2 - in Transnistria, and 3 - abroad. According to a Promo-LEX analysis, the demographic criterion was not observed when creating uninominal constituencies across the country and there is a high risk of using administrative resources in the electoral campaign by the Democratic Party, which holds the relative/absolute majority of the mayoral mandates in 50% of the constituencies. Also, while forming the majority of constituencies the boundaries of the local public authorities (LPA) of the level II were not observed, it is not clear how the district electoral councils will be formed and which court will be competent to examine the electoral complaints.

When creating those 2 constituencies for Transnistria and 3 outside the country, neither the Commission nor the Government explained which criteria were taken into account. Mr. Iurie CIOCAN, the Chairperson of the Commission, said at the meeting of October 3 2017 (minute 1:04:00) that the proposals would be put to vote. Therefore, the main criterion for the creation of these constituencies was the number of votes, and not the criteria provided by the Electoral Code. The proposals submitted by Promo-LEX and associations from the diaspora, that proposed 6 and 5 constituencies abroad, respectively, were not discussed or taken into account by the Commission.

JUSTICE AND JUDICIAL ACTIVITIES

JUDGES INTIMIDATED BY THE HEAD OF THE STATE

On 27 June 2017, in a press club organized for journalists at Holercani, the President Igor DODON referred to the case in which the former Romanian President Traian BĂSESCU challenged Mr. Dodon's decision on withdrawing the citizenship of the Republic of Moldova of Mr. Băsescu. Mr. Dodon said that "All judges understand that their designation is the responsibility of the president. I›m not saying we put pressure on judges, but they are aware of that. Not all understand it yet, but little by little they will all understand." Through this statement, Mr. Dodon suggested that judges are dependent on the head of the state and that he does not worry about the fate of Băsescu case he is involved in. The statement represents interference into the activity of judges and an attack on the independence of justice, which is inadmissible in a state governed by the rule of law. Neither the Association of Judges nor the judges had any reaction to this statement. Earlier, the Association of Judges harshly criticized the comments of the former ambassador of the European Union, who was disappointed with a decision by the courts to suspend a mayor, qualifying it as interference into the administered justice.

> **IGOR DODON: "ALL JUDGES UNDERSTAND THAT THEIR DESIGNATION IS THE RESPONSIBILITY OF THE PRESIDENT. I'M NOT SAYING WE PUT PRESSURE ON JUDGES, BUT THEY ARE AWARE OF THAT."**

SCM CONTINUES NOT TO PROVIDE REASONS IN THE DECISIONS ON APPOINTMENT AND PROMOTION OF JUDGES

On 12 July 2017, the LRCM launched the public policy paper: "Selection and Promotion of Judges in the Republic of Moldova – Challenges and Needs". The document reveals the results of the analysis of the process of selection and promotion of judges in the Republic of Moldova during the last 4.5 years (January 2013 - May 2017). The conclusions of the analysis confirm the lack of progress regarding selection and promotion of judges, as previously noted in the recommendations of a similar policy paper, drafted by the LRCM in 2015.

One of the basic conclusions of the analysis is that the role of the assessment by the Judges Selection and Career Board (Selection Board) is still minimized. The Superior Council of Magistracy (SCM) often proposes to appoint judges disregarding the score awarded to them by the Selection Board. In many of these cases, the SCM does not give reasons why it disregards the results obtained by the candidates. Thus, at least 72% of the candidates for the position of judge who were appointed after a contest with

at least two candidates had a lower score. In the Courts of Appeal (CA), the same scenario is valid for 39% of those proposed, while for the Supreme Court of Justice (SCJ) this amounts to 42%.

The authors of the analysis noted that the number of appointments following the contests with the participation of a single candidate raises concerns. Within the reference period, 65% of those proposed for the appointment to the administrative positions at courts, 83% of those proposed for the appointment to the administrative positions at the courts of appeal and 100% of those proposed for the appointment to the administrative positions at the SCJ, are candidates who participated in single-candidate contests. Contests with one candidate do not allow holding of a genuine and competitive contest and the selection of the best candidate. At the same time, 9-14% of all announced contests (21% for promotion to the SCJ) are declared by the SCM as failed, the only argument being that a candidate or the participating candidates did not get the required number of votes from members of the SCM, without motivating the votes of members.

„Winners" with low grades in selection and promotion contests (2013 - May 2017)

Judges - 72%

Courts of appeal - 39%

SCJ - 42%

Note: Score granted on the basis of contests with two or more candidates.

The results of the study reveal that there is a lack of interest of judges to take part in contests for administrative positions. Many contests announced by the SCM for the promotion to the courts of appeal or to administrative positions at the courts of appeal and the SCJ included one candidate only or they did not take place because there were no candidates or they withdraw before voting, determining the SCM to announce repeated contests. At the courts of appeals, in 63% of the organized contests no applications were submitted or the candidates withdrew from the contest, while at the SCJ this number is 38%. Insufficient reasoning of the SCM decisions and declaration of a large number of contests as failed could be among the causes that discourage judges from participating in these contests.

Another aspect analysed by the authors concerns the SCM practice of organizing contests. The analysis of the SCM practice of organizing contests for appointment and promotion of judges between January 2013 and May 2017 has shown a high frequency of organizing contests for each separate position. For example, during the reference period, on average, two contests per month were organized for the selection of candidates for the position of a judge (105 contests in 53 months), one contest per month for the promotion to administrative positions at the courts (78 contests in 53 months) and by one contest per month to promote judges to the courts of appeal (78 contests in 53 months). In addition, there were held 14 contests for the promotion to the SCJ, 32 contests for the promotion to the leadership positions at the courts of appeal and 13 contests for the promotion to the leadership positions at the SCJ. The results of the analysis in this part reveal that the unplanned announcement of contests, which leads to the organization of a large number of contests, is deficient. Such an approach does not allow adequate planning for either candidates or the SCM. Such an approach does not create predictability and clarity for the society, but facilitates abusive opportunities. Moreover, the lack of interest of judges to participate in contests, especially for leadership positions at the courts, was observed. Insufficient reasoning of the SCM decisions and frequent organization of contests, many of which are declared to have failed, may be among the causes that deter judges from participating in contests.

The authors recommend (i) to improve the system of selection and promotion of judges by using the results of evaluation by the Selection Board when appointing and promoting candidates and providing for the right of candidates for appointment as judges with the highest score to choose the court; (ii) to organize contests for all vacant positions in the system once or twice a year, which will allow candidates to plan their career in advance and enable the SCM to plan the activity and give sufficient time to provide reasoning of the decisions; (iii) to provide reasoning for the SCM decisions on the career of judges, if the score of the Selection Board is not followed by the SCM or the contest is declared failed. It is also recommended (iv) to urgently reassess the criteria for selection, promotion and transfer of judges, which have a number of deficiencies highlighted in several previous analyses by both the LRCM and other organizations.

At the SCM invitation, on 19 July 2017, the LRCM members presented the results of the study to the SCM members. During the meeting, the SCM Chairman, Victor MICU, assured that the criteria for selection, promotion and transfer of judges will be reassessed following the amendments to be drafted by a working group created by the SCM in that respect.

CONSTITUTIONAL COURT: THE JUDGES WILL CONTINUE TO BENEFIT FROM SPECIAL PENSIONS

Judges benefit from a pension calculated according to special rules. Under current regulations, a judge who has reached the age of 50 and has at least 20 years of work experience, including at least 12 years and 6 months in the office of judge, is entitled to a retirement pension making up 55% of the average monthly salary and for every full year of work over the work experience

of 20 years - 3%, but in total not more than 80% of the average monthly salary. The pension of a judge is recalculated taking into account the size of the monthly salary of the judge in office. On 16 December 2016, the Parliament repealed the legal provisions on the special pension of judges and determined that the pension of a judge shall be calculated according to the general rules.

On 27 July 2017, the Constitutional Court (CCM) found cancelling the special pensions of judges unconstitutional. According to the Government, this change was determined by the need to rebalance the system of pensions, to eliminate the inequities existing in the system and the economic and financial crisis faced by the state. The CCM mentioned that, according to statistical data, Moldova is not experiencing a financial crisis. The CCM also noted that the authorities have increased the salaries of other categories of employees, for example, prosecutors, and maintained special pensions for other categories of employees, without mentioning who they are. The judgement also states that the exclusion of the provisions governing the special pension of judges affects the principle of the judge's independence.
The CCM judgement raises many questions. The ECtHR case law shows that the reduction of the judges' pensions shall be proportionate to the legitimate aim pursued. For example, in 2012, examining the case of *Khoniakina v. Georgia*, the ECtHR found that the reduction of the applicant's pension, the resigned judge of the Supreme Court of Justice of Georgia, was carried out with the legitimate aim of reforming the retirement system and rationalizing public finance spending, that the applicant's pension was in any case more favourable than the average pension in the country, that the State had a wide margin of appreciation of the balance of rights in the implementation of its economic policies in the transition processes and in observing the general interest of society.

The case law of the CCM on the remuneration of judges is quite rich. This is the second judgement by the CCM on the pensions of judges. In 2011, the CCM declared unconstitutional the provisions of a law that reduced special retirement conditions for judges while maintaining the cancellation of special pension for other beneficiaries. Previously, in two judgements (as of 6 November 2014 and as of 2 May 2017), the Constitutional Court declared unconstitutional provisions affecting the size of judges' salary. In all cases, the Supreme Court of Justice requested the CCM to examine the constitutionality of legislative provisions.

WILL THE CAREER OF JUDGES CONSTITUTE A STATE SECRET?

On 20 July 2017, the Parliament adopted Law no. 167 of 20 July 2017, which includes amendments to the Law on the State Secret no. 245 of 27 November 2008. These include, among other things, the completion of the list of positions whose holders have the right of access to the state secret with the position of the chairperson of the Superior Council of Magistracy (SCM) (who is to grant similar right to the other members of the SCM). The proposal to amend Law no. 245 on State Secret was initially drafted at the request of the SCM as early as 2015, which repeatedly explained that they were unable to verify the merits of the information invoked by the President in refusing to appoint a judge because it was based on information received from the Security and Intelligence Service, which was secret.

In an opinion submitted to the Ministry of Justice, the LRCM claims that the amendment to the Law on State Secret is not based on a thorough assessment of the situation de facto. It is unacceptable in a democratic society that deficiencies in the behaviour of some judges constitute state secrets, which will be invoked by the SCM in its decisions regarding the career of judges. These issues should be discussed clearly and transparently. Moreover, art. 7 and 8 of the Law on State Secret stipulate that information regarding violation of law by the public authorities and the responsible persons is not attributable to state secret and cannot be made secret and that data on the career of the judge is not attributable to the information constituting state secret.

ANTI-CORRUPTION AND INTEGRITY

ON WHAT CONDITIONS CAN FOREIGN CITIZENS "BUY" CITIZENSHIP OF THE REPUBLIC OF MOLDOVA?

On 26 June 2017, amendments to the Law on Citizenship of the Republic of Moldova entered into force. These allow foreign citizens to acquire citizenship of the Republic of Moldova in exchange for investments made in the Republic of Moldova. In order to obtain it, the foreign citizen must have a good economic and financial reputation, not to pose a threat to the public order and state security and to make an investment in the Republic of Moldova. The investment may be made in

the Public Investment Fund or in another area of strategic development stipulated by the Government. In the latter case, the investment must be kept in the Republic of Moldova for a period of at least 60 months. The actual size of the investment is not set by law and should be set by the Government. The law provides that members of the investor's family can also obtain the citizenship of the Republic of Moldova, if they make an investment in the Public Investment Fund in the amount of at least 30% of the value of the investment set by the Government. In addition to the size of the investment, the Government is to determine the details of the procedure of citizenship granting on the basis of the investment made.

Amendments to the Law on Citizenship provide that the application for citizenship on the grounds of investment shall be submitted to a special commission created by the Ministry of Economy, which examines the files within 30 days. At the proposal of this commission, citizenship is granted by the presidential decree. The new law further stipulates that granting citizenship on the grounds of investment will be limited to 5,000 people.

AMENDMENTS THAT ALLOW FOREIGN CITIZENS TO ACQUIRE CITIZENSHIP OF THE REPUBLIC OF MOLDOVA IN EXCHANGE FOR INVESTMENTS DO NOT ACTUALLY STIMULATE INVESTMENTS INTO AREAS IMPORTANT FOR THE COUNTRY AND CAN CONTRIBUTE TO THE LEGALIZATION OF FINANCIAL MEANS OF DUBIOUS ORIGIN

On 4 October 2017, the Government Decision no. 786 regarding acquisition of citizenship through investment was adopted. The decision establishes that, in addition to the Public Investment Fund, the investment can only be made in two other areas - real estate and public finance (purchasing of state securities). In the case of investments in the Public Investment Fund, the size of the investment must be at least EUR 100,000, and in the case of investments in the two "strategic" (real estate and public finance) areas - at least EUR 250,000. Investments in the two "strategic" domains are to be kept in the country for at least 60 months. In the latter case, the citizenship is acquired once the investment is done and not 60 months after the investment, but the acquirer of the citizenship must annually submit to the special commission evidence that the investment has not been withdrawn.

Transparency International Moldova criticized this initiative, on the grounds that it does not actually stimulate investments into areas important for the country and that it can contribute to the legalization of financial means of dubious origin.

WHEN WILL THE AGENCY FOR RECOVERY OF CRIMINAL ASSETS BE FUNCTIONAL?

In the spring of 2017, the Parliament voted to set up an agency with the powers to recover criminal assets in connection with corruption offences and money laundering. The Agency for Recovery of Criminal Assets (ARBI abbreviation in Romanian) was established as an autonomous subdivision within the National Anticorruption Center (NAC), having, inter alia, powers of conducting financial investigations and manage assets confiscated as a result of criminal activity. The new institution is to be financed from the state budget and from 3% of the value of the criminal assets recovered by it (by a final decision of the court). In June 2017, the head of the Agency, Otilia NICOLAI, was appointed.

Although it entered into force on 19 May 2017, the results of the ARBI's activity are delayed. Moreover, just five months after adoption of the Law that set the ARBI, a group of MPs proposed to amend some of ARBI powers and attributions. The amendments concern also the institutional and functional reconfiguration of the institution, by changing the subordination of the Agency from NAC to the State Tax Service. On 18 October 2017, deputy chairperson of the NAC Cristina ȚĂRNĂ resigned, stating that one of the reasons for her resignation was the intention of the MPs to destabilize the activity of the ARBI.

The lack of clarity regarding attributions, powers and subordination of the ARBI threatens the effective operation of the ARBI in the nearest future. Under the Priority Reform Action Roadmap for 2017, the Government and the Parliament were to ensure the effective operation of the ARBI by October 2017.

NEW CHIEFS AND THEIR DEPUTIES AT THE PROSECUTOR GENERAL'S OFFICE AND SPECIALIZED PROSECUTOR'S OFFICE

At the meetings in July-August 2017, the Superior Council of Prosecutors (SCP) appointed the winners of the contests for the positions of chiefs of the prosecutor's office and their deputies in the Prosecutor General's Office and specialised prosecutor's offices, all vacant positions being filled. In most contests for vacant positions of chiefs of the prosecutor's office at 3 Directorates and 11 departments of the Prosecutor General's Office, only one candidate participated in the contest and they were selected. The participation of only one candidate for a vacant position is very damaging for the competitiveness of the contest.

More prosecutors submitted applications for announced vacancies in the Prosecution Office for Combating Organized Crime and Special Cases (PCCOCS abbreviation in Romanian) and the Prosecutor's Office in mun. Chişinău. For example, 3 candidates competed for the position of the Chief Prosecutor of PCCOCS, 4 out of 8 candidates were appointed for the position of the deputy chief prosecutor of PCCOCS, 2 candidates competed for the position of the deputy chief prosecutor of the Anti-Corruption Prosecutor's Office, 3 candidates competed for the position of the Chief Prosecutor of Chişinău Prosecutor's Office, while 4 candidates competed for the position of the Chief Prosecutor of the District Prosecutor's Office of Chişinău.

> **In most contests for vacant positions of chiefs of the prosecutor's office at 3 Directorates and 11 departments of the Prosecutor General's Office, only one candidate participated in the contest and s/he was selected**

For the first time, a lady was appointed Chief prosecutor of the District Prosecutor's Office in Bălți. Such appointment could encourage other ladies in the Prosecutor's Office to participate in contests for similar positions.

CANDIDATES FOR THE POSITION OF A PROSECUTOR CHALLENGE THE NEED OF POLYGRAPH TESTING

Starting with 1 January 2015, candidates for the position of judge and prosecutor must be tested on the simulated behaviour detector (polygraph). In June 2017, 10 out of 23 candidates in the first promotion of graduates of the National Institute of Justice (NIJ), who were to undergo the polygraph test, failed it. According to the regulations of the Superior Council of Prosecutors (SCP), candidates who did not pass the polygraph testing were not registered in the Register of candidates for the position of prosecutor at the territorial prosecutor's office.

Candidates who have not passed the polygraph testing have challenged p. 8.6 of the SCP Regulations, arguing that it is more restrictive than the provisions of the Law on Prosecutor's Office no. 3 of 25 February 2016 (the term "passed" instead of "undergone" the polygraph test was used). Subsequently, by the judgement of the Supreme Court of Justice (SCJ) of 26 October 2017 (case file 3-25/47), the challenged provision of the SCP Regulations was cancelled. Only the operative part of the judgement is accessible, the reasoned judgement of the SCJ is not published on its web page. The SCP has complied with the SCJ judgement and amended the Regulations. According to the amendments, the SCP shall examine negative research reports on simulated behaviour, and in case of doubt, shall require the competent authorities to verify the information of the Research report. Subsequently, the SCP will be able to decide if the candidate has to be included in the register.

The NIJ graduates, candidates for the position of judge, were not subjected to polygraph test. However, by the SCM Decision no. 144/7 of 21 February 2017, the process of polygraph testing of candidates for the position of judge was initiated and the Chairperson of the Superior Council of Magistracy, Victor MICU, was empowered to conclude a Cooperation Agreement with the National Anticorruption Centre with the view to initiate the process of polygraph testing of the candidates.

NOTORIOUS CASES

EX-MINISTER MOLOJEN HAS BEEN ACQUITTED FOR THE CONFLICT OF INTERESTS AND CAUSING DAMAGES TO THE STATE

Vladimir MOLOJEN, former Minister of Informational Development (between 2005 and 2008), was accused of having concluded advertising contracts with his family company while he held public leadership positions. According to the accusation, the contracts violated the conflict of interest rules and were unnecessary, as the state enterprise "Registru" anyway is a monopolist in the field of identity documents issuance. The Anticorruption prosecutor demanded a six-year prison sentence for Vladimir MOLOJEN, who was investigated for the abuse of power and negligence of official duties with serious consequences (art. 327 para. (2) letter (c) and art. 329 para. (2) letter b) of the Criminal Code, causing a damage of about 3 million lei.

On 9 December 2015, the Buiucani District Court of Chişinău acquitted Mr. Molojen on the grounds that the prosecutor did not indicate who the victim of crimes was and that the deed did not contain the elements of crime. On 29 November 2016, the Chişinău Court of Appeal upheld the

acquittal sentence of the Buiucani District Court, Chişinău municipality. The Chişinău Court of Appeal found that the prosecutor did not prove the damaging consequences of the acts committed by Mr. Molojen, so the actions of Mr. Molojen do not contain the constitutive elements of the alleged crimes. On 27 June 2017, the Supreme Court of Justice (SCJ) rejected the appeal of the prosecutor as inadmissible.

Ghenadie NICOLAEV, judge of the SCJ, member of the panel that examined Mr. Molojen's case, had a dissenting opinion, considering that the criminal prosecution body provided sufficient evidence to prove Mr. Molojen's guilt in prejudicing the state budget and the causal link between his actions and the damaging consequences. On 7 November 2017, the SCM accepted the request for resignation of judge Nicolaev and proposed to the Parliament the dismissal of the latter.

FORMER DEPUTY MINISTER VEACESLAV CEBAN HAS BEEN CONVICTED FOR INFLUENCE PEDDLING

On 24 June 2017, Veaceslav CEBAN, the former head of the Department of Penitentiary Institutions (DPI) and the former deputy minister of Internal Affairs, currently Head of the State Protection and Guard Service, was detained by the National Anticorruption Centre (NAC) officers, being suspected of committing the offence of influence peddling. According to the NAC, being the employee of the Customs Service, the wedding godson of Mr. Ceban would have extorted and received EUR 60,000 under the pretext of having influence, through his godfather, on some prosecutors in order to issue a decision on dropping of the criminal prosecution and dismissal of the criminal proceedings. In this context, it was agreed that money would be transferred in two instalments: EUR 45,000 and EUR 15,000. On 24 June 2017, under the control of the criminal prosecution body, Mr. Ceban received a part of the claimed money.

On 26 June 2017, Mr. Ceban and his godson were placed in pre-trial detention for 30 days, and on 15 July they were released from pre-trial detention, after they both fully pleaded guilty and requested that the trial be carried out on the basis of the evidence administered at the stage of criminal proceeding, in accordance with the procedure stipulated under art. 364^1 of the Criminal Procedure Code (which provides for a simplified procedure). This procedure implies that if the accused pleaded guilty in the commission of deeds indicated in the indictment, s/he benefits of the reduction by one third of the limits of the punishment stipulated by the law in case of imprisonment, community service work and of the reduction by one fourth of the limits of the penalty stipulated by the law in case of fine punishment.

On 14 July 2017, the Anticorruption Prosecutor's Office announced that it had completed the criminal prosecution and, consequently, submitted the criminal case to the court. On 30 August 2017, by the sentence of the Buiucani district court from Chişinău, the former deputy minister was sanctioned with a penalty in the amount of 112,500 MDL. A penalty with a fine of 150,000 MDL was also imposed on the godson of the former deputy minister. The prosecutor who handled the case did not demand the sentence of deprivation of liberty, but only the fines of 3,000 conventional units (150,000 MDL) for Mr. Ceban and 4,500 conventional units (225,000 MDL) for his godson. However, even the sanctions applied by the judge, of 2,250 and 3,000 conventional units (112,500 MDL and 150,000 MDL respectively), were lower than those requested by the prosecutor.

This was not the first corruption scandal related to the former official; he was previously accused of collecting fees for protection from the employees of the DPI, an institution he was previously in charge of. He was also charged with having controlled all public procurements of the DPI and that he would have promoted for the positions close persons who did not meet the employment requirements.

DORIN CHIRTOACĂ CONCERNED IN A NEW CRIMINAL CASE

On 9 September 2017, a new criminal case was initiated against Dorin CHIRTOACĂ, mayor of Chişinău municipality, suspended from office on 28 July 2017. The case was initiated under art. 328 para. (3) letters b), d) of the Criminal Code - excess of official authority. According to the National Anticorruption Centre (NAC), within the period of 2012 and January 2017, the City Hall of Chişinău municipality, represented by the general mayor, by prior agreement with the parties to the enforcement procedure, would have reached an agreement to give money instead of apartments, thus concluding amicable agreements with the persons who presented the court enforceable documents, through which Chişinău Municipal Council (CMC) was obliged to provide them with dwellings.

Subsequently, the mayor of Chişinău, the creditors and the bailiffs signed a meeting protocol regarding the conditions of amicable agreements, according to which the City Hall shall transfer the funds to the accounts of the bailiffs. The NAC

claims that according to court rulings, the CMC was obliged to give people and their families' dwellings with the right to use them while in service and not to provide financial means for the purchase of dwellings in private ownership. Thus, the general mayor of Chişinău, concluding 81 amicable agreements and paying the total sum of 66 730 577, 80 MDL from the municipal budget, would have caused the local public administration a damage in especially big proportions.

In the reply, Dorin CHIRTOACĂ mentioned that this solution identified for the execution of court judgments was necessary to unblock the activity of the City Hall and claimed that the criminal case in question as well as the previous one is full of insinuations and a series of illegalities, qualifying them as being carried out under political order. We remind that on 28 July 2017, by the decision of Buiucani District Court from Chişinău, Dorin CHIRTOACĂ was suspended from the position of the general mayor of Chişinău, following the first criminal case filed against him on 25 May 2017 ("the case of paid car parking lots"), shortly after the Liberal Party›s refusal to support the modification of the electoral system (for more details about the case, see LRCM Newsletter no. 14).

It is important to note that in addition to the initiated cases, on 12 September 2017, the CMC decided with the vote of 26 municipal councillors that on 19 November a local referendum shall be held where Chişinău citizens will be invited to vote for the dismissal of Dorin CHIRTOACĂ from the position of the general mayor of Chişinău. In this context, on 26 October 2017, the Chişinău Court of Appeal rejected the request of the mayor to be released from arrest in order to organize his electoral campaign before the referendum. In the meantime, on 6 November, Silvia RADU was appointed as acting mayor of the capital city. Media has written in several articles that Ms. Radu is associated with several Democratic Party politicians and leaders.

On 19 November 2017, the local referendum on the dismissal of the Chişinău mayor took place. On 22 November 2017, by decision no. 1274, the Central Electoral Commission declared the referendum invalid because less than 1/3 of persons registered on the electoral lists participated in it. Regardless of the outcome of the referendum, Mr. Chirtoacă remains suspended, and Mrs. Radu will head Chişinău until the national courts have finally decided on the cases brought against him.

Since both cases were instituted, Mr. Chirtoacă was always under home arrest. Only on 10 November 2017, the mayor was released from home arrest and placed under surveillance. Moreover, the judges rejected Mr. Chirtoacă's request to be allowed to attend an event of the Congress of Local Public Authorities of Europe, the deputy chairperson of which he is. Unlike in the case of Mr. Chirtoacă, the courts allowed the mayor of Orhei, Ilan SHOR, who was sentenced by the first instance court to 7 years and 6 months of imprisonment for causing damages and money laundering through non-performing loans contracted from Banca de Economii (see details in LRCM Newsletter no. 14) and who is under criminal prosecution in another case related to the "billion theft", to go for a visit to Strasbourg on 6 October 2017.

Likewise, the magistrates' permission to launch the initiative of the Socialist Party to organize the referendum while he was under home arrest, the involvement in the public space of some campaigns to denigrate the image of the mayor (obscene video and photo), as well as questionable procedure of appointment of Silvia RADU as acting mayor indicates significant political implications in the cases initiated against the suspended mayor Chirtoacă, as well as a keen intention of the ruling party to gain control and management of Chişinău municipality.

THE PROSECUTOR'S OFFICE INITIATED THE CRIMINAL CASE REGARDING THE ATTEMPT TO KIDNAP AND MURDER EVGHENI ŞEVCIUK, THE FORMER TRANSNISTREAN LEADER

According to the mass-media, Evghenii ŞEVCIUK fled to the territory of the Republic of Moldova controlled by the constitutional authorities on the grounds that the prosecutors of the region have initiated 5 criminal cases against him and withdrew his immunity. On 17 July 2017, the Prosecution Office for Combating Organized Crime and Special Cases (PCCOCS) initiated a criminal case for preparing Şevciuk's murder and preparing for the kidnapping of Şevciuk and his family, following a complaint submitted by the former leader of the Transnistrian region.

According to Promo-LEX, Mr. Şevciuk can be held liable by the constitutional authorities for at least three crimes, namely: usurpation of state power (art. 339 para. 2 of the Criminal Code), deliberate actions aimed at inciting national, racial, or religious hostility (art. 346 of the Criminal Code) and establishment of an illegal paramilitary unit or participation therein (art. 282 of the Criminal Code). Promo-LEX considers that the Republic of Moldova has a positive obligation to hear Evghenii ŞEVCIUK and other leaders of the separatist administration in a criminal trial, granting rights provided by the Code of Penal Procedure. The Head of the PCCOCS mentioned that this issue is worked on, but did not announce the start of criminal prosecution against Mr. Şevciuk.

THE PROVISION WHICH ALLOWS DISMISSAL OF JUDGES BASED ON THE SIS OPINIONS CHALLENGED AT THE CONSTITUTIONAL COURT

On 4 July 2017, the Superior Council of Magistracy (SCM) decided to dismiss the judge Domnica MANOLE from the position of judge. Apparently, one of the reasons behind the decision on dismissal is an opinion issued by the Security and Intelligence Service (SIS), which states that in several cases examined by Manole, or with her participation, the judge would have admitted irregularities that attest the presence of risk factors in her activity. The SIS opinion also refers to the case based on which the SCM consent for the judge's criminal prosecution was issued in May 2016 (*more details on this case are available in the LRCM Newsletter no. 10*). Again, the examination of the opinion was held in camera, although judge Manole requested public hearing of the case.

> ***Civil society organizations:*** **The SCM decision on the dismissal of the judge Domnica MANOLE is an act of selective justice and undermines the independence of the judiciary**

On 5 July 2017, several civil society organizations expressed deep concern regarding the SCM decision to dismiss judge Manole. They pointed out that the SCM decision is contrary to the previous practice when SCM members have found that the SIS cannot assess the activity of judges in the examination of certain cases, especially as regards the legality and the validity of the adopted judgements (SCM Decision no. 232/17 as of 10 May 2011). The signatories asked the President of the Republic not to promulgate the dismissal decree, and the SCM to publicly state both the reasons for the dismissal and the reasons for the case examination in camera. On 21 July 2017, the President Igor DODON signed the decree on dismissal of the judge.

Domnica MANOLE challenged the decision by which she was dismissed before the Supreme Court of Justice and filed a motion requesting the Constitutional Court (CCM) to rule on the legality of the legal provisions which give the SIS the power to verify judges, including judges in the examination of specific cases. On 21 August 2017, the CCM accepted this motion and has to express the opinion within six months since the application.

HUMAN RIGHTS

20 YEARS OF THE ECHR IN THE REPUBLIC OF MOLDOVA

On 12 September 1997, the Republic of Moldova ratified the European Convention on Human Rights (ECHR), recognizing the jurisdiction of the European Court of Human Rights (ECtHR). On 12 September 2017, LRCM issued a video clip dedicated to the 20th anniversary since our country joined the ECHR.

Since 1997, the ECtHR has received more than 12,500 applications against Moldova, issuing more than 350 rulings in Moldovan cases, and on the basis of these, the Republic of Moldova has paid compensation of over 16 million Euro.

Due to the ECHR, the sanctions for torture have been increased and as a result, the number of complaints regarding ill-treatment has decreased. Legislation has been amended and safeguards to prevent abusive interception and unjustified arrests have been introduced. The right to obtain compensation for delayed court trials or long enforcement of court rulings has been provided, the prohibition for persons with dual citizenship to hold public offices has been cancelled, and the immunity of the head of state is no longer an absolute one. Similarly, the Russian Federation has been recognized responsible for human rights violations in Transnistrian region.

Although after the ratification of the ECHR the national legislation and some practices have been fundamentally improved, a number of serious shortcomings remain. Court judgements are frequently not sufficiently motivated, judicial proceedings are not transparent and judges do not feel fully independent. Arrest is used too often and with insufficient reasons, in spite of over 20 rulings in this regard. In 2016, as many people were arrested as in 2009 when the April events took place and hundreds of people were arrested. Despite of 30 judgments finding violations regarding conditions of detention, these are still bad in the penitentiaries of the country. Although the number of complaints about the cases of torture and ill-treatment has decreased, even in 2017 there are still cases of ill-treatment and suspicious deaths in places of detention. LRCM recommends that the authorities apply effectively and without any reservations the ECHR standards.

LABOUR CODE CHANGED IN A HURRY, IN FAVOUR OF BUSINESS ENVIRONMENT AND TO THE DETRIMENT OF EMPLOYEES

On 23 June 2017, the Government approved a draft amendment to the Labour Code. According to a study by IDIS Viitorul, the proposed amendments to the Labour Code will in particular affect vulnerable groups such as employees who have concluded individual labour contracts with the probation clause (the employer will not have to motivate the decision on the unsatisfactory outcome of the probationary period); retired persons (dismissal due to the status of the old-age pensioner); young specialists, etc. The study by IDIS also states that several amendments can lead to abuse of rights by employers and violations of other rules governing employment relationships (employers will be exempted from obligation to present the staff list to the territorial labour inspection; reference to the register of the individual labour contracts will be excluded from the Labour Code, so its maintenance will become optional; the employment order will become optional; the grounds for dismissal of the employees have been extended). These will reduce the level of safety and health at workplace, will encourage wages in the "envelopes", and undermine the activity of the supervisory and control body in the labour field.

On 21 July 2017, the Parliament adopted in two readings the draft law no. 188 on amendment of the Labour Code, without organizing public debates, although both trade unions and civil society have criticized this draft law. On 24 August 2017, the President of the country refused to promulgate the draft law and sent it to the Parliament for review. On 21 September 2017, the Parliament repeatedly adopted draft no. 188, rejecting the amendments proposed by the President. Amendments to the Labour Code entered into force on 20 October 2017.

DEATH OF ANDREI BRĂGUȚĂ AND CONTRADICTORY DECLARATIONS OF THE AUTHORITIES

Andrei BRĂGUȚĂ, a young man of 32 years, was detained on 15 August 2017, following an altercation with law enforcement officials, who have ordered him to stop because he exceeded the speed limit. He was detained for 72 hours, and on 18 August 2017 the judge applied arrest for 30 days. As a result, he was transferred from the Temporary detention facility to Penitentiary no.13. Ten days after his detention, the young man died in Penitentiary no.16.

Since the case became publicly known, the state institutions have made several contradictory statements regarding the circumstances in which Mr. Brăguță died. For example, a prosecutor of the Prosecutor General's Office stated that the person died of pneumonia, and the factors that favoured it were the lack of warm clothes, high humidity, lack of bedding, but the Minister of Justice told a journalist that Brăguță would not have been killed, and died of a purulent tuberculosis. Later on, the authorities also mentioned other contradictory circumstances regarding detention, health, the circumstances of the transfer within several detention facilities, the application of violence by other convicts or employees of the General Police Inspectorate.

On 1 September 2017, several organizations of the civil society issued a public statement, expressing their indignation that the state authorities avoid to take responsibility for the unclear circumstances in which the young man had died. They submitted several requests to the General Police Inspectorate, the Prosecutor General's Office, the Superior Council of Magistracy and the Union of Lawyers to initiate disciplinary proceedings and inform the society about the investigations in this case. Subsequently, the victim's lawyers claimed that the authorities tried to cover up the case.

As a result of pressures on the part of public, several employees from penitentiaries no. 13 and 16 of Chișinău, police officers were suspended from office during the investigation, and subsequently the Prosecutor's Office announced that they ordered to initiate criminal prosecution against them and the General Police Inspectorate announced the dismissal and disciplinary sanctioning of three police officers.

NOW IN THE REPUBLIC OF MOLDOVA ARREST IS APPLIED MORE FREQUENTLY THAN IN 2009!

Until 1 October 2017, the European Court of Human Rights (ECtHR) has convicted the Republic of Moldova for more than 60 times for violations of the right to liberty. More than 20 of these convictions refer to insufficient motivation of the arrest decisions. For over 10 years, the Committee of Ministers of the Council of Europe has been monitoring the measures taken by the Republic of Moldova to prevent similar situations. In 2017, the Government of the Republic

of Moldova requested the Committee of Ministers to cease monitoring on the grounds that the Criminal Procedure Code was amended in 2016, and safeguards against unjustified arrests were improved.

In response to the Government's request, the LRCM analysed the official statistical data on the application of pre-trial arrest and found that, despite the amendments of 2016 that made pre-trial arrest more complicated, the statistical indicators did not change. No significant improvement in the quality of motivation of arrest decisions has been noted. On the contrary, the number of arrested persons and the share of arrest warrants admitted by judges are increasing. In 2016, 2,855 people were detained in prison, a figure that is very close to that of 2009, when hundreds of people were abusively arrested by the police in the context of protests related to the parliamentary elections in April 2009. There was no year after 2009 when the number of arrests was so high. The rate of arrest warrants admitted in 2016 is also higher compared to previous years. If in 2013 the judges accepted 76% of the arrest warrants submitted by prosecutors, then in 2016 they admitted 84%. Statistical data for the first half of 2017 suggest that the number of people arrested this year will be even higher than in 2016, given that in the first six months, 1,622 people have already been arrested. The rate of arrest warrants admitted in the first half of 2017 was 87%, being the highest for the last 10 years.

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Analysis of the statistical data suggests that judges do not fully apply standards aimed at combating unjustified arrests. Apparently, this is because they do not feel sufficiently independent, especially after the dismissal of judge Manole and the prosecution of judge Munteanu. Earlier, several NGOs have warned that these procedures will have a discouraging effect on all judges.

CIVIL SOCIETY

THE AUTHORITIES BACKED AWAY FROM THE INITIATIVE CONCERNING LIMITATION OF THE EXTERNAL FINANCING OF NGO'S, BUT COME WITH OTHER INITIATIVES REGARDING CIVIL SOCIETY

The legislation of the Republic of Moldova on non-governmental organizations is outdated, failing to provide sufficient protection against abuses. In the spring of 2016, the Minister of Justice, Vladimir CEBOTARI, set up a working group composed of representatives of non-commercial organizations and the Ministry of Justice in order to improve this legislation. The group worked for more than a year and prepared a draft law intended to replace the Law on Public Associations and the Law on Foundations. This draft law complies with the best international standards and practices.

At the beginning of July 2017, the Minister of Justice proposed to the working group to supplement the draft with three articles. These, using vague wording, prohibited external financing of NGOs carrying out activities that could be considered political by the Ministry of Justice, set up a complicated reporting procedure for externally funded NGOs and drastic sanctions for NGOs that violated the rules of financing and reporting. Most members of the Working Group rejected the Minister's proposals as they were contrary to international standards. Despite this fact, these three articles were introduced into the draft and it was subject to public consultations. On 11 August 2017, more than 20 NGOs submitted a legal opinion to the Ministry of Justice requesting the exclusion of these three articles from the draft law. The opinion was preceded by a public statement signed by over 160 NGOs. More than 80% of NGOs in the Republic of Moldova receive external funding.

On 12 September 2017, Vladimir PLAHOTNIUC, the Chairperson of the Democratic Party, in a press briefing, requested the Minister of Justice to stop any initiatives aimed at amendment of legislation regarding NGOs. On the same day, the Minister of Justice disbanded the working group set up in March 2016. However, two weeks later, the Prime Minister announced at a press briefing that the Government will draft amendments to the legislation aimed to facilitate the registration of NGOs. Mr. Filip said that many NGOs are politically influenced and, therefore, he has proposed to establish a state fund to finance NGOs that monitor public policies. In this context, it is important to remember that so far the state funding of NGOs has not been transparent, and the Government subsidies were often offered on the basis of political preferences.

ACTIONS ON DENIGRATION AND SABOTAGE OF NON-GOVERNMENTAL SECTOR CONTINUE (3)

In Newsletter no.14, the LRCM noted the actions and negative rhetoric of the state authorities' representatives regarding the activity of civil society organizations (CSOs). In spite of the efforts requesting the authorities to end these attacks, new actions against the activity of the non-commercial sector have been launched in July - September 2017 to discourage its involvement in the decision-making process.

On 10 July 2017, representatives of the Prosecutor General's Office organized a public event to which representatives of Amnesty International Moldova (AIM) were invited, under the pretext of a possible proposal to strengthen the collaboration. At the meeting, the prosecutors' office representatives gave negative assessment to the quality of the AIM reports and recommended the organization to coordinate its reports before they are made public. Following the event, some media sources reported on the event in the offending manner for the AIM.

On 18 July 2017, a similar action took place at the Superior Council of Magistracy. The members of the SCM invited journalists and representatives of civil society to reproach the allegedly untrue content of information in the press under the pretext of friendly discussion. Representatives of civil society organizations and the media qualified the actions of the authorities as intimidation actions.

On 15 July 2017, the results of an opinion poll carried out at the order of the Democratic Party of Moldova were published. The results of the opinion poll, inter alia, contain several questions addressed to the respondents about the activity of civil society organizations. Several questions were formulated biased with the aim to influence the respondents' response as regards the activity of non-commercial sector. For example, the first six response options for a question addressed to respondents about the activity of civil society organizations negatively presented the activity of the non-governmental sector (for example: "population knows little about their work", "they are influenced by political forces", or "used for money laundering"). The results of the opinion poll were used in press reports and were the subject of some talk shows to present the activity of the non-governmental sector in a negative way.

Orchestrated attacks are an indicator of a real danger to the normal functioning of the CSOs in Moldova and a threat to democracy. The LRCM will further continue to document these attacks aimed at limiting the civil society space.

IN BRIEF

Significant legislative amendments regarding the judiciary initiated by the Ministry of Justice – on 29 August 2017, the Ministry of Justice launched public consultations on the draft law on amendment and supplement of some legislative acts regarding the reform of the judiciary. These include important changes previously promoted by the LRCM, such as the introduction of the rule on the regular organization of contests for all vacant positions in the judiciary, as opposed to the organization of contests for each vacancy, granting of a larger weight to the studies at the National Institute of Justice (NIJ), ensuring merit-based selection and promotion of judges, as well as their performance evaluation. At the same time, the draft law does not clearly apply the principles proposed for the selection of judges to the promotion of judges, the weight of studies at the NIJ and evaluation of the performance of judges could be further increased, and additional provisions could be included to improve the functioning of the Superior Council of Magistracy by organizing more transparent sittings and the way its decisions are published. The LRCM has reviewed and submitted a legal opinion to the Ministry of Justice that includes proposals on these issues. In addition, it was proposed to change significantly the disciplinary procedure for judges, ensuring its efficiency and compatibility with the ECHR standards.

The Priority Reform Action Road Map, no. 2 - within the period of August 2017 and January 2018, the LRCM together with ADEPT Association and Expert-Grup are carrying out a monitoring project for the implementation of the Priority Reform Action Roadmap of the Government and the Parliament of the Republic of Moldova planned for implementation in the second semester of this year. The purpose of this project is twofold: (I) to provide the public with an independent assessment of the level of implementation of this roadmap and (ii) to increase the accountability of the Government and the Parliament regarding urgent reforms that need to be implemented to ensure a dynamic and sustainable

development of the Republic of Moldova. Information on the status of implementation of the Roadmap is available in the Roadmap monitoring application, updated once every two weeks, available in Romanian, Russian and English.

Public lecture on the qualities required to become a judge, prosecutor and lawyer - on 29 September 2017, at the Law Faculty of the State University of Moldova, the public lecture "Qualities required to become a judge, prosecutor, barrister" was held. This event is part of a series of activities within the law faculties of Chişinău, Bălți and Cahul. Several subjects were discussed, including the professional and moral qualities that a good judge, prosecutor or lawyer should have, the beliefs that should be assumed by the professionals who hold these positions, the skills young people need to acquire to excel in these professions. The event was attended by speakers Andrea Annamaria CHIŞ, judge, university lecturer, member of Superior Council of Magistracy in Romania; Laura ŞTEFAN, Anti-Corruption Expert, Expert Forum, Romania and Vladislav GRIBINCEA, the Chairperson of the LRCM.

Illegal enrichment in the attention of the prosecutor's office - according to an informative note sent to the portal Moldova Curata, over the last 3 years the Prosecutor's Office initiated several criminal cases for illicit enrichment against 14 civil servants. In two cases, the prosecution was terminated and two other cases were sent to the court. Currently, 10 people are suspected of illicit enrichment. Among the prosecuted persons is the judge Oleg MELNICIUC, acting deputy chairperson of the Chişinău court (Rîşcani District) at that time. The judge was detained for 3 days and then released at the end of June 2017. Subsequently, by the decision of the Superior Council of Magistracy (SCM) no. 449/21 as of 4 July 2017, the SCM partially admitted the request of the Prosecutor General providing its consent to initiate the criminal prosecution under art. 352^1 para. (2) of the Criminal Code (false declarations), to execute some criminal proceedings and hold the judge criminally liable. The SCM decision was not challenged at the Supreme Court of Justice. Judge Oleg MELNICIUC is the first judge accused of illicit enrichment.

The Dutch film screening on justice and human rights - between 1 October 2017 and 30 April 2018, the LRCM, in partnership with Expert Forum Romania, implements the project "Ethical Dilemmas in the Judiciary of the Republic of Moldova". Within the framework of the project the short films "Looking into the Soul – about the profession of a judge" ("Kijken in de ziel") produced by a Dutch journalist and revealing several dilemmas and ethical standards in the judiciary will be broadcast. The films will be screened especially for judges, law faculty students and young law professionals.

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ABOUT LRCM

The Legal Resources Centre from Moldova is a not-for profit non-governmental organization based in Chişinău, Republic of Moldova. LRCM strives to ensure a qualitative, prompt and transparent delivery of justice and effective observance of civil and political rights in Moldova. In achieving these aims, LRCM combines policy research and advocacy in an independent and non-partisan manner.

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