

NEWSLETTER

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GOOD GOVERNANCE

THE ANNULMENT OF LOCAL ELECTIONS IN CHIȘINĂU –
BRIEF ANALYSIS

According to the law, elections can be invalidated, but only when there are violations that might have influenced their results. This follows both from the Election Code and from the Constitutional Court's decision on the validation of the 2016 presidential elections.

On 3 June 2018, the second round of the elections of Mayor of Chișinău took place. The candidate Andrei NĂSTASE won the elections with 52.6% of the votes – 12,643 votes more than his competitor Ion CEBAN. The first round of elections took place two weeks earlier and the elections were recognized by all observers. The Electoral Office and Ion CEBAN requested the Chișinău District Court to validate the results of the elections. Although all parties requested to have the elections validated, on 19 June 2018, [Judge Berdilo of Chișinău District Court annulled](#) the results of both the second and the first rounds of elections. The judge found that on 3 June 2018, while the elections were under way, Andrei NĂSTASE had posted four video clips on his Facebook account, urging citizens to vote (without mentioning whom to vote for). A few days earlier, [on 15 June 2018, the Supreme Court of Justice \(SCJ\) found](#), at the request of the political party whose member Ion CEBAN was (The Socialist Party), that the posts from 3 June 2018 were a form of electoral campaigning, which is banned on Election Day. Judge Berdilo found that the videos generated over 250,000 views and had a decisive influence on the election results in round two of elections. [The respective ruling was upheld by appellate court and the SCJ.](#)

During 28 years of independence, [Moldovan politicians had always called on citizens to vote on Election Day](#), and this was the first time when such actions were qualified as contrary to the law. This was also the first time that election results were invalidated because of campaigning on Election Day. We do not know examples in international practice when elections have been annulled for this reason. Moreover, in many countries electoral campaigning on Election Day is not prohibited. The purpose of this ban, in countries where it exists, is to prevent altercations between supporters of different candidates. Such altercations were not reported in the June 2018 local elections in Chișinău. This is also clear from the fact that the law does not prohibit keeping electoral posters on Election Day and banner ads on the Internet if they were placed before Election Day.

The judge found that the four Facebook videos generated over 250,000 views, which determined more than 12,643 voters to support Andrei NĂSTASE. This conclusion is not convincing. It is not clear whether it is possible to determine the exact impact of

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social networking posts on voting options. For several years, the US authorities have tried to answer this question, and a credible answer still does not exist, even though an impressive number of people are working on this issue. In any case, the judge did not substantiate her findings on any opinion of a social network expert. A brief analysis of the account of Andrei NĂSTASE reveals that the judge summed up the number of views of the four posts, which is strange at least, because the same person could view all four posts. In fact, on 7 June 2018, the most popular of the four posts had no more than 80,000 views. Moreover, nothing confirms that people actually watched the videos because Facebook counts a “viewer” any view that lasts longer than 3 seconds. Neither is it clear whether the people who viewed any of the posts were over 18 years of age and hence had the voting right, whether they were from Chişinău (people who were not residents of Chişinău did not have the right to vote in those elections), whether they watched the videos before voting (the videos were posted in the second half of the election day), whether they changed their voting option after watching the videos and went to vote for Mr. Năstase, etc. The discussion initiated by the judge could, at least theoretically, have been legitimate if the difference between the two candidates had been minimal. In reality, the difference between them exceeded 5%. Moreover, the judges found that Mr. Ceban had also urged citizens to vote on Election Day. In such circumstances, the judge’s conclusion seems to be rather an assumption. Courts may not base their decisions solely on assumptions.

The [Parliament is currently considering lifting the ban on electoral campaigning on Election Day](#). This implicitly confirms that campaigning on Election Day is not a sufficiently serious offense to justify the invalidation of elections.

Moreover, Judge Berdilo decided not to validate the election results on her own initiative, even through the election authority and the electoral candidates claimed there were no grounds for invalidation. Such a behavior is unusual, given that the judge is normally held by the position of the parties. Another curious aspect was that the judge invalidated both the first and the second rounds, even though the alleged

violations only happened in the second round. The judge did not substantiate in any way why she invalidated the first round or elections. This decision fits perfectly the subsequent refusal of the Central Election Commission to hold repeated elections in Chişinău. Article 149 of the Election Code expressly states that in case of the annulment or invalidation of elections, repeated elections between the same candidates (with the exception of those who have committed violations) must be organized within two weeks.

The SCJ found it illegal to urge citizens to vote on Election Day [as part of another case, finalized on 15 June 2018](#). That case started at the request of the political party Ion CEBAN was member of, the Socialist Party PSRM. The legal action started two days after the second round of elections and after Mr. Ceban congratulated Mr. Năstase on the victory. That legal action was very strange, considering that Mr. Ceban also called on citizens to vote on Election Day.

THE JUDGE INVALIDATED
THE ELECTIONS OF THE
MAYOR OF CHIŞINĂU,
EVEN THOUGH ALL
PARTIES ASKED FOR
THEIR VALIDATION.

Despite the clear provision of the Election Code (Article 149) that the invalidation of elections must lead to repeated elections, the Central Election Commission refused to organize them. As a result, currently, Chişinău’s mayoralty is held by an interim mayor, who is a person

approved by the Democratic Party.

The decision of the Moldovan courts to annul the elections was criticized by US and EU representatives. They called that decision “non-transparent,” “unusual,” “unjustified,” and “undermining confidence in democratic institutions.” On 5 July 2018, [the European Parliament, with 2/3 of the votes, recommended freezing any EU budget support to Moldova](#).

Court decisions may not be used to annul citizens’ voting options. Judges are called to ensure the fairness of elections, not to invalidate the voters’ will. The annulment of the elections set an extremely dangerous precedent. Effectively, it is now possible to annul elections for any deviation from the spirit of the election legislation. This precedent is particularly dangerous in the Republic of Moldova, where judges’ independence is increasingly questioned. Without free and fair elections there is no democracy.

THE CONSTITUTIONAL COURT “INVALIDATED” THE PRIVILEGED STATUS OF THE RUSSIAN LANGUAGE

On 4 June 2018, the Constitutional Court (CCM) passed the [Decision No. 17](#) declaring the Law No. 3465 of 1 September 1989 on the Use of the Languages Spoken in the Territory of

the Moldovan Soviet Socialist Republic (MSSR) as obsolete. The CCM also declared unconstitutional the provisions of the Constitutional Jurisdiction Code and of the Law on the

Constitutional Court, according to which it could only verify the constitutionality of the acts adopted after the enactment of the Constitution (27 August 1994).

The CCM was notified on 23 January 2018 by a group of Liberal MPs who invoked two main aspects. The first concerns the constitutionality of the obligation to translate all laws and other normative acts into Russian, of the guarantee of the national minorities' right to school, university and post-university education in Russian, and of the national minorities' right to address public institutions and to receive a reply in Russian. The second aspect concerns the legal limitation of the CCM's power to verify the constitutionality of the acts enacted before the adoption of the Constitution.

After considering both the name and the substance of several provisions of the Law No. 3465, the CCM found that it was "obsolete and useless." The legal effect of this finding is rather limited, as the provisions of Law No. 3465 are transposed into several pieces of legislation that the CCM did not declare unconstitutional. On the other hand, the declaration of a legislative norm as obsolete is the jurisdiction of the entity that adopted that law, not of the CCM. Moreover, the concept of declaring a legislative norm "useless" – a concept not previously encountered in the case-law of the CCM – is unclear.

The CCM also examined the constitutionality of other provisions concerning the status of Russian language in Moldova (the Law No. 173 on the Publication and Enactment of Official Acts, the Law No. 382 on the Rights of Members of

National Minorities and the Parliament's Rules of Procedure). These provisions require the translation of the normative acts of central authorities of the Republic of Moldova into Russian, the guarantee of the right to education in Russian, the publication of normative acts, official communications, and other information of national importance in Russian, as well as the display of the names of public institutions in Russian. The CCM concluded that those provisions were not contrary to Article 13 (state language) or Article 16 (equality of rights) of the Constitution. The CCM concluded that, as long as the publication of normative acts or education in Russian were complementary to the publication and education in the state language, those provisions were constitutional. In other words, the CCM did not diminish in any way the special status of Russian language in the Republic of Moldova.

THE PRIVILEGED STATUS
OF THE RUSSIAN
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REPUBLIC OF MOLDOVA
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PRIVILEGES OFFERED
TO THIS LANGUAGE
ARE IN LINE WITH THE
CONSTITUTION?!

The CCM considered the constitutionality of the Law No. 3465, although it had been adopted before the enactment of the Constitution. Previously, the CCM refused to examine the constitutionality of acts issued before the adoption of the Constitution. Without a substantiation of why it changed its case-law, the CCM concluded that it may examine the constitutionality of acts adopted before the enactment of the Constitution, as those acts were in force, and the CCM's jurisdiction "applies to all laws in force." The CCM stressed that "it handled those laws the same way it did with the laws passed after the enactment of the Constitution" and that "its motivation to do so was based on the principle of effective protection that it must ensure for fundamental rights, and on its status of the guarantor of the observance of the Constitution."

JUSTICE

REVISION OF CIVIL COURT DECISIONS – HOW OFTEN DOES THE SUPREME COURT OF JUSTICE REVISE ITS OWN OPINION?

Between August 2017 and March 2018, the LRCM [examined the uniformity of the practice of the Supreme Court of Justice \(SCJ\) of reversing irrevocable civil court decisions](#). The analysis was meant to support the efforts to standardize judicial practice. Based on empirical data for January 2013 through December 2017 (70 decisions regarding revision), we found that there were serious doubts as to the genuine existence of grounds for revision in at least 40% of the analyzed SCJ decisions (28 decisions). Most often, in 28 decisions, the invocation of new

circumstances, amicable settlement of applications pending before the European Court of Human Rights (ECtHR), or the alleged non-involvement in the process of persons whose rights were affected were in fact disguised appeals, some of them with major financial interests or the involvement of influential people. In some cases, the SCJ judges would not thoroughly consider simple procedural issues, such as the deadline for filing a revision request, or generally refused to invoke a legal basis in the decisions when they revised their own opinion.

The existence of decisions in which the SCJ unjustifiably revised its opinion, albeit few in number (approximately 1.7%) compared to the total of the submitted requests for revision, encourages further submission of groundless revision requests and weakens the efforts of unification of judicial practice. By 31 December 2017, the ECtHR

found 20 instances when the Republic of Moldova had unjustifiably reversed, through revision, irrevocable civil court decisions.

A full analysis is available on the LRCM's website in [Romanian](#) and [English](#).

THE SUPREME COURT OF JUSTICE REGAINED FULL JURISDICTION TO VERIFY THE LEGALITY OF SUPERIOR COUNCIL OF MAGISTRACY DECISIONS

On 14 May 2018, the Constitutional Court (CCM) issued [a decision](#) declaring unconstitutional the provisions of Article 25 (1) of [Law No. 947 of July 19, 1996, "On the Superior Council of Magistracy"](#) (SCM). Those provisions allowed the Supreme Court of Justice (SCJ) to verify the legality of SCM decisions only as regards the procedure for their issue and adoption. The SCJ interpreted those provisions as giving it the right to verify only the compliance with the voting procedure, not the merits of SCM decisions. The CCM found that the respective provisions were contrary to Article 20 of the Constitution (access to justice). [The objection of unconstitutionality](#) was raised by ex-judge Gheorghe MUNTEAN.

The CCM noted that the challenged provisions did not give the SCJ the power to review the facts established by

the SCM in disciplinary cases against judges. Therefore, the SCJ is prevented from examining matters that may be crucial, and the complainants lack the possibility of an effective review. The CCM noted that as regards the control of appeals from SCM decisions, the SCJ must be able to carry out efficient verification and to effectively resolve the issues raised before it.

This CCM decision does not imply the revision of already delivered SCJ decisions against SCM decisions. At the same time, the SCJ will now be able to fully verify the legality of SCM decisions, on merits and on legal points, before the legislative amendments will take place to implement the respective SSCM decision.

CONTESTS WITHOUT COMPETITORS FOR THE SUPREME COURT OF JUSTICE PRESIDENCY

On 6 March 2018, Mihai POALELUNGI quit the position of Chief Justice of the Supreme Court of Justice (SCJ) in favor of the position of judge at the Constitutional Court. On 20 March 2018, the SCJ announced a competition to fill this vacancy. [The only candidate](#) who applied for the competition was [Ion DRUȚĂ](#), judge at the SCJ since [July 2013](#). On 25 April 2018, Mr. Druță [was elected as Chairman of the SCJ](#) by the unanimous vote of SCM members, after an interview of a few minutes. In [2016](#), the competition for the SCJ presidency also had only one candidate. In [2012](#), it attracted two candidates, and the contest announced in November 2010 and scheduled for February [2011](#) had five candidates.

In 2015, the Prosecutor General asked the SCM to approve the prosecution against Mr. Druță, but the request was rejected

by the majority of CSM members (CSM members [Dumitru VISTERNICIAN](#), [Vera TOMA](#) and [Tatiana RĂDUCANU](#) had separate opinions). The same year, Mr. Druță was involved in a [disciplinary procedure](#), but the [SCM cancelled the disciplinary sanction](#). Also in 2015 Mr. Druță was screened by the National Integrity Commission, which found that he had not declared his property in a proper manner, but then [dropped the case](#).

Contests in the judicial system with only one candidate are [an increasingly common practice](#). As a result, the contests are rather simulated, and in fact serve to appoint a single candidate. On the other hand, the SCM does not usually substantiate its decisions on contests involving several candidates, thus discouraging potential future candidates from participating in such contests.

RESTRICTIONS ON ACCESS TO COURT HEARINGS IN CHIȘINĂU COURT (CENTRU OFFICE)

On 20 June 2018, when [several NGOs criticized the lack of access for journalists to the court hearing regarding the validation of elections](#), the deputy chief judge of Chișinău Appellate Court (Centru Office) Ghenadie PAVLIUC issued an [Order on access to court premises](#). Ghenadie PAVLIUC justified the order by the need to strengthen courthouse

security, and to ensure public order and court users' safety. The document concerns access to court for judges, personnel, trial participants, and the media accredited by the Audiovisual Coordination Council. Persons wishing to attend public court hearings will only have access if there is sufficient room in the courtroom, following a lengthy

identification procedure. The trial participants' identity will be documented in special registers.

This order is difficult to explain. It establishes different rules of access to Chişinău Court compared to other courts. It

also restricts free access of the public and the media to the courthouse where cases of public interest are examined. The order contains provisions similar to those of the [SCM's Regulations on Access to Courthouses](#), adopted in 2016, and [suspended one week later](#).

THE SUPERIOR COUNCIL OF MAGISTRACY ESTABLISHED THE JUDICIAL ETHICS COMMISSION

On 8 May 2018, by Decision No. 229/12, the Superior Council of Magistracy (SCM) approved the [Regulation](#) on the Commission for judges' ethics and professional conduct. The Commission aims to prevent violations of professional ethics and to promote the standards of professional conduct for judges. Its primary task is to issue, on request or *ex officio*, opinions and recommendations for judges about the dilemmas concerning the interpretation and application of the [Code of Ethics and Professional Conduct for Judges](#).

On 3 July 2018, [by Decision No. 317/16](#), the SCM established the Commission consisting of the five elected judge-members of the SCM. On 17 July 2018, [at the Commission's first meeting](#), Anatolie GALBEN was elected as Chairman. He became a member of the SCM in early 2018 and is a judge at Chişinău Court. On 24 July 2018, when he was already a member of the SCM, Mr. GALBEN [was promoted](#) to Chişinău Court of Appeals, where he would work starting January 2022, after the termination of his term as a member of the SCM. In 2009, [in police commissariats, Anatolie GALBEN examined](#) cases against young people who participated in the 7 April 2009, protests.

ANTI-CORRUPTION AND INTEGRITY

THE NATIONAL INTEGRITY AUTHORITY IS LOOKING FOR INTEGRITY INSPECTORS

According to [Law No. 132 of June 17, 2016](#) on the National Integrity Authority (NIA), the verification of state employees' property is the task of integrity inspectors. They are selected on a competitive basis. On 21 February 2018, the Integrity Council approved the [Regulation on the Selection of Integrity Inspectors](#).

[On 12 April 2018](#), the NIA announced the first contest to fill 9 out of 46 existing inspector positions. The contest was delayed for more than three months. [On 15 May 2018](#), the selection commission rejected 11 out of 43 applicants because they did not qualify for eligibility. [On 21 May 2018](#), only ten applicants were admitted to the interview. [On 20 May 2018](#), six applicants successfully passed the interview and were admitted for polygraph testing. [On 11 June 2018](#), the NIA announced that four applicants – Ada GRICIUC, Constantin CULICOVSCHI, Radion BUZU, and Ion NICOLAEV – passed the polygraph testing and were appointed as integrity inspectors.

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[On 12 June 2018](#), the NIA announced the second contest. [On 7 August 2018](#), the selection commission rejected 7 out of 16 applicants for that contest. [On 13 August 2018](#), six applicants successfully passed the written test. [On 17 August 2018](#), only four applicants successfully passed the interview. [On 4 October 2018](#), Ion CREȚU, Vladislav GORCEAC, and Alexandru STAVINSCHI were nominated the winners of the contest. One applicant failed the polygraph test and was disqualified.

Currently, the NIA has only 7 out of 46 integrity inspectors it needs. [On 20 August 2018](#), the NIA announced the third competition to select integrity inspectors, which is currently underway.

According to the [NIA's activity report](#) for the first half of 2018, inspectors' work focused on examining current complaints and the backlog of 76 cases from the former National Integrity Commission (liquidated in August 2016).

THE CONSTITUTIONAL COURT: POLYGRAPH TESTING MAY NOT BE A CONDITION FOR TAKING PUBLIC OFFICE!

On 10 April 2018, [the Constitutional Court \(CCM\) declared unconstitutional](#) Article 11 (12) of Law No. 132 of 17 June 2016 on the National Integrity Authority (ANI). This article provided for the “successful passing of the polygraph test” as a mandatory condition for applicants for the NIA’s chairman or vice chairman. [The exception of unconstitutionality](#) was raised by Teodor CĂRNAȚ. He [applied for the presidency of the NIA, but failed the polygraph test](#).

The CCM found that this wording was contrary to Articles 39 and 43 of the Constitution (the right to participate in the management of public affairs and the right to work). The CCM noted that the polygraph test was not an internationally accepted scientific method and a reliable procedure for detecting simulated behaviors. The conclusions of such test could be evidence that, supported by other elements, would lead to a certain decision. Even Article 22 (1) letter j) of the [Law No. 269 of 12 December 2008](#) provides that test results are presumptive and

approximate only and may not serve as evidence in any proceedings.

As a result of the CCM’s decision, [on 24 May 2018](#), the Law No. 132/2016 was amended. The successful passing of the polygraph testing is no longer a mandatory condition for getting hired, but just one of the applicant evaluation criteria.

On 2 June 2017, the Superior Council of Prosecutors (SCP) [refused to admit](#) for a contest 10 graduates of the National Institute of Justice (NIJ) because of their failure of the polygraph test. The applicants challenged the decision of the SCP, invoking Article 22 (1) letter j) of the Law No. 269/2008. On 26 October 2017, the SCJ [ordered the SCP](#) to admit those persons to the contest for prosecutor vacancies. Neither the SCP nor the 10 NIJ graduates requested the SCJ to give reasons for its decision. For this reason, the SCJ decision remained without a reasoning (civil decisions issued by the SCJ in first level court hearings are reasoned only at the parties’ request).

INVESTIGATION: GENEROUS “DONATIONS” FOR JUDGES

According to an [investigation published on the web portal Anticoruptie.md](#), in 2018 many judges declared expensive donations from parents and relatives. They received apartments, houses, land, cars, and large sums of money. This could be the legalization of goods that had belonged to judges *de facto*, but were formally registered on other people. The large number of declared donations could be explained by the change of the way state employees declare their interests – starting with 2018, they must declare not only the goods acquired as property but also the goods used free of charge.

The verification of declarations of assets and interests is the task of the National Integrity Authority (NIA). So far, it does not have sufficient human and financial resources to genuinely verify a large number of declarations. In the beginning of October 2018, the NIA had only 7 out of the 46 integrity inspectors it needs to verify declarations of assets and interests. Only [in 2017](#) the number of persons who must declare their assets and interests was 57,569. As long as a person holds public office, there is no limitation period for verifying their declarations. The NIA may also check the declarations of former officials within three years of the expiry of their term.

HIGH-PROFILE CASES

ODDITIES ABOUT THE MANOLE CASE

On 4 July 2017, by decision of [No 451/21](#), the Superior Council of Magistracy (SCM) dismissed Domnica MANOLE from judicial office based on a notification from the Security and Intelligence Service (SIS). Ms. Manole requested the reversal of that decision before the Supreme Court of Justice (SCJ). Meanwhile, she challenged the procedure by which judges may be dismissed based on SIS notifications to the Constitutional Court (CCM). On 5 December 2017, the CCM

examined the exception of unconstitutionality raised by Domnica MANOLE and found that procedure ran counter to the independence of judges. Based on the CCM decision of 5 December 2017, Ms. Manole requested the SCM to annul its decision regarding her dismissal. She argued that the SCM decision was an administrative act, and according to the Law on Administrative Litigation, a public authority may annul its administrative acts at any time. By [Decision No 64/4 of 6](#)

[February 2018](#), the SCM rejected the request because the administrative act had been implemented by getting the judge dismissed and the unconstitutionality of the grounds cited in the SCM decision was being examined by the SCJ. Given the unconstitutionality of the law invoked to dismiss Ms. Manole, the CSM could have annulled its own decision at any time, but hesitated to do so. This hesitation seems to be related to the protraction of the examination of the case by the SCJ.

Between April and June 2018, the SCJ had several hearings of the case against the SCM's decision to dismiss the judge. Many of them were postponed because of the vacations of the SCM representative and some SCJ judges, the recusal of a judge from the examination of the case, and the invocation of the impartiality of Judge Ion DRUȚĂ, who at the time was competing for the position of SCJ's chief judge. On 5 July 2018, Ms. Manole asked the SCJ to speed up the examination of her application. [The SCJ rejected the request](#), citing judges' vacations scheduled for different times and the absence of danger of breaching the reasonable time limits. It seems that the SCJ deliberately defers the examination and the issue of a decision, pending the conviction sentence in the criminal proceedings initiated against the judge in 2016. In October 2018, the civil case was still pending before the SCJ, with at least eight hearings having

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been postponed because of the vacations or the unavailability of judges or the CSM representative. When a judge is on vacation or is otherwise unavailable, the SCJ usually changes the judicial panel, rather than postponing the examination.

[On 31 May 2016, the SCM agreed to the initiation of criminal investigation](#) against Judge Domnica MANOLE for knowingly taking an unlawful decision (Article 307 of the Criminal Code). She is accused of illegally ordering the

Central Election Commission to organize a referendum requested by the Dignity and Truth Platform Party (for details, see [Newsletter 10](#)). In April 2018, the criminal investigation was completed and Ms. Manole gained access to the investigation materials. Ms. Manole found that the information collected as part of the criminal investigation had nothing to do with the subject of the investigation and included such actions as checking the sums in the bank accounts owned by Ms. Manole and her

family members, intercepting her telephone conversations, studying her personal file from the CSM from her appointment as a judge, and verifying video recordings from the cameras in the hallways of Chișinău Appellate Court, where she worked. On 21 April 2018, the criminal case against Ms. Manole was sent to court. It is still pending, but judges insist on its quick examination.

THE PROTRACTION OF THE SHOR CASE KEEPS ON

On 28 August 2016, the case against the Mayor of Orhei, ex-chairman of the Board of Directors of Banca de Economii (BEM), Ilan SHOR, on embezzlement of funds from BEM and money laundering, was sent to court. On 21 July 2017, the [Chișinău Court sentenced Mr. Shor](#) to seven and a half years in prison. Despite the filing of appeal, the case was not sent to appellate court for seven months. The reason [invoked by the judge was that the court sentence had not been translated into Russian](#) to be handed over to Mr. Shor. In contrast, the translation of the 120-page sentence in the case of Veaceslav PLATON took approximately one month. Both businessmen were convicted by the same court during the same period.

THE CASE OF
ILAN SHOR STILL
EXAMINED IN CLOSED
HEARINGS

On 15 January 2018, the case of Ilan SHOR finally reached the Chișinău Court of Appeals. The case was assigned to the panel judges Xenofon ULIANOVSKI (rapporteur), Stelian TELEUCĂ and Silvia VRABIE. On 18 January 2018, Xenophon ULIANOVSKI recused himself from the case because "his brother Gheorghe ULIANOVSKI was the attorney of Chiril LUCINSCHI involved in another case

related to the case of Ilan SHOR." Silvia VRABIE recused herself because she had been on the panel that had examined Shor's arrest. On 19 January 2018, their recusal requests [were accepted](#). The Shor case was re-assigned to another panel, consisting of judges Svetlana BALMOȘ (rapporteur), Oxana ROBU, and Igor MÎNĂSCURTĂ. The latter two also recused themselves [because they had previously examined the case of Veaceslav PLATON](#), which is related to the case of Shor. The self-recusal of judges in the case of Shor [raises suspicions](#) that judges lack independence. On 22 January 2018, the chief judge of Chișinău Court of Appeals issued an order appointing a new panel, consisting of judges Svetlana BALMOȘ (rapporteur), Stelian TELEUCĂ and Alexandru SPOIALĂ.

The first hearing of the case was scheduled for 29 January 2018, at Chișinău Court of Appeals. The hearing was postponed to 12 February 2018, because of the absence of the defendant who, according to his attorneys, "had health problems that prevented him from appearing before the court."

Meanwhile, the chief judge of Chişinău Court of Appeals, Ion PLEŞCA, requested the Supreme Court of Justice (SCJ) to transfer the case to another court. He argued that one of Mr. Shor's attorneys, Iulian BALAN, was married to the chief of the secretariat of Chişinău Court of Appeals. Ion PLEŞCA also mentioned that most of the 21 judges of the criminal department of Chişinău Court of Appeals could not sit on the Shor's case because they either had participated in the procedures for arresting Mr. Shor or had sat on the criminal cases involving Vladimir FILAT and Veaceslav PLATON, which are related to the case of Ilan SHOR.

On 9 February 2018, the [SCJ accepted the transfer request](#) and sent the case to Cahul Court of Appeals for examination. Previously, the attorneys of Veaceslav PLATON had asked that their client's case be transferred to another appellate court, claiming that the daughter of the chief judge of Chişinău Court of Appeals had performed the criminal investigation of that case. The SCJ, however, rejected their request.

The Shor case before Cahul Court of Appeals [was assigned to judges](#) Vitalie MOVILĂ, Evghenii DVURECENSCHII and Nina VELEVA. The first hearing was scheduled for 2 April

2018. It [was postponed](#), however, because of the absence of the attorneys and Mr. Shor, who invoked health issues. The next hearing was set for 23 May 2018, but postponed at the prosecutor's request. On 8 August 2018, the court heard seven witnesses for the prosecution. The Cahul Court of Appeals allowed Mr. Shor to leave the Republic of Moldova between August 9 - 19 for medical treatment. The following hearing, held on 20 August 2018, was postponed at the request of Mr. Shor's attorneys invoking Mr. Shor's health issues again. At the same time, on 16 August 2018, Mr. Shor [showed up](#) at a private party in Israel.

A new hearing on the case of Shor took place on 24 August 2018, but was adjourned until 12 September. At the 12 September hearing, the sixth in succession, Shor's attorneys requested a financial-accounting expert opinions. The judges accepted the request. [Experts believe](#) that such expert opinions can take at least several months. Next hearing was scheduled for 17 December 2018. Just as in the trial court, the appellate court hears the Shor case in closed hearings. Prosecutors consider that the case must be examined in closed hearings in order not to prejudice the other ongoing investigations.

CHIRIL LUCINSCHI SENTENCED FOR MONEY LAUNDERING

On 4 April 2018, Chişinău Court, Buiucani Office, [sentenced Chiril LUCINSCHI](#) for money laundering funds originating from the "Billion Theft." Mr. Lucinschi did not deny having received money from Ilan SHOR, but claimed that it represented debts that the latter had to repay him.

The court found that, between 28 November 2012 and 23 October 2014, Mr. Lucinschi received sums of money totaling USD 440,100 and EUR 278,242 from Ilan SHOR, which were acquired fraudulently from the banking system of the Republic of Moldova. The judges concluded that Mr. Lucinschi was supposed to know that the money was illegal. Chişinău Court also found that Mr. Lucinschi did not include the received sums in his declarations of assets, although he had such obligation as a Member of Parliament.

The court convicted Mr. Lucinschi of money laundering of a particularly large amount (Article 243 (3), letter (b) of the Criminal Code) and the failure to provide full information in the declaration of assets and personal interests (Article 352¹ (2) of the Criminal Code). Mr. Lucinschi was sentenced to five years and six months in prison and a fine of MDL 27,500, with no right to hold public office for four years. Pending a final

sentence, the court released Mr. Lucinschi on probation, with the ban on leaving the country.

CHIRIL LUCINSCHI
CONVICTED OF HAVING
RECEIVED A DEBT
REPAYMENT FROM ILAN
SHOR BECAUSE HE
WAS SUPPOSED TO
KNOW THAT THE MONEY
CAME FROM THE THEFT
IN THE BANKING SYSTEM

The sentence makes it clear that the sums received by Mr. Lucinschi came from the bank fraud and were received by means of the companies owned by Ilan SHOR. It is strange, however, that the court sentenced Mr. Lucinschi for his alleged acceptance of the debt repayment from Ilan SHOR from the money stolen by the latter from the banking system. In the case of Shor (examined in trial court in 2017), the judges could not establish

with certainty that he had benefited from any funds stolen from the banking system. Currently, the ruling on Mr. Shor is in force. Furthermore, according to media reports, Mr. Shor stated in the court that Mr. Lucinschi was unaware that the transferred money came from the bank fraud, that is, from an illicit activity. In such situation, Mr. Lucinschi cannot be accused of money laundering. It seems that Mr. Shor's testimony was not included in the text of the sentence (p. 20 of the sentence). Despite Mr. Shor's statements, the court concluded that Mr. Lucinschi must have known about the illegal origin of the money, without giving the reasons for such a conclusion in its sentence.

Mr. Lucinschi was arrested on 25 May 2017, the night before the transmission of control over his TV channel to a journalists' association (for more details, see [Newsletter 14](#)). At this point, Mr.

Lucinschi's appeal is pending examination, [and the appellate court does not allow him to leave the country](#). Mr. Shor, on the other hand, regularly obtains permission from judges to go abroad.

HUMAN RIGHTS

LAWYERS PROTESTED AGAINST EXCESSIVE APPLICATION OF ARREST

On 26 June 2018, more than 100 lawyers rallied in a protest in front of Chişinău Court of Appeals. The protest comes as a reaction to the courts' excessive practice of applying pretrial custody. According to the [Union of Lawyers' Council](#), the practice of requesting and warranting pretrial arrest has turned into a formality "without the institutions requesting and warranting it justifying the impossibility of non-custodial measures."

Lawyers' concerns are confirmed by official statistics. According to the reports of the Courts Administration Agency, the actual number of motions for arrest has increased significantly. In 2006, it exceeded 79%, whereas [in 2017 it reached 87%](#). Over the past ten years, the rate of arrest warrants exceeded the approval rate for the previous years, meaning that judges admit at least 8 in 10 arrest motions from prosecutors. These data indirectly confirm

THE SCM: LAWYERS' ACCUSATIONS ARE UNACCEPTABLE IN A RULE-OF-LAW STATE!

that the admission of arrest motions takes place without a thorough analysis of the reasons for arrest.

[In a press release](#), the Superior Council of Magistracy (SCM) qualified as unacceptable, superficial, and elusive the statements of the lawyers present at the protest. The SCM also noted that the respective statements affect the image and the independence of the judiciary, which is unacceptable in a rule-of-law state. The SCM's reaction is strange, given that, by its [Decision No. 218/11 of 25 April 2018](#), the SCM found that judges did not apply provisional measures that were alternative to arrest sufficiently. [According to an analysis prepared by the LRCM](#), until 1 January 2018, the European Court of Human Rights found in 21 judgments that Moldovan judges warranted pretrial arrest without sufficient substantiation.

THE PARLIAMENT PASSED THE THIRD NATIONAL HUMAN RIGHTS STRATEGY

On 1 December 2017, the Parliament registered the draft [National Human Rights Action Plan for 2018 – 2022](#) (NHRAP). On 7 February 2018, following a public hearing on the document, the Parliamentary Commission for Human Rights and Inter-ethnic Relations decided to return the document to the Ministry of Justice to include the recommendations from UN committees addressed to the Republic of Moldova between 2016 and 2017. On [16 May 2018](#), the parliamentary commission approved the revised version of the NHRAP, and on [24 May 2018](#), the Parliament approved the document. The document came into force on 10 August 2018. This is the third human rights action plan.

The adopted document does not provide for several commitments undertaken by the Republic of Moldova or recommendations developed as part of the UN and Council of Europe mechanisms, such as the transfer of medical institutions from the subordination to the National Administration of Penitentiaries into that to the Ministry of Health, the transfer of the responsibility for temporary

detention facilities from the subordination to the Ministry of Home Affairs into the subordination to the Ministry of Justice, etc.

Within two months of the date of adoption of the NHRAP, the government was to set up the National Human Rights Council responsible for monitoring and assessing the implementation of the NHRAP and other national human rights documents. The Council is an advisory body formed of representatives of the Parliament, the government, the central and local public administration, and civil society. The Council was to replace several structures, such as the National Committee for Combating Trafficking in Human Beings, and the National Council for the Protection of Children's Rights. As of 31 October 2018, the Council was not established as yet.

Also within two months of the adoption of the NHRAP, the government was to create the Standing Secretariat for Human Rights, which would ensure the work of the Council. The Secretariat is responsible for drafting recommendations on the implementation of the NHRAP, assessing the implementation

of the NHRAP, coordinating the national reports on the implementation of the international treaties to which the

Republic of Moldova is a party, etc. On 31 October 2018, the human rights secretariat was not established as yet.

THE CONSTITUTIONAL COURT DECLARED UNCONSTITUTIONAL THE WITHDRAWAL OF PENSION FROM CITIZENS THAT ACQUIRE RESIDENCE ABROAD

On 8 May 2018, the Constitutional Court (CCM) [examined](#) the exception of unconstitutionality of the provisions of Article 36 (1) of Law No. 156 of 14 October 1998 On the Public Pension System, which require the withdrawal of pension when the insured person sets their residence abroad. The CCM noted that a similar rule is also provided for in Article 2 (1) of Law No. 156 and extended its control over constitutionality of these provisions as well.

The CCM declared the contested norms unconstitutional. The Court noted that the European Court of Human Rights (ECtHR) examined a similar case, [Pichkur v. Ukraine](#), in which it found a violation of the European Convention on Human Rights. The CCM relied on the arguments from that judgment.

The CCM also noted that the law providing for the right

CONSTITUTIONAL
COURT: DENYING
PENSIONS TO
MOLDOVAN CITIZENS
WITH RESIDENCE
ABROAD IS
DISCRIMINATORY

to receive welfare payments, regardless of whether it is conditional on prior contributions, generates an ownership right. The CCM held that people of retirement age who have contributed to the social welfare system are treated differently depending on whether or not they reside in the Republic of Moldova. The CCM examined whether such treatment was justified or not. The National Social Insurance Fund (NSIF) argued by citing shortcomings in detecting duplicate payments of pension in Moldova and in the countries Moldova does not have bilateral social welfare agreements with.

The CCM dismissed this argument, noting that the institutional incapacity of the NSIF may not be a reason to deny individuals their fundamental rights. As a result, it declared that such differential treatment was discriminatory and breached Article 16 of the Constitution.

COURT JUDGMENT LEFT UNENFORCED DESPITE JUDGES' ORDER TO MOVE A SERIOUSLY ILL PRISONER TO HOME ARREST

In September 2017, authorities arrested Sergei COSOVAN on charges of fraud. He had liver cirrhosis in the final stage. On 20 March 2018, Mr. Cosovan filed an application with the European Court of Human Rights (ECtHR) and on 29 March 2018, the [ECtHR communicated the request to the Government of the Republic of Moldova](#). The Court addressed a number of questions about how the arrest was warranted and whether Mr. Cosovan received appropriate medical assistance. The ECtHR decided to examine the case as a matter of priority.

On [24 April 2018](#), a judge ordered the transfer of Mr. Cosovan from arrest in penitentiary to home arrest. On leaving the penitentiary, he was arrested by the police on other charges of fraud in relation to another person. Although Chişinău Court had previously found that the risks for which the prosecutor requested pretrial arrest were not confirmed, another judge warranted a new arrest of Mr. Cosovan. On 31 October 2018 he was still in penitentiary arrest.

On 18 May 2018, the [World Organization against Torture \(OMCT\)](#) issued an [urgent appeal](#) to the authorities of Moldova

concerning Mr. Cosovan. OMCT pointed that he does not receive medical assistance appropriate to his health. OMCT also called for the guarantee of Mr. Cosovan's physical and psychological integrity and for his immediate transfer to a specialized public healthcare facility.

On 24 May 2018, the [Ombudsman declared](#) in a press release that he shared the concerns of international bodies and civil society regarding the Cosovan case. The Ombudsman called on law enforcement agencies and the courts to comply with the national legislation, the case-law of the ECtHR, and international recommendations both in the Cosovan case and in other cases involving prolonged detention of people with serious illnesses. On [11 June 2018](#), [Amnesty International](#) sent an urgent appeal regarding the Cosovan case, requesting appropriate treatment.

On [3 July 2018](#), the SCM examined the appeal from OMCT and the Ombudsman in the case of Mr. Cosovan. The SCM did not find facts constituting disciplinary violation and stated that it was not entitled to influence justice delivery in any way.

CIVIL SOCIETY

THE STATEMENT OF MICHEL FORST, UN SPECIAL RAPPOREUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS, FOLLOWING A MISSION TO MOLDOVA

Between 25 and 29 June 2018, Michel FORST, [UN Special Rapporteur on the situation of human rights defenders](#), had an official visit to the Republic of Moldova. Mr. Forst met with the authorities, members of the diplomatic corps, and over 110 human rights defenders on both sides of the Nistru. At the end of the visit, he made a [statement](#) on the preliminary conclusions and recommendations.

Mr. Forst noted that human rights defenders in Moldova work in numerous fields, and the Republic of Moldova has a good set of laws that, in most aspects, create an appropriate environment for human rights defenders' work. He stressed, however, that the situation of human rights defenders in the Republic of Moldova needs improvement. Mr. Forst noted that human rights defenders and journalists are victims stigmatization campaigns, lawyers face politically motivated criminal charges or are threatened whenever they defend people with dissenting voices, and journalists' access to information is restricted, and national human rights institutions feel effectively disregarded. The Special Rapporteur also noted that judges sitting or deciding independently and lawfully on politically sensitive cases are likely to be harassed, or dismissed, or to face unfounded criminal charges of knowingly taking an illegal or

IN MOLDOVA, HUMAN RIGHTS DEFENDERS AND JOURNALISTS ARE VICTIMS OF STIGMATIZATION CAMPAIGNS, AND INCONVENIENT JUDGES RISK BEING HARASSED, OR DISMISSED, OR TO FACE CRIMINAL CHARGES.

wrong decision. In the Transnistrian region, the legislation on non-profit organizations raises serious concerns, and sometimes human rights defenders do not feel that they work in a safe and free environment.

The UN Special Rapporteur urged the Parliament to approve a law on NGOs that would ensure the observance of international human rights standards, without substantial changes to the draft submitted by the government and that any new amendment be discussed and agreed with civil society organizations. He also called on state authorities to develop provisions and practices ensuring active participation of civil society in decision-making at central and local levels, and to strengthen media and

civil society access to information on cases of social and political importance, and to information of public interest. Mr. Forst recommended that the authorities ensure financial independence and strengthen the role of the Ombudsman's Office and of the Council for Preventing and Eliminating Discrimination and Ensuring Equality, and consider drafting and adopting a special law on human rights defenders, and that the Prosecution Office of the Republic of Moldova immediately stop criminal prosecution of attorneys of opposition figures or inconvenient voices, initiated for arbitrary reasons.

THE PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE TAKES ATTITUDE ON THE RESTRICTION OF THE WORK OF NGOS FROM THE MEMBER-STATES OF THE COUNCIL OF EUROPE

On 27 June 2018, the Parliamentary Assembly of the Council of Europe passed the [Resolution 2226 \(2018\)](#) and [Recommendation 2134 \(2018\)](#) on new restrictions on the activities of NGOs. These documents underpinned the [report](#) of the Committee on Legal Affairs and Human Rights. The report mentions, in a critical context, the 2017 attempt by the Moldovan authorities to introduce restrictive provisions on the overseas financing for NGOs.

Among other things, the Parliamentary Assembly called on the member-states of the Council of Europe to ensure that the national legislation was in line with international human

rights instruments on freedom of association, assembly, and expression, not to adopt laws that imply unnecessary and disproportionate financial restrictions and burdens on NGOs, not to impose unjustified restrictions on local or foreign funding, and to provide for an enabling environment for civil society, particularly by refraining from any harassment (judicial, administrative, or fiscal), negative public discourse, stigmatization campaigns against NGOs, and intimidation of civil society advocates. One of the recommendations of the Parliamentary Assembly to the Committee of Ministers of the Council of Europe was to establish a mechanism alerting about restrictions imposed on NGOs and to strengthen cooperation with them.

THE NEW CIVIL SOCIETY DEVELOPMENT STRATEGY CAME INTO FORCE

On 18 May 2018, the Official Gazette published the [Civil Society Development Strategy \(SCDS\) for 2018 – 2020 and the Action Plan](#) for its implementation. The strategy was drawn up by a working group set up by the Parliament in late 2016, consisting of representatives of civil society, the government and the Parliament. The [draft strategy](#) was registered as a legislative initiative by a group of MPs at the end of December 2017 and passed in final reading at the end of March 2018. The delayed publication of the strategy threatens the implementation of the actions planned for 2018.

The strategy addresses three areas of intervention: strengthening the regulatory and institutional frameworks on the participation of civil society in the development and monitoring of the implementation of public policy, promoting and strengthening the financial sustainability of civil society, and developing the civic spirit and volunteering. The strategy also provides for the establishment of a structure responsible for cooperation with civil society, which has not been done under the Strategy for the years 2012 – 2015. In addition, the strategy provides for improving the 2% mechanism, increasing civil society organizations' (CSOs) access to social contracting, strengthening access to public funds and public funding programs, and improving the tax legislation applied to civil society organizations.

For the first time, the strategy provides for a monitoring and evaluation mechanism that will be implemented by means of three tools. The first one is a Committee for monitoring the implementation of the strategy, that will be set up by the president's or the Parliament's order and will include 12 members (three designated by the CSOs, three – by the government, three – by the Parliament, and three –

by development partners). Committee members should not be involved in the implementation of the strategy. The government, the Parliament, and development partners will determine the eligibility criteria and the designation procedure for their representatives to this committee autonomously. By the beginning of October 2018, neither the government, nor the Parliament, nor the development partners announced their candidates for the monitoring committee. Representatives of CSOs are to be elected by the Forum of NGOs from the Republic of Moldova. In the 9th edition of the NGO Forum of April 27, 2018, it was decided that the [NGO Council would select three members](#) to this committee through a public contest. In July 2018, the NGO Council [announced](#) a contest for the selection of three permanent members and three alternates to the Strategy monitoring committee. By the beginning of October 2018, the NGO Council selected only [one person](#) as member of the committee.

The second monitoring tool consists in the organization of public hearings and debates, and the third tool – in the organization by the Parliament of an annual conference with the participation of civil society to examine progress and shortcomings in the implementation of the Strategy.

Budget support is provided only for approximately 60% of the actions, and financial coverage is provided only for actions on civic activism and volunteering. This may endanger the implementation of the planned actions that require significant financial coverage. The previous strategy for 2012 – 2015 had a [very low implementation rate](#). Only 27% of the actions were implemented, and the document did not have a clear monitoring mechanism.

THE MOLDOVAN NONGOVERNMENTAL ORGANIZATIONS COUNCIL HAS NEW MEMBERS

More than 100 participants representing 240 nongovernmental organizations and networks of civil society organizations (CSOs) across the country participated in the NGO Forum held on 27 April 2018, in Chişinău. Participation in decision-making, financial sustainability, or legislative amendments affecting the nonprofit sector are just some of the topics discussed at the forum. The participants voted on [strategic priorities for next two years of the NGO Council](#) (2018 – 2020). The document contains recommendations to authorities and CSOs and more than 30 specific actions resulting from the priorities set out in the [Civil Society Development Strategy for 2018 – 2020](#), as well as from other [authorities' engagements](#) regarding public consultations and transparency in decision-

making, improvement of the legal and regulatory framework for direct and indirect funding of CSOs, and the adoption of the [draft law on non-profit organizations](#) in line with international and European standards on freedom of association.

The participants also chose new members of the NGO Council authorized to implement the adopted resolution, to monitor its implementation, and to represent CSOs in important issues related to the development of the sector. The 11 organizations selected to the new NGO Council for the years 2018 – 2020, including the [LRCM](#), are: [The Independent Press Association](#) (API), [Contact Center](#), [HomeCare Association](#), the [Association "Motivație,"](#)

[Concordia "Proiecte sociale,"](#) the [Alliance of NGOs Working for the Social Protection of the Family and the Child](#) (APSCF), the [National Youth Council of Moldova](#), the [Independent](#)

[Think Tank "Expert-Grup,"](#) the [Resource Center for Human Rights](#) (CReDO), and the [Platform for Active Citizenship and Partnership for Human Rights](#) (CAP).

THE LEGAL RESOURCES CENTRE FROM MOLDOVA REVIEWED THE FIRST IMPLEMENTATION YEAR OF THE 2% LAW

The Legal Resources Centre from Moldova (LRCM) performed an analysis ([Romanian](#), [English](#) and [Russian](#)) of the implementation of the percentage allocation mechanism in 2017 – the first year of applying this mechanism in the Republic of Moldova. In 2016, 484 non-profit organizations registered as the beneficiaries of the 2% mechanism (413 associations, foundations, and private institutions, and 71 religious denominations and their component parts). 302 of them (62%) received percentage allocations for 2016.

21,204 taxpayers exercised their right to allocate 2% of their income tax for 2016. They account for 11% of all taxpayers who filed the income tax return in due time. 44% of taxpayers who allocated 2% were not obliged to file an income tax return, but chose to do so to indicate the percentage allocation. Of the total of 21,204 allocations made in 2017, the State Tax Service validated 16,182 (approximately 76%) and did not validate 5,022 (approximately 24%). The main reason why some allocations were not validated was that taxpayers who allocated 2% had income tax debts.

The total amount that was allocated by taxpayers for the year 2016, before the validation, was MDL 4,140,868.43 (approximately USD 244,588 / EUR 210,090). Of this amount, MDL 2,821,243.60 (USD 166,642 / EUR 143,138) was transferred to the beneficiaries after the validation of the allocations (68% of the total amount). The amount

of non-validated denominations was MDL 1,319,624.83 (USD 77,946 / EUR 66,952), accounting for 32% of the total amount allocated. The largest percent allocation received by an organization in 2017 was MDL 1,374,555.89 (81,190 USD / EUR 69,739), accounting for 49% of the total amount validated. The beneficiary of this amount was the Public Association of Veterans and Pensioners of the Ministry of Interior Affairs of the Republic of Moldova. On average, for 2016, each taxpayer allocated MDL 195 (USD 11.51 / EUR 9.89), of which MDL 174 (USD 10.28 / EUR 8.83) were validated.

Of the 302 organizations that received percentage allocations for 2016, 86% (260) were NGOs, and 14% (42) were religious entities. After the validation of the allocations, 90% of the amounts came to the NGOs (MDL 2,543,114.45), and 10% to the religious entities (MDL 278,129.15).

The potential of the 2% mechanism in the Republic of Moldova is much higher. By 30 April 2017, only 1.7% of the taxpayers with the right to allocate used this right (21,204 out of 1,219,500 taxpayers). In 2018, this number increased to 2.4% (29,271 out of 1,207,500 taxpayers), meaning that the trend is growing. At the same time, in 2017 (amounts for 2016), only 6.6% of the total allocable amount was effectively allocated (MDL 4,140,868.43 out of MDL 62,526,200).

IN BRIEF

The LRCM Has Published its [Activity Report for 2017](#).

Despite the uncertain country environment, the LRCM continued the monitoring of the functioning and transparency of judicial bodies, including analyzing the processes of judge selection and promotion, selection and appointment to key positions in the judiciary, and measures that could have undermined the independence of judges as well as the fight against corruption. In the human rights field, the LRCM continued its outreach and training activities and kept the development partners informed about the human rights situation in the country. The LRCM continued to oppose initiatives that were contrary to the spirit of democracy,

including those that allowed a greater intrusion of the state in people's private lives, and voiced its public reaction to particularly severe violations of human rights. In 2017, the LRCM, together with its partner organizations, began the monitoring of public attacks on civil society organizations, which resulted in the publication of a ["radiography" of the attacks](#) in early 2018. The LRCM continued its outreach on the 2% mechanism that it had contributed to, and that was first implemented in 2017.

On **19 March 2018**, Victoria IFTODI was appointed as Minister of Justice and stepped down from her judicial

position at the Constitutional Court she had held since 3 May 2017. After her release from duties as a judge, the government did not announce any contest for nominating a new judge at the Constitutional Court, and that position has been vacant for more than seven months.

From April through June 2018, the LRCM and [Expert-Forum Romania](#) continued the screening of the Dutch documentaries “Looking into the Soul – about the Profession of a Judge” („Kijken in de ziel”) based on interviews with 12 Dutch judges. This time, the films were addressed to students and lawyers. [The screening for students](#) took place on 6 June 2018, at the Academy of Economic Studies of Moldova. [The screening for lawyers](#) was held on 7 June 2018, and was organized in collaboration with the [Training Center for Attorneys](#). The films were followed by informal discussions between the participants and experts [Cristi DANILET](#) (judge at Cluj Court, România) and [Laura ȘTEFAN](#) (anticorruption expert, EFOR România). The discussions focused on judges’ professional dilemmas, the dose of subjectivism in court decisions, and technical aspects of court proceedings.

On **3 May 2018**, the Parliament of the Republic of Moldova voted the [draft law on non-profit organizations](#) in the first reading. The registered draft limits the authorities’ possibilities to exert pressure on non-profit organizations, clarifies the rights of non-profit organizations and their relations with state authorities, and excludes certain prohibitions included in the present law regarding the establishment of non-profit organizations by certain persons. Through a [public appeal signed by 37 CSOs](#), the signatories requested the Parliament to reject some amendments that would change the draft law conceptually. Although the draft law was to be passed in final reading by July 2018, this did not happen. In autumn 2018, the ruling party’s representatives have been increasing the discourse about limiting NGO engagement in political activities.

On **12 May 2018**, the European Union Delegation to the Republic of Moldova organized the Europe Day. The event took place in the “European Village,” arranged in the Public Park “Ștefan cel Mare și Sfânt” of the capital city. The LRCM, along with other NGOs, was among the “residents of the European Village” and offered all interested persons information on its work, thus promoting democracy and human rights culture.

In **May 2018**, the LRCM published [a social advertisement](#) that explained the public the concept of conflict of interest and the procedure for reporting such situations to the authorities. The advertisement

encouraged citizens to report known cases of civil servants in conflict of interests to the head of the public institution they work for, or to the National Integrity Authority.

On **22 May 2018**, the LRCM and Expert Forum (Romania) contributed to an [experience exchange between Moldovan anti-corruption prosecutors](#), Laura OPREAN, Deputy Prosecutor General of the Prosecution Office at the High Court of Cassation and Justice in Romania, and Laura ȘTEFAN, anticorruption expert from Romania. The participants discussed the prosecutors’ role, the challenges of the fight against high-level corruption as well as the lessons learned by Romania in these areas. Other topics included special investigative techniques, the interaction of anti-corruption prosecutors with other agencies, the importance of procedural safeguards, legislative amendments needed to fight high-level corruption, etc. Viorel MORARI, Chief Prosecutor of the Anticorruption Prosecution Office, stressed the importance of borrowing good practices from Romania, and the great value of Romanian experience in the fight against high-level corruption.

On **15 June 2018**, the [Parliament appointed](#) for a five-year term new members of the Council for Preventing and Eliminating Discrimination and Ensuring Equality ([Equality Council](#)): Ian FELDMAN, Svetlana DOLTU, Andrei BRIGHIDIN, Evghenii GOLOȘCEAPOV and Victorina LUCA. On 23 July 2018, the members of the Equality Council elected Ian FELDMAN as the [Chairman of the Council](#).

On **26 June 2018**, several CSOs launched an [appeal on the occasion of the UN International Day in Support of Victims of Torture](#). The signatory organizations called for strengthening the independence and capacity of prosecutors responsible for the investigation of ill treatment, ensuring conditions for the full rehabilitation of all victims of ill treatment, and strengthening the independence and capabilities of the Torture Prevention Board.

Between 28 and 30 June 2018, the LRCM held [an advanced training workshop](#) for 24 attorneys and legal interns on procedural safeguards in criminal matters under Article 6 of the European Convention on Human Rights. The event was organized in collaboration with the [Training Center for Attorneys](#), and had as trainers Dragoș CUCEREANU, lawyer at the Registry of the European Court of Human Rights, and Vladislav GRIBINCEA, president of the LRCM. The workshop addressed the adversarial nature and publicity of criminal proceedings, the direct examination of evidence and the reasoning of court judgments as well as the challenge in committing offenses.

In **June 2018**, Ms. [Tatiana RĂDUCANU](#) was elected as a member of the Board of Directors of the LRCM and on July 27, 2018, she was elected the Chair of the Board, replacing Mr. Arcadie BARBĂROȘIE. Ms. Răducanu is an ex-judge of the Supreme Court of Justice and an ad hoc judge at the European Court of Human Rights from the Republic of Moldova.

Since **June 2018**, Nadejda HRIPTIEVSCHI, Program Director at the LRCM, is one of the moderators of the TV show "[Altfel Spus](#)" airing on TV8. The 15-minute show tackles issues related to politics, finance, education, infrastructure, justice, and human rights.

ABOUT LRCM

The Legal Resources Centre from Moldova is a not-for profit non-governmental organization based in Chișinău, 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.

LRCM TEAM

Vladislav GRIBINCEA
 Nadejda HRIPTIEVSCHI
 Ion GUZUN
 Sorina MACRINICI
 Ilie CHIRTOACĂ
 Daniel GOINIC
 Dumitru AMBROCI
 Olga BURUCENCO
 Aurelia CELAC
 Natalia ȘEREMET
 Mihaela CIBOTARU

CONTACTS

Legal Resources Centre from Moldova

-  A. Șciusev street, 33, MD-2001
Chișinău, Republic of Moldova
-  +37322843601
-  +37322843602
-  contact@crjm.org
-  www.crjm.org
-  [CRJM.org](https://www.facebook.com/CRJM.org)
-  [CRJMoldova](https://twitter.com/CRJMoldova)
-  [CRJM](https://www.instagram.com/CRJM)



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