

# NEWSLETTER

NO. 24 | OCTOBER – DECEMBER 2019

## GOOD GOVERNANCE

### A NEW GOVERNMENT—OTHER PLANS, BUT WITHOUT PUBLIC CONSULTATIONS

On 6 November 2019, the SANDU Government [assumed the responsibility](#) for amending the Law on the Prosecution to ensure the election of an independent prosecutor general. On 12 November 2019, the MPs from the Party of Socialists of the Republic of Moldova (PSRM) and the Democratic Party of Moldova (DPM) passed the [censure motion against the Government](#) led by Maia SANDU. The vote of censure resulted in the dismissal of the SANDU Government. In just two days, on 14 November 2019, the Parliament granted a [vote of confidence to a new Cabinet of Ministers](#), led by Ion CHICU. The same day, the Cabinet of Ministers took the oath and released the [Program for Government](#), which covered only the period until the presidential election expected in autumn 2020.

On 6 December 2019, the member organizations of the Moldovan National Platform of the Eastern Partnership Civil Society Forum expressed their concern in a [public declaration](#) about the Activity Program of the CHICU Government vested with power in November 2019. The organizations declared that the Government Program did not include reforms aimed at sustainable development, justice, fighting against corruption, strengthening the independence of legal institutions, improving the status of the media, and environmental protection. The organizations also noted that the restriction the Government Program imposed on the involvement of civil society organizations (CSOs) in political affairs violated international standards and the CSOs' right to engage in public policies and to participate in debates on topics of public interest. The organizations also requested to the Government to approve the Action Plan after public consultation and in compliance with the principles of transparency in decision-making.

Three days later, on 9 December 2019, the Government put [the draft of its Action Plan for 2020 – 2023](#) out for public consultation, allowing only two days for comments. Two days after that, on 11 December 2019—the day set as the deadline for the public consultation—the Government [approved](#) the [Action Plan for 2020 – 2023](#). Thus, the announcement of public consultation was formal: it allowed only two days, even though the law requires minimum ten business days, and even that timeframe was not respected.

As far as justice is concerned, the Government's Action Plan provides for the amendment of the Constitution by scrapping the initial five-year appointment term for judges; the repeal of Article 307 of the Criminal Code of the Republic of Moldova, under which numerous judges were prosecuted in a selective way; the revision of the composition

## CONTENTS

### GOOD GOVERNANCE

A New Government—Other Plans, but Without Public Consultations .....	1
2019 POB: Moldovans Dissatisfied with Anticorruption Efforts, Have the Highest Confidence in the Church .....	2
What Result Did the Autumn 2019 Local Election Have, after All? .....	3
Parliamentary Committee Suspects Civil Servants of Abuse in the Privatization of Air Moldova .....	3
Chişinău International Airport—the “Generator” of Criminal Cases with an Unknown Beneficiary .....	4

### JUSTICE

Republic of Moldova among the European Countries Where Justice is Done Fastest .....	5
After a Couple of Attempts, Minister Nagacevschi Gives Up the External Assessment of Judges and Prosecutors .....	5
SCM Blocked for Various Reasons .....	6

### ANTICORRUPTION

Alexandr STOIANOGLO Appointed Prosecutor General after the Dismissal of the SANDU Government .....	7
Declared and Hidden Intentions behind Inspections at Specialized Prosecution Offices .....	8
Constitutional Court Judges Must Be Held Liable, but in What Conditions? .....	9

### HIGH-PROFILE CASES

Despite a Nine-Year Prison Sentence, Vlad FILAT Released after Only Four Years .....	9
Vladimir PLAHOTNIUC under Criminal Investigation in Moldova and Russia, under Exclusion in the US and Switzerland .....	10
Yet Another SCJ Judge under Prosecution .....	11
Ex-chief of PCCOCS Suspected of Illicit Enrichment .....	11

### CIVIL SOCIETY

Interception of Journalists and Civil Society Representatives (II) .....	12
New Leadership's Flaws with the Transparency of Decision Making .....	12

IN BRIEF .....	13
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of the Superior Council of Prosecutors; and the amendment of the legislation on the regular and *ad hoc* performance reviews for judges and prosecutors. The Action Plan also includes the review of the Judicial Inspection, the system of disciplinary liability of judges, and the role of the Prosecutors Inspection. Under the Action Plan, the Ministry of Justice will review the legal framework governing the appointment and promotion of judges and prosecutors to identify shortcomings and remedies. The Action Plan does not refer to the need to draft a new strategy in the field of justice. Nor does it include any objectives meant to secure the continued implementation of the 2016 Law on Courts Reorganization.

The Government Program provides for a few less clear policy measures that can harm an independent, efficient, and credible justice. For example, it proposes to set up an anticorruption court—the initiative abandoned by previous governments. We consider that, in the current context of the Republic of Moldova, the number of cases is insufficient to justify the setting up of an anticorruption court. The concentration of corruption cases within a single court risks leading to the concentration of interests and control over that court, further crumbling its credibility and independence. This may also weaken the efficiency of the fight against grand corruption, especially absent a cred-

ible mechanism for evaluating and selecting judges. It is also proposed “to limit the number of legal actions a lawyer can participate in during a week.” Such an approach can seriously worsen the quality of the lawyers’ services, their professional freedom and, consequently, independence.

As far as the crackdown on corruption is concerned, the Government Program includes the amendment of the laws regulating the mechanism for verifying assets and interests; the streamlining of the National Integrity Authority, the Anti-corruption Prosecutor’s Office, and the National Anticorruption Center; and the review of the mechanism for assessing institutional integrity. The Action Plan also provides for the improvement of the legal framework on money laundering and terrorism financing and the application of penalties.

As for the cooperation with civil society, the Action Plan skips the for Government Program objective of restricting the CSOs’ involvement in political affairs. The Action Plan provides for the preparation of the legal framework regulating the mechanism for state funding of CSOs and ensuring transparency in decision-making. The Action Plan does not provide for the review of the implementation of the Civil Society Development Strategy for 2018 – 2020 and the preparation of a new one.

## 2019 POB: MOLDOVANS DISSATISFIED WITH ANTICORRUPTION EFFORTS, HAVE THE HIGHEST CONFIDENCE IN THE CHURCH

According to the survey [Public Opinion Barometer](#) (POB) [released](#) by the Institute for Public Policy (IPP) on 30 December 2019, approximately 66% of the population consider that the country is on the wrong course. Approximately 90% of the Moldovans are dissatisfied with the Government’s anticorruption efforts. 56% are concerned about poverty; 50% worry about high prices for goods and services; 45%, about education for children; 34%, about corruption; and 28%, about unemployment. On the opposite end, Moldovans’ concern is lowest when it comes to interethnic relations, natural disasters, famine, the establishment of dictatorship, the outbreak of a war in the region, or the lack of heating during winter. Were the Republic of Moldova to hold a referendum on the accession to the European Union, 59.3% would vote in favor; and 25.1%, against; and the rest would be undecided.

As for confidence in organizations, by tradition, the Church enjoys the highest confidence (73%), being followed by local governments, that is, mayors’ offices (58%), media outlets (51%), the armed forces (43%), and the president (43%). Public confidence is lower when it comes to the Central Elec-

tion Commission (30%), the tax administration (30%), the Government (28%), the National Anticorruption Center (26%), the Constitutional Court (26%), the Prosecutor General’s Office (26%), the Parliament (25%), trade unions (21%), and political parties (21%). Confidence in justice (26%), as low as it is, is still 10% higher than in January 2019 (16%). In November 2018, it was 16%, close to the November 2017 level of 14%. Confidence in nongovernmental organizations (24%) is similar to that in the Parliament, the Prosecutor General’s Office, and the Constitutional Court.

Many respondents consider that courts treat citizens equally regardless of gender (48%) and age (50%). That said, many respondents also consider that courts discriminate on the grounds of ethnicity/nationality (58.3%), opinion/political affiliation (65.5%), wealth (71.9%), and position/profession (71.9%). 59.2% of the respondents are not sure that judges would pass a fair judgment on them, and only 25.6% had some confidence that the court judgment would be fair. Most respondents consider that the workers of legal institutions are not independent: 79.4% consider this to be true for police officers; 74.9%

59% OF CITIZENS ARE NOT SURE THAT JUDGES WOULD PASS A FAIR JUDGMENT ON THEM

for NAC representatives; 76.5% for prosecutors; and 75.4% for judges.

Only 17% of the respondents consider that the Republic of Moldova is governed by the will of the people; only 28.9% consider that elections are free and fair; and 40.7% consider that the political situation is unstable. 78% of the population consider that authorities use law enforcement to suppress the opposition. 70% of the respondents consider that the arbitrary (illegal) actions of

**MOLDOVANS CONSIDER THAT AUTHORITIES USE THEIR POWER TO SUPPRESS THE OPPOSITION**

law enforcement agencies represent a serious issue.

The awareness about civil society in Moldova is rather low. Less than 20% of the population are well informed about this topic, and 34.3% do not even know what civil society is. Only 12.5% are somewhat informed about the work of various nongovernmental organizations, and only 11.6% have interacted with NGOs over the past three years.

## WHAT RESULT DID THE AUTUMN 2019 LOCAL ELECTION HAVE, AFTER ALL?

On 20 October and 3 November 2019, the Republic of Moldova held [the first and, respectively, second local election rounds](#), which resulted in the election of 11,580 local councilors and 898 mayors. The nationwide voter turnout was 41.73% for the first round and 40.34% for the second round. This was the lowest voter turnout since the independence of the nation.

As a result of the local election, 15 formations and 24 independent candidates were elected to district and municipal councils. Three parties won the largest number of seats in district and municipal councils: the Party of Socialists of the Republic of Moldova (PSRM) in 13 districts, the election Bloc ACUM in 11 districts, and the Democratic Party of Moldova (DPM) in 6 districts. Together, these three parties won the absolute majority of seats in 32 of the 34 second-tier constituencies (districts and municipalities). Another two formations—Partidul Nostru and the Șor Party—won most seats in the Municipal Council of Balti and, respectively, the District Council of Orhei. The trend holds for the councilors of villages and towns. In 896 of the 898 constituencies, PSRM, the Bloc

**AFTER THE DISMISSAL OF THE SANDU GOVERNMENT, PSRM AND DPM GOT THEIR REPRESENTATIVES IN THE LEADERSHIP OF MOST DISTRICTS**

ACUM, and DPM were in the lead.

With mayors, the situation was a little different. 3,422 candidates stood in the two election rounds. PDM won 261 mayor offices; PSRM, 206; and the Bloc ACUM, 172. The greatest attention was focused on the race for mayor general of the Chișinău Municipality. Ion CEBAN, the candidate of PSRM, won it in the second round, beating the candidate Andrei NĂȘ-

TASE of the Bloc ACUM. Ion CEBAN became the first left party candidate elected mayor of Chișinău since the independence of the Republic of Moldova.

The election of district governors and their deputies rests not with the people but with district councils. In November 2019, the national political conjuncture changed following the dismissal of the Government led by Maia SANDU and the investiture of the CHICU Government supported by PSRM and PDM. As a result, in late November 2019, the governors and deputy governors in most districts of the country were elected from among Socialists and Democrats, who voted one another in district councils.

## PARLIAMENTARY COMMITTEE SUSPECTS CIVIL SERVANTS OF ABUSE IN THE PRIVATIZATION OF AIR MOLDOVA

On 7 October 2019, the Special Parliamentary Inquiry Committee [released an analysis report](#) on the legality of the privatization procedure applied to Air Moldova. Authorities decided to privatize Air Moldova in summer 2018. At the time, the company owned 42% of the Moldovan air transport market. In 2017, the company benefitted of MDL 90 million in government support. The time allowed for putting the company out to privatization included only 39 calendar days, 31 of which were in August—the vacation period. Only one privatization offer was submitted, by a newly formed company with an equity

of MDL 500 thousand. The offer was accepted on 2 October 2018, despite the absence of financial guarantees regarding the payment of Air Moldova's liabilities, which, at that date, amounted to MDL 1.25 billion. On 31 June 2019, Air Moldova's liabilities increased to MDL 1.4 billion.

The Committee suspects several civil servants of having acted in bad faith. The report states that they failed to estimate the real cost of Air Moldova, which was ten times larger than the cost determined by the appraisers. The contract did not

include guarantees of the proper fulfillment of contractual obligations by the buyer. These conclusions were later [confirmed](#) by a report of the Court of Accounts. The privatization was decided upon within record-breaking time, without assessing the reliability of the offer for sale and other legal conditions. The acquisition process was not transparent enough to allow genuine foreign investors to apply. All these suggest that the final beneficiary of the privatization of Air Moldova was known right from the outset. The Inquiry Committee recommended, among other things, to start criminal investigation to determine the culpability of the involved persons. The civil servants who were responsible for the acquisition process at the time include former secretary of state of

THE PARLIAMENTARY  
INQUIRY COMMITTEE  
REQUESTS CRIMINAL  
INVESTIGATION OF  
THE CIVIL SERVANTS  
INVOLVED IN THE  
PRIVATIZATION OF AIR  
MOLDOVA

the Ministry of Economy Vitalie IURCU, former minister of economy Chiril GABURICI, and former chief of the Public Property Agency Vladimir BALDOVICI.

One year after the privatization, on 15 October 2019, one of the new shareholders of Air Moldova, the Romanian company Blue Air, [ceded](#) its stock to a Latvian national. In the meantime,

the NAC announced about the confiscation of the assets of Civil Aviation Group SRL, the current owner of Air Moldova. A [journalistic investigation](#) by the portal Rise.md has it that the money to purchase Air Moldova, EUR 2.6 million, came to Chişinău from Dubai. A criminal investigation was started in connection with this allegation.

## CHIŞINĂU INTERNATIONAL AIRPORT—THE “GENERATOR” OF CRIMINAL CASES WITH AN UNKNOWN BENEFICIARY

On [19 August 2019](#), 95% of Avia Invest, the company that manages Chişinău International Airport, was purchased by NR Investments whose final beneficiary is Nathaniel ROTHSCHILD. The stock was purchased from Marin MIHOV TENEV, who, in his turn, had purchased it in April 2018 from the Russian businessman Modris KARKLINSH. The latter [had purchased the stock](#) in August 2016.

On [20 August 2019](#), prosecutors confiscated the assets of Avia Invest on suspicion that it had acquired the concession of the airport by fraud. [Prosecutors suspect](#) that the concession and management of the airport involved fraud, embezzlement of property, money laundering, abuse of power, and misfeasance. On 19 September 2019, Acting Prosecutor General Dumitru ROBU requested the revocation of the immunities of MPs Petru JARDAN and Vladimir CEBOTARI in parliamentary plenum to enable prosecution against them. Petru JARDAN is the former manager of Chişinău International Airport, and Vladimir CEBOTARI was vice minister of transport at the time the concession of the airport was granted. Mr. Jardan is suspected of having set prerequisites for the fraudulent takeover of the airport, and Mr. Cebotari, of having simulated the competition for selecting the company to be granted the concession of the airport. The immunities of these two MPs were revoked [by the votes of 53 MPs](#).

In summer 2019, a parliamentary committee was set up to inquire into the airport concession procedure. On 4 October 2019, the Parliament approved [the report of the inquiry committee](#) and gave the Government two months to assess

the feasibility of a legal action to nullify the airport concession contract. MP Igor MUNTEANU, who led the Parliamentary Inquiry Committee, said that, by 4 December 2019, the Government led by Prime Minister Ion CHICU still [had not informed](#) the Parliament whether it had complied with the 4 October 2019 decision. Moreover, the prime minister had even hinted he was considering requesting a new parliamentary inquiry.

On [22 December 2019](#), NR Investments confirmed that it had ceded its 95% share of Avia Invest to Komaksavia Airport Invest. The following day, [23 December 2019](#), the billionaire Andrei GONCEARENKO became the new beneficiary of Komaksavia Airport Invest. Andrei GONCEARENKO pledged to come out with a EUR 200 million modernization project for Chişinău International Airport in spring 2020. In February 2020, however, [he announced](#) that he was giving up his share of Avia Invest because Moldovan authorities intended to set up a state-owned company to manage several airports across the country.

Previously, [the Russian](#) and [British print media](#) reported that Andrei GONCEARENKO purchased a GBP 120 million townhouse in London. RISE Moldova also reported that, in 2018, he purchased [three buildings worth over MDL 500 million in total in Chişinău](#) from the companies controlled by Vladimir PLAHOTNIUC. Mr. Goncareenko and his family [applied for Moldovan nationality](#) based on investments in the country (under the law introduced by the Democratic Party and passed in late 2016 despite intense [criticism](#)).

IN SIX YEARS, THE  
BENEFICIARIES  
OF CHIŞINĂU  
INTERNATIONAL AIRPORT  
HAVE CHANGED AT  
LEAST FOUR TIMES

## JUSTICE

### REPUBLIC OF MOLDOVA AMONG THE EUROPEAN COUNTRIES WHERE JUSTICE IS DONE FASTEST

In October 2019, the Legal Resources Centre of Moldova (LRCM) released the policy paper [Moldovan Justice in Figures—a Comparative Perspective](#). The document compared the justice system from the Republic of Moldova with justice systems from the countries of the former Socialist Bloc, the neighboring countries, and the average for the 45 countries of the Council of Europe (CoE). The analysis covered the public funds allocated for justice, judges' and prosecutors' salaries, the assistant personnel for judges and prosecutors, the number of resolved cases, and the case examination time.

The analysis found that Moldova allocated the justice system EUR 8 per resident in 2016 and EUR 14.3 per resident—considerably more—in 2018. Still, the amounts allocated for the justice system in 2018 were 4.5 times smaller than the CoE average. On the other hand, the funds allocated for the Moldovan justice system in 2018 accounted for 1.3% of the entire public spending of the country—more than the CoE average. The 2018 budget for the justice system increased by 29.4% from 2016. The bulk of this increase went on salary increases for judges and prosecutors. Yet, Moldova was still among the countries with the lowest salaries for judges and prosecutors, outranking only Ukraine.

Moldova had 15 active judges per 100,000 residents (not counting suspended judges and judicial vacancies), while the CoE average was 21.5. While, at first sight, these figures jus-

tify the increase of the number of judges by 30 – 40%, the real situation is more complicated. The filling of judicial vacancies in Moldova can increase this indicator to 18.8 judges per 100,000 residents. On the other hand, the number of cases examined by Moldovan judges is at least 30% smaller than the CoE average. In addition, Moldova stands among the countries with the largest number of prosecutors per 100,000 residents (24.2), and the number of lawyers per 100,000 residents is half (74) the CoE average.

In 2016, Moldovan courts of law registered 3.28 civil, commercial, administrative, and criminal cases per 100 residents. The CoE average is 5.3. In the CoE countries, prosecutors start 63% more cases than in Moldova. However, the number of criminal cases dropped at the preliminary investigation phase in those countries is larger than in Moldova. For example, in Germany, the number of initiated criminal cases per resident is three times larger than in Moldova, but the number of criminal cases referred to court per resident is three times smaller.

As for the case examination time, on average, case examination in Moldova is almost three times faster than the CoE average. Moldova is one of the countries where justice is dispensed fastest, being outranked only by Azerbaijan and Russia. But this comes at a price—the quality of justice, as confirmed by numerous cases lost by Moldova at the European Court of Human Rights.

ONLY IN AZERBAIJAN  
AND RUSSIA, COURTS  
DISPENSE JUSTICE  
FASTER THAN IN  
MOLDOVA

### AFTER A COUPLE OF ATTEMPTS, MINISTER NAGACEVSCHI GIVES UP THE EXTERNAL ASSESSMENT OF JUDGES AND PROSECUTORS

On 9 September 2019, representatives of the Justice Ministry requested the opinion of the Venice Commission about the draft law on the reform of the Supreme Court of Justice (SCJ) and prosecution authorities. [The draft law](#) provided for the reorganization of the SCJ and the assessment of all SCJ judges by an external commission including foreign experts, whose members appointed by the judiciary would be in the minority. The assessment was to cover not only SCJ judges but also chief and deputy chief judges, anticorruption prosecutors, and chief prosecutors.

On [14 October 2019](#), the Venice Commission issued its preliminary opinion on the draft law. The Commission acknowledged

the critical situation of the Moldovan justice system and the reasonableness of such an extreme measure as the external assessment of judges. The Commission stressed, however, the necessity of additional guarantees that this mechanism would not be abused and of a judicial control. On [16 October 2019](#), the ODIHR also published its preliminary opinion on the draft law, making similar recommendations.

On [1 November 2019](#), the Justice Ministry hosted a working meeting at which it presented the revised reform concept based on the recommendations of the Venice Commission. The reform concept provided for a different way of forming the assessment commission, the assessment of all judges and

prosecutors in the country, appeals to a special judicial board, and an external mission to monitor the entire process.

After the change of Government in November 2019, the new Justice minister promised to continue the reform but in a different form. On 3 January 2020, the Ministry of Justice published [the adjusted version of the draft law](#) on the assessment of judges. According to that draft, the assessment would cover only judges and would be carried out by a body whose significant number of members would be appointed by sitting judges.

THE JUSTICE MINISTER  
GAVE UP THE EXTERNAL  
ASSESSMENT OF JUDGES  
INITIATED BY THE  
SANDU GOVERNMENT

IPRE and the LRCM released [an opinion in which they criticized](#) the draft law. According to the opinion, the *ad hoc* assessment of judges was not possible without a wide political consensus, the genuine political will to crack down on influences over the judiciary, the plenary involvement

of development partners and civil society, and massive public support. All those prerequisites had to be in place. Absent them, chances for a potential assessment to succeed were minimal. On the contrary, starting this process without at least one of those prerequisites would either wreak havoc on the judicial system, bringing no palpable improvements, or would

increase the influence of the executive or the legislature over the judiciary. The two organizations are skeptical that the above prerequisites for the assessment of judges are in place.

On 25 February 2020, Justice Minister Fadei NAGACEVSCHI said [at a public meeting](#) he had abandoned the idea of the extraordinary assessment of judges announced in January 2020 and that his ministry would focus on strengthening the existing anticorruption mechanisms instead.

## SCM BLOCKED FOR VARIOUS REASONS

On 15 November 2019, the Moldovan Parliament granted a vote of confidence to the CHICU Government. The new minister of Justice, Fadei NAGACEVSCHI, [missed at multiple meetings](#) of the Superior Council of Magistracy (SCM). As a result, from November 2019 through January 2020, five SCM's meetings were adjourned for lack of quorum, and no decisions could be passed.

On [21 November 2019](#), the SCM addressed a letter to the Parliament, requesting the appointment of SCM members from among law professors due to the vacancy of two SCM member positions (on 30 June 2019, Serghei TURCAN had been appointed constitutional court judge, and on [21 November 2019](#), Ion POSTU resigned from office). The urgent appointment of SCM members by the Parliament is justified when this is done to avoid lack of quorum at the SCM. The Parliament did not respond to this request. Under the Law on the SCM, the Parliamentary Committee for Legal Matters, Appointments, and Immunities must organize a public competition within 30 days from the vacation of the position.

On [25 November 2019](#), Chairperson of the Venice Commission, Gianni BUQUICCHIO, expressed his concern about the blockage at the SCM. Mr. Buquicchio urged legal institutions to cooperate to find a solution for ensuring the independence and integrity of the judicial and prosecution systems. In the meantime, SCM members had several meetings with the [EU ambassador in the Republic of Moldova](#) and [representatives of diplomatic missions](#) to discuss the blocka-

AS A RESULT OF  
A LEGISLATIVE  
AMENDMENT, THE SCM  
GOT BLOCKED, AND  
ITS CHAIRPERSON WAS  
CHANGED

ge at the SCM caused by the absence of the justice minister at its meetings and to identify solutions to ensure the continuity of justice reforms.

On [4 December 2019](#), the Government approved a draft amendment to a series of the provisions from the Law on the SCM. The draft amendment provided for the increasing of the number of SCM members from 12 to 15 (seven from among judges, five from among law professors, and three *ex officio* members), a transparent and predictable procedure for electing SCM members from among judges, the possibility for candidates running for SCM member to carry out campaigns, the observance of the laws regarding transparency in passing regulatory acts, etc. The draft amendment also proposed that, absent a chairperson of the SCM (dismissed in summer 2019), the SCM judge member of the greatest seniority serve as the acting chairperson. Apparently, this provision was introduced to oust Acting Chairperson Dorel MUSTEATA from the leadership of the SCM.

[The LRCM and the Institute for European Policies and Reforms](#) backed the draft law, but proposed that the selection of SCM members from among law professors be done by an independent commission and SCM decisions be appealable at the Supreme Court of Justice rather than the Chişinău Court of Appeals.

On 5 December 2019, the draft law passed its first reading in Parliament but was not published on the Parliament's website. On [20 December 2019](#), the Parliament [passed](#) the draft law

in the second reading. The same day, the justice minister requested the opinion of the Venice Commission on the enacted law, and on 27 December 2019, the President of the Republic of Moldova filed an application with the Constitutional Court.

On [22 January 2020](#), the Venice Commission issued its opinion on the draft law. The Commission did not criticize the increase of non-judge members but recommended that they be appointed by the vote of two thirds of the Parliament or be shortlisted by an independent commission of experts. These measures can reduce the dependence of these members from political factors. The Venice Commission criticized the election of the SCM chairperson exclusively from among judges.

On [24 January 2020](#), the Constitutional Court dismissed the application of the president of the country. Despite the Venice Commission's critique, the president of the country promulgated the draft law, and the amendments to the SCM Law took effect on [31 January 2020](#). Because this law increased the number of SCM members, the current SCM is not deliberative. Under Article 15 of the SCM Law, SCM's meetings are deliberative if they are attended by at least two thirds of its members (that is, ten members). Of the 15 SCM member positions, 6 are vacant.

On [21 February 2020](#), the president of the country filed a legislative initiative proposing to exclude the requirement that the SCM's chairperson be a judge.

## ANTICORRUPTION

### ALEXANDR STOIANOGLO APPOINTED PROSECUTOR GENERAL AFTER THE DISMISSAL OF THE SANDU GOVERNMENT

On 16 September 2019, the Parliament passed, in the final reading, [a draft law](#) under which the shortlisting of candidates for prosecutor general was delegated to an independent commission set up by the Justice minister and the competition was open to persons without experience as a prosecutor. The Superior Council of Prosecutors (SCP) has to make nominations from the shortlisted candidates. The law came into effect on 21 September 2019 (see [Newsletter 23](#) for details).

On 30 September 2019, [the Ministry of Justice announced the competition](#) for shortlisting the candidates for prosecutor general. On 17 October 2019, the Ministry of Justice announced the [nominal composition of the commission for shortlisting](#) the candidates. It included, in addition to Justice Minister Olesea STAMATE, the ex-judge Raisa BOTEZATU, the international expert James HAMILTON, the university professor Sergiu BAIESU, the civil society representative Igor BOTAN, and a member appointed by the speaker of the Parliament, the ex-prosecutor Dumitru POSTOVAN. The latter was replaced by the ex-prosecutor Petru BOBU shortly afterward. The commission was assisted by the psychologist Tatiana BUIANINA.

The application deadline was 20 October 2019, and the applications had to include, among other documents, the candidate's resume and letter of intention and the concept

paper on the management and institutional development of the Prosecutor's Office. [20 candidates applied](#). On 22 October 2019, the justice minister announced the short list of [16 candidates](#) selected for the interview and psychological test. The psychological test was scheduled for 25 October and the interviews, for 28 and 29 October. The interviews [were video recorded and posted on Internet](#) after the last interview.

Under [the competition regulation](#), the candidates are scored by each member of the commission. The score points are offered for the presented management concept, managerial and communication skills, professional expertise in criminal procedure, and good reputation. The final score represents the average of the scores from all member of the commission.

THE COMMISSION MEMBER APPOINTED BY THE SPEAKER OF THE PARLIAMENT ALTERED THE COMPETITION RESULT BY OFFERING TWO CANDIDATES THREE TIMES FEWER POINTS THAN THE OTHER MEMBERS OF THE COMMISSION

On 29 of October 2019, the commission announced the [short list of four candidates](#), from which the SCP would select the one to become the prosecutor general. These were the prosecution officer Oleg CRISMARU of the National Anticorruption Center, LRCM executive director Vladislav GRIBINCEA, the prosecutor Veaceslav SOLTAN of the Prosecutor General's Office, and the former MP and prosecutor Alexandr STOIANOGLO.

The [scores offered by each commission member during the interview](#) leaked out soon after the publication of the competition results, even though the commission had not

made them public. Thus, the commission member appointed by the speaker of the Parliament, Mr. Petru BOBU, offered Mr. Vladislav GRIBINCEA and Mr. Stefan GLIGOR the lowest scores and the prosecutor candidates and Mr. Stoianoglo the maximum or almost maximum scores. The other members of the commission offered the highest scores to Mr. Gribincea, and the average score they offered to Mr. Gligor was three times the score offered by Mr. Bobu. This information sparked a rush of indignation on social media. Prior to the release of the scores, [a Socialist MP requested the justice minister information](#) that could present the candidate Vladislav GRIBINCEA in a negative light.

On 6 November 2019, Justice Minister Olesia STAMATE said that the information regarding the scores offered by each commission member was correct and that the competition result was influenced by fraud. [She said](#) that she would not send the SCP the short list of candidates. The same day, [the Government amended the Law on the Prosecution by the assumption of responsibility](#), empowering a commission set up by the prime minister with the right to shortlist candidates for prosecutor general. On 12 November 2019, the MPs from the Party of Socialists of the Republic of Moldova and

**IGOR DODON**  
APPOINTED **ALEXANDR**  
**STOIANOGLO**  
PROSECUTOR GENERAL  
IN A MATTER OF HOURS  
AFTER THE LATTER'S  
SELECTION BY THE **SCP**

the Democratic Party of Moldova passed the [censure motion against the Government](#) led by Maia SANDU. The vote of censure resulted in the dismissal of the SANDU Government. Just two days after that, the CHICU Government was vested with power (see the first article in this newsletter for details).

On 18 November 2019, the new minister of Justice, [Fadai NAGACEVSCHI, sent the SCP the short list of the four candidates selected on 29 October 2019](#). On 19 November 2019, [the SCP changed the assessment criteria for candidates](#) for prosecutor general, granting greater leeway for assessment. On 28 November 2019, the SCP interviewed the candidates. [The video recording of the interviews](#) was posted on the SCP's website after the last interview. The SCP offered the highest average score—74 points—to Alexandr STOIANOGLO, 67 points to Vladislav GRIBINCEA, 60 points to Veaceslav SOLTAN, and 56 points to Oleg CRISMARU. The scores offered by each individual member of the SCP were kept confidential.

[The next morning](#), the president of the country appointed Alexandru STOIANOGLO prosecutor general. The same day, Mr. Dodon introduced Mr. Stoianoglo to the staff members of the prosecution office.

## DECLARED AND HIDDEN INTENTIONS BEHIND INSPECTIONS AT SPECIALIZED PROSECUTION OFFICES

On 9 December 2019, the new Prosecutor General Alexandr STOIANOGLO [announced](#) a series of complex inspections at specialized prosecution offices. By ordering the inspections, the prosecutor general decapitated the management of specialized prosecution offices temporarily, as their chiefs were posted to other stations or recalled from office. The same day, Chief Prosecutor Viorel MORARI of the Anticorruption Prosecutor's Office (APO) [challenged](#) the prosecutor general's order in court, questioning its legality. He [said](#) that his posting to another prosecution office was intended to remove him from office forever.

It seems that Mr. Morari's fears proved true. On 26 December 2019, the prosecutor general announced the initiation of a criminal case against Viorel MORARI. He was charged with malfeasance and the forgery of official documents. Prosecutors alleged that he had instructed a prosecutor—who had denounced this fact—to initiate a criminal case against Veaceslav PLATON with an earlier date based on a complaint from Vladimir PLAHOTNIUC. Viorel MORARI denied the charges. On 10 January 2020, on the last day of his post at

**FOLLOWING THE**  
**INSPECTIONS**  
**AT SPECIALIZED**  
**PROSECUTION**  
**OFFICES, AUTHORITIES**  
**INITIATED DISCIPLINARY**  
**ACTIONS AGAINST 24**  
**PROSECUTORS**

the Prosecutor General's Office, Mr. Morari was arrested by prosecutors. On 13 January 2020, the Ciocana Court [admitted](#) the motion on the arrest of Mr. Morari for 20 days. Mr. Morari remained on remand until 14 February 2020, when he was released on probation. In the meantime, [he was suspended from office](#), and his case was referred to court. The case is pending examination at the Buiucani office of the Chişinău Court.

On 20 January 2020, the prosecutor general [presented](#) the results of the inspections at specialized prosecution offices to the public. The inspection found that prosecutors from specialized prosecution offices had committed multiple abuses, including the improper registration of cases, the dragging out of investigations and procedural measures, the favoring of certain categories of accused persons, and even abusive arrests. The prosecutor general said that the actions of several prosecutors would be investigated in disciplinary or criminal actions. According to a press release of the Prosecutor General's Office released on 19 February 2020, the Prosecutors Inspection had initiated 33 disciplinary actions against

24 prosecutors (10 from the APO and 14 from the prosecution office responsible for the fight against organized crime). 18 of the initiated actions have already been sent to the Discipline and Ethics Board of the Superior Council of Prosecutors.

According to Mr. Morari, the real reason for his arrest might lie in the [investigation he had initiated](#) into the alleged illegal for-

eign funding for Party of Socialists of the Republic of Moldova. On 16 December 2019, while at [a TV show](#), the prosecutor general denied any personal conflict between himself and the chief of the Anticorruption Prosecutor's Office.

EU Ambassador to the Republic of Moldova Peter MICHALKO [expressed](#) his concern about the arrest of Mr. Morari.

## CONSTITUTIONAL COURT JUDGES MUST BE HELD LIABLE, BUT IN WHAT CONDITIONS?

On [21 August 2019](#), Acting Prosecutor General Dumitru ROBU filed an application with the Constitutional Court, requesting the urgent interpretation of [Article 137 of the Constitution](#). Mr. Robu requested the explanation whether the article restricted the immunity of constitutional court judges and whether it applied to former judges of the Court.

On 10 September 2019, the Constitutional Court chief justice requested the Venice Commission and other organizations from Moldova their opinions about Mr. Robu's application. In reply, the LRCM prepared [its opinion](#). It stated that the independence of the judiciary implied a special status for judges, who must be protected against potential abuse by prosecution authorities. However, judicial independence may not absolve them of liability. Constitutional court judges should not have general immunity, but only functional immunity for their actions carried out as part of judicial duties. The current law already requires the Constitutional Court's consent for initiating general prosecution against its judges. This guarantee should also apply to ex-judges of the Court.

On [10 December 2019](#), the Venice Commission published its opinion on the criminal liability of constitutional court judges. The Commission stated that, since the basic requirements regarding independence are the same for both ordinary judges

and constitutional court judges, the latter must be protected against any political influence. Therefore, constitutional court judges need solid guarantees of their independence.

The Venice Commission mentioned that judges, whether ordinary or those of a constitutional court, do not have to account for different interpretation of the law or for errors that were not committed in bad faith. In case of deliberate abuses, constitutional court judges can be subjected to disciplinary, material, or criminal liability. The liability of constitutional court judges must be exceptional, however, and applied only for extreme deviations from the rule of law and constitutionalism standards. Constitutional court judges may enjoy immunity in their actions and opinions that are part of their job duties, but this should not extend to ordinary crimes (road accidents, corruption, etc.). The Venice Commission also mentioned that the Constitutional Court was obliged to revoke the immunity of judges on request, unless judges were prosecuted for their opinions or the Court had found that the accusation was clearly abusing this rationale.

Until 28 February 2020, the Constitutional Court had not decided yet on the application of the prosecutor general, even through the Venice Commission's opinion had come out more than two months earlier.

## HIGH-PROFILE CASES

### DESPITE A NINE-YEAR PRISON SENTENCE, VLAD FILAT RELEASED AFTER ONLY FOUR YEARS

On 3 December 2019, the ex-prime minister of the Republic of Moldova, Vlad FILAT, [was released on parole](#). Vlad FILAT had been arrested on 15 October 2015 in parliament plenum and had been held in Penitentiary No. 13 of Chişinău ever since. He [had been sentenced](#) to nine years in prison by the Chişinău Court on 27 June 2016 for passive corruption and

influence peddling. In February 2017, the Supreme Court of Justice [had upheld the sentence](#).

Moldova had lost over 20 cases at the European Court of Human Rights (CtEDO) for poor detention conditions in Penitentiary No. 13. While serving his sentence, Filat had appealed

to the ECtHR, citing poor detention conditions. On 1 January 2019, authorities had introduced the compensatory mechanism for poor detention conditions, which implied pecuniary compensations or the reduction of prison term (see [Newsletter 21](#) for details). On 19 March 2019, [the ECtHR had found Filat's application inadmissible](#) due to the introduction of the national compensatory remedy.

After that, Mr. Filat had applied for the compensatory remedy. On 30 July 2019, [the Chişinău Court had found](#) that Vlad FILAT had been held in “inhuman and degrading” conditions from 23 October 2015 until 30 July 2019 and had reduced his prison term by 682 days. On 28 October 2019, the court had ordered to reduce Filat's sentence by another 27 days for the same reasons. All told, the sentence applied to Vlad FILAT had been reduced by 709 days. Mathematically, after the reduction of the prison term, on 6 November 2019, Vlad FILAT had already served two thirds of his sentence, and under [Article 91 of the Criminal Code](#), he could request release on parole.

On 8 November 2019, the commission of Penitentiary No. 13 had decided that Vlad FILAT had served two thirds of his initial sentence and “had followed through his individual criminal sentence program.” On 12 November 2019, Mr. Andrei SARA-CUȚA, then acting director of Penitentiary No. 13, requested the Ciocana office of the Chişinău Court to order release on parole for Mr. Filat. On 3 December 2019, Judge Victor RĂȚOI [admitted the motion of the management of Penitentiary No.13](#) and ordered to release Vlad FILAT. The judge also annulled

INVESTIGATING JUDGES:  
THE BAN ON HOLDING  
PUBLIC OFFICES  
ENFORCED ON VLAD  
FILAT IN 2017 IS NOT  
JUSTIFIED ANY MORE

the complimentary sanctions—the five-year ban from holding public offices and the revocation of the Order of the Republic. Judge RăȚoi explained this decision by stating that “barring someone from practicing their profession, while it has been found that apparently the purpose of the partially served penalties has been achieved, would not be fair to the convict in this case”. The court also stressed that, to that date, Mr. Filat's Order of the Republic had not been revoked “for unknown reasons” and, “considering the fulfillment of the requirements for conditional relief from other penalties, the positive references about the convict from public and private national and international entities, and the merits for which he had been awarded this distinction, the court deems that the enforcement of this penalty lacks legal rationale”.

The acting director of Penitentiary No. 13 challenged the release of the ex-prime minister Vlad FILAT on parole, even though on 12 November 2019, he himself had requested the same thing. On 29 January 2020, the Chişinău Court of Appeals [dismissed the cassation appeal](#) of Penitentiary No. 13 as groundless. So far, the reasoned decision has not been published.

Article 91 of the Criminal Code states that release on parole can only be granted upon the complete reparation of the damage caused by the crime. Apparently, the judges concluded that the crimes for which Mr. Filat had been sentenced had not caused any damage. Even though Vlad FILAT's property had been confiscated by criminal sentence, it has never become state property.

## VLADIMIR PLAHOTNIUC UNDER CRIMINAL INVESTIGATION IN MOLDOVA AND RUSSIA, UNDER EXCLUSION IN THE US AND SWITZERLAND

The Russian Ministry of Home Affairs [declared](#) that Vladimir PLAHOTNIUC had been placed under criminal investigation in Russia for the illegal withdrawal of approximately EUR 500 million out of Russia in 2013 and 2014. On [2 September 2019](#), the Court of Moscow issued a [warrant of arrest](#) for Vladimir PLAHOTNIUC. According to the court decision, Plahotniuc has been on the international wanted list since 29 November 2017 on charges of homicide.

On [23 September 2019](#), the Anticorruption Prosecutor's Office (APO) of Moldova ordered prosecution against Plahotniuc on charges of money laundering in very large amounts. On [4 October 2019](#), the APO published the subpoena summoning the Democrats' ex-leader to the APO on 9 October 2019. Mr. Plahotniuc did not come to the APO, but his lawyers declared that

he would return in Moldova in the coming weeks. On [10 October 2019](#), prosecutors requested arrest for Plahotniuc, which was admitted by the Chişinău Court the following day. On [17 October 2019](#), the National Anticorruption Center put him on the international wanted list. Interpol [admitted](#) the request.

According to a communiqué by the Prosecutor General's Office, on [24 October 2019](#), the Office of the Prosecutor for Fighting Organized Crime and Special Cases brought another criminal case against Mr. Plahotniuc on suspicion of “compulsion to misrepresentation, false conclusions, and interference in justice administration and prosecution.” According to the communiqué, Plahotniuc had pressed a witness through a senior official of the Ministry of Home Affairs. Allegedly, the witness had been coerced to make false testimony in the criminal

case on the alleged assassination attempt at Mr. Plahotniuc. Although the communiqué promised a follow-up with more details, by early February 2020, no other details about this criminal case had been released.

On 3 December 2019, Vladimir PLAHOTNIUC [was put under a 10-year exclusion order](#) in Switzerland and Liechtenstein. The final decision was based on [Article 67 \(4\)](#) of the federal law of Switzerland on foreigners that provides for denial of entry into the country for foreigners on account of internal and external security. On 13 January 2020, [the United States of America \(USA\) declared](#) Vladimir PLAHOTNIUC and his family ineligible for US entry visas. The US secretary of state said on Twitter

that the oligarch had been involved in [significant corruption acts](#), had violated the rule of law, and had compromised the independence of democratic institutions in Moldova.

In addition to Moldovan and [Romanian](#) citizenship, Vladimir PLAHOTNIUC was known to have, recently it emerged that he also has [Czech citizenship](#). The Russian Home Affairs Ministry also [stated](#) officially that the ex-chairperson of the Democratic Party had the citizenship of the Russian Federation. In autumn 2019, it transpired that [Mr. Plahotniuc had another identity](#) of Moldovan national. The passport for the new identity had been issued in summer 2018 on request from the Intelligence and Security Service.

## YET ANOTHER SCJ JUDGE UNDER PROSECUTION

[On 4 November 2019](#), anticorruption prosecutors [searched the domicile](#) and workplace of Supreme Court Judge Oleg STERNIOALĂ. The judge is investigated on charges of grand money laundering and illicit enrichment. The same day, Oleg STERNIOALĂ was placed in custody for 72 hours. Prosecutors requested his arrest, but on 6 November 2019, [the Cio-cana office of the Chişinău Court dismissed their request](#). The investigating judge did warrant any injunction against Mr. Sternioală, and the latter resumed his duties.

The inspections by law enforcement found that the judge and his family members had accumulated an income worth MDL 7 million. During the same period, Oleg STERNIOALĂ and his family had purchased goods worth MDL 13.8 million, which is twice as much as their officially declared income.

On 4 November 2019, [the Superior Council of Magistracy \(SCM\) admitted](#) the application of the former acting prosecutor general Dumitru ROBU and suspended Mr. Sternioală from judicial office. On 5 November 2019, Judge Sternioală [challenged the SCM's decision](#). On 12 November 2019, [the Chişinău Court of Appeals \(CA\) halted](#) the enforcement of the SCM's decision until the judgement on the corresponding civil case reached the final status. The Chişinău CA explained that

the SCM's meeting of 4 November 2019 was unlawful because six of its judge members had been recalled from office by [the Extraordinary General Assembly of Judges \(EGAJ\) of 27 September 2019](#) (see [Newsletter 23](#) for details). On [15 January 2020](#), the SCJ annulled the order of the Chişinău CA on the suspension of the SCM's decision. The SCJ found that the EGAJ had not issued any decision to recall SCM members and that the SCM's decision to suspend Mr. Sternioală from office was legal.

On 19 December 2019, [the RM Parliament passed a decision](#) to dismiss Oleg STERNIOALĂ as SCJ judge and deputy chief judge of the SCJ's Department for Civil, Commercial, and Administrative Cases based on his letter of resignation.

The same day, 19 December 2019, the [Parliament decided](#) to dismiss Mr. Ion DRUȚĂ as the judge and chief justice of the SCJ based on his letter of resignation (see [Newsletter 23](#) for details). Earlier, on 23 September 2019, Acting Prosecutor General [Dumitru ROBU had brought prosecution](#) against Judge Ion DRUȚĂ, then chief justice of the CSJ under Article 330<sup>2</sup> of the Criminal Code (illicit enrichment). Both Oleg STERNIOALĂ and Ion DRUȚĂ will receive special retirement pension for judges.

## EX-CHIEF OF PCCOCS SUSPECTED OF ILLICIT ENRICHMENT

On 21 November 2019, the ex-chief of the Office of the Prosecutor for Fighting against Organized Crime and Special Cases (PCCOCS), Nicolae CHITOROAGĂ, was placed in custody for 72 hours. He was suspected in a criminal case on illicit enrichment and [placed on remand for 15 days](#).

The prosecution started in early October 2019 based on journalistic investigation. According to that [investigation](#), Mr.

Chitoroagă owned a fish farm in a village in the district of Ungheni, which was registered on behalf of his groomsmen and his brother. The fish farm had been taken by swindle in 2005.

On 26 June 2019, Nicolae CHITOROAGĂ [quitted](#) as the chief of PCCOCS—the position he had held for three years. From 2016 through 2019, PCCOCS had investigated multiple criminal cases against political opponents of the governing party.

Mr. Chitoroagă stated that he had resigned due to “huge pressure on the institution” and himself. The day following his resignation as the chief of PCCOCS, Mr. Chitoroagă was transferred as ordinary prosecutor to the Chişinău Prosecutor’s Office. In a TV show appearance, the new Prosecutor General Alexandr STOIANOGLO stated that [the arrest of Nicolae CHITOROAGĂ was an act of revenge](#) from Chief of Anticorruption Prosecutor’s Office (APO) Viorel MORARI. The prosecutor general said that PCCOCS and the APO had become the fi-

elds of feud between factions during the time they had been led by Nicolae CHITOROAGĂ and Viorel MORARI.

On 6 December 2019, the Superior Council of Prosecutors [suspended Nicolae CHITOROAGĂ as the prosecutor](#) of the Chişinău Prosecutor’s Office on request from Prosecutor General Alexandr STOIANOGLO. His membership in the Prosecutors’ Disciplinary Board was also suspended.

## CIVIL SOCIETY

### INTERCEPTION OF JOURNALISTS AND CIVIL SOCIETY REPRESENTATIVES (II)

In June 2019, a [journalistic investigation](#) discovered a campaign of interception and shadowing on journalists, civil society representatives, and opposition members that had lasted from 2016 through 2019, during the Democrats’ time in government (see [Newsletter 22](#) for details). The investigation mentioned the interception of 51 persons. On [a TV show on 21 November 2019](#) (timestamp: 1:00:30), Chiril MOŢPAN, the ex-chair of the Parliamentary Committee for National Security, Defense, and Public Order, declared that the real number of interceptions had been much bigger. The intercepted journalists included Constantin CHEIANU, Val BUTNARU, Anatol DURBALĂ, Vasile NĂSTASE, Alina RADU, Natalia MORARI, Mariana RAŢĂ, Petru MACOVEI, Ion TERGUŢĂ, Valentina URSU, Ion PREAŞCĂ, Cornelia COZONAC, etc. The intercepted civil society representatives included Arcadie BARBĂROŞIE, Lilia CARASCIUC, Sorin MEREACRE, Adrian

LUPUŞOR, Sergiu TOFILAT, Cristina PERETEATCU, Galina BOSTAN, Vladislav GRIBINCEA, etc.

On 22 November 2019, the Anticorruption Prosecutor’s Office stated in a [press release](#) that, in September 2019, the prosecutor general had brought prosecution for abusive interceptions and referred the cases to the Anticorruption Prosecutor’s Office. The entity communicated that the prosecution concerned four investigation officers, including the chief of a subdivision from the National Investigation Inspectorate of the General Police Inspectorate, and three prosecutors as accused. In December 2019, the Anticorruption Prosecutor’s Office [interviewed](#) several journalists as witnesses in this case. The Intelligence and Security Service [denied](#) its involvement in the abusive interceptions of journalists and civil society and opposition representatives.

### NEW LEADERSHIP’S FLAWS WITH THE TRANSPARENCY OF DECISION MAKING

The country’s new leadership that came to power after the February 2019 parliamentary election has breached the rules of transparency in decision making many times when it passed important regulatory acts. One of the laws amended by the new Parliament was the [Law on the Prosecution](#). On 19 July 2019, [a draft law for amending Article 11 of the Law on the Prosecution](#) was registered in the Parliament. Under this draft law, in the event of vacancy for prosecutor general, the Superior Council of Prosecutors (SCP) proposed the president of the country a candidate for acting prosecutor general within three days. The acting prosecutor general would serve until the appointment of the new prosecutor general. If the SCP failed to propose a candidate to the president, the Parliament had to do this. The Parliament passed the draft law in two readings on the day it was registered, 19 July 2019, without public consultation, without

the Government’s endorsement, and without an anticorruption review. On 23 July 2019, the president of the country promulgated the draft law. The same day, the [law was published in the Official Gazette](#) and became effective.

The Law on the Prosecution was also amended in September 2019, again disregarding the rules on transparency in decision making. On 16 September 2019, the Parliament [passed a draft law](#), registered three days before, in two readings. The draft law provided for an independent commission set up by the justice minister to shortlist candidates for prosecutor general and allowed persons without prosecutor experience to participate in the competition. The law came into force on 21 September 2019. The draft law passed without an anticorruption review and without public consultation. The Parliament had not informed

civil society that the draft law was to be passed urgently and so no complete time for public consultation would be allowed.

The third amendment of the Law on the Prosecution was also accompanied by violation of the rules on transparency in decision-making. On 6 December 2019, the Parliament passed [a draft law](#) for amending the Law on the Prosecution, registered only one day before, in two readings. The draft law prescribed that the examination for the candidates applying for judge or prosecutor based on work seniority would be organized by the National Institute of Justice and taken by the Examination Commission. The draft law passed without an anticorruption review and without public consultation.

The Government also avoided the rules on transparency in decision making when it approved the state budget. On 27 No-

vember 2019, the Government considered and approved the [Draft Law on the State Budget for 2020](#) without public consultation, failing even to publish the draft law and the informative note on its website before the government meeting. [This was the first time](#) in years that the Government did not publish the draft state budget before approval.

THE GOVERNMENT  
APPROVED THE DRAFT  
LAW ON THE STATE  
BUDGET FOR 2020  
WITHOUT PUTTING  
IT OUT FOR PUBLIC  
CONSULTATION

The CHICU Government approved its [Action Plan for 2020 – 2023](#) on 11 December 2019, allowing only two days for public consultation. Several days earlier, on 6 December 2019, the member organizations of the Moldovan National Platform of the Eastern Partnership Civil Society Forum [requested](#) that the Government

hold public consultation before approving the Action Plan and comply with the principles of transparency in decision making (see the article *A New Government—Other Plans, but Without Public Consultation* from this newsletter).

## IN BRIEF

**On 12 July 2019**, the Râșcani Court acquitted the lawyers Veaceslav ȚURCAN and Maxim BELINSCHI, after the prosecution dropped charges against them. The defendants had been charged with “misrepresentation” in 2016. Allegedly, they had unjustly accused an ex-police officer of obtaining a house in Balti by swindle. The two lawyers claim that the criminal case was intended to deter them from seeking criminal action against the police officer. The prosecutor [Victor RAUH challenged the acquittal](#), requesting the termination of the trial due to non-rehabilitation and the payment of MDL 100,000 by the lawyers in moral damages to the ex-police officer. The appeal is pending at the Balti Court of Appeals.

**On 9 October 2019**, the Supreme Court of Justice (SCJ) [dismissed](#) the action of the foreign-owned enterprise Finpar Invest SRL (Finpar Invest) on the privatization of a 1.17 ha landholding on the territory of Moldexpo. The site has the office buildings of two media groups owned by Vlad PLAHOTNIUC. Finpar Invest is the company that manages the real estate affairs of the oligarch Vlad PLAHOTNIUC, who left the Republic of Moldova after the change of Government in June 2019. The SCJ quashed [the judgment of 24 August 2018 of the Buiucani office of the Chișinău Court](#) and [the appellate decision](#) of 13 February 2019 that forced state institutions to sell the site to Finpar Invest at an understated price. Prior to October 2019, Finpar Invest had won all actions it had in court.

**On 30 October 2019**, Chief of State Igor DODON signed a decree for the establishment of an [advisory board of experts](#)

to the president of the Republic of Moldova on the reform in the judicial system. Under the decree, the board will gather 13 national and international law experts who will act independently. The core functions of the board will include the assessment of the concept of the justice reform, the issue of opinions on draft laws in the context of justice reform, the review of civil society's proposals for the implementation of the justice reform, etc. By 20 February 2020, the board had had [only one meeting](#), on 21 November 2019. At the meeting, the president of the country and the experts discussed the most burning issues in the justice sector. The board was set up at the time when the Ministry of Justice, then led by Olesea STAMATE (representative of the ACUM Bloc), had announced the initiation of several reforms in the field of justice, too.

**On 11 November 2019**, [the Buiucani office of the Chișinău Court acquitted](#) Judge [Dorin MUNTEANU](#) after the prosecution dropped charges against him. The judge had been accused of knowingly adopting a clearly unlawful decision to release a person from custody, which allowed that person to leave the country (see [Newsletter 13](#) for details). In 2017, Mr. Munteanu had been suspended from office. On 10 December 2019, [the SCM annulled the suspension of Judge Dorin MUNTEANU](#) and reinstated him at the Centru office of the Chișinău Court. Earlier, in 2017, [the SCM had consented to the prosecution](#), indictment, search, forced brining, and arrest of the judge.

**On 18 November 2019**, the Chișinău Court ordered the release of the businessman Serghei COSOVAN from prison. Over

the past two years, Mr. Cosovan's lawyers had filed numerous requests for commuting his prison sentence on account of severe illness (liver cirrhosis in the final stage). In this case, the lawyers of Promo-LEX had filed an application at the European Court of Human Rights. On 18 May 2018, the World Organization against Torture [had called](#) the authorities to release Serghei COSOVAN as soon as possible.

**On 2 December 2019**, the Supreme Court of Justice upheld the case of Central Election Commission on the illegal financing of the Șor Party. At the end of the campaign for the 24 February 2019 parliamentary election, the former candidate of the Bloc ACUM for Orhei [Valeriu MUNTEANU complained to the CEC](#) about the illegal financing of the Șor Party by a number of business entities. The CEC found that the Șor Party had received MDL 2,090,000 in donations for its election campaign from certain business entities. Over the year preceding the election period, these entities had carried out business financed from public money, and the law prohibits election donations from such businesses. The CEC summoned the Șor Party [to refund the state budget the MDL 2,090,000](#). Representatives of the Șor Party challenged the CEC decision in court, and on 2 December 2019, the [SCJ dismissed the case in the last resort](#).

**On 10 December 2019**, [the Advisory Platform of Civil Society Representatives at the Parliament of the Republic of Moldova \(Platform\) had its founding meeting](#). The Platform was founded to revive the dialogue between the Parliament, civil society, and the business community. The Platform will be formed of thematic groups corresponding to the fields of the [parliamentary committees](#). The meetings of the Platform will be open for all interested persons who do not have the quality of member. The thematic groups will gather in quarterly meetings and upon necessity in *ad hoc* meetings. The Platform will replace other existing mechanisms, but will not exclude the consultation of the Parliament with other NGOs that are not members of the Platform. The foundation of this Platform is welcomed, but it has to be efficient.

**On 23 December 2019**, the Ministry of Justice of the Republic of Moldova published [the list of civil society candidates for member to the Integrity Council](#) (IC). Four persons applied for the competition: [Eugenia MUNTEANU](#), [Vitalie PALEGA](#), [Valentina COPTILET](#), and [Corneliu DONI](#). By [order of 23 December 2019, minister of Justice Fadei NAGACEVSCHI appointed Vitalie PALEGA](#) member of the IC. Vitalie PALEGA had 21 years of experience in jurisprudence. He had worked in 15 state entities and private companies but never in the nonprofit sector. The second civil society member is Dumitru TIRA. He [had been excluded from the IC on 30 October 2019 by order of the ex-minister of Justice Olese STAMATE](#) due to his participation in the election for mayor of Chișinău. On 28 November 2019, [the Chișinău Court had halted the order and reinstated Dumitru TIRA](#) until the judgement on the corresponding case reached the final status. On 18 February 2020, [the Rîșcani office of the Chișinău Court annulled the revocation of Mr. Tira](#), but the same day, Mr. Tira announced his resignation as member of the IC. On 24 February 2020, the IC acknowledged his resignation. The Justice Ministry will select the new member of the IC on a competitive basis.



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## ABOUT LRCM

**Legal Resources Centre from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.**

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