

NEWSLETTER

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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.

OVER 100 CANDIDATES WILL BE VETTED

On 16 March 2022, the Law on vetting entered into force, which refers to the external evaluation of candidates in the Superior Council of Magistracy (SCM), the Superior Council of Prosecutors (SCP) and specialised Commissions (see [LRCM Newsletter no. 42](#) and [no. 43](#)).

All candidates were able to apply by 27 March 2022. A total of 108 candidates (44 judges, 56 prosecutors and [eight lay candidates](#)) submitted their applications and will be evaluated in the vetting procedure. However, more candidates can apply as the competition organised by the Parliament for six positions of lay members of the SCM was extended until [3 June 2022](#).

[Twenty-eight judges applied for the position of SCM member](#), 22 of them are judges from the district courts, three other are judges from the courts of appeal and three more judges from The Supreme Court of Justice. For the specialised Commissions subordinated to the SCM, there are [six candidates](#) for the Judges Selection and Career Commission, [five candidates](#) for the Judicial Performance Evaluation Commission and [another five candidates](#) for the Disciplinary Commission.

Twenty-three prosecutors applied for the position of the Superior Council of Prosecutors member, of which four are from the General Prosecutor's Office and 19 from the territorial and specialised prosecutor's offices. [38 candidates](#) applied for positions within the specialised Commissions.

On 29 March 2022, the Supreme Court of Justice [established a special panel](#) to examine the appeals against the decisions of the Evaluation Commission to assess the integrity of candidates.

On 11 April 2022, at the invitation of the Ombudsman's Office, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) [announced that it will monitor](#) the vetting procedure. Based on this, ODIHR will subsequently provide an assessment of the compliance of this process with the standards and good practices related to the independence of the judiciary.

On April 22, 2022, the Evaluation Commission [approved its Regulation](#), which allows vetting to begin.

LEGAL RESOURCES CENTRE FROM MOLDOVA



50% more criminal cases on illicit enrichment launched compared to previous years

ILLICIT ENRICHMENT CASES – NEW BIG NAMES AND THE REASON FOR THE MODEST PROSECUTOR'S SEARCHES RESULTS

More and more public servants are being investigated for illicit enrichment ([LRCM Newsletter No. 39](#) and [No. 42](#)). In April 2022, several big names were added to this list such as the former judge and President of the Court of Appeal, [Vladislav CLIMA](#), the former director of the Intelligence and Security Service, [Vasile BOTNARI](#), and even the former vice-president of the Supreme Court of Justice, [Tamara CHIȘCĂ- DONEVA](#).

In all these cases, prosecutors ordered searches to be carried out to gather evidence that should prove that the value of the properties belonging to the former officials and their families substantially exceeds their legal income and could not have been legally acquired.

In judge CLIMA's case, the prosecutors [hinted](#) that the searches were not very successful due to the delay of the Bar Association to authorise the searches (after leaving the judiciary, Judge Clima resumed his work as a lawyer). The Bar Association dismissed the allegations, [calling them untrue and manipulative](#).

According to the Bar, the search warrant was approved in a reasonable time (less than two days after filing), but the prosecutors were the ones who did not show interest in getting it earlier, which would have allowed them to begin the search. According to the press release, the authorisation was collected from the headquarters of the Bar Association only on 11 April 2022, i.e., four days after it was issued. It remains to be seen whether the allegedly "delayed" authorisation led prosecutors to state that they had not found and seized any objects and documents relevant to the case under examination.

Although the success rate of illicit enrichment cases remains questionable, as no case initiated with this charge has yet to reach an irrevocable judgment resulting in the confiscation of property, prosecutors have recently received 'reinforcements' from the Constitutional Court. According to a [review decision](#) adopted in March 2022 ([LRCM Newsletter no. 43](#)), the standard of proof in such cases will no longer oblige prosecutors to prove 'beyond any reasonable doubt' the illicit origin of the property. According to the new interpretations, it is considered acceptable for prosecutors to justify a high probability of the illicit origin of the property, combined with the inability of the investigated subject to prove otherwise. The new interpretation could help simplify the work of prosecutors in proving the unlawfulness of the officials' property investigated for illicit enrichment.

According to a [recent synthesis](#) carried out by Transparency International Moldova, between 2014 and 2021, a little over 40 cases regarding illicit enrichment were started. This number is to be supplemented by at least another 20 new cases launched by the end of 2021 and the beginning of 2022.

Chisinau court issues a warrant for the pre-trial detention of Veaceslav PLATON

VEACESLAV PLATON WAS ACCUSED OF ORGANISING THE LAUNDROMAT

On 11 April 2022, the Anti-Corruption Prosecutor's Office (AP) issued an indictment of Veaceslav PLATON. He is accused of being the organiser and leader of the money laundering in the criminal case generically called 'Laundromat', a scheme through which between 2010-2014 about USD 22 billion were transferred from Russia abroad through Moldovan banks, the process being legalised by judges from the Republic of Moldova.

On 14 April 2022, the anti-corruption prosecutors ordered the initiation of investigations to search for the accused Platon, who is not currently in Moldova and does not appear before the criminal investigation body, and asked the court to authorize a pre-trial detention mandate. The motion of the anti-corruption prosecutors was admitted on 18 April 2022 by the judges of the Chisinau Court, Ciocana headquarters.

According to the AP, Veaceslav PLATON is accused of setting up and running a criminal organisation between 2010 and 2014, consisting of several organised criminal groups operating in the Republic of Moldova, Ukraine, the Russian Federation, and other states. The purpose of this criminal organisation was to launder money through a financial institution in the Republic of Moldova (Moldinconbank) controlled by Veaceslav PLATON, banking institutions in the Russian Federation, the Republic of Latvia, controlled and managed directly and indirectly by the members of the organised criminal group, including citizens of the Russian Federation, and through a financial institution in the Republic of Latvia. According to the PA, the criminal organisation implemented a criminal scheme in which they laundered a total amount of about USD 22 billion (more precisely, USD 22,013,152,654.62), under the pretext of executing illegal court orders adopted by judges of the courts of the Republic of Moldova (based on fictitious contracts and civil litigation).

Earlier, on 14 June 2021, the Chisinau District Court acquitted Veaceslav PLATON in the bank fraud case at the request of Prosecutor General Alexandr STOIANOGLO. Although Platon was accused in two other criminal cases, in July 2021, he left Moldova without any impediment (see details in [LRCM Newsletter no. 35](#)). On 11 November 2021, at the request of prosecutors, the Chisinau District Court issued an arrest warrant for Veaceslav PLATON after he failed to appear at the court hearing in a criminal case against him.

After six years, the draft law regulating prejudice motivated crimes was voted in its final reading

PREJUDICE MOTIVATED CRIMES WILL BE PUNISHED

On 21 April 2022, about 6 years after its registration, the Parliament of the Republic of Moldova voted in the final reading the draft [Law no. 301/2016](#) on the regulation of crimes motivated by prejudice, contempt and hatred. The draft law was [voted with 54 votes](#) by the MPs of the Action and Solidarity Party.

The draft law proposes a set of amendments to the Criminal Code, such as the defining the term 'grounds for prejudice', the revision of basic offences and aggravating offences relating to acts motivated by prejudice, the prohibition of the spread of genocide, crimes against humanity and incitement to hatred, discrimination, or division. In the part related to the Contravention Code, the project regulates the incitement to discrimination and brings the competence of the Ministry of Internal Affairs in investigating it.

The final version of the draft law has not yet been published, however, the requests of the civil society, which were formulated in 2019-2021 in several public consultations organised by the Parliament [have been taken into account](#).

The amendments not only aim to protect victims of prejudice motivated crimes but also provide legal levers for sanctioning these types of crimes. Until now, in the absence of a legal framework, [the process of identifying and sanctioning](#) hate speech and prejudice motivated crimes has often been difficult.

THE BATTLE OF SYMBOLS – COMMEMORATING VICTORY IN WORLD WAR II OR SUPPORTING THE CURRENT WAR IN UKRAINE

On 24 February 2022, the Russian Federation launched a military aggression against Ukraine and invaded it. The invasion [has been widely condemned by the international community](#) as an act of unjustified military aggression. In the context of the war in Ukraine, some European states, such as [Lithuania](#), [Latvia](#) and [Germany](#), have banned military glory symbols promoted by Russia to justify its actions against Ukraine. Moldova followed these states and introduced similar legislative changes.

Thus, on 14 April 2022, with the vote of 53 MPs, the Parliament of the Republic of Moldova [voted](#), in its final reading, the [draft law](#) on amending the Contravention Code (CC), [in force](#) on 20 April 2022, which banned certain symbols of military glory. The draft law was completed with a new contravention article (art. 365/5 CC) and with [amendments](#) to the Law on counteracting extremist activity, amendments proposed by some of the MPs from the Action and Solidarity Party (PAS) of 7 April 2022.

The legislative amendment introduced the liability for the manufacturing, selling, disseminating, possession for dissemination and public use of generally known attributes and symbols used in the context of acts of military aggression, war crimes or crimes against humanity, as well as propaganda or the glorification of these actions. Flags, coloured awareness bands and ribbons (two-tone black-orange band), logos (graphics, letters or numbers and combinations thereof), badges, uniforms, slogans, greetings, and similar means used by participants in acts of military aggression, war crimes or crimes against humanity were included. [Failure to comply with the ban](#) provides fines for individuals ranging from MDL 4,500 to MDL 9,000, or unpaid community service from 30 to 60 hours. For legal entities or those in public office, the fines amount from MDL 18,000 to MDL 30,000.

In protest, the MPs of the Communists and Socialists bloc (CBS) boycotted the sitting of the Parliament and [held](#) a press conference, protesting these changes. They [staged protests](#) in several places in the country.

On 13 April 2022, CSB MPs filed a complaint with the Constitutional Court (CCM) declaring the law to be adopted on 14 April 2022 unconstitutional. On April 19, 2022, CCM [declared inadmissible](#) the complaint of CSB MPs because on 13 April 2022 the draft law was not yet adopted. On 3 May 2022, the Socialists repeatedly filed a similar complaint with the CCM and demanded the suspension of the law. On 12 May 2022, the CCM [rejected](#) the request to suspend the law.

The People's Assembly of Gagauzia (PAG) boycotted Parliament's decision to ban symbols of military glory. On 27 April 2022, PAG [unanimously voted](#) for a draft law allowing the manufacturing and wearing of the St. George ribbon in the region. On 5 May 2022, the Comrat Court of Appeal (CA Comrat) [suspended](#) the decision taken by PAG, due to conflicting legal provisions of different levels, which could mislead the people about the application of the law and, thus, harm the public interest. Although the decision of the CA Comrat could be challenged within 15 days at the Supreme Court of Justice, during a night session on 8 May 2022, PAG deputies adopted a new law that allowed the wearing of the two-tone St. George ribbon in Gagauzia.

On 9 May 2022, a 'Victory' march took place in Chisinau, the participants of which were being brought [in an organised manner](#) from across the country by pro-Russian opposition parties (CSB, "Şor" Party, Our Party). Some CSB MPs, including Igor DODON, Vladimir VORONIN, Zinaida GRECEANÎI and others [ignored](#) the legal provisions and wore the two-tone black-orange ribbon. A similar march [took place](#) in Comrat, where people were spotted wearing the St. George ribbon. Overall, the march [went smoothly](#), with a few provocative situations prevented and several contravention reports drawn up. The police is still investigating and those who have not complied with the law are to be identified and properly sanctioned.

The Republic of Moldova banned symbols of military glory that support the war in Ukraine

IN BRIEF

On 1 April 2022, the Anti-Corruption Prosecutor's Office (AP) [sent to court](#) a part of the criminal case generically called 'The Billion Theft'. This criminal case concerns three people accused of committing fraud and money laundering, in particularly large proportions, for the benefit of a criminal organisation. It is about the Andronachi group, which includes former MP Vladimir ANDRONACHI, considered to be close to Vladimir PLAHOTNIUC, former leader of the Democratic Party of Moldova (DPM), and two other people. According to the AP, these three persons, together with others, simulated the signing of a contract with the Moldova Savings Bank (MSB) for the reconstruction and restoration of a real estate object and, thus, stole about 32 million MDL from the MSB. At this stage, three of the participants are avoiding criminal prosecution, with arrest warrants being issued in absentia and wanted internationally. The same Andronachi is also targeted in the "Metalferos" criminal case in which he is suspected of money laundering. On 29 April 2022, the judges of the Chisinau Court, Ciocana headquarters, issued a warrant for his pre-trial detention in absentia for 30 days.

On 7 April 2022, the Chisinau Court of Appeal (CA) [admitted](#) the appeal filed by the former deputy mayor of Chisinau, Victor CHIRONDA, and [suspended](#) the decision of the Chisinau Municipal Council (CMC) by which he was dismissed on 2 July 2021. The decision of the Chisinau CA is enforceable. Following the decision of the Chisinau City Council, on 11 April 2022, Chironda [showed up](#) at the City Hall but was not allowed to go to the Human Resources Department. He was later greeted by the deputy mayor Fadei NAGACEVSKI, who was appointed after the dismissal of Chironda, who mentioned that the General Mayor of the capital, Ion CEBAN, had no vacancies or offices left for deputy mayors. Victor CHIRONDA was dismissed from office at the proposal of Mayor Ion CEBAN. 28 city councillors voted for the dismissal of Chironda at the [CMC meeting](#) on 2 July 2021.

On 21 April 2022, the Parliament [lifted](#) the parliamentary immunity of the socialist MP Radu MUDREAC at the request of the acting General Prosecutor, Dumitru ROBU. 56 deputies from the Parliamentary Action and Solidarity Party (PAS) faction [voted](#) in favour of this decision, while the Socialists chanted 'Shame!'. On 22 April 2022, the anti-corruption prosecutors [charged](#) MP Radu MUDREAC with committing money laundering ([art. 243](#), paragraph 3, letter b) of the Criminal Code). According to the case files, the criminal case was launched in August 2021, at the notification of the National Integrity Authority. The investigated acts go back to early 2011 when the said MP was the founder and administrator of a limited liability company. He is accused that, between 2011 and 2015, together with other persons, he would have drawn up fictitious loan agreements with various individuals, the amounts reaching several million MDL. During the investigation and following the hearing of the alleged borrowers, the AP found that the alleged borrowers had not signed such contracts and that some of them were not present in the country at the time of the alleged loan. The AP also found that some people did not have sufficient legal income to justify the loans granted.

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