

## NEWSLETTER

## Contents

The Supreme Court of Justice reform has begun

The vetting of judges begins with judges of the Supreme Court of Justice

March – the ‘lucky’ month for many judges suspected of illicit enrichment

Pre-Vetting Commission Hearings Digest (Part III) – lay candidate members for the SCM

Curiosities about the General Assembly of Judges on March 17

LRCM’s legal opinions – February-March 2023

The Venice Commission proposes to improve the mechanism aimed to reduce the influence of oligarchs

Flash news

## 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.



SUPPORT LRCM

## THE SUPREME COURT OF JUSTICE REFORM HAS BEGUN


On 30 March 2023, the Parliament adopted in its final reading the Law on the Supreme Court of Justice (SCJ) and the Law on the external evaluation of SCJ judges. The laws entered into force on 6 April 2023. The laws were passed in an effort to combat judicial corruption. The Venice Commission endorsed the SCJ reform.



The Law on the SCJ contains numerous novelties that concern the role and powers of the SCJ, as well as the mechanism for selecting and appointing of its judges. Thus, the new provisions considerably limit the competence of the SCJ to examine the facts from the examined cases. It is transformed into a true court of cassation, whose main role is to ensure that the legislation in the judiciary is uniformly interpreted and applied. The law provides, however, that the SCJ can examine the factual circumstances if it is found that the courts of appeal issued abusive decisions. Additionally, specialised panels are not provided by law. The internal organisation, including the specialisation of judges, is now up to the plenary Court. The new law reduces the number of SCJ judges from 33 to 20, and it may now consist not only of career judges, as it was before, but also lawyers, prosecutors, or university law professors. Judges with over eight years of experience and lawyers, prosecutors, and university professors with over 10 years of experience will be able to run for the SCJ. Before being considered for the position, the candidates will be evaluated by an external commission on their ethics and integrity. Only candidates who pass this evaluation will be admitted further on the competition. On April 10, the Superior Council of Magistracy (SCM) launched a competition to select new judges. Candidates can apply by 10 May 2023.



The judges, the president, and the vice-president of the SCJ are selected according to special criteria and procedures. Unlike before, candidates will no longer be evaluated by the Board for Selection and Career of Judges and the Judicial Performance Evaluation Board. The SCM exclusively will be responsible for selecting judges. The SCM is to adopt a regulation in this regard in the coming weeks.



The law also considerably limits the competencies of the president of the SCJ – establishing judicial panels, hiring the general secretary, and the court budget will now be the Plenary’s concern. Also, the

## LEGAL RESOURCES CENTRE FROM MOLDOVA

 33, A. Șciusev st.,  
MD-2001, Chișinău,  
Republic of Moldova

 +373 22 84 36 01  
 +373 22 84 36 02

 contact@crjm.org  
 www.crjm.org

 crjm.org  
 crjmoldiva



The new SCJ will have fewer judges, who are to be vetted; SCJ powers have been reduced, and the judicial staff will also be evaluated.

procedure for appointing the President of the SCJ was changed. Candidates who do not have the support of at least three SCJ judges will not be able to apply for this position. The President of the SCJ will be assisted by only one Vice President, not two as it is now. No one will be able to hold the position of President or Vice President of the SCJ for more than two terms. Currently, the law allows to exercise more than two mandates, provided that they are not consecutive.

The Court will examine cases, as a rule, in panels made up of three judges, not five, as it is now. The procedure for SCJ examining cases has not yet been changed. A [draft law in this sense](#) is currently promoted by the Ministry of Justice. It follows from this draft law that the SCJ will be the first and the last instance to examine appeals against the decisions of the SCM and the Superior Council of Prosecutors (SCP). They are currently being examined by the Chişinău Court of Appeals. Also, the draft law provides for significant amendments to the grounds of appeal and admissibility procedure.

The new law provides greater flexibility in terms of personnel assisting SCJ judges. It introduces a new position of jurisconsult, which will be tasked with uniformization of SCJ's practice and will coordinate the activity of all judicial assistants at the SCJ. The General Secretary of the SCJ will manage the court and the technical staff. Both the General Secretary and the jurisconsult will be appointed by the plenary of the SCJ, not by the President of the SCJ, as it is now. They are to be selected competitively. The number of staff is no longer expressly mentioned in the law and will depend on the SCJ budget. The Law on the SCJ also provides that, by the end of the year, all SCJ staff will be evaluated by the new SCJ judges.

## THE VETTING OF JUDGES BEGINS WITH JUDGES OF THE SUPREME COURT OF JUSTICE

On 30 March 2023, the Parliament adopted the Law on [the external evaluation of judges and candidates for the position of judge at the SCJ](#). According to this law, the evaluation of their ethical, financial, and professional integrity will be carried out by an external evaluation commission (Vetting Commission). It will not be the [Pre-Vetting Commission](#), but a newly created one. The new Evaluation Commission, whose nominal composition will be confirmed by the Parliament within 15 working days from the date when the law entered into force, will be made up of six members appointed with the vote of 3/5 of the elected MPs. Three members of the Commission will be citizens of the Republic of Moldova, appointed at the proposal of the parliamentary factions, and another three will be appointed at the proposal of the development partners. The Vetting Commission will, however, be functionally and executively independent from any natural or legal person, including those who participated in the process of appointing its members.

The Vetting Commission is to evaluate all judges and candidates for the

SCJ vetting led to the resignation of 75% of SCJ judges, and the authorities came up with solutions to avoid the SCJ deadlock. It is not clear, however, whether these measures will be effective.

position of judge of the SCJ within six months. The members of the Commission will analyse the ethical and financial integrity of both current judges of the SCJ and those applying for vacant positions. The Commission will analyse whether they did not take arbitrary decisions, whether they did not admit tax evasion of large proportions and whether they can justify their wealth. This exercise will be undertaken only once. Following the evaluation of the judges and candidates for the position of judge of the SCJ, the Vetting Commission will draw up a report that will present all relevant facts, the reasons and the conclusion regarding the candidates passing or failing the vetting. The report will be sent to the SCM, which will make a final decision. In the event of finding certain factual circumstances or procedural errors that may have affected the outcome of the evaluation, the SCM can reject the report and order, only once, to resume the evaluation procedure. The decision of the SCM can be appealed to the SCJ.

SCJ judges who passed the vetting will continue working at the SCJ, and candidates who passed the evaluation will be able to run for the SCJ. The SCM will decide about nominating SCJ judges, and the President will then appoint them. Judges in office or candidates failing the evaluation will be dismissed from public office (judges, prosecutors and, as the case may be, university professors) and will no longer have the right to be a judge or exercise high public office for seven years, as well as relinquishing their rights to severance allowance and to a special pension.

On the eve of this reform and considering that none of the three candidates from the SCJ who ran for the SCM passed the pre-vetting, 20 of the 25 judges of the SCJ resigned (for more details, see LRCM [Newsletter no. 54](#)). It is obvious that for SCJ judges the external evaluation procedure involves [too many risks](#) regarding their professional activity and reputation, resignation being the preferred solution by the majority.

On 31 March 2023, the members of the Commission for Exceptional Situations (CES) [instituted](#) a 30-day ban on seven SCJ judges' resignations to ensure the functionality of the SCJ, that would continue its activity having 12 judges instead of five for 30 days. After the seven judges who were due to resign on 1 April 2023 refused to examine cases, the CES [reversed](#) its decision. Instead, judges from lower courts with over eight years of service will be transferred to the SCJ. The SCM will do it quickly and a competition in this regard has already been [launched](#).

## MARCH – THE 'LUCKY' MONTH FOR MANY JUDGES SUSPECTED OF ILLICIT ENRICHMENT

In March 2023, the Chişinău Court of Appeals (Chişinău CA) annulled several decisions of the Superior Council of the Magistracy consenting to criminally prosecute several judges. The exact reasons behind the annulments are not known yet.

Cancelling the SCM's decisions may 'exonerate' the judges suspected of illicit enrichment.

On 6 March 2023, the Chişinău CA [annulled SCM's decision](#) by which Liliana Andriaş was meant to not be transferred to the Chişinău district Court but was dismissed from office. In 2014, the SCM [refused to transfer](#) her after being informed by the Security and Intelligence Service regarding the judge's alleged bias while examining several cases. Judge Andriaş is one of the 14 judges involved in examining the 'Russian Laundromat' (see more details in [LRCM Newsletter no. 30](#)). She worked at the Chişinău Commercial Court, abolished in 2017. The Chişinău CA forced the SCM to reinstate the judge in her position.

On 15 March 2023, the prosecutors discontinued the criminal prosecution against judge Aureliu Postică from the Chişinău District Court, suspected of illicit enrichment, and [the criminal case was closed](#). In September 2022, the SCM issued its agreement regarding him being criminally investigated (see more in [LRCM Newsletter no. 49](#)). Six months after the filing of the case, the Prosecutor's office found that there is no basis for illicit enrichment. Instead, on 3 April 2023, the Anticorruption Prosecutor's Office [concluded another criminal investigation case against judge Postică](#). He is accused of falsifying his asset declarations, declaring income of more than 800,000 MDL without actually obtaining it.

On 27 March 2023, Chişinău CA annulled the decisions of the SCM regarding three judges investigated for illicit enrichment – Tatiana Avasiloaie, Alexandru Gheorghieş and Ion Druţă. The SCM decision regarding judge Tatiana Avasiloaie was issued on 9 November 2021, after the National Integrity Authority established a substantial difference of over one million MDL between the judge's wealth and income, [manifested by owning a luxury apartment](#) in the centre of the capital.

The SCM issued its decision regarding the former president of Bălţi CA, Alexandru Gheorghieş, on 16 November 2021. The criminal case is based on [the transactions of the Gheorghieş family](#) with the family of the cleaning lady and the head of janitor service of Bălţi CA. The former judge would have exchanged an apartment for a house in 2020. At the same time, the son of the employees of Bălţi CA owned a luxury car used by the former judge.

Similarly, the SCM issued its decision regarding the former president of the Supreme Court of Justice, Ion Druţă, on 24 October 2019. The criminal case is based on a substantial discrepancy between the declared legal income and the properties acquired by the members of the Druţă family in 2016-2019. Although their income did not allow them, his daughter, his in-laws, and his retired parents bought several real estate properties in Chişinău, which are worth over 13 million MDL.

The cases initiated against judges Avasiloaie and Gheorghieş are being investigated, while Druţă's case was submitted to court in September 2022. The Chişinău CA reasoning has not yet been published, but the representative of the Chişinău CA [confirmed that the SCM decisions](#) were annulled for 'procedural violations', without specifying what those are. Based on prior experience, cancelling SCM's decisions lead to discontinuance of the criminal

case. Judge Ecaterina Palanciuc was part of all three panels of judges that examined the appeals against the SCM decisions. The Prosecutor's Office announced that it will appeal the decisions of the Chişinău CA.

## PRE-VETTING COMMISSION HEARINGS DIGEST (PART III) – LAY CANDIDATE MEMBERS FOR THE SCM

On 17 January 2023, the Pre-Vetting Commission [started](#) evaluating the [12 non-judge \(lay\) candidates](#) running for the SCM proposed by the Parliament. Previously, in Newsletters [no. 51](#) and [no. 52](#), LRCM presented a digest of the results of the interviewed judges running for the SCM, and in Newsletter [no. 53](#), presented the results of their hearings and described the next steps.

On 27 January 2023, the Commission [announced](#) its first decisions on three lay candidates. [Evgheni Florea](#), a professor at the State University of Comrat, and [Ilie Mămăligă](#), a lawyer, did not pass the evaluation because they did not submit the declaration of assets and personal interests for the last five years. [Feodor Bria](#), a lecturer at the International Free University, withdrew his application. Later, on 15 February 2023, the Pre-Vetting Commission [announced](#) that [Ludmila Ouş](#) also withdrew her application. Withdrawing from the competition equals failing the evaluation.

The hearings started on 1 March 2023 and [Tatiana Chiriac](#) was the first candidate to be interviewed. She was asked about establishing a leisure company in the Călăraşi district in 2020, about the company renting eight plots of land from the candidate's son, about the reconstruction works of an irrigation canal used by the company and how the agricultural lands rented by the company were used. Similarly, she was asked about failing to submit declarations of assets and personal interests at the time of being appointed in 2013 and dismissed in 2016 from the position of head of the Secretariat of the Călăraşi District Court. Subsequently, the Pre-Vetting Commission asked the candidate about procuring a 2011 Honda CR-V car in 2015 for 100,000 MDL, which was imported into the country in 2014 and valued at 218,000 MDL, and later sold in 2017 for 50,000 MDL, as stated in the contract. However, Tatiana Chiriac indicated in the declaration that the sale price was 100,000 MDL. The candidate was also asked about purchasing a 2010 Dacia Duster for 50,000 MDL in 2017, when the average market value at that time was 100,000 MDL. [Tatiana Ciaglic](#) was also interviewed on the same day but did not receive any questions from the Pre-Vetting Commission.

[Ion Guzun](#) was interviewed on 2 March 2023. He was asked about failing to declare about 94,000 MDL in income made in 2019 from three different sources, and about failing to declare six bank accounts in the 2021 declaration of assets and personal interests, submitted while being a member of the Board for Selection and Career of Judges.

Procuring cars at a reduced price, failing to indicate the real price of real estate, not paying income tax, and discrepancies between income and expenses are just some aspects that the Pre-Vetting Commission has been interested in.

On 3 March 2023, [Angela Popil](#) was interviewed and asked about purchasing a plot of land in the Chişinău municipality (Durleşti) in 1999, on which a residential house was built and registered in 2005. In 2007, both were sold for 70,000 EUR, while the price mentioned in the contract was 33,000 EUR. Likewise, the candidate was asked about selling an apartment in Chişinău for 24,000 EUR in 2010, which was bought in 2007 for almost the same price. In 2010, its average market value was around 52,000 EUR. Later, the Commission asked about the procuring in 2012 of another plot of land in the Chişinău municipality (Durleşti), with a house on the property valued at 55,000 EUR. Angela Popil stated that the actual amount that was paid to her was 10,000 EUR higher. Lastly, the candidate was asked about procuring in 2015 of a 2008 Dacia Logan car for 5,000 MDL, while its average market value was significantly higher.

[Valentin Caisîn](#) was interviewed on 6 March 2023. He was asked about the sources of funds for the purchase in 2022 of an apartment in Chişinău and failing to pay income taxes between 2018 and 2021. At the same time, the Commission asked about a disciplinary sanction applied to the candidate in 2019 in connection with his legal activity, and about a criminal case opened in 2022 against him concerning committing the offence of hooliganism.

[Alexandru Postica](#) was interviewed on 7 March 2023. He was questioned about the procurement in 2020 of a 2014 Audi Q5 in exchange for a 2006 Honda CRV model car, and the amount of 9,000 EUR, donated by a friend. Likewise, the Pre-Vetting Commission asked about building of a guest house between 2015 and 2018 in the Rezina district, on a plot of land purchased in 2006 at the price of 30,000 MDL, and its transfer into administration to a commercial company founded in 2010 by the candidate's wife, and about a claim worth about 900,000 MDL that the candidate has over that company.

The hearings ended on 9 March 2023 with [Alexandru Rotari](#). He was asked about the difference between his income and expenses in 2017-2021, amounting to about 400,000 MDL, about a bank deposit opened in 2016 in the amount of 21,000 EUR, as well as about a peculiar transaction from the year 2017. Likewise, he was also asked about being dismissed from the position of judge in 2014, based on the information received from the Security and Intelligence Service regarding some risks associated with him.

On 10 March 2023, the Pre-Vetting Commission [announced](#) that they concluded the public hearings of lay member candidates running for the SCM. A total of seven people were heard, and Ştefan Belecciu, who refused to agree on the decision concerning him to be published, requested to be evaluated without a hearing.

The evaluation of lay candidates [concluded](#) on 30 March 2023, when the last decision was published. As a result, only three of the 12 candidates passed the evaluation, these being [Tatiana Ciaglic](#), [Ion Guzun](#) and [Alexandru Postica](#). All the decisions of the Commission were submitted to the Parliament, which, in the [plenary session](#) of 30 March 2023, [appointed](#) the three candidates to the positions of SCM members.

According to the [Pre-Vetting Law](#), the candidates who failed the evaluation have the right to challenge the Pre-Vetting Commission decisions at the SCJ. These appeals must be examined within 10 days. In practice, this time limit was generally not respected.

## CURIOSITIES ABOUT THE GENERAL ASSEMBLY OF JUDGES ON MARCH 17

On 17 March 2023, after a four-year break, the General Assembly of Judges (GAJ) took place and was attended by 330 of the 425 sitting judges. Normally, the GAJ must be convened annually, but in the last four years the GAJ did not convene because of the pandemic and the extraordinary evaluation of judicial candidates for the SCM who must be elected by the GAJ.

According to the [Law](#) on Judicial Organisation, GAJ is the main body of judicial self-administration, alongside the SCM. The main competencies of the GAJ are to choose, among judges, the members of the SCM and the members of the Boards for selection, evaluation, and discipline of judges; to approve the judicial code of ethics; and to approve to the SCM activity report.

With the vote of 145 judges, [Anatolie Țurcan](#) was elected president of the GAJ. [Gheorghe Balan](#) was appointed as GAJ Secretary, and [Marina Rusu](#) and [Victoria Sanduța](#) were chosen to count the votes cast by the judges. Judges Țurcan, Balan, and Rusu were running for SCM, but [failed the evaluation](#) of the Pre-Vetting Commission (see details in LRCM Newsletters [no. 51](#), [no. 52](#), and [no. 53](#)). All three judges appealed the Commission's decisions, but only Țurcan's action was examined and rejected by the SCJ in its 6 February 2023 [decision](#). The rest of the appeals are still pending at the SCJ. Victoria Sanduța was one of the 20+ judges that the President [rejected](#) to re-confirm for office until the age limit.

The initial draft of the GAJ [agenda](#), proposed by the SCM, included two issues: (i) approving the changes in the regulations of the GAJ and (ii) electing the permanent members of the SCM from the judges who passed the pre-vetting. However, with the vote of the majority of the judges, the agenda was supplemented with other topics: the SCM's presenting its activity report and discussing pressing issues in the judicial system, and postponing the elections of SCM members due to appeals pending at the SCJ.

[Victor Micu](#) and [Nina Cernat](#) reported on the SCM activity, and a questions and answers session followed. The interim President of the SCM, Dorel Mustață, left the assembly immediately after he opened it, without taking any question. Assembled judges took the opportunity to ask SCM members about the SCM consenting to the criminal prosecution of judges; support staff turnover and their poor remuneration; poor working conditions in courts; arbitrary transfer of judges without their consent; the SCM President not publishing his decisions and insufficient reasoning of the SCM decisions.

The General Assembly of Judges was adjourned without deciding on any issue from the agenda. The judges had long and heated discussions on issues in the judiciary and reforms they do not support, and postponed the SCM elections.

Later, several judges spoke, presenting their views on pressing issues in the judiciary. The most heated interventions were about politicians attacking judges and the extraordinary evaluation of judges. Speakers argued that the situation is not as critical as to justify an evaluation and that the Venice Commission recently [expressed](#) concerns about this mechanism. A dominant part of the speakers proposed to postpone discussing the election of SCM members because the judges who did not pass the evaluation appealed these decisions, which are being examined by the SCJ. If they ultimately fail, they could not be included on the ballot. None of the judges, except SCJ judge [Aliona Miron](#), asked about why the examination of these appeals was delayed when deadline for such examinations is 10 days, according to the [Pre-Vetting Law](#). The deadline for the examination of appeals expired at least three weeks before the General Assembly.

In the end, at the proposal of GAJ president, Anotolie Țurcan, the judges decided to create a working group on drafting a statement on behalf of the judiciary to address the systemic problems that they are struggling with, without specifying exactly what this statement will contain. The judges also decided to adjourn the assembly until 28 April 2023, although the [Law on SCM](#) does not provide for such a mechanism, and the non-examination of appeals is not a legal reason for postponing the elections.

## LRCM'S LEGAL OPINIONS – FEBRUARY-MARCH 2023

In February-March 2023, the LRCM presented several legal opinions on draft laws submitted for coordination by the Ministry of Justice or already registered in Parliament. These draft laws are either part of the justice system reform or other legislative initiatives promoted in the context of the EU accession process. The summary of the opinions is presented below, and their full version can be consulted on the organisation's website, [www.crjm.org](http://www.crjm.org).

On 7 February 2023, the LRCM together with three other civil society organisations submitted to the Parliament [a legal opinion](#) regarding the amendments to the package of laws on the prevention and combating of money laundering and the financing of terrorism, [voted](#) in its final reading on 30 March 2023. An initial version of the draft law introduced a complicated procedure for registering non-commercial organisations, requiring copies of the identity documents of all members of the governing bodies of the organisation, to be registered as beneficial owners of the organisation. In the opinion drafted by the civil society, it was proposed that the beneficial owner of the non-commercial organisation be registered only the person who 'controls' the organisation, or the members of the supreme governing body in the case of foundations. This proposal was accepted.

On [14 February 2023](#) and [30 March 2023](#), the LRCM presented two legal opinions in the context of the draft Law on access to public information. The



In March, the Parliament voted on 35 legislative initiatives in the first reading, and 46 were adopted in the final reading. Many of these relate to justice reform.

LRCM proposed changing the title of the law from 'Law on access to public information' to 'Law on access to information of public interest', including bailiffs, notaries, political parties and socio-political organisations on the list of persons obliged to provide such information, reducing the term for the examination and resolution of requests for information of public interest and the term for filing the action in administrative litigation, as well as calculating the term for granting such information from the date when the request was submitted, not from the date it was registered in the public authority register.

On 27 March 2023, the LCRM presented its [legal opinion](#) on the Law on the selection, performance evaluation and career of judges to the Ministry of Justice. The draft law proposed merging the Board for Selection and Career of Judges and the Judicial Performance Evaluation Board. The LCRM proposed to include the principle of gender equality in the law, to extend the term of ordinary evaluation of judges from four to five years, to exclude the evaluation indicators from the law (provided that these indicators are included in the Regulation of the Superior Council of Magistracy) and to give more weight to the results of the evaluation of judges' performance and grades obtained while studying at the National Institute of Justice. Other proposals referred to the mandatory removal/suspension from the primary function of the members of the newly formed Board, outlining the pro-active role of the Board Secretariat and detailing the regulations regarding the publication of the Board's decisions (both the decisions and the separate opinions to be published), as well as banning the members of the Board from being promoted while exercising the role. The opinion also recommended that the role of the SCM in the process of awarding scores in competitions for the appointment or promotion of judges is clearly defined. Both the draft Law on the selection, performance evaluation and career of judges as well as the draft Law on access to information of public interest were [approved](#) by the Government on 12 April 2023.

On 28 March 2023, the LCRM presented to the Parliament [several proposals](#) to improve the draft Law on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice, [voted](#) in its final reading on 30 March 2023. The proposals were meant to mainly adjust the evaluation criteria of judges and candidates for the position of judge at the SCJ, in the context of the last [opinion](#) of the Venice Commission. Similarly, several proposals were submitted regarding the incompatibilities of membership of the Evaluation Committee, Parliament electing the members of the Evaluation Committee, completion of the rights of the persons assessed, improving the rules for drawing up and adopting the evaluation report, as well as specifying cases when the SCJ admits appeals against the decisions of the SCM and including the Evaluation Committee in the process of examining of the appeals. Of the nine recommendations proposed by LRCM, four were fully accepted, and two in part.

Several measures proposed in the De-Oligarchisation Law may lead to violations of the rights of 'oligarchs'.

## THE VENICE COMMISSION PROPOSES TO IMPROVE THE MECHANISM AIMED TO REDUCE THE INFLUENCE OF OLIGARCHS

On 13 March 2023, the Venice Commission issued a [preliminary opinion on the draft Law](#) on the limitation of excessive economic and political influence in public life, also known as De-Oligarchisation Law. The draft law, together with [other activities that pursue the same goal](#), is a continuation of the authorities' commitment to implement the [nine conditionalities](#) put before the Republic of Moldova in accession negotiations to the European Union.

Overall, the Venice Commission supported the objective stated by the draft law, namely, to reduce or eliminate oligarchic influence. Similar efforts are currently undertaken in Ukraine and Georgia, countries that are facing similar problems. At the same time, the Commission found that several proposed measures may lead to violations of fundamental rights. These measures include, among others, storing and processing personal data about potential designees, the stigma associated with making such information or 'lists' of the names of potential oligarchs public, as well as prohibiting persons that fit the notion of oligarchs from financing, even partially, political activities or to control media institutions.

The Commission also criticised the lack of clarity of the criteria used to designate a person as an oligarch, as well as the wide discretion of the National De-Oligarchisation Committee, the body charged with special designation duties, citing a lack of proportionality of some proposed measures. In particular, the Commission emphasized that the draft law provides for burdensome obligations for persons designated as 'oligarchs' as well as for civil servants who come into contact with them, and the effectiveness of these obligations is questionable. The Commission recommended calibrating the Committee's powers, otherwise, the power to collect information from any person would be extremely wide and unrestricted. The Venice Commission believes that it should be counterbalanced, at least it must exclude self-incrimination, which comes as a protected privilege for legal professionals and journalists.

The Venice Commission suggested that there would be other less intrusive measures, for example, to approve legislative changes in various areas to lessen the possibility of concentrating media interests or strengthening rule of law institutions to effectively investigate possible financial abuse.

Finally, the Venice Commission suggested several concrete improvements to the draft law. These include clarifying the criteria for designating a person as an 'oligarch', eliminating the nationality criterion so that the effects of the law are extended to people other than citizens of the Republic of Moldova, ensuring procedural guarantees for people who are investigated, or finally designated as 'oligarchs', including the right to suspend designation decisions until reviewed by the Supreme Court of Justice.

The Commission also recommended ensuring the proportionality of certain consequences of being designated as an 'oligarch' by removing the total ban on persons designated as 'oligarchs' from financing political parties, election campaigns and rallies and demonstrations 'with political demands', revising the requirement that certain public officials must declare any contacts and communications with persons designated as 'oligarchs' and reviewing the requirement to relinquish control of all media outlets within six months by persons designated as 'oligarchs'. Instead, the Commission suggested strengthening rules on the transparency of electoral donations, combined with a general cap or even a blanket ban on donations made by legal entities to avoid multiple legal entities being used to circumvent individual donations from individuals.

The Ministry of Justice shall adjust the draft law.

## I FLASH NEWS

**On 6 March 2023**, the [Chişinău Court of Appeals \(Chişinău CA\)](#) postponed to 4 April 2023 the examination of the Anticorruption Prosecutor's Office (APO) request to complete the criminal investigation of Vlad Plahotniuc in the 'Banking Fraud' case, in his absence. The court postponed the examination because it admitted the request of the defence to lift the exception of the unconstitutionality of art. 305<sup>1</sup> para. (4) of the Criminal Procedure Code. [In a Facebook post](#), the APO accused the court of delaying the examination of the case. The Chişinău CA [justified](#) its decision and urged the trial participants and media representatives to respect the court's decisions.

**On 16 March 2023**, the Superior Council of Magistracy (SCM) [unanimously voted for](#) Nina Cernat, a member of the SCM, for the interim position of President of the SCM. The proposal came in the context of ensuring the good functioning of the Council, considering the resignation of the interim President, Dorel Mustaţă, and other SCM members Luiza Gafton, Victor Micu, Petru Moraru and Anatolie Galben, effective on 17 March 2023.

**On 9 March 2023**, the Anticorruption Prosecutor's Office (APO) announced that it seized 4.5 million MDL in a criminal case of illegal financing of a party. The money was found in the cars of the representatives of the 'Şor' Party. They were to be distributed to the participants of the protests organised earlier by the party. In the fall of 2022, APO [seized](#) another 4.5 million MDL from members and activists of the 'Şor' Party. The money was intended to pay the people who participated in the protests, to cover transport costs, and envelope wages to the party members. [In a Facebook post](#), Ilan Şor, who is hiding in Israel, declared that the money belonged to him, without explaining its origin and how it arrived in Moldova. The current wealth of the fugitive MP could not be analysed, as he did not submit his asset declaration for 2022 to the National Integrity Authority, as the law provides. In his [asset declaration](#) for 2021, Ilan Şor did not declare any income, while his wife earned less than 4.5 million MDL.

**On 13 March 2023**, the National Anticorruption Centre [announced that the Anticorruption Prosecutor's Office submitted](#) the criminal case featuring the former democratic MP Vladimir Andronachi to court. He is being investigated, among other things, for fraud and money laundering, including in the 'Banking Fraud' case. According to the prosecutors, Andronachi, as part of a criminal organisation led by Vladimir Plahotniuc, created the necessary conditions for the stratification and integration of the embezzled money into the national and other countries' legal circuit. Thus, the state was harmed by over 26 million MDL. Vladimir Andronachi continues to be in detention after he [was detained](#) by the Ukrainian authorities in November 2022 and handed over to the authorities of the Republic of Moldova.

**On 15 March 2023**, the SCP [approved](#) the appointment of [Octavian Iachimovschi](#) as deputy (interim) chief prosecutor of the Anticorruption Prosecutor's Office. Iachimovschi has been an anti-corruption prosecutor since June 2011, and in April 2022 he ran for the position of head of the Anticorruption Prosecutor's Office, being the current head Veronica Dragalin's main rival. He was leading the criminal investigation team in the 'Banking fraud' case, and in September 2022 he requested to withdraw for unannounced reasons. On the same day, the SCP appointed [Oxana Cazacu](#), a prosecutor in the Prosecutor's Office of Chişinău, to act as interim deputy chief prosecutor of the Prosecutor's Office for Combating Organised Crime and Special Cases. Oxana Cazacu has been working as a prosecutor since January 2012, and in 2022 she ran for the position of deputy chief prosecutor of the Prosecutor's Office of Chişinău.

**On 28 March 2023**, the Prosecutor's Office [submitted](#) to court Moldova's former President's criminal case concerning Igor Dodon himself, his wife Galina Dodon, and a family doctor. The doctor is accused of having issued and the other two of using in court a false medical certificate to obtain permission to go to Romania, under the pretext of undertaking post-COVID treatment for their minor child. Igor Dodon was not allowed to leave the country in another criminal case examined by the Supreme Court of Justice regarding passive corruption, illicit enrichment, and allowing a criminal organisation to finance his political party (read more in [LRCM Newsletter no. 45](#)).

## | LRCM'S TEAM

**Ilie CHIRTOACĂ**  
Executive Director

**Aurelia CELAC**  
Accounting & Financial Manager

**Daniel GOINIC**  
Program Director

**Olga CORTAC**  
Director of Administrative Service

**Vladislav GRIBINCEA**  
Program Director

**Alina FRIMU**  
Assistant of Financial Administrative Service

**Oxana BRIGHIDIN**  
Legal Officer

**Dumitru JOMIR**  
Communication Coordinator

**Victoria MEREUȚĂ**  
Legal Officer


**Daniel STANCIU**  
Communication Specialist



**Andrei NASU**  
Legal Officer







This newsletter was funded by a grant from the United States Department of State. The opinions, findings and conclusions stated herein are those of the LRCM and do not necessarily reflect those of the United States Department of State.

### LEGAL RESOURCES CENTRE FROM MOLDOVA

 33, A. Șciusev st.,  
MD-2001, Chișinău,  
Republic of Moldova

 +373 22 84 36 01  
 +373 22 84 36 02

 [contact@crjm.org](mailto:contact@crjm.org)  
 [www.crjm.org](http://www.crjm.org)

 [crjm.org](http://crjm.org)  
 [crjmolдова](https://twitter.com/crjmolдова)

