

NEWSLETTER

Contents

Moldovans gathered at the Grand National Assembly 'European Moldova'

The evaluation and selection boards of judges were merged

GRECO Report: The Republic of Moldova has made modest progress in fighting against corruption

Pre-Vetting Commission Hearings Digest (part V) – SCP candidates

Strengthening cooperation between Parliament and civil society: quo vadis?

In Brief

MOLDOVANS GATHERED AT THE GRAND NATIONAL ASSEMBLY 'EUROPEAN MOLDOVA'

On 21 May 2023, in Chişinău and 33 other European cities, took place the Great National Assembly 'European Moldova'. The event was launched at the initiative of President Maia Sandu and brought together citizens who support the country's accession to the European Union. According to the police, between 75 and 80 thousand people participated in the Grand National Assembly Square (PMAN). The event was organised around the European Political Community Summit that took place on 1 June 2023, to convey to the international community Moldovan citizens' desire to be part of the European family.

The President of the country and the President of the European Parliament, Roberta Metsola, gave speeches. Maia Sandu declared, among other things, that Moldova can only be safe together in the European family, which is the country's only chance for development. The President of the European Parliament, Roberta Metsola, began her address in Romanian. She said that she came to Chişinău to support and confirm the decision of the Moldovans to become members of the European family. Other opinion leaders followed with speeches – politicians, culture professionals, representatives of civil society and the business sector.

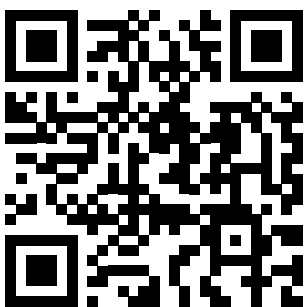
The people in PMAN voted to adopt a Resolution. It provides for seven objectives, including the need to amend the Constitution to establish definitive and irreversible accession of the Republic of Moldova to the EU. It was also requested to start EU accession negotiations by the end of 2023 and to expand the international context of negotiations for a peaceful and definitive resolution of the Transnistrian conflict. On 25 May 2023, the Parliament, with the vote of 61 MPs, approved the draft decision by which the parliamentary majority undertook to ensure the implementation of the Resolution.

THE EVALUATION AND SELECTION BOARDS OF JUDGES WERE MERGED

At the beginning of 2023, the Ministry of Justice announced its intention to merge two boards of the Superior Council of Magistracy (SCM). It was desired to merge the Board for the Selection and Career of Judges and



SUPPORT LRCM



LEGAL RESOURCES CENTRE FROM MOLDOVA



33, A. Şciusev st.,
MD-2001, Chişinău,
Republic of Moldova



+373 22 84 36 01



+373 22 84 36 02



contact@crjm.org



www.crjm.org



crjm.org



crjmoldiva

The new law establishes that the NIJ score constitutes 60% of the maximum score for the position of judge, and the SCM evaluation – 20%.

the Judicial Performance Evaluation Board to make the selection, performance evaluation and promotion of judges more efficient. It seems, however, that this measure was also determined by the fact that few judges wanted to be members of these boards since all candidates are subject to [pre-vetting](#).

On 12 April, a draft law in this regard [was approved by the Government](#), with the request that it be examined as a priority. The draft law was adopted in its first reading on 24 April 2023, and the vote for the second reading was postponed several times. The Legal Commission of the Parliament [significantly adjusted](#) the draft law, and it was voted by the Parliament in its final reading on 9 June 2023. The law is to be promulgated by the President of the country and will enter into force on the day of its publication in the Official Gazette.

According to the new law, the selection, promotion, and performance evaluation of judges will be handled by a single Board composed of nine members, five elected among judges and four elected from the civil society. Their mandate will last for six years, and they will not be able to be re-elected. Contrary to the LRCM proposal, the judicial members of the Board will not be suspended from office during their mandate, but their workload will be reduced by 50%. All members, including judges, will receive an allowance for each meeting of 10% of the salary of the SCM President. They will be assisted in their work by the SCM Secretariat.

The new law clarifies the role of the SCM, the Board and the National Institute of Justice (NIJ) when appointing judges. The result of the exam from the NIJ will constitute 60% of the score in the contest, the Board's assessment – 20%, and the other 20% will come from the SCM's assessment. When promoting judges, the weight of the score offered by the SCM will not exceed 30%, and the rest of the score is to be made by the Board based on the performance evaluation and the selection competition.

The law describes in detail the criteria for the selection of judges. They are based on previous experience, participation in non-formal activities, knowledge of English and French, personal qualities, ability to understand and solve complex legal situations, as well as other aspects established by the SCM. The criteria evaluated by the Board and by the SCM are different. The SCM will evaluate personal qualities and abilities to understand and solve complex legal situations, while the Board will evaluate the rest.

The law provides detailed descriptions of the criteria for evaluating the performance of judges. As part of the performance evaluation, the Board will evaluate professional competence (50%), organisational competence (20%) and integrity (30%). Professional competence will be evaluated based on overturned judgments, ECtHR convictions, the quality of verbal and written expression and the reasoning of court decisions, participation in training sessions, and digital skills. The organisational competence will be evaluated based on the resolution rate of the assigned cases, the length of its proceedings, adjourned hearings, compliance with the deadlines for publishing decisions on the Internet, etc. Integrity is assessed based on compliance with ethical rules, applied disciplinary sanctions, professional reputation, and financial integrity. The judges will be evaluated every

five years (now they are evaluated every three years), and the judge will be able to ask for their re-evaluation only two years after the previous evaluation.

The law also provides for the extension of the mandate of the [Pre-Vetting Commission](#), which expires on 30 June 2023. Apparently, it will be extended to the beginning of September. The pre-vetting of the candidates for the boards will be carried out by the new Board for the evaluation of judges and prosecutors, which would be established based on the Law on Vetting. According to estimates, this law will be adopted by the Parliament by the end of July.

GRECO REPORT: THE REPUBLIC OF MOLDOVA HAS MADE MODEST PROGRESS IN FIGHTING AGAINST CORRUPTION

On 19 May 2023, the Group of States against Corruption within the Council of Europe (GRECO) published a progress [report](#), in which it evaluated the measures taken by the authorities of the Republic of Moldova to prevent corruption. GRECO's recommendations concern 18 specific recommendations presented in the [report of the fourth evaluation round published on 5 July 2016](#), and refer to MPs, judges, and prosecutors. According to the new findings, by the end of March 2023, only six of these recommendations have been implemented. Of the remaining recommendations, ten were partially implemented and two were not implemented.

The recommendations can be conventionally categorised into three blocks: **(i) prevention of corruption in the case of members of the Parliament** – this set of recommendations refers to the need to improve transparency in the Parliament's decision-making, so that new draft laws and information on the organisation of public consultations are published promptly, ensuring as broad and inclusive a process as possible, especially concerning contributions from civil society. A related recommendation concerns the updating of the Parliament website and the operability of the e-Parliament and e-Legislation portals. Additionally, GRECO spoke about the importance of adopting a parliamentary code of conduct, as well as introducing rules for parliamentarians about interacting with people who could influence the legislative process (lobbyists). According to the GRECO report, apart from the progress made regarding the mechanism for lifting the immunity of MPs to simplify possible criminal procedures, other significant developments, especially in the case of the last listed recommendation, have not been found.

Another set of recommendations in the GRECO report concerns **(ii) the integrity and prevention of corruption among judges**. Previously, GRECO had pointed out the importance of changing the composition of the Superior Council of Magistracy (SCM) by eliminating the ex-officio membership of the Minister of Justice and the General Prosecutor, ensuring a transparent selection process for the members of the SCM and justifying its decisions. At the same time, it was recommended to exclude appointing judges with integrity issues, as well as excluding the five-year probationary period for judges. In the report, GRECO found positive developments regarding all the listed aspects. However, GRECO expressed its concerns regarding

Moldova was evaluated with an 'unsatisfactory' score by GRECO for preventing corruption among MPs, judges, and prosecutors.

the pre-vetting of candidates running for the SCM and the external evaluation of judges sitting and running for the Supreme Court of Justice, which has vacancies that currently can be hardly filled within the SCM by the representatives of the courts of all levels.

The third set of recommendations refers to **(iii) integrity and prevention of corruption among prosecutors**. In this regard, GRECO previously recommended changing the composition of the Superior Council of Prosecutors (SCP) to ensure their impartiality and transparency, including by excluding the Minister of Justice and the President of the SCM. In addition, GRECO recommended that the regulations and practical aspects of the disciplinary system are improved. The national authorities have informed GRECO about the ongoing [amendments](#) to the [Law on the Prosecutor's Office](#), which is a positive development. However, similar to previous cases, GRECO emphasised that at the moment, these recommendations can only be considered partially implemented by the authorities.

In general, GRECO also recommended strengthening the capacities and efficiency of the National Integrity Authority (NIA) to be able to effectively combat the lack of integrity among all civil servants, especially among MPs, judges, and prosecutors. It pointed out the importance of hiring more staff within NIA and developing an institutional strategy.

GRECO found a low current level of compliance with the recommendations, giving the Republic of Moldova an 'unsatisfactory overall' score. This score requires national authorities to address backlogs and submit a report on progress in implementing the recommendations by 31 March 2024 at the latest.

PRE-VETTING COMMISSION HEARINGS DIGEST (PART V) – SCP CANDIDATES

On 24-26 May 2023, the [Pre-Vetting Commission](#) continued to interview the candidates running for Superior Council of Prosecutors (SCP) membership. In total, six people were interviewed, five of whom are career prosecutors, and one person was proposed by the Academy of Sciences.

On 24 May 2023, [Gheorghe Graur](#), prosecutor at the Chişinău Prosecutor's Office, was interviewed. The candidate requested that they discuss behind closed doors the criminal case opened against him in 2012, but the Commission rejected and deemed this request as unfounded and late. Gheorghe Graur was asked about the circumstances in which a private company donated an apartment to his wife in 2013, which she later disposed of in 2018 for approximately 43,000 EUR, although its market price would be approx. three times higher. The candidate was also asked about failing to declare his and his wife's right to use BMW and Range Rover cars, whose market value would equal to about 20,000 EUR and 17,000 EUR respectively. The cars in question belong to his relatives, but since 2019, the compulsory auto liability insurance contracts were concluded in his name. Gheorghe Graur was also asked about a criminal case opened against him

in 2012, for drunk driving, as well as two other misdemeanour cases filed in his name in 2014 and 2015 for medium gravity hooliganism acts.

Prosecutor [Olesea Vîrlan](#), the interim deputy chief prosecutor of the Ialoveni District Prosecutor's Office, interviewed on the same day, was asked about failing to declare in 2020-2022 that she vouched for someone else's 300,000 MDL loan, as well as about contracting more loans in 2019. The candidate was also asked about failing to declare that she owned a car in 2018-2020, failing to declare her ex-husband's income for 2011-2015, about her husband receiving in 2013-2014 money transfers worth approximately 12,000 EUR from the Russian Federation, as well as failing to declare in 2018 several plots of land inherited in 2014-2016.

On 25 May 2023, [Elena Roşior](#), deputy chief prosecutor of the Anenii Noi District Prosecutor's Office, was interviewed. She was asked about where she got the money for 10 bank deposit accounts and five savings accounts, declared between 2009 and 2016, worth approximately 34,500 EUR. She was also asked about her husband buying a Dacia Logan car in 2014 for 2,000 MDL and in 2015 buying a similar model of car for 5,000 MDL, which was sold in 2021 for 10,000 MDL. The market value of these cars would amount to at least 2,000 EUR.

[Rodica Ciobanu](#), a candidate proposed by the Academy of Sciences, was interviewed on the same day. She was asked about where did her mother-in-law get the financial sources to make several donations to her husband worth over 100,000 EUR. At the same time, she was asked about an apartment in Chişinău, half of which belongs to her husband. The said apartment was sold in 2011 at an estimated price of 20,000 EUR, which was fully retained by the candidate's husband, although he did not fully own the property. Likewise, the candidate was asked about building a holiday home, construction which started in 2009.

[Eduard Panea](#), the chief prosecutor of the Leova District Prosecutor's Office, was interviewed on 26 May 2023. He was asked about failing to declare two bank accounts in 2020, with a total balance of approximately 190,000 MDL. The Commission also asked about the discrepancies between the candidate's income and expenses for the year 2021 worth over 209,000 MDL, but also about a disciplinary sanction, specifically a warning, applied against him in 2017, for delaying the investigation of five criminal cases. The rest of the interview was held in closed session, as a topic affecting the private life of the candidate and his family was discussed.

All prosecutors were interviewed by 29 May 2023. Candidate [Vasile Plevan](#), the interim deputy chief prosecutor of the Anticorruption Prosecutor's Office, was asked about where he got the means to buy an apartment in Chişinău in 2016 for 16,000 EUR, which would actually cost twice as much on the market. The candidate was also asked about purchasing in 2010 a room in a social housing building at a price of approximately 6,000 EUR, from his parents' financial sources, and its subsequent selling in 2015 for the same price. The market value of this asset would equal around 11,000 EUR. At the same time, the Commission asked about a 7,000 EUR loan that his wife got in 2020 from her mother, which was not mentioned in the candidate's declaration of assets and personal interests for that

The Pre-Vetting Commission heard the last six candidates for the SCP. out of the total of 18 candidates, four people did not pass the evaluation due to withdrawing from the competition or not submitting the mandatory documents on time. Of the remaining 14, one person requested evaluation based on the accumulated materials. Out of 13 candidates interviewed, one passed the assessment, three did not, respectively, 10 candidates are still waiting for the decision of the Pre-Vetting Commission.

year. The last part of the interview concerned an aspect of ethical integrity and was held behind closed doors.

In total, 13 people were interviewed for SCP membership, and Anatolie Gîrbu requested that he is evaluated exclusively based on the presented materials, refusing to be publicly interviewed. On 3 May 2023, the Pre-Vetting Commission [announced](#) that [Dumitru Obadă](#) was successfully vetted. On 5 June 2023, the Commission [announced](#) that Vitalie Codreanu and Cristina Gladcov failed the pre-vetting, and on June 7 that Gheorghe Borş also [failed](#) the pre-vetting (see details in the [LRCM Newsletter no. 56](#)). Four SCP candidates did not pass the evaluation because they withdrew from the competition or did not submit the necessary papers on time. The Pre-Vetting Commission is yet to announce its decisions on 10 SCP candidates. Failure to pass the evaluation can be appealed to the Supreme Court of Justice (SCJ) that are meant to be solved within 10 days.

STRENGTHENING COOPERATION BETWEEN PARLIAMENT AND CIVIL SOCIETY: QUO VADIS?

On 2 May 2023, the Parliament of the Republic of Moldova registered the draft Government decision on the approval of [the Platform for dialogue and civic participation in the decision-making process](#). The platform aims to encourage civic initiatives and make participation in the decision-making process of interested parties more efficient.

This proposal comes as a response to the commitment provided for in [the Action Plan](#) for the implementation of the measures proposed by the European Commission in its Opinion on Moldova's application to join the European Union: *"Increasing the involvement of civil society in decision-making processes at all levels"*. Previously, the shadow report of the civil society found that the Republic of Moldova had serious delays concerning this commitment (see more details in [LRCM Newsletter no. 56](#)). The deadline to fulfil this action is June 2023.

The document defines the principles, objectives, and forms of civic participation in the decision-making process, their organisation and operation. It also provides a series of rights and obligations of the Parliament and of the interested parties and details the dialogue mechanisms through general information, consultation, and active participation. The draft also regulates the organization and conduct of parliamentary hearings and other forms of participation, such as ad hoc meetings, annual conferences, and expert councils. An important element is the institutionalization of the Parliament – Civil Society Cooperation Memorandum, called to contribute to strengthening the institutional capacities of the Parliament, by providing expertise, training, technical assistance, consultancy, harmonisation of legislation, as well as the dissemination of information about the European integration process of the Republic of Moldova.

On 17 May 2023, the LRCM sent [a legal opinion](#) to the Parliament in which it requested to establish clear criteria and the types of draft normative acts for

The creation of a cooperation platform between the Parliament and civil society is an important commitment in the EU accession process.

which the Parliament can limit the deadline for the civil society to present recommendations, but also better regulation of the process of introducing amendments between plenary debates or before the final reading to leave no room for abuse.

On 19 May 2023, [public consultations](#) were held on the draft decision in question. Although this represents a compilation of the provisions of the already existing legal framework, the participants welcomed the initiative to streamline the involvement of civil society in the decision-making process, but on the condition that such a cooperation platform is permanent and continuous.

The draft document establishing the Platform was [proposed to the MPs for a vote](#) in the plenary session of 8 June 2023.

I IN BRIEF

On 11 May 2023, [the Superior Council of Magistracy \(SCM\)](#) [extended the deadline](#) to apply for a judge's position at the Supreme Court of Justice (SCJ) to June 9th. The deadline was extended because only [17 candidates](#) registered for the 20 vacant positions announced on 10 April 2023. On May 23, the SCM also adopted the [Regulation on the selection of SCJ judges](#).

On [11 May 2023](#), **the Superior Council of Magistracy (SCM)** sent for additional verification to the Judicial Inspection the information sent earlier by the Security and Intelligence Service and the Bălți Court of Appeal about judge Ghenadie Eremciuc, temporarily transferred to the Supreme Court of Justice. In the same meeting, with three votes in favour and five votes against, the request of the acting Prosecutor General, Ion Munteanu, asking for consent to start criminal prosecution, search, and criminal liability against a judge was rejected. One member issued a separate opinion. According to [Ziarul de Gardă](#), the judge in question is [Ghenadie Tocaiuc](#), the judge who in December issued a decision for Adrian Nichifor's early release.

On 12 May 2023, the Parliament approved the [Activity Report](#) of the **National Anticorruption Centre (NAC)** for 2022. According to the report, NAC officers detected 539 crimes, and 487 criminal cases were initiated. Of these – 234 constituted corruption offences, and 105 – corruption-related offences (abuse of power, exceeding the powers of the office or illicit enrichment). Also, criminal cases were initiated for fraud, embezzlement of foreign assets, money laundering, computer fraud, etc. According to the NAC, the subjects most often involved in corruption cases are ordinary individuals, followed by police inspectors, health workers and town hall officials. In 2022, the Agency for the Recovery of Criminal Assets, which is an autonomous subdivision of the NAC, seized assets worth two billion MDL. For 2023, the NAC proposed to prioritise the fight against systemic corruption, including in the field of public procurement, and construction, in the energy sector, in executing road repair programs, but also in the process of managing external funds.

On 15-19 May 2023, a delegation consisting of four GRECO evaluators (Croatia, Finland, Romania, and Slovenia) and a member of the GRECO secretariat visited Chişinău to evaluate the Republic of Moldova within [the fifth round of GRECO assessment](#). The topics addressed were the prevention of corruption and the promotion of integrity in the central administration, but also in law enforcement agencies. An evaluation report will be drawn up and examined by the GRECO Plenary during 2023.

On 17 May 2023, the judges of **the Constitutional Court** [announced](#), on the sixth day of examining the constitutionality of the 'Şor' Party, that they are taking a break in the examination of the case until 12 June 2023. The Constitutional Court announced a break after both parties, the lawyers representing the Government and those representing the 'Şor' Party declared that they exhausted the evidence presentation phase. The Government [requested](#) in November 2022 to verify the constitutionality of the 'Şor' Political Party. According to the authors of the request, the activities of the 'Şor' Party are contrary to the principles of the rule of law, endangering the sovereignty and independence of the Republic of Moldova. On 10 January 2023, LRCM [issued](#) an opinion on this subject to the Constitutional Court, through which it highlighted the serious nature of the dissolution of a political party in a democratic society, this decision can only be justified in case of full compliance with the guarantees of the European Convention on Human Rights (ECHR).

On 19 May 2023, the **Pre-Vetting Commission** sent the [nine non-judge candidates](#) running for the Superior Council of Magistracy (SCM) membership, a [Declaration form covering five years](#). [This marks](#) the beginning of the evaluation of the said candidates. The declaration for five years includes information on the candidates' assets and personal interests, as well as disclosing close connections to people from the judiciary, the prosecutor's office, and public service. Next, the Pre-Vetting Commission will analyse the income and properties of the candidates, as well as of their families. [The nine candidates](#) are Aliona Corcenco, Iulian Muntean, Ana Tîpa, Veaceslav Guţan, Leonid Chirtoacă, Vitalie Sili, Nicolae Agachi, Vanu Jereghi and Lucia Popescu.

On 22 May 2023, the head of the **Anticorruption Prosecutor's Office**, Veronica Dragalin, [announced](#) that earlier, on 19 May 2023, the judge examining the criminal case of the former MP Vladimir Andronachi in the 'Bank Fraud' case, for fraud and money laundering on a particularly large scale, decided, at the request of the defence, to examine the case in closed session. The head of the Anticorruption Prosecutor's Office categorised this fact as inadmissible and contrary to legal norms and ECtHR provisions. Dragalin requested the SCM to initiate a disciplinary procedure against the judge. During the SCM meeting on 30 May 2023, SCM member Ion Guzun expressed his concern about Veronica Dragalin's statements about the court's decision to examine a high-profile case in a closed session, but without directly referring to the said case. He considered that, in this way, pressure is put on the judge, while the prosecutors have all the tools necessary to request the examination of the case in an open session. Also on 19 May 2023, the former democratic MP Vladimir Andronachi received another 30 days of house arrest,

after the prosecutors' request to change the preventive measure from [house arrest](#) to preventive arrest was rejected because he had tried to manipulate his foot bracelet and block the monitoring signal.

On [23 May 2023](#), with six votes in favour, **the SCM** postponed discussing the possibility to hear the judges who submitted repeated requests to the President of the country for re-confirmation for office until the age limit. The SCM requested the opinion of the Legal Committee for appointments and immunities and the General Legal Directorate of the Parliament in the part related to the number of votes applicable for judges, who were rejected by the President of the country but are to be reconfirmed for office until the age limit by the SCM. At the same time, the SCM interviewed two judges, Olga Ionaşcu and Victoria Hadîrcă, to find out why they did not repeatedly submit the request for reconfirmation in office. During the hearing, both judges expressed their desire to be reconfirmed in office and would submit the repeated request to the SCM.

| 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 MEREUŢĂ
Legal Officer

Natalia ROTARU
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 (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. We are independent and politically non-affiliated. You can support the LRCM research and advocacy activities through an [online donation](#).

LEGAL RESOURCES CENTRE FROM MOLDOVA



33, A. Şciusev st.,
MD-2001, Chişinău,
Republic of Moldova



+373 22 84 36 01



+373 22 84 36 02



contact@crjm.org



www.crjm.org



crjm.org



[crjmoldiva](https://twitter.com/crjmoldiva)