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IN BRIEF

THE SECOND ASSESSMENT REPORT ON THE IMPLEMENTATION OF EU ACCESSION COMMITMENTS GOES OUT

On 20 July 2023, the LRCM, in partnership with the Institute for European Policies and Reforms and Expert-Grup Independent Think Tank, released [the latest report](#) on the progress achieved by the national authorities in implementing the nine commitments for the accession of the Republic of Moldova to the European Union.

The report presents the main achievements, constraints, and revised and updated priorities for the period from 1 July 2022 through 30 June 2023. The report shows that out of the [60 actions](#) undertaken by the government, 24 (40%) have been implemented completely, 25 (41.66%) have been implemented with certain shortcomings, 10 (16.66%) are still to be implemented, and one action (1.67%) was implemented with substantial deficiencies. As of June 2023, most actions corresponding to [the nine commitments](#) were implemented.

The overall average implementation score for the commitments was 4.24 out of the maximum of 5 points. Notable progress was achieved in public finance management, the protection of human rights, and cooperation with civil society. The reform of public finance management – where all actions were implemented – scored highest, with five points. Progress was also made in the protection of human rights, rated 4.75 points, and cooperation with civil society, rated 4.6 points, where all actions were implemented, albeit with minor issues. Fight against organized crime – where most actions were implemented, and two are close to completion – scored 4.35.

Justice sector reform – where most planned actions were implemented, bar minor issues – scored 4. The authorities are still to ensure the full functioning of the Superior Council of Magistracy and the Superior Council of Prosecutors. Combating corruption and de-oligarchization still require close attention. At the end of June 2023, progress under these two commitments scored 3.77 and 3.7, respectively. Here, a clear delimitation of duties between anti-corruption authorities, the strengthening of the Anticorruption Prosecution Office in investigating grand corruption, and the implementation of the action plan for de-oligarchization remain of high priority.



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The authorities were more effective at reforming public finance management, strengthening the protection of human rights, and fostering cooperation with civil society, but trailed in de-oligarchization and anticorruption activities.

The online versions of the report in Romanian and English are available at <https://euromonitor.md/en>.

PRE-VETTING COMMISSION HEARINGS DIGEST (PART VI) – NEW LAY CANDIDATES FOR THE SCM

On 19 May 2023, the Pre-Vetting Commission **announced** the start of the evaluation of the second group of lay candidates for membership in the Superior Council of Magistracy (SCM). Under **the law**, the SCM is formed of six members who are professional judges and six lay members nominated by Parliament. At the evaluation of the first group of candidates nominated by the legislature, which took place in March, only 3 out of 12 candidates passed (more about that in the LRCM **Newsletter no. 55**). At the **plenary session** of 30 March 2023, Parliament **appointed** all three successful candidates to the SCM, and on 5 May 2023, it sent the Pre-Vetting Commission **a new list of nine lay candidates** for the SCM to fill the remaining three vacancies.

On 14 July 2023, the Pre-Vetting Commission held the hearing of **Aliona Corcenco**, asking her about the origin of the financial resources of EUR 10,000 held at her and her close relative's bank accounts. On the same day, the Commission held the hearing of **Veaceslav Guțan**, asking him to explain his failure to declare some loans taken in 2012 and 2014 and failure to declare, in the years 2012-2014, some salary and retirement accounts owned by the candidate and his spouse.

On 19 July 2023, the Commission held the hearing of **Vitalie Sîli**, asking him about a zero-interest loan of EUR 12,000 taken in 2019 from his sister to purchase and repair a car. The Commission also asked about the candidate's donation of an apartment in Chișinău in 2016 to his sister. On the same day, the Commission held the hearing of **Lucia Popescu**, asking her about her failure to declare, in the years 2012-2014, eight active bank accounts open on her and her spouse's behalf, two loans taken in 2007 and 2012, where the candidate's spouse had the status of co-debtor and surety, and the right of ownership of the candidate's spouse to an apartment in Chișinău, acquired in 2004 through privatization. In addition, the Commission asked the candidate about her spouse's failure to declare EUR 8,000 in savings in 2020 and the origin of the money used to reimburse a loan taken by her spouse in 2016. The Commission also held the hearing of **Ana Tîpa**, asking her about her failure to declare the income received during a childcare leave from 2014 through 2016 and about failure to submit the declaration of assets and personal interests for 2019. In addition, the Commission asked about the candidate's failure to declare, in the years 2012-2013, ten bank accounts owned by her spouse, failure to declare the income for 2012, failure to declare a donation of EUR 4,000 received in 2013 from her father, and failure to declare three bank accounts in 2020.

On 19 July 2023, the Commission held the hearing of **Iulian Muntean**, asking him about some donations exceeding MDL 5 million received from his parents-

The Pre-Vetting Commission has finished the hearings with the second group of lay candidates for the SCM. The candidates' lifestyles, noncompliance with the regime for declaring properties, the origin of cash savings, underpricing in selling and purchasing properties, and failure to declare donations and bank accounts are just a few of the questions the Commission has sought to clarify.

in-law in the years 2008-2022, especially about a wire transfer of MDL 4 million received in 2022 as a donation for the purchase of a car. The Commission also asked the candidate about the purchase of an apartment in 2008 and the discrepancy of EUR 50,000 between the cost of the apartment and the banking documents that confirmed the transfer of the money to purchase it.

On 21 July 2023, the Commission held the hearing of [Leonid Chirtoacă](#), asking him about cash savings amounting to EUR 45,000 collected from 2008 through 2018, a loan of EUR 10,000 received in 2008, and the purchase of an apartment in Romania for EUR 52,000 in 2019. On the same day, the Commission held the hearing of the last candidate, [Nicolae Agachi](#). The Commission asked him about the origin of the money for the purchase of a land plot and the construction of a house by his mother, considering that she had had modest income before that and in the present the property is used by the candidate and his family. The Commission also asked about the origin of the financing for two loans he had offered to private companies in 2021, about the purchase and sale of two cars for a price below the market, and about failure to pay the income tax for capital gains after the sale of the cars.

Candidate [Vanu Jereghi](#) withdrew from the competition, which is equivalent to failure at the evaluation. The remaining eight candidates the Commission had hearings with are still awaiting decisions.

OVER 400 JUDGES AND PROSECUTORS ARE DUE FOR VETTING. WHO ARE THEY, AND HOW ARE THEY GOING TO BE VETTED?

On 31 July 2023, Parliament passed the [Law on the Vetting of Judges and Prosecutors](#) (the Vetting Law). The act had been improved in line with the recommendations of the Venice Commission (more about that in the [LRCM Newsletter no. 58](#)) and will come into effect once published in the Official Gazette.

The legislation is meant to increase the public's confidence in the justice sector and to ensure the integrity of judges and prosecutors. It provides for the check on the moral and financial integrity of all judges from appellate courts, all prosecutors from specialized prosecution offices, the presidents and deputy presidents of courts of law, the general prosecutor and his deputies, other chief prosecutors and their deputies, and the chiefs of the divisions of the General Prosecutor's Office. In addition, the evaluation will cover the candidates who won competitions for these positions prior to 31 December 2025. The vetting of Supreme Court judges and candidates for this position is a requirement of [Law 65/2023](#), which was passed in the spring of this year and is already in force (more about that in the [LRCM Newsletter no. 55](#)). The vetting will not apply to those who passed the evaluation required by [Law 26/2022](#) (the evaluation of candidates for the Superior Council of Magistracy (SCM) and

The Pre-Vetting Commission will finish the evaluation of candidates by 1 September 2023. After that, the evaluation of the remaining candidates will be carried out by the two commissions established by the Vetting Law.

the Superior Council of Prosecutors (SCP)) and the evaluation required by Law 65/2023 (the evaluation of Supreme Court judges and candidates) and to judges or prosecutors who retire within 20 days of the beginning of their evaluation.

Under the Vetting Law, the evaluation of judges and prosecutors is the responsibility of two commissions formed of three national and three foreign experts each. The vetting of judges will rest with the commission that currently performs the vetting of Supreme Court judges and candidates for this position. The vetting of prosecutors will rest with another commission, which will be formed within 40 business days of the legal act coming into effect. The six members of each commission will be appointed by the vote of three fifths of the elected MPs. The three national members will be appointed by nomination of parliament groups, and the three foreign experts will be nominated by development partners. The vetting commissions will enjoy total functional and decisional independence.

The commissions will examine whether the subjects of the evaluation have complied with professional ethics, have taken arbitrary decisions, have committed tax evasions of big proportions, and can explain the origin of their property. Vetting will culminate with the hearing of the evaluation subject. Before vetting, candidates will be informed about suspicions the commission has about them. Hearings will usually be public, and their video recordings will be published online.

Based on the evaluation, the commission will prepare a report with relevant facts and the recommendation to pass or fail the vetting, along with the underlying reasons for it. The commissions will pass the reports in panels of three members. If the opinions of the three members of the panel diverge, all six members of the commission will have to vote on the report. The report will then go to the SCM or the SCP, which will take a final decision. The reports of the commissions may be published only after the adoption of the decision of the SCM or the SCP. If it is found that the evaluation had factual circumstances or procedural errors that may produce a determined impact on the evaluation outcome, the SCM or the SCP may order a one-time resumption of the evaluation procedure. The subjects of the evaluation may challenge the decision of the SCM or the SCP at the SCJ. Three Supreme Court judges who passed vetting may order re-evaluation only once.

Judges and prosecutors who passed vetting may continue their professional activity. Those who fail will be dismissed from office and will not be allowed to work as judges, prosecutors, or high-ranking public officials for five to seven years, and will lose the right to one-off severance pay and the right to special pension.

The adopted legislation also establishes that the [Pre-Vetting Commission](#) will finish the evaluation of all candidates for the SCM and the SCP it received by 1 September 2023. The evaluation of other candidates for the SCM and the disciplinary and selection boards of the judges and prosecutors will be carried out by the two commissions established by the Vetting Law.

As of 1 September 2023, the competence of the SCJ will be narrowed, and the procedure for examining cassations will be simplified. The SCJ will be mainly interested in cassations that have the potential to strengthen judicial practice.

PARLIAMENT HAS RADICALLY CHANGED THE CASE EXAMINATION PROCEDURE AT THE SCJ

On 31 July 2023, Parliament passed the legislation related to the reform of the Supreme Court of Justice (SCJ). The [approved legislation](#) contains major changes meant to strengthen the SCJ's role of unifying the judicial practice and its capacity to admit only cases that have importance for strengthening the caselaw or cases that concern particularly severe violations of law. The new grounds for cassation will take effect on 1 September 2023.

The legislation changes the grounds for cassation and simplifies the procedure for the examination of such cases. The main grounds for cassation include the interpretation of the law in contradiction to the uniform caselaw of the SCJ, the change or strengthening of the caselaw of the SCJ by admitting the cassation, the unjustified admission of a late appeal or the dismissal of a timely appeal from a judgment that is arbitrary or based mostly on clearly unreasonable appraisal of evidence, and situations where the judicial panel was formed in violation of the law. Consequently, the grounds for cassation get considerably narrower. However, cassations filed before 1 September 2023 will be examined in accordance with the grounds established by law on the date of their filing.

Parliament has also changed the cassation admissibility criteria and the procedure for examining such cases. The SCJ usually examines cassations and motions for revision in panels of three judges. If a case poses special interest for the uniformization of judicial practice, the cassation may be examined by a panel of five or nine judges. Grounds for inadmissibility have also been extended. Thus, the SCJ may declare a cassation inadmissible if it is clearly unfounded or if the invoked legal issue does not have fundamental importance for the development of the caselaw. The cassation may be declared inadmissible at any phase, including during its receipt, even without requesting a reference from the opposite party.

The SCJ will usually examine cassations without summoning the parties. Well-grounded cassations that invoke the arbitrary examination of a case by appellate courts or the change of the SCJ's practice will be examined in public hearings. The SCJ may decide to examine other cases in a public hearing as well.

If the SCJ admits a cassation that requests the quashing of a decision that is arbitrary or based on a clearly unreasonable appraisal of evidence, it will issue an order, which will be sent to the Judicial Inspection, to prevent arbitrariness. However, whether disciplinary proceedings are initiated is in the exclusive competence of the inspector.

The legislation also extends the grounds for revision and abolishes the action for annulment in criminal trials. The filing of a motion for revision will no longer be subject to the prosecutor's consent, and motions for revision that invoke procedural irregularities will be examined by the court that issued the latest judgment on the case, just as in the civil procedure in effect.

These changes reinstated the competence of the SCJ to examine, as the first and last resort, challenges to decisions of the Superior Council of Magistracy and the Superior Council of Prosecutors. The Court will examine challenges in panels of three judges, whose decisions will be irrevocable.

NEW CHANGES TO CRIMINAL PROCEDURE VOTED IN THE FINAL READING

On 31 July 2023, Parliament voted, in its final reading, [a law](#) to amend the Criminal Procedure Code (CrPC) and the Contravention Code. The new amendments simplify and streamline the procedures for examining criminal cases during pre-trial and trial and also revise the procedural mechanisms from the perspective of equality of arms. The law is intended to improve the legal framework that regulates criminal procedures and to enforce several judgements of the Constitutional Court.

In March 2022, the Ministry of Justice (MJ) started the process of amending the CrPC by establishing a task force that included the LRCM. Due to the numerous proposals presented by the authorities, the MJ had revised the bill several times and submitted it for approval repeatedly. In addition, on 11 July 2023, Parliament also organized [a public hearing](#) on this topic. In between the readings, several MPs from the Action and Solidarity Party [revised](#) the bill in the part that referred to the court's territorial jurisdiction in criminal matters, the clarification of the duties of higher ranking prosecutors, and the jurisdiction of the Anticorruption Prosecutor's Office and the National Anticorruption Center.

The LRCM presented several legal opinions on the bill ([9/22](#), [52/22](#), [30/23](#), and [37/23](#)), some of which were accepted by lawmakers, while others were considered too innovative. The rejected proposals refer mostly to the abandonment of the absolute nature of the criminal investigation, a mechanism required by the directives of the European Union, the amendment of the system for complaints about the actions of criminal investigation authorities, and the streamlining of the examination of criminal cases in appellate courts. It was also proposed to introduce a preliminary hearing with rather rigid rules to avoid the protraction of criminal cases pending trial. The list of witnesses, the invalidity of evidence, recusals, and other procedural matters would have to be announced and examined at the beginning of the trial. It was also reiterated that criminal investigation needed to be further digitalized and simplified to make the procedures faster.

All the amendment proposals were discussed in detail at a round table on 3 February 2023, organized by the MJ in partnership with the LRCM and the Soros Foundation–Moldova (see [Newsletter no. 54](#)).

Although the amendments adopted by Parliament are progressive, the criminal procedure needs to be improved by introducing more guarantees for the defense at the criminal investigation phase and streamlining the trial procedure.

The approved amendments concern the transfer of the Inspection of Prosecutors from the authority of the General Prosecutor's Office under the SCP, the merger of the selection and evaluation boards, and the revision of the SCP composition.

CHANGES TO THE MECHANISM FOR SELECTION, EVALUATING, AND DISCIPLINING PROSECUTORS

On 31 July 2023, Parliament [passed](#) a law amending the mechanism for selection, evaluating, and disciplining prosecutors in the final reading. The law [was prepared](#) by the Ministry of Justice. The legislation is meant to ensure the independence of prosecutors, to strengthen the capabilities of the Superior Council of Prosecutors (SCP) and its boards, and to revise the composition of the SCP in line with GRECO's recommendations. The amendments [took effect](#) on 4 August 2023, with some exceptions.

The legislation includes several innovative provisions. The main changes consist in the revision of the selection and career growth criteria for prosecutors, where such criteria as the ability to apply knowledge in practice and academic and scientific work, were excluded. In addition, the legislation revises the method for calculating the average grade and the score during the procedure for nomination as prosecutor, and the procedure for the promotion of prosecutors. Thus, the score during the evaluation of candidates for prosecutor is formed of the grade obtained from the National Institute of Justice (60%), the score from the Board for Selection and Evaluation of Prosecutors (20%), and the score from the SCP (20%). As for prosecutors' career growth, at least 70% is determined by the outcome of the professional evaluation and at most 30% by the score from the SCP.

Another novelty is the establishment of a new Board for Selection and Evaluation of Prosecutors by merging prosecutors' Board for Selection and Career and Performance Evaluation Board. The composition of the SCP was also revised, by reducing its members from 13 to 10, where five members are elected among prosecutors and four from civil society. The Minister of Justice, the Ombudsman, and the Prosecutor General were excluded from the SCP's membership. The President of the Superior Council of Magistracy, including interim, remains the only member at law of the SCP. The legislation also reduced the term in office for the President of the SCP from four to two years and extended the term in office for SCP members from four to six years, allowing only one term in both cases. This extension is meant to prevent the perpetuation of the same people at the SCP and to attract new professionals in the field.

Another novelty is the transfer of the Inspection of Prosecutors from the authority of the General Prosecutor's Office under the SCP. The previous mechanism raised a series of issues related to lack of independence and trust in inspectors' objectivity because they reported directly to the Prosecutor General. This change was meant to ensure the statutory, budgetary, and functional independence of the Inspection of Prosecutors. In addition, the limitation period for disciplinary actions against prosecutors was extended from one to two years from the date of committing the disciplinary offense, and the special limitation period applicable to procedural violations was extended from three to five years.

Part of [the LRCM's proposals and recommendations](#) sent to Parliament on 12 June 2023 were included in the final version of the law.

SURVEY: THERE ARE MORE JUDGES WHO SUPPORT VETTING IN THE JUDICIARY THAN THOSE WHO ARE AGAINST IT

On 12 July 2023, the results of a survey conducted among judges, prosecutors, and lawyers from April through June 2023 [were released](#). The survey, commissioned by the LRCM, tried to find out the opinion of specialists about the situation in the justice sector, justice reforms, and the phenomenon of corruption. The survey involved 21% of all judges, prosecutors, and lawyers from the Republic of Moldova as respondents. Similar surveys had been conducted in [2020](#) and [2015](#).

The 2023 survey confirmed that specialists have become more confident about the independence of the judiciary, the announced reforms, and the fight against corruption. 91% of judges, 76% of prosecutors, and 52% of lawyers considered that judges were independent. Asked whether they were sure that judges would pass a legal judgement on their or their relatives' case, 91% of judges, 81% of prosecutors, and 62% of lawyers answered affirmatively. Both questions received more affirmative answers from specialists than in 2020.

In 2023, 92% of judges, 78% of prosecutors, and 51% of lawyers considered that judges' solutions were not influenced from outside, which is significantly more than in 2020. Asked who exerted influence on judges, most judges pointed to politicians (27%) and press (23%). Prosecutors and lawyers also placed these two categories at the top of the ranking. However, many prosecutors and lawyers added that the Superior Council of Magistracy (SCM) and other judges also influenced judges.

According to [the Public Opinion Barometer](#), at the end of 2022, the public's confidence in justice was just as low as in 2011. 82% of judges and prosecutors and 53% of lawyers consider that this is the result of politicians' attacks on the justice sector. 89% of judges, 88% of prosecutors, and 51% of lawyers consider that low confidence is also a consequence of the unfair image presented by media outlets. 54% of judges, 67% of prosecutors, and 87% of lawyers consider that another cause of low confidence is illegal decisions issued by some judges and prosecutors. Only 14% of judges and 28% of prosecutors, and as many as 73% of lawyers consider that low confidence is caused by the behavior of most judges and prosecutors. Thus, judges and prosecutors believe that low confidence in the justice sector is mainly due to factors beyond their control, whereas the vast majority of lawyers believe that it is due to illegalities admitted by judges and prosecutors.

The quality of acts issued by the Moldovan judiciary has often been criticized

Over 90% of judges and 75% of prosecutors are convinced that judges' solutions are not influenced from outside and that the Moldovan judiciary would pass a legal judgment on their case.

by the European Court of Human Rights. Despite this fact, 97% of judges, 88% of prosecutors, and 53% of lawyers considered that the quality of acts issued by judges was good. 75% of judges, 93% of prosecutors, and only 29% of lawyers agreed that the quality of acts issued by prosecutors was good.

Asked whether the current remuneration for judges was sufficient to ensure their independence and impartiality, only 6% of judges, 15% of prosecutors, and 62% of lawyers answered affirmatively. In 2020, 39% of judges, 53% of prosecutors, and 58% of lawyers had the same opinion. These figures show a sharp decrease in the number of specialists who consider that judges' salaries are sufficient. Indeed, [according to an analysis produced by the LRCM](#), in 2022, the salaries of judges in the Republic of Moldova were the lowest in the member states of the Council of Europe. In addition, more than 80% of judges, prosecutors, and lawyers considered that the salaries of clerks and assistants for judges and prosecutors were insufficient.

In 2023, 50% of judges considered that the SCM defended the independence of judges effectively. In 2020, only 31% of judges felt the same way. In 2023, 57% of judges considered that the work of the SCM was transparent, down 4% from 2020. Asked whether they considered that the SCM acted independently, free from political control, only 47% of judges answered affirmatively. Just as in 2020, 69% of judges said that the appointment of judges was meritocratic. 61% of judges felt the same about the promotion of judges, up 13% from 2020. These figures show that there is still way to go before the SCM gains greater confidence from judges.

Both judges and prosecutors and lawyers were asked how strongly they supported the vetting announced by the authorities. It turned out that judges who supported this reform (40%) were more numerous than those who did not (35%), while 25% of judges were neutral about it. As for prosecutors, 39% did not support the vetting, 27% supported it, and 35% were neutral about it. More than 70% of lawyers supported the reform. The number of those who supported it increased significantly from 2020 to 2023. Judges and prosecutors were also asked whether they would agree to undergo the vetting procedure. 64% of judges and 62% of prosecutors answered that they would accept it, 10% of judges and 11% of prosecutors answered that they would resign, and 23% of judges and 26% of prosecutors were undecided.

In 2023, asked about the level of corruption in the country, 12% of judges, 7% of prosecutors, and 3% of lawyers answered that it did not exist in Moldova, whereas 33% of judges, 43% of prosecutors, and 64% of lawyers said that it had high levels in Moldova. 46% of judges, 63% of prosecutors, and 59% of lawyers considered that Parliament had lots of corruption. 43% of judges, 62% of prosecutors, and 61% of lawyers considered that the Government and the National Anticorruption Center had lots of corruption. 22% of judges, 35% of prosecutors, and 24% of lawyers considered that the President's Office had lots of corruption. Respondents from all three professions considered that, in their corresponding professions, the level of corruption was lower than at

Judges and prosecutors consider that low confidence in the judiciary is caused by attacks from politicians and the media. They consider that the level of corruption in the judiciary is lower than at the President's Office.

the President's Office, which, incidentally, was the least corrupt institution according to the Public Opinion Barometer.

Respondents from all three professions considered that appellate courts were the most corrupt courts, followed by the SCJ in this ranking. As for the judiciary's self-administration bodies, respondents from all three professions identified the SCM as having the highest level of corruption. Asked about the most corrupt prosecution office, representatives of the three professions pointed to the Anticorruption Prosecutor's Office, followed by the Office of the Prosecutor for the Fight against Organized Crime and Special Cases (PCCOCS). However, compared to 2020, in 2023, the number of those who considered that the Anticorruption Prosecutor's Office is the most corrupt prosecution office halved among judges and fell by two thirds among lawyers. The same trend was observed for PCCOCS. As for the prosecutors' self-administration bodies, judges, prosecutors, and lawyers pointed to the SCP as being the most corrupt, followed by the National Institute of Justice and the Prosecutors' Selection Board in this ranking. According to lawyers and prosecutors, corruption in the legal profession reaches the highest levels at the Lawyer Licensing Committee. Judges mentioned ordinary lawyers as the most corrupt category.

Asked about the causes of corruption, respondents from all three professions pointed to low salaries (82% of judges, 95% of prosecutors, and 69% of lawyers), failure to hold the corrupt liable (76% of judges, 77% of prosecutors, and 89% of lawyers), lack of transparency at management and self-administration bodies (67% of judges, 70% of prosecutors, and 78% of lawyers), and deficiencies in the selection and professional promotion system (71% of judges, 80% of prosecutors, and 88% of lawyers).

FIGHT AGAINST ILL-TREATMENT – STAGNATION OR PROGRESS FOR THE REPUBLIC OF MOLDOVA?

From 19 through 21 September 2023, the Committee of Ministers of the Council of Europe will verify the actions the Republic of Moldova has taken [to enforce the judgments on the Levința group of cases](#). This group is formed of the judgments of the European Court of Human Rights (ECtHR) where it found the application of ill-treatment by the police, failure to investigate such cases effectively, conviction based on the "evidence" obtained by applying ill-treatment, failure to provide adequate medical assistance to detainees, etc. The Levința Group reveals structural issues, not yet addressed by the Republic of Moldova.

On 26 July 2023, the LRCM sent [a communication](#) to the Committee of Ministers, explaining the guarantees and the impact of the actions taken by the authorities to prevent and combat ill-treatment. Although the number of complaints about ill-treatment decreased in 2022, it is still concerning (485). Likewise, the rate of investigations initiated and sent to court was one of the lowest (3%) and the rate of conviction for torture is even lower. According to [a](#)

The conviction rate for torture is very low, which generates impunity for torturers.

[recent study](#) elaborated by the LRCM, the average prison term for ill-treatment is five years and a half, and the longest is eight years. In all cases where judges imposed an imprisonment sentence of less than five years they suspended its execution, sometimes without any conclusive reasoning.

Despite some progress at the level of policies to combat ill-treatment, when it comes to implementing them, no substantial progress has been observed. The LRCM repeatedly urged the Committee of Ministers to request that the Moldovan authorities transfer remand facilities from the authority of the Ministry of Home Affairs under the Ministry of Justice and place the medical staff from these facilities under the authority of the Ministry of Health. It is also necessary to improve the quality of investigations into allegations of ill-treatment, to prioritize these cases, and to ensure that individuals suspected of ill-treatment are immediately suspended from office and remain so for the duration of the investigation, which is rarely done.

According to [the report of the Committee of Ministers](#) about the enforcement of ECtHR judgments, at the end of 2022, the Republic of Moldova had 153 cases with non-executed judgments, including 7 leading cases (which refer to structural or systemic issues). In terms of the number of pending non-executed judgments, Moldova ranks 8th out of the 46 member states of the Council of Europe.

To streamline the enforcement of ECtHR judgments and to prevent similar violations in the future, non-profit organizations can send the Committee of Ministers communications about the actions taken by the state. The method of preparing them is described in [the handbook Implementation of Judgments of the European Court of Human Rights](#) developed by the European Implementation Network.

I IN BRIEF

In **July 2023**, the Pre-Vetting Commission published the last four decisions about the evaluation of candidates for the Superior Council of Prosecutors (SCP). Thus, on **6 July 2023**, the Commission announced that the evaluation was passed by [Aliona Nesterov](#) and [Eduard Panea](#), and on **12 July 2023**, it announced that the evaluation was failed by [Vasile Plevan](#) and [Gheorghe Gaur](#). Out of the total of eighteen registered candidates for the SCP, eight passed the evaluation. Seven of them were prosecutors and one was from civil society (nominated by the Academy of Sciences). The other ten candidates failed the evaluation. Three of them withdrew from the competition, and one did not submit their declaration for five years on time. Five candidates who failed the evaluation challenged the Commission's decisions at the Supreme Court of Justice (SCJ). On 1 August 2023, the SCJ annulled the decisions of the Pre-Vetting Commission concerning [Anatolie Gîrbu](#), [Vitalie Codreanu](#), and [Cristina Gladcov](#), ordering the Commission to resume their evaluation. On

19 July 2023, the SCP [set the date](#) of the General Assembly of Prosecutors for 23 August 2023. The Assembly will elect new SCP members among the prosecutors who passed pre-vetting. More information about the hearings with candidates for the SCP is available in the LRCM Newsletter [no. 56](#) and [no. 57](#).

On **3 July 2023**, the National Institute of Justice (NIJ) [announced](#) the start of the competition for admission to the initial training program from October 2023 through April 2025. The NIJ allocated 30 seats for prospective judges and 15 seats for prospective prosecutors. Applicants can submit their applications for the competition [online](#), by means of the NIJ's information system, until 18 August 2023. Applicants must meet the requirements for the positions of judge and prosecutor, as established in the [Law on the Status of Judge](#) and the [Law on the Prosecution Service](#).

On **4 July 2023**, the members of the Superior Council of Magistracy (SCM) [elected Sergiu Caraman](#) interim President of the SCM. He was elected by the vote of the other seven members, after the candidates who intended to fill this position, Vasile Şchiopu and Ion Guzun, ran short of the required number of votes. Judge Caraman will act in this position on an interim basis until the election of a permanent chairperson. [Under the law](#), the President of the SCM is elected for two years by the majority vote of the 12 SCM members. Currently, several positions at the SCM are vacant. They are to be filled by a judge from an appellate court, one from the Supreme Court of Justice, and three persons who are not judges, subject to the evaluation by the Vetting Commission.

On **18 July 2023**, the chief of the Anticorruption Prosecutor's Office (APO), Veronica Dragalin, [announced](#) that the indictment against Vladimir Plahotniuc, which is part of the Banking Fraud Case, had been sent to court. He is [charged](#) with the crime of setting up and leading a criminal organization, fraud, and money laundering. According to the APO, from 2013 through 2015, Vladimir Plahotniuc had received sums totaling USD 39,284,000 and EUR 3,518,705, which were stolen from Banca de Economii, Unibank, and Banca Socială and were later used for personal purposes and for the purposes of the established criminal organization. The APO has also repeatedly approached the INTERPOL National Central Bureau in the Republic of Moldova, requesting it to send additional address to the General Secretariat of the International Criminal Police Organization (INTERPOL) so that it issues a Red Notice for Plahotniuc.

On **21 July 2023**, the LRCM presented [a legal opinion](#) about [a bill for amending](#) the Criminal Code and the Contravention Code – which had been voted in the first reading on 23 June 2023 – to Parliament. Before that, the LRCM sent the Ministry of Justice several proposals for improving it (*Opinions* [22/22](#), [37/22](#), and [24/23](#)). The proposals referred to the tightening of criminal sanctions for the disclosure of criminal investigation materials and the refusal of witnesses to testify, the redefinition of contravention insult and the exclusion of defamation, the introduction of criminal liability of the accused, defendant, and convicted for false statements, and the partial decriminalization of the offense of driving under the influence.

On **27 July 2023**, a court of the Russian Federation [sentenced](#) Veaceslav Platon in his absence to 20 years in prison. The court also imposed a fine of RUB 2.5 million and the confiscation of his properties for the benefit of the state. He was found guilty of illegally withdrawing foreign currency funds of more than RUB 126 billion from the Russian Federation. According to the court's findings, he, together with Vladimir Plahotniuc, Renato Usatii, and Victoriabank shareholder Alexander Korkin, had created a scheme to withdraw money from Russia. The case is known as the Laundromat Case and concerns the laundering of Russian money through Moldova. Currently, Veaceslav Platon [resides](#) in the United Kingdom.

On **31 July 2023**, Parliament approved a [bill](#) that established a three-year ban on running in elections for members of the "Șor Party, after [the Constitutional Court had outlawed it](#). The legislation prohibits certain individuals, including members of the party's executive body and those who hold elective positions, such as mayors and local councilors, from running in elections. Initially, the ban also covered the candidates from the party's alternative lists, but this limitation was removed after criticism from civil society organizations. In addition, the legislation tightens sanctions for electoral corruption. The election management bodies, supported by the law enforcement, will be able to detect and punish electoral bribery, and sanctions for it will include potential disqualification from election. Additionally, the bill introduces two new articles about active and passive political corruption into the Criminal Code. The articles refer to giving or receiving money or other privileges in exchange for leaving a political group and joining another one.

On **31 July 2023**, Parliament [passed](#) the Law on the State Fee in its final reading, which will fully replace [the current version of the law](#). The new legislation will take effect on 1 January 2024. One of the main provisions of the law is the removal of state fee ceilings for the examination of court cases, which currently stand at MDL 25,000 for individuals and MDL 50,000 for legal entities. The size of state fees was also increased, the authors justifying this move by the need to adjust the legal provisions to current economic realities. In addition, lawmakers introduced a new fee, called stamp duty. The value of this fee is MDL 200, and this money will be collected from individuals and legal entities for all civil actions, actions in the administrative court, and actions concerning contravention appeals, as well as for the filing of appeals and deposited to the account of the court. Stamp duty is not subject to exemption, postponement, or staggering into installments, except in cases expressly described by law. More information about the main novel regulations is presented in [the LRCM's blog](#).

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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.

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