

## NEWSLETTER

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IN BRIEF

## GENERAL ASSEMBLIES OF PROSECUTORS AND JUDGES' DIGEST

On 29 February 2024, the General Assembly of Prosecutors (GAP) [was held online](#), attended by over 500 of the 599 prosecutors in office. The agenda focused on the presentation and approval of the 2023 [report of the Prosecutor's Office activity](#) and [the 2023 report of the Supreme Council of Prosecutors \(SCP\)](#), including priorities for 2024.

One of the priority objectives in the work of the Prosecutor's Office for the year 2023 concerned concluding criminal prosecution in high-profile cases, especially corruption cases, with some of those progressing well, as well as the seizing of criminal assets. Staff shortages, low salary levels and the considerable number of interim management positions in the prosecution system were discussed.

For the year 2024, [the Prosecution Office proposes](#) to focus on strengthening its integrity and independence, fighting corruption and organised crime, fulfilling institutional commitments in the process of European integration, respecting/observing human rights in the criminal process, and enhancing international cooperation in investigating criminal matters. Similarly, the [Prosecutor's Office](#) proposed to select the Prosecutor General in a legal and transparent manner, to ensure the functionality of the boards subordinated to the Prosecutor's Office, to strengthen the constitutional role of the Prosecutor's Office in referring cases to the Constitutional Court.

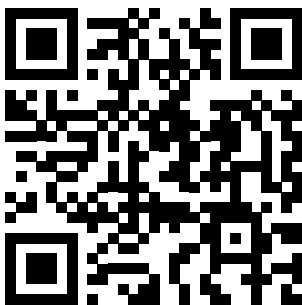
The head of the Anti-Corruption Prosecutor's Office, [Veronica Drăgălin](#), spoke about the failed [competition](#) for the position of Prosecutor General and the need to organize a new GAP meeting, with a physical presence so that prosecutors can be exposed to the possible consequences that may follow. This initiative was also supported by other prosecutors.

On 1 March 2024, the [General Assembly of Judges \(GAJ\)](#) was held and attended by 315 judges out of 382 judges in office. The agenda focused on the presentation and approval of the SCM's activity report, its specialised boards and the judiciary in 2023, as well as the election of a new member to the SCM.

According to [the report](#), in 2023, the SCM held 38 meetings, in which almost 600 decisions were adopted, which is twice as many compared to previous years. The SCM abandoned the deliberations and secret ballot procedure. The workload of the courts in 2023 was up compared



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Prosecutors call for a new Assembly, with physical presence, and judges have elected a new member to the SCJ.

to the years before. Of the 352 684 cases under examination, about 81% were examined in district courts. The courts of appeal and the Supreme Court of Justice (SCJ) had a higher workload and more cases to try compared to the previous year. The average monthly workload of a judge in first-level courts was 107 cases, courts of appeal – 99 cases and at the SCJ – 104 cases.

At the GAJ meeting, by 234 votes, judges [elected Aliona Miron](#), interim president of the SCJ, as a member of the SJC for a six-year term.

Judge Victoria Sanduța also read out a summary of the [Declaration of the Associations of Judges on Justice Reform](#) (see details in [LRCM Newsletter No. 56](#)). The judge said that reading this move was meant to invite judges to collaborate with the other two powers in the interests of citizens.

## SCP FUMING. WHY DID THE COMPETITION FOR THE POSITION OF PROSECUTOR GENERAL FAIL?

On 22 February 2024, the Superior Council of Prosecutors (SCP) [interviewed](#) candidates for the position of Prosecutor General. The [interviews started on 23 October 2023](#) and subsequently [extended to 24 November 2023](#). Out of six registered candidates, [four persons were admitted](#) to the interview: [Andrei Coca](#), a lawyer, employed in the private sector; [Igor Demciucin](#), Deputy Acting Prosecutor General; [Octavian Iachimovschi](#), Acting Deputy Chief Prosecutor of the Anticorruption Prosecutor's Office; [Ion Munteanu](#), Acting Prosecutor General. The evaluation was carried out based on six criteria, scored from 1 to 10 (details in the [LRCM Newsletter No. 65](#)).

On the day of the interviews, Igor Demciucin submitted requests for the recusal of PSC members Dumitru Obada and Aliona Nesterova, in particular on the grounds of their professional interactions with Ion Munteanu and Octavian Iachimovschi. The PSC [rejected](#) Obada's recusal but admitted Nesterova's recusal because she had previously served as Ion Munteanu's deputy. Thus, Aliona Nesterova did not assess any candidate.

Following the interviews, the SCP announced [the results of the competition](#), with the candidates obtaining the following average scores: Octavian Iachimovschi – 8.53; Igor Demciucin – 8.19; Ion Munteanu – 8.16; Andrei Coca – 4.72. The top candidate, Octavian Iachimovschi, must be [externally evaluated](#). If successfully vetted, he will be proposed to the President of the country for appointment as Prosecutor General.

On [26 February 2024](#), the SCP was supposed to approve the results of the competition, but the meeting was interrupted because candidates Demciucin, Iachimovschi and Munteanu requested that the SCP members publish the scores awarded to each candidate. In addition, Igor Demciucin requested that the scores/evaluation sheets filled out by Dumitru Obada and Veronica Mihailov-Moraru be excluded on the grounds of an alleged lack of impartiality towards Iachimovschi and Munteanu.

The appointment of the Prosecutor General is one of the basic conditions for the start of EU accession negotiations. However, the competition for the selection of the candidate for this office was stopped, on the grounds of reasonable suspicion of manipulation of its results.

On 28 February 2024, the SCP met the requests of the three candidates and [published](#) the average scores awarded. Demciucin's requests to exclude the evaluation sheets were rejected. On the same day, after three hours of deliberation, the [SCP announced](#) that the competition failed on the grounds of substantial and unjustifiable discrepancies in the awarded scores. Specifically, Olesea Vîrlan, a member of the SCP among the prosecutors, gave Munteanu an average score of 3.5, while the average score given by the other SCP members for the same candidate was 8.74. Olesea Vîrlan [explained](#) her low score as a calculation error, stating that she would have given the candidate 8.5 otherwise. However, this explanation was criticised, since the average is calculated based on six separate scores, it is unlikely that such an error could have crept in.

In a [TV programme](#), SCP President Dumitru Obada suggested that it would be right for Vîrlan to resign, otherwise, he would resign himself. [At the meeting](#) of 4 March 2024, the SCP members took note of the resignation submitted by Olesea Vîrlan. Similarly, the SCP approved the order of Acting Prosecutor General Ion Munteanu to terminate the mandate of his deputy Igor Demciucin, on the grounds of loss of confidence in him. Ion Munteanu said that he would refer to the Inspectorate of Public Prosecutors certain unfounded personal insinuations made by Igor Demciucin during the competition for the office of Prosecutor General.

Veronica Dragalin, the head of the Anti-Corruption Prosecutor's Office, has announced that [a criminal case has been launched](#) in connection with the events surrounding the competition, which will be led directly by her. At the same time, she noted the need to discuss the subject of the failed competition at the extraordinary General Assembly of Prosecutors.

[According to the President of the SCP](#), the next competition for the selection of the Prosecutor General will be held as soon as possible. In the meantime, the SCP will amend [the Regulations](#) of the competition to exclude the possibility of manipulation of scores by calculating the median instead of the average. Several civil society organisations have addressed this issue in their [public appeal](#) of 16 January 2024.

## HEARINGS RESUMED: DECISIONS OF THE PRE-VETTING COMMISSION AND THE SCJ ON CANDIDATES FOR THE SCM AND THE SCP

In February 2024, the Pre-Vetting Commission (Commission) announced that the candidates running for membership at the Superior Council of Magistracy (SCM), Ecaterina Buzu, the candidate among judges, and Alexandru Rotari, a lay candidate, did not pass the repeated evaluation.

Commission members [decided](#) that Ecaterina Buzu did not meet the criteria of financial integrity, as they had serious doubts about her holding two undeclared bank accounts and the rapid purchase of an apartment owned by a minor at a price below market value. They also [decided](#) that Alexandru Rotari did not meet the criteria of financial and ethical integrity. The decision will not be made public

Currently, two candidates have failed the repeated assessment and one candidate is due to be re-assessed shortly.

as the candidate has refused to publish it. He refused to attend the hearing in open session and the assessment was carried out based on information collected by the Commission and provided by the candidate.

The Supreme Court of Justice (SCJ) rejected the appeals of two candidates running for membership in the Superior Council of Prosecutors (SCP), who did not pass either the Commission's initial assessment or the repeated assessment: Vitalie Codreanu and Anatolie Gîrbu. In the first case, [the SJC noted](#) that Vitalie Codreanu did not provide a clear and substantiated legal basis that would change the Commission's findings on how he obtained his service apartment (see details in [LRCM Newsletter No. 56](#)). The SJC also concluded that there was no legal basis for his allegation that, following [the SJC's decision of 1 August 2023](#), the Commission should rule that he passed the assessment. In the second case, [the SCJ held](#) that Anatolie Gîrbu did not present evidence during the pre-vetting or before the court that would overturn the Commission's findings. The SCJ noted that there were no serious procedural errors that could affect the fairness of the assessment.

On 19 February 2024, [the SJC rejected](#) the appeal of Tatiana Chiriac, a candidate for membership of the SJC, who did not pass the Commission's repeated assessment. The SJC noted that during the assessment and before the court, she did not disprove the doubts about her financial and ethical integrity, manifested by the underestimated value of the car and the use, when selling it, of documents which were not legally drawn up and which involved an abuse of office on the part of the candidate's husband (see details in [LRCM Newsletter No. 65](#)).

On 12 February 2024, the Commission [announced](#) that it would resume the evaluation of Judge Marina Rusu, a candidate running for the SJC, after the SJC on 29 January 2024 [admitted her appeal](#).

On 28 February 2024, Mihail Sorbala [was appointed](#) by the Government as a member of the SCJ representing civil society for a six-year term, [after passing the Commission's evaluation](#). Mihail Sorbala is a PhD lecturer and head of the Department of Private Law at the Free International University of Moldova.

## EVALUATION OF CANDIDATES FOR THE POSITION OF JUDGE OF THE SUPREME COURT OF JUSTICE – FEBRUARY DIGEST

In February 2024, the Superior Council of Magistracy (SCM) examined and approved the reports of the Vetting Commission (Commission) on the evaluation of three candidates for the position of judge at the SCJ: [Aliona Miron](#), [Viorica Puica](#) and [Sergiu Brigai](#). According to the Commission's reports, all three candidates meet the criteria of financial and ethical integrity and pass the external evaluation.

On 22 February 2024, the Commission [announced](#) that it had completed its assessment of judge Aurelia Cazacliu and lawyer Aliona Ciocanu and submitted

To date, the Vetting Commission has submitted five evaluation reports to the SCM, all positive. The SCM has examined three of them, accepting the candidates' success in passing the evaluation.

its reports to the SJC. The Commission proposed that the two candidates pass the evaluation and on 7 March 2024, the SCM [accepted the reports](#) of the external evaluation.

On 23 February 2024, the Commission [announced](#) that it had invited seven candidates to be interviewed, against whom no integrity concerns were identified. Among them are judges Diana Stănilă and Stela Procopciuc, both from the Balti Court of Appeal, Stella Bleșceaga from the Chisinau Court of Appeal, Adrian Cerbu from the Criuleni Court of Appeal and Ion Munteanu, acting interim Prosecutor General. At the same time, no doubts were identified about the candidate for the position of member of the SCM's Board for the Selection and Evaluation of Judges, Judge Dumitru Racoviță from the Ungheni District Court, and the candidate for the SCM, Tatiana Tabuncic, member of the Integrity Council and professor at the law faculty of the State University of Moldova. Notified candidates have the option to participate or not in the hearings.

## THE SPECIALISATION OF JUDGES ON CORRUPTION AND RELATED CASES – WHERE IS IT GOING?

On 13 February 2024, the Superior Council of Magistracy (SCM) [ordered](#) the specialisation of judges of the Chisinau District Court when examining criminal cases filed by the Anti-Corruption Prosecutor's Office (AP), as well as cases concerning the legality of the acts issued by the National Integrity Authority (NIA) and requests to seize unjustified assets for the benefit of the state. The President of the SCM, Sergiu Caraman, [justified](#) this decision with the [recent amendments](#) to Article 20, para. (3) of the Code of Criminal Procedure, which requires that the prosecution and trial of criminal cases concerning corruption and related offences, involving persons in custody as well as minors, be carried out as a matter of priority. He pointed out that, in practice, these offences are dealt with at four times slower than other categories of cases, as are administrative cases, which are dealt with at a slower pace. Being a candidate country to the European Union implies a firm commitment to fight corruption and, given the complexity and importance of prioritising the examination of corruption cases, it has been concluded that the specialisation of judges in this area is necessary.

The SCM also decided that the acting President of the Chisinau District Court will establish the nominal composition of the judges who will examine the cases mentioned and will approve the list of cases to be merged or sent for examination to specialised judges. Similarly, they will be exclusively assigned criminal cases received from the PA, as well as requests to seize assets and acts issued by NIA, while other pending cases will be randomly reassigned to other judges, and vice versa, except for cases that are about to be concluded. The purpose of this procedure is to relieve the specialised judges of a heavy workload to ensure an efficient and speedy examination of the cases concerned.

On 27 February 2024, the interim President of the Chisinau District Court, Livia



At the request of the interim President of the Chisinau District Court, the SCM decided to specialise judges exclusively in corruption and related cases, abandoning the specialisation in acts and requests to seize assets issued by NIA.

Mitrofan, [attended the SCM meeting](#). She requested that the appointment of specialised judges to examine cases concerning acts issued by NIA and requests to seize unjustified wealth be cancelled, as the number of these cases is insignificant – at the moment there are eight cases, which are suspended. Therefore, the appointment of specialised judges to examine them is not appropriate. Livia Mitrofan also asked for clarification of the situations in which corruption cases should be re-assigned, with the SCM specifying to which phase of the trial they should be assigned.

With seven votes in favour and two against, the SCM approved the requests of the interim President of the Chisinau District Court. The SCM specified that corruption cases should be re-assigned only before the start of the judicial investigation.

At the same time, [the draft law on the anti-corruption judicial system is being finalised](#) on the parliamentary platform. [A working group has been set up](#) to prepare the draft for its final reading. The LRCM does not consider such a legislative reform (see details in [LRCM Newsletter No. 63](#)), which would cancel the specialisation recently carried out by the SCM, to be appropriate.

## THE GOVERNMENT HAS APPROVED A NEW NHRAP – WHAT DOES IT PROPOSE?

In January 2024, the Government presented for public consultation [the draft National Human Rights Action Plan](#) for 2024-2027 (the Plan). This is the main public policy document aimed at increasing the level of respect for human rights in Moldova.

The Plan, together with its annexes, is over 100 pages long and covers all groups of human rights, from cultural and social rights to political rights and the right to a healthy environment. The draft also addresses the issue of human rights in the Transnistrian Region. To monitor its impact, the Plan foresees the generation of human rights statistics by the National Bureau of Statistics, which are currently lacking.

An important number of actions in the Plan relate to the rights of detainees, such as improving conditions of detention, placing surveillance cameras in public places in prisons and equipping guards with body cameras. The plan proposes to reduce the prison population through the application of non-custodial sanctions and preventive measures and to transfer the medical prison from the Ministry of Justice to the Ministry of Health. The plan does not substantially address the issue of arrests, violations of the right to freedom of expression and access to information of public interest.

On 31 January 2024, the LRCM sent the State Chancellery [its proposals for improving the draft plan](#). We recommended dropping the idea of creating the Specialised Anti-Torture Prosecutor's Office because the workload for such a prosecutor's office would be very small compared to other prosecutors'

The plan covers the spectrum of issues not covered by other policy documents, and coordinated implementation is crucial to ensure its positive and lasting impact.

offices. Instead, the capacities of prosecutors currently specialising in torture investigations could be strengthened. The LRCM also proposed to include in the Plan the commitments to ratify the additional Protocol No. 12 to the European Convention on Human Rights (general prohibition of discrimination), to improve the national mechanism for compensation for damages caused by unlawful actions of investigation bodies, prosecutors, and courts, and to amend the legal framework to make the work of investigating judges more transparent.

On 6 March 2024, [the Plan was approved by the Government](#). [The National Council for Human Rights](#) will be responsible for monitoring its implementation. The Council meets twice a year and is chaired by the Prime Minister. Five members of the Council are representatives of non-commercial organisations selected based on a public competition.

## I IN BRIEF

On **1 February 2024**, Ilan Şor flew from Israel to Russia on a private plane. According to the head of the INTERPOL Office in Chisinau, Ilan Şor is listed as an internationally wanted person and all INTERPOL member states, including Russia, are obliged to arrest and extradite him to Moldova to serve his 15-year prison sentence in the Banking Fraud Case. [The national authorities have requested](#) Russia to arrest and extradite Şor. The Russian authorities initially replied that Şor last visited the Russian Federation in 2014. After Şor posted photos with the Chairman of Russia's State Duma Committee for CIS Affairs, Leonid Kalashnikov, Russia [refused to detain Şor](#), informing INTERPOL that his conviction in the bank fraud case was politically motivated.

On **19 February 2024**, the LRCM kicked off a series of [10 training sessions covering recent amendments to the Criminal Procedure Code](#). These are held in a mixed format, with judges, prosecutors, and lawyers from all over the country participating and having the opportunity to discuss the innovations, including from the perspective of each legal profession. The trainers are also legal professionals who are part of the working group discussing proposals for changes to criminal procedure. The training sessions take place within the framework of the project "Developing a more transparent and accountable criminal justice system capable of effectively protecting human rights", implemented by the LRCM with the financial support of the Soros Foundation Moldova.

On **22 February 2024**, the LRCM held a public lecture titled "[The Internet in the age of artificial intelligence: impact on human rights](#)". The event was organized on the occasion of Internet Safety Day, marked internationally to raise awareness about the opportunities, but also the concerns related to digital technology. Around 90 participants, mostly young professionals and students, learned about the interpretation of internet access as part of freedom of expression, but also about authoritarian states attempting attempts to control and limit access to the internet by attempts to control and limit access to the Internet. Guided by Irina Buzu, an artificial intelligence advisor, participants reflected on how humans will

cohabit with artificial intelligence systems and the ability to treat them as a tool to optimise work and use it responsibly.

On **28 February 2024**, the former Prosecutor General Alexandr Stoianoglo was acquitted by the Chisinau District Court in the case of abuse of power. [He was accused](#) of illegally ordering that the former Chief Prosecutor of the Prosecutor's Office for Combating Organised Crime and Special Cases, Nicolae Chitoroagă be paid an allowance of 163 900 MDL. After this information was published by the press, Chitoroagă paid the Prosecutor's Office back the amount he had wrongly received. The judges [believed](#) that the acts in question did not constitute a criminal offence because the payment was made by mistake, the amount was returned, and the situation was not serious enough to justify a criminal conviction. The prosecutors said they would appeal the decision to the court of appeal.

On **28 February 2024**, [the Government approved](#) the concept of the information system "Integrated Platform of Legal Professions". The system will allow the Ministry of Justice to keep automated records of all lawyers, notaries, bailiffs, authorised administrators, mediators, translators, and interpreters in the country on a single platform. [According to the Ministry of Justice](#), the system will be interoperable with other public databases and will allow the automatic generation of documents.

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