

NEWSLETTER

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IN BRIEF

THE REPUBLIC OF MOLDOVA ON COURSE FOR THE EU: ACCESSION NEGOTIATIONS HAVE OFFICIALLY BEGUN

On 25 June 2024, the first intergovernmental conference for starting negotiations between the European Union (EU) and the Republic of Moldova took place. The event, held in Luxembourg, brought together representatives of the 27 EU member states, at the level of ministers of foreign or European affairs, and the delegation of the Republic of Moldova, led by PM Dorin Recean.

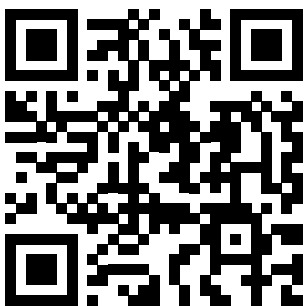
During the conference, the participants adopted the EU negotiating framework for the Republic of Moldova and the Republic of Moldova presented its general negotiating position. The negotiating framework sets the guidelines for the negotiations between the EU and the candidate country, the role of the European Commission, the Council of the EU, and the European Parliament, the ways of evaluating the implementation of reforms, and the measures applicable in case of progress or setbacks. According to the document, the negotiations will take place at intergovernmental conferences with the participation of Moldova and all member states. They will be held at least once a year at the ministerial level, with the possibility of adjusting their frequency and adding meetings, including at the level of MPs, if necessary. The general negotiating position is a document in which the Republic of Moldova accepts the negotiating framework proposed by the EU. According to the document, Moldova will make maximum efforts and support the principle of individual progress based on merit as the foundation of its EU accession process.

The authorities must implement EU legislation and standards in all 35 negotiation chapters grouped into six blocks/clusters (see details in Newsletter no. 64). Emphasis will be placed on changes starting with the rule of law, fundamental rights, the functioning of democratic institutions, public administration reform, as well as economic criteria. The Republic of Moldova aims to become fully prepared domestically to align its legislation with the EU *acquis* and ensure its applicability until 2030. Moldova will receive financial assistance from the EU to support the entire process of accession.

Moldova has established the operational institutional framework, working groups, and a national coordination mechanism to ensure European integration. Moldova has assigned the roles and responsibilities of the negotiating team and the vice prime minister for European integration,



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The June 2024 intergovernmental conference allows the transition to the second phase, called bilateral screening or the evaluation of laws, which will start on 10 July 2024. The first phase – that of explanatory screening, when national laws were evaluated against the European ones – lasted from February through May 2024.

who also serves as chief negotiator. At the end of the negotiation process, the European Commission will issue a final opinion on the accession of the candidate country. This opinion will include a comprehensive assessment of the country's readiness to become a full member of the EU. Based on the opinion, the member states will unanimously decide to conclude the negotiations, and the European Parliament will give its consent. After that, all member states and the candidate country will ratify the accession treaty, which will make the Republic of Moldova a member of the EU.

PRE-VETTING COMMISSION: NEW DECISIONS, THE CONTINUATION OF RESUMED HEARINGS, AND RECUSALS FILED WITH THE CHAIRMAN OF THE COMMISSION

In June 2024, the Pre-Vetting Commission (Commission) completed the re-evaluation of judges [Ion Chirtoacă](#) and [Sergiu Osoianu](#), who were seeking appointment as member of the Superior Council of Magistracy (SCM) (details about their hearings are available in [Newsletters no. 67](#) and [no. 51](#)). None of the candidates passed the repeated evaluation because they did not meet the criteria of financial and ethical integrity.

On 1 July 2024, the Commission held a [repeated hearing](#) of judge Marina Rusu, candidate for SCM member (details about the initial hearing are available in [Newsletter no. 52](#)). The repeated hearing took place after the Supreme Court of Justice (SCJ) [admitted](#), on 29 January 2024, the candidate's appeal from the Commission's [decision](#) not to pass her and ordered re-evaluation.

At the beginning of the repeated hearing, the candidate requested the recusal of Chairman Herman von Hebel due to his lack of "impeccable reputation." She reproached the Chairman for having expressed appreciation for the government and President Maia Sandu in an interview to the Dutch media, in which he explained the pre-vetting process in the Republic of Moldova. The candidate stressed that the Commission must be independent and impartial as far as politics are concerned, and through the position expressed during the interview, this principle was breached. This is the second [recusal request](#) filed by Marina Rusu against the Chairman of the Commission. The new request for recusal was expressed verbally and is to be filed in writing for consideration. Commenting on these statements, the Chairman of the Commission clarified that he would still participate in the hearings, stressing that, in his absence, the Commission would lose quorum. He also assured that he would give his colleagues the opportunity to preside over the hearing.

During the hearing, the Commission members expressed doubts about the candidate's ethical and financial integrity on two counts. They asked the candidate to provide more explanations, in addition to those presented in writing, about the reason for failing to submit the asset declaration in 2017 for the period of 2014–

In re-evaluating the 22 candidates for membership in the SCM or the SCP, so far, the Commission has completed work on 17 candidates. Out of these 17, only one met the criteria of financial and ethical integrity.

2016. The Commission explained that it had examined and clarified the income of the candidate's family members taking into account the recent submission concerning the income of her mother-in-law.

The Commission asked the candidate to clarify the delays in examining 16 complaints about detention conditions in 2019. The Commission found that the candidate's arguments regarding 56 cases pending at the Criuleni District Court and 200 similar complaints examined at the Taraclia Office of the Cahul District Court were not confirmed by the information collected as part of the re-evaluation. The Commission raised concerns that Marina Rusu had not examined the 16 complaints filed under the law that provided for a new remedy for complaints about detention conditions. This is a systemic issue raised before the European Court of Human Rights, which has identified violations that national authorities must redress, and courts must implement.

A TIMELINE OF THE HEARINGS HELD BY THE VETTING COMMISSION IN JUNE. WHO PASSED THE VETTING?

In June, the [Vetting Commission](#) (Commission) held hearings and issued reports on several candidates for the Supreme Court of Justice (SCJ), the Superior Council of Magistracy (SCM) and the SCM's specialized boards. The SCM issued its position on some of the Commission's reports.

On 5 June 2024, for the first time, [the SCM rejected](#) the Commission's [report about the failure](#) of candidate for the SCJ [Svetlana Balmuş](#) at the evaluation in light of new facts presented by the candidate. The Commission now has to conduct a new evaluation.

On 11 June 2024, six individuals were heard. The Commission had no doubts about the ethical and financial integrity of two candidates for the SCJ – lawyer [Ludmila Bolocan](#) and lawyer [Ruslan Berzoi](#). The Commission had no questions to candidates for the Judges' Selection and Evaluation Board [Vitalie Pîslariuc](#) (judge at the Orhei District Court), [Stanislav Grosu](#) (judge at the Drochia District Court) and [Ana Zăbulica](#) (judge at the Orhei District Court). As a result, on 21 June 2024, the Commission announced that [Ruslan Berzoi](#), [Ludmila Bolocan](#), [Ana Zăbulica](#), [Stanislav Grosu](#), and [Vitalie Pîslariuc](#), had passed the vetting. On 2 July 2024, the SCM accepted the evaluation reports regarding candidates for the SCJ [Ruslan Berzoi](#) and [Ludmila Bolocan](#).

Also on 11 June 2024, the Commission held the hearing of candidate for the Disciplinary Board [Andrei Cazacicov](#) (judge at the Edineţ District Court). He was asked about the purchase of a 2007 Toyota Corolla for MDL 30,000 in 2020, even though the car's market price was higher at that time. The Commission inquired about the withdrawal of the equivalent of EUR 6,000 from bank accounts by the candidate's mother on the day before the purchase of the car. The candidate was also asked about the difference that exceeded MDL 109,000 between income and expenses and the source of MDL 180,000 and USD 11,000 in the savings of his mother, who had no corresponding official income.

On the same day, it was planned to hear the SCJ judge [Mariana Ursachi](#) (previously Pitic). The hearing did not take place for unknown reasons. Previously, the candidate requested the recusal of some Commission members, but her requests were dismissed as unfounded (see details in [Newsletter no. 68](#)). The judge is [known to the public](#) for having declared the purchase of a Porsche for MDL 11,000 only to have the National Integrity Authority find a difference of MDL 678,000 between her income and expenses in 2022.

On 12 June 2024, candidate for the SCM and its Disciplinary Board [Ion Rusu](#) (lawyer) was heard. He was asked about a loan of over EUR 10,000, received in installments since 2010 from a close relative. The candidate said that he did not have to return this money because he received it as aid. He was asked about a house in the commune of Truşeni, where he has domicile and has actually lived since 2013, although he does not own the property. The Commission inquired about the repairs carried out on this house by a construction company, for which the candidate paid nothing. He was also asked about the ownership of two plots of land, also in the commune of Truşeni. One plot of 10 ares was purchased in 2010 at a declared price of MDL 10,000. The candidate admitted that this was a fictitious contract. He noted that the land was transferred to him in exchange for extinguishing a debt of EUR 5,000. The candidate was also asked about the income of MDL 240,000 he had made during the evaluation period (2008–2022) according to official data from the tax administration authorities. In 2022, the candidate's declared income was MDL 390. The Commission questioned how he could have survived under these conditions. He was also asked about undeclared transfers of EUR 4,700 from Italy, Israel, and the Russian Federation. He was asked about a series of cases in which he had provided legal assistance, but for which he had not declared any fees. He was also asked why he had not paid MDL 21,000 as social insurance for lawyers in 2021. Finally, he was asked about several cars he owned, had imported, or used.

On the same day, the Vetting Commission held the hearing of candidate for the Disciplinary Board [Sofia Aramă](#) (deputy chief judge at the Cimişlia District Court). The Commission asked about the discrepancy between income and expenses in 2011, which amounted to MDL 363,000 and was caused by the purchase of two cars for MDL 192,000 and MDL 174,000. The candidate's explanation that a business owner had paid for the cars as remuneration for her legal services raised further questions. She was asked about the incorrect declaration of alimony for 2015–2022. The candidate admitted that she had mistakenly indicated EUR 300 instead of EUR 3,600 because she had thought that only the monthly payment should have been indicated, rather than the amount for the entire year. The Commission asked about the failure to declare, in 2019, the income of MDL 10,000 from the sale of a damaged Mazda, which was worth MDL 44,000, according to an appraisal report. The candidate was also asked why she had declared the right to use an apartment in Cimişlia in 2022, even though she had signed a service contract for that building back in 2020.

On 13 June 2024, the Commission held a hearing with candidate for the Disciplinary Board and the Judges' Selection and Evaluation Board [Vladislav Schibin](#) (judge at the Bălţi District Court). He was asked about the failure to declare assets and personal

In June, the Vetting Commission heard three candidates for the SCJ, one for the SCM, and six for specialized boards. The Commission had no reasonable doubts about the ethical and financial integrity of five candidates. As a result, the Commission concluded that they passed the vetting.

interests on employment in 2012 and on dismissal from the position of judicial assistant at the Chişinău Court of Appeals in 2013. He was asked about the purchase of an apartment in Chişinău in 2009, which he sold to his mother in 2013, but which he apparently used until 2018 without declaring this fact. The Commission also inquired about the failure to declare, in 2012, eight bank accounts with zero balance and a MDL 375,000 difference between income and expenses for four years.

On the same day, candidate for the SCJ [Dorin Munteanu](#) (judge at the Chişinău District Court) was asked about discrepancies exceeding one million MDL between income and expenses for eight years. He was also asked about the purchase of a 132 m² apartment in Chişinău in 2012, paid with his parents' money, but used by him and his family. The Commission also inquired about the failure to declare a EUR 35,000 loan offered to a business and the failure to declare a EUR 17,000 debt assumed from the candidate's parents, who incurred it as a result of the purchase of an apartment in 2012.

On 18 June 2024, the Commission was to hear candidate for the SCM [Anatolie Minciună](#) (former judge at the Chişinău Court of Appeals). However, he announced that he did not intend to participate in the hearing. The Commission considered the evaluation finished.

20% OF ANTICORRUPTION PROSECUTORS RESIGNED BEFORE THE VETTING BEGAN

On 13 June 2024, the Prosecutor General's Office (PGO) [announced](#) that nine resignations had been filed as a result of the notification about the initiation of the vetting of prosecutors from the Anticorruption Prosecutor's Office (APO). According to [media reports](#), the resigned prosecutors included those who handled or had handled high-profile criminal cases, namely Alexandr Casir, Mircea Ciobanu, Dorin Compan, Mariana Botezatu, Alexandru Găină, Mariana Boşcănean, Constantin Popa, and Livia Silvestru.

On 14 June 2024, the APO [communicated](#) that, in fact, ten prosecutors had resigned in connection with the vetting process. At the APO's central apparatus, four of the employed 38 prosecutors decided to resign. Three of them were from the judicial division. The fourth was from a criminal investigation directorate and was responsible for investigating the criminal case known as the Banking Fraud. In addition, at the APO's North Office, four out of the employed six prosecutors resigned. However, the APO's North and South offices are going to be liquidated under the legislative amendments regarding the powers of the APO (see details [in Newsletter no. 60](#)) and as a result of the new organizational structure. Another two prosecutors who resigned worked in other prosecution offices than the APO at the time of resignation.

The APO says that currently it has 38 anticorruption prosecutors, who have to deal with a large workload of approximately 700 criminal cases, of which 200 are at the criminal investigation phase and 500 in court.

Under the law, the vetting of prosecutors from the Anticorruption Prosecutor's Office takes priority.

AUTHORITIES AMEND THE LAW ON THE STATUS OF JUDGES AND THE WORK OF THE NIJ ONCE AGAIN

The Ministry of Justice has recently developed a [bill](#) that addresses organizational aspects of the judicial system and the National Institute of Justice (NIJ). The main purpose of the bill is the implementation of an action established in the [Strategy on Ensuring the Independence and Integrity of the Judiciary](#). This action mainly refers to streamlining administrative aspects and strengthening the capacities of NIJ trainees. The proposed changes include adjustments to the grading system for the graduation examination, the criteria for appointing and dismissing the NIJ's director, and the inclusion of NIJ trainees in the list of individuals covered by the government-backed health insurance. The bill is also aimed at removing some inconsistencies in the provisions that regulate the status of judge and the work of the Superior Council of Magistracy (SCM). Namely, the bill proposes that, if the mandate of an SCM member is suspended or he/she is on justified leave of absence, an alternate member will take up his/her mandate.

The LRCM carefully analyzed the bill and proposed [several recommendations](#). The LRCM recommended maintaining the possibility to have the Security and Intelligence Service screen judge candidates at the request of the SCM, reasoning that such screenings are common in other states and ensure the ethical integrity of judges. The LRCM also recommended abrogating the SCM's obligation to refer judges to trainings because it should be judges who should decide whether to participate. The LRCM also considered that psychological evaluation at the NIJ should be kept because it could prove useful for any future employment, especially in the judiciary, where personal traits are extremely important.

The LRCM proposed raising the minimum grade for admission (setting the minimum grade point average to 8.00 rather than 5.00, as it is now) to ensure a high level of competence and integrity of candidates. The legally prescribed minimum grade of five for the eligibility to apply for training at the NIJ sends a signal that anyone can study at the NIJ. It was also proposed to abandon the system of two admission commissions and possibly to create two graduation commissions with fewer members to streamline and simplify the evaluation process.

On 3 July 2024, the government approved the bill, which will now go to Parliament for adoption. Since the beginning of 2024, the authorities have also amended the NIJ Act (see details in [Newsletter no. 65](#)). On 1 February 2024, Parliament re-examined and voted on that amendment bill after the President sent it back.

Strengthening the capacities of NIJ trainees, the grading system, and the criteria for appointing and dismissing the director of the NIJ are among the amendments proposed by the authorities to the NIJ Act.

I IN BRIEF

On **3 June 2024**, the LRCM sent the Ministry of Justice a [legal opinion](#) for improving [the bill on the Constitutional Court](#). The LRCM proposed to clarify the eligibility criteria for judges by adding the requirement of impeccable reputation and appointment age threshold of 65 years, to include public and transparent competitions for nomination, to require prior notification about the selection of new judges so as to let the nominating authorities know in advance about the impending termination of the mandates of the judges they have nominated, to establish clear deadlines for the resolution of complaints, and to clarify the grounds for the recusal of judges.

On **4 June 2024**, the Anticorruption Prosecutor's Office (APO) held a [press briefing](#) to announce an international investigation involving the French authorities and the United States' Federal Bureau of Investigation (FBI). The investigation concerned a corruption scheme through which public figures from Moldova and other countries were bribed to manipulate INTERPOL's system and block its red notices, thus allowing internationally wanted criminals to cross state borders. The involved authorities carried out 33 searches on 12 people. They seized digital devices and relevant documents. Four people were held for 72 hours, including the [Chief of the Interpol Moldova Office](#) Viorel Țentiu, who was later [remanded in custody](#). The criminal investigation is ongoing.

On **6 June 2024**, Parliament passed the [bill](#) to amend several provisions of the Criminal Code, including Article 337 of the Criminal Code (Treason), in the final reading. In particular, the bill introduced an additional or alternative form of the crime of treason – assistance to hostile activities targeting national security, which, according to the [authors' of the bill](#), may include disinformation activities. Earlier on 3 June 2024, some CSOs [expressed concern](#) that the broadening of the definition of treason, vague as it was, might lead to abuses and threats to freedom of expression.

On **11-13 June 2024**, the Committee of Ministers of the Council of Europe conducted a repeated examination of the enforcement of the judgment of the European Court of Human Rights in the case of [Ozdil and others v. the Republic of Moldova](#), also known as the Case of Turkish Teachers, who had been deported extralegally in September 2018. The Committee of Ministers [urged](#) the national authorities to send a firm message at the highest political level about the absolute unacceptability of arbitrary detention and extralegal deportations, to step up investigations for elucidating the involvement of other high-level actors in those events, and to provide information on the progress of the criminal investigation. In addition, the state must provide a comparative analysis of the new system for overseeing the actions and powers of the Security and Intelligence Service (SIS) as compared to the previous one and to provide information about its operation in practice. In April, the LRCM and Promo-LEX sent [the fourth communication](#) to the Committee of Ministers about the measures taken by the Republic of Moldova to enforce this judgment.

On **12 June 2024**, the Superior Council of Prosecutors (SCP) consented to the appointment of two deputies of Prosecutor General [Ion Munteanu](#). The candidacies were proposed by Mr. Munteanu. Thus, [Sergiu Russu](#), chief prosecutor

of a division of the Prosecutor General's Office, was appointed in charge of criminal investigations, and [Sergiu Brigai](#), deputy of the interim Prosecutor General, was appointed in charge of judicial matters. Mr. Russu is to undergo the vetting process, and Mr. Brigai [has already passed it](#). Also then, [Alexandru Machidon](#), interim chief prosecutor of the Orhei District Prosecution Office, and [Dumitru Robu](#), PCCOCS prosecutor, were appointed on an interim basis as deputies of the interim chief prosecutor of the Prosecution Office for the Fight against Organized Crime and Special Cases (PCCOCS). Previously, [the SCP rejected](#) Mr. Robu as interim of the same position.

From **24 through 28 June 2024**, the LRCM held the seventh edition of the [Applied Democracy Summer School](#), which was attended by 16 young men and women from the center, north, and south of the country. The training included several theoretical and practical sessions about justice reforms, the fight against corruption, and the causes of global and regional conflicts. The participants learned the basics of writing and implementing projects, discussed data protection in the age of information technology, and practiced forum-type debates. The novelty of the latest edition consisted in study visits to the President's Office and the Parliament of the Republic of Moldova, the Equality Council, and the newsroom of TV8, as well as the participants' possibility of obtaining small funding to conduct research or advocacy projects in the field of democracy and civic activism in the coming months.

On **27 June 2024**, the Official Gazette of the Republic of Moldova published the [Law on the Revision of the Judicial Map](#), which Parliament adopted in the [third reading](#). The legal act provides for the renaming of appellate courts as the North, Center, and South Courts of Appeals and the merger by assimilation of the Anenii Noi District Court with the Căușeni District Court. It also changes the territorial jurisdiction of the district courts of Bălți, Edineț, Drochia, Cahul, Comrat, Hâncești, Căușeni, and Cimișlia. The Bender (Varnița) Office of the Căușeni District Court will continue working until 31 December 2030. The law will become effective six months after the date of publication in the Official Gazette, with the exception of the provisions about the assignment of the Ungheni and Orhei district courts under the jurisdiction of the North Court of Appeals, which became effective on the date of publication.

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