

NEWSLETTER

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In BRIEF

"THE LAST ACT": SCJ UPHOLDS ŞOR'S 15-YEAR PRISON SENTENCE

On 12 December 2024, the Supreme Court of Justice (SCJ) irrevocably **rejected** the appeal of Ilan Şor's lawyers against the **decision** of the Chisinau Court of Appeal of 13 April 2023. The SCJ upheld his 15-year prison sentence for swindling and money laundering in large proportions. At the same time, the court ordered the recovery of more than 5.3 billion MDL in damages caused to the Banca de Economii (BEM).

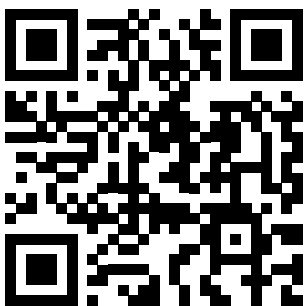
This case is part of the file generically referred to as "Bank Fraud" and relates only to loans offered by BEM between 4 and 26 November 2014 and only to Ilan Şor's actions (details in [Newsletters Nos. 14 and 32](#)). Ilan Şor, as Chairman of the Board of Directors of BEM during that period, orchestrated money transfers to various entities, including non-resident companies in offshore areas, for fictitious purposes. These operations were carried out through false guarantees issued by banks in the Russian Federation. The SCJ confirmed that Ilan Şor obtained loans for these companies on the basis of false information, knowing that they could not repay the amounts. Mr. Şor did not deny that he had control over these companies, using them to redirect the funds under the pretext of non-existent guarantees, thus demonstrating his active participation in a money laundering scheme to appropriate the funds.

In analysing the appeal, the SCJ highlighted several key issues. The first concerns the right to present new evidence at the appeal stage. Evidence can only be given and analysed by the district and courts of appeal, and the cassation court only verifies the legality, admissibility and evaluation of already existing evidence. New evidence can only be admitted if it has been unjustifiably withheld by the court of appeal or if there are obvious errors in its assessment. The second issue stipulates that the parties can supplement the appeal with new evidence until a deadline, after which they cannot introduce new arguments but can only elaborate on existing ones.

Şor's lawyers asked the SCJ to acquit him or order the appeal court to retry the case. They also invoked the incompatibility of judge Andrei Niculcea, who examined the case in the first instance, arguing that he had previously examined related cases, including those of Veaceslav Platon and Vlad Filat. The SCJ rejected this argument, explaining that judges can deal with related cases as long as they have not ruled on the guilt of the accused in previous cases. The defence also argued that



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“The judicial examination of the Şor case lasted over seven years and six months, taking almost six years in the lower and courts of appeal and concluding at the SCJ in one year and eight months, reflecting the complexity of this high-profile case.”

the court's decisions on the case were not impartial and objective, citing political pressure on the judges through statements by politicians and authorities against Ilan Şor. The SCJ emphasised that the judges' impartiality is presumed until proven otherwise, and the politicians' statements are insufficient to question the judges' independence. Accepting such a motivation would create an inadmissible precedent, leading to an institutional deadlock in examining resonance cases.

The SCJ also rejected the defence's request to have an authorised interpreter for Ilan Şor, pointing out that although he is a Russian speaker, he has lived in Moldova for over 20 years, has held public office and has demonstrated proficiency in Romanian through public speeches. Moreover, at no stage of the trial did Şor indicate that he did not understand the charges or the proceedings.

The lawyers also challenged the inadmissibility of some evidence and the refusal to administer financial accounting expert reports to assess the economic impact of the crimes committed. They argued that the rights of the defence had been infringed by the failure to hear a key witness in the court of appeal. The SCJ explained that, in the case of witnesses heard in the first instance, their statements could be cited in the appeal and that the absence of the witness was justified as he did not live in the Republic of Moldova and, at that time, the hearing by teleconference was not possible. Concerning the financial accounting expert's report, the SCJ stated that it was not carried out due to the lack of documents, but this did not affect the essence of the case, as the evidence presented was sufficient to establish the responsibility of Ilan Şor in the committing the crimes.

Regarding the possible overlapping of the various cases related to the bank fraud, the SCJ explained that the complex scheme used by Ilan Şor could not have been carried out by one person and that part of the stolen money could have reached other persons. However, the court emphasised that Şor remains responsible for the damage caused by the loans granted by BEM; if other people are found guilty, he can deduct the sums they received.

The SCJ rejected allegations of political motivation in the criminal case and the lack of sufficient time for a new foreign lawyer to prepare the case. The SCJ noted that Şor was not a politician at the beginning of the criminal proceedings and that the lawyer was aware that he was intervening at an advanced stage of the trial. Given that four other lawyers assisted Şor, the SCJ concluded that his right to defence was not violated.

SPECIALISED BOARDS OF THE SCM ARE BACK TO WORK AFTER THE GENERAL ASSEMBLY OF JUDGES RESUMES

On 19 December 2024, the [General Assembly of Judges](#) (GAJ) was held, attended by 310 out of 374 judges working in the system. The GAJ started by adopting a Declaration on respecting the financial independence of judges. The Declaration calls on the Government and the Parliament to fully implement the [Constitutional](#)

"After a break of four years, the Board for the Selection and Evaluation of Judges has become functional. Its work will be carried out according to an updated regulatory framework. It is expected that the work of the Disciplinary Board will be resumed after the organisation of the competition for the selection of civil society members."

Court's Decision No. 21/2022, which requires the indexation of the salaries of judges and members of the Superior Council of Magistracy (SCM).

The GAJ continued with the election of the members of the Board for the Selection and Evaluation of Judges (the Selection Board) and the Disciplinary Board. According to the law, the first Board consists of **nine members**: five judges and four representatives of civil society. Three judge members are elected at the GAJ, while the other two judges and the four civil society representatives are selected through a public competition by the SCM. The Disciplinary Board comprises **seven members**: four judges elected at the GAJ and three civil society representatives appointed by the Minister of Justice and selected through a public competition. All the candidates put forward to the GAJ have passed the external evaluation (more details in **Newsletter no. 74**).

The body of judges elected Adrian Cerbu from Criuleni District Court (with 116 votes), Ion Talpa from Balti Court of Appeal (with 168 votes) and Petru Păun from Chisinau District Court (with 139 votes) **as members** of the Selection Board. Natalia Bondarenco from the Cahul Court of Appeal (with 184 votes), Valentina Stratulat from the Ungheni Court of Appeal (with 206 votes), Lucia Bagrin from the Chisinau Court of Appeal (with 252 votes) and Lilia Potînga from the Ungheni Court of Appeal (with 182 votes) were elected **as members** of the Disciplinary Board.

On 30 December 2024, the SCM held a **competition to appoint** other members of the Selection Board. As a result, Ghenadie Mîra and Dumitru Racovița were appointed among the judges, and Mihaela Pascal was appointed from civil society. Although the SCJ still must select three more members from civil society to complete the Selection Board, it has become functional. For the Disciplinary Board, the Selection Commission has **announced** that it will hear the two registered candidates on 29 January 2025.

THE PROGRESS AND BACKLOGS OF THE NEW SCM AFTER 13 MONTHS OF MONITORING

On 16 December 2024, the LRCM **publicly** presented an analytical note on **the Superior Council of Magistracy activity** in 2024. The research aimed to observe the changes in the institution's activity in the context of its new composition and assess the implementation of recent legislative changes.

The biggest backlogs are attested in the technical process of ensuring the transparency of the SCM meetings, which, although improved through public performances, are not always accompanied by consistent and timely publication of all minutes and summaries. In at least 45% of the meetings held in 2024, incomplete publication of supporting documents was observed, of which, for three meetings, neither the minutes nor the summaries were published.

On the other hand, there was a significant improvement in the reasoning of SCM decisions. With the investiture of the new composition, the decisions include the number of votes for and against. This practice has been recommended by the

"In at least 45% of the SCM meetings held in 2024, supporting documents were published incompletely, and for three meetings, neither minutes nor summaries were published."

LRCM in [previous monitoring reports](#), which criticised the concealment of these data without reasonable justification. At the same time, the writing of several separate opinions has been noted, with both judge and non-judge members as authors, which contributes to a better understanding of the reasoning behind the voting of SCM members, especially on sensitive issues such as the career of judges.

One of the positive developments has also been the process of organising competitions for the appointment of judges. Previously, these competitions did not provide sufficient transparency for the whole process, and the interviews with each candidate [were superficial and more formal](#). In this regard, the SCM has introduced a weighted scoring system and a per-contest interview methodology so that each candidate answers an identical set of questions, ultimately allowing for a tiebreaker based on their performance. This is a significant improvement in the transparency of the process and the quality assessment of candidates. The new composition of the SCM has demonstrated an active commitment by taking public positions to guarantee the independence of the judiciary.

The LRCM research includes several practical and legislative recommendations to improve the work of the SCM. These include updating the website, timely publication of decisions and acts relevant to the SCM's work, filling vacancies, mainly in the SCM specialised bodies, and standardising the practice of granting one-off allowances when judges are dismissed. From a legislative perspective, it is necessary to bring the SCM legislation into line with [the recent](#) findings of the Constitutional Court concerning the granting of leave of absence to presidents and vice-presidents of courts, as well as the delegation of judges to travel or training by the SCM president, and to create a mechanism for incorporating the experience and expertise of the external evaluation commissions, once the vetting exercise has been completed.

SCJ: THE ALLEGED INCOMPATIBILITY OF THE PRESIDENT OF THE PRE-VETTING COMMISSION IS NOT A REASON TO RECONSIDER THE DECISION TO FAIL THE EXTERNAL EVALUATION

On 5 December 2024, the Supreme Court of Justice (SCJ) [declared inadmissible](#) the application for review of [the SCJ decision](#) of 28 February 2023 upholding the [decision of the Pre-Vetting Commission](#) (Commission) regarding the external evaluation of former judge and candidate Natalia Clevadi, who is running for the Superior Council of Magistracy membership.

In support of the request, Clevadi alleged that according to [a journalistic investigation](#) published on 25 March 2024, the President of the Commission, Herman von Hebel, simultaneously holds the position of part-time criminal judge at the Court of Appeal Den Bosch in the Netherlands, having served in this position from September 2020 to this day. The given fact was confirmed in a letter from the Dutch court and publicly acknowledged by von Hebel.

“SCJ: Incompatibility affects only the personal status of the Commission member concerning his office, without directly influencing the content of the final decision.”

The SCJ held that Natalia Clevadi's circumstances are irrelevant to assessing the legality of the legal acts issued in the case and could not have influenced the SCJ's decision of 28 February 2023. The complainant did not submit any evidence to show that the alleged incompatibility of the functions of the President of the Commission's office had any influence on the assessment procedure or the final decision in her regard.

The complainant's argument that the impartiality and integrity of the Commission would have been affected by the alleged incompatibility of the President's office was not accepted by the SCJ. As the Commission operates based on collective decisions and majority vote, the influence of an incompatible member is inherently limited. A single vote is not decisive for the final outcome. Moreover, incompatibility only affects the personal status of the member concerning his/her office without directly influencing the content of the final decision. Therefore, the Commission's decision remains valid if the voting procedure has been respected.

ELIMINATED FROM THE SCM COMPETITION DUE TO A DISCREPANCY OF ONE MILLION LEI

On 10 December 2024, the Supreme Court of Justice (SCJ) [rejected](#) the appeal lodged by lawyer Vitalie Ciuchitu, a candidate running for the Superior Council of Magistracy membership, who failed the external evaluation. The evaluation found that he had negative balances almost every year, accumulating a total deficit of 1,017,032 MDL, constituting a substantial difference between declared income and expenditure. The SCJ considered the Evaluation Commission's conclusion that this discrepancy shows that there are serious doubts about the candidate's compliance with the financial integrity to be correct.

At the same time, the SCJ invalidated the applicant's argument that the wealth acquired by his family in the period 2008-2022, totalling MDL 385,393, in conjunction with his income of 500,610 MDL, represents a positive balance and should not raise doubts about financial integrity. In other words, the SCJ should start from the assumption that the plaintiff's family generally did not have any consumption expenses during that period, which is flawed reasoning and cannot be upheld.

Ciuchitu challenged the Commission's method of assessing his financial integrity, which included consumption expenses for the population, representing approximately 75% of total expenses. These living expenses were calculated using the information and methodology of the National Bureau of Statistics (NBS). The complainant suggested that applying these NBS estimates contravened the provisions of the Vetting Law. According to this law, the assessment of financial integrity should be based solely on comparing acquired wealth with declared income without including other types of expenses. The SCJ did not accept this argument, as [the Commission's own Rules of Procedure](#) regulate the use of this assessment mechanism.

“The SCJ upheld the decision not to pass the assessment due to a significant discrepancy between the declared income and the expenses incurred, indicating doubts about the financial integrity of the applicant.”

The complainant contested the Commission’s conclusion that there was no legal basis for the Commission to raise the ‘plea of illegality’. The complainant argued that the name of this defence is not relevant but rather the specific claims and arguments presented before the Commission. The SCJ upheld the Commission’s decision to reject this claim, noting that there is no legal basis in the procedural documents for the applicant to make such claims in the assessment procedure. Essentially, the applicant’s wish to be exempted from the application of specific provisions of the Regulation is a mere disagreement with those rules, which is unacceptable.

SCJ REJECTED THE REVIEW OF THE FILAT CASE: DETAILS AND ARGUMENTS

On 16 December 2024, the Supreme Court of Justice (SCJ) rejected [the request to review](#) the criminal case against Vladimir Filat. The application for review was filed on 20 June 2023, following [the judgment of the European Court of Human Rights \(ECtHR\)](#) of 31 January 2023, which found that Article 6 §1 of the European Convention on Human Rights was violated because of lack of publicity in the criminal trial.

Filat requested the annulment of the earlier national judgments and the referral of the case back to the district court. In support of his application, he mentioned that the breach of the publicity of the trial includes the failure to hear witnesses, even though the ECtHR did not expressly rule on this issue based on the principle of procedural economy. Filat also argued that he is suffering serious consequences because of the sentence imposed, which can only be remedied by a review of the judgment (confiscation of assets and complementary sentences). It emphasised that the annulment of the judgment adopted ‘behind closed doors’ is the only way to restore the right to a public trial, pointing out that these shortcomings render the procedural act null and void.

“The reopening of court proceedings following a breach of open court must be assessed in light of serious procedural errors or deficiencies. These must be sufficiently serious to raise fundamental doubts about the outcome of the contested national proceedings.”

The SCJ noted that the violation found by the ECtHR relates exclusively to the publicity of the trial and does not encompass the right to request the hearing of witnesses. The right to hear the case publicly differs from the adversarial nature of the judicial proceedings. The SCJ emphasised that the state’s obligation to retry the case must be analysed in light of grave procedural errors or deficiencies that would raise doubts about the outcome of the contested proceedings. The breach in question does not concern procedural errors or deficiencies that would cast doubt on the irrevocable decision adopted regarding the charges brought against Filat. As to the consequences incurred, the SCJ noted that the aspects given are insufficient to reopen the proceedings, and the ECtHR did not find a violation of property rights. It also rejected the argument of the nullity of the procedural act, noting that the SCJ is not examining the case’s merits but fulfilling the conditions for the admissibility of the application for review.

However, one of the five-panel judges formulated a separate opinion arguing that the circumstances under consideration would meet the conditions of absolute nullity, which provides for the possibility of remedying the violation under the conditions of publicity of the criminal proceedings by the court of appeal at a retrial.

THE SCM HAS FILLED VACANCIES OF JUDGES AT THE COURTS OF APPEAL

On 16 December 2024, following a competition, the Superior Council of Magistracy (SCM) temporarily transferred judges Diana Corlăteanu, Marcel Popescu, Svetlana Vișcu and Eugeniu Beșelea to the Centre Court of Appeal. They started their work on 23 December 2024 and will be at the Centre Court of Appeal until all vacancies are filled.

On 17 December 2024, the SCM interviewed nine of the ten registered candidates. Each candidate was interviewed for about 25-30 minutes about the role of courts of appeal in standardising judicial practice and the importance of separate opinions, analysed certain legal cases and assessed their knowledge of a foreign language. They were also asked by a psychologist about stress management and decision-making under pressure. As a result, the SCM announced that Vladislav Schibin, Natalia Mămăligă, Elena Bolocan, Violeta Gîrleanu, Eugeniu Beșelea, Diana Corlăteanu and Adrian Cerbu passed the competition. Among them, Vladislav Schibin, Eugeniu Beșelea and Adrian Cerbu have been proposed to the President of the country for appointment as they have previously passed the external evaluation, while the other judges are to be evaluated if they meet the criteria of financial and ethical integrity.

On 30 December 2024, the SCM temporarily transferred six judges to the North Court of Appeal. These are Aurelia Andronache, Alina Țihonschi, Radu Holban, Ludmila Iarmaliuc, Svetlana Ghercavi and Cristina Prisacari. At the same time, judges Valeriu Hudoba, Inga Gorlenco and Evghenii Bancov were temporarily transferred to the South Court of Appeal. The transfers will be valid until the 15 vacancies at the North Court of Appeal and the nine vacancies at the South Court of Appeal are filled.

The temporary transfers were necessary due to the insufficient number of judges to ensure the proper functioning of the courts, the expeditious examination of cases, and the recent resignations of several judges from the appeal courts.

“The work of the Courts of Appeal was unblocked by the SCM by appointing seven judges to the Centre Court of Appeal in December 2024 and temporarily transferring another 13 judges from the lower courts.”

DECEMBER 2024 DECISIONS OF THE PROSECUTOR VETTING COMMISSION

In December 2024, the Prosecutor Vetting Commission (the Commission) continued vetting candidates for the specialised boards of the Superior Council of Prosecutors, finalising several files and announcing key decisions. Two anti-

«Evaluation Commission: role of the prosecutor's office and actions of the subject of the assessment in the case of prolonged pre-trial detention of a businessman "is disturbing" and this conduct cannot be categorised as mere prosecutorial error or incompetence. »

corruption prosecutors, [Eugenia Zubco](#) and [Grigore Niculiță](#), passed the external assessment after having previously passed the pre-vetting. [Viorel Beiu](#) also got a positive outcome. At the same time, the other six prosecutors, [Ion Bunica](#), [Ion Tețcu](#), [Victor Comerzan](#), [Corneliu Popescu](#), [Ghenadie Pîrlii](#) and [Ina Fencovschi](#), did not meet the ethical and financial integrity criteria (more on the hearings of the candidates in [Newsletter no. 74](#)).

In December 2024, the Commission published several decisions, as the subjects concerned agreed to their publication. Prosecutor [Ion Bunica](#), a candidate running for the Disciplinary and Ethics Board membership, did not pass the assessment. The Commission [noted](#) the central role and actions of the candidate in the case of the prolonged pre-trial detention of a man businessman, [considered](#) by the European Court of Human Rights as an unlawful deprivation of liberty. The Commission found that the role of the prosecution in this case, particularly of the candidate, "is disturbing". Prosecutors were clearly determined to keep this person in pre-trial detention beyond the one-year term. This cannot be characterised as mere error or incompetence by prosecutors.

In the case of prosecutor [Ion Tețcu](#), a candidate running for the Disciplinary and Ethics Board membership, the Commission identified discrepancies in the financial flows for 2021, particularly a negative balance between 140,000 MDL and 250,000 MDL, not covered by the declared income. Also, examined the candidate's explanations for undeclared cash savings and an alleged loan repaid by an acquaintance. The Commission established serious doubts about the candidate's compliance with financial integrity requirements, as he failed to satisfactorily explain the source of the money. Previously, Prosecutor Tețcu [did not pass the evaluation](#) for judge at the Supreme Court of Justice.

In the case of prosecutor [Vladislav Guțan](#), a candidate running for the Disciplinary and Ethics Board membership, the Commission found that he did not meet the ethical integrity criterion due to his purchase of an apartment at a preferential price in 2011 and selling it at a price below market value, as well as the purchase of an apartment in Romania in 2024, not declared in time. [Valeriu Sîrbu](#), candidate for the position of member of the Board for the Selection and Evaluation of Prosecutors, was questioned for allegedly fictitious contracts and concealment of real estate transactions. The Commission considered that signing a fictitious contract and involving other persons to conceal the actual circumstances of the transaction is a serious breach of professional ethical standards.

[Grigore Niculiță](#), a candidate running for the Selection and Evaluation Board membership, was asked about the price of an apartment he purchased in 2015 (much lower than the market average) and the price in the sale contract of a car, which appeared to be under-declared. Although the Commission found a certain formal inconsistency (a contract with a declared price of 10,000 MDL instead of the actual price of 17,000 EUR), the candidate demonstrated that he had declared the genuine price in all declarations and did not intend to conceal the real source of the money. Therefore, the Commission has established that he meets ethical and financial integrity criteria and passes the evaluation.

In the case of prosecutor [Viorel Beiu](#), the Commission analysed the source of funds used to build a house in the town of Sîngera, Chisinau municipality and the failure to declare, in the period 2016-2018, that the house was unfinished at that time. Although Beiu did not explicitly declare the house, he consistently reported the land. He demonstrated that the financial sources came from his parents' savings, accumulated until 2008, before he became prosecutor. Most members of the Commission considered that these irregularities were not severe enough to prevent his promotion, concluding that Beiu meets the criteria of ethical and financial integrity. However, member Mikelionis had a separate opinion ([part of the decision](#)) in which he expressed reservations about the origin of the income for the construction and the repeated failures to declare, considering that doubts have not been removed.

THE CHALLENGES OF A DELICATE BALANCE: TRANSPARENCY OF THE JUDICIAL ACT VERSUS THE PROTECTION OF PERSONAL DATA

On 12 December 2024, the LRCM [presented the preliminary findings](#) of a study on the level of compliance with the provisions of the [Regulation of the Superior Council of the Magistracy](#) (SCM) on the publication of judicial decisions (the Regulation). The study included the analysis of 1,090 court decisions published between 1 January 2021 and 30 June 2024 and 200 decisions related to family and juvenile offenses.

Compared to [similar research](#) carried out by the LRCM in 2020, the current study assessed the progress made and identified several persistent problems. While there was an improvement from 2020, when 63% of judgments were non-compliant, 51% of the judgments surveyed are currently non-compliant. The survey data shows that no court is fully compliant with the Regulation. Most irregularities were recorded at the level of courts, with 55% of the judgments examined (436 out of 790). The situation is slightly better for Courts of Appeal, where the proportion of irregularities identified is 46%. For the Supreme Court of Justice, the provisions of the Regulation are largely respected.

Most non-compliances refer to the obligation to conceal personal data. Data that should have been protected was left visible in 516 of the 558 judgments identified with breaches (92%). Depersonalisation is often partial, with 28% of the judgments having protected data in some sections but leaving them visible in others. In 20% of judgments did not comply with the rule prohibiting anonymisation of names of persons participating in the administration of justice in a professional capacity (registrar, prosecutor, lawyer, etc.) and the names of legal persons. In 12% of the non-compliant judgments, the names of perpetrators, instigators or accomplices were anonymised contrary to the rules, and in another 9% of the judgments, the obligation to protect the names of the parties to the proceedings was not respected, in particular, when necessary, protection of minors or privacy. The picture is similar to decisions regarding family and juvenile offenses.

“Excessive anonymisation undermines the transparency of justice, and failure to protect personal data affects privacy.”

As a recommendation, the LRCM proposes developing and periodically updating guidelines for correctly applying the provisions of the SCM Regulation. It is also necessary to organise regular training for judges and judicial assistants on anonymisation rules and amend the SCM Regulation to establish more precise criteria for protecting victims' data and witnesses.

TRANSPARENCY OF SCP WORK: GOOD PROGRESS OVERSHADOWED BY 'TECHNICAL SHORTCOMINGS'

On 6 December 2024, the LRCM presented the draft of the [updated analytical note](#) on the transparency of the Superior Council of Prosecutors (SCP) activity undertaken between 1 January and 31 October 2024. This update became necessary once the composition of the SCP was reset in December 2023, after the prosecutors delegated five representatives who passed the external evaluation (details in [Newsletter No. 64](#)), and three other non-prosecutor SCP members, who also passed the assessment, were also appointed.

The document extends the [previous research](#) from 1 January 2020 to 30 June 2023 (details in [Newsletter No. 62](#)). Compared to previous years, SCP meetings in 2024 were better organised, with only 1 out of 53 meetings being postponed. SCP members increased the use of digital technologies, organising two meetings by e-mail and several others by teleconference, including hearing candidates for various competitions. Live transmissions of the meetings, made with their own equipment, eliminated the dependence on external services, and the recordings were available on the SCP website and YouTube, thus improving visibility and data security. The percentage of essential topics for the prosecution system solved by the SCP has increased from 50% to 70%. Disciplinary appeals were, as a rule, examined in public and secret voting was eliminated. Of the 357 decisions adopted, 155 (43%) concerned the selection and career of prosecutors, highlighting the SCP's commitment to strengthening the system.

A significant problem is the inability to identify when 62% of agendas and 85% of decisions were published, which did not happen in 2020-2023. Members of the SCP justified this shortcoming by technical deficiencies. Half of the time, meetings were conducted in a closed format. Minutes of the meetings are not published as required by law, being replaced by 'agendas resolved', which do not provide complete information. Reasoned decisions unnecessarily anonymise the names of the authors of disciplinary complaints, although they are public in agendas and meetings. Decisions on interim management were reasoned in a standardised manner without providing details of the reasoning behind the decision. The Prosecutor General's requests for the approval of interim appointments or the appointment of his deputies were examined inconsistently, with some being discussed in deliberation and others not, without eloquent explanations.

As recommendations, the LRCM proposes to remedy the problem of timing of

"Although fewer sittings have been adjourned and no voting in secret, the impossibility of identifying the time of publication of most agendas and decisions erodes the transparency of the SPC"

the publication of agendas and resolutions, mandatory publication of minutes of meetings, eliminating unnecessary anonymisation in some decisions, amending the Rules of Procedure to stipulate that decisions are signed only by the President and prioritising electronic signature, abandoning the standardised reasoning of decisions on interim and the examination as a rule of the Prosecutor General's requests in open session.

I IN BRIEF

On **2 December 2024**, the Superior Council of Magistracy (SCM) [admitted the complaint](#) of Prosecutor General Ion Munteanu on the issuance of the agreement to start criminal proceedings against a judge. According to [media sources](#), Igor Pulbere of the Chisinau District Court is the judge concerned. There is a reasonable suspicion that he made false statements, characterised by intentionally including incomplete or false data and intentionally not including data in the declaration of assets and personal interests.

On **4 December 2024**, the Supreme Court of Justice (SCJ) [definitively settled the labour](#) dispute initiated by former chief anti-corruption prosecutor Viorel Morari. The SCJ declared his appeal inadmissible, confirming [the judgment of the district court](#) and the [decision on appeal](#) rejecting the Prosecutor General's order of 27 April 2021, finding that his term of office had ended by operation of law. The appellant submitted that in calculating the five-year term of office, no account was taken of the period he was suspended from office. However, the court held that the duration of the term of office provided for by law is mandatory and does not allow derogations in the running of the term.

On **5 December 2024**, the National Integrity Authority (NIA) [identified a substantial discrepancy](#) of 231,109 MDL (approximately 11,900 EUR) for the years 2018-2019 in the wealth of MP Vasile Bolea, a former member of the Socialists Party and current member of the "Victory" Bloc. According to NIA, the discrepancy was attributed to the construction expenses of his apartment and donations to the party. The case will be submitted to the court to confiscate the unjustified amount. In addition, NIA recommends the termination of Bolea's parliamentary mandate and any other public office, pending depending on the final decision.

On **11 December 2024**, about 60 students and young professionals participated in [the public lecture "Hate speech and bias-motivated offences: Concepts, Law and Practice"](#), held in the context of the days dedicated to promoting human rights. The event provided a space for discussion and reflection on recognising hate speech and understanding how hate speech forms prejudice and hurts society. It also explained the powers of the institutions responsible for preventing and sanctioning hate speech and hate crimes. The lecture is available online on the [LRCM Facebook page](#).

On **13 December 2024**, the LRCM submitted an [amicus curiae](#) to the

Constitutional Court (the Court) on two requests ([No. 71g](#) and [No. 158g](#)) concerning the exception of unconstitutionality of specific provisions of the Criminal Code concerning the interruption prescription of criminal liability. The opinion was drafted by the LRCM associate expert, Viorel V. Berliba, university lecturer and Dr Hab, addresses the Court's questions on the legal nature of the statute of limitations applicability of the 2024 amendments to the Criminal Code in the context guarantees on the retroactivity of the milder law.

On **13 December 2024**, the Parliament [adopted](#) in the first reading [the draft law](#) on improving the mechanism for confiscating criminal assets. It aims to strengthen the asset tracking and identification process, the efficient management of assets, and the alignment of national legislation with European Union standards. The draft introduces the possibility of confiscation of assets or their equivalent when the original goods cannot be seized, seizing of assets transferred to third parties who are aware of the purpose of the evasion and extends the powers of the State Tax Authority and the Criminal Assets Recovery Agency (ARBI) in identifying assets seized in foreign affairs. The ARBI will also be able to conduct financial investigations and participate in international negotiations to restate such assets.

On **23 December 2024**, the Superior Council of Magistracy (SCM), by six votes in favour and four against, [rejected the request](#) of Judge Alexei Panis of the Chisinau District Court to submit a repeated proposal to the President of the Republic of Moldova to re-confirm for office until the age limit. The SCM also proposed that the country's President dismiss Panis from his office. Three members of the SCM, who voted against the dismissal, have announced the publication of separate opinions. The SCM judgment can be appealed to the Supreme Court of Justice within 30 days. It is the latest request to be considered by the SCM concerning the approximately 40 judges awaiting reappointment (more details in [Newsletters Nos. 71, 72 and 73](#)).

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