

NEWSLETTER

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In Brief

VENICE COMMISSION RECOMMENDATIONS
ON THE NEW LAW ON THE CONSTITUTIONAL
COURT

On 17 March 2025, the Venice Commission [issued](#) an opinion on the new [Draft Law](#) on the Constitutional Court (CC). The new law aims to strengthen and clarify the status and functioning of the Court by consolidating the current legal framework – namely, the [Law on the Constitutional Court](#) and the [Code of Constitutional Jurisdiction](#) – into a single legislative act.

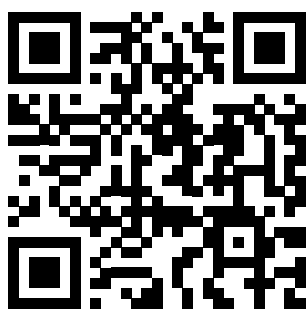
One of the most innovative provisions of the Draft Law is the introduction of *a priori* constitutional control of international treaties, which involves assessing their compliance with the Constitution before their ratification by Parliament. The Commission supports this initiative but recommends that the phrase “before ratification” be explicitly included in the text of the new law, in order to ensure a clear alignment with Article 135 of the Constitution, which outlines the powers of the CC. Additionally, the Commission proposes an essential clarification – that a treaty declared unconstitutional must not be ratified, in order to avoid breaching international obligations or triggering diplomatic crises.

The Commission reiterated its firm position on the need for CC judges to be appointed for a single, long, non-renewable term of office, with a view to strengthening their independence from the bodies that elected them (the Superior Council of Magistracy, Parliament, and Government). It remains unclear whether this aspect can be incorporated into the new Draft Law, given that the Constitution does not expressly limit the six-year term of CC judges to a single mandate. The Commission also recommended improvements to the selection process of judges by replacing the term “may” with “must,” thereby turning the eligibility criteria from optional to legally binding requirements.

The Commission also recommended the establishment of clear rules to ensure the stability of the Court’s activity and the transparency of the judicial appointment process. Specifically, the Commission called for the clarification of the oath-taking procedure, suggesting that it be conducted before the Plenum of the Court within a clearly defined timeframe, in order to prevent potential political deadlocks. The Commission welcomed the proposed incompatibility provisions, which prohibit judges from being members of political parties, considering them consistent with the principles of judicial independence.



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Innovations in the Law on the Constitutional Court: A priori review of international treaties, revised oath-taking procedure, and new restrictions and incompatibilities.

Furthermore, the Commission recommended a detailed regulation of the circumstances under which a judge's term may end (resignation, death, dismissal, etc.), and proposed that the Plenum of the CC should have the final say in cases involving the arrest of judges caught in the act of committing a crime (*flagrante delicto*). The Commission also advised clarifying the voting threshold required for imposing disciplinary sanctions. Additionally, the Commission proposed replacing the phrase "*violation of the oath and duties of office*" with the more specific formulation "*commission of an offence incompatible with the discharge of judicial duties*," in reference to the grounds for termination of a CC judge's mandate. In conclusion, the Commission considered that the Draft Law demonstrates a high degree of alignment with international standards.

On 10 April 2025, the Parliament of the Republic of Moldova [adopted](#) the new Law on the Constitutional Court in its second reading.

JUDICIAL VETTING – NEW EVALUATIONS, WITHDRAWALS FROM THE COMPETITION, AND PROMOTIONS IN MARCH

In March, the Judicial Vetting Commission (the Commission) concluded the evaluation of several subjects. Judges [Victoria Sîrbu](#), [Marcel Juganari](#), [Denis Babălău](#), [Angela Braga](#), [Alexandru Spoială](#), and [Igor Chiroșca](#) from the Central Court of Appeals passed the vetting. Judge [Angela Bostan](#), who had previously [failed the pre-vetting twice](#), received a favorable decision this time. In contrast, Judges [Oxana Robu](#) and [Ala Malîi](#), as well as judicial inspector and Supreme Court of Justice (SCJ) candidate, [Diana Ioniță](#), did not pass the evaluation (see details of the hearings in LRCM's [Newsletter No. 78](#)).

Additionally, the candidate for the position of judge at the Supreme Court of Justice (SCJ), [Dumitru Mardari](#), announced his withdrawal from the competition, notifying both the Vetting Commission and the Superior Council of Magistracy (SCM). In accordance with the applicable [legal provisions](#), given that he no longer holds the status of candidate and is no longer subject to evaluation, the procedure concerning him was terminated. Dumitru Mardari [resigned](#) from his position as SCJ judge in February 2023 and was subsequently [admitted](#) to the legal profession as an attorney at the end of November 2023.

Moreover, on 18 March 2025, the Commission was scheduled to hold a [hearing](#) for another judge of the Central Court of Appeal, Mihail Diaconu. However, he subsequently [informed](#) the Commission that he would not attend the hearing. As a result, the evaluation will be completed based on the information gathered up to that point.

During the same period, the SCM submitted three new candidates to the Commission for evaluation for positions within the judiciary. The list of candidates was [supplemented](#) with the Chief Prosecutor of the Bălți Municipal Prosecutor's Office, Ion Covalciuc and attorney Oxana Eșanu. In addition, attorney Denis Lesnic is to be evaluated as a candidate for the position of member of the SCM's e Selection and Evaluation Board for Judges, representing civil society.

March overview: Six Court of Appeal judges passed the vetting, while two did not. One SCJ candidate withdrew from the competition, and three new candidates were submitted for evaluation.

PROSECUTION OFFICE REPORT – PERFORMANCE AND CHALLENGES IN 2024

In March, the General Prosecutor's Office (GPO) presented its [2024 Annual Report](#) on the activity of the prosecution service. According to the document, the institution focused on five key priorities: strengthening institutional integrity and independence, developing organizational and functional capacities, ensuring respect for human rights in criminal proceedings, combating corruption and organized crime, and fulfilling commitments related to the European integration process. Referring to its action plan, the GPO reported that 36 actions (72%) were fully implemented, 9 (18%) were partially implemented, and 5 (10%) were not implemented.

In 2024, prosecutors conducted criminal investigations in 38,323 cases, an increase of 1,582 compared to 2023 (36,741 cases). Of these, 15,537 cases were concluded (a slight decrease compared to 15,579 in 2023), while 10,855 cases were referred to the courts – 270 more than in 2023 – involving 12,274 offences committed by 11,956 individuals.

As for the cases in which prosecutors conducted the investigation directly, their number decreased from 1,957 in 2023 to 1,584 in 2024. A total of 414 cases were finalized (down from 586 in 2023), and 213 were referred to court (fewer than 278 in 2023), involving 265 offences (compared to 485) committed by 288 individuals (down from 387 in 2023), including 13 police officers (compared to 15) and 1 minor (compared to 11 in the previous year). Criminal proceedings were discontinued or terminated in 193 cases, as compared to 303 cases in the preceding year. At the same time, the data reveals a concerning increase in crimes related to human trafficking (+59%), child trafficking (+16%), and illegal migration (+75%), without the report providing any explanation for these developments.

By the end of the year, prosecutors were handling 998 criminal cases, 49 fewer than in 2023, involving 199 suspects or accused persons, compared to 312 in the previous year.

In 2024, the number of prosecutor positions remained unchanged at 720. However, the number of auxiliary staff increased from 700 to 754. In total, 1,127 individuals were effectively active within the system, including 602 prosecutors, 375 civil servants (of whom 42 held special status), and 150 technical staff. A total of 23 prosecutors were appointed (compared to 16 in 2023), while 18 left the system (compared to 17 in 2023), resulting in a net increase of 7 prosecutors. Of the total number of prosecutors, 62 were assigned to the GPO (3 more than in 2023), 80 to the specialized prosecution offices (9 fewer than in 2023), and 460 to territorial prosecution offices (13 more than in the previous year). The occupancy rate for prosecutor positions remained at 83.5%, and the distribution across structures remained similar: 63.8% in territorial prosecution offices, 11.1% in specialized prosecution offices, and 8.6% in the GPO.

The total estimated damage in criminal cases investigated in 2024 amounted to over 9.5 billion MDL (compared to 37.5 billion MDL in 2023). Prosecutors

Not even the tip of the iceberg! In 2024, prosecutors recovered 0.73% of the estimated damage caused by crimes (69.2 million MDL out of 9.5 billion MDL). However, this figure represents an increase compared to 2023, when only 0.15% was recovered.

recovered 69.2 million MDL (up from 56.9 million MDL in 2023). Final court rulings ordered the restitution of a total of MDL 47.7 million to injured parties, including MDL 42.5 million to the benefit of the State. Additionally, judges ordered the special and extended confiscation of goods worth a total of 91.7 million MDL (173 million MDL in 2023). In contravention cases, prosecutors imposed fines totaling over one million MDL.

The budget of the prosecution system was over 451.7 million MDL, initially planned to be 440 million MDL. From the allocated sum, 442.2 million MDL was executed. The largest portion of the expenditures – 383.2 million MDL (86.6%) – was allocated for staff remuneration, followed by 29.9 million MDL (6.1%) for goods and services, and 20.1 million MDL (4.5%) for the purchase of fixed assets.

PUBLIC PERCEPTIONS AND ATTITUDES TOWARDS EQUALITY AND NON-DISCRIMINATION IN 2024

On 18 March 2025, the Equality Council (the Council) published its [General Report](#) on the State of Prevention and Combating of Discrimination in the Republic of Moldova for the year 2024. The report includes the Council's findings on the extent and forms of manifestation of discrimination in the Republic of Moldova, along with recommendations aimed at fostering a more equal society.

The report features an analysis of the findings of a [2024 study on public perceptions and attitudes towards equality](#) in Moldova. The study assessed the population's attitudes and social distance towards various vulnerable groups. According to the data, 47% of respondents consider discrimination to be a widespread phenomenon. The highest levels of rejection were directed at drug users, alcoholics, LGBTQI+ persons, people living with HIV, and former detainees. The most accepted groups were Russians, speakers of languages other than Romanian, and persons with physical disabilities.

The report also examines the main issues of discrimination identified by the Council in the course of reviewing legislation and draft normative acts. Among the most pressing legal issues identified are the limited access of persons with disabilities to social assistance, the difficulties encountered by displaced persons in obtaining identity documents, and the inability to access electricity compensation for individuals who have opted of having a Personal Identification Number (IDNP).

In 2024, the number of complaints received by the Council increased by 6.8% (279 complaints, compared to 261 in 2023), while the rate of resolved cases increased by 18.8% (290 cases, compared to 244 in 2023). The rate of inadmissibility decisions remained high, although it declined to 59%, down from 69% in 2023. Conversely, the rate of cases in which discrimination was found increased from 12% to 20%. The most frequent form of discrimination in 2024 was direct discrimination (64%), followed by harassment (18%) and indirect discrimination (7%). The most affected areas were the labour market (35%), access to goods and

In 2024, the primary discriminatory trend is centered around gender and sex inequalities, particularly evident in access to employment opportunities and the conditions for participation in the labor market.

services (22%), and other domains (19%). Discrimination was most often based on sex/gender (24%), followed by pensioner status and opinion (14% each), political affiliation (9%), and the status of a reintegrated person (10%). In 2024, the Council issued 104 recommendations and prescriptions. The rate of upheld decisions in finalized court proceedings was 91%.

The report includes a chapter with recommendations for combating discrimination, structured by categories of authorities (Parliament, ministries, agencies, media, employers, etc.). The report was submitted to Parliament, which is required to hold a plenary hearing on it within no more than three months. Following the hearing, Parliament shall adopt a resolution outlining the directions to be pursued by national authorities to ensure equality.

REPORT OF THE JUDICIAL VETTING COMMISSION FOR 2024: HOW LONG DOES THE EVALUATION TAKE?

On 31 March 2025, the Judicial Vetting Commission (the Commission) submitted its [annual activity report](#) to the Parliament of the Republic of Moldova, covering the period from 1 April 2024 to 31 March 2025. According to the document, since the start of its activity, the Commission has received a total of 152 subjects. Among them, 4 passed pre-vetting, 50 either withdrew or resigned, 61 evaluations were completed, and 38 are still ongoing. Of the 61 completed evaluations, the Commission proposed or decided to promote in 40 cases and to fail in 21 cases, reflecting an overall pass rate of 66%.

According to the Commission, the average duration of an evaluation process is six months, with variations ranging from 3–4 months for the fastest proceedings and up to 14 months for the most complex ones. Among the most common reasons for failing the evaluation in terms of financial integrity criteria were substantial discrepancies between income, assets, and expenses. In one case, the value of unjustified assets exceeded 1.5 million MDL. There was also a case involving non-payment of taxes. As regards ethical integrity criteria, the most frequent grounds for failing the evaluation included involvement in arbitrary actions contrary to the case-law of the European Court of Human Rights or violations of national legislation on conflicts of interest. Other breaches included serious violations of codes of conduct and professional ethics, engagement in activities incompatible with the judicial status – such as participation in gambling – and failure to comply with the legal regime on asset declarations.

The annual report also highlights several challenges that affect the efficiency of the evaluation process. Among them is the existence of three separate laws regulating evaluation procedures, which leads to normative inconsistency and legal uncertainty, as evaluated subjects may be evaluated simultaneously or successively under differing criteria. The Commission also reported difficulties in obtaining relevant information due to a lack of cooperation from certain public authorities and private entities, including the Anticorruption Prosecutor's Office

Since the start of its activity, the Vetting Commission has evaluated 152 subjects, of whom 4 had previously passed the pre-vetting, 50 withdrew or resigned, and 61 evaluations were completed. Of these, 40 subjects were promoted, while 21 did not pass the evaluation. Another 38 evaluations are still ongoing.

and other investigative bodies, which excessively invoke “*secrecy of criminal investigations*”. While the Commission respects the principle of confidentiality, it considers that this principle is being applied disproportionately and stresses that certain information may be essential for the evaluation and can be disclosed without compromising ongoing investigations, especially in cases already referred to court.

In the next three months, the Commission will work on 10 pending reports concerning the subjects of the Central Court of Appeal and the evaluation of 28 subjects currently under examination: 6 candidates to the Supreme Court of Justice (SCJ), one candidate to the Selection and Evaluation Board of the SCM, 8 sitting judges of the North and South Courts of Appeal and 13 candidates to these two courts.

DOES THE STATE PAY FOR ITS MISTAKES? NEW RULES ON COMPENSATION IN CRIMINAL AND MISDEMEANOR PROCEEDINGS

On 19 March 2025, LRCM submitted a legal opinion to the Ministry of Justice regarding the [Draft Law](#) on the procedure for compensating damage caused by unlawful acts committed during criminal and misdemeanor proceedings. According to the authors of the draft, the current legal framework is outdated, contains numerous inconsistencies, and requires adjustments to reflect contemporary realities. The new version of the law introduces significant amendments aimed at improving the compensation mechanism for affected individuals.

The most important changes brought by this draft law concern the expansion of the categories of liable subjects for unlawful acts. The new law expressly provides that injured parties may claim compensation not only for unlawful actions committed by prosecutors, police officers, or judges, but also for those committed by the investigative body, administrative commission, or the ascertaining agent. Previously, the right to seek compensation for the actions of these actors was uncertain and often subject to interpretation. In addition, the draft law defines the notions of “*unlawful acts*” and “*being subjected to criminal liability in violation of the law*.” It also proposes to broaden the criteria and grounds that justify compensation in criminal and misdemeanor proceedings, thereby offering greater clarity and predictability in the law’s application.

Among the recommendations submitted by LRCM were the clarification of legal definitions, a clear and structured division between the conditions that allow for compensation claims and the grounds that give rise to such rights, as well as detailed provisions on the moment at which the right to compensation arises. In addition, LRCM recommended adjusting the provisions so that the court examining the compensation claim may assess the unlawfulness of the acts without requiring a prior, separate procedure. This approach would streamline the process and reduce the time needed to obtain compensation.

The new law on the procedure for compensating damage caused by unlawful acts committed in criminal and misdemeanor proceedings will enhance the efficiency of the compensation mechanism for damage resulting from such acts.

LRCM also proposed expanding the categories of compensable damages to explicitly include legal assistance costs, transportation expenses, and medical treatment. This recommendation was based on a study that analyzed court judgments over the past five years, revealing that a significant portion of claimants' requests concerned precisely these types of costs. Another key recommendation focused on simplifying the enforcement procedure for court decisions issued under the new law.

I IN BRIEF

On 4 March 2025, the Ministry of Justice [filed a lawsuit](#) requesting the dissolution of the political party *Şansă*. The request was submitted following an initiative by the Central Electoral Commission (CEC), which called for the party's dissolution due to its failure to comply with legal financial reporting obligations. The *Şansă* party was established in the summer of 2023, shortly after the *Şor* Party was declared unconstitutional. Later that year, the *Şansă* party was excluded from the local election race, facing accusations of illegal campaign financing and vote buying.

On 7 March 2025, the Pre-Vetting Commission [concluded](#) the second resumed evaluation of Judge Ecaterina Buzu of the Orhei District Court, a candidate for the position of member for the Superior Council of Magistracy (SCM). Following the submission of new evidence and explanations to the Supreme Court of Justice (SCJ), the Commission no longer identified serious doubts concerning the candidate's financial integrity. As a result, Judge Buzu successfully passed the evaluation. Initially, the Commission announced that the candidate had failed the evaluation on [4 January 2023](#), citing undeclared bank accounts and the use of an apartment without paying rent. On [30 January 2024](#), it again refused to validate her candidacy, citing unresolved concerns regarding the source of cash deposits into two bank accounts. Both decisions were overturned by the SCJ, which ordered a re-evaluation through its rulings of [1 August 2023](#) and [4 July 2024](#). With this decision, the Pre-Vetting Commission has [completed](#) the resumed evaluation process of the 22 candidates in accordance with the SCJ's decisions of 1 August 2023, 29 January 2024, and 4 July 2024.

On 13 March 2025, the Superior Council of Magistracy (CSM) [announced](#) that the General Assembly of Judges will take place on 11 April 2025 at the Palace of the Republic. During the assembly, a competition will be held for the election of an SCM member from among the judges of the courts of appeal who have passed the vetting. The 2024 activity reports of the SCM, its specialized boards, and the judicial system will also be presented. Furthermore, the Regulations for the functioning of the General Assembly of Judges will be approved, along with amendments and additions to the Code of Ethics and Professional Conduct of Judges.

On 14 March 2025, the Prosecutor General's Office of the Republic of Moldova [announced](#) the arrest in the United Kingdom of the controversial businessman and former politician, Veaceslav Platon, who is under investigation in the criminal

case commonly referred to as the “Laundromat”. The arrest followed an [extradition request](#) submitted by the Prosecutor’s Office on 25 September 2024. According to the Ministry of Justice, British authorities are [expected to review](#) the extradition request by mid-April 2025, and Platon’s asylum application will not prevent the examination of the extradition request. If the request is granted, the extradition will be carried out in accordance with the United Kingdom’s national legislation and international obligations.

On 19 March 2025, Member of Parliament [Alexandr Nesterovschi](#) was [sentenced](#) to 12 years in prison for particularly large-scale passive corruption committed in the interest of an organized criminal group, as well as for the attempted illegal financing of political parties. In addition to the prison sentence, the court imposed a fine of 500,000 MDL and barred him from holding public office for a period of 12 years. The court also ordered the confiscation in favor of the state of USD 35,000, representing the bribe received. Nesterovschi was not present at the sentencing hearing, and a pre-trial detention warrant was issued against him. On 31 March 2025, the Security and Intelligence Service [announced](#) that the Embassy of the Russian Federation in Moldova was allegedly involved in assisting Nesterovschi in evading the enforcement of the sentence.

On 19 March 2025, the Plenary of the Superior Council of Magistracy (CSM) [approved](#) Prosecutor General Ion Munteanu’s request to initiate criminal investigations and conduct searches in the case of four judges suspected of corruption for favoring the resolution of cases in exchange for money or other illicit benefits. The judges involved are Tamara Mereuță, Emil Bulat, and Natalia Berbec Hîncești District Court, and Angela Braga from the Central Court of Appeal. Following [searches](#) conducted by the National Anti-corruption Center (NAC), the judges were [suspended](#) from office. They are currently under investigation for corruption and influence peddling. In the context of the ongoing criminal investigation and the recent [successful vetting](#) of Judge Angela Braga on 13 March 2025 (see details of the hearings in LRCM’s [Newsletter No. 78](#)), the Vetting Commission [noted](#) that although it requested information from various institutions, including the Prosecutor General’s Office, it had not been informed about the procedural status of the judge. The Commission further added that until a final conviction is issued by a court of law, the initiation of criminal proceedings against certain judges does not necessarily constitute grounds for failing the evaluation.

On 24 March 2025, the Supreme Court of Justice (CSJ) published two thematic files on criminal law. The first analyzes the [grounds for appeal](#) under Article 427(1) of the Criminal Procedure Code, in force since 1 September 2023, highlighting the key aspects that appellants must consider when challenging appellate court decisions. It also provides clarifications on the correlation between different grounds for appeal. The second document addresses the [statute of limitations](#) for criminal liability and constitutes an updated version replacing two earlier files. These documents serve as guidance tools for legal professionals, are not legally binding, and are intended to ensure the uniform application of the law.

On 25 March 2025, the Governor of the Autonomous Territorial Unit (UTA) of Gagauzia, Evghenia Guțul, [was detained](#) at Chișinău International Airport,

suspected of illegally financing her 2023 electoral campaign for the position of Governor of the autonomy. On the same day, the National Anti-Corruption Center (NAC) [conducted](#) searches at her former treasurer's office, who is now the deputy mayor of the Orhei municipality, as part of the same criminal case. According to the investigation, Guțul allegedly benefited from illegal funds amounting to 370,000 MDL. On 28 March, the Governor was placed under preventive arrest for 20 days. The Anti-Corruption Prosecutor's Office also announced that it had completed the [presentation of evidence](#) in another criminal case, which was submitted to court in April 2024, in which Guțul is accused of complicity in the illegal financing of the former "Șor" party.

On 25 March 2025, the Superior Council of Magistracy (SCM) [approved](#) 30 seats for the position of judge in the admission competition to the National Institute of Justice (NIJ) for the year 2026. The decision was taken in consideration of the fact that there are currently 120 judicial vacancies: 12 at the Supreme Court of Justice, 63 at the courts of appeal, and 45 at the first instance courts. The SCM also considered the fact that 101 individuals are already registered in the pool of candidates eligible for judicial office. Last year, only 12 candidates passed the NIJ admission competition for judicial training, although 25 seats were available.

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