

GUILTY PLEAS IN CASES OF HIGH-LEVEL CORRUPTION or how some civil servants get away from cases of high-level corruption

In 2016 and 2017, several cases of high-level corruption were brought to court. The cases described below were disposed of with the application of Article 364/1 of the Criminal Procedure Code, which provides for a commutation of prison term by 1/3 and of fine by 1/4 in case of admission of guilt.

In all cases, the judges applied the minimal penalties provided by the Criminal Code, which they subsequently reduced according to Article 364/1 of the Criminal Procedure Code.

In none of the discussed cases, the person has not been convicted of imprisonment with execution.

In three out of the four cases, after pleading guilty, the convicted persons were released from custody on judicial control.

In three out of the four cases, the courts published anonymized versions of their decisions. Only in one case, two decisions – one of the trial court and one of the Supreme Court of Justice – were published in full, whereas the published version of the appellate court decision was also anonymized.

Valeriu TRIBOI, former Deputy Minister of Economy, proposed by DPM, received the minimal penalty with a fine and the ban on holding public offices for the abuse of power when purchasing a room from a public entity subordinated to the Ministry of Economy and obliging another public entity to repair that room on its own expense, after he rented it to that entity.

Iurie CHIRINCIUC, former Minister of Transport and Road Infrastructure, proposed by LP, received the minimal penalty with a fine and the ban on holding public offices for influence peddling and malfeasance in office in the context of the rehabilitation of Route Ialoveni R6-M1.

Igor GAMREȚKI, former chief of the Public Transport and Communications Directorate of Chișinău City Hall, proposed by LP, received the minimal prison sentence, and the Supreme Court of Justice annulled the ban on his holding of public offices imposed for influence peddling by defrauding the tender for the construction of paid parking lots in Chișinău and favoring a foreign company in exchange for the cession of 26% of its share capital in his behalf.

Veaceslav CEBAN, former chief of the State Protection and Guard Service, former chief of the Department of Penitentiary Institutions (DPI), and former Deputy Minister of Home Affairs, received the smallest possible fine for influence peddling by extorting 60,000 euros in exchange for influencing prosecutors to drop a criminal case.

CASE 1: Valeriu TRIBOI,

former Deputy Minister of Economy,
proposed by the Democratic
Party of Moldova

CHARGES:

The purchase of a room for one million Moldovan lei from S. A. Moldtelecom, through intermediaries, which he subsequently rented to S. A. Furnizarea Energiei Electric Nord for ten years. Both entities are subordinated to the Ministry of Economy. After that, by malfeasance in office, Mr. Triboi gave directions to the management of S. A. Furnizarea Energiei Electric Nord to repair the rented property on its own expense, for which four million Moldovan lei were allocated.

DATE OF ARREST

31 March 2017

PREVENTIVE MEASURE:

house arrest

JUDGE AND TRIAL COURT WHO ISSUED THE SENTENCE:

Judge Serghei LAZARI,
Chişinău Court (Buiucani)

DATE OF JUDGMENT:

22 August 2017, the judgment was published, but anonymized

FINDINGS OF THE COURT:

Committing of the crime described by Article 327 (2) letters (b), (b/1), and (c) of the Criminal Code (**malfeasance in office**). Mr. Triboi pleaded guilty.

PENALTIES PROVIDED BY THE CRIMINAL CODE:

1. A fine of 1,000 to 2,000 conventional units (20,000 to 40,000 Moldovan lei, considering that, at the time of the deed, the conventional unit was equivalent to 20 Moldovan lei) or imprisonment for 2 to 6 years.
2. The ban to hold certain positions for a period of 5 to 10 years.

PENALTIES APPLIED BY THE TRIAL COURT:

1. The fine of 750 conventional units, equivalent to 15,000 Moldovan lei (the fine was reduced by $\frac{1}{4}$ since Mr. Triboi pleaded guilty).
2. The ban to hold public offices for 5 years.

Material damage compensated to the state:

2,506,016.76
Moldovan lei

SUBSTANTIATION OF THE PENALTIES BY THE JUDGE:

“Taking into account the defendant’s personality, which poses no threat to society, the mitigating circumstances of his guilt, namely the cooperation in the investigation of the committed crime, the repentance for the committed deeds, the absence of previous liability records, the compensation of the caused material damages, and the absence of aggravating circumstances of the guilt, the court deems it possible to correct and re-educate the defendant without isolation from society”.

COMMENTS:

The judge applied the minimal penalty with a fine, which was reduced by $\frac{1}{4}$, and the ban to hold public offices. The sentence was not challenged in the higher court.

CASE 2:

Iurie CHIRINCIUC,

former Minister of Transport and Road Infrastructure, proposed by the Liberal Party

CHARGES:

The obstruction of two companies responsible for the rehabilitation of Route Ialoveni R6-M1; the requesting of money in exchange for taking a part of the scope of work from the two companies and offering it to affiliated companies; the organization of the construction of an access road without a public tender.

DATE OF ARREST:

[27 April 2017](#)

PREVENTIVE MEASURES:

1. 27 April – 14 July 2017 – pretrial arrest
2. 14 July – 9 August 2017 – judicial control

JUDGE AND TRIAL COURT WHO ISSUED THE SENTENCE:

Judge Serghei LAZARI, Chişinău Court (Buiucani)

DATE OF JUDGMENT:

[9 August 2017, the judgment was published, but anonymized](#)

FINDINGS OF THE COURT:

Committing of the crimes described by (1) Article 326 (2) letters (b) and (d) of the Criminal Code (**traffic of influence**) and (2) Article 327 (2) letter (b) of the Criminal Code (**malfeasance in office**). Mr. Chirinciuc pleaded guilty.

PENALTIES PROVIDED BY THE CRIMINAL CODE:

1. For traffic of influence – a fine of 3,000 to 4,000 conventional units (60,000 to 80,000 Moldovan lei, considering that, at the time of the deed, the conventional unit was equivalent to 20 Moldovan leis) or imprisonment for 2 to 6 years;
2. A fine of 1,000 to 2,000 conventional units (20,000 to 40,000 Moldovan leis, considering that, at the time of the deed, the conventional unit was equivalent to 20 Moldovan leis) or imprisonment for 2 to 6 years;
3. The ban to hold certain positions for a period of 5 to 10 years.

PENALTIES APPLIED BY THE TRIAL COURT:

1. For traffic of influence – 1 year and 4 months of imprisonment in a semi-closed penitentiary (the prison term was commuted by 1/3 because Mr. Chirinciuc pleaded guilty), with release on parole for 1 year.
2. For malfeasance in office:
 - a. The fine of 750 conventional units, equivalent to 15,000 Moldovan leis (the fine was reduced by ¼ since Mr. Chirinciuc pleaded guilty).
 - b. The ban to hold public offices for 5 years.

SUBSTANTIATION OF THE PENALTIES BY THE JUDGE:

“Taking into account the defendant’s personality, which poses no threat to society, the mitigating circumstances of his guilt, namely the cooperation in the investigation of the committed crime, the repentance for the committed deeds, the absence of previous liability records, the compensation of the caused material damages, and the absence of aggravating circumstances of the guilt, the court deems it possible to correct and re-educate the defendant without isolation from society”.

COMMENTS:

The judge applied the smallest possible prison sentence, which he commuted by 1/3, and suspended its execution. The judge also applied the shortest possible period for the ban on holding public offices. The sentence was not challenged in the higher court.

CASE 3: Igor GAMREȚKI,

former chief of the Public Transport
and Communications Directorate of Chișinău
City Hall, proposed by the Liberal Party

CHARGES:

The defrauding of the tender for the construction of paid parking lots in Chișinău and favoring a foreign company in exchange for the cession of 26% of its share capital in his behalf.

DATE OF ARREST:

[25 April 2017](#)

PREVENTIVE MEASURES:

1. 25 April – 24 May 2017 – pretrial arrest
2. 24 May – 4 July 2017 – house arrest
3. 5 July 2017, after the guilty plea – judicial control

JUDGE WHO ISSUED THE SENTENCE:

Galina MOSCALCIUC,
Chișinău Court (Buiucani)

DATE OF JUDGMENT:

[3 August 2017, the judgment was published in full](#)

FINDINGS OF THE COURT:

Committing the crime described by Article 326 (3) letter (a) of the Criminal Code (**traffic of influence**).
Mr. Gamrețki pleaded guilty.

PENALTIES PROVIDED BY THE CRIMINAL CODE:

A fine of 4,000 to 6,000 conventional units (200,000 to 300,000 Moldovan lei) or imprisonment for 3 to 7 years.

PENALTIES APPLIED BY THE TRIAL COURT:

1. Imprisonment for 2 years in a semi-closed penitentiary (the prison term was commuted by 1/3 because Mr. Gamrețki pleaded guilty).
2. The ban to hold public offices for 3 years.

SUBSTANTIATION OF THE PENALTIES BY THE TRIAL COURT:

“The defendant has not been tried before, is not on file with an addiction specialist or psychiatrist, does not have aggravating circumstances according to Article 77 of the Criminal Code, has actively contributed to the investigation of the crime, and sincerely regrets the committed deeds”.

[DECISION OF CHIȘINĂU APPELLATE COURT \(published, but anonymized\)](#)

On 4 October 2017, Chișinău Appellate Court (CAC) admitted Mr. Gamrețki's appeal and decided to suspend his sentence to imprisonment for three years, on the grounds that “he had a higher education, was 38, was married, had two juvenile children, had chances of reintegration, did not pose threat to society, his isolation from society was neither necessary nor fair in relation to his personality and the committed deed, he had not been tried previously for criminal offences, the crime he was accused of was the result of his job duties, the risk of recidivism was low due to the application of the additional punishment in the form of the disqualification to hold public offices for three years, and the defendant posed no threat to society, but for narrow areas”.

[DECISION OF THE SUPREME COURT OF JUSTICE \(the judgment was published in full\)](#)

On 30 January 2018, the SCJ rejected the prosecutors' appeal and admitted Gamrețki's instead. The SCJ overruled the ban on Mr. Gamrețki's holding of public offices on the grounds that: “the defendant Gamrețki was a former classmate of the person for whom the criminal case was severed, had close relations with that person and was to apply influence peddling to that person, which meant that the defendant had not had to hold a public office to be able to commit the charged crime”.

COMMENTS:

The trial court applied the minimal prison sentence, which it commuted by 1/3, and the Supreme Court of Justice annulled the ban on Mr. Gamrețki's holding of public offices.

CASE 4: Veaceslav CEBAN,

former chief of the State Protection and Guard Service, former chief of the Department of Penitentiary Institutions (DPI), and former Deputy Minister of Home Affairs

CHARGES:

Extortion of 60,000 euro to influence prosecutors to drop a criminal case

DATE OF ARREST:

24 June 2017

PREVENTIVE MEASURES:

1. 26 June– 15 July – pre-trial arrest
2. after the guilty plea – judicial control

JUDGE AND TRIAL COURT WHO ISSUED THE SENTENCE:

Judge Serghei LAZARI,
Chişinău Court (Buiucani)

DATE OF JUDGMENT:

30 August 2017, the judgment was published, but anonymized

FINDINGS OF THE COURT:

Committing the crime described by Article 326 (2) letter (b) of the Criminal Code (**traffic of influence**). Mr. Ceban pleaded guilty.

PENALTY PROVIDED BY THE CRIMINAL CODE:

A fine of 3,000 to 4,000 conventional units (600,000 to 800,000 Moldovan lei) or imprisonment for 2 to 6 years.

PENALTIES APPLIED BY THE TRIAL COURT:

The fine of 2,250 conventional units, equivalent to 112,500 Moldovan lei (the fine was reduced by $\frac{1}{4}$ since Mr. Ceban pleaded guilty).

SUBSTANTIATION OF THE PENALTIES BY THE TRIAL COURT:

"Taking into account the defendant's personality, which poses no threat to society, the cooperation in the investigation of the committed crime, the repentance for the committed deeds, the responsibility to keep juvenile children, the young age, the absence of criminal antecedents and of aggravating circumstances of the guilt, the court deems it possible to correct and re-educate the defendant without isolation from society."

COMMENTS:

The judge applied the smallest possible fine, which he commuted by $\frac{1}{4}$.



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This document is published within the framework of the project "Empowering Moldovan Civil Society to Demand Justice", implemented by the Legal Resources Centre from Moldova with the financial support of the US State Department through the International Bureau of Criminal Justice and Law Enforcement of the US Embassy in the Republic of Moldova.