

LCRM – Legal Resources Centre from Moldova

Declaration of the National Platform of the Civil Society Forum of the Eastern Partnership Regarding the situation in the Republic of Moldova

Natalia Șeremet · Sunday, June 9th, 2019

TAKING INTO ACCOUNT the recent political events in the Republic of Moldova;

CONSIDERING the judgments and decisions of the Constitutional Court of 7, 8 and 9 June 2019,

CONSIDERING the Parliament's decisions of 8 and 9 June 2019;

CONSIDERING the major differences between the parliamentary fractions of the Democratic Party of Moldova (PDM) on the one hand, and the Socialists Party of the Republic of Moldova (PSRM), the Political Party Platform Dignity and Truth (PPDA) and the Party Action and Solidarity (PAS), the last two forming the Bloc ACUM, on the other hand;

QUALIFYING as necessary and positive the declarations of the political forces of the Republic of Moldova of 8 June 2019 on maintaining the public order;

POINTING OUT the need for respecting by all political forces, as well as the Constitutional Court and the judicial system, of the legislation, the democratic principles and the rule of law;

UNDERLYING the role of the Constitutional Court as a guardian of the respect of the Constitution and its role to contribute to a proper functioning of the public authorities, separation of powers, checks and balances among these, resolution of political disputes and not their amplification;

RECALLING the Eastern Partnership membership status of the Republic of Moldova and the documents signed with development partners;

BEARING IN MIND the important role of the civil society from Moldova in consolidating the rule of law, sustainable social and economic development of the country, as well as the role of the National Platform of the Civil Society Forum of the Eastern Partnership;

CONDEMNING the manifest deviations from the text and spirit of the Constitution and the procedure of the Constitutional Court in the recent days;

The National Platform of the Civil Society Forum of the Eastern Partnership declares:

We are struck by the manner in which the Constitutional Court acted on 7, 8 and 9 June 2019. The

Constitutional Court has interpreted the 3 month period from which the President of the country can dissolve the Parliament as being equal to 90 days, although any period expressed in months, according to the general legal rule, represents a calendar month. De facto, by this interpretation, the term during which the Parliament can vote laws and appoint a Government, was reduced from 9 June to 7 June 2019. The decision of the Constitutional Court was issued at the end of the working day of 7 June 2019, which is, according to the Court, the day on which the term has expired. The Constitutional Court was requested to decide on this matter back on 22 May 2019, as a matter of priority.

In addition, the Court has interpreted the right of the President of the country to dissolve the Parliament as an obligation, without analyzing if the other conditions imposed by the Constitution (consultation of parliamentary fractions) for dissolving the Parliament had been met. On 8 June 2019, the Constitutional Court issued two judgments declaring unconstitutional the Parliament's decisions on electing the Parliament's Speaker and nominating the Prime-Minister. The judgements were issued in less than an hour from the moment the Parliament's decisions were adopted, which were not yet signed and published. No independent judge can annul an act/document without having seen it. Moreover, the judgments of the Constitutional Court of 8 June 2018 were adopted without hearings and without consultation of the authorities, requirements imposed by the Code of Constitutional Jurisdiction.

On 9 June 2019, at the PDM request from 8 June 2019, the Constitutional Court has suspended the President of the country Igor Dodon from his function, attributing the right to dissolve the Parliament to the ex-Prime Minister, the deputy-president of the PDM, Pavel Filip. This judgment was adopted before 10:30am, in the absence of the authorities and the authors of the request, in a hearing that lasted less than 5 minutes. The hearing was not announced in advance, no information was available about the submitted request. The Constitutional Court has suspended the activity of the President of the country, even if an official request to dissolve the Parliament had not been submitted. Previously, the President Igor Dodon has announced the convening of the parliamentary fractions for 10 June 2019 to discuss the dissolving the Parliament.

The Constitutional Court activity of 7, 8 and 9 June 2019 confirms that it has compromised its constitutional role, acting exclusively in the interest of one political party. [17 NGOs, have expressed their concern about the Constitutional Court in December 2018](#), when three persons (50% of the Court) affiliated to PDM were appointed in a non-transparent manner.

In this context, the National Platform of the Civil Society Forum of the Eastern Partnership:

1. Encourages the Constitutional Court to urgently revise its decisions adopted on 7, 8 and 9 June 2019 and to return to legality. In order to reestablish the trust in the Constitutional Court and stabilize the situation in the country, we encourage all constitutional judges to resign;
2. Calls on all political forces in Moldova to respect the constitutional provisions and act using strictly legal instruments, without destabilizing the socio-political situation;
3. Requests the state institutions and all public officials to respect and act only according to the legal provisions and respect their legal attributions, not to allow interferences or any illegal meddling with their activity;
4. Calls on all citizens of the Republic of Moldova to act calmly, to renounce at hate speech and instigation of violence, while those willing to protest, to do so only peacefully;
5. Recognizes as legitimate the activity of the Republic of Moldova's Parliament of 10th legislature, including since 8 June 2019, which has a full mandate regarding the validation of the results of

the next parliamentary elections;

6. Requests all public central and local authorities' leaders, public officials and state employees to recognize the legitimacy of the Parliament of 10th legislature, of the Government sworn in on 8 June 2019 and collaborate with the authorities legally constituted of the Republic of Moldova for ensuring good governance, deescalating the situation and respecting the will of the people expressed at parliamentary elections of 24 February 2019;
7. Requests the international development partners of Moldova to recognize the legitimacy of the Parliament of 10th legislature, of the Government sworn in on 8 June 2019 and collaborate with the authorities legally constituted of the Republic of Moldova for reestablishing the political dialogue, deescalating the situation and respecting the will of the people of Moldova expressed at parliamentary elections of 24 February 2019.

Romanian version of the declaration can be downloaded [here](#)

English version of the declaration can be downloaded [here](#)

The National Platform of the Civil Society Forum of the Eastern Partnership includes 86 active NGOs from the Republic of Moldova, from areas like good governance, human rights, economic development, environment, energy, youth and social policies, syndicates and employers' unions etc.

The statements of international development partners of Moldova on the political situation in the Republic of Moldova

• **European Union**

(08/06/2019) *“Following the decisions taken by the Parliament and in light of the ensuing developments, the European Union calls for calm and restraint. Democratically elected representatives must find the way forward for the Republic of Moldova through dialogue.”*

Statement available [here](#)

(09/06/2019) *„The European Union takes good note of the decisions taken yesterday by the Parliament of the Republic of Moldova, including on the formation of the government coalition. The European Union stands ready to work with the democratically legitimate government, on the basis of a mutual commitment to reforms and to the core principles enshrined in our Association Agreement. The respect for the rule of law and democracy should remain the pillars of our relations. This is also foremost what the citizens of the Republic of Moldova expect and deserve. In light of the developments following the decisions taken yesterday by the Parliament of the Republic of Moldova, the European Union strongly reiterates its call for calm and restraint. Dialogue between democratically elected representatives must remain the key to finding a solution to the current political crisis.”*

Statement available [here](#)

- **U.S. Embassy Moldova**

(09/06/2019) “*The United States calls on all Moldovan parties to show restraint and to agree on a path forward through political dialogue. The February 24 parliamentary elections were competitive and respected fundamental rights. The will of the Moldovan people as expressed in those elections must be respected without interference. Ensuring a prosperous and democratic future for Moldova and its citizens is a shared goal the United States will continue to support.*”

[Statement available here](#)

- **Council of Europe, Thorbjørn Jagland, Secretary General**

(09/06/2019) “*I am extremely concerned by the latest developments in Moldova. I call on the democratically elected Parliament, the legitimate Government and all political forces to act with restraint and responsibility. Recent decisions of the Constitutional Court are difficult to understand and seem to be arbitrary in the light of the text of the Constitution and of international rule of law standards. In a democratic state everybody must respect the Constitution, in case of uncertainty a good objective advice is always needed. Therefore I decided today in my capacity of Secretary General to request an urgent opinion of the Venice Commission on the latest decisions, including on the conditions of dissolution of the Moldovan Parliament.*”

[Statement available here](#)

- **NATO**

(09/06/2019) “*NATO is following with concern the political crisis in the Republic of Moldova. We call on all political forces in the country to exercise calm and restraint, and to resolve their differences through dialogue, in full respect of the rule of law.*”

[Statement available here](#)

- **OSCE Chairperson-in-Office Miroslav Laj?ák**

(09/06/2019) “*The OSCE Chairmanship is following the political crisis in the Republic of Moldova with great concern. The citizens of the Republic of Moldova need a political solution to the current crisis and stability to ensure the European path of the country.*”

[Statement available here](#)

- **President of Romania, Klaus Iohannis**

(09/06/2019) “*Romania, as a state holding the Presidency of the Council of the European Union and firmly supporting the European path of the Republic of Moldova, appeals to all political forces to respect the democratic process and the will of the citizens expressed through the vote in the elections in February 2019. The citizens of the Republic of Moldova need a politically negotiated solution that will*

ensure their prosperity, continue reforms and strengthen the pro-European path. “

[Statement available here](#)

- **Russian Embassy in the Republic of Moldova**

(08/06/2019) *“We support the efforts of the parliamentary parties to form a functioning coalition and to create a government able to ensure sustainable civil peace and sustainable development of the Republic of Moldova in accordance with established democratic norms.”*

[Statement available here](#)

(10/06/2019) *“Moscow welcomes the formation of a ruling coalition and government in the Republic of Moldova. We are focused on working together with the democratically elected authorities of Moldova to restore mutually beneficial Russian-Moldovan relations in various fields in accordance with the provisions of the Treaty of Friendship and Cooperation of 2001.”*

[Statement available here](#)

- **Canadian Embassy in the Republic of Moldova**

(09/06/2019) *“We encourage all political parties and institutions in Moldova to engage in dialogue to resolve the current impasse. Any resolution should follow international democratic standards, the rule of law, and reflect the democratic will of the Moldovan people.”*

[Statement available here](#)

- **Ministry of Foreign Affairs of Ukraine**

(09/06/2019) *“We invite the political forces in power in the Republic of Moldova to act according to the legal framework, to resolve the disputes through the political dialogue, in order to avoid a power struggle. Important for the country and security in the region is the prevention of external interference aimed at implementing the Russian federalization scenario of the country.”*

[Statement available here](#)

- **Joint declaration of France, Germany, the United Kingdom, Poland and Sweden**

(10/06/2019) *“France, Germany, the United Kingdom, Poland and Sweden have noted with close attention the recent developments in the Republic of Moldova. Following the Parliamentary elections, a democratically elected Parliamentary majority has taken important decisions including the formation of a government. In the current constitutional crisis, we see and support the Parliament of Moldova, as the representative of the people of Moldova, and as the best place to discuss all political issues including controversial ones.”*

[Statement available here](#)

• **Switzerland**

(10/06/2019) “Switzerland welcomed the Parliamentary elections of February 24, which were competitive and generally respecting fundamental rights. The expression of the will of the Moldovan people in those elections must be respected. The Parliament of the Republic of Moldova has decided last Saturday to elect a new speaker and to form a new government. Switzerland is looking forward to continuing the implementation of its development cooperation assistance. Following the latest political development, Switzerland calls all political parties and institutions to engage in a peaceful dialogue to resolve this political crisis. Calm and restraint shall prevail for the benefit of all Moldovans.”

[Statement available here](#)

• Helsinki Commission Chairman Rep. Alcee L. Hastings

(12/06/2019) “I am watching developments in Moldova with concern. Moving the goalpost because one party doesn’t like the outcome of an agreement does not reflect the commitment to democracy we expect to see in an OSCE participating State. I applaud the formation of a democratically legitimate coalition and look forward to supporting the Euro-Atlantic aspirations of the Moldovan people.”

[Statement available here](#)

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