



## Declaration

National Platform of the Civil Society Forum of the Eastern Partnership

Regarding the situation in the Republic of Moldova

9 June 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 10<sup>th</sup> 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 10<sup>th</sup> 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 10<sup>th</sup> 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.

*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.*