

## NEWSLETTER

NO. 28 | OCTOBER – DECEMBER 2020

## GOOD GOVERNANCE

THE REPUBLIC OF MOLDOVA HAS A NEW PRESIDENT,  
BUT NO GOVERNMENT

[On 1-15 November 2020](#), two rounds of elections for the President's Office took place in the Republic of Moldova. With 57.72% of the votes obtained in the second round, the president of the Action and Solidarity Party, Maia SANDU, won the race. On 10 December, the CCM validated the election results and the inauguration of the new President was set for 24 December 2020.

On 22 December, the Government led by Ion CHICU announced the resignation of several state secretaries. The chief of the government staff and the head of the General Inspectorate of the Border Police also resigned. The next day, [Prime Minister Ion CHICU also announced his resignation](#), motivating his decision by the need to set snap parliamentary elections off. According to [Article 85 of the Constitution of the Republic of Moldova](#), there are two ways to dissolve the Parliament and trigger snap elections. The first is blocking legislative activity for at least three months and the second is the impossibility of forming a Government after at least two failed attempts.

Ion CHICU stated that he will be acting Prime Minister only until 31 December 2020. After his resignation, the entire Government resigned and a new Government had to be appointed. On 1 January 2021, the Minister of Health, Labour and Social Protection, Minister of Finance, and Minister of Economy and Infrastructure also resigned.

The acting Government does not have full powers. According to [art. 103 of the Constitution](#), the resigning Government is only in charge of managing public affairs and only until a new Government is appointed. The Prime Minister will normally have to exercise these powers until a new Government is sworn in. Given that Chicu refused to do so, the supreme law provides for the appointment of the acting Prime Minister from the remaining ministers. On 31 December, Aurel CIOCOL, Minister of Foreign Affairs in the Chicu Government, was appointed acting Prime Minister.

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It is not clear however who will hold the ministers' offices vacated on 1 January and how the executive branch will function until a new Government is appointed. To resolve this blockade, President Maia SANDU filed [a motion with the Constitutional Court \(CCM\)](#) requesting it to annul the provisions of the [Law on Government](#)

AFTER THE ELECTION  
OF MAIA SANDU  
AS PRESIDENT OF THE  
REPUBLIC OF MOLDOVA,  
SEVERAL MINISTERS  
SUDDENLY RESIGNED AND ION  
CHICU REFUSED TO SERVE  
AS ACTING PRIME MINISTER

that limit the President and the resigning Government in the exercise of their powers. Specifically, the motion refers to the limitation of the right of the President and the acting Government to reshuffle staff and the right of the acting Government to sign international treaties. The complaint has not yet been examined yet.

## THUNDER SPEED VOTING AND BLOCKING OF THE ROSTRUM – DECEMBER 2020 PARLIAMENT'S SITTINGS AND THE INTERVENTION OF THE CONSTITUTIONAL COURT

On 3 December 2020, the Parliament of the Republic of Moldova had [a less ordinary sitting](#). The MPs of the PSRM, Șor Party and Pentru Moldova Group included on [the agenda](#) several controversial bills. Among them were the [draft law on the functioning of languages spoken in the Republic of Moldova](#), a project meant to restore a privileged status of the Russian language, [the draft law on amending the Law on Security and Intelligence Service \(SIS\)](#), transferring SIS subordination from President to the Parliament, as well as [the draft law that cancels the sale of the Republican Stadium land](#) to the US Embassy in Chisinau. In addition, PSRM MPs proposed [amending the audiovisual legislation](#), to reduce the volume of national media productions distributed by broadcasters and to exclude the ban on broadcasting foreign propaganda programmes.

Many of the items were registered in the parliament [less than 72 hours before the vote](#), which meant that the procedures requiring consultation and approval by Parliamentary committees were violated. PAS, PPDA and the Democratic Party MPs proposal to postpone the vote, given the Government's lack of approval and anti-corruption expertise, was dismissed by the Parliamentary majority. In protest, the PAS and PPDA MPs blocked the rostrum of the Parliament and the sitting of the Parliament was interrupted. Cordons were made by the opposition to prevent the PSRM and Șor MPs from accessing the central rostrum to present the draft laws. They quickly read the reports of the Legal Committee and voted on all the above-mentioned draft laws.

On 16 December 2020, the Parliament's sitting continued at a similar pace. The Parliamentary majority PSRM-ȘOR-Pentru Moldova proposed and voted in both readings a bill annulling [the Law on payment obligations of the Ministry of Finance for](#)

[bank fraud](#) (Stolen Billion Law), [amendments to the law on pensions](#) to bring back the retirement thresholds of 57 years for women and 62 years for men, as well as the [amendment of the legislation on the National Integrity Authority \(NIA\)](#), making its operation more difficult.

Opposition MPs went to the Constitutional Court, challenging most of the drafts adopted on 3 and 16 December 2020. The Constitutional Court [suspended the effect](#) of amendments to the ANI Act, the Stolen Billion Law and the Law cancelling the sale of Republican Stadium land. On 21 January 2021, [the Constitutional Court declared unconstitutional](#) the amendments to the Law on the functioning of languages spoken on the territory of the Republic of Moldova. The Court has ruled, inter alia, that the preferential treatment of the Russian language in comparison with the other languages of ethnic minorities and its position at the level of the state language is contrary to Article 13 of the Constitution, which refers to the state language.

On 7 and 23 December 2020, the National Platform of the Eastern Partnership Civil Society Forum [publicly condemned](#) the abuses committed by not complying with the legal procedures for promoting bills proposed by the parliamentary majority PSRM-ȘOR-Pentru Moldova. The Platform found that the procedure for adopting laws of major importance for the economic, social and information security of the country was blatantly violated. According to the Platform, the sitting of the Parliament resembled an understanding between clans with obscure interests, which endanger relations with the US, EU and Romania, cover corruption schemes, undermine state security, split society and stimulate separatism and federalization of the country.

## VLADIMIR TURCAN'S MOTION FOR REINSTATEMENT AS PRESIDENT OF CONSTITUTIONAL COURT WAS REJECTED

On 23 April 2020, Vladimir ȚURCAN [was dismissed](#) from the office of President of the Constitutional Court based on the vote of no confidence by the majority of CCM judges (see details on the election of judge Țurcan in [LRCM Newsletter no. 23](#)). During the 'President answers' show of 10 April 2020, President Igor DODON stated that he had a telephone conversation with the President of the CCM regarding the suspension of a law adopted by the Chicu Government. During that discussion, Țurcan allegedly informed President Dodon that four members of the CCM voted for the suspension, while he did not. Four days later, Țurcan [confirmed](#) that he indeed had that telephone conversation with President Dodon.

The CCM judges found that the conversation between the President of the CCM and the President of the country about the decisions of the CCM is an interference that affects the authority of the Constitutional Court. The CCM also noted that Țurcan behaved in a manner that did not exclude undue influence, nor did he ensure the secrecy of vote and removed him from the position of President of the CCM. The dismissal was requested by judges Liuba ȘOVA and Nicolae ROȘCA. On the same day, the CCM adopted a decision [electing](#) judge Domnica MANOLE as President of the CCM for a three years term.

Țurcan submitted a prior request to the CCM for annulment of the CCM decisions of 23 April 2020. On 18 May 2020, the CCM [declared this application inadmissible](#), stating that, according to the law, CCM judgments are final, cannot be challenged and enter into force on the date of their adoption. In addition, the election of the President of the CCM is a constitutional responsibility of the CCM and is related to its right to self-governance.

Țurcan filed in court an administrative dispute complaint and requested the suspension of the execution of the two decisions of the CCM of 23 April 2020. He claimed that the reason for his dismissal – 'expression of no confidence' – is

not provided by law. On 29 June 2020, the Chisinau District Court, Riscani office examined the Țurcan's request for suspension. The Court considered that it was competent to examine the request, as the CCM decisions of 23 April 2020 are administrative acts. The court concluded that these acts issued by the Constitutional Court are subject to appeal in accordance with the provisions of the Administrative Code. However, the judge rejected the request to suspend the CCM decisions, on the grounds that maintaining the functional stability of the CCM prevails over the individual interest of Țurcan, especially since elections are supposed to take place this year.

According to art. 140 para. (2) of the Constitution, "The judgements of the Constitutional Court are final and cannot be challenged." On 9 July 2020, CCM [interpreted](#) art. 140 para. (2) of the Constitution and decided that the 'judgements' from art. 140 para. (2) of the Constitution includes all types of acts of the Court. They are final and cannot be challenged. The CCM noted that the only way to verify and amend the Court's judgments is to review them, which is the sole responsibility of the CCM. Judge Vladimir ȚURCAN had [a separate opinion](#).

CCM – THE ACTS OF  
THE CONSTITUTIONAL  
COURT CANNOT  
BE CHALLENGED IN  
ORDINARY COURT

The CCM challenged the decision of the Chisinau District Court of 29 June 2020 on the grounds that it was paving the way for appealing CCM judgments in common-law courts. On 12 October 2020, the Chisinau Court of Appeal [quashed the decision](#), citing the arguments of the CCM judgement of 9 July 2020. Judge Ecaterina PALANCIUC issued [a separate opinion](#). According to it, the CCM's appeal had to be declared inadmissible.

On 1 December 2020, the Chisinau District Court Riscani office examined the merits of judge Țurcan's motion for annulment of the CCM decisions of 23 April 2020. The Chisinau District Court [declared the application inadmissible](#), citing the arguments of the CCM judgement of 9 July 2020.

## JUSTICE

### THE REVISION OF THE CONSTITUTIONAL PROVISIONS REGARDING THE JUDICIAL SYSTEM WAS ENDORSED BY THE CONSTITUTIONAL COURT

On 3 December 2020, the Constitutional Court [approved](#) the draft law for the revision of the Constitution related to the judiciary. The opinion was issued [at the request of the Government](#). The draft law covers three aspects – the status, appointment and immunity of a judge, the financing of the judiciary, and the role, composition and competence of the Superior Council of Magistracy (SCM).

The draft law proposes to repeal the existing five-year term for appointment of judges and proposes a one-time appointment until they reach the age limit. Likewise, the appointment of judges of the Supreme Court of Justice (SCJ) will be made by the President and not by Parliament, as it

is now. Regarding the second aspect, the Government and the Parliament will have to consult the opinion of the SCM when developing and amending the budget of courts. Most of the changes were made to the composition of the SCM. It will be composed of 12 members – six judges from all levels of courts, elected by the General Assembly of Judges, and six highly-reputable jurists elected by Parliament in a transparent manner. All members will be appointed for six years, without the possibility of holding two terms. The ex-officio members, the President of the SCJ, the Minister of Justice and the Prosecutor General will be excluded from the SCM. The draft law can be adopted by Parliament only six months after its registration in Parliament.

### FIVE MEMBERS OF THE SCM INSIST THAT THE SCM DO NOT TAKE DECISIONS BEHIND CLOSED DOORS

On 28 September 2020, five members of the Superior Council of Magistracy (SCM) – law professors, signed [a statement](#) expressing their disagreement with the lack of transparency in the activity and decision-making process of the SCM. The signatories also expressed their disagreement with the SCM's practice of adopting decisions 'in deliberation', i.e., behind closed doors, even though deliberation is not provided by law. The SCM uses

'deliberations' to take decisions about the career, discipline and dismissal of judges.

The signatories of the declaration consider that the adoption of decisions by the SCM behind closed doors is outdated and that the judges and the whole society must know how the members of the SCM voted. Excessive secrecy takes away from the credibility and image of the SCM and substantially affects people's trust in the judiciary.

### SCM MEMBER – A JUDGE WAS ACCIDENTALLY PROMOTED TO THE SCJ

On 22 September 2020, the Superior Council of Magistracy (SCM) held a contest to promote judges to the Supreme Court of Justice (SCJ). The SCM [proposed](#) that five judges be promoted to the SCJ: Anatolie MINCIUNĂ and Oxana ROBU from the Chisinau Court of Appeals and Ghenadie PLĂMĂDEALĂ, Nicolae ȘOVA and Aliona MIRON from the Chisinau District Court. They were rated by the SCM as the best after evaluating their performance, experience and standing at the interview organized by the SCM.

Shortly after announcing the results, SCM member Elena BELEI stated that she had accidentally voted for Judge Aliona MIRON and requested this vote to be withdrawn. This means that the candidate would have been rejected, given that eight votes were needed to promote the candidate to the SCJ and, without Belei's vote, judge Miron would have only got seven. According to judge Belei, 11 members with the right to vote

attended the SCM's meeting; they were entitled to give the maximum vote for nine of the 15 candidates entered in the contest. And judge Belei made a technical mistake, giving her vote to 10 candidates.

On 6 October 2020, judge Belei's request to cancel her vote [was rejected by the SCM](#). The judges of the Chisinau District Court came with a [public reaction](#), reproaching the revision of the vote cast by Elena BELEI. They mentioned that the revocation of the vote for Judge Miron discourages judges from participating in competitions and seriously affects their trust in the SCM.

As of December 2020, the Parliament has not appointed any of the five proposed judges. [Eleven vacancies](#) at the SCJ are still to be filled.

## THE JUDGES' RETIREMENT SYSTEM WILL CHANGE ON 1 JULY 2021

Currently, any judge who has reached the age of 50, has a service record of 20 years, of which at least 12 years and 6 months as a judge, can claim a special pension. It starts at 55% of their salary and, for judges with over 23 years of service, can reach up to 80%. On 4 December 2020, the Parliament adopted a [draft law](#) providing for the gradual raising of the retirement age for judges from 1 July 2021 and the setting of standard retirement age of 63 starting with 2046 (see details on judges' pensions in the [LRCM Newsletter no. 25](#)).

The project also provides for the gradual increase of work experience, specifically for seniority in the position of judge, starting with 1 July 2021, to obtain the right to a special pension. Thus, seniority in general work will increase by six months each year until it reaches 34 years in 2048. Seniority in the position of a judge will also increase by six months until it reaches 15 years in 2025.

The Government [endorsed](#) the raising of the retirement age

PARLIAMENT RAISES THE  
RETIREMENT AGE FOR  
JUDGES, BUT RETAINS  
THE ALLOWANCE PAID  
FOR THE HONOURABLE  
RETIREMENT OF JUDGES

for judges. The Superior Council of Magistracy [expressed its disagreement](#). In January 2021, the SCM [challenged](#) the law in the Constitutional Court, but [the motion was rejected](#). The SCM considered that the reform of judges' pensions significantly diminishes the social guarantees of judges and that this is an attack on their independence. The CCM dismissed this argument, noting that the judges' special pensions have not been cancelled and that the minimum size of the judges' pension ensures a decent living.

In 2017, the CCM declared unconstitutional the provisions by which the special pension of judges was annulled (for details, see [LRCM Newsletter no. 15](#)).

The draft law registered in the Parliament also provided for the annulment of the single payouts for the dismissal of judges. The allowance is equal to the multiplication of the number of years served as a judge and to 50% of their salary when leaving the system. It is offered to the judges at the honourable retirement from the system. Parliament did not support the cancellation of the allowance.

## ANTICORRUPTION

### AT MIDNIGHT, PARLIAMENT AMENDED THE LEGISLATION TO MAKE NIA'S OPERATION MORE DIFFICULT

On 4 December 2020, a group of Socialist MPs registered a [bill](#) to amend [the Law on the National Integrity Authority](#) (NIA). On December 16, 2020, at a night session, the project was adopted in both readings with the vote of PSRM, "Șor" Party, "Pentru Moldova" Platform MPs.

The amendment reduced the time limit for carrying out NIA controls from three years to one year, introduced short deadlines for the application of sanctions and created confusion regarding the time limit for challenging NIA acts. The draft law also limited the dismissal of the civil servant base on NIA's decision to one year from the time the deed was committed. On 10 December 2020, NIA [issued a statement](#)

reiterating its concern about this project, as it blocks inspectors from working properly and reduces NIA's efficiency.

On 22 December 2020, the amendments to the NIA Law entered into force ([Law 244/2020](#)). The controls started by NIA until the draft law would enter into force were to be continued according to the provisions of the new law. The haste with which the amendments were voted unmasks the intentions [of some MPs](#) to avoid sanctioning based on NIA acts. On 21 December 2020, a Member of Parliament asked the Constitutional Court [to declare Law 244/2020 unconstitutional](#). On the same day, the CCM [suspended the law](#) pending the examination of the motion.

## HIGH-PROFILE CASES

### SEVERAL CRIMINAL CHARGES HAVE BEEN BROUGHT AGAINST VLADIMIR PLAHOTNIUC

Former PDM leader Vladimir PLAHOTNIUC fled the Republic of Moldova in June 2019. Shortly after that, he was seen in the United States of America, but left a few months later. According to the information provided by the General Prosecutor's Office, he entered Turkey, where he currently resides.

The General Prosecutor has asked the Turkish authorities [to extradite Plahotniuc](#) in order to stand prosecution in the Republic of Moldova. The request has not been answered yet. Meanwhile, [prosecutors requested to seize](#) Plahotniuc's properties in Romania, Switzerland and France, estimated at MDL 160 million.

On 11 August 2020, the Chisinau District Court ordered to release the financial assets of LLC "Bass Systems", currently LLC "S&T IT Services", valued at app. EUR 450,000, which prosecutors claim to have links with Vladimir

PLAHOTNIUC. The assets were seized by the Chisinau District Court Ciocana office on 6 November 2019. The court mentioned that LLC "S&T IT Services" had no status in the criminal case against Plahotniuc and that freezing of the assets violates the company's rights. The Anti-Corruption Prosecutor's Office challenged the decision to the Chisinau Court of Appeals.

On 22 October 2020, the General Prosecutor's Office [launched a criminal case against the "National Lottery of Moldova"](#). According to the Prosecutor General, under the influence of the former Democrat leader, the decision-makers from the Ministry of Economy and Public Property Agency favoured a small circle of people to take over the gambling business, which is state monopoly. Through a public-private partnership, in 2017-2019, the state budget lost about MDL 400 million in revenues.

### POSTPONEMENTS, REINSTATEMENT AND PAYS FROM THE STATE TO THE JUDGES SUSPENDED IN THE "RUSSIAN LAUNDROMAT"

The "[Russian Laundromat](#)" case, which resulted in the laundering of at least USD 20 billion through Moldovan courts, remains unfinished. Four years later, none of the 14 judges accused of involvement in the scheme was convicted or acquitted. Seventy per cent of the scheduled meetings in these cases were postponed. The postponements were initially justified by the examination of the constitutionality of art. 307 of the Criminal Code ([the phrase "with grave consequences" in this article was declared unconstitutional](#)), by the fact that the judges dealing with the case were on leave, by the prosecutors not showing up at the hearing, or by the fact that the prosecutors did not ensure the presence of witnesses.

Meanwhile, nine of the 14 accused judges have left the judiciary 'honourably' with a special judge's pension and

substantive retirement allowance. In October 2020, the other five suspended judges were cleaned of charges concerning money laundering, because their actions did not meet the elements of the crime. They [asked the SCM](#) to be reinstated and [to be paid their salary for the period of 'forced absence'](#) from office. On 27 October 2020, the SCM [accepted the request of the judges](#) and decided to reinstate them in office, even if they remain accused under art. 307 Criminal Code for the adoption of manifestly unlawful decisions. According to our estimates, the state should pay at least MDL one million to each judge.

THE SCJ ORDERED  
THE REINSTATEMENT OF  
THE JUDGES AND THE  
PAYMENT OF THE SALARY  
FOR THE ENTIRE PERIOD  
OF SUSPENSION FROM  
OFFICE, EVEN IF THEY  
REMAIN CRIMINALLY  
CHARGED

According to an [analysis](#) conducted by IDIS Viitorul, the courts played an important role in the "Russian Laundromat". They issued decisions on the collection of funds from Russian companies in favour of offshore companies.

## HUMAN RIGHTS

### 2020 – MOLDOVA REMAINS AS ONE OF THE TOP COUNTRIES WITH THE HIGHEST NUMBER OF APPLICATIONS TO THE ECtHR

On 31 January 2021, the LRCM released the [analytical note](#) concerning the Republic of Moldova at the European Court of Human Rights (ECtHR) in 2020. The LRCM analysis was undertaken based on the [ECtHR Activity Report](#) and the analysis of the [ECtHR jurisprudence](#) on Moldovan cases.

Although in 2020 the ECtHR received the lowest number of applications against Moldova in the last 12 years (523), Moldovans still turned to the ECtHR three times more often than the European average. In relation to the country's population, Moldova ranked 9<sup>th</sup> out of the 47 member states of the Council of Europe. Given that confidence in the judiciary has not changed significantly in 2020, it appears that the drop is due to the declining popularity of the ECtHR, as well as to the pandemic.

As of 31 December 2020, the ECtHR has issued 473 judgments in Moldovan cases, of which 32 in 2020. In this

respect, Moldova ranked 7<sup>th</sup> out of 47 countries. In its 32 judgments, the ECtHR found 50 violations of the European Convention on Human Rights.

Moldova was most often convicted for the way judges and prosecutors applied the law. The most common types of violations found by the ECtHR so far in Moldovan cases are non-enforcement of judgments (old violations), ill-treatment, inadequate investigation of ill-treatment and death, detention in bad conditions, arbitrary detention and unlawful quashing of judgments. Based on all judgments and decisions issued until 31 December 2020, the Republic of Moldova was obliged to pay over EUR 19.2 million (EUR 2,102,675 in 2020).

As of 31 December 2020, 1,054 Moldovan claims were still waiting to be examined by the ECtHR, 95% of them with high chances of success.

### A SUBCOMMITTEE FOR THE CONTROL OF THE EXECUTION OF THE ECtHR DECISIONS WILL BE ESTABLISHED IN THE PARLIAMENT

On 20 November 2020, the draft law on the creation of the [subcommittee for the Parliamentary control](#) of the execution of the decisions of the European Court of Human Rights (ECtHR) and the decisions of the Constitutional Court was voted in final reading with the vote of 78 MPs. The Subcommittee will act within the Legal Committee. A representative of the parliamentary opposition will be elected chairman of the subcommittee, while its nominal and numerical composition will be approved by the Legal Committee.

The Subcommittee will continuously monitor the enforcement of ECtHR and CCM judgments and will promote necessary normative acts for their enforcement. The subcommittee will also hear and request information from the authorities responsible for drafting and implementing measures to

comply with ECtHR and JCC judgments. The activity of the subcommittee will be detailed by a Regulation approved by Parliament decision, which is currently being developed.

The establishment of such a subcommittee should boost efforts to implement ECtHR judgments. On one hand, it will put pressure on the executive to put more effort into enforcing the Court's judgments. On the other hand, the subcommittee will hear the representatives of the judiciary on the systemic or repetitive issues arising from the judgments of the Strasbourg court. Moldova is among the countries with [the highest number of complaints submitted to the ECtHR per capita](#). Most judgments are repetitive, i.e., they refer to violations found by the ECtHR previously. This implicitly confirms that Moldova is not making sufficient efforts to enforce ECtHR decisions.

## THE REMOVAL OF FOREIGNERS FROM THE COUNTRY WITHOUT COMMUNICATING THE GROUNDS IS CONTRARY TO THE CONSTITUTION

On 13 November 2020, the Constitutional Court [declared unconstitutional](#) the provisions of the [Law on the Status of Aliens](#) which refer to the impossibility of the undesirable alien for reasons of national security to know the reasons for that decision (art. 55 para. 3 and art. 56 para. 2). Provisions for the expulsion of an alien for reasons of national security in a State where his life may be endangered or subjected to torture, inhuman or degrading treatment (art. 60 para. 4 and art. 63) have also been declared unconstitutional. para. 4). The CCM also declared unconstitutional the provision of the Administrative Code (art. 225 para. 3) which limits the competence of the courts to control the proportionality

of individual and normative administrative acts containing state secrets.

The Constitutional Court asked the Parliament to amend the law and ruled that, until the relevant amendments are made, the decision to declare an alien as an undesirable for reasons of national security must contain a summary of the grounds, to effectively give them the right to defend themselves. The case originated as [a request submitted](#) by Dumitru ALAIBA, MP. He was represented before the Constitutional Court by Vladislav GRIBINCEA, the Executive Director of the LRCM.

## CIVIL SOCIETY

### CONSTITUTIONAL COURT – MEDIA NGOS MAY BROADCAST ELECTION ADVERTISING FOR A FEE

In October 2020, the Constitutional Court [ruled](#) that the text “provide services and/or” in Article 6 para. (5) of the [Law on Non-Commercial Organizations is constitutional](#). The decision of the Court comes to clarify the [complaint](#) filed in July 2020 by the PAS MP Sergiu LITVINENCO. That provision prohibited NGOs from providing any paid services to election candidates, even if the costs are declared, paid from the electoral fund and its cost corresponds to the market value. This provision prevented media organizations registered as NGOs (eg TV8, Ziarul de Garda and other local newspapers) from disseminating election advertising for a fee.

The Constitutional Court has ruled that NGOs can provide these services to electoral contenders during the

election campaign, without declaring the text of this article unconstitutional. The Court could not identify relevant reasons justifying the prohibition on the provision of onerous services only to NGOs. The Court noted, inter alia, that the prohibition on providing paid services to electoral contenders during the election campaign unjustifiably and discriminatively restricts the property rights of non-profit organizations, which is contrary to Articles 16 and 46 of the [Constitution](#).

The Court [asked](#) the Parliament to clarify in Article 6 para. (5) of the Law on non-profit organizations that, during the election campaign, NGOs should be prohibited only from providing services free of charge, not paid ones.



## ATTACKS ON CIVIL SOCIETY AND INDEPENDENT MEDIA BECAME PART OF THE PRESIDENTIAL CAMPAIGN

The presidential election campaign was overshadowed by an attack on independent media and civil society by a PSRM MP. Bogdan ȚÎRDEA, a socialist MP, launched on 21 October 2020 his new book at a press conference. The 'book' presents false and defamatory allegations concerning the activity and financing of NGOs and independent media from the Republic of Moldova. Țîrdea used techniques characteristic to totalitarian regimes such as portraying NGOs as the enemy of the people, cultivating fear and distrust towards NGOs, defaming civil society and its leaders associating them with scandals that have discredited the political class, etc. Although the author claimed to have conducted scholarly research of the entire Moldovan civil society, he did not refer to the Moldovan politicians' so-called 'charitable foundations' that were used to promote them in electoral campaigns.

The attacks were immediately picked up by the PSRM-affiliated media – over 60 articles were distributed on the day of the press conference alone. The launch of the book was announced by President Igor DODON and was made on the day an independent [journalistic investigation](#) into President

Dodon's involvement in actions that could be classified as treason was published.

More than 100 non-governmental organizations from the Republic of Moldova [expressed their concern](#) about the attack, defining it as the harshest, most complex and assumed attack launched by a Moldovan politician against civil society. The head of the Delegation of the European Union in Chisinau, Peter MICHALKO, [said](#) he was 'dismayed by the harsh, unfounded and malicious attacks'.

MP Țîrdea stated that he will continue his 'research'. On 11 December 2020, President Igor DODON [stated](#) that the NGO Law needs to be amended, as it leaves room for external influences on Moldova's domestic policy, citing the example of Hungary. The same speech was given by PSRM politicians and PSRM-affiliated media on the eve of the adoption in 2020 of the Law on non-commercial organizations. It is not clear whether these statements reflect the real intention of the PSRM, or they are used to gain political capital on the eve of possible snap parliamentary elections.

## IN BRIEF

**From July to December 2020**, 18 lawyers and trainee lawyers strengthened their knowledge in the field of media law, to provide skilled and timely services to journalists from the Republic of Moldova. They received training in a program organized by the [Legal Resources Centre from Moldova](#) in collaboration with the [Independent Journalism Centre](#). The programme covered such topics as principles of freedom of expression, defamation and defence of honour and dignity and privacy, access to information of public interest and protection of personal data, relations between the press and the Audiovisual Council, and the privileges of journalists in criminal and misdemeanour proceedings. The program took place within the '[Institutional Support for Organizational Development](#)' project implemented by LRCM and funded by Sweden.

**On its 10<sup>th</sup> anniversary**, the Legal Resources Centre from Moldova proposed to support Moldovan students who promote democratic values, are dedicated to civic activism and have achieved exceptional results in their studies. LRCM launched

the [LRCM Merit Scholarship](#), 2020-2021 edition. In addition to the financial component, the scholarship includes participation in a series of training sessions and events for professional growth organized by the LRCM and an internship within the LRCM. Silvia BOGONOVSKI, USM 'Human Rights' Master's student, got the scholarship.

**On 16 October 2020**, former MP Iurie BOLBOCEANU, accused in 2017 of treason and sentenced to 14 years in prison, [was acquitted](#) by the Chisinau District Court after prosecutors dropped the charges. Bolboceanu spent two years and three months in detention. Earlier, on 17 March 2017, three years after leaving the parliamentary group of the Democratic Party of Moldova, [Iurie BOLBOCEANU was arrested](#) for espionage and treason while providing information 'of national interest' to the Defence Attaché Assistant of the Russian Embassy in Chisinau. On 13 March 2018, Iurie BOLBOCEANU was sentenced by the Chisinau District Court to 14 years in prison for treason, but in 2019 the case was sent for retrial by the Chisinau Court of Appeals.

On 6 November 2020, the [Council for Equality](#) found that Judge Mariana CURTIȘ, a mother of four, had been discriminated against by the SCM. The judge has already requested twice that the SCM transfer her from Taraclia to the Chisinau District Court. The SCM refused in both cases, without providing any reasons. During the interview for the promotion to Chisinau District Court, the members of the SCM asked judge Curtiș only questions about her maternity leave and her time in the actual office, while other judges were not asked such questions, although they were also parents. At the moment, Curtiș is a judge at the Cahul District Court, Taraclia headquarters, having to travel about 300 km daily to get to work. The SCM challenged the decision of the Council for Equality.

## ABOUT LRCM

**Legal Resources Centre from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.**

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