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<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>BEM</td>
<td>&quot;Banca de Economii din Moldova&quot; Bank</td>
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<td>NBM</td>
<td>National Bank of Moldova</td>
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<tr>
<td>ECHR</td>
<td>European Court of Human Rights</td>
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<td>NAC</td>
<td>National Anticorruption Center</td>
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<tr>
<td>CC</td>
<td>Criminal Code of the Republic of Moldova</td>
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<tr>
<td>CPC</td>
<td>Criminal Procedure Code of the Republic of Moldova</td>
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<tr>
<td>SCJ</td>
<td>Supreme Court of Justice</td>
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<td>SCM</td>
<td>Superior Council of Magistrates</td>
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<tr>
<td>MoI</td>
<td>Ministry of Interior</td>
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<tr>
<td>APO</td>
<td>Anticorruption Prosecution Office</td>
</tr>
<tr>
<td>PCCOCS</td>
<td>Prosecutor's Office for Combating Organized Crime and Special Cases</td>
</tr>
<tr>
<td>PDM/PD</td>
<td>Democratic Party of Moldova</td>
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<tr>
<td>GPO</td>
<td>General Prosecutor's Office</td>
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<td>PL</td>
<td>Liberal Party of Moldova</td>
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<tr>
<td>PLDM</td>
<td>Liberal Democratic Party of Moldova</td>
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<tr>
<td>PN</td>
<td>Partidul Nostru (Our Party)</td>
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<tr>
<td>PSRM</td>
<td>Party of Socialists of the Republic of Moldova</td>
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<tr>
<td>RM</td>
<td>Republic of Moldova</td>
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<tr>
<td>SIS</td>
<td>Security and Intelligence Service</td>
</tr>
<tr>
<td>NIA</td>
<td>National Integrity Authority</td>
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</table>
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2. The political trajectory of Vasile Botnari, former SIS director
3. The Bahamas case during the rule of the PSRM
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5. APO conceals discontinuation of criminal investigation of Laundromat judges
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12. Dilemma: Can the prosecution start criminal proceedings based on media reports?
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EXECUTIVE SUMMARY

The report “Monitoring the Selectivity of Criminal Justice in Moldova (2020–2021)” is the second of its kind. It was developed following the first monitoring exercise in 2019 and is based on an updated monitoring methodology as part of the “Mobilizing civil society to support judicial integrity in the Republic of Moldova” project, implemented by the Lawyers for Human Rights Association with the financial support of Freedom House.

“Selective justice” is defined in the monitoring methodology as “justice making choices and setting differences between the subjects of justice, even though it is expected to be fair and apply the law equally to all.” The findings of the first monitoring suggested that the political politicization of justice was the primary factor contributing to its selectivity. The developments in the last two years have shown, however, that the selectivity of justice can be influenced not only by political interests, but also by the interests of influence groups from the private sector or even the criminal underworld. More specifically, selective justice practices are seen as the result of the abnormal collaboration between the judiciary and influence groups of any kind (political, business, or from the criminal underworld).

The monitoring sample covered by this report includes 43 criminal cases, 28 of which were at the stage of trial proceedings and 15 at the stage of pre-trial investigation. The monitors had access to 331 court hearings held in relation to 25 of the cases. Half of the monitored hearings were related to only three of the cases – those of Viorel Morari, Veaceslav Platon and Ilan Sor.

The report reveals that, compared to the previous monitoring period, apolitical persons under investigation no longer seek to join a political party or to get closer to the parties in power in the hope of solving their justice problems. However, a few cases were identified in which the proximity of the subjects to the governing party coincided with the issuance of favorable rulings in their cases. Finally, unlike the previous monitoring period, none of the monitored subjects complained of political pressure to join the ruling parties by threats to have criminal proceedings initiated against them, nor were there any allegations of politically-motivated cases. On the other hand, the criminal prosecution authority avoided investigating incidents involving representatives of the ruling party that were perceived by the public to evidence political corruption. Without conducting an investigation into those incidents, the Prosecutor General decided that there was no ground for criminal prosecution.

The report also points to multiple indications that the Prosecutor General’s Office (PGO) and courts were subjected to influence from interest groups. Such influence could be noticed in the public communications of the PGO and Prosecutor General, as well as in the differentiated attitude and decisions of the criminal investigation authority and courts in connection with criminal cases involving representatives of certain interest groups compared to other similar criminal cases. A novelty of this monitoring period was the list of 38 allegedly politically-motivated cases announced by the Prosecutor General. The criteria for their selection are not yet clear.

The existence of selective justice criteria was tested against the hypotheses of selectivity both in public communication and in the ongoing criminal proceedings. These practices were verified by observing and analyzing the public communication, the replies to the information requests, and the monitoring records.

The main hypothesis of selectivity in public communication was that the subjects affiliated with the interest group influencing the judiciary enjoyed a friendly approach from the justice sector actors, in particular from the PGO and Prosecutor General. The monitoring findings confirm that public communication by the criminal investigation authorities was accentuated when the institution sought to exonerate a person against whom it had dropped charges, while there was relatively little communication when it decided to close criminal cases.
A related assumption the report examines was whether or not the institution's attitude towards opponents of the interest group with influence on the justice sector was hostile. It was noted that the Prosecutor General ignored the principle of presumption of innocence in relation to them; the public communication on their cases was accentuated both at the criminal investigation and court examination stages, and there was no official communication when the cases were closed for lack of evidence or for missing the investigation deadlines. Both selectivity hypotheses are beneficial to the group that has influence on the justice sector and, therefore, indirectly prove the existence of such undue influence and selective justice practices.

Although the number of cases about which the PGO officially informed the public through press releases or press conferences increased significantly compared to the previous monitoring period (when information was mostly obtained from unofficial sources), the PGO's communication was clearly biased, betraying a benevolent approach towards certain cases and subjects under prosecution or court examination and less benevolent approach towards others. It should be noted that no case was reported during the monitoring period in which the press learned about a criminal case from the politicians in power.

More than two thirds of the monitored cases had been previously investigated by journalists. However, reference to journalistic investigations is made in 14 percent of the monitored cases. In most cases, the criminal investigation authority initiated criminal proceedings with considerable delays, acting apparently either when politically convenient or to the benefit of the interest groups influencing justice.

In most of the monitored cases, the press was informed either through official press releases or from its informal sources about the place and time of the subject's arrest or appearance before a judge due to an arrest warrant. It was noted, however, that those cases involved the subjects that are hostile to the interest groups influencing justice and the information about their upcoming apprehension was sent to the most-watched independent TV channels.

All the defendants covered in this report were tried in a state of freedom and had the opportunity to communicate with the press. The court's attitude towards journalists was also positive. Some of the requests of the defendants' lawyers to ban the press from attending trials were rejected by judges.

The main hypothesis of selectivity in the criminal process was that the subjects of criminal investigations aligned with groups influencing justice, including from the ruling parties, benefited from certain leniency during criminal proceedings compared to the subjects with competing interests.

The monitoring revealed cases with similar circumstances, but different procedural approaches: the prosecutor's inconsistent approach to initiating criminal investigation into alleged illicit enrichment based on the integrity reports prepared by the National Integrity Authority (NIA) or into an issue that is perceived by the public to have a criminal nature based on media reports; different judicial resolutions to similar cases involving identical crimes; the Prosecutor General's request to suspend sentencing before the review of cases was completed. Such differentiated approaches betray a milder treatment of persons allegedly affiliated with an interest group or the ruling party.

Additionally, the monitoring identified accomplices in the offences imputed to the subjects of monitoring who were not targeted by any criminal investigation or against whom the investigation was ceased and they were treated as prosecution witnesses.

At the trial stage, the information about court hearings was not always published and there were also cases of misinformation about the place where the hearing was to take place.

In almost 40 percent of the monitored cases, the trial participants filed recusal motions, which the court constantly rejected. In this regard, a less common situation was noticed — a plaintiff representing interest
groups kept filing recusal motions apparently trying to delay an unfavorable decision, while the same person, in another lawsuit in which he was a defendant, requested no recusal apparently being sure of a favorable decision. In general, most of the recusal motions intended to delay decisions which were likely to be unfavorable to the party requesting recusals.

Fifty six percent of the monitored court hearings were postponed, resulting in trial delays. The monitoring confirmed the assumption that the examination of cases that were likely to have a positive outcome for defendants affiliated with businessman Veaceslav Platon’s interest group progressed rapidly, despite the multitude of participants in the cases and the changing of judges. However, when the judgement was likely to be positive for defendants causing problems for the abovementioned interest group, the examination was delayed for reasons attributable to the court, prosecutors or plaintiff. Finally, the reverse assumption also turned out to be true – examination was delayed, almost always for reasons attributable to defendants, in cases where defendants were affiliated with an influential interest group or the ruling party and an unfavorable judgement was likely.

Cases of intimidation of judges were also reported. Such intimidation came from prosecutors, who either publicly threatened to start criminal proceedings against them if they issued decisions that would be unfavorable to Platon’s interest group, or did initiate criminal proceedings against judges after the latter refused to apply pre-trial custody measures. In one case, judges showed solidarity, as the Association of Judges released public statements and complained to the Superior Council of Magistrates (SCM). In another case documented by the Security and Intelligence Service (SIS) and not included in the monitoring, representatives of Platon’s interest group allegedly intimidated a judge as noted in a civil case involving the interest group.

Even if the monitoring revealed actions and public communications which could compromise the observance of the procedural rights of the participants in criminal proceedings and displayed elements of ethical or disciplinary violations by prosecutors and, in particular, the Prosecutor General (violation of the presumption of innocence, lack of respect for the judicial authority and res judicata, failure to take a stand against violations of law, failure to report the violations that became known while holding office), none of the members of the Superior Council of Prosecutors, its Disciplinary and Ethics Board, or the Prosecutorial Inspection took action to investigate potential ethical violations. Moreover, the current arrangements laid down in the Code of Ethics of a Prosecutor, approved through the Decision of the General Assembly of Prosecutors no.4 of May 27, 2016, do not include any accountability arrangements for the oversight of the PGO, specialized persecution offices and/or territorial prosecution offices for potential ethical violations.
I. INTRODUCTION

A number of events have influenced the Moldovan justice sector and the phenomenon of selective justice since Vladimir Plahotniuc's oligarchic government (PDM) was ousted from power in 2019. These events included the ACUM Bloc's short time in power in 2019, the PSRM and PDM left-wing coalition in 2020, and the appointment of a new Prosecutor General for a seven-year mandate. The latter made a commitment to stop the practice of fabricating and initiating politically motivated criminal cases. In November 2020, Maia Sandu won the presidential election and replaced former President Igor Dodon. In July 2021, as a result of the early parliamentary elections, Maia Sandu's PAS Party won a majority of parliamentary seats. Between the change of the President and the election of a new Parliament, the government dominated by PSRM and Sor Party MPs resigned, causing uncertainty not only in relation to the country's pandemic response, but also for the future of judicial reforms. Such was the political and pandemic context in Moldova from 2019 through 2021 during which important developments in the justice and prosecution sectors took place.

In 2019, the ACUM-PSRM alliance declared that the judiciary system was under the illegal and unconstitutional control of the former PDM oligarchic government. Then Prime Minister Sandu urged the members of the SCM to address corruption within their ranks, threatening otherwise to reform the institution from above. In a bid to ensure the support of the government, the SCM initiated a number of resignations among high level judges. However, this happened in such haste that proper compliance with legal procedures was not possible. Some of the judges unsuccessfully tried to call an Extraordinary General Assembly (the first in Moldova's history) in order to dismiss the entire SCM membership. Following this apparent failure of the system to reform itself, the government announced that it would cleanse the system by subjecting judges to external evaluation. This reform process halted, however, when the Sandu Government was dismissed.

At the end of 2019, Alexander Stoianoglo was appointed as the new Prosecutor General. He promised that the PGO would no longer initiate investigations of politically-motivated cases and would cleanse the system of "Plahotniuc's prosecutors" who terrorized the business community and politicians. He also committed to prioritizing the bank fraud investigation and publicly shared a list of 38 allegedly politically-motivated criminal cases at various procedural stages (from the prosecution stage through the execution of sentences) he intended to revisit. The new Prosecutor General immediately set out to implement these plans by carrying out reviews of the two specialized prosecution offices – the Anticorruption Prosecution Office (APO) and the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS) – which resulted in the suspension and prosecution of the heads of these bodies. Throughout this period, the multiple press conferences and statements made in TV studios suggested that the Prosecutor General and the suspended Anticorruption Prosecutor were at loggerheads.

Initially, public opinion appeared to be in favor of the Prosecutor General. Over time, however, the discrepancy between Stoianoglo's strongly-worded speeches and the apparent lack of any response to a number of high-profile corruption scandals involving the PSRM government have gradually led to disappointment among the public. Aware of the importance of the bank fraud case, the Prosecutor General entered into cooperation with Veaceslav Platon, who promised to assist the PGO in promptly recovering the stolen billion for which he (Platon) was sentenced to 18 years in prison. Furthermore, the PGO was obliged to revisit Platon's case by a court ruling. Platon was released from prison even before the completion of the review process conducted by PCCOCS (bestowed with such authority by the Prosecutor General), based on a court ruling that came in response to Prosecutor General's request to suspend Platon's sentence. In the end, Platon was acquitted. After his release, less and less was heard about the speedy recovery of the stolen money. Instead, the press wrote quite a bit about the civil proceedings for the recovery of the assets that had been confiscated from him in the aforementioned case. In the meantime, in other criminal cases, the procedural situation of those
within Platon’s entourage began to improve. Shortly after the parliamentary elections in July 2021, Platon left the territory of Moldova and has not returned since. At present, he is a wanted person.

Because the Prosecutor General used the promise not to start criminal proceedings in politically-motivated cases as a pretext to refuse to initiate such proceedings against PSRM – which was targeted in large-scale media scandals, including the case of the bag which PDM leader Vladimir Plahotniuc tried to hand to President Igor Dodon and the Russian funding of PSRM via the Bahamas – and has been constantly praised by PSRM proponents, he has gradually come to be seen as amenable to the PSRM. In 2021, given the numerous public speeches made by Prosecutor General in support of Platon, the many suspected the PGO headed by Stoianoglo of adopting a friendly approach towards Platon. For example, the Prosecutor General announced that the evidence used for the conviction of Platon for the billion theft was fully fabricated. Stoianoglo also noted the absence of any offence in the case of the Russian Laundromat, contradicting the media reports that indicated that money laundering via the Platon-controlled Moldincombank totaled over 20 billion dollars and involved judges who recognized the fictitious debts of Moldovan citizens to companies and individuals in the Russian Federation in frivolous lawsuits.

Thus, over the last two years, the public perception that justice continues to be selective does not seem to have changed in spite of prosecutors’ refusals to investigate politically-motivated cases. On the contrary, the PGO’s apparently favorable attitude towards PSRM and active involvement in the fate of Platon’s cases continue to fuel these concerns.

I.1 What is selective justice?

In the first monitoring report selective justice was defined as *justice making choices and setting differences between the subjects of justice, even though it is expected to be fair and apply the law equally to all.*

Justice actors are the investigation officers, prosecutors and judges. The perception that justice is selective is driven by the discriminatory behavior of these actors, especially when they support an interest group that has influence on judicial decisions — a political party, government, business group, oligarchic, criminal or other kind of groups.

The most common questions regarding the status of defendants who are in comparable situations are:

- Why were criminal investigations initiated in some cases criminal investigations, while in others they are not?
- Why do trial proceedings proceed swiftly for some defendants and take much longer for others?
- Why are liberty deprivation measures imposed against one person pending trial, while not against another?
- Why are trials public in some cases and closed in others?
- Why do some defendants receive much harsher punishments than others?
- Why were goods of high value seized/confiscated in some cases, while in others, goods of a very low value were seized/confiscated?
- Why are court judgements enforced immediately in some cases, while, in others they are postponed until the final adjudication of the case in the higher court?
I.2 Methodology of monitoring the selectivity of justice

This report is based on a monitoring methodology developed at the beginning of 2019, as part of the "Mobilizing Civil Society to Support Judicial Integrity in the Republic of Moldova" project, implemented by the Lawyers for Human Rights’ Public Association, with the support of Freedom House. The methodology was revised to improve the monitoring in the period of June 1, 2020 – June 30, 2021. The mixed monitoring teams included lawyers and journalists, who monitored 43 criminal cases by virtue of their resonance, regardless of whether or not they were sensitive for certain interest groups. The monitoring covered both the criminal investigation and court examination stages.

Although several justice monitoring projects have been implemented in Moldova, LHR’s unique monitoring methodology resulted in the following improvements to previous efforts:

a) Media issues relating to selective justice were monitored in parallel with legal issues during the investigation and adjudication of the monitored cases.

b) Cases were monitored in their entirety (by virtue of their public resonance) rather than only in court hearings.¹

The report provides an analysis of the findings of the monitoring of court hearings, media reports, public statements made by the justice actors and the interest groups that influence justice.

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¹ The monitoring findings are detailed in separate case and court hearing monitoring sheets, the templates of which are provided in chapter 4 of the 'Methodology for Monitoring the Selectivity of Criminal Justice', Chisinau, 2019.
I.3 Sample of monitored cases

The monitoring targeted 43 criminal cases, including both cases that are sensitive to the interest groups that influence justice and other high-profile cases that could not be reasonably deemed as sensitive to certain interest groups that influence justice.

Based on a brief analysis of the political and justice sector developments, the 43 monitored cases can be grouped as follows:

- Politically sensitive cases
- Cases that are sensitive for Platon's interest group
- Cases that do not affect interest groups

**Politically sensitive cases**

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Description</th>
<th>Political Interest</th>
<th>Selectivity Assumption</th>
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<tbody>
<tr>
<td>1</td>
<td>The case of the former PDM leader Vladimir Plahotniuc (bank fraud)</td>
<td>Vladimir Plahotniuc is the former PDM leader, whose name is directly associated with the phrases “oligarchic regime” (a name given to the PDM government before 2019) and “captured state” (a name give to the ACUM-PSRM Parliament). After fleeing Moldova following the PDM’s loss of power in June 2019, Plahotniuc was charged by the APO in absentia in the bank fraud case. An arrest warrant followed and he was included on the international wanted list. Given that the monitoring covers in particular the period of the PSRM-PDM-Sor Party rule and that there is evidence of Plahotniuc corrupting Dodon (the Black Bag incident), all political influences seem to have been in his favor.</td>
<td>favorable</td>
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<td>2</td>
<td>Case no. 1 of the former Prime Minister Vlad Filat (bank fraud)</td>
<td>Vlad Filat is the former leader of PLDM. The PLDM opposed the PDM with which it had once ruled in a coalition The PDM is no longer in power and in Parliament.</td>
<td>neutral</td>
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<tr>
<td>3</td>
<td>Case no. 2 of the former Prime Minister Vlad Filat (bank fraud)</td>
<td>neutral</td>
<td></td>
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<tr>
<td>4</td>
<td>The case of the former MP Chiril Lucinschi (bank fraud)</td>
<td>Chiril Lucinschi is a former MP from the PLDM. The PLDM opposed the PDM with which it had once ruled in a coalition. The PDM is no longer in power and in Parliament.</td>
<td>neutral</td>
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<td>5</td>
<td>The case of MP Ilan Sor (bank fraud)</td>
<td>Ilan Sor is a MP and leader of the Sor Party, which was at one time in a coalition with the PDM government. From November 2019 to July 2021, the Sor Party was in a coalition with PSRM.</td>
<td>favorable</td>
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<td>6</td>
<td>The case of former Chisinau Mayor General Dorin Chirtoaca (the parking case)</td>
<td>Dorin Chirtoaca is the leader of the PL, which was not in power during the monitoring period. After the PL was ousted from government in April 2017, it joined the opposition to PDM. However, after it lost its seats in Parliament and the possibility to influence government, it seems to no longer play much of a political role.</td>
<td>neutral</td>
</tr>
<tr>
<td>No.</td>
<td>Case Description</td>
<td>Political Interest</td>
<td>Selectivity Assumption</td>
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<td>7</td>
<td>Case no. 1 of the professional athlete and former MP Constantin Tutu</td>
<td>The PDM is no longer in power and in Parliament. In the monitoring period a group that split from PDM ruled the country alongside the PSRM. Tutu was not in that group.</td>
<td>neutral</td>
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<tr>
<td>8</td>
<td>Case no. 2 of the professional athlete and former MP Constantin Tutu</td>
<td></td>
<td>neutral</td>
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<td>9</td>
<td>The case of the former NBM Governor Dorin Dragutanu</td>
<td>Dorin Dragutanu managed NBM when the bank fraud happened. Filat, the then leader of PLDM, Plahotniuc, the then leader of PDM, and Ilian Sor, the current leader of Sor Party and former administrator of BEM involved in the “Theft of the Billion,” also participated in the fraud.</td>
<td>favorable</td>
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<td>10</td>
<td>The case of the former SIS Director Vasile Botnari, involved in the kidnapping and illegal expulsion of Turkish teachers</td>
<td>Vasile Botnari was previously a supporter of the PDM. Later, however, he was often seen with people who were close to PSRM. He managed the SIS during the PDM government (May 2018 – June 2019) and was responsible for the illegal kidnapping and expulsion of Turkish teachers at the request of the Erdogan regime, which was in good relations with PSRM and PDM leaders – Dodon and Plahotniuc.</td>
<td>favorable</td>
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<td>11</td>
<td>The case of the former PDM MP Iurie Bolboceanu, charged with treason</td>
<td>Iurie Bolboceanu was previously a PDM MP. He quit the party and disclosed the schemes of PDM financing from the state-owned enterprise Metalferos. Bolboceanu was charged during the PDM government with treason for collecting and sending classified information to Russian special services. During the monitoring period, the Bolboceanu case was included on Alexandr Stoianoglo’s list of politically-motivated cases and the prosecution dropped the charged after revisiting it.</td>
<td>favorable</td>
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<td>12</td>
<td>Metalferos case</td>
<td>The embezzlement at Metalferos was allegedly used to illegally finance PDM and PSRM. The case was monitored during the joint PSRM – PDM government, before the early parliamentary elections in July 2021.</td>
<td>favorable</td>
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## I. INTRODUCTION

<table>
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<tr>
<th>No.</th>
<th>Case Description</th>
<th>Political Interest</th>
<th>Selectivity Assumption</th>
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<tbody>
<tr>
<td>13</td>
<td>Bahamas case (financing of PSRM from the Russian Federation)</td>
<td>Selectivity investigation into the allegations of large-scale money laundering involving a company owned by a PSRM MP, which had received bank transfers from an off-shore company in Bahamas, was initiated in 2016 under the PDM government. In 2019, during the rule of the PSRM-ACUM government, the APO initiated a new criminal investigation into the allegations of illegal financing of PSRM based on publicly released video footage of the then leader of PDM Vladimir Plahotniuc handing a black bag apparently with money to Igor Dodon, then informal leader of PSRM, to pay party members. The APO jointly investigated the two cases, but upon the appointment of the new Prosecutor General at the beginning of 2020, the two cases were split again. In the monitoring period, the country was ruled by the PSRM.</td>
<td>favorable</td>
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<td>14</td>
<td>The case of the money bag for financing PSRM</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>15</td>
<td>The case of the Sor Party MPs Reghina Apostolova and Marina Tauber (the &quot;Theft of the Billion&quot; case)</td>
<td>In 2019, after the removal of the PDM government and the establishment of a ACUM-PSRM majority, the Prosecutor General requested the Parliament to waive the immunity of two MPs – Reghina Apostolova and Marina Tauber – from the then opposition Sor Party, so that a criminal investigation into alleged large-scale fraud and money laundering committed in the interest of an organized criminal group (the &quot;Theft of the Billion&quot; case) could be carried out. In October 2020, shortly before the PSRM built an informal coalition with the Sor Party, the APO announced it dropped the charges against the two MPs.</td>
<td>favorable</td>
</tr>
<tr>
<td>16</td>
<td>The case of illegal privatization of Air Moldova company</td>
<td>Earlier journalistic investigations showed that the beneficiary of Air Moldova’s privatization was Ilan Sor and that the money for the privatization came from the insurance Company Moldasig, which was under Platon’s control. The criminal case was initiated in 2019, when the Sor Party was in the parliamentary opposition. Later, in 2020, the Sor Party joined PSRM forces in the government.</td>
<td>favorable</td>
</tr>
</tbody>
</table>

**Sensitive cases for Platon’s interest group, which is generally perceived as influencing justice (at least by influencing Prosecutor General)**

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Description</th>
<th>Interest of Platon Group</th>
<th>Selectivity Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>17</td>
<td>Case no.1 on the review of Veaceslav Platon’s involvement in the bank fraud</td>
<td>The interest group seeks to secure the acquittal of Platon in the bank fraud case in which he was convicted.</td>
<td>favorable</td>
</tr>
<tr>
<td>18</td>
<td>Platon Case no. 2 (Moldasig)</td>
<td>The interest group seeks the re-trial of the case in which Platon was convicted for active bribery and fraud in connection with the Moldasig insurance company.</td>
<td>favorable</td>
</tr>
</tbody>
</table>
## I. INTRODUCTION

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Description</th>
<th>Interest of Platon Group</th>
<th>Selectivity Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>19</td>
<td>The case of Laundromat judges – Liliana Andrias</td>
<td>The interest group seeks the acquittal and/or termination of the proceedings against the judges accused of involvement in the laundering of about USD 20 billion from Russia through the Moldovan banking system, in particular through Moldincombank (controlled at that time by Platon).</td>
<td>favorable</td>
</tr>
<tr>
<td>20</td>
<td>The case of Laundromat judges – Ghenadie Birnaz</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>21</td>
<td>The case of Laundromat judges – Garri Bivol</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>22</td>
<td>The case of Laundromat judges – Valeriu Gisca</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>23</td>
<td>The case of Laundromat judges – Gheorghe Gorun</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>24</td>
<td>The case of Laundromat judges – Serghei Gubenco</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>25</td>
<td>The case of Laundromat judges – Iurie Hirbu</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>26</td>
<td>The case of Laundromat judges – Gheorghe Marchitan</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>27</td>
<td>The case of Laundromat judges – Mihail Moraru</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>28</td>
<td>The case of Laundromat judges – Stefan Nita</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>29</td>
<td>The case of Laundromat judges – Serghei Popovici</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>30</td>
<td>The case of Laundromat judges – Aurica Us</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>31</td>
<td>The case of Laundromat judges – Iurie Hirbu</td>
<td></td>
<td>favorable</td>
</tr>
<tr>
<td>32</td>
<td>The case of the Moldincombank employee Olga Punga</td>
<td>The interest group seeks the re-examination of the case in which former Moldincombank employee, Olga Punga, was criminally convicted for large-scale fraud.</td>
<td>favorable</td>
</tr>
<tr>
<td>33</td>
<td>The case of the former Chair of Victoriabank Board, Natalia Politov-Cangas</td>
<td>The interest group seeks the conviction of the former Chair of Victoriabank Board for fraud and money laundering. Veaceslav Platon claimed in several public appearances to have been illegally deprived of his Victoriabank shares. At that time, Politov-Cangas was the bank’s administrator.</td>
<td>unfavorable</td>
</tr>
<tr>
<td>No.</td>
<td>Case Description</td>
<td>Interest of Platon Group</td>
<td>Selectivity Assumption</td>
</tr>
<tr>
<td>-----</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>34</td>
<td>The case of the Chisinau International Airport concession</td>
<td>After Platon publicly threatened to demand an insolvency order for “Avia Invest” – the company that manages the Chisinau International Airport – and threatened to demand its placement under state control because of a debt that a Sor-affiliated company had to Moldasig, Sor and Platon signed through intermediaries a dispute settlement agreement in 2021, providing for a re-payment schedule until August 2022. This agreement with the Platon interest group points to a likely favorable trajectory for the case.</td>
<td>favorable</td>
</tr>
<tr>
<td>35</td>
<td>The case no.1 of Viorel Morari, former Chief Prosecutor of the APO (backdating of Plahotniuc’s allegations against Platon)</td>
<td>Platon is recognized as an injured party in this case. He claims that Morari instructed a subordinate prosecutor to backdate the criminal investigation against him based on Plahotniuc’s false report against Platon to the Romanian government’s Directorate for Investigating Organized Crime and Terrorism (DIICOT). Platon claims that those allegations led to his conviction in the bank fraud case and caused him material losses amounting to USD 300 million and a moral damage of MDL 1 million. The conviction of Morari for abuse and forgery in the investigation of criminal cases against Platon benefit Platon as he can use it for his defense in other criminal cases against him and use it to seek restitution from the state for damages caused by the criminal investigation.</td>
<td>unfavorable</td>
</tr>
<tr>
<td>36</td>
<td>The case no.2 of the former Chief Prosecutor of APO, Viorel Morari (illicit enrichment)</td>
<td>The interest group seeks to discredit the former head of the APO who investigated the cases against Platon. This would allow Platon to claim his innocence in all the cases against him and those close to him.</td>
<td>unfavorable</td>
</tr>
</tbody>
</table>
### I. INTRODUCTION

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Description</th>
<th>Interest of Platon Group</th>
<th>Selectivity Assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>The case no. 1 of the former APO prosecutor, Roman Statnii (abuse and fraud committed by the former management of Natur Bravo company)</td>
<td>Roman Statnii led the criminal investigation in a case in which charges were brought against the former managers of Natur Bravo (the Kheyman brothers) who pleaded guilty and were convicted for multiple frauds that brought the company to the brink of bankruptcy. One of the Kheyman brothers, Evghenii, was allegedly connected to the offshore Bahamas-based financing of the PSRM. After the personnel changes in the PGO, Kheyman filed a lawsuit against the current administrator of Natur Bravo (who had first reported him to the PGO) and Statnii for having deprived him of his property by forcing him to pay for the damages caused by the offences he admits to have committed. The plaintiff in this case is Kheyman. However, proof of the allegations that the APO managed by Morari committed abuses against business people would benefit Platon's interest group. As Prosecutor Statnii was considered to be on &quot;Morari's team,&quot; potentially charging Morari for complicity in this case would seem to benefit Platon's interest group. Additionally, the plaintiff in Statnii's case is a member of the Economic Council of former President Dodon and was allegedly involved in the Bahamas-based offshore financing of PSRM. Platon was released during the rule of the PSRM government, which is why this case appears to be of interest both to Platon and PSRM – two parties that have been treated leniently by the Prosecutor General.</td>
<td>unfavorable</td>
</tr>
<tr>
<td>38</td>
<td>The case of the APO prosecutor Mihai Ivanov (corruption charges against Ciocana Office prosecutors)</td>
<td>Prosecutor Mihai Ivanov led the criminal investigation against two prosecutors from Ciocana Office, which was headed at the time by the current Deputy Prosecutor General Ruslan Popov. The two prosecutors allegedly asked for a bribe worth EUR 200,000 from some businessmen – who also suspected Ruslan Popov's involvement – in exchange for a favorable ruling in their (businessmen) case. Although initially they pleaded guilty, similarly to the Statnii case, after the change of Prosecutor General who appointed Ruslan Popov as deputy Prosecutor General, the prosecutors charged for bribery reported prosecutor Mihai Ivanov claiming he had forced them to plead guilty and that the case evidence had been fabricated. Platon's group's interest in this case rests in validating that the APO headed by Viorel Morari committed abuses against business people. Moreover, Platon's group also is interested in potentially charging Morari for complicity in this case, as Ivanov was considered to be on &quot;Morari's team&quot;. Other circumstantial interests in this case are related to Ruslan Popov's personal interests.</td>
<td>unfavorable</td>
</tr>
</tbody>
</table>
Cases that do not affect the interest groups

<table>
<thead>
<tr>
<th>No.</th>
<th>Case Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>39</td>
<td>The case of the judges allegedly involved in corrupt practices to cover up medical negligence (Victoria Hadirca, Svetlana Tizu, Ludmila Ous, Liubovi Brinza, Galina Moscalciuc)</td>
</tr>
<tr>
<td>40</td>
<td>The case of Oleg Sternioala, former Deputy President of the SCJ (illicit enrichment, money laundering)</td>
</tr>
<tr>
<td>41</td>
<td>The case of Ion Druta, former President of the SCJ (illicit enrichment)</td>
</tr>
<tr>
<td>42</td>
<td>The case of Judge Oleg Melniciuc (illicit enrichment)</td>
</tr>
<tr>
<td>43</td>
<td>The case of former Chief Prosecutor of PCCOCS (illicit enrichment)</td>
</tr>
</tbody>
</table>

Including these cases in the monitored sample does not mean that the targeted persons are guilty of the allegations against them, or that they should not be held liable under law. These cases were selected because they met the selection criteria established for monitoring: they refer to violations of the criminal legislation, the subjects have political affiliation, and the cases are high-profile cases. The monitoring was aimed at detecting any indications of potential deviations and/or differentiated approaches, which speak to the lack of independence of the PGO and the judicial system rather than the fact that their initiation was illegal.

Twenty-eight (65 percent) of the 43 cases were already under judicial examination in court during the monitoring, while the other 15 cases (35 percent) were still at the criminal investigation stage. A total of 331 court hearings took place over the twelve-month monitoring period on the 28 cases that were under judicial examination. In those 28 cases, none of the 30 defendants pleaded guilty and requested to be tried based on the evidence collected during the prosecution stage (art. 364/1 CPP). Thus, the general procedure was applied to the trial. Of the 28 monitored cases which were under court examination, two were examined behind closed doors (Vasile Botnari and Valeriu Gasca), while no court hearing was held in one of the cases (Iurie Bolboceanu).

Almost half (49.2 percent) of the court hearings monitored between June 2020 and June 2021 related to three monitored cases: Morari case no. 1 – 57 hearings, Platon case no. 1 (re-trial) – 55 hearings, and Ilan Sor case – 51 hearings.

**Share of open court hearings on 26 monitored cases**

<table>
<thead>
<tr>
<th>Share (%)</th>
<th>Court Hearings</th>
</tr>
</thead>
<tbody>
<tr>
<td>17.2%</td>
<td>Morari 1 case</td>
</tr>
<tr>
<td>16.6%</td>
<td>Platon 1 case (re-trial)</td>
</tr>
<tr>
<td>15.4%</td>
<td>Ilan Sor case</td>
</tr>
<tr>
<td>50.8%</td>
<td>Other 23 monitored cases</td>
</tr>
</tbody>
</table>


II. JUSTICE AND INTEREST GROUPS

The challenges in the Moldovan justice system and lack of any major progress in the investigations and trials of high-profile figures have become of major interest to Moldovan public over the past year. Featuring prominently in the presidential election campaign in the fall of 2020, the themes of the fight against corruption and the cleansing of the judiciary of inappropriate influences from politicians and business interest groups brought victory to Action and Solidarity Party (PAS) candidate Maia Sandu. Later, these messages were used in the election campaign for the early parliamentary elections in July 2021 and delivered 63 seats in the Parliament to PAS.

The timing selected for this report coincided with multiple changes in the political arena and in the judiciary. During the monitoring period, the ruling PSRM changed its coalition partners twice – first it governed alongside the PDM and afterwards it formed an undeclared coalition with the Sor Party and the Pentru Moldova group that had split with the PDM. The justice sector went through changes as well, including the appointment of a new Head of Chisinau Court of Appeal, a new acting President of the Supreme Court of Justice, and a new Prosecutor General.

The developments in the Moldovan political arena and in the justice sector since June 2020 have shown that the phenomenon of selective justice may be driven not only by political interests, but also by the interests of business groups or even criminal groups.

Therefore, the selective justice practices should be seen as the result of an abnormal relationship between the justice sector and different influence groups (political, business or criminal).

Politicians seek to influence the judiciary in order to gain or stay in power. As the ruling parties try to build a good image of themselves in the eyes of voters so as not to lose power, the criminal cases opened against their representatives can negatively affect their results in elections. This is also true for the opposition parties that seek to gain power.

By keeping the judiciary under its control, the ruling parties want to ensure that their representatives involved in illegal practices will be treated with condescension and that the existing criminal cases against the members of their parties will stay out of public notice. On the other hand, such control offers them instruments to ensure strong leverage over criminal cases against the opposition, which reduce the latter’s electoral rating.

The influence groups seek to make the judiciary subservient to their interests in order to keep their businesses afloat and maintain control over financial flows, acquire or regain assets, businesses or financial flows which have been taken away from them by other business interest groups or political groups, or to destroy their competitors.

The control over the judiciary by politicians or influence groups is often difficult to prove, as it is hidden from the public eye. Nevertheless, it has external manifestations which shape the actions taken by law enforcement entities, prosecutors and judges in favor of those who influence justice (either by starting criminal investigations, turning a blind eye to certain illegal practices, or by revisiting or closing a criminal case).
II.1. Identifying selective approaches in justice

Consequently, selective justice can be either favorable or unfavorable to the subjects who influence justice.

<table>
<thead>
<tr>
<th>Manifestations of selectivity favorable to political subject:</th>
<th>Manifestations of selectivity unfavorable to political subject:</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The subject is affiliated with the interest group which influences justice;</td>
<td>- The subject is a political rival or the rival of the interest group which influences justice;</td>
</tr>
<tr>
<td>- The subject changes political affiliation in favor of the interest group that influences justice;</td>
<td>- The subject has quit the party or the interest group which influences justice;</td>
</tr>
<tr>
<td>- An unaffiliated subject becomes a member of the interest group that influences justice.</td>
<td>- The subject has changed political or business affiliation in favor of a competing party or interest group</td>
</tr>
</tbody>
</table>

In order to assess the phenomenon of selective justice in public communication and criminal proceedings, the authors of the report defined a number of selectivity criteria in 2019 that were also used in this report.

**Selectivity criteria in public communication:**

1. The means by which the press learns about a high-profile case;
2. The authorities’ reaction to the alleged violations investigated by journalists;
3. Information about the arrest or enforcement of the arrest;
4. The level of openness of the criminal investigation/prosecution body towards the press;
5. Communication with the press regarding the person investigated, tried, or detained;
6. The Court’s attitude towards journalists.

**Selectivity criteria in criminal proceedings:**

1. Similar cases with different legal approaches;
2. Accomplices with different procedural statuses;
3. Public access to court hearings;
4. Recusal of judges/prosecutors;
5. Changing or replacing judges/prosecutors during trial;
6. Trial delays;
7. Inequality of arms in proceedings;
8. Ethical conduct of judges;
9. Intimidation of the parties (the defendant, prosecutor, judge).

A detailed description of favorable and unfavorable manifestations of the selectivity of justice for politically-affiliated subjects is included in Annex 1 of this report. The findings of the monitoring are included in chapters III (Public Communication) and IV (Procedural Issues).
II.2 Political affiliation and its changes in the course of monitoring

In 16 of the 43 monitored cases (37 percent), the existence of political context and a political affiliation on behalf of the suspect or the defendant was found. Four of the cases involved representatives of the governing party (PSRM) and three involved representatives of a political party (Sor Party) which guaranteed a majority for the PSRM for a given period of time.

**CASE STUDY 1.**
**PGO closes the criminal cases against MPs Marina Tauber and Reghina Apostolova**

The Sor Party MPs Marina Tauber and Reghina Apostolova were charged in the so-called “Theft of the Billion” case in September 2019 after the acting Prosecutor General Dumitru Robu requested in Parliament that their immunity be waived, so that they could be investigated for large-scale fraud and money laundering committed in the interest of an organized criminal group. The two opposition MPs were immediately arrested.

One year after their immunity was waived, on October 2, 2020, the PGO announced the discontinuation of the criminal investigation against both of them. This happened in parallel to the PDM’s announcement of its intention to disband the governing coalition with PSRM. Shortly thereafter, the PSRM formed an informal coalition with the Sor Party.

During the monitoring period, two defendants quit the ruling party (PDM) while they were under investigation or tried, and one quit a party that was in the government coalition to engage in a new political project. A person (Vasile Botnari, former SIS director) who was affiliated with a previous governing party (PDM) became close with the new governing party (PSRM) while he was being prosecuted for the kidnapping and extradition of the Turkish teachers.

This case and the case of the two Sor Party MPs ended with either the discontinuation of the criminal proceedings or with lenient rulings. The rulings in these cases were issued while the defendants collaborated with the governing PSRM.

**CASE STUDY 2.**
**The political trajectory of Vasile Botnari, former SIS director**

When criminal proceedings were initiated (on August 2, 2019) in the case of the seven Turkish teachers who had been declared undesirable and deported from Moldova, the then director of SIS, Vasile Botnari (who was politically affiliated with the Democratic Party) was not among the persons suspected and arrested by prosecutors. The criminal investigation targeted two of Botnari’s SIS deputies and the Head of the Migration and Asylum Bureau of Mol. In February 2020, Prosecutor General Alexandr Stoianoglo communicated that the charges against the SIS deputies and the Head of the Migration and Asylum Bureau had been dropped and that the only defendant in this case was Vasile Botnari, who pleaded guilty and cooperated with the prosecution. In May 2020, two months after the case was sent to court, Botnari was seen having a private meeting with a businessman from the entourage of the Moldovan President Igor Dodon and some MPs from the Democratic Party, which was in a government coalition with
PSRM at that time. Later, Botnari was seen several times with two MPs, who had been expelled from the PDM parliamentary group, and with representatives of the parliamentary majority led by the PSRM. Media outlets reported then that Vasile Botnari had become affiliated with the PSRM and begun to provide consulting to the PSRM.

In August 2020, Botnari was issued a fine. The court hearings were closed to the public, and the prosecution did not communicate the place and time of the court hearings. The court ruling was not made public, and was not challenged by the investigating prosecutor until the public found out about it. As a result of the closed nature of the court hearings, there was no public pressure on the prosecutor to challenge the ruling.

## Political affiliation of the suspects/defendants

<table>
<thead>
<tr>
<th></th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDM</td>
<td>33%</td>
</tr>
<tr>
<td>PLDM</td>
<td>16.6%</td>
</tr>
<tr>
<td>Sor Party</td>
<td>25%</td>
</tr>
<tr>
<td>PSRM</td>
<td>16.6%</td>
</tr>
<tr>
<td>PL</td>
<td>8.3%</td>
</tr>
</tbody>
</table>

### CASE STUDY 3.

**The Bahamas case during the rule of the PSRM**

The criminal proceedings regarding the allegations of the offshore financing of the PSRM were initiated on June 8, 2019, based on a report of a senior criminal investigation officer that was passed on to the APO. This occurred on the day when the PDM lost power. On July 8, 2019, one month after the PSRM-ACUM bloc took power, the APO refused to initiate the investigation into the allegedly illegal financing of PSRM in what was known as the Bahamas case. On November 26, however, following the examination of the case files, APO Chief Prosecutor Viorel Morari reversed that decision and on December 2, 2019, he decided to jointly investigate this case with another case that was initiated on July 1, 2016. The 2016 case related to the large-scale money laundering through the joint stock company Exclusiv Media (which had received the money from the Bahamas). On December 10, 2019, the new Prosecutor General Alexandr Stoianoglo suspended Morari from office following a review commissioned by Stoianoglo of the two specialized prosecution offices - APO and PCCOCS. The investigation of the case has not been completed yet. In a May 2020 interview for Jurnal TV channel given, the new Prosecutor General said that the criminal case had been opened for money laundering and had nothing to do with the illegal financing of the PSRM.

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"We still have some questions, and once we have the answers from the Swiss authorities, we will take the appropriate actions. Such actions are almost impossible to classify as illegal financing of a party. Our Criminal Code clearly defines what illegal financing of parties is, and these actions do not fit any of those definitions," explained Stoianoglo.  

II.3 Affiliation with interest groups

The monitoring of the high-profile cases included as case studies in this report shows that the impact of political influence on judicial decisions was lower than in the previous monitoring period (January–July 2019).

Nevertheless, the independent media, civil society and opposition representatives flagged a new kind of inappropriate influence on the law enforcement agencies, in particular on the PGO, from an interest group called the "Platon group".

To test this assumption, the criminal cases selected for case study analysis were scrutinized in terms of the affiliation of the subjects with Platon group.

In 22 of the 43 monitored cases, the subject was affiliated with the Platon group. In another seven cases, the subjects were hostile to the Platon group.

Relationship between the subjects and the Platon group

<table>
<thead>
<tr>
<th>Relationship</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>affiliated with Platon group</td>
<td>48%</td>
</tr>
<tr>
<td>hostile to Platon group</td>
<td>35.8%</td>
</tr>
<tr>
<td>no affiliation</td>
<td>16.2%</td>
</tr>
</tbody>
</table>

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3  [https://www.jurnaltv.md/news/e95c76d5d7c66b6e/o-nas-genprokuror-na-jurnaltv.html](https://www.jurnaltv.md/news/e95c76d5d7c66b6e/o-nas-genprokuror-na-jurnaltv.html)
CASE STUDY 4.
Prosecutor General Alexandr Stoianoglo’s list of allegedly politically-motivated cases

In February 2020, after two months in office, Prosecutor General Alexandr Stoianoglo announced the creation of a group of six prosecutors to revisit 38 allegedly politically-motivated cases initiated by the Plahotniuc regime. He did not mention how the 38 cases had been selected, but stated that “If any serious violations in the initiation and investigation of those cases are detected, appropriate legal action will be taken. The cases under investigation will be closed...in those that have already been sent to court, prosecutors will drop the charges or will reclassify offences...and in those cases where defendants are already serving sentences, prosecutors will consider applying extraordinary legal remedies”.4

Twelve out of the thirty-eight allegedly politically-motivated cases involved subjects politically affiliated with the Partidul Nostru Party, Demnitate si Adevar Party, PLDM, and the Casa Noastra-Moldova Party. Another six cases targeted lawyers (Ana Ursachi, Eduard Rudenco, Ion Cretu) and those whose cases are linked to Platon. Strangely enough, there is only one case that involves a mayor (Victor Bogatico – Partidul Nostru Party), even though earlier research and media investigations had revealed that during the period of state capture, over 100 criminal cases were fabricated against mayors and local elected officials who supported the opposition.

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4 https://tv8.md/2020/02/19/control-la-pg-pe-toate-dosarele-politice-stoianoglo-a-format-un-grup-de-lucru-care-va-verifica-38-de-dosare/
III. JUSTICE SELECTIVITY IN PUBLIC COMMUNICATION: ENHANCED PUBLIC ATTENTION TO CASES INVOLVING POLITICAL COMPETITORS

In order to 1) verify the selectivity of justice hypothesis in public communication by investigative and prosecutorial bodies regarding high-profile cases included in this report, and 2) verify the level of public exposure to investigated and/or convicted subjects (in particular, those deprived of liberty) as controlled by the authorities, the cases selected were monitored from the following perspectives: how the press learned about a high-profile case (section III.1); the response of the authorities the facts investigated by journalists (section III.2); the available information on the arrest or the enforcement of the arrest (section III.3); the degree of openness of the criminal investigation/prosecution body towards the press (section III.4); communication with the press on the subject investigated, prosecuted, or arrested (section III.5); and the attitude of the court towards journalists (section III.6).

III.1 How the press learned about a high-profile case

According to this criterion, the following assumptions of favorable selectivity for government representatives or the Platon interest group and unfavorable selectivity for the latter’s political competitors and rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- official press releases respecting the protection of personal data and the presumption of innocence;</td>
<td>- Statements on sources, before publication of an official statement; without respecting the protection of personal data and the presumption of innocence</td>
</tr>
<tr>
<td>- Dissemination of limited evidence by law enforcement, while respecting the protection of personal data.</td>
<td>- Statements on sources, with dissemination of evidence, without respecting the protection of personal data, before/in the absence of an official statement;</td>
</tr>
<tr>
<td></td>
<td>- Statements of political leaders who “anticipate” a response from law enforcement agencies.</td>
</tr>
</tbody>
</table>

The sources that provided information to the press about high-profile cases or charges dropped in these cases are diverse. Journalists learned about 49 percent of the cases (21 out of 43) that were under investigation or those in which the prosecution dropped the charges from their sources or from journalistic investigations. In three cases (Chiril Lucinschi, Dorin Chirtoaca and Oleg Melniciuc), the journalists received leaked information that criminal cases would be started as early as 2017 or 2018.

The press learned that prosecutors had dropped the charges in 13 out of the 21 cases from their sources. Those cases involved the judges investigated for complicity in money laundering as part of the Laundromat case.
CASE STUDY 5.
APO conceals discontinuation of criminal investigation of Laundromat judges

The first media reports about the discontinuation of the criminal investigation of the Laundromat judges’ complicity in money laundering appeared in October 2020. *Ziarul de Garda* journalists obtained leaked information that some of the judges had requested their reinstatement into the judicial system after prosecutors had discontinued the criminal proceedings against them. The Head of the APO, Serghei Gavajuc, confirmed this information for the media outlet, adding that the decision to discontinue the proceedings was made in September 2020. *Ziarul de Garda* notes that in the PGO’s September 21 reply, the institution stated that a new criminal investigation group from the APO had been tasked in June with investigating the Laundromat case on several counts: money laundering, misuse of authority or abuse of office, and abuse of power or exceeding official authority.

(Source: Zdg.md, October 21, 2020, “Breaking news! APO drops charges against judges for complicity to money laundering in Laundromat. Judges want to be reinstated”)

The press learned about the other 17 cases (39.5%) from press releases issued by the PGO, from information provided by the specialized prosecution agencies (APO and PCCOCS) and from press conferences held by Prosecutor General Alexandr Stoianoglo (four cases). The latter echoed the PGO’s press releases by holding briefings on the following cases:

1. The kidnapping of the Turkish teachers – prosecution of Vasile Botnari and the sending of the case to court;
2. Illicit enrichment and abuse of office and forgery in official documents committed by former APO Chief Prosecutor Viorel Morari;
3. The review of the Platon case for fraud and money laundering (the “Theft of the Billion” case);
4. The case of the former President of Victoriabank, Natalia Politov-Cangas.

CASE STUDY 6.
PGO communication on the cases of Veaceslav Platon and Vladimir Plahotniuc

The PGO used strong language in its communications regarding the cases involving the former leader of the PDM Vladimir Plahotniuc and about the decision to revisit the case of Veaceslav Platon, in which he had been convicted for fraud and money laundering. However, there was a striking difference in the tone of the public communication of the PGO and the Prosecutor General in relation to the two individuals. The press releases that referred to Veaceslav Platon had a neutral tone, lacking incriminating language and respecting the presumption of innocence.

E.g., “A smooth progression of the pending criminal proceedings at Chisinau Court, Buiucani, is to the benefit of citizen Platon as well. Therefore, the PGO does not see why he would dodge the proceedings.”

http://procuratura.md/md/newslst/1211/1/8636/
Moreover, the Prosecutor General – even during his first public appearances – claimed that Platon is innocent in the case in which he had been convicted. Stoianoglo’s statements were followed by the prosecutors’ decision to drop the charges against Platon in that case and court rulings that ordered a re-trial.

_E.g., “All the evidence in the case of citizen Veaceslav Platon was fabricated. The charges were based on deliberately distorted judgements and misinterpretation of facts, which came as a response to the accusations Platon made against Sor. Therefore, Platon was convicted illegally and his sentence is illegal.”_6

PGO’s press releases referring to Vladimir Plahotniuc’s cases featured accusatory language and did not respect the presumption of innocence.

_E.g., “According to the case files, the money was appropriated by members of Ilan Sor’s criminal group, which is part of the criminal organization led by Vladimir Plahotniuc.”_7

The attitude of the prosecution is even more visible in the statements made by Prosecutor General Alexandr Stoianoglo during his press conferences.

_E.g., “Some representatives of the judiciary continue to serve the interests of Plahotniuc’s corporation; this is contrary to the principle of neutrality enshrined in the law. Moreover, they recall being independent only when they deal with a case that bothers the “coordinator.””_8

The press learned about about five of the 43 monitored cases (11.6 percent) from both their sources and official press releases. In comparison to the previous monitoring period (January–July 2019), there was a considerable decrease in controlled leaks from law enforcement agencies regarding the initiation of criminal proceedings (two compared to six in the previous monitoring period). Unlike in the previous monitoring period, when the leaks were made to the media outlets affiliated with the ruling parties, the leaks during this monitoring period were made to independent media outlets (i.e., _Ziarul de Garda_ and Anticoruptie.md).

It should be noted that not a single case was reported during the monitoring period about which the press learned from the statements made by politicians from the ruling parties. For comparison, the previous monitoring detected two such cases.

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6 http://procuratura.md/md/newslst/1211/1/8322/
7 http://www.procuratura.md/md/newslst/1211/1/8623/
8 http://www.procuratura.md/md/newslst/1211/1/8406/
The analysis of how the press found out about the monitored high-profile cases indicates the benefits of the selectivity in communication for the representatives of Platon’s interest group. There was a lack of official communication or delayed communication about the initiation of legal proceedings against these representatives or the charges were dropped (e.g., the cases of Olga Punga, Veaceslav Platon and Moldasig). On the other hand, the prosecution used strong language in its messaging about the criminal proceedings initiated against individuals that were hostile to the Platon group, through press conferences held by the Prosecutor General and official press releases on the status of the proceedings, which often neglected the presumption of innocence.

9 http://www.procuratura.md/md/newslst/1211/1/8445/
   http://www.procuratura.md/md/newslst/1211/1/8363/
III.2 Authorities’ response to journalistic investigations

In light of the response of authorities to journalistic investigations, the following assumptions of favorable selectivity for representatives of the government and Platon's interest group and unfavorable selectivity for ruling parties’ competitors and Platon's interest group’s rivals:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- apathetic and delayed investigation into alleged offences committed by individuals affiliated with the ruling parties or the interest group that influences justice;</td>
<td>- Immediate investigation in response to journalistic investigations of offences allegedly committed by political rivals or individuals hostile to the interest group that influences justice;</td>
</tr>
<tr>
<td>- the release of explanations as to why the prosecution cannot act in response to journalistic investigations before criminal proceedings are initiated;</td>
<td>- Delayed investigation into alleged offences committed by political rivals or individuals hostile to the interest group that influences justice, but at politically convenient times for ruling parties.</td>
</tr>
<tr>
<td>- Disregard for the allegations investigated by journalists;</td>
<td></td>
</tr>
<tr>
<td>- Intimidation of journalists or media outlets through the initiation of criminal or contraventional proceedings against them.</td>
<td></td>
</tr>
</tbody>
</table>

In almost 70% of the monitored cases (29 of 43 cases), the press had previously reported about the facts that were being investigated. In six cases, prosecutors made direct reference to journalistic investigations. For comparison, in the previous monitoring period, none of the criminal proceedings made reference to journalistic investigations, even if a journalistic investigation referred to the same offences or evidence.

A relevant case is that involving the APO’s response to a journalistic investigation on the unjustified properties and assets of **Nicolae Chitoroaga, former Chief Prosecutor of PCCOCS**.

The investigation was published on Anticoruptie.md on July 19, 2019, and made reference to a notification published on its Corruption Map. On November 21, 2019, four months after the publication of the investigation, the APO announced Chitoroaga’s arrest and the investigation into him for illicit enrichment. The investigating prosecutor told the press that the criminal proceedings had been initiated in response to the journalistic investigation.

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CASE STUDY 7.
Prosecutors’ response to the investigations on the assets of SCJ judges Ion Druta and Oleg Sternioala

SCJ President Ion Druta and the Deputy Chair of the SCJ’s Civil and Administrative Litigation Board, Oleg Sternioala, were targeted by several journalistic investigations, which looked into their assets that exceeded their earnings, their appointment of relatives as judges, and some of their questionable decisions. **Ziarul de Garda** published the first investigation on Sternioala's
secret house (valued by experts at over MDL 7 million) as early as June 2016.\textsuperscript{11} Following the release of this investigation, other journalistic investigations into the secret businesses belonging to Sternioala’s family and their unjustified assets emerged.\textsuperscript{12} However, it was not until November 4, 2019, that prosecutors arrested Sternioala on charges of large-scale money laundering. According to the prosecution authority, “The criminal proceedings were initiated following the journalistic investigations into the judge’s assets, the findings of the operational research and the release of the investigative prosecutor’s report on the appropriateness of starting criminal proceedings”.\textsuperscript{13}

The same thing happened in the case of Ion Druta, the Chief Justice of the Supreme Court of Justice, who was targeted by several journalistic investigations on his assets that were not justified by his lawful income. The first journalistic investigations date back to 2013.\textsuperscript{14} However, it was not until September 2019 that prosecutors initiated the criminal proceedings against Druta for illicit enrichment. His immunity was waived on September 24, 2019.

The criminal proceedings against the two judges were initiated during the reign of the PSRM-ACUM government, which publicly criticized the two judges for their loyalty to Plahotniuc’s former oligarchic regime.

Earlier media reports on alleged offences

<table>
<thead>
<tr>
<th></th>
<th>Publicized</th>
<th>Not publicized</th>
</tr>
</thead>
<tbody>
<tr>
<td>independent media</td>
<td>27 cases</td>
<td></td>
</tr>
<tr>
<td>affiliated media</td>
<td>1 case</td>
<td></td>
</tr>
<tr>
<td>politicians’ statements</td>
<td>4 cases</td>
<td></td>
</tr>
<tr>
<td>disclosures made by civic activists</td>
<td>5 cases</td>
<td></td>
</tr>
</tbody>
</table>

In 17 monitored cases, the existence of the criminal cases was disclosed in a problematic manner for the defendants or at a time that suited the ruling party or the interest group that had influence on judicial decisions – even though the criminal proceedings had been initiated a long time before their disclosure (the cases of the 13 Laundromat judges, the Bahamas case, the cases of Chiril Lucinschi, Vlad Filat and Vladimir Plahotniuc).

\textsuperscript{11} https://www.zdg.md/investigatii/ancheta/judecatorul-sternioala-si-a-ascuns-casa-de-lux/
\textsuperscript{13} https://anticoruptie.md/ro/dosare-de-coruptie/perchezitii-in-biroul-si-domiciliul-magistratului-csi-oleg-sternioala
\textsuperscript{14} https://www.zdg.md/investigatii/ancheta/palatul-si-afacerile-de-familie-ale-presedintelui-judecatoriei-botanica/
The monitoring revealed a case of a journalistic investigation that was being conducted when prosecutors were planning to drop the charges against a subject hostile to Platon's interest group. Evidence collected by prosecutors during the criminal proceedings seems to have been he source of information for the media investigation. The Right to Justice Association, led by the civic activist Pavel Grigorciuc, conducted this investigation, which referred to the undisclosed and unjustified assets belonging to the family of Viorel Morari, the former Head of the APO. The investigation was made public on June 10, 2021. On June 26, 2021, the prosecutor that investigated Viorel Morari for illicit enrichment declared that the case had been closed.

A new phenomenon detected during this monitoring period relates to the Prosecutor General Alexandr Stoianoglo’s criticism – via the PGO press service – of opposition politicians who had disclosed and published evidence of alleged offences committed by representatives of the ruling party or subjects affiliated with Platon's interest group. This evidence was ultimately ignored by prosecutors. Such criticism was noted in three of the monitored cases (Laundromat, Bahamas and the Black Bag case).

CASE STUDY 8.
The exchange between the PGO and MP Iurie Renita on illicit financing allegations linked to the PSRM

Dignity and Truth Platform MP Iurie Renita disseminated during a press conference on May 11, 2021, the copies of a prosecutor's report which allegedly proved that former PDM leader Vladimir Plahotniuc and former deputy leader of the PDM Serghei Iaralov gave self-incriminating testimony to the PGO regarding the video footage of them giving PSRM leader Igor Dodon a bag allegedly containing money for the PSRM. Renita accused the PGO of covering up this case of illicit financing of the PSRM.

In response to these accusations, the PGO issued a press release on the same day, accusing Renita of “allowing himself to be used by criminal groups to manipulate public opinion and discredit the PGO” for political gains.

III.3 Information about arrest or enforcement of arrest

According to this criterion, the following assumptions of favorable selectivity for representatives of the interest group/government and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>the law enforcement body does not communicate the time and place of the arrest to journalists;</td>
<td>the law enforcement body communicates to journalists (possibly those affiliated with the influential interest group/government) the time and place of arrests of political rivals;</td>
</tr>
</tbody>
</table>

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III. JUSTICE SELECTIVITY IN PUBLIC COMMUNICATION

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the law enforcement body does not inform the journalists that the arrested individual is going to be brought before the investigating judge in accordance with an arrest warrant;</td>
<td>- the law enforcement body communicates to journalists that the apprehended individual is going to be brought before the investigating judge in accordance with an arrest warrant;</td>
</tr>
<tr>
<td>- the law enforcement body does not allow journalists to record videos/interviews of the individual during the arrest;</td>
<td>- the law enforcement body facilitates the participation of the press, allowing journalists to take videos/interviews from the individual during apprehension;</td>
</tr>
<tr>
<td>- the law enforcement body creates obstacles to the participation of journalists in the court hearings where a decision on the enforcement of arrest is to be made.</td>
<td>- the law enforcement body does not create obstacles to the participation of journalists in the court hearings where a decision on arrest is to be taken.</td>
</tr>
</tbody>
</table>

In 24 out of the 43 monitored cases, the press knew about the place and time of arrest. The sources of such information differed from case to case. In 18 out of the 24 cases the press learned about arrests after the defendants were placed in a holding cell. In another five cases, the press found out about arrests from their sources and, in some cases, they managed to record the searches and arrests of suspects. In most of the cases (three out of five), the leaks were made to independent media outlets. Former Chisinau Mayor Dorin Chirtoaca was arrested in the presence of many journalists, who took videos of the arrest.

CASE STUDY 9.
Arrest of the former APO Chief Prosecutor Viorel Morari and Judge Oleg Sternioala

Former APO Chief Prosecutor Viorel Morari was arrested by prosecutors on January 19, 2021, after he was summoned by the PCCOCS to be questioned as a suspect on the charges of “abuse of authority,” “forgery,” “illegal detention or arrest,” and “knowingly prosecuting an innocent person.” TV8 journalists, who reported that they had found out about Morari’s arrest from their sources, filmed the moment when Morari was arrested. Later, the PCCOCS officially communicated to the press details about the arrest and criminal case.

The PCCOCS subsequently informed the press about the time and place at which the former APO head would appear in court in accordance with an arrest warrant. Journalists were able to videos of Morari and ask him questions, as he was escorted in handcuffs and surrounded by masked people.

Similarly, Jurnal TV found out from its sources about the upcoming arrest of judge Oleg Sternioala. The journalists took videos of the judge at the NAC Office before his arrest and also recorded footage from the courtroom where he had been escorted in accordance with an arrest warrant. Jurnal TV was the only media outlet that was present during the arrest and in the courtroom.

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18 https://www.youtube.com/watch?v=M6R4IayRpweM
20 https://www.jurnal.md/news/7d457bb86e74b3c/udecatordul-csi-oleg-sternioala-a-fost-retinut-pentru-72-de-ore.html
III.4 Openness of the criminal investigation/prosecution body towards the press

According to this criterion, the following assumptions of favorable selectivity for representatives of government and the interest group that influences justice and unfavorable selectivity for their political competitors or the subjects that are hostile to the interest group were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Law enforcement body/state prosecutor refuses to provide information and make statements;</td>
<td></td>
</tr>
<tr>
<td>- The law enforcement body/state prosecutor provides limited information and makes brief statements;</td>
<td></td>
</tr>
<tr>
<td>- The law enforcement body/state prosecutor holds press conferences at which he/she provides information that is apparently favorable to the subject of the investigation, refuses to answer questions or only answers questions posed by journalists affiliated with the interest group/government;</td>
<td></td>
</tr>
<tr>
<td>- Leaks do not occur during the criminal proceedings.</td>
<td></td>
</tr>
<tr>
<td>- The law enforcement body/state prosecutor holds press conferences, answers all the journalists’ questions;</td>
<td></td>
</tr>
<tr>
<td>- The law enforcement body/state prosecutor provides detailed information and makes statements on the case;</td>
<td></td>
</tr>
<tr>
<td>- The law enforcement body provides public access to some evidence from the case file (records, documents) which incriminate the subject;</td>
<td></td>
</tr>
<tr>
<td>- Leaks occur during the criminal proceedings.</td>
<td></td>
</tr>
</tbody>
</table>

Almost in all the monitored cases, the PGO or the specialized prosecution agencies (APO and PCCOCS) communicated through press releases that they had completed criminal proceedings and sent the cases to court. In seven out of the 43 monitored cases, other communication channels with mass media besides press releases were used, such as the press conferences or the statements made by Prosecutor General Alexandr Stoianoglo during TV talk-shows.

In the monitoring period, the Prosecutor General held ten press conferences, five of which aimed to provide information about specific criminal cases.24 During two of them, the Prosecutor General stressed that Platon’s Theft of the Billion case had been fully fabricated and would be reviewed, and that the main beneficiary of the Theft of the Billion is Plahotniuc.25

22 https://tv8.md/2020/05/20/video-exclusiv-cum-comenteaza-fostul-procuror-anticoruptie-roman-statnii-invinuirile-ce-i-se-aduc/
24 The cases of Botnari, Morari, Platon, Plahotniuc, Politov-Cangas
The PGO and the specialized prosecution agencies (APO and PCCOCS) replied to all the information requests (ten) submitted by our monitoring team. In most of the cases, prosecutors provided limited information about the cases our team asked about and, in only three cases, the information about the cases and the prosecutors’ actions was thorough.\textsuperscript{26}

\textbf{CASE STUDY 10.}  
PGO communication on the cases of the former heads of specialized prosecution agencies Nicolae Chitoroaga and Viorel Morari

Former Head of the PCCOCS, Nicolae Chitoroaga, and former Head of the APO, Viorel Morari, were both investigated for illicit enrichment. APO prosecutors communicated in a press release that the criminal proceedings against Chitoroaga for illicit enrichment had been initiated on November 21, 2019 (the day he was arrested). In the same press release, the prosecutors provided the reasons for the criminal proceedings and the charges.\textsuperscript{27} The next day, the APO made a post on its Facebook page informing the public about the enforcement of the arrest of the former head of the PCCOCS.\textsuperscript{28} These were the only APO press releases on Chitoroaga case. Both of them are no longer available on the PGO website.

In the case of Morari, Prosecutor General Alexandr Stoianoglo announced during a February 2020 press conference that criminal proceedings had been initiated for illicit enrichment and large-scale money laundering. The Prosecutor General gave details about the charges brought against Morari and the procedural actions taken by prosecutors.\textsuperscript{29} The press conference was complemented by a press release published on the PGO website. Later, the PGO published press releases on its website regarding the status of the two criminal cases involving the former head of the APO.\textsuperscript{30}

In some cases, the language of the press releases that related to Morari was not very official and restrained as is the language commonly used by the PGO’s spokespeople. The language also ignored the presumption of innocence to which the PGO press service usually refers at the end of its press releases. E.g.:

"Citizens keep submitting complaints about the abuses committed by these "prosecutors" (Viorel Morari and other APO prosecutors) to the Prosecutor General. The institution receives such complaints daily, and their number is growing. This reaffirms the illegalities detected during verifications and the appropriateness of the decisions made in relation to the subjects of investigations, and dispels all myths about their personal, professional, and managerial qualities."\textsuperscript{31}

\begin{footnotesize}
\begin{enumerate}
http://procuratura.md/rd/newslist/1211/1/8210/  
http://procuratura.md/rd/newslist/1211/1/8216/  
http://procuratura.md/rd/newslist/1211/1/8221/  
http://www.procuratura.md/rd/newslist/1211/1/8253/  
http://www.procuratura.md/rd/newslist/1211/1/8498/  
http://www.procuratura.md/rd/newslist/1211/1/8355/  
\item[31] http://www.procuratura.md/rd/newslist/1211/1/8355/\n\end{enumerate}
\end{footnotesize}
“To exclude the emergence of double standards, the GPO will ask the SCM Judicial Inspection to investigate the actions of the Deputy Chief Justice Dorin Dulghieru in the case of Viorel Morari, as the former’s interest in the case of Morari is not clear compared to many other cases involving serious charges of corruption, money laundering, treason cases brought against former high-ranking officials (judges, prosecutors, MPs, ministers, etc.) examined by other judges from that court.”

As regards the cases sent to court, prosecutors usually agreed to make statements for journalists before and after the court hearings. Two specific cases are worth mentioning here. During the monitoring of the court hearings on the Sor case (51 court hearings), only two out of five times prosecutors agreed to make statements to the press. In relation to retrial of the Platon case, on one occasion, the prosecutor (who was asked to make statements to the monitoring journalist) talked about one of the journalist’s articles which contained the testimonies given by witnesses during court hearings on the case.

During the monitoring period, leaks occurred in eight monitored cases. In three cases, information apparently was leaked to the benefit of the prosecution (the cases of Viorel Morari, Oleg Sternioala, Ion Druta), in three cases to the benefit of the defendants (the cases of Viorel Morari, Mihai Ivanov and Roman Statnii), and in another three cases information apparently was leaked in order to make sure that the case would not be covered up (Bahamas case, Air Moldova case, Metalferos case).

The prosecution did not publish any video, audio evidence or documents of the case files during the monitoring period.

It should be noted that there was no official communication at all from the PGO on seven high-profile cases: the re-examination of Vlad Filat’s conviction; Vasile Botnari’s conviction in the case of the kidnapped Turkish teachers; the case of Veaceslav Platon related to the insurance companies; the cases of Constantin Tutu and the case of the Chisinau Airport concession. The information about these cases and the status of the criminal proceedings was received only after journalists had requested it.

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32 http://www.procuratura.md/md/newslst/1211/1/8253/
### III.5 Communication of the person under investigation, defendant or detainee with the press

According to this criterion, the following assumptions of favorable selectivity for government/interest group representatives and unfavorable selectivity for their rivals were verified during monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the investigated subject, who is under arrest, makes statements to journalists when he/she is brought to hearings/other public venues;</td>
<td>- the investigated subject, who is under arrest, does not communicate with the press, either because journalists are not informed when the subject is brought to hearings, or because the journalists do not have authorized access to the building/near the office where the procedural actions take place;</td>
</tr>
<tr>
<td>- the defendant is not prevented by his/her escort from communicating with journalists;</td>
<td>- the defendant is prevented by his/her escort from communicating with journalists (he/she is taken very quickly, the guards get between the defendant and the journalists, the guards prevent the journalists from approaching the defendant;</td>
</tr>
<tr>
<td>- the investigated/tried subject is shielded by the law enforcement body from journalists if he/she is unwilling to communicate with the journalists;</td>
<td>- the investigated/tried subject is intentionally exposed to journalists even when the defendant is not willing to communicate with them.</td>
</tr>
<tr>
<td>- the investigated/tried subject communicates only with the journalists he/she likes.</td>
<td></td>
</tr>
</tbody>
</table>

In all the monitored cases, the subjects of criminal investigation had the opportunity to communicate with the press either before or after court hearings, by telephone or by taking part in TV talk-shows. Media coverage was intense for some of the subjects (Ilan Sor, Vladimir Plahotniuc, the PSRM MPs in the Bahamas case) during presidential and parliamentary elections or in the context of public scandals involving the subjects and their hostile relationships with political actors or prosecutors (Veaceslav Platon, Viorel Morari).

Although all the subjects in the monitored cases had the opportunity to communicate with the press, hold press conferences, or publicize their cases on social networks, almost all of them avoided doing so and preferred to remain silent. The most vocal ones were Sor, Platon, and Morari.
III.6 The Court’s attitude towards journalists

According to this criterion, the following assumptions of favorable selectivity for government/interest group representatives and unfavorable selectivity for their rivals were verified during monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – reduced public resonance</th>
<th>Manifestations of unfavorable selectivity – increased public resonance</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Court’s openness or reluctance to engage with journalists depends on the defendant’s interests.</td>
<td>- Court’s openness or reluctance to engage with journalists depends on the interests of the interest group/government in the defendant’s case.</td>
</tr>
</tbody>
</table>

The monitoring records of the court hearings revealed that judges most of the time demonstrated a positive attitude towards journalists, allowing them access to court hearings and to record the opening of the hearings and the pronouncement of sentences. Judges rejected three requests of the defendants’ lawyers not to allow journalists access to court sessions, explaining that the hearings were public. Only once did a judge, at the prosecutor’s request, prohibit journalists from taking videos and pictures during the court hearing (re-trial of Platon case).

It should be noted that, compared to the first monitoring period, monitors reported no hostile communication or treatment from judges towards journalists.

Just like in the previous period, journalists demonstrated little interest in attending court hearings. In 90 percent of the hearings, monitors reported they were the only journalists present at the trial. Loss of interest in the court hearings on these cases was driven by several things – the pandemic, frequent delays, scheduling court hearings on different cases every few days, and the long distance to the courts where cases were tried (e.g., the Sor case played out in the Cahul Court of Appeal, which is 140 km away from Chisinau).
MONITORING THE SELECTIVITY OF CRIMINAL JUSTICE

IV. SELECTIVITY OF JUSTICE IN CRIMINAL PROCEEDINGS: A MILD APPROACH TO REPRESENTATIVES OF THE INTEREST GROUP/RULING PARTIES

In order to verify the hypothesis of the selectivity of justice in criminal proceedings related to high-profile cases, the behavior, actions and decisions of investigative bodies, the prosecution and courts were monitored. In this regard, the monitors looked into the following elements: the existence of similar cases with differentiated legal approaches (section IV.1); the existence of accomplices with different procedural statuses (section IV.2); public access to court hearings (section IV.3); recusals of judges/prosecutors (section IV.4); changes of the judges or prosecutors assigned to cases (section IV.5); trial delays (section IV.6); inequality of arms in the criminal proceedings (section IV.7); ethical conduct of judges (section IV.8), and intimidation of the parties (defendant, prosecutor, judge) (section IV.9).

IV.1 Similar cases with different legal approaches

According to this criterion, the following assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In a different but similar high-profile case, the prosecution/judge adopts a milder attitude towards the subject, for example:</td>
<td>In a different but similar high-profile case, the prosecution/judge adopts a tougher attitude towards the subject, for example:</td>
</tr>
<tr>
<td>- Criminal investigation into facts that other authorities had invalidated or had not given an opinion on is not initiated (e.g., a fact-finding report from the NIA that finds a lack of any violations; lack of an integrity inspection by the NIA or an ongoing integrity inspection by the NIA);</td>
<td>- Initiation of a criminal investigation into facts that other authorities had invalidated or had not given an opinion on (e.g., a fact-finding report from NIA that finds a lack of any violations; lack of an integrity inspection by the NIA or an ongoing integrity inspection by the NIA);</td>
</tr>
<tr>
<td>- Arrest is not requested/applied; house arrest or other mild preventive measures are requested/applied;</td>
<td>- Arrest is requested/applied; house arrest or other mild preventive measures are not requested/applied;</td>
</tr>
<tr>
<td>- placing the subject in a &quot;more comfortable&quot; NAC preventive detention cell;</td>
<td>- Placing the subject in a preventive confinement cell with poor conditions (Prison no.13);</td>
</tr>
<tr>
<td>- Delaying the transfer of a case to court (even when there is a risk of expiry of the limitation period) and or delaying the examination of the case in court;</td>
<td>- Swift transfer of the case to court and/or rapid examination of the case in court;</td>
</tr>
<tr>
<td>- Failure to suspend subjects from office during the case investigation and trial;</td>
<td>- Suspension from office during investigation and trial of the case;</td>
</tr>
</tbody>
</table>
## IV. Selectivity of Justice in Criminal Proceedings

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Request of the prosecutor to hand down a milder punishment for the committed offence/damage caused, as opposed to similar/related cases, for which the requested punishment is harsher, although the facts are more serious and the damages are higher;</td>
<td>- Request of the prosecutor to apply a harsher punishment for the offence committed/damage caused, as opposed to similar/related cases, in which the requested punishment is milder, although the facts are equally or less serious and the damages are lower;</td>
</tr>
<tr>
<td>- Termination of the trial (at the criminal investigation or trial stage), acquittal or suspended sentence, application of insignificant fines, failure to deprive the right to hold public office, or deprivation of freedom for insignificant periods, etc.;</td>
<td>- Criminal conviction and sentencing to prison, with the application of higher fines, with the deprivation of the right to hold public office, or deprivation for significant periods, etc.</td>
</tr>
<tr>
<td>- Review of the defendant’s case while he/she is in detention.</td>
<td></td>
</tr>
</tbody>
</table>

Identical or similar offences committed in comparable situations should be treated similarly. A differentiated approach to the subjects of criminal proceedings and trials, especially when taken for the benefit of the subjects that are close with the ruling parties, is an indicator of selective justice. Bearing in mind that the legal status of each person that is suspected/accused should be considered individually in criminal proceedings, this criterion is applied to the subjects in the same cases who face similar charges, yet receive different treatment. Those affiliated with the government receive favorable treatment relative to those who oppose the government.

Such situations seem all the more apparent when those who serve the ruling parties are deeply involved in criminal activities, yet their treatment in criminal proceedings is milder than the treatment of those who are treated more harshly despite their alleged lesser involvement in the same criminal activities. This criterion can also be used to compare the legal status of subjects of different criminal cases with similar circumstances (involving different but similar offence), where the situation of a person that is close to government is visibly better than that of a person hostile to government.

In 2019, the first monitoring revealed different approaches to the Theft of the Billion-related cases of Vlad Filat, Ilan Sor, Chiril Lucinschi and Veaceslav Platon. The monitoring uncovered a preferential attitude of the investigative body and court towards Sor, who was considered an affiliate of the PDM government, and an unfavorable attitude towards others. Certain procedural differences were also detected in the treatment of Sor, when he served as the Orhei mayor, and Dorin Chirtoaca. The different procedural approaches, which always benefited Sor, applied to the pre-trial arrest and the pre-trial detention conditions, trial delays, distraint, suspension from office, and the punishment requested by the prosecution and the punishment applied by court.

The second monitoring revealed the strong influence of the PGO and the Prosecutor General on the pre-trial stage of the criminal proceedings, as seen in multiple statements in which he anticipated the approach of the investigating prosecutors. The Prosecutor General’s public communication suggested that Platon, his and PSRM’s entourage would enjoy gentler treatment from prosecutors. On the other hand, the prosecutors he used to call “Plahotniuc’s prosecutors” seemed to have become the targets of harsher treatment.

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33 https://realitatea.md/stoianoglo-morari-si-betisor-erau-oamenii-de-incredere-ai-lui-plahotniuc/
Finally, the criminal investigation body always demonstrated a tougher approach to the illicit enrichment cases involving judges than in similar cases involving prosecutors. While prosecutors proceeded unreservedly through the criminal proceedings against high-ranking judges, they behaved differently in the criminal proceedings against high-ranking prosecutors or even regional prosecutors if the subordinate prosecutors had connections at the top of the prosecution hierarchy.

Even though, in principle, tougher treatment for prosecutors and judges in criminal proceedings than for other categories of people may be considered right, this logic would only be valid if there were not any noticeable differences between the treatment of prosecutors and judges who are in similar or even worse situations.

**CASE STUDY 11.**
Prosecution’s inconsistent handling of cases of illicit enrichment involving judges and prosecutors based on NIA findings

The fact that the NIA found no integrity violations in relation to the asset declarations to the former Chief Justice of the SCJ Ion Druta, the former Deputy Chief Justice of the SCJ Oleg Sternioala and the former Head of the APO Viorel Morari did not prevent prosecutors from initiating investigations in the cases of the Deputy Prosecutor General Ruslan Popov, the head of the Ciocana Prosecution Office and the Prosecutor General Alexandr Stoianoglo, where a similar decision was not made, because there was no report from NIA.

Alexandr Stoianoglo communicated he had notified the NIA about the case of the Head of the Ciocana Prosecution Office, who had been targeted in a journalistic investigation called “The fictitious divorce and the hidden assets of prosecutor Igor Popa” published on Anticoruptie.md. The Prosecutor General claims that he has also been waiting for the NIA to conduct an integrity inspection of his deputy Ruslan Popov, who was targeted in the January 2021 Anticoruptie.md journalistic investigation “The landowner at the head of the Prosecutor General’s Office,” and inform him about the findings of the investigation. Stoianoglo notified the NIA the day after the investigation was published. However, in the case of prosecutors, the PGO did not proceed as it did with judges - it limited itself to requesting the NIA to conduct an integrity inspection and did not initiate criminal proceedings for alleged illicit enrichment.

When Stoianoglo was asked why he had not declared his wife’s income, he denied the allegations: “I have declared everything. Check with the Tax Authority!”

A differentiated approach could also be seen in the Prosecutor General’s opinion as it relates to using media reports as grounds for initiating criminal proceedings. In apparently sensitive cases for PSRM (that was in power during the monitoring period), the prosecution claimed it could not initiate criminal proceedings based on media reports, although it had done so many times before.

CASE STUDY 12.
Dilemma: Can the prosecution start criminal proceedings based on media reports?

On May 28, 2020, MP Iurie Renita made public a video of Vladimir Plahotniuc giving a bag allegedly filled with money to President Igor Dodon, who refused to take the bag saying that it should be given to Costea (A/N Botnari). Costea would then give it to Cornel (A/N Corneliu Furculita, PSRM member). The video suggests that the money that Dodon takes from Plahotniuc was to be used to pay the salaries of PSRM staff.

The PGO stated that it could not start criminal proceedings based on the video made public by Renita. In a press release, the PGO informed that if whistleblowers who report an offence really seek legal consequences instead of reporting only for publicity reasons or to benefit certain interest groups, this should be done in compliance with the CPC. More specifically, whistleblowers must report it to the relevant criminal investigation body – not through the press – in compliance with the legal requirements, and that anyone, particularly MPs, should know how to do it. The PG also stated that Renita had submitted no notification and that the law did not allow the institution to initiate criminal proceedings based on that video, because it did not know whether it was true, under what circumstances it had been taken and other related details. On the other hand, art.262 (5) of the CPC states that any notification referring to the President of Moldova or any allegations of offences committed by the President of Moldova must be investigated by the Prosecutor General or by a prosecutor appointed by the latter.

The prosecution encouraged Renita to submit an official notification in compliance with the legal requirements and to contribute to its investigation.

On the other hand, in many other similar cases, criminal proceedings were initiated based on videos made public on the Internet. Here are some of them:

- The case of the children exposed to maltreatment in Orhei boarding house. The PGO initiated criminal proceedings after the video called “Exclusive video – atrocities at the horror orphanage,” which depicted maltreated children, was published on the Internet;

- The case of www.alegerimoldova.com. The PGO initiated criminal proceedings based on the media reports about this online platform, which promised to connect parties that intended to buy votes with citizens willing to sell their votes.
Additionally, the monitoring revealed cases of differentiated approaches on the part of the prosecution to the money laundering charges brought against persons convicted for similar offences.

**CASE STUDY 13.**
The prosecution drops money laundering charges against Veaceslav Platon and upholds charges against Vladimir Filat in the bank fraud case

After conducting the review of the criminal proceedings in one of the Theft of the Billion cases, which ended up with the sentencing of Veaceslav Platon to 18 years in prison (including for money laundering), prosecutors dropped the charges. However, they did not drop charges against Vladimir Filat, who had also been charged with money laundering in connection with the Theft of the Billion.

The PGO issued a statement referring to Veaceslav Platon’s case on May 28, 2021, which reads: “In the context of the review of the criminal case in which Veaceslav Platon was sentenced on April 20, 2017, by the Buiucani District Court in Chisinau for committing the offences listed in articles 190 (5) and 243 (3) item (b) of the Criminal Code and having investigated the new evidence (corroborated by the evidence collected during the criminal investigation), prosecutors have decided to drop the charges against Veaceslav Platon.”

The prosecution has requested that the criminal case file be returned in order to resume the criminal investigation to identify the offender.  

On June 14, 2021, the Buiucani District Court in Chisinau acquitted Platon was acquitted in the bank fraud case after prosecutors dropped the charges.

A differentiated approach to similar cases could also be seen in the court examination of the alleged involvement of judges in the Laundromat money laundering case.

**CASE STUDY 14.**
Acquittal of a judge tried for involvement in Laundromat

Judge Ghenadie Barnaz issued a judgement on September 21, 2011 on the collection of a USD 400 million debt in connection with a loan agreement signed one year before. The lawsuit was filed just two days before by Taras Mykhaylyk, the representative of the Great Britain-based PR-VERT SISTEM LIMITED, by power of attorney against Chisinau resident Veaceslav Bass, a New Zealand company, and two Russian companies. “We found Veaceslav Bass at home, in a shabby two-room flat which he shared with his mother, the wife of his deceased brother, and his niece. The thirty-two-year-old man seemed scared when he heard what we wanted to talk about. Veaceslav said he had not attended the court hearing chaired by Judge Barnaz and had not even known about it,” reports an investigation published on Anticoruptie.md.

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A former judge at the Rascani District Court in Chisinau, Barnaz was charged in the Laundromat case before he was acquitted by Judge Eugeniu Beselea on March 2, 2021. He was acquitted of the charges of knowingly issuing a judgement that was contrary to the law on the grounds that no offence had been found in his act.

It should be noted that during Judge Stella Blesceaga’s examination of the Platon case no.2 (Moldasig), Platon’s defense requested that the three cases against Platon be joined and examined jointly by Judge Eugeniu Beselea.

Earlier, Rascani District Court Judge Igor Vornicescu was found guilty of knowingly issuing a judgement contrary to the law in the Laundromat case, but was released from criminal liability due to the expiry of the limitation period.

It is not clear whether the acquittal of Ghenadie Barnaz came after the first judge convicted in the Laundromat case, Igor Vornicescu, was released from criminal liability due to the expiry of the limitation period or because no offence had been found in Barnaz’s actions. For the time being, there are no other court judgements in relation to the other judges charged in the Laundromat case.

CASE STUDY 15.
The Prosecutor General’s involvement in the Platon case

Veaceslav Platon was sentenced on April 20, 2017, to 18 years in prison for fraud, money laundering and active bribery. On December 18, 2017, the Court of Appeal upheld the sentence. The Supreme Court of Justice upheld it twice, the last time being in early May 2020.

Through an order dated March 3, 2020, Prosecutor General Alexandr Stoianoglo assigned the PCCOCS to review Platon’s application for the review of the irrevocable judgements that were submitted on September 11, 2019, on his conviction based on articles 190 (5) and 243(3) item b) of the Criminal Code. PCCOCS prosecutor Dumitru Raileanu initiated the review procedure on April 24, 2020. On May 18, 2020, Alexandr Stoianoglo said publicly that Vladimir Plahotniuc was the main beneficiary of the “theft of the century.”

Lawyer Ion Dron: “If they seek a review, remember that a final judgement is at stake today. The Prosecutor General does not have the authority to assess whether a sentence is illegal or not. Therefore, until proven otherwise, it should be recognized by all state authorities (art. 120 of the Constitution). 2. If he tells us outright that ‘charges were based on deliberately distorted and erroneous interpretation of facts,’ this actually means that an offence has been committed. Therefore, as a prosecutor he must initiate a criminal investigation, at least in rem, or make public the names of the prosecutors and judges he suspects of having committed this offence”.

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Accomplishes with different procedural statuses

According to this criterion, the following assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestation of favorable selectivity – mild treatment</th>
<th>Manifestation of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- an accomplice who is affiliated with the interest group is not classified as a suspect, accused, or indicted party, but rather as a witness or one of no procedural status at all;</td>
<td>- an accomplice, affiliated or unaffiliated with opposing interests, has the same procedural status (suspect, accused, or indicted party) as the investigated/tried subject;</td>
</tr>
<tr>
<td>- milder pre-trial measures are applied to accomplices.</td>
<td>- tougher pre-trial measures are applied to accomplices.</td>
</tr>
</tbody>
</table>

The criminal legislation considers individuals complicit with others in wrongdoing as accomplices; thus, they too must be held criminally liable. When accomplices are ignored by the criminal investigation authority or they are classified as witnesses, victims, or injured parties – while the accomplices are affiliated with or benefit the interest groups influencing justice, this may be an indicator of selective justice.

Moreover, when an accomplice or even offender who has connections (including favorable political ties) with the interest group is regarded as a witness instead of as a suspect, this may impair the potential proceedings against him/her in the future, as his/her right not to communicate possibly incriminating information to the criminal investigation authority is not observed.

Therefore, if after a change in the status of the influential interest group/political group works to the detriment of the subject being interrogated as a witness, the investigative authority classifies him/her as a suspect or brings charges against him/her, the individual may claim that a violation of his/her procedural rights has occurred. This will make it more difficult to hold the individual criminally liable.

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While during the first monitoring period, two such cases (Chirinciuc and Chirtoaca) were reported, the second monitoring period identified this scenario in at least four out of the 43 monitored cases (Bahamas, Morari, Platon, and the illegal deportation of the Turkish teachers).

CASE STUDY 16.
Bahamas case witnesses

In 2016, the National Anticorruption Center initiated an investigation into the transfer of MDL thirty million through an offshore account in the Bahamas. Later, a journalistic investigation conducted by Rise.md revealed that millions of MDL were allegedly transferred based on loan agreements to individuals connected with the PSRM – Petru Burduja, Corneliu Furculita, Maxim Lebedinschi, Vasile Bolea and others. These individuals confirmed to Rise.md journalists that they received the money.

Four years later, on the Jurnal TV talk-show “About Us,” Prosecutor General Alexandr Stoianoglo denied the allegations of offshore financing of the PSRM’s presidential election campaign. However, Stoianoglo admitted that the individuals who had received the money were interrogated as witnesses (not as suspects/accused).

“Some call it the PSRM financing case, others call it the Bahamas case. In reality, the case was opened in 2016 for a money laundering offence based on a report released by the Anti-Money Laundering Department. According to that report, a Moldovan company received a certain amount of money from an offshore company – over USD or EUR 1 million. The money was later somehow redistributed. It has nothing to do with the PSRM and its financing. We sent a request to Switzerland for information about where the money had come from, but we received no reply and the case was abandoned.

In December 2019, the issue once again caught public attention, and we decided to resume the investigation. We interrogated 30 witnesses - the persons who had received that money and who, by the way, had paid the money back. This happened in February - March 2016, while the presidential elections took place in November.

We still need some clarifications from the Swiss authorities and once we have them, we will decide on further actions. It is almost impossible to classify those actions as illegal financing of a party. Our Criminal Code clearly defines what illegal financing of parties is, and these actions in no way fall into that definition”, Alexandr Stoianoglo explained.

The first criminal investigation against the former head of the APO was initiated based on a self-incriminatory report filed by a subordinate prosecutor, Mircea Ciobanu. Ciobanu reported that Morari instructed him to backdate documents related to the initiation of criminal proceedings against Platon. Even though the law requires that prosecutors notify senior management if they receive blatantly illegal instructions from a supervising prosecutor and that any instructions to subordinate prosecutors should be given in writing, the prosecutor who backdated the documents was classified as a witness.  

45 https://www.rise.md/articol/banii-lui-dodon-din-bahamas/
47 Law no.3 of 25.02.2016 on Prosecution Service, articles 13 (3) and (4).
CASE STUDY 17.
Prosecutor who reported to have committed wrongdoing classified as witness

In December 2019, the PGO announced that “Viorel Morari is suspected of receiving and registering a complaint from Vlad Plahotniuc, of initiating criminal proceedings in March 2017 contrary to the legal provisions, and of falsifying related documents. This was done for personal gain, that is, to help the complainant and his affiliates avoid their classification as suspects in the bank fraud – Theft of the Billion case and to obstruct the quick, comprehensive and accurate investigation of the case”.

According to the lawyer, the criminal proceedings were initiated based on an anonymous letter. Later, however, a prosecutor reported to have falsified certain documents, as they were “instructed to do so by Mr. Morari.”

Though the alleged offence was committed in 2017, it was only two years later that the prosecutor decided to report committing it as a result of the reviews conducted by the PGO’s specialized prosecution agencies. On February 24, 2020, Platon was classified as an injured party in the criminal case against the former head of the APO, Viorel Morari. The latter then hinted that “They probably want to release Veaceslav Platon before the end of the prison term”.

On May 18, 2020, Prosecutor General Alexandr Stoianoglo announced that Platon’s case was fabricated and that the prosecution authority would initiate the proceedings for the review of his sentence. On June 15, 2020, Platon was released based on Stoianoglo’s request to suspend his sentence.

In another case, the PGO declared that Platon was innocent in the case related to the Theft of the Billion, in which he was sentenced to 18 years in prison. During the re-trial of that case, the prosecutors summoned dozens of witnesses (connected to the convict) who testified in support of Platon’s innocence. Some of the witnesses actually appeared as beneficiaries in schemes linked to the Theft of the Billion.

CASE STUDY 18.
Prosecution witnesses support Platon’s innocence

During the re-trial of the Theft of the Billion case in which Veaceslav Platon was sentenced to 18 years in prison, prosecutors summoned about 25 witnesses, including Platon’s friends, former and current employees in the banking system, managers of the companies involved in the Theft of the Billion, and Ilan Sor’s employees. The testimonies given by the prosecution witnesses, however, did not incriminate Platon and even made reference to former PDM leader Vladimir Plahotniuc and Sor party leader Ilan Sor.

The beneficiaries “on paper” of the companies Provolirom, Dracard, Caritas Grup and Voximar, which appear in the bank fraud case, told the judges that they had entered into loan agreements
worth MDL one billion unaware of the schemes in which they were involved. They also admitted to having been paid USD 100 a month to sign documents of which they were unaware. The person who had recruited the "managers on paper" of the companies affiliated with Ilan Sor even testified during the re-trial of the case.

Individuals who are close to Platon – including Nicolae Curtoglo who has known Platon "since school" – also gave testimonies. In his testimony, Curtoglo, who was a board member of Moldincombank, referred to transactions involving the assets of several companies. He also complained of having been intimidated by the former prosecutor Adriana Betisor to testify against Platon.

Some of the testifying witnesses had previously avoided (for various reasons) attending the court hearings on Veaceslav Platon’s case: former President of Victoriabank Natalia Politov-Canga; former board member of Moldova-Agroindbank Stela Pahomi, and Sor Party MP Denis Ulanov. All three are currently under criminal investigation for complicity in other cases related to the Theft of the Billion.

As the details of the case involving the illegal expulsion of the Turkish teachers were classified, it is difficult to say whether the possible accomplices were classified as witnesses or if they had any procedural status. What is certain is that in such a large-scale operation, it is difficult to believe that the head of the SIS, who was ultimately convicted, could have acted by himself.

CASE STUDY 19.
Accomplices left out of the criminal investigation into the kidnapping of Turkish teachers

On September 6, 2018, news that the SIS and the Asylum and Migration Authority illegally conspired in kidnapping seven Turkish teachers at Orizont high school – apparently with the approval of the country’s leadership that claimed that the act was legal – outraged society. The SIS said that the seven Turkish nationals had ties to an Islamist group led by cleric Fethullah Gulen, who has been in self-imposed exile in USA for many years because of his strained relationship with Turkish President Recep Tayyip Erdoğan. However, on June 11, 2019, The ECHR ruled against Moldova in this case and obliged the country to pay USD 25,000 to each of the complainants. On February 5, 2020, the PGO announced the completion of the criminal investigation and the transfer of the case to court. Although it is impossible that only one person was involved in the operation – the person had to have acted upon top-level orders – in February 2020, the court only brought charges against Vasile Botnari, who was the Head of the SIS at the time the Turkish teachers were kidnapped. The court dropped charges against two SIS deputy directors and the Head of the Migration and Asylum authority. In July 2020, the Buiucani District Court in Chisinau secretly issued a decision on this case. It was not until September 2020 that the public found out about it.
Although the Turkish teachers’ relatives publicly stated that the people who visited their homes claimed to be the “President’s people” and the Turkish President publicly thanked Dodon for his personal involvement in the case, it is unclear whether Dodon was at least interrogated as a witness, as the case file was classified.53

IV.3 Public access to court hearings

According to this criterion, the following assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during court hearings:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The trial is open to the public;</td>
<td>- The trial is closed to the public;</td>
</tr>
<tr>
<td>- Accurate information about the court hearings is published on the court website;</td>
<td>- the information about the court hearings published on the court website is wrong;</td>
</tr>
<tr>
<td>- Hearings take place in the courtroom.</td>
<td>- the law enforcement body (including the subject’s escort) obstruct journalists’ access to the hearings, even those that are open to the public</td>
</tr>
<tr>
<td></td>
<td>- Hearings take place in a judge’s office</td>
</tr>
</tbody>
</table>

Note: Depending on the interests of the defendant and the interest group with which he/she is affiliated and on the likely outcome of the case, access may be limited and these elements may be reversed.

According to legislation on criminal procedures, trials, with some exceptions that are clearly stated in law, must be generally accessible to the public. To ensure the right of interested citizens to attend a court hearing, the date, time and place of the hearing must be published on the court website. Public access to trials may be restricted only on the basis of a specific court decision.

If trials are closed in cases where public access apparently is detrimental to the group interests and/or interests of those in power and courts act in support of those interests – e.g., the information related to hearings is not published or it is published incorrect, hearings are held in small rooms, or the judge orders court hearings to be closed to the public – there are grounds to suspect judges of bias and selectivity.

Furthermore, this kind of conduct can lead to suspicions of involvement on the part of politicians or interest groups, especially if judges act differently in similar cases involving people with opposing interests.

The overwhelming majority of the 331 monitored court hearings were open to the public, except for the ones related to Valeriu Gisca, a judge allegedly involved in the Laundromat case. Those hearings were closed to the public after the defendant’s lawyer saw that there were persons (monitors) who wanted to attend the hearings and asked the court to deny them entry. The lawyer argued that the prosecutor had requested that the trial be closed to the public back in 2019. This is the only case when our monitors could not attend

53 https://www.youtube.com/watch?v=29sNl4k29SE
the court hearings. Coincidentally or not, Riscani Court Judge Valeriu Gisca was accused of complicity in laundering the largest amount of money (USD 2.1 billion) in the Laundromat case. Therefore, it seems very strange that the prosecution requested that the hearings be closed to the public.

In total, 284 hearings (86 percent) were held in the courtroom and only 47 (24 percent) were held in judges’ offices. When the hearings were held in judges’ offices, the monitors did not report a lack of space to accommodate those who wanted to attend the hearings, except for one case (Tutu no. 1 case).

In relation to the Morari no. 1 case, the information about the date, time and place of the hearings held on February 15 and April 16, 2021 was not published on the court website. The listed venue for the case hearing held on February 19, 2021, was incorrect.

All the hearings that were not publicly announced or incorrectly announced took place in the same period of the trial proceedings. According to the monitors’ reports, during those hearings the plaintiff, Platon, presented his arguments regarding the damages he suffered.

### IV.4 Recusal of judges/prosecutors

According to this criterion the following assumptions of favorable selectivity for representatives of the interest groups and unfavorable selectivity for their rivals were checked:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The court accepts the defense's request for the unreasonable recusal of an investigating judge/prosecutor;</td>
<td>- The court denies the defense's reasonable request for the recusal of an investigating judge/prosecutor (visible hostility, political connections with the ruling parties or with the interest group etc.);</td>
</tr>
<tr>
<td>- The prosecutor and/or claimant reasonably request recusal, which is accepted, leading to the replacement of the panel of judges (if the expected outcome of the trial is likely to be positive for the ruling parties and/or the interest group that influences justice).</td>
<td>- The prosecutor and/or the claimant unreasonably requests recusal, which is accepted, in order to delay the trial (if the expected outcome is likely to be negative for the ruling party or the interest group that influences justice).</td>
</tr>
</tbody>
</table>

A judge may not participate in a case trial and should abstain or be recused if there are circumstances that cast reasonable doubt on his/her impartiality (e.g., kinship ties, previous participation in the case examination in a certain procedural capacity, previous statements made by the judge on the defendant’s innocence or guilt, etc.). As a rule, the recusal motions should be filed in the preparatory stage of the court hearing or during case examination, before the examination of evidence starts. The parties are allowed to request recusal repeatedly. Yet, if they do so in bad faith or abusively to delay case examination or to confuse judges, the court may fine the defendant.  

Examing the recusal motions in high-profile cases and those involving politicians or representatives of interest groups that influence justice can be really helpful in understanding whether the phenomenon of selective justice exists. Reviewing these motions also allows observers to understand practical manifestations of selectivity, as it reveals whether the involvement of interest/political groups and/or the

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54 Articles 33 and 34 of CPC
differentiated treatment of litigants are among the reasons invoked by the defense in their recusal motions. Likewise, recusals filed by prosecutors can hint at attempts to deliberately delay the trial in cases when prosecutors are aware that the case files are not comprehensive and that the judgement is likely to be in favor of defendants.

During the monitoring of the 26 cases under judicial examination, 29 recusal motions were reported, 28 of which (96 percent) were rejected and one accepted (four percent).

The defense filed 16 motions (55 percent) for recusal of judges, two (seven percent) for recusal of prosecutors and two seven percent) for recusal of the court clerk. The plaintiff filed seven motions (24 percent) for recusal of judges, while the prosecution filed two such motions (seven percent).

**Share of recusal motions**

<table>
<thead>
<tr>
<th>Role of Recusals</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judge recusals by defendant</td>
<td>55%</td>
</tr>
<tr>
<td>Judge recusals by plaintiff (Veaceslav Platon)</td>
<td>24%</td>
</tr>
<tr>
<td>Prosecutor recusals by defendant</td>
<td>7%</td>
</tr>
<tr>
<td>Judge recusals by prosecutor</td>
<td>7%</td>
</tr>
<tr>
<td>Court clerk recusals by defendant</td>
<td>7%</td>
</tr>
</tbody>
</table>

It should be noted that 25 percent of the motions filed by the defense seeking recusal of judges were related to the case of Ilan Sor, who left the country some years ago. Since his departure, the trial court sentenced him in absentia to seven years in prison and the case is under examination at an appellate court.

An interesting fact is that the number of recusal motions filed by plaintiffs is unusually high – 25 percent of all the recusal motions related to the monitored cases. All the motions filed by the plaintiff to recuse judges were related to the Morari case, involving the former Head of the APO Morari and Platon as the plaintiff. All the motions filed by prosecutors (seven percent) to recuse judges related to the same case – Morari no. 1. In total, the motions filed by the plaintiff and prosecutors in this case accounted for 28 percent of all the recusal motions reported during the monitoring of the 26 cases in court. Given that the defense also filed one motion to recuse the prosecutor and one to recuse the court clerk (7 percent of the recusal motions reported during the monitoring period), the Morari no. 1 case leads with 38 percent of all the recusal motions filed during the monitoring period.
Recusal motions in Morari 1 case relative to the rest of the cases

Monitors noted that prosecutors filed recusal motions for similar reasons as did the plaintiff Platon. In general, the reasons underpinning the recusal motions filed by prosecutors and the claimant seemed to be similar. It is hard to imagine that they did not recognize that the outcome of their examinations would be identical. The multitude of recusal motions, therefore, hints at their intention to delay the trial. The defendant Morari, in turn, filed only one motion for the recusal of the prosecutor and did not request recusal again for similar reasons after his initial motion was rejected.

CASE STUDY 20.
The record of recusals in Morari case

In the Morari no. 1 case, Veaceslav Platon reported Vladimir Plahotniuc to the Romanian DIICOT for organizing a criminal group and embezzlement. Plahotniuc, in turn, reported Platon to the APO, accusing him of slander. Later, Platon reported Morari for having backdated the decision to initiate the criminal investigation against him based on Plahotniuc's report. Platon claimed that this had led to his illegal targeting in the bank fraud case, causing him to lose USD 300 million and suffer MDL 1 million in moral damages.

During the case’s examination in court, Platon filed seven motions to recuse separate judges and the entire panel, the prosecutors filed another motions to recuse judges, and Morari requested the recusal of the prosecutor and the recusal of the court clerk. The reasons underpinning those motions were the following:

1) During the hearing held on July 10, 2020, the defendant Morari requested the recusal of PCCOCS prosecutor Elena Ceruta, claiming she had been the prosecutor in the politically-motivated case of the businessman Valentin Esanu. After the PDM lost power, the APO initiated an investigation into money laundering schemes at the state-owned enterprise Metalferos based on a complaint submitted by Esanu;

2) During the hearing held on December 11, 2020, prosecutor Elena Ceruta requested the recusal of the panel of judges, claiming that the panel lacked impartiality after it issued her a fine (for not notifying the court that she would not attend the hearing on December 10, 2020) which she considered unjustified;

3) During the hearing held on December 17, 2020, plaintiff Platon requested the recusal of the panel of judges, claiming the panel lacked impartiality towards the defense after it issued him a fine (for the same reason as in the case of prosecutor, for not attending the hearing on December 10, 2020);
4) During the hearing on December 21, 2020, prosecutor Renata Anici requested the recusal of judges Vasilisa Muntean and Irina Paduraru. The reason given for the recusal request was that the judges did not give the prosecution enough time to prepare for the hearing;

5) During the hearing on February 3, 2021, the defendant Morari requested the recusal of the court clerk Ana Scutaru, claiming that she lacked professionalism (she wrote 21 million instead of one million), she failed to follow the instructions of the chair of the hearing in violation of art.83 (2) item 6) CPP and incorrectly translated files in violation of art.85 (2) CPP. The panel of judges granted the recusal motion;

6) During the hearing on February 3, 2021, following the recusal of the court clerk, plaintiff Platon requested the recusal of judge Vasilisa Muntean, claiming that she had violated his procedural rights, without specifying which ones;

7) During the hearing on April 15, 2021, plaintiff Platon requested the recusal of judge Vasilisa Muntean claiming that she had rejected his request to postpone the trial. Platon requested a postponement of the trial, because his lawyer was not available at the time. According to Platon, the judge restricted his right to ask the testifying witness questions by rejecting this request;

8) During the hearing on April 19, 2021, plaintiff Platon requested the recusal of judges Vasilisa Muntean and Irina Paduraru, claiming that some of the questions he posed to the witness were not excluded from the minutes of the hearing;

9) During the hearing on April 22, 2021, plaintiff Platon requested the recusal of judge Vasilisa Muntean, claiming that she had rejected his request to postpone the trial;

10) During the hearing on June 22, 2021, plaintiff Platon requested the recusal of the entire panel of judges, claiming that some questions posed to the witness during the hearing held in April 2021 were excluded from the minutes of the hearing;

11) During the hearing on June 23, 2021, plaintiff Platon requested the recusal of the chair of the panel of judges, Vasilisa Muntean, claiming that she restricted his procedural rights.

Surprisingly, neither the defense nor the prosecutors filed any recusal motion in the other two cases in which Veaceslav Platon should be much more interested – the re-trial of the bank fraud and Moldasig cases in which he had been convicted.
IV.5 Changing or replacing judges/prosecutors during trial

According to this criterion, the following assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- If a conviction is likely, the objective judge/prosecutor is transferred, promoted or otherwise removed from the trial, and is replaced by a loyal judge/prosecutor with a milder approach.</td>
<td>- If an acquittal is likely, the objective judge/prosecutor is transferred, promoted or otherwise removed from the trial, and replaced by a loyal judge/prosecutor with a tougher approach.</td>
</tr>
</tbody>
</table>

The investigating judge or panel of judges must remain the same throughout the entire trial. If this is not possible, the panel is subject to change only until the judicial investigation begins. Any change in the panel of judges after the beginning of the judicial investigation requires the case to revert back to the beginning stage of the judicial inquiry.\(^{55}\) The judge can be replaced only in cases of abstention or recusal, as well in cases of transfer to another court, suspension from office for a long period of leave, resignation, dismissal, reassignment, etc.

One of the aims of this research on selective justice was to explore how much a change of the judge/prosecutor depends on decisions made directly or indirectly by the representatives of the interest group and/or by political decisionmakers. Thus, if the judge/prosecutor objectively investigating a criminal case with political stakes poses challenges to the political decisionmakers or politicians are simply interested in delaying the trial, changing the judge/prosecutor could be regarded as political interference in justice.

During the monitoring period, there were not many cases involving changes of a judge or a prosecutor. This is natural, because none of the 27 motions for recusal of judges and prosecutors in the 26 monitored cases was granted.

Only one judge was replaced (Tatiana Bivol in the Platon no. 1 case re-trial). She abstained as she was related to one of the 25 witnesses called by the prosecution to testify and was ultimately replaced by Judge Lilia Lupasco.

An noteworthy attempt to replace a judge occurred in the Platon no. 2 case (Moldasig). During one of the hearings, Judge Stella Blesceaga examined the request to join the case with other two criminal cases targeting the defendant, which were on the dockets of Chisinau Judges Eugeniu Beselea and Elena Ungureanu. Platon's defense claimed that, if joined, the cases should be examined by Beselea. The defense noted that, according to the procedure, cases should be joined with the first case sent to court – the one assigned to Judge Beselea. After deliberations, Judge Blesceaga decided to reject the judges' request for a joinder and returned the case files back to them. She also ordered the transfer of the criminal file to Beselea, so that it could be joined with the case he was investigating. The latter, in turn, declined his authority to handle this task and returned it to Stella Blesceaga, who continued the case examination.

In the case of Oleg Melniciuc, Prosecutor Irina Ghergestean could not attend one hearing because she was sick with COVID-19 and was thus replaced by Prosecutor Mariana Bocsanean. This is the only replacement of a prosecutor reported among the monitored cases.

\(^{55}\) Art.31, CPC.
IV.6 Trial delays

According to this criterion, the following assumptions of favorable selectivity for the representatives of interest groups and unfavorable selectivity for their rivals during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The trial is delayed due to participants in the trial, in the interest of the defendant (e.g., the defense requests postponement, the prosecutor who cannot attend the hearing is not replaced or the newly-appointed prosecutor requests additional preparation time, etc.);</td>
<td>- Trial is delayed due to the defense, but the defendant/defense is admonished by judge;</td>
</tr>
<tr>
<td>- The judge suspends the trial during an election campaign in which the defendant runs as a candidate;</td>
<td>- the prosecutor who cannot attend the hearing is replaced;</td>
</tr>
<tr>
<td>- The judge schedules court hearing over very large intervals of time.</td>
<td>- The judge rejects the defendant’s request to suspend the trial during an election campaign in which the defendants runs as a candidate;</td>
</tr>
<tr>
<td></td>
<td>- The judge schedules court hearings over short time intervals.</td>
</tr>
</tbody>
</table>

In the event that a hearing cannot take place due to the failure of one of the parties or the witnesses to attend or for other unjustified reasons, the judge, after consultations with the parties, may decide to postpone the hearing. Trial delays caused by the failure of the legally summoned trial participants (e.g., the defense, witnesses, expert, interpreter, etc.) to attend the hearing or the delays in carrying out certain procedural actions ordered by the court (e.g., commissioning an expert analysis) may entail the imposition of a fine. The decision of the court to postpone a hearing must be adopted by way of a reasoned conclusion, which is recorded in the minutes of the hearing.\textsuperscript{56}

As already noted, the monitoring covered 26 cases under judicial examination and 331 open hearings on those cases. Out of these hearings, 138 (44 percent) hearings actually took place on time, while 173 cases (56 percent) involved delays. The court delayed 41 percent of the meetings (mostly due to workplace restrictions related to the pandemic and Covid-19 outbreaks among court staff), the prosecutor or plaintiff delayed eight percent of the cases, and the defense delayed 51 percent of the cases. Although the monitoring was carried out during the pandemic, the share of the delayed hearings was inexplicably lower than that of the previous monitoring period, when delays were reported in 69 percent of the hearings (in 21 percent because of the judge, in 13 percent because of the prosecutor and the plaintiff, and in 42% because of the defense).

As most of the monitored open court hearings related to 3 cases - Platon no. 1 (review of his conviction for involvement in the bank fraud), Morari no. 1 and the Ilan Sor case – most of the delays were reported in these three cases. There were 18 postponements in the Platon no. 1 case, 28 postponements in the Morari no.1 case, and 42 postponements in the Sor case.

It is evident that 24.3 percent of all the postponements occurred in Ilan Sor’s case, which was under appeal. In total, 51 hearings were scheduled on this case, with 42 hearings (82 percent) successfully delayed by Ilan Sor’s defense.

In order verify the selective justice assumptions, the research tried to identify who caused the delays in these three cases in order to determine the procedural interests of the defense and of the prosecutors.

\textsuperscript{56} Articles 331 and 201, CPC
Delays in Platon no. 1, Morari no. 1 and Ilan Sor cases

<table>
<thead>
<tr>
<th>Case</th>
<th>Delays attributable to court</th>
<th>Delays attributable to prosecutors/complainant</th>
<th>Delays attributable to the defense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Platon 1 case</td>
<td>18 delays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Morari 1 case</td>
<td>28 delays</td>
<td></td>
<td>27 delays</td>
</tr>
<tr>
<td>Sor case</td>
<td>42 delays</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

What is surprising about the delays in the Platon no. 1 case is that, in spite of the pandemic, the court hearings in the re-trial were postponed only when the court was in quarantine/illnesses were reported among court staff. Neither the prosecutors nor Veaceslav Platon’s defense requested a postponement or any recusal due to illness or other reasons, which would have also caused delays.

CASE STUDY 21.
Hearings “on a conveyor belt” in Veaceslav Platon’s case

The examination of the PCCOCS request for a retrial of the Platon case began on September 24 and a few days later, after seven hearings, the court ordered a retrial. The grounds for such a request related to newly discovered evidence which was not available at the time of the first trial. Moreover, some witnesses did not even testify during the first trial. Given these reasons, “The prosecutor believes that the evidence collected during the review of the case supports the convict’s innocence”.

The re-trial has been progressing swiftly since then. Court hearings have been scheduled almost weekly. In total, 44 court hearings were scheduled in a seven-month period, 16 of which were not scheduled in a suitable time for the court.

Platon, however, does not think that the retrial is advancing swiftly. On the contrary, he claims that his “opponents are trying to delay it as much as possible.”

In contrast to Platon’s case, 29 hearings were scheduled during the same period in Ilan Sor’s case, which is on the docket of Cahul Court judges. Only six hearings were scheduled since last September in Sor’s second case, which also targets former Prime Minister Vlad Filat.

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57 COVID-19 illness reported by defendant/the defense, followed by the arrest of the defendant in another case.
Despite the pandemic, no delays were reported because of the court (no case of illness among judges, the court did not enter quarantine) or because of prosecutors (no case of illness among the prosecutors). All the delays happened because of the defense, which in addition to citing illnesses and involvement in other cases, requested recusals, case transfers and sought exceptions of unconstitutionality. In fact, Sor’s defense has obstructed the examination of the case.

**CASE STUDY 22.**

**Endless delays in Ilan Sor case examination**

The main reasons put forward by Ilan Sor’s defense for requesting the postponement of court hearings in the period between September 2020 and May 2021 in his case (that is now at the Cahul Court of Appeal) are given below as recorded by the monitors:

“During the hearing on September 8, 2020, witness N.A., after about four hours of testifying about his role in taking out loans, refused to sign the testimonies in the absence of his lawyer. Moreover, the judge forgot to explain to the witness his rights. The prosecutor requested that additional records be attached. The defense requested additional time to examine the additional records and the prosecutor’s request, which resulted in over 1000 pages (bank information, extracts from reports, etc.) being attached to the case. The prosecutor presented only one copy of the documents to the judge. The judge suggested that the defense get acquainted with the additional files at the Cahul Court of Appeal. At first, the defense was given only one week to examine the request. When the defense objected that the time frame was too short, the court scheduled the hearing on the prosecutor’s request on September 21, 2020.”

“September 14, 2020. Witness I.I. was invited to and is present at the hearing. The defendant’s lawyer, Denis Calaida, requested a postponement, claiming that part of the case files had been sent to SCJ. He noted that between the hearings held on September 7 and September 14, 2020, the defendant’s lawyers filed a request for the SCJ to transfer the case to other court, citing an exception of unconstitutionality. To examine the transfer request, the SCJ requested the case files from the Cahul Court of Appeal. The defense claimed that the case cannot be examined without parts of the files that were submitted to the SCJ. The court rejected the defense's request, arguing that the available case files allowed the court to continue the trial and to question witnesses. The court started questioning witness N.A. (repeatedly). The judge read the given testimonies. The defense had some clarification questions. During the questioning of the witness, the defense accused the court clerk of inaccurately recording testimonies. The defense requested to listen to the audio recordings of the hearing held on September 7, 2020, and to correct the minutes of the hearing. The court refused the request, because there is no such procedure. The defense filed a motion for recusal of the court clerk under art.84 (4) of CPC (unprofessionalism). The motion was denied. Immediately, the defense filed a motion to recuse the panel of judges, which was examined in a closed hearing. The hearing continued with the questioning of witness I.I.”.

“The hearing on December 17, 2020, took place as scheduled. At first, the ex-officio lawyer Nicolaie Bojenco requested to be excluded from trial, because the defendant had contracted his own lawyers. The request was denied. Bojenco filed a motion to recuse the panel of judges. The motion was denied. The lawyers filed a motion to recuse prosecutors Irina Gherghisteanau and Mariana Botezatu on the grounds that they presented new documents/evidence. The motion was denied. The defense filed a recusal motion on the grounds that the hearing that
started at 5:20 pm after all the recusal motions had been examined extended beyond the working hours. As no other judges were available to examine the recusal, the hearing was postponed to December 21, 2020.”

“The recusal motion filed on December 17, 2020, was to be examined on December 21, 2020. However, the defense filed an exception of unconstitutionality in accordance with art.35 (2) of the CPC, which stipulates that the recusal motion has to be examined on the day it is filed and the persons referred to in the recusal have to be present. The defense, taking into account the practice of examining such motions, considered that clarity is needed in relation to the provisions of art.35 (2) of the CPC on the obligation of the person whose recusal is requested to attend the hearing. The hearings have been suspended until the Constitutional Court gives an interpretation of this issue.”

“22.01.2021. At the beginning of the hearing, the defense requested a working schedule until 12:00, as they had to attend a hearing on the examination of an arrest warrant request scheduled at 3:00 pm at Coicana District Court in Chisinau. According to the CPC, the examination of arrest warrant requests is given priority. The court did not announce that it would examine the request regarding the working hours later; it began with the examination of the requests for attaching new evidence to the case file, which was submitted earlier by prosecution and the defense. Having examined the requests, the court started deliberations, without giving a decision on the defense's request to establish the case examination schedule. As the deliberations lasted until 1:00 pm, the defense left the hearing (but not before providing a statement about their intention to leave the hearing). Apparently, the court deliberately created a tense situation by avoiding a decision on the defense's request – even though the court was aware that the hearings on arrest must be given priority – and by extending deliberations to force the defense to leave the hearing. As for the requests to attach evidence, the court rejected the defense's request in its entirety and partly accepted the prosecutor's request. After the court took note of the request of the defense to leave the hearing in order to attend the other hearing on the arrest warrant request, it apparently created even more tension by ordering a thirty-minute break and inviting ex officio lawyer N. Bojenco to the hearing. It should be noted that lawyer N. Bojenco had informed the court at the beginning of the hearing he would not be able to attend as he was involved in another hearing and the defendant Ilan Sor had contracted his own lawyers. As N. Bojenco did not show up and lawyers Colenco and Calaida filed a motion to recuse the judges on grounds of violation of the right to defense, the hearing was postponed.”

“Eight hearings scheduled between January 27, 2021, and March 26, 2021, did not take place because the motion for recusal filed on January 22, 2021, was pending examination, and an exception of unconstitutionality was filed by the defendant's lawyers. The hearings did not take place because a decision on the recusal motion had not been made.”

“26.03.2021. The recusal motion was denied.”

“13.04.2021. Lawyer Nicolae Bojenco filed a motion to recuse judge Tudor Berdila. The reasons are unknown, because the motion was reviewed in a closed hearing. During the review of the recusal motion, the defense communicated to monitors that they filed a request on the exception of unconstitutionality of provisions of art.35 (1) CPC. Both the recusal motion and the request on the exception of unconstitutionality were denied. Later, after the trial participants came back to the hearing room, the lawyers requested that a working schedule
be established in compliance with the provisions of the Decision of the Commission for Emergency Situations no.1 of April 1, 2021, given that the hearing had already lasted more than 60 minutes. The judges inappropriately raised their voice against the lawyers, not letting them speak out on the submitted requests. As a result, the lawyers left the hearing and, consequently, were fined by the court.”

“Eleven hearings scheduled between April 23, 2021, and May 20, 2021, did not take place, because the case transfer requests were still under review and because the SCJ still had to decide on the appeals against the decisions of the appellate court.”

“On May 20, 2021, lawyer Bojenco on behalf of the defendant Ilan Sor filed a request on the exception of unconstitutionality of the provision of art.7 (33) CPC (as amended through Law no.99 of June 11, 2020) – “The court decision is final, but it can be challenged in a first appeal procedure or, if appropriate, second appeal.” The request on the exception of unconstitutionality was accepted.”

IV.7 Inequality of arms in criminal proceedings

According to this criterion, the following assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The judge does not accept additional evidence requested by prosecutors (including an expert opinion, sending letters rogatory, etc.);</td>
<td>- The judge does not accept additional evidence requested by the defense (an expert opinion, letters rogatory etc.);</td>
</tr>
<tr>
<td>- The judge refuses to question the prosecution witnesses;</td>
<td>- The judge refuses to question the defense witnesses;</td>
</tr>
<tr>
<td>- The judge treats the defense witnesses more favorably (does not interrupt them, lets them talk, asks clarification questions) than the prosecution witnesses.</td>
<td>- The judge treats the prosecution witnesses more favorably (does not interrupt them, lets them talk, asks clarification questions) than the defense witnesses.</td>
</tr>
</tbody>
</table>

According to the fundamental audi alteram partem (contradiction) principle, the defense and prosecutors have equal rights and should have equal opportunities to support their positions. The court only admits evidence to which the parties had equal access at the time of the sentence. In turn, the court is not a criminal investigation body, must not speak in favor of the prosecution or the defense and must serve no interests other than the interests of the law. The defense and the prosecution choose their position, mode and means of support as self-reliant parties. The court provides assistance to any party, which request help in gathering evidence. The court is obliged, during the trial, to fully and directly investigate the evidence presented by the parties or administered at their request. The court creates the necessary conditions for both the prosecution and the defense to conduct a multilateral and comprehensive investigation of the case's facts.
Equality of means lies at the core of a fair trial. The prosecutor, the injured party, the complainant, the defense, the defendant, the liable party and their representatives enjoy equal rights before the court regarding the administration of evidence, participation in the investigation of evidence, and the formulation of applications and requests.\(^6\)

The issue of equality of means in the trial is relevant in the context of research on selective justice, because the court and the criminal prosecution body are representatives of the state. Despite laws guaranteeing the independence of the judiciary, when there are indications that the court allows an imbalance between the means available to the defense and the prosecution and of acception new evidence, the independence of judges and justice is put into question. In particular, in politically sensitive cases (or in sensitive cases for the interest groups that influence justice), when judges adopt differentiated approaches to the gathering of evidence in similar or related cases, there may be grounds for suspecting political interference in the justice processes.

During the monitoring of the 26 cases under judicial examination, monitors reported that the court granted eight (57 percent) out of the 14 evidence-gathering requests filed by the defense and ten (69 percent) out of the 13 evidence-gathering requests filed by prosecutors. The significant difference (12 percent) suggests that the prosecution apparently enjoys a better standing than the defense. It should be noted that in the Sor case, the defense requested four new means of proof, and the prosecutors requested three means of proof. All the requests were unsuccessful. Given the significant delays in the examination of this case – especially the fact that the case is already under appeal – the court apparently considers the evidence-gathering requests as attempts to delay the trial. In all the other cases, prosecutors and the defense each filed ten requests for new evidence. The court granted eight requests from the defense and nine from prosecutors.

### IV.8 Ethical conduct of judges

According to this criterion, the following assumptions of favorable selectivity for the representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The judge demonstrates ethical behavior;</td>
<td>- The judge does not demonstrate ethical behavior;</td>
</tr>
<tr>
<td>- The judge visibly supports the defense.</td>
<td>- The judge is visibly hostile to the defense.</td>
</tr>
</tbody>
</table>

A judge's conduct during court hearings must follow the ethical standards defined in the Code of Ethics and Professional Conduct of a Judge, adopted by the General Assembly of Judges in 2015. The ethical behavior of a judge involves impartiality, among other things.

Therefore, unethical behavior of a judge, demonstrating preferential treatment of one of the parties before giving the final judgement can be an indicator of selective justice, especially if the defendant has political affiliation.

The monitors reported no serious ethical issues among judges that would suggest preferential treatment of any of the parties.
IV.9 Intimidation of the parties to the trial (the defendant, prosecutor, judge)

According to this criterion the assumptions of favorable selectivity for representatives of interest groups and unfavorable selectivity for their rivals were verified during the monitoring:

<table>
<thead>
<tr>
<th>Manifestations of favorable selectivity – mild treatment</th>
<th>Manifestations of unfavorable selectivity – tough treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The prosecutor is intimidated (disciplinary, criminally);</td>
<td>- The defense is intimidated (disciplinary, criminally);</td>
</tr>
<tr>
<td>- The judge that is likely to convict the defendant is intimidated (disciplinary, criminally);</td>
<td>- The judge that is likely to acquit the defendant is intimidated (disciplinary, criminally);</td>
</tr>
<tr>
<td>- The prosecutor or judge that is likely to announce a conviction becomes the target of defamation in media affiliated with the interest group/ruling parties.</td>
<td>- The defense or the judge that is likely to announce an acquittal becomes the target of defamation in media affiliated with the interest group/ruling parties.</td>
</tr>
</tbody>
</table>

The independence of the defense, the prosecutor and the judge is essential in guaranteeing the fundamental rights enjoyed by the defendant, the injured party, and other trial participants. The legal guarantees for the independence of all these categories of trial participants are in place.

During the second monitoring period, there were two cases of intimidation of judges by prosecutors (Politov-Cangas and Metalferos cases) and two other cases of intimidation of judges in cases that are not covered in this report.

CASE STUDY 23.
PGO considers prosecuting the judge who overturned the severance court order in Natalia Politov-Cangas case

In the fall of 2020, the APO announced the completion of the investigation into the involvement of a commercial bank (Victoriabank) in the bank fraud case. The prosecutors’ indictment targeted both the bank as a legal entity for money laundering, and the former chair of the Board, Natalia Politov-Cangas, who was charged with large-scale fraud and money laundering for the benefit of a criminal group.

Later, the Ciocana District Court in Chisinau overturned the APO decision on the severance of the criminal case involving Natalia Politov-Cangas.

In a press release, the PGO noted that Politov-Cangas should have been brought to justice two months before on two counts and that "For the first time in the Moldovan justice system, a judge overturns a decision on severance of offences in a case in which prosecutors gathered enough evidence to bring the offender to justice." The PGO considered that the judge had exceeded his powers.

"Even though the court judgement is irrevocable, the APO considers it illegal and will appeal it to Chisinau Court of Appeal, which is expected to correct the mistake made by the investigating judge. Additionally, the PGO considers that the decision was intended to ‘save’ the defendant from criminal liability, which is why the PGO considers the judge liable," reads a press release issued by the PGO.

"
CASE STUDY 24.
Judges express regret over the Prosecutor General’s statements on Metalferos case

On August 20, 2020, the Prosecutor General made a statement to the media on the Metalferos case: "The first instance and appellate courts took into account neither the severity of the offences, nor the social resonance of the case, nor the circumstances that could lead people to seek to obstruct the criminal prosecution and help them avoid punishment. They also did not take into account the fact that some of the persons appearing in the case, although arrested, continued their criminal activity. Judges rejected the prosecutors’ requests to order detention measures for the defendants, the court decisions running contrary to their previous judgments."

In response, the judges of the Ciocana District Court in Chisinau expressed regret over the Prosecutor General’s statements asking the SCM to take a stand. “The time for abusive arrests is over, regardless of how “important” or “resonant” prosecutors might consider a criminal case. It is time that prosecutors understand and acknowledge that when deciding on arrest, custody, or home arrest (exceptional preventive measures), authorization of searches and other prosecution and special investigative measures, the courts must avoid unjustified interference and make sure that no person is arbitrarily deprived of liberty (without this being absolutely necessary),” the judges complained.

The monitors reported two other incidents of possible intimidation of judges in cases that are not covered in this report. Nonetheless, they are related to two of the subjects in the monitored cases – Morari and Platon.

The first judge is Maria Tertea, who was arrested two months after she had denied the prosecutors’ request for pre-trial arrest in the third case filed by prosecutors against Viorel Morari. This case was filed against Morari for his role in unfairly targeting and arresting the co-owners of the Vento gas station chain, Igor and Adrian Bors, as well as stripping them of their assets and holding them criminally liable in 2018.

Tertea was arrested based on allegations of corruption and the case apparently had nothing to do with Morari’s arrest. However, shortly after the prosecutors’ request was rejected, the General Prosecutor publicly criticized the judge. Vladislav Gribincea, the president of the NGO Legal Resources Center, noted then that Viorel Morari was arrested soon after he had made serious allegations against the Prosecutor General. The legal expert thinks that there were no legal grounds to arrest Morari, calling the allegations against him "mind-blowing." Gribincea concluded, “The arrest of a suspect complicates the investigation. I see no sound reason for his arrest, except for shutting up the critics.”

CASE STUDY 25.
Criminal case against judge Maria Tertea

Maria Tertea is the judge, who rejected the prosecutors’ request to order the pre-trial arrest of the former head of the APO Viorel Morari in January 2021.

64 https://moldova.europalibera.org/a/duelul-procurorilor-stoianoglo-morari-a-trecut-la-o-noua-etapa/31055793.html
Later, the PCCOCS challenged this decision, based on a “conflict of interest between the judge and the defendant,” which occurred after “the APO ceased the criminal investigation of judge Maria Tertea and closed the criminal case in which she was investigated for false statements” three years ago.

The criminal case against Tertea (Tugui), which began on December 22, 2017, following the release of a media report based on the statements of her ex-husband, was closed less than two months after it was opened. She was prosecuted for not declaring a large amount of money she owed to creditors in her 2016 asset declaration.

Another incident is related to the Moldasig case, in which Platon is a defendant. On July 17, 2021, Moldasig’s controlling stake returned to the control of the state administration by a decision of Chisinau Court of Appeal. The judges adjudicated in favor of the National Financial Market Commission (NFMC) after it had appealed a decision of the Riscani District Court in Chisinau. In a press release, the NFMC stated that the decision of the Court of Appeal was irrevocable from the date of its issuance.

Earlier, the press reported that Platon allegedly bought the insurance company Moldasig in 2012 with its own money and with the help of shell companies. Platon denied those allegations.

In December 2020, guards stopped Platon when he tried to force his way into the meeting at which the NFMC was considering the Moldasig issue. The NFMC has claimed that Platon has never been a shareholder in the current structure of the insurance company.

During the examination of the case according to the administrative litigation procedure at the Chisinau Court of Appeal, people affiliated with Platon allegedly spied on one of the judges of the panel, Angela Bostan.

**CASE STUDY 26.**
Court of Appeal judge spied on by Platon’s people

On June 17, 2021, PCCOCS and SIS officers arrested five people for violating the privacy of a judge.

The press reported that Platon's associates spied on the judge. Platon, in turn, denied those allegations through his lawyer. The mission of the recruited people reportedly was to spy on one of the Court of Appeal judges, who was reviewing the NFMC’s appeal in the Moldasig case. This came after the Rascani District Court in Chisinau issued a judgement allowing Platon to claim a controlling stake in Moldasig.

The judge claimed that she had expected the PGO to take quick action. However, this did not occur, leaving many of her questions unanswered.

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69 [https://deschide.md/ro/stiri/social/86959/BREAKING-NEWS-Interlopi-re.inu.i-de-SIS-in-Chi.inau-Ar-fi-flitat-un-judecator-de-la-Curtea-de-Apel-la-indica.iile-lui-Platon.htm](https://deschide.md/ro/stiri/social/86959/BREAKING-NEWS-Interlopi-re.inu.i-de-SIS-in-Chi.inau-Ar-fi-flitat-un-judecator-de-la-Curtea-de-Apel-la-indica.iile-lui-Platon.htm)
70 Ibidem.
V. CONCLUSIONS AND RECOMMENDATIONS

This monitoring report on the selectivity of criminal justice (covering the period between June 2020 and June 2021) is the second report of its kind conducted in the Republic of Moldova. The monitoring methodology for selective justice was developed, tested, and improved following the first 2019 monitoring report conducted under the project “Mobilizing Civil Society to Support Judicial Integrity in the Republic of Moldova,” implemented by the NGO “Lawyers for Human Rights” with the financial support of Freedom House.

Presented below are the conclusions and recommendations regarding the findings of the monitoring report (sections V.1 and V.2).

V.1 Political guarantees and influences that are contrary to justice

This report indicates that, unlike the previous monitoring period (January–July 2019), apolitical individuals under criminal prosecution, no longer attempted to become party members or to seek to solve their justice-related problems by establishing closer ties with the ruling parties.

In a sample of 43 monitored cases, only three were identified in which the adoption of favorable rulings coincided with the period when the subjects under prosecution were closely affiliated with the ruling party.

In contrast to the findings of the 2019 monitoring report, no cases were identified in which a subject under monitoring complained of political pressure to join a ruling party via the initiation of a criminal case.

Additionally, there were no reports of allegations made by the suspects or defendants under monitoring that their cases were politically motivated.

On the other hand, there were cases when the criminal prosecution body avoided investigating obvious examples of corrupt political elements involving representatives of the ruling party. The Prosecutor General made statements referencing such cases in which he claimed that the grounds for prosecution were absent before the case prosecutors examined the facts.

In this respect, the following is recommended to the ruling political parties and/or to those that have pledged, to a certain extent, to ensure the just operation of the law enforcement agencies:

i. Refuse to accept any guarantees contrary to justice that might be offered by representatives of the judicial system, such as the Prosecutor General, subordinate prosecutors, the Superior Council of Prosecutors (SCP), SCM, and judges;

ii. Refuse to accept or extend guarantees contrary to justice that are offered by interest groups with influence on justice-related proceedings;

iii. Refuse to accept new applications for party membership or party support from persons under criminal prosecution;

iv. Suspend and/or revoke the party membership of criminally prosecuted persons, thus avoiding damage to the party image;

v. Respect the independence of the judiciary and judicial decisions and refrain from any interference, irrespective of the political and/or interest group affiliation of the subjects involved in the criminal investigations.
The following is recommended to the PGO and to the criminal prosecution bodies:

vi. Treat equally all public figures in corruption cases involving political actors or influence groups;

vii. Avoid acquitting persons who previously held public office when they are alleged to be involved in acts of corruption, particularly before a sound verification of the validity of such allegations is secured;

viii. Verify the allegations explicitly voiced during criminal proceedings before making a decision whether to initiate a criminal case.

The report identifies several indications that the PGO and courts of law have been exposed to inappropriate influence by the interest group known as “Platon's group.”

This influence was apparent both in the public statements of the PGO and of the Prosecutor General himself, as well as in the attitude and decisions made by the criminal prosecution bodies and the courts in criminal cases involving members of this group, in comparison to other similar criminal cases. A new phenomenon observed in the monitoring period was the creation by the Prosecutor General of a list of 38 cases which were allegedly impacted by political interference, without clarifying the criteria and conditions applied in the selection of these cases.

In this context, the following is also recommended to the criminal prosecution bodies:

ix. Avoid the practice of openly applying preferential treatment to certain categories or lists of cases. Such an approach constitutes clear proof of selectivity in the activity of the PGO;

x. Ensure maximum transparency in defining the criteria for drawing up such categories or lists of cases;

xi. Refrain from making public statements in support of the innocence of certain subjects involved in criminal cases that are still under investigation by prosecutors or pending investigation.

V.2 Confirmation of hypotheses on selectivity in public communication

The primary assumption in this report regarding selectivity in public communication is that subjects affiliated with interest groups with influence on judicial decisions enjoyed friendly treatment from the PGO and, in particular, from the Prosecutor General. The rulings of these cases, in which the initial accusation was renounced in order to prove the innocence of the subject, were extensively commented on by the prosecution body in the media. The media coverage, however, was significantly reduced in regards to the closure of these cases. A complementary hypothesis is that the PGO and the Prosecutor General held a hostile attitude towards opponents of the interest group. The Prosecutor General seemed to neglect the principle of presumption of innocence in cases involving opponents of the interest group; the latter's cases were widely publicized during the stages of criminal prosecution and judicial examination. However, the prosecuting body did not communicate information when a case closed for lack of evidence or for the expiration of the case's deadline.

Both selectivity assumptions are beneficial for the interest group that influences the judiciary and, therefore, indirectly confirm the existence of this inappropriate influence.

The monitoring revealed that, in most cases, the press found out about the status of high-profile criminal cases from its own sources. In particular, this was seen in the cases when prosecutors dropped charges against the individuals affiliated with an interest group with influence over the judicial decisions.
In other words, this occurred whenever it was beneficial for the representatives of the influence group to have minimal media coverage. In comparison to the previous monitoring period, the PGO surprisingly communicated more (through press releases or press conferences) on the status of specific criminal cases. Nevertheless, the statements made by the criminal prosecution body were clearly biased, revealing that the PGO adopted a friendly attitude toward certain cases and prosecuted or investigated subjects and a hostile attitude towards others. The Prosecutor General made a statement in one parliamentary session – without presenting adequate evidence from a number of concrete cases – that certain members of the Parliament belong to a criminal group led by a fugitive deputy, and that other deputies are part of a criminal organization led by a former fugitive deputy.71

It should also be noted that during this monitoring period, the press found out about the existence of the case or learned details of the case through information leaks in only two cases, compared to six cases during the previous monitoring period. Also, no case was reported in which the press learned about the existence of a criminal case from the statements made by ruling party officials. For comparison, during the previous monitoring period, two such cases were identified.

In order to avoid suspicions and accusations of selective justice, the following is recommended to law enforcement bodies:

xii. Carry out unbiased reporting via official methods with respect to all high-profile cases, regardless of whether the subject may be affiliated with certain interest/political groups. Unbalanced reporting fuels the perception that certain interest groups (political or business-related) exert control over the criminal prosecution;

xiii. The Prosecutor General should avoid publicly expressing a positive attitude toward individual subjects under criminal investigation, so that the impression is not created that certain accused persons are favored. Also, he should be mindful that his positive or negative attitude toward a subject could influence the prosecutors and/or judges assigned to these cases;

xiv. Law enforcement bodies should ensure that details of criminal investigations that have not been publicly announced are not disclosed to non-prosecutors, in particular to political officials or representatives of groups publicly perceived as influencing the judiciary. An announcement of plans to initiate criminal proceedings and/or disclosure of investigation details to the public indicates the existence of external influence and of a lack of independence on the part of the criminal investigation body;

xv. Law enforcement bodies should internally investigate information leaks and the disclosure of procedural details to outside entities. Such leaks jeopardize the course of the investigation and create the impression that the criminal investigation body is not independent in its actions.

The monitoring also confirmed that 70 percent of the investigated violations in the monitored cases were initially covered in journalistic reporting. Moreover, a direct reference was made to journalistic investigations in 14 percent of the criminal cases initiated by prosecutors. For comparison, during the previous monitoring period, no references to media investigations were made in any initiated criminal cases, even if the case files quoted the same illegalities or evidence reported by the press. In most of the cases, however, the criminal investigation body did not take immediate action in response to the journalistic investigations, or undertook actions with considerable delays. This gave grounds to observers to associate the timing of the initiation of the case proceedings with the political priorities of the ruling government and/or of the interest groups which influence judicial decisions.

The monitoring also revealed a certain number of worrying cases in which press investigations seem to have been used as a pretext for the immediate self-reporting and initiation of criminal proceedings against certain judicial actors.

In order to avoid suspicions and accusations of selective justice, the following is recommended to law enforcement agencies:

**xvi.** Take immediate action in response to allegations that offences have been committed and inform the public about such actions.

Also, in order to avoid suspicions that the press is instrumentalized in cases of selective justice, the following is recommended to media institutions and journalists:

**xvii.** Handle with the utmost caution information leaked by the criminal investigation bodies or interest groups about the offences committed by certain subjects;

**xviii.** Avoid publishing leaked information containing details relating to case files under investigation, which may reflect bias of political or other interest groups.

Another finding of the report is that, in certain criminal cases or cases of suspected corruption involving members of the ruling party, the PGO (via press releases) and the Prosecutor General (via press conferences and interviews) caused public controversy in relation to representatives of opposition parties who highlighted the absence of any progress in the investigation of these cases and accused the institution of being influenced by obscure forces.

There were several cases in which the Prosecutor General was accused of lacking integrity and of having connections with Platon. Consequently, the latter defended the Prosecutor General in his press conferences, social media posts and interviews, which only increased the perception of an existing connection between the two individuals.

Thus, the following is recommended to law enforcement bodies:

**xix.** Avoid controversies with political officials, especially with those belonging to the opposition, and avoid any inappropriate communication with criminal prosecution bodies;

**xx.** Completely and immediately dissociate from statements of support made by controversial persons, publicly perceived as representatives of groups with influence over the judiciary.

The monitoring revealed that the press found out about the place and time of an upcoming arrest either via press releases or from its own sources. The press was also informed in this way when the detainees were brought before a judge to be placed under arrest.

In cases when the press found out about the upcoming arrest of certain subjects, the press would deliver such information to independent TV stations with high viewership numbers. This information was most often shared in relation to subjects hostile to the interest groups with influence over judicial decisions.

Therefore, in order to avoid suspicions and accusations of selective justice, the following is recommended to law enforcement agencies:

**xxi.** Avoid leaking information about pending proceedings and related planned procedural actions, including information about detentions and arrests;

**xxii.** Report on arrests in a balanced way, by use of official methods, for all cases in which the subject, regardless of their political affiliation, is involved in cases of widespread public
V. Conclusions and Recommendations

importance. A uniform approach should be used in all cases in order to avoid the phenomenon of differential treatment and journalistic speculation based on political affiliation;

xxiii. Internally investigate leaks and hold accountable those who revealed the information to the press

The criminal prosecution stage is the confidential phase of the criminal proceedings. For this reason, communication with prosecutors and investigators is traditionally conducted via official press releases, statements and comments intended for the press. However, there were also cases when press conferences were organized for such reasons. During this monitoring period, all defendants stood trial as free citizens and had the opportunity to communicate with the press.

During this monitoring period, the courts’ attitude towards journalists was generally positive. A number of cases were identified in which judges rejected the requests of the defendants’ lawyers to ban the presence of the press during case trials.

Only in the high-profile case of the expulsion of Turkish teachers did both the criminal prosecution body and the court refuse to communicate with the press due to the classified nature of the case. As the only defendant in the case also refused to communicate with the press, journalists were unable to learn details of the criminal case and its court proceedings. As a result, public opinion emerged that the judicial system was trying to cover up this case.

In this regard, the following is recommended to law enforcement agencies and courts:

xxiv. Ensure at least a minimum level of public communication on high-profile cases, even in those considered classified.

Similar to the first monitoring period, journalists showed little interest in attending court hearings. The monitors reported that in 90 percent of the court hearings, they were the only journalists present at the trials. The loss of interest in attending court hearings was due to several factors – namely, the pandemic, frequent delays of court hearings, and the announcement of court hearings only a few days in advance of their occurrence. In addition, the court hearings took place in courts located far away from Chișinău. For example, the Ilan Șor case was tried at the Cahul Court of Appeal, about 140 km away from Chișinău.

In this regard, the following is recommended to the courts and media outlets:

xxv. The courts’ relevant staff should inform the public about general developments that took place in the court hearings in high-profile cases;

xxvi. Media institutions should continue to monitor high-profile cases by attending the court hearings and retaining lines of communication with the relevant parties to the process.

V.3 Confirmation of hypotheses on selectivity in criminal process

The primary hypothesis put forward in this report relating to selective justice is that, during the monitoring period, certain subjects of criminal prosecution who were aligned with interest groups (including the PSRM-PDM-Partidul Șor bloc) that influenced judicial outcomes, enjoyed certain procedural advantages in comparison to subjects with opposing interests. Although absolutely every situation examined in this report may be explained and legally justified within the provisions of the Criminal Procedure Code, the milder approach towards some subjects and the tougher approach towards others reflect the phenomenon of selective justice.
Several cases were identified for which different procedural approaches were applied in spite of their similar circumstances. This occurred in nine (21 percent) out of a total of 43 monitored cases and six additional cases that were not included in the monitoring sample. A differentiated approach was noted in relation to the following:

- The non-uniform treatment of cases in which a judicial decision stated that an act of violation of the legal framework relating to assets and interests occurred; or on the contrary, a judicial decision stated that the absence of such a violation was a prerequisite to initiate criminal proceedings on suspicion of illicit enrichment. Thus, in the cases of two judges and one prosecutor included in the monitored sample, such investigations began either on basis of the existence of an NIA investigation that did not reveal any violations, or on the basis of the absence of a prior NIA investigation. On the other hand, in the cases of at least three prosecutors in similar situations (targeted in investigative journalistic materials), the PGO used the lack of a NIA investigation as a justification for not investigating the prosecutors’ assets. The PGO preferred to notify the NIA about the media reports or wait for the findings of its integrity inspections to be released;

- The non-uniform treatment of media content as grounds for self-notification by the PGO as it relates to the initiation of the investigation of high-profile cases. Although the Office informed the public on its official website of self-notification for at least three cases which it intended to investigate, in one of the monitored cases (the transfer of the bag to former President Igor Dodon), self-notification did not occur. The PGO issued a statement announcing that self-notification could not take place and explained to the MP who published the photos how to file an official complaints. The PGO stressed that, otherwise, he could be suspected of acting to the benefit of interest groups;

- Inconsistent judicial resolutions. Convictions and acquittals were applied in the cases of judges allegedly involved in the Russian Laundromat case (carried out through the banking system of the Republic of Moldova), despite the fact that they were accused of the same crime. Moreover, the judge who had acquitted another judge in the Laundromat case received a request from the lawyers of Platon, who previously controlled the bank involved in Laundromat, to link several cases against Platon;

- The Prosecutor General’s request to suspend the sentence of Platon before the completion of the review of his case; his public statement that the case in which Platon was convicted was fabricated (in spite of the fact that no criminal prosecution was carried out with respect to the investigation); and his non-recognition of an irrevocable court decision even though such an assessment can only be made by a court. It is not known whether the Prosecutor General requested the suspension of sentences for other convicted persons. However, his public statements, which aimed to change the public perception about a person’s guilt, without giving the court the opportunity to decide otherwise and without respecting the presumption of innocence of the officers, prosecutors and judges who investigated that case, are certainly signs of his personal involvement.

All of these different approaches indicated a milder attitude towards persons considered to be affiliated with the Platon interest group and the PSRM government (the ruling party during the monitoring period).

The level of discretion granted to judges, prosecutors and criminal investigation officers in the Criminal and Criminal Procedure Codes may explain these inconsistent legal approaches. Nevertheless, the fact that these discrepancies benefit persons affiliated with an interest group or with the then ruling party fuels the same worrying perception of selective justice.
In this regard, the following is recommended to law enforcement bodies, the PGO, and the courts:

i. **Avoid differentiated treatment of persons allegedly involved in committing similar offences, especially if those affiliated with a political or other interest group enjoy more favorable treatment than those who are regarded as their rivals;**

ii. **Provide public explanations as to why the approaches applied to those allegedly involved in committing similar and/or related offences differ, especially if the persons affiliated with a prominent political (including government) or other interest group enjoy more legal-procedural advantages than those who are regarded as their rivals.**

This monitoring process identified a number of co-conspirators in criminal acts. Nevertheless, no criminal investigation was conducted in relation to them, or the investigation ceased and they were treated as witnesses for the prosecution. In four out of the 43 monitored cases, monitors established the existence of about sixty witnesses, who easily could have been treated as perpetrators rather than as witnesses based on well-founded suspicions. Two of these cases are of interest to PSRM (the Bahamas case and the expulsion of Turkish teachers) and the other two are of interest to Platon. In one case, he was acquitted as a defendant after 25-30 witnesses presented by the prosecution made depositions during the review of the case. In the other case, Platon appeared as the injured party.

At the level of court examinations, 331 hearings connected with 26 cases were monitored, out of which 86 percent of hearings were held in the courtroom and 24 percent of hearings were held in the judge's office, which did not affect the ability of the public to attend the trial. Two trials were closed to the public (the trial of the 13 judges involved in the Laundromat case and the case of former SIS director Vasile Botnari). Unlike the previous period when there was only one case that was not listed on the court portal of the court hearings, this monitoring period witnessed two cases for which information about court hearings was not published on the website. In another case, the public was misinformed regarding the place of an upcoming court hearing. All three of these cases involving misinformation or lack of information about the place and time of court hearings featured Platon as an injured party during those hearings. For comparison, during the previous monitoring period, the court portal omitted the publication of information about certain hearings in the Șor case.

Hence, even if some courts cannot examine all cases in the courtroom due to the large caseload and an insufficient number of rooms, high-profile cases should always have priority and be examined in courtrooms. The public might be highly interested in attending the hearings, as these cases are of significant importance. The judiciary cannot neglect this public interest, as doing so would amplify society's distrust of the justice system and would implicate the judiciary in having relationships with interest groups and policymakers. Suspicions of inappropriate influence are also legitimate when information about specific court hearings simply is not made public. This denies citizens interested in attending a trial the opportunity to do so.

In this regard, the following is recommended to courts:

iii. **Hold the hearings in high-profile cases – involving persons of increased public interest, either by virtue of their belonging to a prominent interest group or representing considerable political interests, in courtrooms rather than in the personal offices of judges;**

iv. **Ensure correct publication of the date, time and place of court hearings, especially in those linked to high-profile cases.**
In almost 40 percent of the monitored cases, the defendants, the accusers, or the injured party requested the recusal of the judge, the prosecutor or the court clerk. The court rejected all of these motions, considering them attempts to delay the proceedings. The most common reasons for requesting recusals were the following: The most frequent reasons invoked for the recusal of these requests are the following: the refusal of the court to postpone the hearing, the refusal of the court to allow the questioning of witnesses, a violation of procedural rights, the application of a fine by the court, an obvious hostile attitude of the judge towards the defense or, as the case may be, towards the accuser, incompetence of the staff (the court clerk), etc.

One interesting case involved a person representing an interest group, who (as an injured party) lodged a large number of recusal requests in the hope of delaying the announcement of an unfavorable judgement. In another case the same person (as a defendant) filed no recusal requests, as he expected a favorable judgement. In general, most recusal requests seemed to be intended to delay the announcement of a likely unfavorable judgement.

In this regard, the following is recommended to courts and the PGO:

v. Carry out a more thorough examination of recusal requests filed by the defense, particularly in high-profile cases;

vi. Warn or sanction those who request recusals in order to clearly delay judgements which do not seem to benefit representatives of the interest group.

In addition, only one case involved the replacement of a judge in this monitoring period. The judge withdrew from the case because of his personal relationship with one of the witnesses. There also was an attempt to change a judge. Platon's lawyers requested that several offences be jointly examined in the same case (coincidentally or not) by a judge who had acquitted judges involved in the Laundromat case.

Thus, the following is regarded to courts:

vii. Avoid changing the judge and/or the panel of judges for reasons other than a conflict of interest, especially in high-profile cases.

Court hearings were postponed in 56 percent of the monitored cases, leading to delays in the examination of the cases. The monitoring confirmed the hypothesis that the cases involving an expected favorable outcome for the defendant affiliated with an interest group with influence on judicial decisions progressed swiftly, regardless of the number of participants in the case and even changes of judges. When judgements were likely to be favorable to the defendants unaffiliated with or at odds with the interest group, the examination was delayed for reasons attributable to the court, the PGO or the plaintiff. The monitoring also confirmed the opposite hypothesis: if an unfavorable outcome for the defendant affiliated with an influential interest group or the government was likely, the examination was often delayed. Thus, this criterion also helped validate assumptions that the judiciary acted to the benefit of an interest group/government.

Unlike the previous monitoring period, there were no concerns related to equality of arms, nor to the ethical conduct of judges.

Two instances of intimidation of judges were identified out of the total number of 43 monitored cases. Another two instances of intimidation of judges were reported in cases beyond the monitored sample but of interest to the subjects of the monitored cases. In three cases, prosecutors intimidated judges by either publicly threatening to initiate criminal proceedings against them if their judgements did not please them (prosecutors) or even by prosecuting judges after the latter rejected their pre-trial detention requests. In one case, the judges showed solidarity with one another, and the Association of Judges sent complaints to the Superior Council of Magistracy (SCM).
V. CONCLUSIONS AND RECOMMENDATIONS

In this regard, the following is recommended to the courts:

- **viii.** Swiftly examine corruption cases involving representatives of interest groups/political parties, given the high public interest in them, while, at the same time, guaranteeing observance of the rights and procedural guarantees of all defendants, regardless of their affiliation with governing parties;

- **ix.** Court managers should publicly expose and/or inform the SCM of any attempts to influence judges in connection with the settlement of specific cases, particularly those involving representatives of interest groups and political parties. Court presidents should also report instances of direct intimidation of judges to law enforcement bodies;

- **x.** Apply disciplinary sanctions, including the dismissal of judges and prosecutors; who serve the interests of an interest/political group by putting pressure on other judges and prosecutors. Disciplinary sanctions should also be applied to judges and prosecutors who let themselves be influenced.

As already mentioned in the previous section, the PGO's public messaging was detailed but marked by violations of the presumption of innocence. The PGO's messages also often defied judicial authority by suggesting that court judgements were wrong, even though some of them were final and the convicts were already in jail (the revision of Platon no.1 case). However, there were no investigations of those (investigating and prosecuting officers, prosecutors, and judges) who contributed to such judgements through the alleged fabrication of evidence. None of the members of the Superior Council of Prosecutors, its Disciplinary and Ethics Board or the Prosecutorial Inspection took any action in relation to the alleged ethical violations committed by the Prosecutor General. It remains to be seen whether any complaints have been submitted in this regard. Moreover, the Code of Ethics of Prosecutors, approved by the Decision of the General Assembly of Prosecutors no.4 of May 27, 2016, does not include any accountability mechanism to address ethical violations on the part of the PGO, specialized prosecution agencies, and/or the regional prosecution offices. Ethical violations committed by managers of prosecution offices at any level contravene their obligation to cultivate integrity (through their own behavior) and can jeopardize the institutional integrity of the prosecution authority as defined in the Law on Integrity no.82/2017.

In this regard, the following is recommended to the Superior Council of Prosecutors:

- **xi.** inquire into any violation of the provisions of the Code of Ethics of Prosecutors;

- **xii.** design and put in place a clear accountability mechanism to address ethical violations on the part of managers within prosecution bodies at all levels and amend the Code of Ethics, if appropriate, so as to make it more comprehensive.

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72 Code of Ethics of Prosecutors, p.6.1 Rule of Law, p.6.1.3 – to respect the right to presumption of innocence; p.6.4 Impartiality, pct.6.4.1 – to respect the principle of equality of all persons before law, ensuring non-discriminatory treatment of all of them, regardless of nationality, ethnic origin and social status, sex, race, disability, wealth, language, age, religion, political views, sexual orientation or other criteria;

73 Ibidem, p.6.1.1 – to comply with the national legislation and international agreements to which Moldova is a party, the principles of fair trial as defined in art.6 of the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, the regulations of the Prosecutor General’s Office and of the prosecutorial self-governance bodies;

74 Ibidem, p. 6.5. Professionalism, p.6.5.4 – to take action against any violation of law, ethical and conduct requirements committed by judges, lawyers, prosecution officers and other parties or participants in proceedings.
ANNEX 1: The implementation of recommendations outlined in the 2019 report

It is recommended that the governing political parties and/or those which have assumed to a certain extent the functioning of the law enforcement bodies not accept the offer of anti-justice guarantees by:

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<thead>
<tr>
<th>2019 Recommendations</th>
<th>Assessment of the implementation of the 2019 recommendations</th>
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<tbody>
<tr>
<td>i. non-acceptance of the new party members from among persons under criminal investigation;</td>
<td>There is progress.</td>
</tr>
<tr>
<td>ii. the suspension of the status of party member and/or the determination of the criminally investigated persons to leave the party in order not to damage his image;</td>
<td>There is no progress.</td>
</tr>
<tr>
<td>iii. avoiding promises that party membership can be rewarded with public office that can be vacated through criminal cases and sanctioning party members responsible for such promises;</td>
<td>Such cases have not been found.</td>
</tr>
<tr>
<td>iv. respecting the independence of the actors in the judiciary and accepting its solutions, without interfering, regardless of the political affiliation of the subjects targeted in the criminal investigations.</td>
<td>There is progress, although the recommendation is not fully implemented.</td>
</tr>
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</table>

In order to avoid suspicions and accusations of selective justice, the following is recommended to law enforcement agencies:

<table>
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<tr>
<th>2019 Recommendations</th>
<th>Assessment of the implementation of the 2019 recommendations</th>
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<tr>
<td>v. Communicate in a balanced way, through official methods, in all cases with the involvement of political subjects, regardless of their affiliation to the opposition or government, because the occurrence of leaks through government-affiliated media and in politically convenient cases fuels the perception of political control over prosecution;</td>
<td>No progress, with the only difference that selectivity in communication has been observed more in relation to the interest group influencing justice.</td>
</tr>
<tr>
<td>vi. Not communicate with non-empowered persons, in particular to dignitaries with political positions, about criminal investigations that have not been publicly announced, because the announcement of plans to initiate criminal proceedings or investigation details that are not known to the public denotes political control and lack of independence of the criminal investigation body;</td>
<td>Such cases have not been found.</td>
</tr>
<tr>
<td>2019 Recommendations</td>
<td>Assessment of the implementation of the 2019 recommendations</td>
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<tr>
<td>vii. Internally investigate leaks of information and communication to political decision makers of the procedural details, which endangers the course of the investigation and creates the impression that the criminal investigation body is not independent in actions;</td>
<td>There is no progress.</td>
</tr>
<tr>
<td>viii. notify themselves of crimes as soon as the information about their commission appears, informing the public;</td>
<td>There is no progress.</td>
</tr>
<tr>
<td>ix. investigate criminal cases of corruption against political actors in a speedy and transparent manner, respecting the reasonable time limit for gathering evidence;</td>
<td>There were no new criminal cases against political actors.</td>
</tr>
<tr>
<td>x. avoid long periods intervals in the accumulation of evidence, periods followed by the public announcement of the case after it has been kept secret, which can be treated as waiting for politically favorable moments for the government;</td>
<td>There is no progress.</td>
</tr>
<tr>
<td>xi. avoid leaking information about pending proceedings and the procedural actions envisaged in them, including detentions and arrests, especially at times of political sensitivity;</td>
<td>There is progress, the number of cases of information leaks has decreased, but the phenomenon still exists.</td>
</tr>
<tr>
<td>xii. communicate in a balanced way, by official methods, in all cases with the involvement of political subjects, regardless of their affiliation to the opposition or the government, about the arrests made. In any case, the approach should be uniform, in order to avoid politically explained differential treatment speculation;</td>
<td>There was a worsening of the situation, at the expense of public statements by the Prosecutor General in press conferences, shows, interviews.</td>
</tr>
<tr>
<td>xiii. Internally investigate the cases when such leaks occur and prosecute those responsible.</td>
<td>There is no progress.</td>
</tr>
</tbody>
</table>

It is recommended to law enforcement and courts:

<table>
<thead>
<tr>
<th>2019 Recommendations</th>
<th>Assessment of the implementation of the 2019 recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>xiv. Ensure equal opportunities for defendants to communicate with the press;</td>
<td>The recommendation was followed.</td>
</tr>
<tr>
<td>xv. Avoid differentiated approaches of those involved in committing similar and/or related acts, especially if those politically affiliated to the government have the most beneficial approaches compared to those considered to be political competitors of the government;</td>
<td>There is no progress</td>
</tr>
</tbody>
</table>
### 2019 Recommendations

#### xvi.
Provide public explanations on the reasons why the approaches of those involved in committing similar and/or related acts differ, especially if those affiliated to the government are procedurally advantaged compared to those considered to be political competitors of the government.

**Assessment:** There is no progress.

#### xvii.
Fixing the examination of high-profile cases with the involvement of politicians and, especially, in the case of the files of politicians holding public positions/positions of public dignity - in the courtrooms and not in the personal offices of judges;

**Assessment:** There is considerable progress, although the recommendation is not fully implemented.

#### xviii.
Correctly publish information on the date, time and place of the court hearing in all cases, but especially for high-profile cases.

**Assessment:** There is no progress. There are still problems with the correct publication, in isolated, sensitive cases, of the given information.

#### xix.
Examine more closely the defense's recusal requests, in particular in high-profile cases.

**Assessment:** There is no progress.

#### xxi.
Examining corruption cases and/or those involving the representatives of political parties quickly, given the increased public interest in them, while ensuring respect for the rights and procedural guarantees of all defendants, regardless of affiliation with governing parties;

**Assessment:** No changes. Assessing progress is difficult due to the imposed pandemic restrictions.

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**it is recommended to the courts:**

#### xvii.
Fixing the examination of high-profile cases with the involvement of politicians and, especially, in the case of the files of politicians holding public positions/positions of public dignity - in the courtrooms and not in the personal offices of judges;

**Assessment:** There is considerable progress, although the recommendation is not fully implemented.

#### xviii.
Correctly publish information on the date, time and place of the court hearing in all cases, but especially for high-profile cases.

**Assessment:** There is no progress. There are still problems with the correct publication, in isolated, sensitive cases, of the given information.

**it is recommended to the court and the prosecutor's office**

#### xix.
Examine more closely the defense's recusal requests, in particular in high-profile cases.

**Assessment:** There is no progress.

**it is recommended to the courts:**

#### xx.
Avoid changing judges, especially in high-profile cases for reasons other than conflicts of interest;

**Assessment:** There is progress.

#### xxi.
Examining corruption cases and/or those involving the representatives of political parties quickly, given the increased public interest in them, while ensuring respect for the rights and procedural guarantees of all defendants, regardless of affiliation with governing parties;

**Assessment:** No changes. Assessing progress is difficult due to the imposed pandemic restrictions.
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<thead>
<tr>
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<th>Assessment of the implementation of the 2019 recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>xxii. Unify approaches to ensuring equality of arms in the process in relation to defendants of political interests, regardless of their association with the governing parties (e.g. not to refuse to administer evidence to the competing political party, while the same evidence is allowed to be administered to the exponent of the governing party).</td>
<td>There is progress.</td>
</tr>
<tr>
<td>xxiii. Acceptance of requests to challenge magistrates who express a hostile attitude towards the accused defendants of political parties, especially if these trials are publicly monitored, and the media has repeatedly reflected the seemingly impartial attitude of judges.</td>
<td>Progress difficult to measure, because the situations in 2019 are difficult to compare with those in 2021.</td>
</tr>
<tr>
<td>xxiv. Expose publicly and/or to the SCM attempts to influence judges by court presidents in connection with the settlement of concrete cases, especially those related to exponents of political parties. Progress difficult to measure, because the situations in 2019 are difficult to compare with those in 2021.</td>
<td>Progress difficult to measure, because the situations in 2019 are difficult to compare with those in 2021.</td>
</tr>
<tr>
<td>xxv. Apply disciplinary sanctions up to the dismissal of presidents who exercise influence over judges in connection with the interests of politicians, as well as disciplinary sanction of judges who accept such influences from the president of the court.</td>
<td>Progress difficult to measure, because the situations in 2019 are difficult to compare with those in 2021.</td>
</tr>
</tbody>
</table>
ANNEX 2: The list of monitored cases

Cases concerning Veaceslav Platon and his interest group:

1. The "Moldasig" case

**The facts:** Veaceslav Platon and several intermediaries are accused of elaborating a criminal plan to steal the financial means that were on the accounts of a Romanian company (over 205 million lei), ordering the initiation of the S.A. separation procedure. "Moldasig". In December 2016, at the instructions of V. Platon, intermediaries, who allegedly had on them the falsified minutes of the Board of S.A. "Moldasig" and other documents completed in excess of the legal framework, traveled to Romania. However, the general manager of the Romanian insurance company allegedly refused to change the fictitious shareholding of the insurance company in order to steal the financial means. When they returned to the country, the people were detained by prosecutors.

Plato allegedly involved in committing the crime the act of two more persons as perpetrators, who were immediately to carry out the criminal plan elaborated in order to obtain the goods that did not belong to them. The group failed to implement its scheme, being detained.

**Monitoring summary:** The criminal case was started by the Anticorruption Prosecutor's Office based on art. 190-5, 243-3 of the Criminal Code - Fraud, ie the illicit acquisition of another person's property by misleading one or more persons by presenting a false deed as true or as false a true deed. On December 12, 2017, the Chisinau District Court, Buiucani headquarters, sentenced Veaceslav Platon to 12 years in prison in the case opened on his name for active corruption and fraud. On January 30, 2020, the Chisinau Court of Appeal quashed the sentence of the Chisinau Court. The case is to be remanded for retrial. The revision took place on October 7, 2020.

2. Bank fraud case (Zenit)

**The facts:** According to the accusation, Plato allegedly forced Şor to withdraw from the Savings Bank loans in the amount of 1.7 billion lei through the companies from the so-called Şor Group, and later to transfer this money to Zenit Management from the Sea Britain. For these deeds, Plato was criminally sentenced, in 2017, to 18 years in prison for fraud and money laundering in particularly large proportions. In September 2019, after the departure of Vlad Plahotniuc's regime from power, Plato submitted a request for a review of the criminal case in this case.

By the Ordinance of the Prosecutor in the Prosecutor's Office for Combating Organized Crime and Special Cases, Dumitru Raileanu, of April 24, 2020, Plato's request of September 11, 2019, on opening the procedure for reviewing the criminal case in this case in which Plato was sentenced to 18 years in prison for committing the offenses provided by art. 190 para. (5) and art. 243 para. (3) lit. b) Criminal Code.

In May 2020, Attorney General Alexandr Stoianoglo publicly stated at a press conference that Plato's case had been fabricated in its entirety.

By the Conclusion of the Chisinau Court (Buiucani headquarters) of October 7, 2020, the request for review submitted by the PCCOCS requesting the review of Plato's conviction was admitted in principle, being ordered to be retrial in order to review the case.

**Monitoring summary:** Based on the order of the Prosecutor General of the Republic of Moldova, Alexandr Stoianoglo of March 3, 2020, the competence of the PCCOCS to examine the request for review submitted
by Veaceslav Platon against the irrevocable court decisions handed down in his conviction under art. 190 para. (5) and art. 243 para. (3) lit. b) Criminal Code. By the Ordinance of the prosecutor in PCCOCS, Dumitru Raileanu, of April 24, 2020, Platon Veaceslav's request regarding the opening of the procedure for reviewing the criminal trial was admitted on the grounds that other circumstances were established that the court was not aware of when issuing the decision.

Being discussed in the public court hearing (07.10.2020), during the examination of the request for review declared by PCCOCS, prosecutor Elena Ceruța fully supported the request for review, explaining that, as a result of the additional criminal prosecution actions carried out during the procedure Circumstances were established that the court of first instance was not aware of when adopting the sentence, which serves as a basis for initiating the review procedure in court. Circumstances of fact and law were set out in the application of the convicted Plato Veaceslav and assessed in the conclusions of the state prosecutor.

On June 14, 2021, by the decision of the Chisinau Court, the Buiucani headquarters, Platon Veaceslav, was acquitted and considered rehabilitated, on the grounds that the deed was not committed by the defendant, as a result of the complete waiver of the prosecutor.

3. Olga Pungă – Moldindcombank

**Facts:** Olga Pungă, former employee of Moldindconbank S.A. is accused that between 2013 and August 2016, acting as head of several departments and departments within Moldindconbank, acting in the interest of the organized criminal group led by Elena Platon, at the direction and coordination of Veaceslav Platon - the majority shareholder of BC „Moldindconbank” SA, in participation with the lawyer Ion Dorogoi, who provides legal services to the bank through the enterprise SRL “LEGALTRIUMF”, committed the crime of fraud in particularly large proportions having the legal role of author. The crime aimed at the appropriation of money in particularly large proportions, intended to pay state taxes for property disputes of BC “Moldindconbank” SA as a creditor.

**Monitoring summary:** The criminal case was started by PCCOCS based on art. 190 al. (5) Criminal Code - Scam, being arrested on January 20, 2017. She was definitively sentenced, by the decision of the Supreme Court of Justice of December 18, 2018, to eight years and six months in prison in a case of scam in particularly large proportions, which would have been open on political grounds.

On June 9, 2020, the Prosecutor General announced that the Prosecutor's Office had opened the procedure for reviewing the criminal case against Olga Punga and initiated the procedure for suspending the execution of the sentence.

On June 25, 2020, the judges decided to release Olga Punga from custody, after serving a sentence of three years and five months in prison.

**The judges of the Russian Laundromat:**


**The facts:** The magistrates are accused of being part of a criminal scheme that allowed the laundering, through the banking system of the Republic of Moldova, of about 20 billion dollars, coming from the Russian Federation.
The "Moldovan scheme" to legalize billions of dollars from Russia worked as follows: based on requests from offshore companies in the UK, Belize, USA, South Africa, New Zealand or Scotland, Moldovan magistrates forced Russian companies, but also Moldovan citizens to pay back debts of hundreds of millions or even billions of dollars. The scheme worked in the period 2012–2014.

Creditors — foreign companies and / or individuals requested through the court the repayment of fictitious debts from citizens of the Republic of Moldova, as debtors or guarantors of those debts. These citizens accepted their participation in the scheme for symbolic sums, did not know and did not understand the scheme in which they participate. In fact, the need for the involvement of Moldovan citizens was necessary only for the establishment of the competent court on the territory of the Republic of Moldova. At the same time, the judicial procedure was simplified, being sufficient verification of the documents confirming the existence and maturity of the debt. As a result, the judges issued orders ordering the collection of the debt. The specificity of the proceedings consisted in not attracting the alleged debtors in the process, the court's failure to request the presentation of the original civil contracts proving the existence of debts and the high speed with which the court ordered the issuance of orders (1 day – several weeks), so that despite impressive amounts money involved, they were content with some unauthenticated copies and no longer cited in court the debtors, before the issuance of court orders, which had the value of enforceable title. Subsequently, on behalf of these persons, the sums ordered for enforcement by court orders were transferred to foreign jurisdictions, from which the alleged creditors originated. Thus, the complicity of the judges in the scheme of laundering over 20 billion dollars consisted in knowingly pronouncing the decisions against the law, resulting in serious consequences.

Monitoring summary: In this case, the criminal investigation was initiated on September 15, 2016 by the Anticorruption Prosecutor's Office, 15 magistrates and 3 executors being detained on September 20, 2016. Among them, Iurie Țurcan, former magistrate of the Rascani court, died in prison at end of 2016. Another judge targeted in this case - Victor Orândaș, who had left the country during the detentions, did not return to the Republic of Moldova. Another magistrate, Serghei Lebediuc, was active in the military court, abolished in 2017.

On January 27, 2017, they were charged, and in February 2017, the files were sent to court. According to the indictment, the Anticorruption Prosecutor's Office accused the judges of issuing court orders, which became irrevocable by non-attack, issued contrary to the provisions of the Code of Civil Procedure and the Bill of Exchange No. 1527 of 22.06.1993 (art. 307 para. (2) letter c) Code criminal), as well as complicity in the criminal scheme of laundering, through the banking system of the Republic of Moldova, of about 20 billion dollars, from the Russian Federation (art. 243 Criminal Code).

The cases of the former judges are currently being examined, on some of them solutions have already been given

1. Liliana Andriaș, Judge at the Centru District Court, was charged with complicity in laundering USD 1.24 billion — the solution is missing, the case is still being examined.
2. Ghenadie Bîrnaz, Judge at the Riscani District Court, was charged with complicity in laundering USD 400 million — he was acquitted.
3. Garri Bivol, Judge at the Central District Court, was charged with complicity in laundering USD 640 million — the solution is missing, the case is still being examined.
4. Valeriu Giscă, Judge at the Riscani District Court, accused of complicity in laundering USD 2.1 billion — the solution is missing, the case is still being examined.
5. **Gheorghe Gorun**, former Judge at the Riscani District Court, accused of complicity in laundering USD 790 million — the solution is missing, the case is still being examined.

6. **Serghei Gubenco**, Judge at Comrat Court, accused of complicity in laundering USD 200 million — the solution is missing, the case is still being examined.

7. **Iurie Hârbu**, Judge at the Telenesti District Court, he was accused of complicity in laundering USD 500 million — the solution is missing, the case is still being examined.

8. **Gheorghe Marchitan**, judge at the Causeni Court, he was accused of complicity in laundering USD 200 million — the solution is missing, the case is still being examined.

9. **Mihai Moraru**, Judge at the Ungheni Court, he was accused of complicity in laundering USD 300 million — the solution is missing, the case is still being examined.

10. **Ștefan Niță**, Judge at the Chisinau Court of Appeal, accused of complicity in laundering USD 200 million — the solution is missing, the case is still being examined.

11. **Serghei Popovici**, President of the Comrat Court, he was accused of complicity in laundering USD 1.2 billion — the solution is missing, the case is still being examined.

12. **Aurica Us**, a former judge at the Riscani District Court, she was accused of complicity in laundering USD 500 million — the solution is missing, the case is still being examined.

13. **Igor Vornicescu**, accused of complicity in the laundering of USD 200 million — convicted of knowingly pronouncing a decision contrary to the law, but released from criminal liability in connection with the occurrence of the prescription of criminal prosecution.

Meanwhile, on October 27, 2020, the requests for reinstatement of five judges targeted in the "Laundromat" case were accepted by the SCM: Sergiu Lebediuc - judge at the Chisinau Court, Serghei Gubenco - as president of the Comrat Court of Appeal, Serghei Popovici - judge, Comrat Court, Iurie Hârbu - judge at Telenesti Court and Garri Bivol - judge at Chisinau Court, Buiucani headquarters. The SCM also approved the payment of judges’ salaries for the period in which they were suspended from office.

### The cases of Viorel Morari and the prosecutors from the Anti-Corruption Prosecutor’s Office

#### 1. The Morari-Plahotniuc-Platon case

**Facts:** Viorel Morari, former Head of the Anticorruption Prosecutor’s Office, is accused that at the end of December 2016 he personally received from the former president of PDM, Vladimir Plahotniuc, a complaint, dated December 26, 2016, by which the PDM leader requested criminal prosecution of Veaceslav Platon for a slanderous complaint, filed with the Directorate for the Investigation of Organized Crime and Terrorism (DIICOT) in Romania. Plahotniuc's complaint was allegedly brought to the Anti-Corruption Prosecutor's Office by the head of this specialized prosecutor's office, who "forgot" to report it until March 2017. In March 2017, in order to hide his negligence in relation to his functional duties and request Vladimir Plahotniuc, knowing with certainty that the complaint did not comply with legal requirements, asked a subordinate to "fix the mistake" by registering the complaint on December 28, 2016 and ordered, by a resolution, equally dated, the examination of Plahotniuc's complaint by to a subordinate prosecutor. Ordered the prosecutor to start earlier (December 30, 2016), the criminal investigation against Veaceslav Platon for defamatory denunciation, to prepare the draft ordinance establishing the competence to prosecute in this case the Anti-Corruption Prosecutor's Office, as well as the draft formation order criminal investigation, giving him assurances that the issue with the date of registration of the notification and the start of the criminal
investigation is a purely technical matter, insignificant, he as chief prosecutor assuming full responsibility, warning him about the importance of the signatory of the complaint. Thus, as a result of these actions, all complaints and statements filed before and after by Veaceslav Platon against Plahotniuc were qualified by the Anticorruption Prosecutor’s Office as false and slanderous, without intervening with checks on the facts reported, repeatedly, by him.

**Monitoring summary:** On December 26, 2019, the General Prosecutor, based on 2 acts of notification registered at the General Prosecutor’s Office, initiated the criminal investigation based on Article 327 paragraph (2) letters b) and b1) - abuse of office and Article 332 paragraph (2) letter b) - the forgery in public documents, suspected in committing these deeds being the chief prosecutor of the Anticorruption Prosecutor’s Office Viorel Morari. On January 10, 2020, Viorel Morari was recognized as a suspect, heard on the circumstances of the case and detained. In February 2020, the case was sent to court. In April 2021, the lawyer Cretu Ion, on behalf of Platon Veaceslav, submitted a request requesting the relocation of the criminal case regarding Morari Viorel, from the Chisinau Court to another court of equal rank. In arguing the request, Ion Cretu claimed that the actions of some judges examining Morari’s case “arouse suspicions of lack of impartiality”. The magistrates of the Supreme Court of Justice rejected on May 19, 2021 the request of Plato’s defender, as unfounded. The conclusion of the SCJ is irrevocable. The case is being examined at the Chisinau Court.

2. The case of illicit enrichment – Viorel Morari

**Facts:** On February 12, 2020, the Attorney General announced at a press conference about a case initiated on the name of the former head of the Anticorruption Prosecutor’s Office, Viorel Morari, recognized as a suspect of “illicit enrichment” and “money laundering in particularly large proportions, with the use of the service situation”. The basis for initiating this case were the journalistic materials, verified and confirmed in the criminal process by the competent state institutions, which reported on the disproportionate nature of the income declared by the former chief prosecutor of the Anticorruption Prosecutor’s Office in relation to the real material situation of family members and his relatives.

The former head of the Anticorruption Prosecutor’s Office, Viorel Morari, was suspected of money laundering actions that were alleged to have been committed through members of his family, but also of other close, related, interposed persons, including legal entities. The area of action was a transnational one and extended both on the territory of the Republic of Moldova and of other European states, such as: Poland, Germany, Great Britain, Canada, Ukraine, involving natural and legal persons resident in the mentioned states, which determined the complexity of the investigation and the need to formulate several letters rogatory.

**Monitoring summary:** The criminal prosecution actions were initiated in December 2019 by the PCCOCS on the facts of “illicit enrichment” (art. 3302 Penal Code) and “money laundering in particularly large proportions, using the service situation” (art. 243 Penal Code). The announcement was made on February 12, 2020 by the Prosecutor General, Alexandr Stoianoglo.

On June 18, 2020, Morari Viorel was removed from criminal prosecution in the case filed for illicit enrichment. An ordinance in this regard was signed by Stela Barbă, prosecutor in PCCOCS. The reason for removing Morari from criminal prosecution was the fact that the prosecutors failed to accumulate the necessary evidence to accuse the former prosecutor.

Svetlana Barbă also invoked that, between February and March, the criminal investigation body sent letters rogatory in six countries, judicial expertises in the field of energy and accounting, technical-forensic, were ordered for the accumulation of evidence, but they were not executed, and the term of six months of finding Viorel Morari as a suspect, which expired on June 19, 2021.
Viorel Morari’s brother-in-law, whose status as a suspect was later established, is still under criminal investigation in that case. Previously, Oleg Morari, the brother of the former head of the Anticorruption Prosecutor’s Office, was also suspected. He was removed from criminal prosecution in April 2021 for lack of evidence.

3. Mihai Ivanov, Prosecutor in the Anticorruption Prosecutor’s Office

The facts: Mihai Ivanov, prosecutor in the Anticorruption Prosecutor’s Office and two officers from the National Anticorruption Center are under criminal investigation for coercion in the recognition of the crime. The parties who consider themselves injured are the former prosecutors from the Ciocana sector of the capital, Roman Clim and Eugen Tifoi, accused in a case of extortion of bribes in the amount of 200 thousand euros from two businessmen.

On May 22, 2020, the PCCOCS carried out criminal prosecution proceedings within the Anti-Corruption Prosecutor’s Office and the National Anticorruption Center, in the criminal case under management, on the fact of falsifying evidence, coercion to make statements by the person ascertaining the crime, the criminal investigation officer, prosecutor, events from 2017-2018.

Prosecutors conducted several searches, with evidence collected. Mihai Ivanov was on sick leave and did not attend the search.

Monitoring summary: The announcement about the conduct of criminal prosecution actions by PCCOCS prosecutors on the actions of employees of the NAC and the Anticorruption Prosecutor’s Office was made by the General Prosecutor’s Office through a press release on May 22, 2020.

The actions of the prosecutor of the Anticorruption Prosecutor’s Office, Mikhail Ivanov, are being investigated for the alleged commission of crimes related to the compulsion to make statements and the deliberate disclosure of criminal investigation data. Until this stage, no decision has been taken on the case. The prosecution is currently ongoing.

4. Roman Statnii, Prosecutor in the Anticorruption Prosecutor’s Office

The facts: Roman Statnii, a prosecutor in the Anticorruption Prosecutor’s Office, is suspected of large-scale fraud and excess of power, committed in the interest of an organized criminal group. He is suspected of dispossessing a Russian businessman from the management of a cannery in Moldova, S.A. "Natur Bravo".

The criminal case was initiated on illegal and abusive deeds of the successors of the Russian citizen to the leadership of S.A. "Natur Bravo", which, through the prosecutors from the Anticorruption Prosecutor’s Office, allegedly took possession of the material goods that belong to it.

It all happened in 2018, when the Anticorruption Prosecutor’s Office opened a criminal case against him, and to "help" him to solve his legal problems, they came into possession of practically all the properties he owned, worth more than 1.8 million euros. All the properties were transferred while the citizen of the Russian Federation was in pre-trial detention in Chisinau, the negotiations and the deeds of transfer of property rights on the respective goods being carried out and signed both inside the Chisinau Court, Buiucani headquarters and in the Anticorruption Prosecutor’s Office.

Monitoring summary: Roman Statnii was detained on June 17, 2020, and his accomplice - the leader of S.A. "Natur Bravo" was announced in search, after, finding out from the press about the detention of the former prosecutor, he evaded the criminal investigation body. The former prosecutor was placed in custody, and then the measure was changed to house arrest.
In June 2021, the former anti-corruption prosecutor, Roman Statnii, was caught in a luxury house where he lives, located in a suburb of the capital. The house was never found in his wealth declarations, being registered on his brother. At the end of last year, the building was allegedly seized in the case in which the State is under criminal investigation. Currently, the criminal investigation into this case is ongoing.

Cases of interest to politicians:

1. Iurie Bolboceanu – former PDM Deputy

The facts: The former deputy was accused of espionage and treason, after allegedly providing state secret information to the Russian Federation. The case was started shortly after the deputy left the PDM faction and the parliamentary majority. Iurie Bolboceanu was accused of being recruited by officers of the Main Intelligence Directorate of the General Staff of the Ministry of Defense of the Russian Federation (GRU), which is a foreign intelligence service, between October 5, 2016 - March 17, 2017, following a material purpose, at their task, collected, as well as delivered information of national interest, liable to be used to the detriment of the interests of the Republic of Moldova.

Monitoring summary: The criminal investigation into Bolboceanu was started on September 15, 2016 by PCCOCS. Half a year later, on March 17, 2017, Bolboceanu was detained by the PCCOCS, after which he was arrested, sentenced to 14 years in prison, in total, being in detention for 2 years 3 months and 2 days, until The Chisinau Court of Appeal ordered the re-examination of the case, after the PDM left the government.

On October 16, 2020, during the investigation phase of the evidence in court during the re-examination, PCCOCS concluded that the deed incriminated to Iurie Bolboceanu does not meet the elements of the crime and withdrew the accusation of "treason" brought to Iurie Bolboceanu, requesting his acquittal in court. As a result, the magistrates issued an acquittal.

Iurie Bolboceanu's case was included by the general prosecutor Alexandr Stoianoglo in the list of the 38 alleged political cases.

2. Vasile Botnari, former director of the SIS, convicted of expelling Turkish teachers

Facts: Vasile Botnari, former director of the Intelligence and Security Service, is accused of organizing, coordinating and directing in September 2018 a secret operation to remove from the territory of Moldova seven Turkish citizens, teachers at a private high school. The seven were picked up from home and transported to the airport where they were boarded by a SIS-leased plane and taken to Turkey, where they were handed over to local authorities. Subsequently, the seven teachers were sentenced to years in prison.

Initially, at the time of the criminal case, Botnari did not have any procedural capacity in the case. The two SIS directors and the head of the Migration and Asylum Office are suspected. In early 2020, Attorney General Alexandr Stoianoglo announced at a conference that the criminal case had been completed, and the only suspect was Botnari, who pleaded guilty.

Monitoring summary: The General Prosecutor's Office announced the initiation of a criminal case for excess of power or exceeding official duties, committed by employees of the Migration and Asylum Bureau of the Ministry of Interior, but also by employees of the Intelligence and Security Service, on August 2, 2019, 2 months after PDM left the government. The director of the Migration and Asylum Office and a deputy director of SIS were detained in the case. On February 5, 2020, the Attorney General announced the completion of the criminal investigation and the submission of the case to court. Vasile Botnari was admitted as the only culprit in the case. He was charged with the crime - abuse of office. The prosecutors established that the
whole operation was ordered, coordinated and directed directly by the accused, and the deputies executed his orders and orders, without knowing that they are illegal, receiving assurances that everything takes place in a perfectly legal framework. During the whole period of investigating the case and examining it in court, Botnari was free. On July 15, 2020, the sentence was issued by the Chisinau Court - Botnari was sentenced to suspension and paid damages to the families of Turkish teachers established by the ECHR - a total of 125 thousand euros, plus 380 thousand lei, expenses for charter travel with which the seven Turkish citizens were removed from the territory of the Republic of Moldova. The trial was conducted at the request of the prosecution. According to the Prosecutor General, the case prosecutor did not appeal the first instance sentence. The subsequent appeal of the sentence was successful. The case is being examined at the Chisinau Court of Appeal.

3. Chiril Lucinschi, former PLDM deputy

The facts: The former PLDM deputy was accused that between 2012-2014 he had laundered large sums of money through three companies that belong to him, but also through several offshore companies and intermediaries. Namely, several offshore companies, on the basis of fictitious contracts for the provision of consulting services, transferred to the non-resident company IPA International Project Agency, with accounts opened in Liechtenstein, $ 440,000. Analyzing the route of the money, the prosecutors claim that they found that the money came from non-performing loans, stolen in the period 2012-2014 from BEM, Unibank and Banca Sociala, through off-shores. At the same time, in 2013, the company Toast Delux SRL, the beneficiary of which is the former deputy, would have benefited from Unibank from another loan, without pledge, amounting to 5,000,000 lei. Subsequently, the financial means were converted and transferred through a group of companies to a non-resident company. In the end, $ 401,650 goes to the accounts of Rousseau Alliance LP, which in turn transfers this money to Banca de Economii, with the aim of assigning non-performing loans. The former PLDM deputy pleads not guilty and claims that the money represents the return of a previous loan offered to Ilan Șor.

Monitoring summary: Chiril Lucinschi was detained on May 25, 2017, and 2 months later, on August 1, 2017, the case was sent to court. Lucinschi was under house arrest for 10 months. On April 4, 2018, he was sentenced by the court of first instance to 5 years and 6 months in prison, with the execution of the sentence in a semi-closed penitentiary, with deprivation of the right to hold public office for a period of 4 years. Since 2018, the case is at the Court of Appeal. During the monitoring period, 4 court hearings were appointed, none of which took place.

4. Dorin Chirtoacă, ex-Mayor of Chisinau (parking lot file)

Facts: Former mayor of Chisinau Dorin Chirtoaca was indicted for allegedly instructing the deputy mayor of the capital, who was chairman of the commission to select companies to implement the parking project in Chisinau, to sign the contract with the company EME PARKLEITSYSTEM GmbH without the approval of the Chisinau Municipal Council. At the same time, the mayor would not have positively endorsed the urbanism certificates for the design of the works, in accordance with the public-private partnership contract between the Chisinau City Hall and the non-resident EME PARKLEITSYSTEM GmbH. In turn, this company would have become a winner as a result of concerted actions between officials of the Capital City Hall, economic agents and the businessman who managed EME PARKLEITSYSTEM GmbH from the shadows. During the investigation were documented several meetings between the shadow manager of the winning company and the head of the Department of Public Transport and Communications of the City Hall - meetings in which the tender scheme was discussed, the participation of the mayor general to speed up signing the contract, but and a "bonus" for the services provided.
Monitoring summary: The criminal case regarding Dorin Chirtoacă was started on September 25, 2015, and on May 26, 2017, the mayor was detained by prosecutors. He is accused of influence peddling. The case was sent to court on July 21, 2017 and continues to be examined in the court of first instance. During the monitoring period, 16 meetings were set, half of which were postponed, the vast majority - due to absenteeism, leave, illness, etc. of the defendant or lawyers. There were also postponed hearings at the request of the prosecutor and the judge. During the examination of the file, Dorin Chirtoaca was suspended from the position of mayor of Chisinau.

5. Vlad Filat, former Prime Minister of the Republic of Moldova (money laundering)

The facts: Vladimir Filat is accused by the Anticorruption Prosecutor's Office of committing the crime of money laundering in particularly large proportions (art. 243 para. (3) CP). The former prime minister is accused that, in the parliamentary election campaign of November 2014, he would have concluded an assistance contract for PLDM with a consulting company from Washington, USA. For the contracted services, the former prime minister allegedly paid to the non-resident company the total amount of 12,847,902 lei, periodically making transfers from the accounts of companies managed through intermediaries, in which financial means obtained through corruption offenses from Banca de Economii were deposited.

Monitoring summary: The case regarding Vlad Filat was initiated by prosecutors back in October 2015. However, he was not prosecuted until January 2019. During the monitoring period, eight court hearings were appointed, none of which had place. Filat is being tried at large and has the opportunity to communicate with the press, the case is public. The case is being examined in the Chisinau Court.

6. Ilan Șor (Theft of the Billion)

The facts: Ilan Șor is accused of fraud in large proportions and money laundering in particularly large proportions from the position of chairman of the Board of Directors of BEM (it is alleged that Șor fraudulently obtained over 5 billion dollars). On April 13, 2017, the NBM published information on the progress of the Kroll 2 report, which confirms the involvement in banking fraud of some companies affiliated to the Șor group. The obtained documents demonstrate the involvement in the bank fraud of a large group of companies from the Republic of Moldova that acted in concert and that were related to Ilan Șor (“Șor Group”). At least 75 companies were part of the coordinated group, according to the report.

Monitoring summary: The criminal case regarding Ilan Șor was started in 2016, and in the same year (August 2016) it was sent to court. Five years after the examination of the case in court, there is still no final decision on the case. Ilan Șor was sentenced in June 2017 to 7 and a half years in prison for causing damages by fraud or abuse of trust in particularly large proportions (reclassified from fraud) and money laundering in particularly large proportions. Prosecutors were demanding a 19-year prison sentence for Șor, deprived of the right to hold certain positions in the banking system for a 5-year term, for fraud and money laundering. The reason why the judges reclassified the sentence is not known, because the reasoned decision of the court of first instance is secret. For more than half a year, the case was suspended on the grounds that the court of first instance could not find a translator to translate the reasoned decision. The examination of the case on appeal was moved to Cahul on the grounds that at the Chisinau Court of Appeal all judges declared that they were incompatible to examine the case. The case was at the Cahul Court of Appeal from April 2018 until August 2021. During this time, 82 court hearings were appointed, of which only 4 took place, the others were annulled or postponed at the request of lawyers or in connection with the examination of appeals to the Supreme Court of Justice. In January 2021, the judge-rapporteur in Ilan Șor’s case, Nina Veleva, resigned from the system based on the application submitted and the case was redistributed to another magistrate.
In August 2021, the Supreme Court of Justice decided, at the request of Şor’s lawyers, to transfer the case to the Chisinau Court of Appeal, where it is to be resumed. The examination of the case on appeal in Chisinau began with postponements. From June 2019, Ilan Şor left the territory of the Republic of Moldova, being announced in national and international search. However, Şor held the status of deputy throughout this period of time.

7. Constantin Țuțu, former PDM Deputy (Orhei murder case)

The facts: Constantin Țuțu was accused that, together with several people, he participated in the murder of Alexei Veretca, in Codrii Orheiului, near the Doi Haiduci restaurant. On April 28, 2012, near the restaurant "Doi Haiduci" in Codrii Orheiului, a group of people, including Constantin Țuțu, who later became a deputy, participated in an altercation that resulted in gunfire and death. Alexei Veretca, alias "Krasavcik", was killed on the spot, and former police officer Iurie Matcovschi, who was with the victim, was injured. After the incident, arrest warrants were issued on behalf of several participants, including on behalf of former Democratic MP Constantin Tutu. All were searched, but Țuțu could not be found. He appeared only after the magistrates of the Central Court in Chisinau changed his arrest. Țuțu was first sent under house arrest, later being released, under judicial control. In July 2012, investigators dropped the murder charges against Vasile Cojocaru, who worked as a police officer, after accepting his version, as if he had not coordinated his actions with Ion Corcodel, the person who shot the victim. Shortly afterwards, on August 9, investigators dropped the murder charges against Constantin Țuțu and Oleg Pruteanu, after accepting their version of what happened, as if they had fired shots into the air and not at the victim. On 28 August 2012, a senior prosecutor overturned these decisions, finding that they were based on an "arbitrary assessment of the facts". The three challenged the order of the investigating judge, who, in a hearing on October 17, 2012, admitted the appeals filed and ordered the termination of the criminal prosecution for murder in respect of them.

Monitoring summary: Constantin Țuțu is being tried for hooliganism, even though the prosecutors initially accused him of murder, and the prosecutor’s order was challenged in court and annulled. The Orhei District Court, and then the Chisinau Court of Appeal acquitted Țuțu. During almost the entire period of examining the file, Constantin Țuțu was a deputy in the Parliament of the Republic of Moldova on behalf of PDM. During the examination of the case, both in the first instance and at the Chisinau Court of Appeal, two full judges were changed. Two judges were also included in criminal cases. Another judge’s office was set on fire. Until 2019, court hearings were often postponed. By the decision of the SCJ of December 3, 2019, the criminal case was sent for retrial in the appellate court. During the monitoring period in the case, 4 court hearings were appointed, all postponed.

8. Constantin Țuțu – no.2

The facts: The ex-deputy allegedly demanded and received 20 thousand euros from a man’s relatives. According to law enforcement officers, Constantin Țuțu is being investigated for allegedly demanding money from the relatives of a man who was in custody in the fall of 2017. Țuțu promised to have influence over prosecutors, so that they would not extend the term of pre-trial detention. regarding the man.

Monitoring summary: The criminal investigation was launched on September 18, 2019, on the fact of influence peddling in particularly large proportions, and on May 11, 2020 the case was sent to court. On September 27, 2019, Țuțu was announced in pursuit by prosecutors, in March 2020, the former deputy, who fled the Republic of Moldova in the context of the fall of the PDM government, returned and surrendered to the law enforcement officers. During the monitoring period, ten court hearings were appointed, of which only two hearings took place. The rest were postponed or canceled at the request of the defense or in the context of the pandemic.
9. Vladimir Plahotniuc, former President of the Democratic Party

The facts: The former PDM leader is under criminal investigation for money laundering in particularly large proportions. The basis for initiating the criminal investigation served both the addressing of the Swiss authorities, received in a spontaneous exchange of information in June 2019, and the analysis of the Service for Preventing and Combating Money Laundering on the activity of economic agents, affiliated to citizen Vladimir Plahotniuc.

Monitoring summary: The criminal investigation was started on September 23, 2019 by the Anticorruption Prosecutor’s Office, based on the reasonable suspicion regarding the commission of the crime provided by art. 243 paragraph (3) letter. b) of the Criminal Code. During the criminal investigation, the order of indictment was issued in absentia and investigations were ordered in order to search for him. On October 10, 2019, the measure of pre-trial detention was applied with the issuance of the arrest warrant for 30 days, subsequently, being announced in an international search.

On May 15, 2020, the criminal case was linked to the file generically called "bank fraud", and on May 18, 2020, the indictment and completion of his indictment was issued, accusing him of committing the crimes of creating or leading criminal organization; participation as an organizer and scam perpetrated by an organized criminal group or a criminal organization; money laundering committed by an organized criminal group or a criminal organization.

The prosecution is ongoing. In order to provide evidence relevant to the case, several requests for international legal assistance were sent to 10 states to verify the investigated financial transactions.

In the criminal process, the criminal investigation group is investigating the acts committed by several people, who since 2009, have created a criminal community, with a high degree of organization, have attracted more members from the criminal and business environment in order to to accumulate illegal money sources resulting from the control of several segments of economic crime, committing crimes of stealing financial means from the banking system of the Republic of Moldova, money laundering, taking over other people's businesses, creating and controlling economic monopolies in various spheres of interests, scam, blackmail, as well as other crimes, in order to generate funds for the organization.

On May 18, 2020, during the criminal investigation, Plahotniuc was charged in absentia, being announced again in search, on the grounds that he was hiding from the criminal investigation body.

On May 22, 2020, the detainee was remanded in custody for 30 days.

Currently, the criminal investigation continues, with proactive measures being taken to investigate the case.

10. S.A. Metal Feros

Facts: During 2015-2019, decision-makers from SA Metalferos developed and implemented a criminal scheme based on the purchase and sale of ferrous and non-ferrous metal waste, through fictitious intermediation activities, with the falsification of procurement documents and delivery of ferrous and non-ferrous metals. Thus, the purchase price was artificially increased and the sale was reduced, the difference being collected by the actors involved in the scheme. In that period, this difference would have been 2 billion 169 million 646 thousand lei, the amount of damage to the budget being over 215 million lei.

The members of the group, even if they ensured the delivery of the goods directly to the collectors specialized in ferrous and non-ferrous metals from Turkey, Germany, Austria and Holland, in the absence of an economic justification, organized the signing of fictitious intermediation contracts between SA Metalferos
and several non-resident companies. The latter had the role of fictitiously procuring ferrous and non-ferrous metals from Metalferos at a reduced price, and then sold the metal at already increased prices on the market of Turkey, Germany, Austria and the Netherlands.

The case was initiated in 2019 by the Anticorruption Prosecutor’s Office and investigated by prosecutor Eugeniu Rurac. On January 23, 2020, Eugeniu Rurac, a prosecutor in the Anticorruption Prosecutor’s Office, left the system. He resigned, but avoided specifying the reasons. However, some sources said at the time that he had been threatened by the Metalferos leadership.

Following the implementation of this scheme, the state would have been harmed by approximately 1.2 billion lei.

**The result of the monitoring:** On August 3, 2020, the General Prosecutor’s Office, together with the Intelligence and Security Service, with the support of the Internal Protection and Anticorruption Service of the MIA, carried out a series of criminal prosecution actions at the MIA National Investigation Inspectorate.

and at the headquarters of the tick companies and intermediaries around the Metalferos company, through which the metals were purchased, and the money - liquefied. As a result, 31 searches were carried out, 16 people were detained, including 4 police officers from INI’s Economic Fraud Investigation Directorate. Several objects and documents relevant to this criminal case were also seized. The measures taken were conditioned by the results obtained following a series of criminal prosecution actions and special investigative measures, the analysis of a wide range of financial and legal documentation, for the future being planned other criminal prosecution actions that will target other persons involved in company fraud.

On August 5, 2020, the General Prosecutor’s Office announced that 16 extras, detained two days earlier, in the case regarding the fraud of JSC “Metalferos”, were officially charged. The General Prosecutor’s Office charged them with fraud and money laundering, both crimes committed in particularly large proportions, in the interest of a criminal organization. Hearing from prosecutors, the accused, including four police officers, did not admit their guilt. The prosecutors filed lawsuits in court, requesting the application, with respect to all the accused persons, of the preventive measure - the preventive arrest for 30 days. The magistrates from the Chisinau Court, Ciocana office, decided that 9 defendants, including the 4 INI policemen, should be provisionally released under judicial control, and the other 7 extras - should be investigated under house arrest for a month.

The prosecutors also submitted to the Ministry of Internal Affairs regarding the temporary suspension from office of the police officers targeted in the investigation.

At the same time, the investigation also established that, in the absence of an economic justification, between 2012 and 2019, the citizen Plahotniuc would have organized, through non-resident companies, whose actual beneficiary was himself, the export of ferrous and non-ferrous metals to specialized collectors from Turkey, Austria, the Netherlands and Germany. Based on fictitious contracts, signed between SA Metalferos and the representatives of the non-resident companies, directed and controlled by Plahotniuc, the metals were purchased at a reduced price, and then resold to the final beneficiaries, at a price increased by 27 percent.

At the moment, all the extras, accused of fraud and money laundering, committed in particularly large proportions and in the interest of a criminal organization, are being investigated in freedom.

The criminal investigation is at the finalization stage, the prosecutors being waiting for the results of some expertises and analyzes of the relevant documents on the case.
11. “Bahamas” case

**Facts:** On July 1, 2016, the National Anti-Corruption Center started a criminal case in case of PSRM financing by Westrby Limited based on the reasonable suspicion about committing the crime provided by art. 243 para. (3) lit. b) of the Criminal Code, on the fact of money laundering in particularly large proportions, with the involvement of LLC “Exclusiv Media”, of the non-resident company "Westerby Limited” and of other entities and individuals not yet identified.

In 2019, the former head of the Anticorruption Prosecutor’s Office, Viorel Morari, withdrew the file from the NAC, the criminal investigation in this case being exercised by the Anticorruption Prosecutor’s Office.

On December 2, 2019, the criminal case, initiated on the basis of a self-notification report, regarding the alleged illegal actions for committing the crime provided by art. 1812 alin. (1) of the Criminal Code, on the fact of a possible external financing of the political party - the Party of Socialists of the Republic of Moldova.

At the beginning of 2020, with the arrival of the new Attorney General, the two cases were separated into two separate proceedings.

**The result of the monitoring:** After the PSRM took power in November 2019, the Bahamas case went dead, although Prosecutor General Stoianoglo gave assurances in a television show in the fall of 2020 that he was working on it: “We did the Bahamas much more than all before me. I heard 29 people, it’s a money laundering case, it’s not about illegal financing. There are hundreds of such files on money coming from offshore and these files are in the air. I heard 29 people, I asked for information from the tax office, ANI. Do we check if this means an incomplete statement, is it a violation of the law? We have enough information, and now we need an answer from Switzerland and as it comes, we will make a decision on the case. This can take a month, but it can take a year. 3 deputies from the Parliament were also heard: Corneliu Furculiță, Vladimir Odnostalco and Vasilie Bolea.”

The Attorney General’s Office did not provide any information on any progress in the Bahamas case, only mentioning that it is in the criminal investigation phase.

12. Airmoldova S.A.

**Facts:** On October 2, 2018, the Public Property Agency sold by privatization contract the largest state-owned enterprise in the field of aviation - Air Moldova. The buyer, the company Civil Aviation Group SRL, paid the state 50 million lei, assuming by contract to return even more debts of Air Moldova. The Civil Aviation Group SRL company was founded on August 23, 2018, by a group of investors. According to one of the prosecutors’ versions, the money arrived at the state treasury from the suitcase of a Moldovan who, on the eve, had landed in Chisinau from Dubai, with a stopover in Istanbul. Another version of the money involves a loan from Moldasig (insurance company), granted to a company affiliated with Ilan Șor, who later allegedly transferred the money to a 62-year-old woman who withdrew the cash from the bank, and more later this money was sent to one of the shareholders of Civil Aviation Grup SRL who used the money to buy Air Moldova.

**The result of the monitoring:** The case was filed on July 26, 2019 by the National Anticorruption Center on the act of money laundering in particularly large proportions. On September 23, 2019, the Anticorruption Prosecutor’s Office announced the application, jointly with the Agency for the recovery of the criminal assets of CNA, of the seizure on the statutory capital of the enterprise amounting to 301.6 million lei in a money laundering case in particular proportions. major in the privatization of U.S. “AIR Moldova”. Within the criminal case, there were hearings of witnesses, suspects, searches and collection of evidence. Several people were accused of being suspects, two people were charged.
13. Airport Concession

The facts: On September 19, 2019, the interim general prosecutor, Dumitru Robu, came with a request to the Parliament to lift the immunity of the deputy Vladimir Cebotari, having conclusive suspicions that the deputy Vladimir Cebotari, in 2013, using the situation, representing the interests of a criminal group, contributed to the initiation of the public-private partnership contract regarding the concession of Chisinau International Airport for the handing over to concession of an economic agent affiliated to the criminal group.

A criminal case for abuse of office related to the concession of Chisinau International Airport has existed at the Anticorruption Prosecutor’s Office since October 28, 2014. At the mentioned criminal case, by the ordinance of September 5, 2019 were connected 3 other criminal cases started on 13.05.2015, 19.08.2019 and 05.09.2019 according to the elements of the crime components provided by art. 190 - scam, art. 191 para. (3) - embezzlement of foreign property committed by an organized criminal group or by a criminal organization, art. 243 para. (3) lit. a) and b) - money laundering committed by an organized criminal group or a criminal organization, in large proportions; art. 327 para. (3) - abuse of power or abuse of office, committed in the interest of an organized criminal group or a criminal organization, art. 328 para. (3) lit. b) and c) excess of power or exceeding the duties performed by a person with a high position of responsibility; c) committed in the interest of an organized criminal group or of a criminal organization, art. 335 para. (3) - abuse of office in the interest of an organized criminal group or a criminal organization; soldier with serious consequences, from the Criminal Code regarding the actions of public persons and of public dignity, as well as other persons, at the concession of Î.S. “Chisinau International Airport.”

Following the administration of the evidence by the criminal investigation body, 8 public persons and persons with a position of public dignity and one legal person were charged.

The result of the monitoring: On September 20, 2019, prosecutors conducted eight searches at the homes and cars of members of the Chisinau International Airport Concession Commission. The raids took place in the files in which the deputies Vladimir Cebotari and Petru Jardan are targeted.

On July 10, 2020, the Agency for Public Properties announced the termination, on July 8, of the concession contract of Chisinau International Airport, the reason being that LLC “Avia Invest” did not fulfill its contractual obligations. The company denied the information. In response to the actions of the authorities, Komaksavia Airport Invest Ltd, the Cypriot shareholder of the concessionaire company, which owns 95% of the shares of Avia Invest, filed an application with the Stockholm Arbitration Court of Commerce, requesting the state a compensation of about 900 mln. euro. The request states that the accusations are false and were made under the influence of politics, and all the conditions provided by the contract are respected. Following the Stockholm arbitration, the termination of the concession contract was suspended.

On March 19, 2021, Prosecutor General Alexandr Stoianoglo demanded the lifting of the parliamentary immunity of the deputy from the Șor Party, Petru Jardan. It allegedly damaged Chisinau International Airport by 4.9 million lei. 68 deputies voted to lift the immunity. In order to recover the damage caused by committing the crime, the prosecutors instituted seizures on his assets estimated at over 2.6 million lei.

On June 21, 2021, the Anticorruption Prosecutor’s Office announced the completion of the criminal investigation and the prosecution of the criminal case in which the deputy Petru Jardan, former interim general director of the State Enterprise “Chisinau International Airport”, together with the former director of the financial-administrative department of the same institution was accused of “abuse of office” in particularly large proportions, in the interest of an organized criminal group and to the detriment of the interests of the State Enterprise “Chisinau International Airport”, which was in the concession period.
On July 1, 2021, the General Prosecutor’s Office announced that Deputy Vladimir Cebotari was prosecuted in the Chisinau International Airport concession case, which was initiated on September 19, 2019, after the Parliament approved the waiver of immunity, the deputy being accused of abuse of service when taking control of AIC assets. Examining the evidence administered during the criminal investigation, the Anticorruption Prosecutor’s Office concluded that, as a member of the Competition Commission regarding the concession of AIC, Vladimir Cebotari acted within the limits of the legally granted attributions, therefore his deed does not meet the elements of the imputed crime.

The prosecution in this case continues in respect of five other natural persons and one legal entity.

Justice (comparative)

1. Oleg Melniciuc, Chisinau Court Judge

The facts: Oleg Melniciuc, judge of the Chisinau Court, is accused of committing the crimes provided by art. 3302 alin. (2) and art. 3521 alin. (2) Criminal Code of the Republic of Moldova. Defendant Melniciuc Oleg, during the years 2013-2017, acting as Judge, Interim Vice President of the Chisinau Court (Rascani headquarters), allegedly committed the crime of false statements by intentionally including incomplete or false data in the declaration of assets and interests personal property and the crime of illicit enrichment characterized by the possession by a person with a position of public dignity, personally and through third parties, of goods, the value of which substantially exceeds the acquired means.

Monitoring summary: The criminal case on Melniciuc’s name was opened in the summer of 2017, at the request of the General Prosecutor. The indictment was drawn up on 09.10.2018 in the Anticorruption Prosecutor’s Office and the criminal case was sent for examination in the Chisinau Court (Centru headquarters), where Melniciuc was also active, although he was on childcare leave. On October 10, 2018, the criminal case was randomly assigned.

For a year, the case was on the table of magistrates from the Chisinau Court and by the conclusion of the Criminal College of the Supreme Court of Justice on December 4, 2019 it was ordered to move the case to the Anenii Noi Court, on the grounds that Melniciuc Chisinau court, and the trial of the case by the court could raise “suspicions in some independent observers regarding the objectivity of the court.” The criminal case is under examination from 11.10.2019 to 03.09.2021. The first meeting in Melniciuc’s case at Anenii Noi took place on December 31, 2019.

Although Melniciuc had the status of accused in two criminal cases, being suspended from office by the Superior Council of Magistracy for this reason, the judge was still active at the Chisinau Court, after the Chisinau Court of Appeal decided in October 2019 to annul the SCM decision by which it was suspended.

On September 3, 2021, the magistrates from the Anenii Noi Court, Bender headquarters decided to stop the criminal case of accusing Melniciuc Oleg of committing the crime provided by art. 3521 alin. (2) Criminal Code in connection with the expiration of the limitation period of criminal liability, and in the case regarding illicit enrichment, based on art. 3302 alin. (2) Penal Code, to establish a sentence in the form of imprisonment for a period of 7 (seven) years with the expiration of the sentence in a closed Penitentiary, with deprivation of the right to hold certain positions or to exercise a certain activity in the field of jurisprudence for a period of 15 years. The term of execution of the criminal sentence regarding the defendant will be calculated from the date of finality of the sentence. At the same time, according to the provisions of art.1061 of the Criminal Code, the extended confiscation for the benefit of the state from the defendant Melniciuc Oleg of the equivalent value of foreign exchange values in the amount of 640 143 lei MD family members), as well as money / currency values in the amount of 606,000 lei MD. Sentence with right of appeal.
2. Tizu and others

The facts: The judges were under criminal investigation because they allegedly claimed and received sums to issue decisions, favorable conclusions on several criminal cases under examination. The lawyer and prosecutor involved in the scheme transmitted the funds from the persons concerned to the magistrates, and the doctor and the other natural person involved in the scheme were the ones who provided the funds and in whose interest favorable decisions were to be issued.

Criminal case regarding his accusation:

1) **Tizu Svetlana**, accused of committing the offenses provided by art. 324 para. (3) lit. a) Criminal Code (passive corruption manifested by the acceptance and receipt, personally, by a person with a position of public dignity, of goods, which are not due, for himself, to perform and speed up the performance of an action in the exercise of his functions or contrary to it) and art. art. 42 para. (2), 307 para. (1) Criminal Code (knowingly pronouncing by the judge a decision contrary to the law);

2) **Hadârca Victoria**, accused of committing the crime provided by art. 326 para. (1) Criminal Code (trafficking in influence, manifested by the claim, personally, of money, for himself or for another person, by a person who claims to have influence over a person with a position of public dignity, in order to make him fulfill and expedite the performance of an action in the exercise of its function, whether or not such actions have been committed);

3) **Furtuna Vitalii** (Judge Brânză’s legal assistant), initially accused of committing the crimes provided by art. art. 45 para. (1) para. (1), 325 para. (3) lit. a1) Criminal Code, and art. art. 42 para. (4), (5), 307 para. (1) Criminal Code, subsequently being modified the accusation in the court, being accused of committing the offenses provided by art. 326 para. (2) lit. d) Criminal Code (trafficking in influence, manifested by claiming and receiving money, for another person, by the person who claims to have influence over a person with a position of public dignity, to make him perform an action contrary to his function and to hasten the fulfillment of the action in the exercise of its function, actions followed by the promised influence and the obtaining of the pursued result) and art. art. 42 para. (4), (5), 307 para. (1) Criminal Code (would have committed actions that undermined the authority and prestige of justice, discrediting the high position of legal assistant expressed by committing participation as instigator and accomplice in knowingly pronouncing by the judge a decision contrary to law);

4) **Brânza Liubovi**, accused of committing the offenses provided by art. art. 45 para. (1), (2) lit. b), 324 para. (3) lit. a) Criminal Code (passive corruption, committed by several persons with positions of public dignity, manifested by the acceptance and receipt, personally, by several persons with positions of public dignity, of goods, which do not belong to them, for themselves and for other persons, in order to fulfill and hasten the fulfillment of certain actions in the exercise of its functions or contrary to them), art. art. 45 para. (1), 325 para. (3) lit. a1) Criminal Code (complex participation as an accomplice in active corruption, in respect of a person with a position of public dignity, manifested by the promise, offering and giving, personally and through the intermediary, to a person with a position of public dignity, of goods, it is not due, for this, to fulfill and hasten the fulfillment of an action in the exercise of its function or contrary to it), art. 303 para. (3) Criminal Code (interference, in any form, in the trial of cases by national courts in order to prevent the multilateral, full and objective examination of the concrete case and to obtain the issuance of an illegal court decision, using the service situation ), art. art. 44, 307 para. (1) Criminal Code (the deliberate pronouncing by the judges of a decision contrary to the law), art. art. 42 para. (4), (5), 307 para. (1) Criminal Code (knowingly pronouncing by the judge a decision contrary to the law);
5) **Ouș Ludmila**, accused of committing the offenses provided by art. art. 45 para. (2) lit. b), 324 para. (3) lit. a) Criminal Code (passive corruption, committed by several persons with positions of public dignity, complex participation, as co-perpetrator, manifested by the acceptance and reception, personally and through the mediator, by several persons with positions of public dignity, of goods, which do not belong to them, for themselves and for other persons, in order to fulfill and hasten the fulfillment of certain actions in the exercise of its functions or contrary to them), art. art. 44, 307 para. (1) Criminal Code (knowingly pronouncing by the judge a decision contrary to the law);

6) **Moscalciuc Galina**, accused of committing the offenses provided by art. art. 45 para. (2) lit. b), 324 para. (3) lit. a) Criminal Code (passive corruption, committed by several persons with positions of public dignity, complex participation, as co-perpetrator, manifested by the acceptance and reception, personally and through the mediator, by several persons with positions of public dignity, of goods, which do not belong to them, for themselves and for other persons, in order to fulfill and hasten the fulfillment of certain actions in the exercise of its functions or contrary to them), art. art. 44, 307 para. (1) Criminal Code (the deliberate pronouncing by the judge of a decision contrary to the law).

**Monitoring summary:** The prosecution on the case was ordered by the Prosecutor General according to the elements of the crime of influence peddling, subsequently, the case is connected to the criminal cases regarding the elements of the crime of passive corruption, active corruption, interference in the administration of justice and good judgment of an illegal decision.

On October 24, the anti-corruption prosecutors submitted, for examination, to the investigative judges of the Chisinau Court, Buiucani headquarters, steps to apply preventive measures regarding the 5 judges detained on 23.10.2021 and a prosecutor, in a case of corruption. Following the examination of the prosecutors' steps, the court decided to place a judge in pre-trial detention in the isolator of the National Anticorruption Center for a period of 30 days, with another 2 judges receiving 20 days in custody in the CNA isolator. The other two judges and the prosecutor involved in the case were placed under house arrest for 30 days.

On April 2, 2019, the Anticorruption Prosecutor's Office announced the completion of the criminal investigation and the sending to the court of the "bribery for judges" file on several charges.

On March 17, 2021, the magistrates of the Chisinau Court (Buiucani headquarters) decided:

1. **Tizu Svetlana** is acquitted under the accusation of committing the crime provided by art. 324 para. (3) lit. a) Criminal Code, due to the fact that the existence of the deed of the crime was not ascertained and from the accusation of committing the crime provided by art. art. 42 para. (2), 307 para. (1) Criminal Code, on the grounds that the deed does not meet the elements of the crime.

2. **Hadârca Victoria** is acquitted under the accusation of committing the crime provided by art. 326 para. (1) Criminal Code, due to the fact that the existence of the crime was not established.

3. **Furtuna Vitalii** is found guilty of committing the crime provided by art. 326 para. (2) lit. d) Criminal Code, being sentenced to imprisonment for a period of 3 (three) years, with execution in a semi-closed penitentiary. Based on art. 90 of the Criminal Code, the execution of the sentence is conditionally suspended for a probation period of 3 (three) years.

Furtuna Vitalii is acquitted under the accusation of committing the crime provided by art. art. 42 para. (4), (5), 307 lin. (1) Criminal Code, on the grounds that the deed does not meet the elements of the crime.
4. **Brînza Liubovi** is acquitted under the accusation of committing the crime provided by art. art. 45 para. (1), (2) lit. b), 324 para. (3) lit. a) Criminal Code, due to the fact that the existence of the deed of the crime was not ascertained, under the accusation of committing the crime provided by art. art. 44, 307 para. (1) Criminal Code (episode conventionally called Roșca), due to the fact that the deed does not meet the elements of the crime, under the accusation of committing the crime provided by art. art. 44, 307 para. (3) Criminal Code (episode conventionally called Roșca), due to the fact that the deed does not meet the elements of the crime, under the accusation of committing the crime provided by art. art. 42 para. (4), (5), 307 para. (1) Criminal Code (episode conventionally called Scarlat), because the deed does not meet the elements of the crime. The criminal trial for accusing Brînza Liubovi on the basis of art. art. 45 para. (1), 325 para. (3) lit. a1) Criminal Code (episode conventionally called Scarlat), due to the fact that there are other circumstances that exclude or condition the initiation of criminal prosecution and criminal prosecution.

5. **Ouș Ludmila** is acquitted under the accusation of committing the crime provided by art. art. 45 para. (2) lit. b), 324 para. (3) lit. a) Criminal Code, due to the fact that the existence of the deed of the crime was not ascertained, under the accusation of committing the crime provided by art. art. 44, 307 para. (1) Criminal Code (conventionally called Roșca), because the deed does not meet the elements of the crime.

6. **Moscalciuc Galina** is acquitted under the accusation of committing the crime provided by art. art. 45 para. (2) lit. b), 324 para. (3) lit. a) Criminal Code, due to the fact that the existence of the deed of the crime was not ascertained, under the accusation of committing the crime provided by art. art. 44, 307 para. (1) Criminal Code (conventionally called Roșca), because the deed does not meet the elements of the crime.

On May 12, 2021, the injured parties filed an appeal against the sentences of the first instance at the Chisinau Court of Appeal, which, however, was relocated to the Comrat Court of Appeal, being already in the process of examination (6 hearings appointed).

At the same time, during the SCM meeting of May 25, 2021, Svetlana Tizu's request to be reinstated as a judge was examined, but the SCM did not reinstate Judge Svetlana Tizu. SCM members mentioned that two people challenged the sentence in the Court of Appeal in the corruption case in which Tizu was acquitted. The injured parties asked the judges of the superior court to declare the magistrate Svetlana Tizu guilty for pronouncing a decision that is contrary to the law.

3. **Oleg Sternioală, former Supreme Court of Justice Judge**

**The facts:** The former judge of the Supreme Court of Justice, Oleg Sternioală, is accused of committing the crimes provided by art. 243 paragraph (3), letter b) of the Criminal Code (money laundering in particularly large proportions) and art. 3302 paragraph (2) of the Criminal Code (illicit enrichment by a person with a position of public dignity).

According to the press release of the General Prosecutor's Office of November 4, 2019, the verifications prior to the investigation show that the magistrate accumulated, together with his family members, revenues of about 7 million lei (during a reference period). During the same period, Oleg Sternioală together with his family members bought luxury goods worth about 13.8 million lei.

The reasonable suspicion of the criminal investigation body is that the difference of about 6.7 million between the suspect's income and expenses constitutes illicit goods, which have been concealed, and their nature and origin is disguised by transcribing the property right to third parties. be demonstrated in the criminal investigation.
Monitoring summary: On October 21, 2019, the Anticorruption Prosecutor’s Office ordered the initiation of criminal investigations based on art. 243 paragraph (3), letter b) of the Criminal Code (money laundering in particularly large proportions).

The basis for initiating the criminal investigation was the prosecutor’s self-notification report of October 16, 2019, following the verification of a material registered in the CNA Register of evidence of other information on crimes and incidents on June 8, 2016, which, in turn, was initiated on the basis of a journalistic investigation of the “Ziarul de Garda” regarding the non-declaration of assets by the judge of the Supreme Court of Justice, Oleg Sternioală.

The Anticorruption Prosecutors, together with the NAC officers, carried out searches during the day of November 4, 2019, at the home and workplace of the judge of the Supreme Court of Justice, Oleg Sternioală. Subsequently, the magistrate was detained for a period of 72 hours. The searches took place after the Superior Council of Magistracy approved the request of the interim General Prosecutor, Dumitru Robu, regarding the detention, forced bringing, search and arrest of the judge.

During the ongoing investigations, outlining a reasonable suspicion regarding the existence of the constituent elements of the crime of illicit enrichment, on November 14, 2019, the Anticorruption Prosecutor’s Office ordered the initiation of another criminal investigation based on art. 3302 paragraph (2) of the Criminal Code (enrichment illicit by a person with a position of public dignity).

The basis for initiating the criminal investigation was the prosecutor’s self-notification report of November 14, 2019, following the conclusions of the operational analyzes carried out by the National Anticorruption Center and the minutes recording the results of preliminary measures undertaken in parallel financial investigations by the Agency for the Recovery of Criminal Property.

On December 11, 2019, it was decided to connect the two criminal cases, the investigations taking place in a single procedure.

On November 4, 2019, Sternioală was recognized as a suspect in committing the crime provided by art. 243 par. (3) lit. b) of the Criminal Code.

By the prosecutor’s order of December 10, 2019, the former magistrate was recognized as a suspect in committing the crime provided by art. 3302 paragraph (2) of the Criminal Code.

On January 30, 2020, he was charged on both counts, i.e. based on art. 243 paragraph (3) letter. b) (according to the qualifying signs - the conversion and transfer of the goods in particularly large proportions, by a person who knows that they constitute illicit income, in order to conceal and disguise the illicit origin of the goods; concealment and disguise of nature, origin and the disposition of the real property of the goods by a person who knows that they constitute illicit income; the acquisition, possession and use of the goods by a person who knows that they constitute illicit income) and, respectively, art. 3302 paragraph (2) of the Criminal Code (according to the qualifying signs - the possession by a person of public dignity personally, as well as through third parties, of goods whose value substantially exceeds the acquired means, finding on the basis of evidence that they could not be obtained lawfully).

At the beginning of December 2019, Oleg Sernioală submitted a resignation request, being accepted by the Superior Council of Magistracy.

The former judge of the Supreme Court of Justice, Oleg Sernioală, has been on trial for over a year and a half with the Superior Council of Magistracy, for the annulment of the decision by which the institution gave its consent to be investigated criminally. The dispute is pending before the Chisinau Court of Appeal, which announced on its website, as early as December 2020, that the ruling was coming. However, it was
repeatedly postponed, during which time the former magistrate repeatedly demanded the recusal of the judges and even the relocation of the case to another court of equal rank. However, by a ruling issued on July 28, the Supreme Court of Justice rejected the request submitted by Oleg Sternioală and returned the case for further examination at the Chisinau Court of Appeal.

So far, there have been no changes in the procedural status held by Oleg Sternioală, the criminal investigation being ongoing.

4. Ion Druţă, former President of the Supreme Court of Justice

The facts: The former President of the Supreme Court of Justice, Ion Druţă, is accused of committing the crime provided by art.3302 paragraph (2) of the Criminal Code (illicit enrichment by a person with a position of public dignity), being found an essential discrepancy between properties and legal income declared in the period 2016-2019.

Monitoring summary: On September 23, 2019, the Interim General Prosecutor initiated the criminal investigation based on article 3302 par. (2) of the Criminal Code, on the fact of illicit enrichment committed by the judge of the Supreme Court of Justice, Ion Druţă.

On September 24, 2019, the Superior Council of Magistracy admitted the lifting of the immunity of the President of the Supreme Court of Justice, and prosecutors from the Anticorruption Prosecutor's Office, jointly with the National Anticorruption Center, conducted searches.

The basis for the criminal investigation was the notification of the Intelligence and Security Service, which analyzed the properties acquired by the members of the Druta family, during 2016-2019, given that an essential discrepancy was found between them and the declared legal income.

During the searches in the judge's office - carried out in his absence, because he was abroad, prosecutors seized money from unknown sources, an office computer to verify relevant information and documents necessary for the investigation.

On October 2, 2019, the Anticorruption Prosecutor's Office announced the 72-hour detention of the President of the Supreme Court of Justice, Ion Druta, following his hearing, based on the search of his office and home of objects likely to confirm the reasonable suspicion of committing the act of illicit enrichment. At the same time, the detention measure of the suspect was necessary taking into account the fact that he, taking advantage of his status, could influence other persons to be heard in the criminal investigation.

On October 4, 2019, the Anticorruption Prosecutor's Office announced the indictment of the President of the Supreme Court of Justice, Ion Druta, and his hearing, as an accused, for committing the crime of illicit enrichment.

The Anti-Corruption Prosecutor's Office applied, on October 30, 2019, seizure of several real estate and vehicles worth 12.8 million lei, in the case started on the fact of Druta's illicit enrichment.

On October 1, 2019, Ion Druta submitted a resignation request, which was accepted on October 24, 2019 by the SCM, and the Parliament unanimously approved in its meeting of December 19 his release from the position of Judge and President of the Supreme Court of Justice.

In this case, the former president of the Supreme Court of Justice has the status of an accused, and the criminal investigation is ongoing, actions being carried out in order to investigate objectively and completely the circumstances of the case.
5. Nicolae Chitoroagă, former Head of the Prosecutor’s Office for Combating Organized Crime and Exceptional Cases

**The facts:** The former head of the Prosecutor’s Office for Combating Organized Crime and Exceptional Cases (PCCOCS), Nicolae Chitoroaga, is suspected of committing the crime provided by art. 3302 par. (2) of the Criminal Code (illicit enrichment by a person with a position of public dignity).

The Anticorruption Prosecutor’s Office started the investigations after it filed a complaint following an investigation carried out by the Center for Journalistic Investigations in Moldova. The anticoruptie.md portal wrote that Nicolae Chitoroaga would own a fish farming business on the territory of a village in Ungheni district. The case is registered in the name of his brother and godfather and is not declared by the prosecutor. According to witnesses, however, behind the case would be the last.

During the criminal trial, it was established that the suspect’s godfather, as well as the LLC that belongs to him, became the owners of several plots of land near the basin, of an agricultural land of over 8.8 ha, located in a locality from Ungheni district, of a construction of 6800 sqm and 5 agricultural lands with an area of over 42 ha, in another locality from the same district, of another agricultural land, with an area of 0.25 ha, located in the third locality from Ungheni district, on which are located agro-industrial constructions with area of over 300 square meters. During 2016-2018, a villa with an exterior area of 551.4 square meters was built on one of the above mentioned lands.

**Monitoring summary:** At the beginning of October 2019, the Anti-Corruption Prosecutor’s Office launched a criminal investigation based on article 3302 para. (2) of the Criminal Code, on the fact of illicit enrichment that would have been committed by the former head of the Prosecutor’s Office for Combating Organized Crime and Special Cases, Nicolae Chitoroaga.

The Anticorruption Prosecutor’s Office descended, on November 21, 2019, both at the home of the former PCCOCS chief and in the homes of three other persons, in a criminal case initiated on the fact of illicit enrichment, according to art. 330/2 paragraph (2) of the Criminal Code. As a result of the criminal prosecution actions carried out - the former PCCOCS chief was detained for a period of 72 hours.

On November 23, 2019, the Anticorruption Prosecutor’s Office announced that the anti-corruption prosecutors will request the application of the preventive measure - pre-trial detention for a period of 30 days regarding the prosecutor, former head of PCCOCS, detained on November 21, 2019 and that the person was charged. the fact of illicit enrichment, according to art.330 / 2 paragraph (2) of the Criminal Code and heard as an accused.

Currently, the criminal investigation continues and the prosecutors are waiting for the answers to two requests of rogatory commission, addressed to the competent authorities of other states, as well as the results of the parallel financial investigations, carried out by ARBI, to be taken into account when adopting an objective solution. folder.

On June 26, 2019, Nicolae Chitoroaga resigned from the position of head of the PCCOCS, a position he held for three years, being transferred to the position of prosecutor within the Chisinau Prosecutor’s Office.

On December 6, 2019, the former head of the PCCOCS was suspended from the position of prosecutor, after the General Prosecutor, Alexandr Stoianoglo, requested his suspension from the Superior Council of Prosecutors after a criminal case was started on Chitoroaga’s name for illicit enrichment. The CSP complied with Stoianoglo’s request.

Nicolae Chitoroaga was released from the system starting with January 23, 2020.
Billion Cases

1. Natalia Politov Cangas

The facts: Natalia Politov-Cangas, former chairwoman of the Steering Committee of JSC "Victoriabank" is being investigated for fraud on a large scale and money laundering in the interest of a criminal organization.

The result of the monitoring: Prosecutor General Alexandr Stoianoglo announced, on September 3, 2020, about the completion of the criminal investigation, in August 2020, by the Anticorruption Prosecutor's Office, in the case regarding the involvement of JSC "Victoriabank" in the "Theft of the Billion". The indictment of prosecutors, which includes 40 volumes of the criminal case, concerns both the banking institution, as a legal entity - accused of money laundering, and the former chairman of the Board of Directors of this bank, accused of fraud on a large scale and money laundering in the interest of a criminal organization. At the same time, the extras on the file were informed about the end of the criminal investigation.

At the stage of getting acquainted with the materials of the criminal case, the accused challenged the prosecutor's order to dismantle the case. The respective appeal was rejected by the hierarchically superior prosecutor, the accused contesting it in the court, which admitted its complaint "against the illegal acts of the criminal investigation body."

The former chairman of the bank's Board of Directors is being investigated at large, after in March 2020, the same court rejected the prosecutors' requests for the preventive arrest of the accused person.

"In August 2020, the court authorized the seizure of Victoria Bank's assets worth 1.9 billion lei, namely: 54 cars, 24 buildings and four trucks worth 58 million lei, as well as 114 securities state worth 1.85 billion lei. By applying the seizure, the prosecutors pursue the purpose of repairing the damage caused by committing crimes with their possible special confiscation for the benefit of the state. The applied seizures will not influence the daily activity of the banking institution ", the general prosecutor underlined.

The Anti-Corruption Prosecutor's Office filed an appeal on November 13, 2020 against the decision of the investigating judge who, on November 10, 2020, annulled the prosecutor's order to disband the case regarding the former chairman of the Victoriabank Steering Committee.

The Anticorruption Prosecutor's Office considered that by this decision, the magistrate acted outside the competences assigned by law, subrogating the procedural attributions of the prosecutor, getting involved, de facto, in the merits of the case. Therefore, the decision of the investigating judge being unfounded and contrary to law, the Chisinau Court of Appeal will correct the admitted error.

Since then, this case has been blocked, and the examination of the prosecutors' appeal has been postponed.

2. Dorin Drăguțanu

Facts: Former NBM governor Dorin Dragutanu is under criminal investigation for fraud and money laundering in particularly large proportions in a case of bank fraud. The damages brought to the state budget would amount to over two billion lei. Prosecutors say the case includes more than 40 suspects or defendants.

The result of the monitoring: The Anti-Corruption Prosecutor's Office carried out, during March 5, 2020, a series of criminal prosecution actions at the headquarters of the National Bank of Moldova. The criminal proceedings took place in the context of the investigation of the file on bank fraud and resulted in the preventive detention, and subsequently the indictment of 6 persons — former and current decision-makers within the National Bank of Moldova. Specifically, it is a former NBM
Governor, a former Deputy Governor, two current Deputy Governors, a Head of Directorate and a Head of Department within the NBM. They are suspected of involvement in fraud and money laundering, both of which are particularly high.

On March 5, 2020, Draguțanu received an arrest warrant for 30 days, and on April 6, 2020, the former governor of the NBM was released from solitary confinement and placed under house arrest.

The case in which Drăguțanu is being investigated is still in the criminal investigation phase.

By the ordinance of January 15, 2020, in the criminal case, the prosecutor in the Anticorruption Prosecutor’s Office requested the authorization of seizure, in order to repair the damage caused by crime, of real estate of the Drăguțanu family, being authorized to seize real estate listed in the Ordinance, with the issuance of the warrant. Drăguțanu’s wife requested the lifting of the seizure, although she does not have any procedural capacity in the criminal case in which its application was ordered, but on December 4, 2020, the court rejected the request as unfounded.