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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARBI</td>
<td>Criminal Assets Recovery Agency</td>
</tr>
<tr>
<td>NIA</td>
<td>National Integrity Authority</td>
</tr>
<tr>
<td>PPA</td>
<td>Public Property Agency</td>
</tr>
<tr>
<td>PSA</td>
<td>Public Services Agency</td>
</tr>
<tr>
<td>BEM</td>
<td>Banca de Economii din Moldova Bank</td>
</tr>
<tr>
<td>NBM</td>
<td>National Bank of Moldova</td>
</tr>
<tr>
<td>CA</td>
<td>Court of Appeal</td>
</tr>
<tr>
<td>ECHR</td>
<td>European Court of Human Rights</td>
</tr>
<tr>
<td>NAC</td>
<td>National Anticorruption Center</td>
</tr>
<tr>
<td>CC</td>
<td>Criminal Code of the Republic of Moldova</td>
</tr>
<tr>
<td>CPC</td>
<td>Criminal Procedure Code of the Republic of Moldova</td>
</tr>
<tr>
<td>NCJE</td>
<td>National Center for Judicial Expertise</td>
</tr>
<tr>
<td>SCJ</td>
<td>Supreme Court of Justice</td>
</tr>
<tr>
<td>SCM</td>
<td>Superior Council of Magistracy</td>
</tr>
<tr>
<td>SCP</td>
<td>Superior Council of Prosecutors</td>
</tr>
<tr>
<td>DNA</td>
<td>National Anticorruption Directorate (Romania)</td>
</tr>
<tr>
<td>GPI</td>
<td>General Police Inspectorate</td>
</tr>
<tr>
<td>LOC</td>
<td>Liga Orașelor și Comunelor political party</td>
</tr>
<tr>
<td>MIA</td>
<td>Ministry of Internal Affairs</td>
</tr>
<tr>
<td>MAN</td>
<td>Miscarea Alternativa Nationala political party</td>
</tr>
<tr>
<td>AP</td>
<td>Anticorruption Prosecution Office</td>
</tr>
<tr>
<td>PACE</td>
<td>Partidul Acasa Construim Europa political party</td>
</tr>
<tr>
<td>PAS</td>
<td>Partidul Actiune și Solidaritate political party</td>
</tr>
<tr>
<td>PCCOCS</td>
<td>Prosecution Office for Combating Organized Crime and Special Cases</td>
</tr>
<tr>
<td>PCRM</td>
<td>Party of Communists of the Republic of Moldova</td>
</tr>
</tbody>
</table>
LIST OF ABBREVIATIONS, LIST OF DIAGRAMS, LIST OF CASE STUDIES

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PDM/PD</td>
<td>Democratic Party of Moldova</td>
</tr>
<tr>
<td>PGO</td>
<td>Prosecutor General's Office</td>
</tr>
<tr>
<td>PL</td>
<td>Liberal Party of Moldova</td>
</tr>
<tr>
<td>PLDM</td>
<td>Liberal Democratic Party of Moldova</td>
</tr>
<tr>
<td>PN</td>
<td>Partidul Nostru political party</td>
</tr>
<tr>
<td>PSDE</td>
<td>European Social Democratic Party</td>
</tr>
<tr>
<td>PSRM</td>
<td>Party of Socialists of the Republic Moldova</td>
</tr>
<tr>
<td>P. Shor</td>
<td>Shor party</td>
</tr>
<tr>
<td>SIS</td>
<td>Security and Intelligence Service</td>
</tr>
<tr>
<td>SPCSB</td>
<td>Financial Intelligence Unit - Office for Prevention and Fight Against Money Laundering</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>ZdG</td>
<td>Ziarul de Garda</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
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</tbody>
</table>

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5. Center for Investigative Journalism - the leading source for prosecutors’ investigations
6. Smear campaign on Telegram preceding searches of former NIA head Rodica Antoci’s home
7. Judge Alexandru Gheorghies simultaneously targeted by press investigation and searches
8. Only 3 hours to initiate 4 criminal cases and apprehend Prosecutor General after a report from an MP
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EXECUTIVE SUMMARY

The report “Monitoring the Selectivity of Criminal Justice (2020–2021)” is the third report on selective justice in the Republic of Moldova. It was developed using an updated methodology refined after conducting two prior monitoring exercises in 2019 and 2021 with financial support from Freedom House.

The monitoring methodology defines ‘selective justice’ as differential treatment by the justice system, despite the expectation of fair and equal application of the law to all. The findings of the first monitoring indicated that the politicization of justice was the primary factor contributing to its selectivity. Subsequent monitoring revealed that selective justice practices could stem not just from interests in politics, but also from those of influential groups in business or even in the criminal world. The third monitoring identified a new type of influence that leads to selective justice practices, i.e. the influence of an interest group within the justice system connected to government actors.

Selective justice practices are viewed as a product of unnatural collaboration between the judiciary and various influence groups (from politics, business, criminal world or even from the judiciary).

For the monitoring conducted in 2023-2024, a total of 58 criminal cases were selected, with 28 at the trial stage and 30 at the criminal investigation stage. During the 12-month monitoring period, in the 28 cases at the trial stage, a total of 347 court hearings were scheduled and 146 of them (42%) were either postponed or did not take place.

Over a third (39%) of the court hearings monitored between February 2023 and February 2024 pertained to 5 cases involving 3 defendants, namely businessman Veaceslav Platon, former head of the Anticorruption Prosecution Office Viorel Morari, and former President Igor Dodon.

The report emphasizes a significant observation: non-political individuals under criminal investigation are no longer inclined to join political parties or build close relationships with ruling parties to resolve their problems with the justice system.

The monitoring identified three instances of apprehension and arrest of politicians during the 2023 local election campaign. These measures prevented them from running in elections. Other two monitored individuals, members of Parliament from the opposition PSRM faction, resigned their seats.

Additionally, the monitoring revealed signs indicating a shift in favor of a particular politician investigated and prosecuted for corruption. This change occurred as the political party he led was viewed as a potential ally, at both local and parliamentary levels, for the current ruling party.

The monitoring also noted cases where the criminal investigation authority avoided investigating allegations of political corruption by representatives of the ruling party.

Furthermore, the report highlights several indications that various institutions, including the General Prosecutor’s Office, AP, PCCOCS, NAC, and courts, were at times subject to undue influence from an interest group within the judiciary closely linked to government officials. This influence was noticed in the public communications between these institutions and government officials with close links with the interest groups, as well as in the attitudes and decisions of the criminal investigation authority and courts on the criminal cases of interest to an influence group, compared to other similar criminal cases.

The existence of selective practices in the justice system was identified through checking the assumptions of selectivity both in public communication and in ongoing criminal proceedings. These assessments were made based on the observations and analysis of publicly available sources, answers to requests for information, and monitoring records.
The main assumption regarding selectivity in public communication was that opponents of the influence group within the judiciary received extensive media coverage when criminal proceedings were initiated against them, with searches and apprehensions filmed by mass media, leaks from case files and public "lynching" in Telegram channels associated with the influence group. This assumption has also been confirmed for cases of political interest. On the other hand, individuals affiliated with the influence group within the judiciary received favorable treatment from the criminal investigation authority. Prosecutors tried to conceal from the public the reports or complaints filed against individuals linked to the influence group within the judiciary, or to give the case as little publicity as possible during the investigation phase.

Both selectivity assumptions serve the interests of the groups influencing justice and, therefore, indirectly confirm the existence of this undue influence.

The monitoring further showed that in most cases mass media learned about the progress of the high-profile criminal cases, particularly those initiated between September 2021 and June 2022, considered the ‘heyday’ of the influence group in the judiciary, through leaks. Additionally, there were six instances where initiation of criminal proceedings or court decisions were announced by politicians, two of whom were government officials.

In 68% of the monitored cases the investigated allegations had previously been reported by journalists. Six criminal cases initiated by prosecutors directly stemmed from journalistic investigations. However, in most instances, the criminal investigation authority did not start investigation immediately but with a delay of 2-3 years.

During the monitoring, several cases were identified suggesting coordination between journalists and prosecutors. A new trend noticed during this period was the frequent leaks of information about the criminal investigation actions in Telegram channels operated by individuals close to interest groups exerting influence on the judiciary. These channels often disclosed ahead of time the initiation of criminal cases, were present during apprehensions and searches, and leaked information regarding the evidence held by the criminal investigation authority.

In the majority of cases (78%), mass media obtained information about the place and time of apprehensions from sources, and were able to witness and film them. Most instances where mass media received early information from sources about the place and time of apprehensions happened prior to August 2022. Those leaks were particularly related to the criminal cases against individuals opposed to the influence group in the judiciary.

The monitoring revealed a significant number of press conferences held by AP leadership. During these conferences, certain evidence from case files, intercepts and items/money seized during searches were disclosed to the public. The conferences and briefings primarily pertained to the cases involving politicians antagonistic to the government.

In all monitored cases, the persons under investigation were given the opportunity to communicate with mass media and the most commonly used communication channels were the social media platforms (Facebook and Telegram).

Regarding the attitude of judges towards journalists, overall, it was positive during the monitoring period. However, in 10% of cases judges expressed annoyance at the presence of mass media during hearings or prohibited journalists from attending or filming hearings. In a first for the monitoring exercise, a judge attempted to intimidate journalists present at the hearing by threatening them with fines and publicly disclosing their home addresses.
Finally, the monitoring revealed an increase in the number of high-profile cases involving individuals with higher positions compared to the previous monitoring exercises. 26% of the cases concern individuals holding positions that were previously untouched by investigation, such as the president of the Republic of Moldova, prosecutor general, speakers of Parliament, president of the Supreme Court of Justice, vice president of the Supreme Court of Justice and presidents of the largest Courts of Appeal – Chisinau and Balti. While some MPs had faced criminal investigations before, this period witnessed the highest number of cases against former and current MPs, accounting for 38% of the total sample. Regardless of the outcomes of these cases, their undoubted significance lies in debunking stereotypes about certain categories being immune to legal consequences.

Looking back at the developments across the three monitoring exercises, it becomes evident that any party or influence group once favored or protected by selective justice at some point inevitably becomes its victim. In this regard, cultivating the allegiance of judges and prosecutors to any particular party or group proves futile, as the system willing to serve today, will also serve tomorrow. The only way to break this vicious circle is to promote judges and prosecutors with a strong sense of independence, who will never allow subordination of law to ephemeral interests.

The 2019 monitoring report validated the assumptions of justice selectivity in favor of the government and individuals close to PDM (the Democratic Party of Moldova) and Plahotniuc. In 2020-2021, selectivity towards PDM began to dissipate, giving way to selectivity in favor of the new government - PSRM and Dodon, and Platon interest group. In 2023-2024, selectivity towards PDM, Plahotniuc, Shor and Platon interest group disappears, while justice selectivity towards PSRM/Dodon government appears to fluctuate, transitioning from what seems unfavorable treatment to a favorable one. Such fluctuation could be attributed to the nearing elections.

During the monitoring period, every third monitored high-profile case pertained to illicit enrichment. For the first time, the majority of the defendants in these cases were not judges and prosecutors (39%), but rather opposition politicians (61%). These developments support justice selectivity in favor of the ruling party.

Most cases of illicit enrichment appear to have retaliatory reasons, particularly when there is no predicate crime associated with such enrichment, and the individuals under investigation are not the primary target of journalistic investigations. In the context of the Republic of Moldova, where the influx of remittances from abroad continues to support the national economy, much of which remains unreported in the tax system, it is natural to question the source of wealth for almost any public official, depending on the existence of interest in this regard and the persistence of law enforcement authorities.

The 2023-2024 monitoring documented several instances of different approaches to investigating similar circumstances. For instance, in the “kuliok” case, the focus was on investigating the criminal behavior revealed by the illegal interceptions, while in the Telegram leaks case, the investigation targeted the illegal interception actions rather than the behavior revealed by those interceptions. Different approaches were also noticed in the cases of rigged competitions within the SCP for the position of head of AP (according to the Telegram leaks) and for the head of PCCOCS and the case of the rigged competition for the Prosecutor General position in February 2024. Additionally, there are the cases under investigation involving the illicit enrichment of prosecutors Alexandr Stoianoglo, Ruslan Popov, Igor Popa and judges Ion Druta, Oleg Sternoiala, Alexandru Gheorghies and Vladislav Clima, contrasted with the uninvestigated allegations of illicit enrichment of former prosecutor Eugeniu Rurac and SCM members Dorel Musteata and Nina Cernat. These patterns support the assumptions regarding justice selectivity in favor of the interest group associated with the ruling party and wielding influence in the justice system.
Likewise, certain individuals seemed to have benefited from selective justice being qualified as witnesses and victims instead of suspects and defendants (Telegram leaks). There are also instances where individuals favored by the justice system filed complaints against those who reported them, stalling the progress of investigation of such reports. In the case of some individuals affiliated with an interest group influencing justice, the allegations regarding their unjustified wealth and improper connections did not hinder their immediate career advancement.

The monitoring of court hearings in high-profile cases revealed that errors on the court portal and/or on the notice board at court premises regarding court hearing details increased 15 times compared to previous periods. While in 2020-2021 there were only 3 errors per year for a similar number of 26-28 cases monitored in court, in 2023-2024 - the number reached 46 hearings (13%) in the monitored sample. One possible explanation could be the shortage of court clerks and assistant judges, which was not that critical in previous years. Additionally, more judges and cases were transferred to Chisinau Court, which could also explain poor communication of the details of court hearings to the public. Nonetheless, 29 hearings (63%) with incorrect details pertain to cases involving Platon, while 5 hearings (11%) are related to the Gacikevici case (witness hearing and evidence examination).

The monitoring revealed an unusual replacement of a prosecutor in one of the most high-profile cases, that of former President Igor Dodon. Following the rejection of the request for recusal on grounds that the prosecutor did not meet a legal requirement, which did not actually exist in the law (there was confusion between appointed prosecutor and prosecutor delegated to AP), the Parliament made legislative amendments to introduce the non-existent legal provision, resulting in the discontinuation of the delegation of the case prosecutor to AP. This amendment was made after more than a year after the former President began using this argument against the case prosecutor, but 3 months before the ruling party PAS began forming alliances in several local and rayonal councils after the local general elections. Subsequently, Parliament Speaker Igor Grosu hinted at the possibility of a potential alliance with PSRM, led by former Moldovan President Igor Dodon (the defendant), after the 2025 parliamentary elections.

In another case, Parliament stepped in to exonerate former President Igor Dodon in one of his criminal cases by intending to cancel the legal basis for his indictment (the medical certificate case). The amendment has passed its first reading. This legislative intervention can be viewed as a defense tactic that the prosecution cannot oppose.

Similarly, in the same case, the SCJ ordered expert examination of a video footage, which the NCJE announced it would commence in a year's time. This further supports the assumption of favorable justice selectivity in Igor Dodon's case, particularly after the perspective that politicians are considering in anticipation of the 2024 presidential elections and 2025 parliamentary elections has become clear. Earlier, different approaches to expert examination were noticed during the PDM government, when court ordered expert examination in the case of the defendant Ilan Shor, accused of bank fraud, leading to delays in trial, but rejected it in the case of former PLDM MP Chiril Lucinschi, which also confirms the selectivity assumptions.

Currently, a general issue in courts appears to be the uncertainty surrounding the positions held by SCJ and CA judges in anticipation of an extraordinary evaluation. The same uncertainty applies to the specialized prosecution offices, which handle the largest number of high-profile cases.
I. INTRODUCTION

The period covered in this report coincides with a new political era in the history of Moldova. The first monitoring report on criminal justice selectivity, issued in 2019, covered the period of the so-called state captured by the Plahotniuc regime. The subsequent monitoring, spanning from 2020 to 2021, looked into the performance of the justice system in high-profile cases during the rule of the center-left PSRM-PDM and PSRM-Shor Party coalitions, coinciding with Prosecutor General Alexandr Stoianoglo's term. This latest monitoring report (2023-2024) assesses the shifts in the justice sector, particularly focusing on selectivity of criminal justice in high-profile cases, during the pro-European PAS government.

In 2021, with a pro-European electoral platform and steadfast commitments to justice reform and fight against corruption, PAS secured a landslide victory in the parliamentary elections, winning 63 seats and a comfortable majority in the new parliament. A year earlier, in 2020, PAS leader Maia Sandu won the presidential elections, also championing an electoral agenda centered on combating corruption and reforming the justice system.

Holding full power in the state, PAS pledged to implement several pivotal reforms in the justice sector, including the extraordinary integrity evaluation of candidates to the self-administration bodies of judges and prosecutors (pre-vetting and vetting), the Anti-Corruption Prosecution Office reform inspired by Romania's DNA model, Supreme Court of Justice reform, tougher sanctions for corruption offences, speedier handling of corruption cases, and constitutional amendments to eliminate the immunity of the President of Moldova and MPs for corruption offences.

However, PAS' initial move upon coming to power was the dismissal of Prosecutor General Alexandr Stoianoglo, appointed during the PSRM-PDM government following a competition held in 2019 by the PAS government, which PAS deemed flawed. Stoianoglo from the outset positioned himself in opposition to President Maia Sandu and the PAS government. On October 5, 2021, with the SCP consent, 4 criminal cases were initiated against him.

The monitoring period was marked by uncertainty in the justice sector. Several key positions in the justice sector (Prosecutor General, Chief Prosecutor of PCCOCS, President of the SCJ, and presidents of courts) were held by interim appointments. Almost all SCJ judges resigned in March 2023 to show disagreement with the impending external integrity evaluation and were replaced by judges from lower-level courts, seconded there through transfer by the SCM, which was criticized by the civil society.

On May 19, 2022, Veronica Dragalin, a prosecutor from the United States of America, originally from Moldova, was appointed to head the AP for a 5-year term. Prior to this appointment, from August 2021 to August 2022, the AP, the main anti-corruption institution, was also under interim leadership.

The overall sense of uncertainty stemming from numerous interim appointments in the justice sector, particularly in the first year of the PAS government, fostered the emergence of interest groups within the judiciary. These groups, made of judges, prosecutors, SCM and SCP members, as well as managers from NAC and SIS, coalesced around certain politicians. Leveraging their positions and proximity to government officials, they sought to sway the initiation of criminal investigation and outcome of several high-profile cases against individuals with whom they had rivalries or, on the contrary, close ties. The monitoring of selected cases identified a group of individuals with vested interests in the justice sector, hereafter referred to as the "influence group in justice" or "interest group with influence in justice".
Most cases concerning illicit enrichment against judges or prosecutors were initiated during the period when this group had the greatest influence in the judiciary (September 2021 - August 2022), and most of them have been closed or have shown no progress.

The Pre-Vetting Commission, tasked with evaluating the integrity of candidates for the SCM and SCP, has become operational in the summer of 2022. However, its proceedings have been marked by several scandals and criticism regarding the impartiality, objectivity and integrity of its members. Two years into its operation, the Pre-Vetting Commission has yet to reach final decisions on all candidates for SCM membership, leaving the composition of the new SCM incomplete.

Regarding prosecutors, Parliament announced that all prosecutors in specialized prosecution offices will undergo the vetting procedure starting the summer of 2023. On the other hand, Veronica Dragalin, the head of the AP, revealed that 50% of AP prosecutors had already indicated their intention to resign.

The crisis in the justice sector coincided with Moldova’s commencement of accession negotiations with the EU. Before the European Council agreed to initiate accession negotiations, Moldova had to fulfill (in 2023) 9 conditions set by the European Commission, 5 of which pertained to the justice reform, fight against corruption and de-oligarchization.

The Russian invasion of Ukraine, coupled with the strong anti-Russian stance of the PAS government and the acceptance of Moldova’s application for EU membership, sparked an escalation in the Russian Federation’s efforts to destabilize Moldova internally. The main political forces involved in these Russian-backed actions were the Shor Party and parties associated with the fugitive oligarch Ilan Shor, as well as PSRM and PACE, the latter being led by the fugitive former head of GPI, Gheorghe Cavcaliuc. Over the past two years, law enforcement and judicial authorities have concentrated their efforts on addressing challenges and thwarting attempts to destabilize the country. Consequently, from 2022 to 2024, several cases were initiated against members of the Shor Party for offences such as money laundering, illegal financing of political parties and organization of mass riots. On June 19, 2023, the Constitutional Court declared the Shor Party unconstitutional.

Given the circumstances of the past two years, public perception of selective justice does not seem to have improved because of the prolonged interim appointments in key positions within the justice sector, uncertainty arising from the initiation of external integrity evaluations for major players in the justice sector, the undue influence of interest groups in the judiciary and the perception of a biased stance favoring the government by both the prosecution authority and the judiciary.

I.1 Understanding selective justice

For the purposes of monitoring justice selectivity, selective justice is defined as “differential treatment by the justice system, despite the expectation of fair and equal application of the law to all”.

Justice actors include investigation officers, prosecutors and judges. The perception of justice being selective stems from the biases and preferences exhibited by these actors, particularly when they serve the interests of groups that have influence on justice, such as political parties, governments, business groups, oligarchs, criminals or interest groups comprising justice actors.

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

- Why are criminal investigations initiated in some cases but not in others?
- Why do trial proceedings progress quickly for certain defendants, while dragging on for others?
Why are custody measures applied inconsistently to individuals awaiting trials?

Why are trials public in some instances and closed in others?

Why do some defendants receive significantly harsher punishments than others?

Why are high value goods seized/confiscated in some cases, but only low-value goods in others?

Why are court judgements enforced immediately in some cases, but delayed until final adjudication in higher courts in others?

Why is there extensive public communication in some cases, but almost none in others?

A new trend observed during this monitoring period is the influence of legislative and executive branches of government on the selectivity of justice through legislative amendments directly affecting a small number of cases but of political interest. This phenomenon can be explained by the close ties of interest groups within the judiciary and prosecution authority to certain politicians in the legislative and executive branches.

I.2 Methodological approach to monitoring selective justice

This report is based on a monitoring methodology developed at the beginning of 2019 with financial support from Freedom House. The methodology was further refined for the subsequent two monitoring exercises conducted between June 1, 2020 – June 30, 2021 and February 1, 2023 and February 15, 2024.

The monitoring was carried out by mixed teams of lawyers and journalists who, during this period, observed 58 criminal cases with some level of public interest, regardless of whether they are sensitive or not for the interest groups in justice that shaped perceptions of their selectivity. The monitoring covered both the criminal investigation and trial stages. The novelties of this methodology compared to other justice monitoring projects implemented in Moldova are:

a) monitoring of media coverage alongside the legal aspects of criminal proceedings;

b) monitoring the entire process related to criminal cases (due to high public interest), not just the court hearings.

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

I.3 Sample of monitored cases

The monitoring covered 58 criminal cases, which included politically sensitive cases and high-profile cases sensitive for the influence groups in justice.

The monitored cases were grouped as follows:

a. politically sensitive cases (PAS, PSRM, PD) – 36

b. sensitive cases for the influence groups in justice – 10

c. cases that are both politically sensitive and sensitive for the influence group in justice – 5

d. cases that are politically neutral and neutral for the influence group in justice – 7.
### a. Politically sensitive cases

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Case Description</th>
<th>Political Interest</th>
<th>Selectivity assumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>CASE illicit enrichment, Igor Dodon (illicit enrichment)</td>
<td>Igor Dodon is the leader of PSRM, the largest opposition party in Parliament, and former President of Moldova. Opinion polls indicate that Dodon is President Maia Sandu’s primary rival in the upcoming presidential elections in the fall of 2024.</td>
<td>Unfavorable (may become favorable, if the ruling party has an interest in forming a coalition in the next parliament)</td>
</tr>
<tr>
<td>2</td>
<td>CASE exceeding office duties (Energocom), Igor Dodon (exceeding office duties)</td>
<td>Looking ahead to the parliamentary elections in 2025, opinion polls suggest that the next parliament is likely to have a governing coalition, with PSRM potentially becoming a coalition partner of PAS.</td>
<td></td>
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<tr>
<td>3</td>
<td>CASE acceptance of financing for a political party from a criminal organization (“kuliok”), Igor Dodon</td>
<td></td>
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<tr>
<td>4</td>
<td>CASE treason, Igor Dodon (treason)</td>
<td></td>
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<tr>
<td>5</td>
<td>CASE forged medical certificate, former President of Moldova, Igor Dodon, his wife and a general practitioner, charged with making and possessing false documents</td>
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</tr>
<tr>
<td>6</td>
<td>CASE illicit financing of PSRM (C. Furculita, Z. Greceanii, V. Batrancea – BAHAMAS (illicit financing))</td>
<td>PSRM is the largest opposition parliamentary group. However, this party is a moderate critic of the government. Political analysts speculate the possibility of a PAS-PSRM coalition after the 2025 parliamentary elections.</td>
<td>Unfavorable (may become favorable, if the ruling party has an interest in forming a coalition in the next parliament)</td>
</tr>
<tr>
<td>7</td>
<td>CASE illicit enrichment, Radu Mudreac, PSRM MP (illicit enrichment)</td>
<td>An MP from PSRM, the largest opposition parliamentary group. However, this party is a moderate critic of the government. Political analysts speculate the possibility of a PAS-PSRM coalition after the 2025 parliamentary elections.</td>
<td>Unfavorable (may become favorable, if the ruling party has an interest in forming a coalition in the next parliament)</td>
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<tr>
<td>Nr.</td>
<td>Case</td>
<td>Political Interest</td>
<td>Selectivity assumption</td>
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<td>8</td>
<td>CASE illicit enrichment, former MP Sergiu Sirbu</td>
<td>The four defectors are former PDM members who left the party after oligarch Vlad Plahotniuc fled the country. Subsequently, some of them joined the Shor Party, the government's main opponent, accused of attempting to orchestrate destabilization activities aimed at overthrowing the government.</td>
<td>Unfavorable</td>
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<tr>
<td>9</td>
<td>CASE illicit enrichment, former MP Violeta Ivanov</td>
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<td>10</td>
<td>CASE illicit enrichment, former MP Artur Resetnicov</td>
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<td>11</td>
<td>CASE illicit enrichment, former MP Anatolie Zagorodnii</td>
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<tr>
<td>12</td>
<td>CASE illicit enrichment, former MP Vladimir Vitiuc</td>
<td>A defector MP who changed three political parties in the last years – PCRM, PDM, and Shor Party. In 2022, he cooperated with SIS, providing insider information about the illicit financing of Shor Party. He was listed as the first candidate on the list of substitute members of Parliament for the Shor Party, if a seat became vacant.</td>
<td>Favorable</td>
</tr>
<tr>
<td>13</td>
<td>CASE illicit enrichment, Adrian Candu, former speaker of Parliament</td>
<td>A former deputy leader of PDM and a relative of oligarch Vlad Plahotniuc, regarded by the current government as a threat to the constitutional order of Moldova. Following the 2021 parliamentary elections, he withdrew from politics.</td>
<td>Unfavorable (tending to neutral)</td>
</tr>
<tr>
<td>14</td>
<td>CASE fraud and money laundering committed by an organized criminal group, Marina Tauber, MP from Shor Party</td>
<td>The Shor Party, along with Ilan Shor, Marina Tauber and other representatives, are strong critics of the current government and have organized protests aimed at seizing power. The government views the Shor Party and its supporters as a threat to national order and security.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>15</td>
<td>CASE illicit financing of Shor Party, MP Marina Tauber</td>
<td></td>
<td>Unfavorable</td>
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<tr>
<td>16</td>
<td>CASE bank fraud, Ilan Shor, leader of Shor Party</td>
<td></td>
<td>Unfavorable</td>
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<tr>
<td>17</td>
<td>CASE organization of mass riots (Shor Party)</td>
<td></td>
<td>Unfavorable</td>
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<tr>
<td>18</td>
<td>CASE large-scale money laundering, Ilan Shor</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>19</td>
<td>CASE illegal party financing, MPs Alexandr Nesterovschi and Irina Lozovan</td>
<td></td>
<td>Unfavorable</td>
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<tr>
<td>Nr.</td>
<td>Case</td>
<td>Political Interest</td>
<td>Selectivity assumption</td>
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<tr>
<td>20</td>
<td>CASE financing of electoral competitors from sources forbidden by law and money laundering, Mihail Bagas, former candidate for mayor of the capital town (from LOC)</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>21</td>
<td>CASE illegal financing and bribing voters during the election campaign for governor of Gagauzia, May 2023</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>22</td>
<td>CASE abuse of office and false statements, mayor of Nisporeni, Grigorie Robu</td>
<td>A member of PDM, a party in opposition to the central government, Robu was apprehended before the local elections in November 2023. After the elections, the new mayor of Nisporeni became a candidate from PAS.</td>
<td>Unfavorable (tending to neutral after the local elections in 2023)</td>
</tr>
<tr>
<td>23</td>
<td>CASE embezzlement, head of the Medical and Social Assistance Directorate of Chisinau municipality, Boris Gilca</td>
<td>Gilca, a member of the team of Chisinau mayor Ion Ceban, who is in opposition to the central government, was apprehended half a year before the local elections where Ion Ceban stood as the main rival to the ruling party for mayor of Chisinau.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>24</td>
<td>CASE illicit enrichment, Vlad Plahotniuc, former leader of the Democratic Party</td>
<td>Vlad Plahotniuc is considered by the current government to be a threat to the order and security in Moldova.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>25</td>
<td>CASE large-scale money laundering (Metalferos), Vlad Plahotniuc</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>26</td>
<td>CASE involvement in bank fraud, Vlad Plahotniuc</td>
<td></td>
<td>Unfavorable</td>
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<tr>
<td>27</td>
<td>CASE passport fraud (PSA), Vlad Plahotniuc, Vladimir Andronachi, Alexandru Vilcu, Vladislav Zara</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>28</td>
<td>CASE bank fraud 2, Vladimir Andronachi, former PDM MP (Nadejda and Vladimir Andronachi, and their two alleged accomplices, the lawyer Carolina Andriuta)</td>
<td>Andronachi was Ilan Shor’s partner in several questionable deals and transactions. As an unaffiliated MP, he supported the informal governing coalition PSRM-Shor Party from autumn 2020 to spring 2021. Previously, Andronachi was known to be one of the henchmen of oligarch Vlad Plahotniuc.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>29</td>
<td>CASE Metalferos fraud, Vladimir Andronachi, former PDM MP</td>
<td></td>
<td>Unfavorable</td>
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</tbody>
</table>
## I. INTRODUCTION

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<thead>
<tr>
<th>Nr.</th>
<th>Case</th>
<th>Political Interest</th>
<th>Selectivity assumption</th>
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<tbody>
<tr>
<td>30</td>
<td>CASE bank fraud, Vladimir Andronachi, former PDM MP</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>31</td>
<td>CASE illicit enrichment, Vasile Botnari, former SIS director</td>
<td>Vasile Botnari, formerly a member of the PDM team, was seen several times with</td>
<td>Unfavorable</td>
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<td></td>
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<td>individuals closely associated with PSRM. He served as the head of SIS during the</td>
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<td>PDM government from May 2018 to June 2019, a period in which the members of the</td>
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<td></td>
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<td>current government were surveilled.</td>
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<td>32</td>
<td>CASE violation of secrecy of correspondence (Telegram)</td>
<td>In 2022, private Telegram messages of several ministers and senior officials in</td>
<td>Unfavorable</td>
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<td>the current government were leaked on an anonymous website. Some of the discussions</td>
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<td>disclosed the participation of representatives of the current government in</td>
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<td>manipulation of public competitions and engaging in reprehensible actions. The</td>
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<td>criminal investigation authority suspects the involvement of Russian intelligence</td>
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<td>services in this leak.</td>
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<tr>
<td>33</td>
<td>CASE money laundering, forgery and fraud, Veaceslav Platon</td>
<td>Businessman Veaceslav Platon has openly positioned himself as an opponent of the</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>34</td>
<td>CASE Laundromat, Veaceslav Platon</td>
<td>current government, offering support to parties and candidates opposing PAS in</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>35</td>
<td>CASE, manufacturing and distribution of counterfeit cards, Veaceslav</td>
<td>Platon has labeled Platon as a threat to state order and security.</td>
<td>Unfavorable</td>
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<td></td>
<td>Platon</td>
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<tr>
<td>36</td>
<td>CASE abuse of office, Gheorghe Cavcaliuc (Petic case)</td>
<td>Gheorghe Cavcaliuc, former deputy head of the General Police Inspectorate during</td>
<td>Unfavorable</td>
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<td>the rule of oligarch Vlad Plahotniuc, established his own political party – PACE</td>
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<td>- after the change of government in 2019. In 2021, on the day of the parliamentary</td>
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<td>elections, as it became evident that PAS would emerge victorious, Cavcaliuc left</td>
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<td>Moldova and never returned. Settling in London, he became a vocal critic of the</td>
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<td>current government, and his party, along with the Shor Party, participated in</td>
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<td>several protests aimed at destabilizing the country.</td>
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</table>
## b. Cases sensitive for the influence groups in justice

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Case</th>
<th>Interest of the influence group in justice</th>
<th>Selectivity assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/37</td>
<td>CASE illicit enrichment, Alexandru Gheorghies, former President of the Balti Court of Appeal</td>
<td>The former President of the Balti Court of Appeal was one of the organizers of the 2019 General Assembly of Judges and chaired its proceedings. During the assembly, a decision was made to withdraw the mandates of the SCM members. However, the assembly was deemed illegal and faced severe criticism from the SCM members, particularly from those who were part of the influence group in justice.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>2/38</td>
<td>CASE illicit enrichment, Vladislav Clima, former President of the Chisinau Court of Appeal</td>
<td>Vladislav Clima was ousted from the position as President of the Chisinau Court of Appeal through a presidential decree in May 2021. This decree, drafted by a presidential adviser and his assistant, who at that time established the interest group in justice, was later deemed illegal and annulled by the court in December 2021. In March 2022, Clima resigned and resumed his legal practice, coinciding with the initiation of criminal proceedings against him. Notably, at the time of the initiation of the criminal proceedings, the assistant to the presidential adviser involved in drafting the annulled decree was heading NAC’s criminal investigation department.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>3/39</td>
<td>CASE exceeding office duties, Rodica Antoci, suspended manager of NIA</td>
<td>The National Integrity Authority, under the leadership of Rodica Antoci, initiated several investigations in 2019 into the assets and conflicts of interest of the members of the interest group in justice.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>4/40</td>
<td>CASE false statements and illicit enrichment, Ruslan Popov, former Deputy Prosecutor General</td>
<td>Ruslan Popov served on the team of former Prosecutor General Alexandr Stoianoglo. During Stoianoglo’s tenure, several members of the influence group in justice (from the monitoring period) faced criminal investigation or were forced to leave the system.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>5/41</td>
<td>CASE false statements and illicit enrichment, Igor Popa, former Deputy Prosecutor General</td>
<td>Igor Popa served on the team of former Prosecutor General Alexandr Stoianoglo. During Stoianoglo’s tenure, several members of the influence group in justice (from the monitoring period) faced criminal investigation or were forced to leave the system.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>6/42</td>
<td>CASE illicit enrichment, Ion Druta, former President of SCJ</td>
<td>SCJ President Ion Druta was in hostile relations with certain members of the influence group in justice, including judges and SCM members.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>Nr.</td>
<td>Case</td>
<td>Interest of the influence group in justice</td>
<td>Selectivity assumptions</td>
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<tr>
<td>7/43</td>
<td>CASE illicit enrichment, judge Oleg Melniciuc</td>
<td>Oleg Melniciuc has close ties with a member of the influence group in justice, who was a member of SCM until February 2023. The latter repeatedly tried to resolve public scandals involving Melniciuc in his favor, and played a role in preventing Melniciuc’s suspension as a judge for an extended period, despite his conviction by the first instance court for illicit enrichment.</td>
<td>Favorable</td>
</tr>
<tr>
<td>8/44</td>
<td>CASE coercion to testify, anticorruption prosecutor Mihai Ivanov</td>
<td>Mihai Ivanov is closely associated with members of the influence group in justice.</td>
<td>Favorable</td>
</tr>
<tr>
<td>9/45</td>
<td>CASE expulsion of Turkish teachers, Vasile Botnari, former SIS director</td>
<td>Vasile Botnari, initially a member of PDM, was later seen several times in the company of individuals close to PSRM. He led SIS during the PDM government (May 2018 - June 2019), taking full responsibility for the case involving the abduction and illegal expulsion of Turkish teachers at the request of the Erdogan regime, which had good relations with PSRM and PDM leaders Igor Dodon and Vladimir Plahotniuc. Botnari is closely connected to individuals within SIS who are part of the influence group in justice and were involved in committing the acts for which Botnari is accused.</td>
<td>Favorable</td>
</tr>
<tr>
<td>10/46</td>
<td>CASE alleged illegal actions related to the analysis and provision of information to the Pre-Vetting commission, Iulian Muntean</td>
<td>One of the NAC employees implicated in the case was appointed by Parliament to the vetting commission responsible for evaluating judges and candidates to SCJ. The selection process was conducted by the parliamentary committee chaired by a member of the interest group in justice, who defended Iulian Muntean before the AP; after criminal proceedings were initiated on allegations of withholding information from the Pre-Vetting Commission about Muntean's status in a corruption case handled by NAC.</td>
<td>Favorable</td>
</tr>
</tbody>
</table>
c. Cases that are both politically sensitive and sensitive for the influence group in justice

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Case</th>
<th>The interest of political groups, the interest of the influence group in justice</th>
<th>Selectivity assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/47</td>
<td>CASE abuse of authority, Alexandr Stoianoglo, suspended Prosecutor General (facilitating Laundromat)</td>
<td>Former Prosecutor General Alexandr Stoianoglo was a vocal opponent of PAS. The government under current President Maia Sandu was ousted by a vote of no confidence in 2019 after declaring the competition for Prosecutor General position, which Alexandr Stoianoglo won, rigged and refusing to acknowledge the results. Since Maia Sandu's victory in the 2020 presidential election, Stoianoglo repeatedly accused her of exerting pressure and attempting to interfere in the judiciary. In response, the President and PAS accused him of serving the interests of oligarch Veaceslav Platon.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>2/48</td>
<td>CASE abuse of authority and passive corruption, Alexandr Stoianoglo, suspended Prosecutor General (Platon's release and shares in Ukrainian company)</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>3/49</td>
<td>CASE illicit enrichment, Alexandr Stoianoglo, suspended Prosecutor General</td>
<td>Prosecutor General Alexandr Stoianoglo had hostile relations with several members of the influence group in justice (during the monitoring period). Under Stoianoglo's leadership at the Prosecutor General's Office, some of these individuals were prosecuted or forced to leave the system.</td>
<td>Unfavorable</td>
</tr>
<tr>
<td>4/50</td>
<td>CASE exceeding office duties, Alexandr Stoianoglo, suspended Prosecutor General (Chitoroaga case)</td>
<td></td>
<td>Unfavorable</td>
</tr>
<tr>
<td>5/51</td>
<td>CASE abuse of office, Viorel Morari, former head of Anticorruption Prosecution Office</td>
<td>Politically, Morari is associated with Plahotniuc's regime. The positive outcome of the case in which he is charged is viewed as a risk that he would be reinstated to the Anti-Corruption Prosecution Office, a scenario undesirable for the government, which in the meantime appointed a US prosecutor with Moldovan origins to lead this entity. Morari's relationship with the influence group in justice is not seen as positive due to the criminal cases initiated by the Anti-Corruption Prosecution Office against individuals close to members of the influence group in justice during the period when he headed the institution.</td>
<td>Unfavorable</td>
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d. Cases that are politically neutral and neutral to the influence group in justice

<table>
<thead>
<tr>
<th>Nr.</th>
<th>Case</th>
<th>Reasons for declining interest</th>
<th>Selectivity assumptions</th>
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</thead>
<tbody>
<tr>
<td>1/52</td>
<td>CASE illicit enrichment, Alexandru Jizdan, former PDM MP, former minister</td>
<td>A former Minister of Internal Affairs during the PDM government, which was under the control of oligarch Vlad Plahotniuc, Jizdan was regarded by the current government as a threat to the constitutional order of the country. After Plahotniuc fled the country, Jizdan publicly distanced himself from him and advocated for cleansing the party of individuals loyal to the oligarch. Subsequently, he withdrew from politics, leading to a decrease in interest surrounding him.</td>
<td>Neutral</td>
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<tr>
<td>Nr.</td>
<td>Case</td>
<td>Reasons for declining interest</td>
<td>Selectivity assumptions</td>
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<tr>
<td>2/53</td>
<td>CASE forgery and money laundering, Chiril Lucinschi</td>
<td>Chiril Lucinschi is a former MP of PLDM, a party that was in opposition to PDM, with which it had once formed an alliance government. Presently, the PDM is no longer in government and is not represented in Parliament.</td>
<td>Neutral</td>
</tr>
<tr>
<td>3/54</td>
<td>CASE passive corruption and influence peddling, former mayor Dorin Chirtoaca (paid parking)</td>
<td>Dorin Chirtoaca, the leader of PL, which was not in government during the monitoring period. After being removed from the government in April 2017, the PL was in opposition to the PDM. Following the loss of parliamentary representation and the ability to influence the government, political interest in the PL appears to have declined.</td>
<td>Neutral</td>
</tr>
<tr>
<td>4/55</td>
<td>CASE violation of passport procedures (PSA), Sergiu Railean</td>
<td>Sergiu Railean served as head of PSA during the PDM government until July 2019. In 2020, he took over as Minister of Economy and Infrastructure for the PDM in the PSRM-PDM government. Criminal proceedings against him were initiated after his resignation as minister and the appointment of Prosecutor General Alexandr Stoianoglo by President Dodon. With the PDM losing parliamentary representation and the capacity to influence the government, political interest in Railean has diminished.</td>
<td>Neutral</td>
</tr>
<tr>
<td>5/56</td>
<td>CASE bank fraud, Grigore Gacikevici</td>
<td>Former president of BEM, Grigore Gacikevici, faces charges for acts allegedly committed between 2007-2012. As of 2018, prosecutors had announced indictments against him in 17 criminal cases. While he is considered the primary figure in the initial phase of BEM's embezzlement, interest in Gacikevici has since diminished, and his case remains pending in the first instance court.</td>
<td>Neutral</td>
</tr>
<tr>
<td>6/57</td>
<td>CASE fictitious employment at Ministry of Internal Affairs, Dorin Damir</td>
<td>Damir, believed to have close ties to Plahotniuc, is accused of fictitious employment within a special department of the Ministry of Internal Affairs. Criminal proceedings were initiated when the PGO was headed by Alexandr Stoianoglo and the Platon influence group had an interest in them. However, with the loss of influence of this group in the justice system, interest in the Damir case has subsided.</td>
<td>Neutral</td>
</tr>
<tr>
<td>7/58</td>
<td>CASE forgery, former notary Olga Bondarciuc</td>
<td>Notary Bondarciuc was perceived to be close to Plahotniuc, knowing much of his business dealings. After providing false information to prosecutors in relation to bank fraud, she was apprehended in Belgium and later extradited to Moldova. Interest in the case in which she is a defendant has significantly decreased.</td>
<td>Neutral</td>
</tr>
</tbody>
</table>
Note: The selection of these cases for monitoring does not mean that the individuals involved are innocent of the alleged offences or should not be held accountable under the law. These cases have been chosen due to their relevance to specific criteria for monitoring, which include:

- their relation to criminal matters,
- the defendants have political affiliations or are of interest for influence groups in justice,
- the cases garner significant public attention

In 28 out of 58 cases (48%), the monitoring covered the judicial review stage, while in the remaining 30 cases (52%) the monitoring covered only the criminal investigation stage, with these cases not having been sent to court. In 28 cases under judicial examination, a total of 347 court hearings were scheduled over the 12-month period. Of these scheduled hearings, 146 hearings (42%) were either postponed or did not take place.

Chart 1

Cases with the highest number of adjournments or cancellations

- **Vladimir Andronachi**
  - 15 hearings postponed out of 19 scheduled
  - 79% hearings postponed/not held
  - 21% hearings held

- **Veaceslav Platon** (counterfeiting cards)
  - 8 hearings postponed out of 11 scheduled
  - 73% hearings postponed/not held
  - 27% hearings held

- **Ruslan Popov**
  - 7 out of 10 scheduled hearings did not take place
  - 70% hearings postponed/not held
  - 30% hearings held

- **Dorin Damir**
  - 8 out of 13 scheduled hearings were postponed or did not take place
  - 62% hearings postponed/not held
  - 38% hearings held
Of the 28 cases monitored at the judicial stage, three were examined behind closed doors (Vladimir Andronachi, Dorin Damir and Igor Popa).

During the monitoring period, no court hearings took place in one case at the judicial examination stage. This is the case of Alexandr Stoianoglo involving allegations of abuse of power and passive corruption in the re-trial of Veaceslav Platon’s case. Despite being sent to the court in 2022, until March 2024 no judicial examination was started. On March 14, 2024, the criminal case was reassigned to another judge, following the specialization of judges to examine cases received from the AP.

More than a third (38.7%) of the monitored court hearings held during the period from February 2023 to February 2024 pertained to 5 out of the 28 monitored cases and concerned 3 defendants - businessman Veaceslav Platon, former AP chief Viorel Morari, and former President Igor Dodon.

Chart 2

Cases with the highest number of open hearings

- **92%** Igor Dodon (Kuliok)
  - 22 held out of 24 scheduled

- **81%** Viorel Morari
  - 22 held out of 27 scheduled

- **56%** Igor Dodon (Energocom)
  - 14 held out of 25 scheduled

- **50%** Veaceslav Platon (Fraud)
  - 14 held out of 28 scheduled

- **48%** Veaceslav Platon (Moldasig)
  - 16 held out of 33 scheduled
II. JUSTICE, POLITICS AND INTEREST GROUPS WITH INFLUENCE IN JUSTICE

The period covered by this report (2023–2024) was marked by political stability, with PAS in government. The primary focus of PAS during this time was on reforming the judiciary and prosecution systems. However, the entire monitoring period witnessed instability in the justice system, marked by mass resignations and interim appointments to key positions in the judiciary, such as the presidents of the SCJ and Chisinau Court of Appeal, prosecutor general, head of PCCOCS. Competitions for these positions were either delayed by the SCM and the SCP pending the formation of the new council memberships, or conducted with irregularities and scandals, resulting in their cancellation and the perpetuation of interim appointments, with the same or different individuals.

The Presidency, Parliament, and the Government (through the Ministry of Justice) played significant roles during this period in the context of justice reforms. Parliament and Government frequently changed the rules and procedures throughout these processes, accusing the justice system of ‘resisting’ the reforms. On the other hand, justice actors accused the ruling party of politicizing the reform processes.

The confrontation between politics and the judiciary stemming from these radical reforms facilitated the emergence and consolidation of an interest group with influence in justice, comprising MPs, judges, prosecutors, SCM members, NAC and SIS. Some members of this group enjoyed the trust of important political figures, persuading them over time that the group’s activities served political interests and were therefore to be supported and, at times, tolerated. Others in the group held significant positions in law enforcement, justice and prosecution bodies, which they utilized to achieve their political goals, though often focusing on their personal goals and interests.

This influence group in justice adeptly leveraged the opportunities presented by the announced and/or ongoing justice reforms to advance its own agenda. Consequently, members of the group have advanced their careers and sought personal retribution against opponents of group members.

Previous reports have shown that the selectivity of justice is influenced not only by political interests but also by the agendas of certain powerful groups. Contrary to the period covered in the previous report (2020–2021), where the most significant influence stemmed from business or even the criminal world, this report underscores the dominance of a mixed group comprising politicians and individuals from law enforcement and the justice system, called for the purposes of this study ‘the influence group in justice’ or ‘interest group with influence in justice’.

Hence, ‘selective justice’ should be seen as a consequence of the unnatural collaboration between the judiciary on one hand and various influence groups (political, business, criminal or even within the justice system), on the other.

The interest of politicians in controlling the justice system is closely linked to their aim to govern. Ruling parties strive to maintain power by upholding a positive image and clean reputation among voters. Consequently, the criminal cases against government officials may tarnish their electoral prospects. On the other hand, the criminal cases against opposition parties can also significantly undermine their electoral standing.

By controlling the justice system, ruling parties seek to ensure leniency towards the illegal activities committed by their supporters. In cases where members of their party face criminal charges, they can minimize public attention. They can also maximize public attention to cases involving the opposition parties in order to diminish their electoral appeal and thus bolster the ruling party's position.
II. Justice, Politics and Interest Groups with Influence in Justice

The interest of influence groups in ensuring loyalty from the justice system arises from their desire to manipulate judicial processes, including those pertaining to their business interests, and to eliminate political and judicial rivals.

Political control or control by the influence groups over justice is difficult to prove because it is often veiled from public scrutiny, but manifests externally through actions by law enforcement agencies, prosecutors, and judges that favor those who influence justice. Such actions may include initiating criminal proceedings, overlooking wrongdoing, or revising or dropping criminal cases.

II.1. Identification of selective justice practices

Traditionally, undue influence on justice originates from the political sphere, which has the leverage to do so. In high-profile cases, ruling parties typically pursue interests based on the proximity of subjects to them (favorable selectivity) or their opposition (unfavorable selectivity). In this study, the assumptions of justice selectivity towards the subjects of politically sensitive high-profile criminal cases were determined as favorable or unfavorable according to the following criteria:

<table>
<thead>
<tr>
<th>Favorable selectivity towards a political actor</th>
<th>Unfavorable selectivity towards a political actor</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The subject has political affiliation with the ruling parties</td>
<td>- The subject has political affiliation with parties competing against the ruling parties</td>
</tr>
<tr>
<td>- The subject switches political allegiance in favor of the ruling parties</td>
<td>- The subject left the ranks of the ruling party</td>
</tr>
<tr>
<td>- An unaffiliated subject joins the ruling party</td>
<td>- The subject switched political allegiance from the ruling party to rival parties</td>
</tr>
<tr>
<td>- The subject is convenient for the ruling party</td>
<td>- The subject is not convenient for the ruling party</td>
</tr>
</tbody>
</table>

During the period covered by this report, a selective approach to initiation of criminal proceedings was identified, contingent upon the interests of an influence group in justice comprising influential figures in NAC, SIS, AP, SCM and certain courts. Assumptions regarding favorable and unfavorable selectivity towards individuals who became subjects of these investigations were attributed as follows:

<table>
<thead>
<tr>
<th>Favorable selectivity towards the subject protected by the interest group with influence in justice</th>
<th>Unfavorable selectivity towards the subject deemed inconvenient for the interest group with influence in justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>- The subject belongs to the influence group in the justice sector or is close to the group members (relative, affinity, friend)</td>
<td>- The subject is in opposition/has hostile relations with the members of the influence group in justice</td>
</tr>
<tr>
<td>- The subject supports the activities of the influence group in justice</td>
<td>- The subject impedes the activities of the influence group in justice</td>
</tr>
<tr>
<td>- The subject joins the influence group in justice</td>
<td>- The subject leaves the influence group in justice</td>
</tr>
</tbody>
</table>
II. JUSTICE, POLITICS AND INTEREST GROUPS WITH INFLUENCE IN JUSTICE

Selectivity criteria in public communication:
1. The way mass media finds out about a high-profile case;
2. The response of authorities to allegations investigated by journalists;
3. Communication regarding apprehension or enforcement of arrest;
4. Openness of the criminal investigation/prosecution authority towards mass media;
5. Communication of the investigated/tried subject who is in custody while under investigation/trial with mass media;
6. Court’s attitude towards journalists.

Selectivity criteria in criminal proceedings:
1. Different approach to comparable cases;
2. Accomplices with different procedural status;
3. Public accessibility to court hearings;
4. Recusal of judges/prosecutors;
5. Substitution of judges/prosecutors;
6. Delays in trial proceedings;
7. Inequality of arms;
8. Intimidation of involved parties (defense, prosecutor, judge).

II.2. Status of individuals targeted in high-profile criminal cases

In terms of the status of subjects, this monitoring reveals a rise in the number of subjects with higher positions both presently or in the past. This sometimes complicates comparisons with previous periods. Out of 58 monitored cases, 15 (26%) involve individuals with an official status that was not previously investigated: president of Moldova, prosecutor general, speakers of Parliament, president and vice-president of the Supreme Court of Justice, and presidents of the largest Courts of Appeal – Chisinau and Balti.

Chart 3

Cases involving individuals with status not targeted by previous investigations

<table>
<thead>
<tr>
<th>Position</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>President of Moldova, Dodon</td>
<td>5</td>
</tr>
<tr>
<td>Speaker, Candu, Greceanii</td>
<td>2</td>
</tr>
<tr>
<td>Prosecutor General, Stoianoglo</td>
<td>4</td>
</tr>
<tr>
<td>First Deputy Prosecutor General, Popov</td>
<td>1</td>
</tr>
<tr>
<td>SCJ President, Druta</td>
<td>1</td>
</tr>
<tr>
<td>SCJ Deputy President, Sternioala</td>
<td>1</td>
</tr>
<tr>
<td>CA President, Clima and Gheorghies</td>
<td>2</td>
</tr>
</tbody>
</table>
The case of Deputy Prosecutor General, Ruslan Popov, although different, might be not the only one. Previously, there was another case, that of Andrei Pintea, who admitted guilt and was convicted for ordering the illegal transfer of the criminal case against Caramalac to the Russian Federation, where it was subsequently dropped. Pintea held the position of acting prosecutor general at that time.\(^2\)

While criminal investigations involving MPs took place in the past, this period has witnessed the highest number of cases against former and current MPs, totaling 22 criminal cases.\(^3\)

Ultimately, even if not all criminal cases involving such high-ranking individuals lead to convictions, establishing such precedents, where individuals in senior positions may sooner or later face prosecution, holds significant value.

### II.3. Political affiliation

In 36 (62%) out of the 58 monitored cases, a political context and political affiliation were noted in relation to the suspects or defendants. All of these individuals are members of opposition parties (such as the Shor Party, PSRM, and PCRM) or extra-parliamentary parties (MAN and PACE), including those who became extra-parliamentary after leaving the government (such as PDM, PLDM, and PL).

These 36 monitored cases with a political backdrop involve a total of 44 individuals.

#### Chart 4

**High-profile cases against politically affiliated individuals**  
(36 cases, 44 individuals)

<table>
<thead>
<tr>
<th>Party</th>
<th>Cases</th>
<th>Subjects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shor Party</td>
<td>23</td>
<td>14</td>
</tr>
<tr>
<td>PDM</td>
<td>12</td>
<td>17</td>
</tr>
<tr>
<td>PSRM</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>PLDM</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>MAN</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>PL</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>PACE</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

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2. [https://noi.md/md/news_id/204027](https://noi.md/md/news_id/204027)
3. This number does not include the cases against Alexandr Stoianoglo and Veaceslav Platon, who once were MPs from PDM and AMN (Alianta Moldova Noastra), respectively.
In 13 cases, members of the Shor Party or individuals politically connected with it are involved, in 12 cases — PDM members, in 7 cases — PSRM members. Furthermore, four other criminal cases were initiated against members of PLDM, PL, PACE and MAN.

In the 36 monitored cases involving political affiliation, there are 44 subjects, including individuals who appear in multiple cases (Ilan Shor, Marina Tauber, Igor Dodon, Vladimir Plahotniuc, Vladimir Andronachi).

In three instances, the cases were communicated publicly and four suspects were apprehended just before the election campaign for local elections (Mihail Bagas, Alexandru Nesterovschi and Irina Lozovan, Grigore Robu). In two other cases, criminal proceedings were initiated immediately after the elections (PACE leader Gheorghe Cavcaliuc after the 2021 parliamentary elections and Bashkan of Gagauzia Eugenia Gutul after the 2023 elections).

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**CASE STUDY 1**

**Criminal cases against candidates in local elections**

Two months prior to the November 5, 2023 general local elections, prosecutors apprehended **Grigorie Robu, the mayor of Nisporeni town**, on charges of abuse of office and making false statements. Robu, a member of PSDE (former PDM), had intended to seek re-election as mayor. Following his apprehension, he was placed under house arrest for 30 days. After six months after Robu's apprehension and despite pleading guilty, Robu's case has yet to be brought to court, even though he and other officials apprehended in relation with this criminal case have confessed. Viorel Furdui, the president of the Congress of Local Authorities, associated Robu's case with the fabricated charges against mayors during the Plahotniuc regime.

On September 21, 2023, **Mihail Bagas, an activist and candidate for mayor of Chisinau from the Liga Oraselor și Comunelor party**, was apprehended just two days after applying for registration as a candidate. The Anti-Corruption Prosecution Office accused Mihail Bagas of involvement in illegal financing of political parties, initiative groups and electoral competitors on a large scale, as well as abetting money laundering committed by an organized criminal group (the Shor group) on a large scale. A 30-day arrest warrant was issued against him. After Bagas’ apprehension, LOC withdrew its support for his candidacy for mayor of Chisinau municipality. The Bagas’ case has not been sent to court yet.

On the same day, September 21, 2023, anti-corruption prosecutors apprehended two other candidates in local elections — **Alexandru Nesterovschi, a candidate for mayor of Balti municipality, and Irina Lozovan, a candidate for mayor of Octina town**. They were apprehended and placed in preventive detention and house arrest, accordingly, on charges of accepting illegal financing from an organized criminal group led by Ilan Shor.

Despite facing criminal charges, Nesterovschi and Lozovan were registered as election candidates but were unable to campaign. The case against Irina Lozovan was sent to court in early November 2023, and Nesterovschi’s case was sent on December 1, 2023.
MONITORING THE SELECTIVITY OF CRIMINAL JUSTICE

II. JUSTICE, POLITICS AND INTEREST GROUPS WITH INFLUENCE IN JUSTICE

During the monitoring period, two suspects/defendants resigned their seats in Parliament, and one of them also stepped down from their party (Alla Dolinta, a member of PSRM). In the case of another suspect (Mihail Bagas), the party that had nominated him to run for mayor of Chisinau municipality withdrew its support.

CASE STUDY 2
Resignation of Igor Dodon and Alla Dolinta from Parliament and PSRM positions due to criminal cases

The former President of the country and former leader of the Party of Socialists, Igor Dodon, holds the record for the highest number of criminal cases in the sample included in this study (5 cases). One month after his first criminal case (the Energocom case) was initiated, on October 18, 2021, Igor Dodon announced during a press conference his decision to resign from his seat in Parliament and step down from the position of leader of the Party of Socialists. He suggested replacing the position of party leader with an executive body. Dodon justified his decision by accepting a proposal to take over the leadership of the "Moldovan-Russian Business Union", registered in Chisinau in June 2021.10

Following this announcement, Igor Dodon tempered his criticism against the ruling party and the President of the country, Maia Sandu. Moreover, an audio recording leaked from the private Telegram communications of former presidential adviser Dorin Recean, who is now the Prime Minister of Moldova, revealed that Igor Dodon had attempted to establish communication with members of the ruling party through intermediaries in an effort to have his cases closed.11

A similar scenario unfolded in the case of PSRM MP Alla Dolinta. She announced her resignation from the party and Parliament on July 13, 2022, citing "disagreement with the party's stance on the war in Ukraine".12

Dolinta's decision immediately prompted responses from her party colleagues and former party leader Igor Dodon, who declared that she faced pressure to leave the Parliamentary group and become an independent MP.13 Two weeks after Dolinta's resignation from Parliament, prosecutors indicted Corneliu Furculita, PSRM deputy leader, for forgery and involvement in PSRM's illicit financing.

Dolinta herself was indicted in the same case and on the same charges in December 2022.
II.4. Expansion of influence areas of members of the influence group in justice

At the core of the influence group in justice are individuals who, following the 2019 parliamentary elections, held key positions such as justice minister, chair of SCM, and chair of the parliamentary committee on legal affairs, appointments, and immunities during the ACUM – PSRM coalition government. These individuals were pivotal in processes such as promotion, application of disciplinary sanctions, criminal investigations, and dismissal of judges, as well as their subsequent extraordinary evaluations. From their leadership positions they wielded significant control over the key bodies responsible for designing and promoting the justice reform as we know it today.

Following the 2020 presidential elections, and particularly the early parliamentary elections, the members of the influence group experienced remarkable career advancements. One of them ascended to the position of first adviser to the president of the country and later became chair of the parliamentary committee on legal affairs, appointments, and immunities.

Another member, a former anti-corruption prosecutor, who had been previously criticized for investigating during Vlad Plahotniuc's government high-profile cases against individuals who were inconvenient to the latter (the case of judge Domnica Manole, the case of former MP Chiril Lucinschi), first becomes assistant to the afore-mentioned presidential advisor, and subsequently the head of a SIS department, from where he was later seconded to the NAC. Sometime later, without undergoing a competitive process, he was transferred internally to lead NAC's Directorate for Criminal Investigation — one of the most influential positions within the institution after that of NAC director. In this dual role as a SIS employee and head of NAC investigation unit, he could gather information and investigate anyone in the justice system. Prior to his secondment to NAC, this individual played an active role in apprehending and conducting searches of several judges and prosecutors.

Another member of the influence group, an employee of the Security and Intelligence Service, also actively participated in these apprehensions, leading the “Alfa” squad of the SIS. During the Plahotniuc government, he played a significant role in the abduction and forced deportation of five Turkish teachers from Moldova.

Another significant figure within the influence group is the acting chair of SCM, who, with parliamentary approval, is appointed as a judge at the SCJ based on the proposal of a parliamentary committee led by another member of the group. Interestingly, the law prohibits the promotion of SCM members to judicial positions that they will later return to after their term in the SCM, either during their term in SCM or within one year after its expiration. However, this restriction was circumvented by justifying that the SCM’s proposal to promote the SCM chair to the Supreme Court of Justice had been made in the previous Parliament before the restriction was introduced. This occurred despite the fact that all drafts submitted to Parliament during a legislature become void at the end of that legislature.

Regarding that same SCM chair, a leaked memo from SIS Director raised concerns about his unjustified assets and questionable connections. However, during the examination of the SCM chair’s candidacy for appointment as a SCJ judge, the same SIS Director submitted a new opinion memo to Parliament, indicating that SIS no longer had any integrity concerns regarding that candidate. The explanation provided was that the initial memo was incorrect. Thus, the interest group with influence in justice expanded and grew more potent. Holding senior positions, its members exercised control and offered protection to certain judges, prosecutors, including those from the Anti-Corruption Prosecution Office, and SIS employees. However, their efforts to extend their influence were not always successful. A competition announced by SCP for the position of head of PCCOCS was cancelled amidst a scandal in which the chair of the selection committee reported threats from a candidate — a former head of the investigation unit at NAC and an active member of the influence group.
The influence of the group waned following the departure of one of its members from the position of SCM chair and the appointment of new SCM members in March-April 2023. This person has not become a SCJ judge, because he refused to undergo the extraordinary integrity evaluation procedure in the context of the SCJ reform. Simultaneously, another member of the group resigned as head of investigation unit at NAC after the scandal surrounding the failed competition for head of PCCOCS and the resignation of NAC director who had facilitated his promotion. Recently, the third key member of the influence group in justice stepped down as chair of the parliamentary committee for legal affairs, appointments, and immunities following the failed competition for Prosecutor General position. During this incident, one of the SCP members was accused of attempting to manipulate the competition by deliberately giving a lower score to one of the candidates.
III. JUSTICE SELECTIVITY IN PUBLIC COMMUNICATION: ENHANCED ATTENTION FOR OPPONENTS OF GOVERNMENT AND INTEREST GROUP

To assess justice selectivity through the public communication from the criminal investigation and prosecution authorities, and courts on the high-profile cases monitored in this report, and the extent of control by authorities or influence groups over the public coverage of individuals under investigation, indicted, or convicted, particularly when they are held in police custody, the selected cases were scrutinized against the following criteria: how media learns about a high-profile case (section III.1); authorities’ response to journalistic investigations (section III.2); communication about apprehension or enforcement of arrest (section III.3); openness of the criminal investigation/prosecution authority towards mass media (section III.4); communication of individuals investigated/tried/arrested with mass media (section III.5), and court’s attitude towards journalists (section III.6).

III.1 How does media learn about a high-profile case?

Based on this criterion, the following assumptions of favorable selectivity for government officials or interest groups and unfavorable selectivity for their political competitors and rivals were explored:

**Favorable selectivity – low profile**

- official press releases that adhere to the personal data protection and presumption of innocence requirements;
- law enforcement authority disclosing evidence in compliance with the personal data protection requirements.

**Unfavorable selectivity – high-profile**

- information sourced from unofficial channels before an official press release is issued; personal data protection and presumption of innocence requirements are not met;
- disclosure of evidence from unofficial sources, before or in the absence of an official press release; personal data protection requirements are not met;
- statements made by political leaders that ‘anticipate’ the response from law enforcement agencies.

In only one-third of the monitored cases did the public learn about the opening of criminal cases through press releases from the criminal investigation authority - 20 cases out of 58 (34%).

In another 15 cases (26%), the information initially surfaced from unofficial sources and was shortly followed by a press release from the criminal investigation authority.

In 12 cases (20%), the public found out about the initiation or existence of a criminal case from various sources, including mass media or leaks on Telegram channels.

The websites Deschide.md and Anticoruptie.md appear to be primary sources for most leaks regarding the initiation of criminal proceedings.
Thus, disclosures through leaks on high profile cases accounted for almost half of all cases (46%).

About other 12 cases (20%) the public found out when the Prosecutor General addressed the Moldovan Parliament, requesting the cancellation of the immunity of the involved MPs.

CASE STUDY 3
Real-time leaks during searches in Dodon case

The opening of the criminal case against Igor Dodon regarding allegations of illegal financing of PSRM, known as the "kuliok" case, initially came to light through sources, prompting mass media to seek confirmation from the Prosecutor General's Office. The first media outlets to report on the reopening of the case were Ziarul de Garda14 and Deschide.md.15

However, the first one to announce publicly that there were prerequisites for opening the criminal case was former MP Iurie Renita.16 The announcement came the day before the General Prosecutor’s Office ordered the initiation of criminal proceedings. The prerequisite for reopening the case was the decision of the Chisinau Court of Appeal of May 17, 2022, which annulled an earlier order not to start criminal proceedings against Igor Dodon.

Most of the leaks on this case occurred on May 24, 2022, the day the anti-corruption prosecutors, together with NAC and SIS officers, conducted searches at Igor Dodon’s house and

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15 https://deschide.md/ro/stiri/social/106856/CASEul-%E2%80%9Ekuliok%E2%80%9D-redeschis-Dumitru-Robu-a-semnat-ordonan%C8%9Ba-de-pomire-a-urm%C4%83rii-penale-pe-numele-lui-Dodon.htm
those of his relatives. Mass media learned from sources about the places where most of those searches were taking place.

Several journalists and civic activists were present during the searches from the first minutes and live-streamed the searches in Igor Dodon’s home and his apprehension, while Deschide.md and Ziarul de Garda published exclusive images of the objects seized during the searches. A few hours later, the same images were distributed to mass media by the criminal investigation authority.

Mass media also had information from sources and reported about the incident during searches involving Igor Dodon’s brother-in-law, Petru Merineanu, who attempted to swallow a receipt confirming the purchase of three buildings and a boat station totaling 700,000 thousand euros.

No press release was issued by the Anti-Corruption Prosecution Office during the period of the searches. Later that day, the acting head of the Anti-Corruption Prosecution Office, Elena Cazacova, held a press briefing on the actions of the prosecutors.

It should be noted that there is a distinct timeframe during which most leaks to mass media regarding the initiation of criminal cases against certain individuals occurred. Almost all instances of leaks happened while the Anti-Corruption Prosecution Office, which is responsible for most of the monitored cases, was under the management of acting officials. After August 1, 2022, there was only one instance where mass media reported on the initiation of a criminal case handled by the Anti-Corruption Prosecution Office.

In 6 monitored cases (10%), the initiation of criminal proceedings was announced by Prosecutor General when seeking Parliament’s consent to lift the immunity of suspected MPs. In 6 other instances, the initiation of criminal cases was announced by politicians or the individuals under criminal investigation.

CASE STUDY 4
Justice Minister the first to announce cases against former Prosecutor General Alexandr Stoianoglo

Justice Minister Sergiu Litvinenco was the first to publicly announce the initiation of criminal proceedings by the prosecutor appointed by the Superior Council of Prosecutors to investigate

18 https://deschide.md/ro/stiri/social/107213/(FOTO)-Perchezi%C8%99ii-PASIS-la-Dodon--Procurorii-au-g%C4%83sit-zeci-de-mii-de-euro-%C8%99i-circa-jum%C4%83tate-de-milioane-de-lei.htm
22 Case of Pre-Vetting Commission members
23 Justice Minister Sergiu Litvinenco was the first to announce on his Facebook page about initiation of criminal proceedings against former Prosecutor General Alexandr Stoianoglo. Former MP from ACUM bloc, Iurie Renita, was the first to announce about the initiation of criminal investigation against Igor Dodon in “kulik” case
24 Vladimir Andronachi sent an email to several media outlets communicating that his wife and he have been charged in the bank fraud case.
the charges against suspended Prosecutor General Alexandr Stoianoglo. Half an hour before SCP released this information on October 5, 2021, at 4:59 pm, the Justice Minister posted on his Facebook page the following:

“A few minutes ago, I received an email notification stating that the prosecutor appointed today by SCP to investigate allegations made by Lilian Carp decided to commence criminal proceedings against Prosecutor General Alexandr Stoianoglo”.

Mass media published this news an hour later making reference to SCP.

In the same post, Litvinenco called for an emergency meeting of SCP to select and propose an acting Prosecutor General to the President.

The day before the Justice Minister announced the initiation of criminal proceedings, he posted another comment on his Facebook page referring to Alexandr Stoianoglo’s briefing. During the briefing, the former Prosecutor General revealed several excerpts from the private communication of the former head of the Anticorruption Prosecution Office, Viorel Morari, with foreign officials and diplomats.

“Stoianoglo has crossed a red line by using his position for his own benefit, which constitutes corruption and influence peddling. Violation of the right to privacy is only permissible in the interests of the prosecution and not in the personal interests of the individual who still holds the position of Prosecutor General”.

“Stoianoglo admitted that he had received favors from Platon by asking for his ‘help’. We are talking about a ‘favor’ offered by a defendant to a public prosecutor! Not only is it against common sense (it is clear that Stoianoglo no longer has it), but even the law does not allow such a thing except within the framework of procedural mechanisms (witness, expert, etc.). All this is sufficient to at least initiate disciplinary proceedings, but perhaps even more”.

It should be noted that Justice Minister Sergiu Litvinenco publicly expressed his opinion on several criminal cases or persons against whom criminal cases were initiated shortly after this.

In one of the monitored cases, the monitors did not identify any official communication from the criminal investigation authority.

During the monitoring period, all press releases issued by the Anti-Corruption Prosecution Office before October 2022 disappeared from the webpages of the prosecution authority (both the General Prosecutor’s Office and the Anti-Corruption Prosecution Office). Similarly, all press releases and posts from December 2019 to October 2022 on the Facebook page of the Anti-Corruption Prosecution Office are also missing (!). In the absence of this information, the monitors had to reconstruct the communication of the criminal investigation authority regarding the monitored cases during the period they were missing, relying solely on press reports.

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26 The cases against the former Deputy Prosecutor General Ruslan Popov, former judge of Court of Appeal Balti, Alexandru Gheorghies, former judge Ghenadie Pavliuc, the 13 defector MPs from PCRM, the case of illicit financing of Shor Party, and the case against Vladimir Plahotniuc.
27 “Bank fraud” case, Grigore Gacikevici episode.
The analysis of the results of this monitoring compared to those of the previous efforts (in 2019 and 2021) revealed a significant decrease in the number of cases where mass media learned from sources about the initiation or termination of criminal proceedings. In the 2021 monitoring, this accounted for 48.8% of cases compared to only 20% in the 2024 monitoring. On the other hand, there was a substantial increase in the number of cases where information was disclosed by unofficial sources followed by official press releases. This figure stood at 11.6% in 2021, rising to 26% in 2024. Typically, press releases followed shortly after the actions in a new criminal case were reported in mass media.

Moreover, in contrast to the previous monitoring conducted in 2021, which reported no cases where the public first learned from politicians about the initiation of criminal proceedings, six such instances were identified in this monitoring.

### III.2 Response of authorities to journalistic investigations

Following the criteria established in previous monitoring efforts, the following selectivity assumptions were checked during this monitoring: favorable to government officials and interest groups and unfavorable to political competitors of the government and to individuals perceived as hostile to the interest group.

**Favorable selectivity – low profile**

- apathetic and delayed investigation into alleged offences committed by individuals affiliated to the ruling party or interest group influencing justice;
- providing explanations for why the prosecution authority cannot take action in response to journalistic investigations;
- turning a blind eye to the allegations investigated by journalists;
- intimidation of journalists or media outlets with threats of initiating criminal or contraventional proceedings against them.

**Unfavorable selectivity – high profile**

- prompt investigation into the alleged offences committed by individuals considered political rivals or antagonistic to the interest group influencing justice;
- delayed investigation into alleged offences committed by political rivals or the individuals that are hostile to the interest group influencing justice, but only when this is for the benefit of the ruling parties or the interest group.

In 68% of the monitored cases (39 out of 58 cases), mass media had previously reported on the facts under investigation. In most instances, these media investigations were published 2-3 years earlier, during the PDM or PSRM government, and targeted their members. In six instances, the criminal cases initiated by prosecutors directly referenced journalistic investigations. The proportion of cases involving allegations that had been previously targeted in media investigations was similar in the previous monitoring period (70%).

All the investigations or news reports were previously published by independent and reputable media outlets (Centre for Investigative Journalism, Rise Moldova, TV8, Ziarul de Garda, Jurnal.md).
CASE STUDY 5
Center for Investigative Journalism — the leading source for prosecutors’ investigations

Most of the criminal cases stemming from journalistic investigations were published by Anticorupție.md, which is owned by the Centre for Investigative Journalism. Prosecutors initiated criminal investigation into the allegations previously investigated by Anticorupție.md in 7 out of the 58 monitored cases. These mainly concerned justice actors as follows:

1. Illicit enrichment, Prosecutor General Alexandr Stoianoglo
2. Abuse of office and exceeding office duties, Alexandr Stoianoglo
3. Illicit enrichment, former Deputy Prosecutor General Ruslan Popov
4. False statements, Igor Popa, former Deputy Prosecutor General
5. Illicit enrichment, judge Oleg Melniciuc
6. Exceeding office duties (Energocom), former President of the country Igor Dodon
7. Illicit enrichment, former head of SIS, Vasile Botnari.

Most of these investigations had been made public approximately one year before criminal investigations into the same allegations were initiated.

The monitoring identified several instances suggesting coordination between journalists and prosecutors. Shortly after certain journalists published reports about illegal activities allegedly committed by specific individuals, prosecutors conducted searches at their homes and announced the initiation of criminal proceedings.

CASE STUDY 6
Smear campaign on Telegram preceding searches of former NIA head Rodica Antoci’s home

On January 27, 2022, the anti-corruption prosecutors conducted a search at the residence of Rodica Antoci, the head of NIA, as part of a criminal investigation into abuse of authority (exceeding office duties). This led to Antoci’s suspension from office and subsequent resignation.

The actions of the prosecutors were preceded by several posts on the Telegram channel "Ungureanu112", managed by an individual close to certain individuals in law enforcement. On November 17, 2021, the Telegram channel published an anonymous letter alleging that Rodica Antoci had misused her authority, used NIA's CASCO services and budget for personal purposes such as repairing and painting her personal car, installing doors, and paying for interior design services in her office without valid justification. Subsequent posts and documents published on "Ungureanu112" claimed that Antoci had used her authority to retaliate against State
Protection and Guard Service officials purportedly in conflict with her husband. On December 20, 2021, another post on "Ungureanu112" alleged that Antoci had not reported some assets in her asset declaration.  

All these posts were shared by other news portals close to Ungureanu and the interest group in justice he is associated with.

On January 27, 2022, Rodica Antoci’s home and office were searched as part of the criminal proceedings initiated based on allegations similar to those referred to in the ‘anonymous letters’ published by Ungureanu.

The monitoring also identified several cases where prosecutors’ criminal investigation actions coincided with the release of media investigations targeting subjects of recently initiated criminal investigations. These media reports directly referenced sources from the criminal investigation authority.

**CASE STUDY 7**

Judge Alexandru Gheorghies simultaneously targeted by press investigation and searches

On November 16, 2021, the anti-corruption prosecutors conducted searches at the residence and office of Alexandru Gheorghies, the President of the Balti Court of Appeal, suspecting him of illicit enrichment. The following day, Ziarul de Garda published an investigation into the judge’s house worth millions and other expensive assets.  

The media outlet provides more details of the criminal case, citing sources close to the criminal investigation authority:

“According to ZdG’s sources within law enforcement, judge Alexandru Gheorghies has been seen several times driving a luxurious Mercedes GLE, valued at over 50 thousand euros. The car was reportedly purchased from a car dealer in 2018 and is registered under the name of Dorin Sirbu, the son of Ghenadie and Lidia Sirbu. These sources claim that Dorin Sirbu, who was 20 years old at the time of purchase, told investigators that the car did not belong to him, that it was registered in his name following a request from his father, who told him that the car actually belonged to judge Alexandru Gheorghies.”

In a media report published a day before the investigation, Ziarul de Garda mentioned a detail of little relevance to this story, stating that "former prosecutor and current employee of the Security and Information Service (SIS), Eugeniu Rurac, is participating in the searches in Balti. According to SIS officials, Rurac, who heads the Anti-Corruption and Integrity Department of SIS, is providing operational support to the anti-corruption prosecutors in the case against judge Alexandru Gheorghies".

29 https://t.me/s/Ungureanu112?q=antoci
31 https://www.zdg.md/stiri/stiri-justitie/ex-preedintele-curii-de-apel-bali-magistratul-alexandru-gheorghie-reinut-pentru-72-de-ore/
This monitoring identified the first instance where five criminal cases were initiated following a complaint filed by a Member of Parliament. The complaint, filed by PAS MP Lilian Carp with the Senior Council of Prosecutors, concerned alleged illegal actions committed by Prosecutor General Alexandr Stoianoglo. The swiftness with which the criminal investigation authority acted, initiating an investigation and apprehending the suspect, was surprising.

CASE STUDY 8
Only 3 hours to initiate 4 criminal cases and apprehend Prosecutor General after a report from an MP

10.00, 5.10.2021 – SCP starts the examination of a complaint filed by PAS MP Lilian Carp regarding four alleged offences committed by Stoianoglo.32

13.34, 5.10.2021 – SCP accepts Carp’s complaint and assigns anti-corruption prosecutor Victor Furtuna to investigate the allegations referred to in Carp’s complaint against Prosecutor General.

16.45, 5.10.2021 – Justice Minister announces that the case prosecutor has decided to initiate criminal proceedings on all four charges and has ordered the suspension of Prosecutor General from office.

17.10, 5.10.2021 – Alexandr Stoianoglo announces a press briefing for 18.00.

17.35, 5.10.2021 – Prosecutor Victor Furtuna, accompanied by masked SIS officers, arrives at the Prosecutor General’s Office to apprehend Stoianoglo (the information is reported by Deschide.md, which films the arrival of the masked officers).33

18.00, 5.10.2021 – Stoianoglo is arrested for 72 hours and escorted. Searches begin at his residence.

The apprehension took place with the participation of masked officers. Stoianoglo was led out of the building in handcuffs in the presence of reporters who filmed and took pictures of the apprehension.

The monitoring has revealed another unusual case involving what appears to be a leak to mass media. In December 2022, Ziarul de Garda published several investigations into the illicit financing of the Shor Party, based on messages retrieved from the mobile phone of one of the party’s leaders, Dinu Turcanu.34 Turcanu reportedly lost his phone in August 2022, and ZdG journalists claimed that an unknown source delivered the device to them in November. After extracting messages from the phone, the journalists handed it over to the National Anti-Corruption Centre.

Throughout the monitored period, at least three instances were identified in which the criminal investigation authority declined to investigate allegations against law enforcement and state officials.

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33 https://deschide.md/ro/stiri/social/93068/VIDEO-NO-COMMENT-Masca%C8%98ii-de-la-SIS-au-intrat-la-Procuratura-General%C4%83-Urneaz%C4%83-re%C8%9Bineea-lui-Stoianoglo.htm#google_vignette
1. In September 2022, several media outlets reported that Eugeniu Rurac, the head of NAC’s Criminal Investigation Department, drives a Mercedes valued at over 100 thousand euros. The head of NAC, Iulian Rusu, subsequently announced during a TV8 talk show that an internal investigation would be launched into these allegations. “There are also other issues that raise concern, potential surveillance of a NAC employee, who has an important position. We must investigate this,” Rusu said. However, the results of the internal investigation have never been disclosed to the public. Moreover, the Anti-corruption Prosecution Office declined to initiate criminal proceedings based on a complaint regarding the same allegations.

2. On May 25, 2023, Alexandru Musteata, the head of the Public Property Agency, sent a letter to the Chief Anti-Corruption Prosecutor, Veronica Dragalin, alleging involvement of her deputy, Vasile Plevan, in corruption. A leaked audio recording of an internal AP meeting purportedly captured Dragalin attempting to protect her subordinate, refusing to initiate criminal proceedings, and warning the whistleblower of potential criminal prosecution for false statements: “I called him to my office. After we spoke for half an hour, he apologized, expressing a desire to personally apologize to Vasile Plevan. I told him that making false statements against a prosecutor or our institution, or orchestrating a campaign to discredit a prosecutor, constitutes a violation of the Criminal Code. I told him to find a lawyer. I want everyone to watch carefully and see what will happen to this person, for what he has done, where Alexandru Musteata from PPA will end up. Information has already appeared on Telegram indicating that he is facing dismissal”, said the AP head during the meeting, as revealed by the leaked recording.

3. The Anti-Corruption Prosecution Office declined to investigate a leaked Telegram conversation involving several state officials, despite indications of potential conflicts of interest, influence peddling and other possible offences. During a TV8 talk show, the head of the Anti-Corruption Prosecution Office stated that, “the AP is not going to waste the time to read tens of thousands of messages, which may be true or not. We have specific reports, cases we are working on, if there are citizens who have information, we encourage them to report it”. The Prosecutor General’s Office is investigating these Telegram leaks solely on the grounds of “violation of secrecy of correspondence”.

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36 https://tv8.md/2022/19/09/ancheta-interna-la-cna-dupa-ce-eugen-rurac-a-fost-surprins-cu-o-masina-de-lux-iulian-rusu-vreau-sa-fac-verbatim-de-televizare/210633
39 https://tv8.md/2022/24/11/dragalin-despre-spuru-urile-de-informatii-de-pe-telegram-pa-nu-va-citi-zeci-de-mii-de-mesaje-nu-stim-da-ca-sunt-adeseata/216417
III.3 Communication about apprehension or enforcement of arrest

In relation to this criterion, the following assumptions of favorable selectivity for members of the interest group/government and unfavorable selectivity for their rivals, including political opponents, were checked:

**Favorable selectivity – low profile:**

- the law enforcement authority does not communicate the time and place of apprehension to journalists;
- the law enforcement authority does not inform journalists that the apprehended individual is going to be escorted to the investigating judge for an arrest warrant;
- the law enforcement authority prohibits journalists to take videos of/interviews with the individual during apprehension;
- the law enforcement authority impedes the participation of journalists in the court hearings where decisions on arrest are to be made.

**Unfavorable selectivity – high profile:**

- the law enforcement authority communicates to journalists (possibly those affiliated with the influence group/government) the time and place of apprehension of political opponents;
- the law enforcement authority communicates to journalists that the apprehended individual is going to be escorted to the investigating judge for an arrest warrant;
- the law enforcement authority facilitates the participation of mass media to take videos of/interviews with the individual during apprehension;
- the law enforcement authority does not impede the participation of journalists in the court hearings where decisions on arrest are to be made.

In 27 out of the 58 monitored cases, mass media knew about the place and time of apprehension. This is 73% of the 37 monitored cases which involved apprehension. Compared to the previous monitoring period, the percentage of cases where mass media knew about apprehension is much higher (73% to 52%).

Of concern is the fact that in most cases where mass media knew about apprehensions (21 out of the 27 apprehensions, i.e.78%), they had received such information from their sources and were able to witness and take videos of apprehensions. The cases concern 12 individuals who were under criminal investigation in one or more of the monitored cases. In at least 4 cases, the communication about the upcoming searches and apprehensions came from the individuals or parties targeted by these procedural-criminal actions.

Most of the instances where mass media learned from sources about the place and time of upcoming apprehensions occurred before August 2022. These leaks were particularly related to cases of interest to the influence group in justice.

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40 The individuals apprehended in the presence of mass media are Alexandru Stoianoglo, Ruslan Popov, Igor Popa, Alexandru Gheorghies, Marina Tauber, Igor Dodon, Irina Lozovan.

41 The Shor Party communicated on July 18, that searches and apprehension of party members will be conducted the next day, July 19, 2022. Additionally, Shor Party announced a day before about upcoming searches on May 7, 2023 at the election headquarters of the candidate for Governor of Gagauzia, Evghenia Gutul.
For comparison, in the previous monitoring period, there were 5 instances of leaks to mass media about the place and time of apprehensions, accounting for 20% of the total number of apprehensions.

### CASE STUDY 9

**Searches and arrests with masked men and mass media. The cases of Ruslan Popov, Igor Popa, Irina Lozovan and Alexandru Gheorghies**

On October 9, 2021, three days after his suspension, the Deputy Prosecutor General Ruslan Popov was apprehended by the anti-corruption prosecutors for illicit enrichment. The apprehension was preceded by searches of his home and office. The public learned about these events from the news reports by two media outlets — Deschide.md and Anticorupție.md. Journalists from these outlets were present during the searches and filmed the moment when Ruslan Popov was apprehended and escorted from his home to the office. The footage from these outlets suggests that the journalists knew in advance the places where the searches would take place, managing to get from one place to another before the car escorting Popov arrived there.

The journalist from Anticorupție.md who released the footage of the search and apprehension had previously published several investigations about the Deputy Prosecutor General's assets.

Popov's apprehension took place with the participation of at least 7 masked SIS officers from the special SIS troops.

The same journalist from Anticorupție.md was present and recorded the searches and apprehension of the former head of the Ciocana Prosecution Office of Chisinau municipality, Igor Popa, on November 9, 2021. The anti-corruption prosecutors later announced that the case of illicit enrichment against Popa was initiated based on the media investigations conducted by that journalist.

On September 21, 2023, the anti-corruption prosecutors conducted searches and apprehended MPs Irina Lozovan and Alexandr Nesterovschi for involvement in illegal financing of the Renastere Party by the organized criminal Shor group. Lozovan's apprehension was recorded by the Nord News portal, which had received information from sources about the upcoming searches at her home and apprehension. The journalists learned about Nesterovschi's apprehension from the Telegram channel of one of his party colleagues. The Anti-corruption Prosecution Office later provided detailed reports about the searches and apprehension.

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42 https://deschide.md/ro/stiri/social/93303/(FOTO)—Dumitru-Robu-%C8%99eful-interimar-al-PG-confirm%C4%83-perchezi%C8%9Bi%C8%9Bile-acas%C4%83-la-Popov.htm
43 https://anticorupcie.md/ro/CASEe-de-coruptie/video-adjunctul-procurorului-general-ruslan-popov-va-sta-urmatoarele-72-de-zile-in-izolatorul-de-detentie-al-politiei
45 https://www.youtube.com/watch?v=4CwVey0z1kc
Nord News that recorded the searches and apprehension of Irina Lozovan was the only one present during the unannounced searches and apprehension of former President of Balti Court of Appeal Alexandru Gheorghies (November 16, 2021). The Nord News film crew accompanied law enforcement officers practically throughout the searches at the judge’s office, arriving at the location before prosecutors (as suggested by the footage).46

In 3 of the 27 apprehensions and arrests (11%), mass media learned about these events after the apprehended individuals had been escorted to the detention facility.47

A new trend observed in this monitoring involves multiple leaks of information about the criminal investigation actions on Telegram channels managed by individuals close to the influence groups in justice. They disclosed plans to initiate criminal proceedings, were present during apprehensions and searches, and leaked information about the evidence held by the criminal investigation authority.

CASE STUDY 10

Telegram content creators with close ties to the influence group in justice first to be present at searches and apprehensions

The Telegram channel "Ungureanu 112" was the primary source for leaks of information from the criminal cases which had to do with the interests of the influence group in justice. Its administrators were present during most of the searches and apprehensions that took place during the monitored period.

On October 5, 2021, "Ungureanu 112" was the first to report about the upcoming apprehension of former Prosecutor General Alexandr Stoianoglo by anti-corruption prosecutors and SIS officers: "SIS officers have stormed the PGO! Stoianoglo to be apprehended!".48 Subsequent posts included video footage of searches and Stoianoglo's apprehension.49 In the following days, the channel published images and information regarding witnesses questioned by prosecutors in the Stoianoglo case, along with details about the evidence from the case file.50

"Ungureanu 112" also broke the news of the apprehension of Deputy Prosecutor General Ruslan Popov and that of PCCOCS Prosecutor Sergiu Raileanu, both under investigation for abuse of power for the benefit of an organized criminal group (the Platon group). The channel published an excerpt from the prosecutor's indictment order, obtained from its sources, and filmed Raileanu after he left the hearing where he was indicted (the place and time of the hearing was not made public).51

The administrator of the Telegram channel "Ungureanu 112" is the same individual who publishes news from Deschide.md about searches, arrests, or details of criminal proceedings.

46 https://www.youtube.com/watch?v=x0IHm5ilD8&t=15s
47 Mihail Bagas, Vladimir Andronachi and Olga Bondarcuicu.
48 https://t.me/Ungureanu112/5050
50 https://t.me/Ungureanu112/5202, https://t.me/Ungureanu112/5465, https://t.me/Ungureanu112/5353,
   https://t.me/Ungureanu112/5310
51 https://t.me/Ungureanu112/7131
III.4. Openness of the criminal investigation/prosecution authority towards mass media

Based on this criterion, the following assumptions of favorable selectivity for government representatives or members of the interest group with influence in justice and unfavorable selectivity for their political adversaries who are perceived as hostile to the interest group were checked:

**Favorable selectivity – low profile**
- the law-enforcement authority/state prosecutor refuses to provide information and make statements;
- the law-enforcement authority/state prosecutor provides limited information and makes brief statements;
- information shared by the law-enforcement authority/state prosecutor during press conferences seems to favor the subject of investigation, with refusal to answer questions or selective responses to journalists affiliated with the interest group or government;
- no leaks happen during the criminal proceedings.

**Unfavorable selectivity – high profile**
- the law enforcement authority/state prosecutor holds press conferences, answers all questions;
- the law enforcement authority/state prosecutor provides detailed information about the case;
- the law enforcement authority provides public access to some evidence from the case file (records, documents) incriminating the subject of investigation;
- leaks occur during the criminal proceedings.

Almost in all the monitored cases, PGO or the specialized prosecution agencies (AP and PCCOCS) communicated about the completion of criminal proceedings and sending the cases to court through press releases. In 7 out of the 58 monitored cases, other communication channels with mass media besides press releases were used, more specifically the press conferences or briefings held by Anticorruption Prosecutor Veronica Dragalin or her predecessors. Furthermore, Prosecutor General, the head of the Anticorruption Prosecution Office and the latter’s deputies made public statements during TV talk-shows.

During the monitoring period, the Anti-Corruption Prosecutor’s Facebook page duplicated several press releases or posts related to specific high-profile cases with briefings or press conferences held by the Head of the Anti-Corruption Prosecution Office. During these conferences, some evidence from the case files, interceptions, and items/money seized during searches were disclosed. Notably, most of these conferences and briefings focused on the case on illicit financing of the Shor Party and other parties associated with Shor (5 conferences or briefings) and the bank fraud cases against Vladimir Andronachi (4 conferences or briefings) and Vladimir Plahotniuc (2 conferences).

**CASE STUDY 11**

Cases addressed in briefings or press conferences by the head of the Anticorruption Prosecution Office

1. Details regarding the apprehension of MP Marina Tauber (2.05.2023).
2. Extension of detention for Marina Tauber (26.05.2023).


4. Searches conducted at Sansa Party and documentation of a new form of money laundering carried out by members of a criminal group to finance political parties (5.10.2023).

5. Planning of destabilization and public nuisance activities, including protests and other actions to discredit the European political vector, illegally funded by members of a criminal group (7.03.2024).

6. Details regarding the apprehension of Vladimir Andronachi, extradited by the Ukrainian authorities (2.11.2022).

7. “Bank fraud” charges against Vladimir Andronachi (11.03.2023).

8. Judge in Andronachi case ordered the proceedings to be examined in camera (22.05.2023).


10. Criminal case against Vladimir Plahotniuc on bank fraud sent to court (18.07.2023).

11. Searches conducted at the real estate owned by Vladimir Plahotniuc in France (17.01.2024).

12. Press briefing held by Anticorruption Prosecution Office on the results of searches at the residence of former President of Moldova, Igor Dodon (24.05.2022).

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**Chart 6**

- **5 (42%)**
  conferences on illicit party financing case (Shor)

- **2 (17%)**
  conferences on Plahotniuc’s cases

- **1 (8%)**
  conference on Dodon’s cases

- **4 (33%)**
  conferences on bank fraud case, Andronachi

**Cases addressed in press conferences by the head of Anticorruption Prosecution Office**
CASE STUDY 12
40% of AP’s press releases refer to the cases concerning illicit party financing by the Shor group

The monitoring findings indicate that the Anticorruption Prosecution Office was most active in communicating on cases concerning illicit financing of specific political parties and destabilization actions orchestrated by the organized criminal group Shor.

During the monitoring period, the Anticorruption Prosecution Office released 32 press releases concerning these cases, organized 5 briefings or conferences, and posted 31 updates on the institution's Facebook page.

Of all the press releases issued by the Anti-Corruption Prosecution Office concerning the monitored cases, 40% focused on the illicit financing of political parties by the criminal Shor group.

In contrast, only 6 press releases (7%) were dedicated to cases concerning the illicit financing of the Socialist Party (“kuliok” and “Bahamas” cases).

Furthermore, the Anti-Corruption Prosecution Office’s public communication on cases concerning the financing of parties close to the criminal-organized group Shor often included disclosures of evidence gathered by prosecutors, such as intercepts, amounts of money seized during searches, and details of financing schemes. Much of this evidence was collected and prepared for dissemination together with the General Police Inspectorate.

The monitoring also highlighted an escalation in public communication by the criminal investigation authority concerning these cases in the run-up to and during the electoral campaign for the November 2023 local elections. During this period, from September to November 2023, the Anticorruption Prosecution Office issued 7 press releases, posted 9 updates on Facebook, and organized 2 press conferences.

In 35 out of the 58 monitored cases (60%), the criminal investigation authority engaged with mass media by providing comments and making statements during both the criminal investigation and trial stages. However, the monitoring identified several instances where, after the beginning of criminal proceedings, searches and apprehension of suspects, the prosecution refrained from communicating altogether or provided minimal and concise communication.

CASE STUDY 13
Criminal cases with lack or little communication by the criminal investigation authority

In several cases within the monitored sample, searches and apprehensions with masked officers, filmed by mass media, and controlled leaks of information to specific media outlets were followed by prolonged periods of silence from the criminal investigation authority. This
In some monitored cases, prosecutors attempted to conceal the initiation of prosecution. For instance, according to Jurnal TV\(^53\), the Prosecutor General’s Office and PCCOCS initially denied the existence of the order to initiate criminal proceedings against Vlad Plahotniuc for illicit enrichment. The information about the existence of the case was disclosed to journalists by PCCOCS prosecutor Dumitru Raileanu, and confirmation from the General Prosecutor’s Office came only after journalists made reference to the information provided by the case prosecutor.

Regarding the illicit enrichment cases against former Minister of Internal Affairs Alexandru Jizdan, former defector MPs Sergiu Sirbu, Vladimir Vitiuc, Artur Resetnicov, Anatolie Zagorodnii and Violeta Ivanov, after the searches conducted by PCCOCS and AP in 2022, the criminal investigation authority remained silent on the progress of these cases. Updates were only provided through brief press releases announcing the termination of criminal proceedings and dropping of cases.\(^54\)

Proactive communication by the criminal investigation authority was notably absent in relation to the illicit enrichment cases against judges Alexandru Gheorghies, Vladislav Clima, former NIA head Rodica Antoci, MP Radu Mudreac, and former MP Adrian Candu after their indictment and searches. When asked by journalists to provide updates on these cases, the criminal investigation authority gave minimal and vague answers, consistently refusing to provide details.\(^55\)

The monitoring also found a reluctance of the criminal investigation authority to engage with journalists regarding the illicit enrichment cases at the trial stage. For instance, in the illicit enrichment case against former prosecutor Igor Popa, the case prosecutor refused to communicate with the journalists, stating, “I don’t want to be accused by the defendant for making statements to journalists”.

Other cases on which the criminal investigation authority did not communicate concern the former notary Olga Bondarciuc, the former head of the Medical and Social Assistance Directorate of the Chisinau municipality, Boris Gilca, the suspended judge Oleg Melniciuc, and former MP Chiril Lucinschi.

The monitoring of criminal cases against former President Igor Dodon revealed inconsistencies in the communication strategies of the criminal investigation authority across different monitoring periods.

**CASE STUDY 14**

**Communication shift in Dodon’s cases from intensive to “no comment”**

The initiation of criminal investigations into the five cases against former President Igor Dodon garnered significant media coverage. Journalists and civic activists were present during Dodon’s

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54 https://procuratura.md/pccocs/pccocs/comunicate/comunicate-de-presa/urmare-unei-hotarari-judecatoresti-procurorii-sunt-imposibilitatea, https://moldova.europalibera.org/a/CASEuF-deputa%C8%9Bilor-transfugi-a-fost-clasat-dup%C4%83-ani-de-investiga%C8%9Bii/32238983.html

apprehension, with leaked photos of the objects seized during searches and reports of incidents during the searches (e.g. Igor Dodon’s brother-in-law swallowed a receipt). AP held a press briefing providing details, while the case prosecutors maintained intensive communication with journalists during court hearings where they sought extension of preventive detention. From October 2022 to May 2023, the Anti-Corruption Prosecution Office issued 5 press releases and posted 10 updates on Facebook on the progress of Dodon’s cases in court. However, after May 18, 2023, AP ceased its pro-active updates on the cases against Igor Dodon.

In May 2023, the Government introduced an amendment to the Law on prosecution, prohibiting the delegation of prosecutors to specialized prosecution offices if they have less than five years’ experience in the system. This amendment impacted two prosecutors - Petru Iarmaliuc, the prosecutor in Dodon case, and Marta Bizgan, the prosecutor in Vladimir Plahotniuc’s illicit enrichment case. Following the amendment, their secondments were terminated. Although Iarmaliuc continued to represent the prosecution in Dodon’s cases sent to court, monitors noted a decline in his willingness to engage with journalists since the summer of 2023, stating that “the prosecutor presents the indictment and does not make statements”.

During the monitoring period, leaks from case files while under investigation by the criminal investigation authority were reported in 12 cases (20.6%).

### CASE STUDY 15
Cases with the most important leaks of information

<table>
<thead>
<tr>
<th>Case</th>
<th>Leak</th>
<th>Mass media</th>
<th>Source of the leak</th>
</tr>
</thead>
<tbody>
<tr>
<td>„Kuliok” case</td>
<td>Video recordings of discussions between Igor Dodon and Vlad Plahotniuc; Excerpts of statements given by Sergei Iaralov and Vlad Plahotniuc</td>
<td>Publika TV (8.06.2019) Facebook page of former MP Iurie Renita</td>
<td>Former PPDA MP Iurie Renita Unknown sources</td>
</tr>
<tr>
<td>Dorin Damir case (Department 5)</td>
<td>Documents from the criminal case concerning Damir’s fictitious employment in Department 5, National Investigation Inspectorate (witness testimonies, collected evidence)</td>
<td>Ziarul de Garda (4.11.2021)</td>
<td>Case prosecutor</td>
</tr>
<tr>
<td>Vlad Plahotniuc’s case (bank fraud)</td>
<td>Video recordings of Veaceslav Platon’s hearings in the criminal case against Plahotniuc taken over from DIICOT Romania, showing Prosecutor General Stoianoglo greeting Platon in a friendly manner and encouraging him „to provide honest testimony” for a proper investigation.</td>
<td>Timpul.md (24.05.2020)</td>
<td>Sources from the criminal investigation authority A criminal case was initiated on the leaks from Plahotniuc case</td>
</tr>
</tbody>
</table>
### case | leak | mass media | source of the leak  
--- | --- | --- | ---  
Illicit financing of Shor Party case | Photo-capture from a document of the criminal investigation authority indicating that 7 persons involved in distributing illicit money in favor of the Shor Party left Moldova on July 16, 2022, prior to searches | Alexandru Cozer (Jurnal TV) published on his personal Facebook page | Sources from the criminal investigation authority  
Laundromat case | Audio recordings of discussions between Veaceslav Platon and Emanuil Grispun about Laundromat | Jurnal TV (5.01.2021) | Sources close to the criminal investigation authority  
Plahotniuc and Andronachi cases (Metalferos) | Leaked information from „Metalferos” case files, revealing the establishment of a mafia network around the state-owned company Metalferos, which received tens of millions of dollars from the company between 2009 and 2019 | Jurnal TV (14.12.2021) | Case prosecutor  
Pre-vetting case | Names of persons targeted by criminal investigations of alleged illegal actions committed by NAC employees responsible for gathering, analyzing, and providing information to the Pre-Vetting Commission regarding Iulian Muntean; Documents from the criminal case supporting their guilt | Ziarul de Garda (26.09.2023) TV8 (30.10.2023) | Sources close to the criminal investigation authority

### III.5. Communication of investigated / arrested / tried individuals with mass media

In terms of communication with the investigated/ arrested / tried individual, the following assumptions of favorable selectivity for members of interest group/government and unfavorable selectivity for their opponents, including political, were checked:

**Favorable selectivity – low profile**

- the individual under investigation makes statements for journalists when brought to hearings/confrontations;
- the defendant is not obstructed by escorting officers from communicating with journalists;
- the investigated/tried individual is protected by the law enforcement officers from journalists if he/she is not willing to engage with them;
MONITORING THE SELECTIVITY OF CRIMINAL JUSTICE

III. JUSTICE SELECTIVITY IN PUBLIC COMMUNICATION

- the investigated/tried individuals selectively communicate only with the journalists they prefer.

**Unfavorable selectivity – high profile**

- the investigated individual placed in police custody does not communicate with journalists, either because the latter have not been informed when the individual will be brought to hearings/confrontations, or because journalists are denied authorized access to the premises/ vicinity where procedural actions take place;
- the defendant is prevented by escorting officers from communicating with journalists (he/she is hurriedly led away; the guards push away the journalists preventing them from getting close to the defendant);
- defendants are intentionally exposed to journalists even when they are unwilling to communicate with them.

In all the monitored cases, individuals under criminal investigation had the opportunity to communicate with mass media, either before or after court hearings, by telephone or by participating in TV talk-shows. The most favored communication channels were the social media (Facebook and Telegram). Media coverage was intense for some individuals in the context of the November 2023 local elections (Ilan Shor, Marina Tauber, Igor Dodon, and Gheorghe Cavcaliuc).

Despite having the opportunity to engage with mass media, hold press conferences or publicize their case on social networks, almost all of them chose to remain silent.

The most vocal ones were Ilan Shor, Igor Dodon, Marina Tauber and Veaceslav Platon. During the criminal investigation period, some defendants, like Marina Tauber, organized press conferences and protests - allegedly illegal actions which led to new criminal cases being initiated.

Prosecutors sought preventive measures from investigating judges to prohibit communication with the press for two defendants in the monitored cases, namely Igor Dodon and Alexandr Stoianoglo. While the judges rejected the prosecutors’ request in Dodon case, a ban on communication with the press was reportedly imposed for Stoianoglo for a short period of time.57

CASE STUDY 16

Igor Dodon launches a website dedicated to his criminal cases

On December 6, 2022, half a year after the searches and apprehension, Igor Dodon launched a website where he shared updates on all five of his criminal cases.

“*We have nothing to hide, and today we are launching a website where anyone can become familiar with the case materials and form their own opinions based on documents, evidence and facts, instead of biased interpretations. The website www.cazulododon.com is now open to all those who are interested. The website will be regularly updated, including with opinions of experts in this field*,” announced Igor Dodon.

Six volumes of case materials, transcripts, correspondence and other evidence, including the indictment, were uploaded on the website. Profiles of state prosecutors Petru Iarmaliuc...
and Veronica Dragalin, details about case witnesses, statements from government officials regarding the case, and comments from civil society experts were also published. The website was last updated in spring 2023.

During the monitoring period, one case stood out where journalists were intimidated by the subject of a criminal case. Former prosecutor Igor Popa lodged a criminal complaint against journalists from the Centre for Investigative Journalism of Moldova for accessing and gathering personal data and information for a journalistic investigation into the undeclared assets of the prosecutor and his ex-wife. Additionally, the prosecutor’s ex-wife sent threatening messages to the journalists.

III.6 Court’s attitude towards journalists

In terms of court’s attitude towards journalists, the following assumptions of favorable selectivity towards members of the interest group/government and unfavorable selectivity towards their opponents, including the political ones, were checked:

Favorable selectivity – low profile
- court’s openness or reluctance towards journalists depends on the defendant’s interest.

Unfavorable selectivity – high profile
- court’s openness or reluctance towards journalists depends on the interest of the interest group/government in the case.

The monitoring of court hearings revealed that judges generally exhibited a positive attitude towards journalists, allowing them access to court hearings and to record videos at the beginning of the hearings and when sentence was delivered.

However, in 6 out of the 58 monitored cases (10%), the court was disturbed by the presence of journalists during hearings or prohibited them to attend or record the hearing. The most telling instance occurred during a hearing related to one of Platon’s cases (Moldasig), where the judge instructed the journalists to leave the courtroom because they had previously filmed and publicized an incident involving the disappearance of a CD containing evidence from the case file.

In another case, which concerns Vlad Plahotniuc, the case prosecutor voiced frustration over journalists attending court proceedings, stating, “I have already told you once that you do not need to attend every hearing”.

In the Andronachi bank fraud case, during the hearing on January 11, 2024, when the defendant Alexandru Bionschi was brought in, judge Gheorghe Balan expressed dissatisfaction that journalists wanted to film in the courtroom and asked if Bionschi consented to being filmed. Afterwards, the judge shut the door in the face of the TV8 journalist who wanted to know details about Andronachi’s release from custody.

In three other cases, the monitors reported that judges asked the journalists to present their IDs to allow them to attend the court hearings. During the hearing on Dodon case (medical certificate) on April 12, 2023,

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judge Tudor Stambol requested the IDs of all journalists, stating he needed the data to know whom to hold accountable or fine. Similarly, during a court hearing on the illicit enrichment case against Vasile Botnari, judge Stambol ordered journalists to show their IDs and publicly disclosed their residential addresses.

The monitoring shows a deterioration in the court's treatment of journalists compared to the previous monitoring period, when no instances of barring journalists from public court hearings were reported. Moreover, this was the first time when a judge attempted to intimidate journalists present at a hearing by threatening them with fines or by disclosing their home addresses.

Similar to the first monitoring period, journalists showed relatively limited interest in attending court hearings. In 90% of the hearings, monitors reported they were the only journalists present at the trial proceedings.
IV. JUSTICE SELECTIVITY IN CRIMINAL PROCEEDINGS: LENIENT WITH REPRESENTATIVES OF THE RULING PARTY AND INTEREST GROUP

To check the assumptions of justice selectivity in criminal proceedings, the monitoring focused on the behavior, actions and decisions of investigative bodies, prosecutors, and courts in high-profile cases against political figures. The chapter starts with a general comparative analysis of the three monitoring periods (section IV.1), further focusing on similar cases where different approaches were employed (section IV.2); different status of accomplices (section IV.3); public access to court hearings (section IV.4); recusals of judges/prosecutors (section IV.5); replacements of judges/prosecutors (section IV.6); delays in trial proceedings (section IV.7); inequality of arms (section IV.8); judicial ethics (section IV.9), and intimidation of parties (the defense, prosecutors, judges) (section IV.10).

IV.1 Shift in justice selectivity focus

The findings of this report, spanning from 2023 to 2024, can be compared with those of the first two reports, from 2019 and 2020-2021. Generally, changes in government or the influence of interest groups have led to the exclusion of selective justice practices towards previously advantaged and disadvantaged groups.

In 2019, the observations validated the assumptions of justice selectivity favoring the government and individuals with close ties to the PDM and Plahotniuc

In 2019, the first monitoring report revealed different approaches to the billion theft-related cases of Vlad Filat, Ilan Shor, Chiril Lucinschi, and Veaceslav Platon, betraying a preferential treatment of the investigative body and judges towards Ilan Shor, perceived as an affiliate of the then PDM government, and an unfavorable treatment towards the others. Specific procedural discrepancies were observed in the treatment of Ilan Shor, serving as the mayor of Orhei, in comparison to Dorin Chirtoaca, the mayor of Chisinau. The different procedural approaches consistently favored Ilan Shor and pertained to matters such as preventive arrest and preventive detention conditions, trial delays, authorization of attachment, suspension from office, the punishment requested by prosecutors and the punishment applied by the court.

In 2020–2021, the previous selectivity towards the PDM dissipated, making way for justice selectivity in favor of the new PSRM and Dodon government and selectivity in favor of the Platon interest group.

In the years following the PDM’s exit from government, the first cases against former PDM leader Vladimir Plahotniuc emerged, particularly targeting him in the ‘bank fraud’ case, despite the fact that PDM continued to be present in government through a coalition with the PSRM and the Shor Party.

The second monitoring, initiated in 2021, revealed a significant influence from the PGO and personally Prosecutor General Stoianoglo during the pre-trial stage of the criminal proceedings, marked by multiple statements anticipating the approach of investigating prosecutors. Public communications from Prosecutor General suggested a milder treatment towards Veaceslav Platon and PSRM. On the other hand, the prosecutors Soianoglo used to call “Plahotniuc’s prosecutors”60 appeared to have received a tougher one.

Additionally, the criminal investigation authority demonstrated a tougher approach towards the illicit enrichment cases against judges compared to similar cases against prosecutors. Throughout 2020–2021,

60 https://realitatea.md/stoianoglo-morari-si-betisor-erau-oamenii-de-incredere-ai-lui-plahotniuc/
prosecutors seemed to be more willing to proceed vigorously with criminal proceedings against high-ranking judges, while exhibiting reluctance to prosecute high-ranking prosecutors for similar offences if the latter had connections within the upper echelons of the prosecutorial hierarchy. For example, criminal cases for illicit enrichment were initiated against former SCJ President Ion Druta, former SCJ deputy-president Oleg Sternioala, and former AP chief Viorel Morari, despite NIA finding no violations. Conversely, in cases involving Deputy Prosecutor General Ruslan Popov, head of the Ciocana Prosecution Office Igor Popa, and Prosecutor General Alexandr Stoianoglo himself, despite journalistic investigations, the prosecution authority under Stoianoglo's leadership did not pursue a similar approach, justifying such decisions by NIA's failure to provide its findings in this regard. However, though NIA had issued positive decisions in other cases involving judges and prosecutors deemed inconvenient to the government and/or the interest group, this did not prevent the PGO to initiate criminal proceedings against them.

Another confirmation of the justice selectivity during this period was Prosecutor General Stoianoglo's reluctance to investigate the "kuliok" case, involving former President Igor Dodon. Stoianoglo argued that the case was documented illegally, making it impossible to prove the contents of the famous black bag given to former President Dodon at the PDM headquarters. Conversely, in other cases involving unauthorized video footage published in the media and lacking political sensitivity, the prosecution authority initiated criminal proceedings.

Years 2023-2024 - disappearance of selectivity towards PDM, Plahotniuc, Shor and Platon interest group; transition of justice selectivity from unfavorable to PSRM/Dodon government to an apparently favorable one before the elections

The monitoring completed in 2024 confirmed the disappearance of the factors driving selective practices in favor of the PDM, Plahotniuc and Shor. Members of the Shor Party and PDM became targets of most of the top high-profile cases under monitoring, with 36% and 33% of cases accordingly, followed by PSRM with 19% (see Chart 3).

Another category in relation to which the favorable treatment through selective justice disappeared is that of individuals protected by Platon's interest group through the PGO and former Prosecutor General Stoianoglo. Thus, criminal cases on illicit enrichment and false statements were initiated against prosecutors, whose assets had been the subject of multiple journalistic investigations - Ruslan Popov (former Deputy of Prosecutor General Stoianoglo), Igor Popa (former head of the Ciocana Prosecution Office), and Alexandr Stoianoglo (former Prosecutor General), and sent to court.

Stoianoglo himself faced several criminal cases, two of which have been sent to court, while two others are in the criminal investigation stage. In the case concerning the payment of allowance to former PCCOCS chief prosecutor Nicolea Chitoroaga, the first instance court acquitted Stoianoglo, while the progress of other cases remains uncertain. It is, therefore, too early to confirm unfavorable justice selectivity in the criminal proceedings regarding his case, at least at the trial stage.

Throughout the monitoring period, one-third of high-profile cases (31% of all monitored cases and 28% of those sent to court) pertained to illicit enrichment. Notably, for the first time, the majority of individuals targeted by such cases are not judges and prosecutors (39%), but rather opposition politicians (61%).
In general, most cases of illicit enrichment carry undertones of retaliation, particularly when there is no predicate crime for such enrichment, and the individual targeted is not among those most targeted by journalistic investigations. Given the significant level of underground economy where counter-agents of officials in various transactions evade taxes or understate their true value, and where over half of the country's population works abroad to support their families in Moldova, income often goes unreported in those countries, making it very easy to question the source of wealth of almost any official, depending on the existence of an interest in this regard and the persistence of law enforcement bodies.

Acting Prosecutor General Ion Munteanu explained that there were several challenges in investigating illicit enrichment, as parallel financial investigations conducted by the Criminal Assets Recovery Agency (ARBI) often extend beyond the duration in which a suspect status can be maintained. Nonetheless, this did not deter the prosecution authority from doubling the number of such cases.

**CASE STUDY 17**

Increase in criminal cases on illicit enrichment despite investigation challenges

Ion Munteanu commented for Cutia Neagra Plus talk show on TV8, stating, "When criminal prosecution is initiated and the suspect status is assigned to the person for whom there is evidence of involvement in illicit enrichment, the AP requests ARBI to conduct parallel financial investigations. However, the law allows us to maintain the suspect status for only 6 months. This often proves insufficient for ARBI to provide a comprehensive report to help the prosecutor identify all assets acquired through illicit enrichment. This is the first challenge in investigating such cases. If we fail to complete the parallel financial investigations and the ARBI fails to issue a relevant report to the prosecution authority, we must cease the criminal proceedings against the individual. This is where ARBI's investigation stops, as it has no legal capacity to proceed without a suspect or defendant status. Moreover, we often do not have sufficient evidence to
In the years 2023-2024, the number of illicit enrichment cases seems to have decreased. This decline could signal both a reduction in the trend of using such cases for retaliation purpose, and a decrease in the use of this tactic to fight corruption. Objective factors, such as the limited number of convictions – only two, and both in the first instance court – may have contributed to this decline. However, subjective factors, such as a different approach to criminal policies by the current leadership of the PGO and AP could also play a role.

IV.2 Different approaches to similar cases

In terms of the approach to similar cases, the following assumptions of favorable selectivity towards members of interest groups with influence in justice and unfavorable selectivity towards their opponents were verified:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>In a high-profile case, the prosecution authority / judge demonstrates a milder attitude towards the subject:</td>
<td>In another similar high-profile case, the prosecution authority / judge demonstrates a tougher attitude towards the subject:</td>
</tr>
<tr>
<td>- criminal proceedings are not initiated for facts that other authorities have invalidated or have not given an opinion on (e.g., a fact-finding report from NIA concluding lack of any violations; lack of an integrity evaluation by NIA or an ongoing integrity evaluation by NIA);</td>
<td>- initiation of criminal investigation into facts that other authorities have invalidated or have not given an opinion on (e.g., a fact-finding report from NIA concluding lack of any violations; lack of an integrity evaluation by NIA or an ongoing integrity evaluation by NIA);</td>
</tr>
<tr>
<td>- arrest is not requested/applied; home arrest or other non-custodial preventive measures are requested/applied instead;</td>
<td>- arrest is requested/applied; home arrest or other non-custodial preventive measures are not requested/applied;</td>
</tr>
<tr>
<td>- placing the individual in a more comfortable preventive detention isolator at NAC;</td>
<td>- placing the individual in a preventive detention isolator with poor conditions (prison no.13)</td>
</tr>
<tr>
<td>- delays in sending cases to court (even when there is a risk of the expiration of the limitation period) and or delays in court examination;</td>
<td>- no delays in sending the case to court and its quick examination in court;</td>
</tr>
</tbody>
</table>

Favorable selectivity – soft approach
- individuals are not suspended from office during investigation and trial;
- prosecutors request a milder punishment for the committed offence / damage caused compared to similar/related cases where a tougher punishment is requested, despite the facts being more serious and the damage bigger;
- discontinuation of proceedings (at the criminal investigation or trial stage), acquittal or suspended sentence and/or small fines and/or no deprivation of the right to hold public offices, or deprivation for short periods etc.;
- review of the convict's case, while in detention

Unfavorable selectivity – tough approach
- suspension from office during investigation and trial;
- prosecutors request a tougher punishment for the offence committed / damage caused compared to similar/related cases, where a milder punishment is requested, despite similar or even less serious facts and smaller damage;
- criminal conviction and sentencing to prison and/or bigger fines and/or with deprivation of the right to hold public offices or deprivation for significant periods etc.;
- no requests for review of the convict's case while in detention.

Identical or similar offences committed in comparable circumstances should be treated in a similar manner. When there is a clearly differentiated approach to subjects of criminal proceedings and trials, especially to the benefit of the individuals close to/convenient for the ruling party/interest group with influence in justice, it indicates selective justice practices.

However, since the legal status of each person suspected/accused/charged should be individually assessed in criminal proceedings, this criterion can only be applied to subjects within the same cases facing similar charges, where those affiliated with the government or the influence group in justice are visibly favored over those who oppose them.

Such situations become more evident when individuals who are convenient for the ruling parties or the influence group in justice are involved in more serious criminal activities, yet receive milder treatment through criminal proceedings compared to others involved in less serious activities, but subjected to much tougher legal procedures. This criterion can also be used to compare the legal status of subjects of different criminal cases with similar circumstances, involving different offences with comparable elements, where the procedural treatment of individuals who are close to the government or the influence group in justice is noticeably better than the treatment of the individuals that are hostile to the government or such groups.

During the monitoring period, several similar situations, yet with different approaches, were noticed. More specifically:

1. illegal interceptions in the "kuliok" case vs. illegal interceptions in the Telegram leaks case;
2. rigged competitions in the SCP for the position of head of the AP (Telegram leaks) and head of PCCOCS vs. the fraudulent competition for Prosecutor General position;
3. investigation of prosecutors Alexandr Stoianoglo, Ruslan Popov, Igor Popa and judges Ion Druta, Oleg Stermioala, Alexandru Gheorghies, and Vladislav Clima for illicit enrichment vs. uninvestigated allegations of illicit enrichment against former prosecutor Eugeniu Rurac and SCM members Dorel Musteata and Nina Cernat.

In the "kuliok" case, illegal interception of communications (video) served as ground to initiate criminal proceedings against the individuals targeted in the interceptions, namely the leader of the parliamentary
opposition party, Igor Dodon. On the other hand, in the Telegram leaks case, where certain information also became public from the publicly released illegal interceptions of communications via messaging applications, criminal proceedings were not initiated. The conversation related to the competition for the position of Chief Prosecutor of the AP was between the Justice Minister and SCP members.

**CASE STUDY 18**

**Illegal interceptions — sufficient for "kuliok" case, but insufficient for investigating Justice Minister and SCP members**

This case study highlights APs' different approaches to accepting leaks of unauthorized interceptions capturing the conduct of state officials, potentially qualifying under criminal law. For instance, an illegal interception on Telegram revealed communication among several SCP members in a chat apparently coordinated by Justice Minister Sergiu Litvinenco. The leaked electronic communication suggested the rigging of the competition for the position of chief prosecutor of the AP, won by Veronica Dragalin.

On the eve of the competition, Minister Litvinenco shared mathematical simulations anticipating scenarios where SCP members, whom he could not influence, might give lower scores to Veronica Dragalin and higher scores to her counter-candidates. It was agreed in the chat that CSP member Andrei Rosca would be proposed as secretary of the selection committee. He would collect the evaluation sheets from all CSP members between the stages of the competition, then retreat to the bathroom to count the intermediate scores of each candidate and send text messages to other SCP members in the chat, so that they could quickly determine the scores for the counter-candidates in the next stage and communicate this information to each other via phone messages.

Despite these revelations, a criminal investigation was only initiated into the fact of illegal interception of electronic data transmission under Article 260/1 of the Criminal Code. No action was taken against the CSP members whose illegal actions were captured in the chat, even though most of them did not deny the authenticity of the communications.

In October 2022, AP sent the "kuliok" case to court, with the AP's chief prosecutor often giving comments to the public why the illegally obtained records from this case were deemed admissible as evidence. Following the leak of the illegal Telegram intercepts on the website moldova-leaks.com in November 2022, Veronica Dragalin was asked several times why the actions of the officials involved in the contest which she won were not subjected to investigation. In response, Dragalin said that the leaked information could not be considered evidence. "I want to make it clear, leaking such information, if it is the accounts of private people, especially with high-ranking positions, is illegal. As a prosecutor, I can tell you that such a document, as it appeared on the webpage, cannot qualify as evidence, because we cannot check whether it is authentic or not, if we do not know who created the webpage, what messages that person added or deleted. This does not mean that every word that appeared on the webpage is true", Dragalin said during the Cutia Neagra talk show on TV8. When asked about the similarity between her explanation and the one provided by suspended Prosecutor General Alexandr Stoianoglo regarding the video footage capturing former President Igor Dodon in a conversation with oligarch Vlad Plahotniuc, Dragalin said "it is not a comparable situation". However, she
acknowledged that the anti-corruption prosecutors could still launch investigations if notified. "As I mentioned earlier, we are obliged by law to respond to complaints or notifications. I doubt that citizens want prosecutors to stop working on ongoing corruption cases and read the tens of thousands of messages flooding that website. The AP is not going to waste the time to read tens of thousands of messages, which may be true or not. We have specific reports, cases we are working on, if there are citizens who have information, we encourage them to report it," said the AP chief prosecutor.

Different approaches were noticed to the allegations of manipulation of the competition for the Prosecutor General position by CSP, where lower scores were given to undesirable counter-candidates and where criminal investigation was initiated, and manipulation of several competitions for positions within the prosecution authority by CSP, where criminal proceedings were not initiated (competition for the head of the AP and head of the PCCOCS).

**CASE STUDY 19**

Investigation and non-investigation by AP into rigged competitions for prosecutor general and other key positions within the prosecution authority

Several instances pertain to various competitions for leadership positions in prosecutorial bodies: competition for Chief Prosecutor position at the AP in summer 2022, competition for Chief Prosecutor position at the PCCOCS in spring 2023 and competition for Prosecutor General position at the PGO in winter 2024.

The competition for the position of Chief Prosecutor of the AP culminated in the appointment of Veronica Dragalin in 2022. However, a few months later, illegal interceptions of Telegram communications surfaced in the public space. They suggest the involvement of the then Justice Minister and several other SCP members, including Andrei Rosca, in manipulating the contest by unfairly scoring lower Veronica Dragalin's counter-candidates. Dragalin stated there was no ground to launch an investigation. In 2023, the competition SCP organized for chief prosecutor position at the PCCOCS was invalidated due to allegations of influence made by the chair of the competition commission, Iulian Groza. Groza claimed intimidation by one of the contestants, Eugeniu Rurac. Consequently, the competition was invalidated, leaving PCCOCS under interim leadership. Despite the attempted manipulation that led to the annulment of the competition, the AP did not see any grounds to initiate an investigation. In the winter of 2024, SCP organized the competition for Prosecutor General position. Following the disclosure of the evaluation sheets filled out by the SCP members, it was discovered that the candidate Ion Munteanu, acting Prosecutor General, unfairly received lower scores from one of the SCP members, Olesia Virlan.

The competition was cancelled on February 28, 2024. The following day, March 1, 2024, Veronica Dragalin, the AP's chief prosecutor, held a press conference where she declared her personal commitment to initiating criminal proceedings to investigate the alleged rigging of the competition. She pledged to hold accountable those who would be found guilty of such actions. On April 15, 2024, the AP announced the conclusion of the criminal proceedings, “which
investigated the allegations of unlawful actions committed by a public official, member of the Superior Council of Prosecutors (SCP), in connection with the public competition for selecting a candidate for the position of Prosecutor General of the Republic of Moldova. According to the evidence collected during the criminal proceedings, the prosecutor found that Olesea Virlan deliberately abused her authority as a SCP member. This abuse included biased evaluation, arbitrary scoring, failure to ensure equal opportunities, subjective examination and skewed application of evaluation criteria towards candidate Ion Munteanu. The evidence gathered during the criminal proceedings raises a reasonable suspicion that, by giving an arbitrary and biased score of 3.5 to candidate Ion Munteanu, Olesea Virlan acted in the interest of a third person, specifically Andrei Rosca, who allegedly sought retribution against Ion Munteanu for not offering him the vacant position of Deputy Prosecutor General.63

Interestingly, the individual implicated in the alleged manipulation of the competition for AP Chief Prosecutor in 2022 by giving lower scores and/or facilitating the lower scores of candidates, Andrei Rosca, has the same name as the SCP member found by the AP to have been contributed to the failure of a candidate for Prosecutor General position in 2024, whose actions have gone untouched by the AP throughout this period.

Recently, Vladislav Gribincea, a participant in the 2019 competition for Prosecutor General position, which was also suspected of being fraudulent, requested that the score sheets of that competition be made public. Following that competition, Alexandr Stoianoglo emerged as the winner and was subsequently appointed. The SCP examined Gribincea's request and agreed to provide him with the score sheets of each SCP member for every candidate. However, they refused to make these score sheets public, asserting that the decision to disclose such information rested with the applicant.64

It remains uncertain whether Gribincea will ask for the initiation of criminal investigation into the alleged manipulation of this competition, if he finds practices leading to disqualification of candidates.

The third instance of a contrasting approach to the initiation of criminal proceedings was reported in the investigated cases of alleged illicit enrichment against prosecutors Alexandr Stoianoglo, Ruslan Popov, Igor Popa and judges Ion Druta, Oleg Sternioala, Alexandru Gheorghies and Vladislav Clima versus the uninvestigated cases of alleged illicit enrichment of Eugeniu Rurac, Dorel Musteata and Nina Cernat.

**CASE STUDY 20**

Reluctance of prosecution authority to investigate allegations of illicit enrichment against former prosecutor Eugeniu Rurac and SCM members Dorel Musteata and Nina Cernat

Eugeniu Rurac, a former anti-corruption prosecutor, who had previously been a SIS employee before becoming acting head of NAC’s Criminal Investigation Department, found himself under

63 https://procuratura.md/anticoruptie/comunicate/comunicate-de-presa/procuratura-anticoruptie-finalizat-examinarea-procesului-penal
scrutiny after photographs surfaced in the media and Telegram channels depicting him driving a Mercedes S 400 4 Matic, valued at 150,000 euros. When asked by ZdG, Eugeniu Rurac said that the car belonged to his brother and he had borrowed it for a month while his own car was being repaired. Despite a request from judge Alexei Panis to the AP to investigate Eugeniu Rurac for potential illicit enrichment, no criminal proceedings have been initiated so far.

Former PPDA MP Alexandr Slusari shared on Facebook a note signed by the SIS director, highlighting the disproportionate financial situation of judges Dorel Musteata and Nina Cernat and their associations with Dorin Damir and Veaceslav Platon respectively.

According to the SIS note, in the period of 2014–2018, the SCM members - judges Dorel Musteata and Nina Cernat, acquired significant movable and immovable assets under their own names and those of third parties, notably relatives, far exceeding their reported incomes.

Musteata defended himself by stating that his wife, a lawyer, earns sufficiently to afford property acquisitions. Additionally, a car is registered under the name of his wife's brother-in-law. He has a 21-year-old daughter from a previous marriage, who studies and works abroad. Musteata also claims that an apartment is registered in his daughter’s name, and there his first wife's notary office is located.

The same SIS note states that Nina Cernat purportedly protected the companies used by Veaceslav Platon in transactions to launder over 20 billion USD from the Russian Federation (Laundromat case) through the Moldovan banking system. The note further warns that the judge was involved in the so-called raider attack on the assets of SLI JSC, a victim of a scheme which fabricated debts totaling 4.3 million USD with the involvement of several offshore entities controlled by Veaceslav Platon.

In response, Judge Nina Cernat denied any association with Veaceslav Platon, attributing the information gathered by SIS to a period when she and Dorel Musteata were notably vocal within the SCM.

In contrast to the cases against Rurac, Musteata and Cernat, who were allegedly part of the influence group in justice, the prosecution authority did not hesitate to investigate the suspected illicit enrichment of prosecutors, including former Prosecutor General Stoianoglo, former First Deputy Prosecutor General Popov, and former head of the Ciocana Prosecution Office Popa, as well as judges Druta, Sterinoala, Clima, and Gheorghies. In these cases, too, judges and prosecutors under investigation were accused of owning real estate and cars through relatives. Furthermore, the properties listed in the SIS note disclosed by Alexandru Slusari sometimes surpassed in size and value the properties of the judges investigated for illicit enrichment.

With the exception of Clima, the afore-mentioned judges and prosecutors, who were investigated during this period for illicit enrichment, were apprehended and/or arrested. All resigned just before or during the investigation of criminal cases on illicit enrichment.

Conversely, Dorel Musteata was promoted to the SCJ the next day after the publication of the SIS note. Despite former MP Alexandr Slusari expressing expectation that Parliament’s decision on Musteata’s appointment to the SCJ would be repealed, this did not happen. Musteata continued to lead the SCM (from 2021 to 2023) after his term as SCM member expired. Nina Cernat maintains her position within the SCM to date. Amendments to SCM law enabled Cernat to serve as an SCM member until she is replaced by a judge from the court level that she represents in the SCM, who will successfully pass the extraordinary evaluation procedure, although she has not gone through one.

IV.3 Accomplices with different or no procedural status

In light of this criterion, the following assumptions regarding favorable selectivity for members of interest groups and unfavorable selectivity for their rivals were checked:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- an accomplice associated with the interest group is not categorized as a suspect, accused, or defendant, but rather as a witness, or has no procedural status at all in a criminal case against the individual under investigation or trial;</td>
<td>- an accomplice in a criminal case, affiliated or not to opposing interests, has the same procedural status as the individual under investigation or trial - suspect, accused, defendant;</td>
</tr>
<tr>
<td>- milder preventive measures are applied to accomplices.</td>
<td>- tougher preventive measures are applied to accomplices.</td>
</tr>
</tbody>
</table>

The criminal legislation regards the individuals involved in committing the same offence as accomplices and, as such, they must be held criminally liable. When accomplices are left without any attention from the criminal investigation authority or are designated as witnesses, victims, or injured parties, particularly when they are affiliated with or convenient to the interest groups influencing justice, it may rightly indicate justice selectivity.

Furthermore, when an accomplice or even a perpetrator with connections to an interest group with influence in justice, including favorable political ties, is treated as a witness instead of being investigated as a suspect, it could hinder potential future proceedings against him/her, because his /her right not to communicate incriminating information to the criminal investigation authority is not respected.

Therefore, if there is a change in the political landscape or in the situation of the influential interest group to the detriment of the individual interrogated as a witness, and he/she is subsequently classified as a suspect or charged, the individual may claim a violation of his/her procedural rights. This could complicate the efforts to hold him/her criminally liable.

During the first monitoring period, two such cases (Chirinciuc and Chirtoaca) out of 14 monitored cases were reported. In the second monitoring period, at least 4 out of the 43 monitored cases (Bahamas, Morari, Platon and illegal deportation of the Turkish teachers) were identified.

In the third monitoring period, 1 case out of the 58 monitored cases was reported where the individuals allegedly involved in wrongdoing requested to be recognized as injured parties due to the violation of their privacy rights: the Telegram leaks case.
CASE STUDY 21
Prosecutors encourage officials to request to be recognized as injured parties, despite the initiation of criminal proceedings for abuse in their work

According to the PCCOCS press service, in November 2022, the PGO notified PCCOCS about the publication of some officials’ conversations on Telegram accounts. Prosecutors initiated criminal proceedings for illegal interception of electronic data transmission. Additionally, the PGO forwarded information to PCCOCS regarding the alleged involvement of specific officials in the operations of several institutions, including interference in decision-making processes. However, the notification did not specify which episode of the published correspondence was under investigation.67

Sergiu Litvinenco, former Justice Minister, was not assigned any procedural-criminal status in the ongoing criminal proceedings. His statements for the press indicate that he had been interviewed by prosecutors, but the questions did not pertain to the content of his communications. It is likely that he was questioned as a witness or even as an injured party. From the intercepted communications, it appears that Litvinenco involved in the competition organized by SCP for the position of Chief Prosecutor in the AP in a manner supportive of a particular candidate. Additionally, the intercepts suggest his involvement in coordinating processes at the SCP and the prosecution authority, leading to the apprehension of former Prosecutor General Alexandr Stoianoglo.

Litvinenco told ZdG that he had been questioned by prosecutors regarding the case, stating, “I was questioned regarding this case. If I’m not mistaken, it happened in April. It is, after all, the job of prosecutors to investigate and determine the circumstances, organizers and potential domestic or foreign origins of the criminal actions. In any case, it is clear to me that criminal-oligarchic groups whom my actions as Justice Minister have given trouble are behind these actions. I was not asked about the specific content of the leaked communications”.68

Conversely, former Prosecutor General Alexandr Stoianoglo, who had previously asserted that the leaking of illegal intercepts could not serve as grounds for initiating criminal proceedings against Dodon in the “kuliok” case, called for an investigation into the content of the Telegram leaks, considering such investigation crucial for the public interest and national security.

During a press conference, Stoianoglo said, “In an exchange of messages, Litvinenco is informed that the cell for the Prosecutor General is ready and receives confirmatory photos. There is someone else who did not understand who was behind the fabrication of the cases against me, who gave the orders for my apprehension and arrest, forced judges and prosecutors, members of the Superior Council of Prosecutors, to take decisions to remove me from office. The performance of the Prosecutor General was assessed also according to the same scenario”. “I have reproduced only a small part of Litvinenco’s correspondence, which has become public. The entire correspondence must be subjected to an investigation. (...) Therefore, I request: one: resignation of the Justice Minister, Sergiu Litvinenco; two: resignation of the SCP members involved in the illegal actions of suspending me from the position of Prosecutor General, illegal criminal proceedings against me, falsification of the evaluation of my performance. (...) Three:

In addition to the monitored cases, there was another instance involving former prosecutor and SIS employee Eugeniu Rurac, who was seen driving an expensive car, and photo and video images of him on the street were published in mass media and on Telegram channels. Following allegations of illicit enrichment, Rurac filed a complaint seeking to hold the individuals who reported him criminally responsible, accusing them of illegal surveillance.

### CASE STUDY 22

**Complaint filed by the head of the NAC’s Criminal Investigation Department, Eugeniu Rurac, for illegal surveillance against a judge**

In a complaint filed with the PCCOCS, the head of NAC’s Criminal Investigation Department accused judge Alexei Panis and lawyer Vladimir Mosneaga of unlawfully surveilling him. Both individuals refute these allegations. However, the judge has admitted to have filed a complaint with the prosecution authority, requesting an investigation of Eugeniu Rurac for illicit enrichment.

Eugeniu Rurac told ZdG, "The information circulated in the mass media and on Telegram channels is distorted and aimed at tarnishing my reputation and obstructing some investigations. (...)Surveillance was conducted both at my workplace and in traffic, and around my residence. The individuals behind these actions are members of the Shor Party, in particular one of Artur Resetnicov's lawyers, Vladimir Mosneaga. He represents the interests of the former President of the Balti Court of Appeal, Alexandru Gheorghies, and those of Alexandru Ciugureanu, indicted by the NAC in the corruption case at Codru town hall. Another incident of documented counter-surveillance involves Riscani Court judge Alexei Panis. In January 2022, I submitted a report to the SCM and the Prosecutor General's Office regarding his decision to reinstate Vladislav Clima by annulling the decree of the President of Moldova dismissing the latter".

Judge Alexei Panis said, "If he believes that I spied on him, he can file a complaint with the law enforcement authorities. I have already filed a complaint and am awaiting the decision of the law enforcement authorities". Lawyer Vladimir Mosneaga refuted Eugeniu Rurac’s allegations, stating, "I can't even comment on that. It's obviously not true".71
The complaint filed by Alexei Panis against Rurac with the law enforcement authorities did not result in any follow-up actions. The current status of the complaint filed by Rurac against Panis remains unknown. What is certain is that Rurac is not under investigation for alleged illicit enrichment. Instead, he has claimed the status of victim/injured party of purported illegal surveillance — photo, video footage, in which he appears near or driving an expensive car.

IV.4 Public accessibility of court hearings

The following assumptions regarding favorable selectivity for members of the ruling party or those of the interest group with influence in justice and unfavorable selectivity for their rivals were checked in light of the public access to court hearings:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- trial is open to the public;</td>
<td>- trial is closed to the public;</td>
</tr>
<tr>
<td>- accurate information about the court hearings is published on the court website;</td>
<td>- inaccurate information about the court hearings is published on the court website;</td>
</tr>
<tr>
<td>- court hearings take place in the courtroom.</td>
<td>- the law enforcement body (including the escorting officers) obstruct journalists’ access to the hearings, even when hearings are public;</td>
</tr>
<tr>
<td></td>
<td>- court hearings take place in the office of the judge.</td>
</tr>
</tbody>
</table>

Note: The situation may vary significantly, and access could be restricted if this is for the benefit of the defendant and the interest group he/she is affiliated to, also depending on the likely outcome of the case.

Note: The situation may vary significantly, and access could be restricted if this is to the benefit of the defendant and the interest group he/she is affiliated to, also depending on the likely outcome of the case.

According to the criminal procedure legislation, trials, with some exceptions stipulated in the law, are generally open to the public. To ensure the right of the interested citizens to attend court hearings, it is essential for the date, time, and location of the hearings to be accurately published on the court website. Public access to trials may be restricted only if there is a motivated court decision.

When there are no reasons to restrict access to trials, but public access seems to be detrimental to the group interests and/or party interests of those in power, and courts in some way act in support of those interests (e.g., the information related to hearings is not published or, if published, it is inaccurate, hearings are held in small rooms with limited access for the public or judge orders court hearings to be closed to the public), there are good reasons to suspect judges of bias and selective practices.

Such conduct of the courts may imply political interference or support for specific interest groups, particularly if judges exhibit different behavior in similar cases involving people with opposing interests.

In a sample of 347 monitored court hearings, the overwhelming majority (87%) were open to the public, except the ones related to three cases (Vladimir Andronachi, Dorin Damir, and Igor Popa). Additionally, one hearing in Platon fraud case was closed, involving examination of personal data. These are the only cases in the sample where hearings could not be monitored.
301 hearings (87%) took place in the courtroom and only 46 (13%) were held in judges’ offices. When the hearings were held in judges’ office, the monitors did not report lack of sufficient room to accommodate those who wanted to attend the hearings, except for several case.

In the previous monitoring conducted in 2021, only 3 court hearings were identified where inaccurate information was published on the court website, all in the Morari case and all from the hearings where the injured party Platon justified the damage suffered.

During the recent monitoring completed in 2024, the number of errors on the court website and/or notice boards at the court premises in the details of court hearings increased 15 times (46 hearings or 13% of all hearings in the monitored sample). One plausible explanation for the surge is the shortage of court clerks and assistants, which was not as critical in previous years. Additionally, the relocation of some judges and cases to the Chisinau Court may have contributed to the deficiencies in the information published about the details of court hearings.

Of the hearings with erroneous details, 29 hearings (63%) were in cases involving Platon, 5 hearings (11%) — in the Gacikevici case (coinciding with the hearing of witnesses and the examination of evidence), 3 hearings (7%) — in the Botnari case, 3 hearings (7%) — in the Melniciuc case, 2 hearings (4%) - in the Popa case and 1 hearing (2%) — in the Shor case, 1 hearing (2%) — in the Tauber case and 1 hearing (2%) — in the Dodon cases ("spravka" and "kuliok").

IV.5 Recusals of judges/prosecutors

In terms of recusals of judges/prosecutors, the following assumptions regarding favorable selectivity for members of the ruling party and of the interest group and unfavorable selectivity for their opponents were checked:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the defense unreasonably requests recusal of the investigating judge/prosecutor, and this request is accepted;</td>
<td>- the defense reasonably requests recusal of the investigating judge/prosecutor (visible hostility, political connections with the ruling parties or with the interest group etc.), but the request is denied;</td>
</tr>
<tr>
<td>- prosecutor and/or claimant reasonably requests a recusal, which is accepted, resulting in 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>- prosecutor and/or the claimant unreasonably requests a recusal 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), which is not accepted.</td>
</tr>
</tbody>
</table>

A judge must abstain or be recused from participating in a case trial if circumstances arise that cast reasonable doubt on his/her impartiality (e.g., kinship ties, prior involvement in the case examination in a certain procedural capacity, the judge previously made statements on the defendant’s innocence or guilt etc.). Recusal motions should typically be filed during the preparatory stage of the court hearing or during case examination, before the examination of evidence starts. Parties have the right to request recusal multiple times. However, if such requests are made in bad faith or with the intention to delay proceedings or confuse judges, the court may impose fines.72

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72 Art.33 and 34 CPC.
Looking into the recusal motions in high-profile cases, particularly those involving politicians or members of interest groups that influence justice, can be really helpful in understanding if selective justice practices exist and whether the involvement of interest groups, including political ones, and/or differential treatment of litigants are cited as reasons for recusal motions by the defense. On the other hand, recusals filed by prosecutors may indicate attempts to deliberately delay trials, especially when they are aware that the case files are incomplete and the judgement is likely to favor the defendants.

During the monitoring of the 28 cases under judicial examination, 22 recusal motions and 1 abstention were reported, all of which were rejected.

The defense filed 16 motions (70%) for the recusal of judges, while the prosecution filed 2 (9%) for the recusal of judges. The injured party (Platon) filed 1 motion (4%), and the defense filed 2 motions (9%) for the recusal of prosecutors. Additionally, there was 1 motion (4%) for the recusal of the specialist („kuliok”), and 1 abstention by a judge (4%) („kuliok”).

The monitoring also revealed instances of significant fines imposed for filing recusal motions. Most recusal motions during this monitoring period were filed in the so-called “kuliok” case involving former Moldovan President Igor Dodon. The defendant's lawyers were fined 2,500 MDL each for submitting a new request for recusal of judges on the same grounds that had already been rejected in a previous motion. Subsequently the lawyers left the courtroom in protest. In a subsequent hearing, the lawyers were fined 1,000 MDL each for filing a new motion to recuse the prosecutor.

### IV.6 Replacement of judges/prosecutors

In relation to this criterion the following assumptions regarding favorable selectivity for members of interest groups and unfavorable selectivity for their opponents were checked:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- if a conviction seems likely, the judge/prosecutor doing the job properly is transferred, promoted or otherwise removed from the trial, and replaced by a judge/prosecutor with a more lenient approach.</td>
<td>- if an acquittal seems likely, the judge/prosecutor doing the job properly is transferred, promoted or otherwise removed from the trial, and replaced by a judge/prosecutor with a tougher approach.</td>
</tr>
</tbody>
</table>

The investigating judge or panel of judges should remain unchanged throughout the trial period. If this is not possible, the panel may only be changed before the judicial investigation starts. Any change in the panel of judges after the beginning of the judicial investigation requires restarting the judicial investigation.\(^73\) A judge can only be replaced in the event of abstention or recusal, transfer to another court, suspension from office due to reasons such as extended social leave, resignation, dismissal, secondment, case transfer etc.

One of the aims of the selective justice research was to investigate the extent to which the replacement of a judge/prosecutor depends on decisions made directly or indirectly by members of the interest group and/or by political decision-makers. Therefore, if a judge/prosecutor investigating a criminal case with a political stake is deemed inconvenient for political decision-makers for doing his/her job properly, or simply if politicians have an interest in delaying the trial, the replacement of that judge/prosecutor could be interpreted as political interference in the judicial process.

\(^73\) Art.31 CPC.
The monitoring identified 6 replacements of judges or prosecutors in cases reviewed by the SCJ. This happened because of the resignations of judges from SCJ and temporary appointment of judges from lower courts (“kuliok” case). In another case, a judge from the first instance Chisinau Court resigned and was subsequently replaced (Andronachi case).

In the case against former President Igor Dodon (“kuliok”), the prosecutor was replaced due to the suspension of his delegation following a legislative amendment of the Law on prosecution 3/2016. After this amendment, the prosecutor’s delegation to the AP ceased. However, after 2 court hearings, the prosecutor was included in the team of prosecutors working on that same case.

CASE STUDY 23
Inexplicable legislative amendments to remove investigating prosecutor in the “kuliok” case against former Moldovan President Igor Dodon

A unique situation happened in the case against former President Igor Dodon (“kuliok”). For 9 months, this case was a real “reason” for the government to be proud of its achievements in combating high-level corruption. However, the situation took a turn in the summer of 2023 with the amendment of the Prosecutor’s Office Law 3/2016, directly impacting the prosecutor in the “kuliok” case, who was subsequently excluded from participating in these proceedings.

The amendment to the law was prompted by a reason frequently cited by the accused / defendant Igor Dodon, namely, that the case prosecutor, Petru Iarmaliuc, did not have the required 4 years of experience in the AP. This was one of the arguments supporting the motion for recusal of the prosecutor in court, which was rejected. The prosecutor had been delegated to AP for a 24-month term, for which having 4 years’ experience as a prosecutor was not required.

“The prosecutor leading this case, with all due respect to his youth – and I was also young once, when I was his age, I held positions as a minister and deputy minister - but the law stipulates that an anti-corruption prosecutor must have 4 years of experience. He has only 3 years and he was delegated. Therefore, no experienced anti-corruption prosecutor was willing to take on this case,” said former President Igor Dodon on June 1, 2022.74

On July 31, 2023, 14 months after this statement and 3 months before November 5, 2023 general local elections, the Moldovan Parliament passed the Law 200/2023, amending some normative acts (improving the mechanism for selecting, evaluating and disciplinary liability of prosecutors). This initiative was introduced by the Ministry of Justice. During the parliamentary process, unrelated provisions were added to the draft law, specifically concerning the delegation of prosecutors.

The amendments to Article 54 included a reduction in the duration of delegation for prosecutors to specialized prosecution offices from 24 to 12 months. Furthermore, the amendment to Law 3/2016 introduced a provision in paragraph 10 stipulating that "the prosecutor may be delegated only if he/she meets the requirements for appointment as a prosecutor in the prosecution office to which he/she is to be delegated".75

These developments sparked public criticism with concerns raised about the potential halt to delegations. In response, the parliamentary committee for legal affairs, appointments,

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74 https://tv8.md/2022/06/01/video-dodon-nemultumit-de-procurori-care-ii-investigheaza-CASEul-ce-spune-iarmaliuc/201842
75 https://www.legis.md/cautare/getResults?doc_id=138387&lang=ro
and immunities conducted public consultations on the draft law. During these consultations, both the committee and the Ministry of Justice failed to justify the urgency of introducing these provisions in a draft that deals with an entirely different subject matter. They also did not provide reasoning for rejecting the introduction of a transitional provision to postpone the entry into force of this inexplicable provision in the law. The AP and PGO did not support the introduction of these amendments.\textsuperscript{76}

Despite assurances from the Ministry of Justice that this provision would not affect the prosecutors delegated to specialized prosecution offices, 2 weeks after the law was amended the AP announced in a press release that the prosecutor handling several high-profile cases, including cases involving former President Igor Dodon, was transferred to the Chisinau Municipal Prosecution Office because he did not have the required four years of experience in anti-corruption.

According to AP's press release, the Law no. 200, which amends some normative acts, passed its second reading on July 31, 2023. This law introduced a revised procedure for the delegation of prosecutors to specialized prosecution offices. Under the new law, delegated prosecutors must meet the requirements for appointment as prosecutors in the Anti-Corruption Prosecution Office, which include a minimum of 4 years of experience. At the time this amendment entered into force, ten delegated prosecutors from other prosecution offices were working in the Anticorruption Prosecution Office, two of whom had more than 3 years but less than 4 years of experience, including Petru Iarmaliuc. Consequently, after consultation with the Chief Anti-Corruption Prosecutor, the Prosecutor General ceased the delegation of those prosecutors who did not meet the new legal requirements.

"The Anti-Corruption Prosecution Office will ensure the appointment of other prosecutors to take over the responsibilities in the cases previously handled by these prosecutors. However, this legislative amendment hampers the work of the Anti-Corruption Prosecution Office, which has always relied on the young prosecutors delegated from other prosecution offices, who, though lacking 4 years of experience, are often appointed through competitive processes after a period of delegation during which they gain experience and undergo training as anti-corruption prosecutors. The five anti-corruption prosecutors appointed last autumn following a competition were all young prosecutors who had been delegated to the Anti-Corruption Prosecution Office from other prosecution offices", the press release said.\textsuperscript{77}

In a separate development, Speaker of Parliament Igor Grosu hinted at the possibility of a potential coalition with the PSRM, led by former Moldovan President Igor Dodon, after the 2025 parliamentary elections.

Despite Petru Iarmaliuc's suspension from delegation and absence from three trial hearings in the case against former President Dodon at the SCJ, he was later included in the prosecution team handling this case following an instruction from the PGO leadership. Thus, he returned to the court to support the state prosecution.

Furthermore, a new legislative amendment was proposed to exclude the provision allowing prosecutors from outside specialized prosecution offices to support the state prosecution on cases handled by the former. However, there was no further action on this proposed amendment.


IV.7 Delays in trial proceedings

Looking into trial delays was useful in checking the following assumptions regarding favorable selectivity for the members of interest groups and unfavorable selectivity for their opponents:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- trial is delayed due to various reasons for the benefit of the defendant (e.g., the defense requests postponement, absence of the prosecutor without substitution, or the newly-appointed prosecutor requests additional preparation time etc.);</td>
<td>- trial is delayed because of the defense, but the defendant/defense receives a warning from the judge;</td>
</tr>
<tr>
<td>- judge agrees to suspend the trial during the election campaign period if the defendant runs as a candidate;</td>
<td>- the prosecutor who cannot attend the hearing is replaced;</td>
</tr>
<tr>
<td>- hearings are scheduled at very long intervals.</td>
<td>- judge declines the request of the defendant who runs as a candidate to suspend the trial during the election campaign;</td>
</tr>
<tr>
<td></td>
<td>- hearings are scheduled at short intervals.</td>
</tr>
</tbody>
</table>

If a scheduled hearing cannot take place due to the absence of one of the parties or witnesses, or for other valid reasons, the judge may decide to postpone the hearing after consulting with all the involved parties. Delays in trials, 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 the procedural actions ordered by the court (e.g., commissioning an expert analysis), can lead to application of fines. The court decision to postpone a hearing must be accompanied by appropriate grounds recorded in the minutes of the hearing.78

In the sample of 28 cases at the trial stage, out of 347 scheduled court hearings, only 201 (58%) were actually held. The remaining 146 hearings (42%) were postponed, with 29% being at judge's request (mostly for health reasons, training commitments or travel abroad), 14% at the request of the prosecutor or the injured party, and 57% at the defense's request.

In a notable case involving former President Igor Dodon, Parliament amended the law to exclude the prosecutor from participating in the court proceedings. The SCJ ruled for an expert examination to be conducted, set to commence a year later, potentially allowing Dodon to participate in the 2025 parliamentary elections and possibly negotiate a government coalition. This decision echoes past events during the PDM government, where such an expert examination was allowed by the court in the "bank fraud" case against Ilan Shor, while being denied for Chiril Lucinschi. This confirms the assumptions of justice selectivity in the procedural context, where the acceptance of expert examinations allows the person favored by the government to delay the trial, while denying this right to government opponents.
CASE STUDY 24
Expert examination in “kuliok” case against former President of Moldova Igor Dodon scheduled to start in one year

According to Ziarul de Garda, the former Moldovan President Igor Dodon must pay 90 thousand MDL for the expert examination of the video footage from a June 2019 meeting between Igor Dodon, Vladimir Plahotniuc and Sergei Iaralov. The footage, attached to the "kuliok" case files, shows the PDM leader handing Dodon a black bag allegedly containing money. The expert examination is set to begin in March 2025.

On February 29, Supreme Court of Justice judges granted a request from former President Igor Dodon's lawyers for an expert examination of the images. During the court hearing on March 28, the judges presented a reply from the National Centre for Legal Expertise (NCLE), indicating that two experts had been appointed to carry out the examination.

NCLE’s response, however, noted confusion regarding the request from Dodon's lawyers to check "when the files were formatted".

The NCLE also indicates that the technical examination of the audio and video footage is estimated to cost 86,100 MDL, while the examination of the PC and information systems will cost 3,150 MDL, bringing the total cost to 89,650 MDL. According to the NCLE, these expenses will be covered by the defense of the former President. The NCLE also states that the examination is scheduled to commence in March 2025.79

IV.8 Inequality of arms

In light of inequality of arms, the following assumptions regarding favorable selectivity for government representatives or interest groups with influence in justice and unfavorable selectivity for their rivals were checked:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- judge rejects prosecutor’s request for additional evidence (including ordering expert opinions, sending letters rogatory etc.);</td>
<td>- judge rejects the defense’s request for additional evidence (including ordering expert opinions, sending letters rogatory etc.);</td>
</tr>
<tr>
<td>- judge refuses to question the prosecution witnesses;</td>
<td>- judge refuses to question the defense witnesses;</td>
</tr>
<tr>
<td>- judge exhibits a more friendly attitude towards the defense witnesses (does not interrupt, lets them speak, asks clarification questions) than towards the prosecution witnesses.</td>
<td>- judge exhibits a more friendly attitude towards the prosecution witnesses (does not interrupt, lets them speak, asks clarification questions) than towards the defense witnesses.</td>
</tr>
</tbody>
</table>

According to the fundamental adversarial principle, both the defense and prosecutors have equal rights and should have equal opportunities to present their case. A court’s decision should be based solely on evidence.

79 https://www.zdg.md/importante/CASEul-kuliok-igor-dodon-trebuie-sa-achite-in-22-de-zile-suma-de-90-de-mii-de-lei-pentru-expertiza-secentelor-video-de-la-intalniea-cu-plahotniuc/
to which both parties have had equal access. The court is not a criminal investigation body, it must remain impartial and serve only the interests of the law. Both the defense and prosecutors have independence in choosing how to present their case, and the court is obliged to assist any party in gathering evidence, if requested. During trial, the court must thoroughly investigate all the evidence presented by the parties or taken at their request. It is the court’s duty to facilitate a comprehensive and multilateral investigation of facts for both prosecutors and the defense.

Equality of arms is essential for a fair trial, ensuring that all parties involved, including prosecutors, the defense, defendants, injured parties, complainants, civilly liable parties and their representatives have equal rights before the court in evidence gathering, participating in investigation of evidence and filing applications and requests.

Looking into the issue of equality of arms in trials is relevant to the research into selective justice practices because the court and the criminal prosecution authority represent the state. When there are indications that the court allows lack of balance between the possibilities available to the defense and the prosecution to present their cases and gather evidence, even if the legal guarantees for the independence of the judiciary are in place, the independence of judges and the judiciary is questionable. In particular, discrepancies in how judges handle evidence in sensitive cases for politicians or the groups that influence justice may raise concerns about political interference in the justice processes.

No cases of inequality of arms were identified during the monitoring period. All requests related to collection of evidence from both the defense and prosecution were granted by the court.

However, there was a notable case that could be seen as a demonstration of inequality of arms. This occurred through the parliamentary intervention to decriminalize an offence for which former President Igor Dodon was charged (the medical certificate case, also called "spravka"). The legislative amendment, proposed at the end of 2023, targeted a specific provision of the Criminal Code, based on which charges were brought to former Moldovan President Igor Dodon, his wife and general practitioner. In practical terms, the Parliament decided to exempt the former President from liability in one of his criminal cases, which was connected to another high-profile case ("kuliok"). The amendment has passed its first reading only. This move by the state effectively sided with the defendant, putting the prosecution in a situation of inequality of arms with the defense.

**CASE STUDY 25**
Parliament amends Criminal Code to exonerate Igor Dodon in one of his criminal cases

Igor Dodon avoids prosecution in the criminal case known as the "spravka" case. On December 28, 2023, Parliament revoked the article 361 para. (2) letter b) of the Criminal Code, which was the basis for investigating the Socialist leader for allegedly forging a medical certificate to travel abroad, while under a travel ban.

The amended criminal law, passed by PAS MPs, retroactively nullifies the criminal nature of the offence and applies to individuals who committed such acts before the entry into force of this law, including those serving or who have served the sentence but have a criminal record. This follows from the general legal principle of retroactive effect of a more lenient criminal law.

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80 Art.24 CPC.  
81 Art.314 CPC.  
82 Art.315 CPC.
Former President Dodon and his alleged accomplices, Galina Dodon and a general practitioner, were charged with making, possessing, and using a false medical certificate to present to the court and the prosecution authority in order to obtain permission to travel abroad.

Dodon cited his younger son’s Covid-19 condition, claiming he needed rehabilitation in a Romanian salt mine to justify his request to leave the country.83

IV.9 Judicial ethics and conduct

The following assumptions regarding favorable selectivity for the members of interest groups and unfavorable selectivity for their opponents were checked in light of the ethical conduct of judges:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- judge demonstrates ethical behavior;</td>
<td>- judge does not demonstrate ethical behavior;</td>
</tr>
<tr>
<td>- judge visibly supports the defense.</td>
<td>- judge is visibly hostile to the defense.</td>
</tr>
</tbody>
</table>

During court hearings a judge should adhere to the ethical standards outlined in the Code of Ethics and Professional Conduct of a Judge, adopted by the General Assembly of Judges in 2015. Impartiality is a key component of ethical conduct for judges.

Therefore, any unethical behavior by a judge, such as showing preferential treatment towards one party before delivering the final judgement, can signal selective justice practices, particularly if the defendant has political affiliation.

The monitors reported no serious ethical issues among judges that would suggest a preferential treatment of any of the parties involved in the proceedings.

IV.10 Intimidation of parties (the defense, prosecutor, judge)

In light of this criterion the assumptions regarding favorable selectivity for representatives of the ruling party and of interest groups and unfavorable selectivity for their opponents were checked:

<table>
<thead>
<tr>
<th>Favorable selectivity – soft approach</th>
<th>Unfavorable selectivity – tough approach</th>
</tr>
</thead>
<tbody>
<tr>
<td>- the prosecutor is intimidated (disciplinarily, contraventionally, criminally);</td>
<td>- the defense is intimidated (disciplinarily, contraventionally, criminally);</td>
</tr>
<tr>
<td>- the judge that is likely to convict the defendant is intimidated (disciplinarily, contraventionally, criminally);</td>
<td>- the judge that is likely to acquit the defendant is intimidated (disciplinarily, contraventionally, criminally);</td>
</tr>
<tr>
<td>- the prosecutor or judge that is likely to announce a judgement of conviction becomes the target of a smear campaign in the media affiliated to the interest group/ruuling party.</td>
<td>- the defense or the judge that is likely to announce a judgement of acquittal becomes the target of a smear campaign in the media affiliated to the interest group/ruuling party.</td>
</tr>
</tbody>
</table>

The independence of the defense, prosecutors, and judges is a crucial safeguard for the fundamental rights of defendants, injured parties, and other participants in trials. Legislative safeguards are in place to uphold the independence of all these categories of participants in a trial.

During the third monitoring period, no instances of intimidation of judges, prosecutors or lawyers were identified, aside from sporadic instances of supporters of one or other defendant shouting messages of support. During the criminal investigation stage, on the contrary, there were incidents involving activists supporting the government, who booed the defendants and their relatives (the case of Maria Olari, who verbally attacked the mother of former President Igor Dodon during her appearance at the AP⁸⁴).

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V. CONCLUSIONS AND RECOMMENDATIONS

This Report, covering the period from February 2023 to February 2024, is the third report on monitoring the selectivity of criminal justice in the Republic of Moldova developed with financial support from Freedom House. The monitoring methodology was tested and refined after the first two monitoring exercises in 2019 and 2021. This section of the report contains conclusions and substantive recommendations based on the findings of the monitoring of justice selectivity (sections V.1 and V.2).

V.1 Anti-justice guarantees for political parties and influence groups

Similarly to the previous monitoring exercise, this report indicates that non-political individuals facing criminal investigation are generally no longer tempted to join a political party or seek assistance from ruling parties to solve their justice problems. This trend was widespread during the first monitoring period (January–June 2019).

No instances were identified where monitored individuals blamed political pressure to join the ruling party through criminal cases, which was noticed in the first monitoring report. On the other hand, almost all suspects or defendants with political affiliation (from opposition parties) claimed that the criminal proceedings initiated against them were politically motivated. Criminal investigation was initiated against the leaders of the three opposition parties involved in organizing protests which, according to SIS, aimed at seizing state power – namely, Ilan Shor (P. Shor), Igor Dodon (PSRM), and Gheorghe Cavcaliuc (PACE). Formerly connected with the then ruling party, they have been under suspicion for unlawful activities and targets for various journalistic investigations.

During the 2023 local election campaign, the monitoring revealed three instances of apprehension and arrest of politicians. The preventive measures applied made their participation in the election campaign impossible. In one case, the party that nominated a candidate for mayor of Chisinau municipality withdrew its support after prosecutors announced the grounds for his apprehension. All three individuals were apprehended and held in preventive detention for allegations of involvement in money laundering and illegal financing of the electoral campaign in favor of Russia and Ilan Shor.

Two other monitored individuals – MPs from the opposition PSRM faction - resigned their seats. One resigned immediately after being charged in a criminal case (Igor Dodon), while the other resigned shortly before prosecutors announced about the initiation of the criminal investigation against her (Alla Dolinta).

The monitoring also revealed indications of a shift in favor of a politician investigated and prosecuted for corruption, as the party he led was viewed as a potential ally at the local and parliamentary levels for the current ruling party. This change in the selectivity assumption from ‘unfavorable’ to ‘favorable’ is also confirmed by the legislative amendments passed by Parliament directly impacting the criminal case of that politician.

Furthermore, the monitoring revealed cases where the criminal investigation authority avoided to investigate allegations of political corruption by representatives of the ruling party.

It is therefore recommended that the ruling political party, which to some extent has assumed responsibility for the performance of the law enforcement bodies:

1. refrains from accepting anti-justice guarantees from the judiciary, particularly from Prosecutor General, prosecutors, SCP, SCM and judges;
ii. refuses to accept or extend anti-justice guarantees from interest groups with influence over the judiciary;

iii. refuses to accept new party members or supporters from among individuals under criminal investigation;

iv. suspends party membership and/or requests individuals under criminal investigation to leave the party to prevent damage to the party's image;

v. respects the independence of the judiciary and accepts their decisions without interference, irrespective of the political affiliation and interest group of the individuals under criminal investigation;

vi. refrains from making amendments to legislation that directly impact the outcome of specific criminal cases under prosecution or court examination.

The prosecution and the criminal investigation authority are advised to:

vii. treat all public signals regarding the involvement of political actors or influence groups in corruption equally;

viii. whenever possible, refrain from apprehending electoral candidates in the lead-up to elections to prevent suspicions of influence by the ruling party;

ix. refrain from exonerating individuals publicly accused of corruption before thoroughly investigating the validity of such allegations;

x. investigate publicly voiced suspicions against politicians in order to decide whether or not to initiate a criminal case.

The report indicates that the Prosecutor General’s Office, AP, PCCOCS, NAC, and courts were at times subject to undue influence by interest groups in the judiciary closely associated with government officials. The influence was noticed both in the public communication between these institutions and government officials linked to the interest groups, as well as in the behaviors and decisions of the criminal investigation authority and courts in the criminal cases that were of interest to influence groups.

In this regard, it is recommended that the criminal investigation authority:

xi. treats all public signals regarding the involvement of judicial actors or influence groups in acts of corruption equally;

xii. acts with caution when investigating cases initiated against individuals in direct or indirect conflict of interest with judiciary actors who have decision-making powers or are involved in the criminal investigation of these cases.

V.2 Validation of selectivity assumptions in public communication

The analysis of the public communication related to the 58 high-profile cases in the selected sample clearly delineated two distinct periods with different approaches to communication from the criminal investigation authority. The first period, from September 2021 to June 2022, was marked by a few instances of controlled leaks from case files and very little official public communication from the Prosecutor General’s Office. In contrast, the subsequent period, from August 2022 to February 2024, saw significantly fewer leaks to mass media and a notable increase in official public communication.
The primary assumption concerning selectivity in public communication is that opponents of the influence group within the judiciary experienced intense media coverage during the initiation stage of criminal proceedings, with searches and apprehensions filmed by mass media, leaks and public “lynching” in the Telegram channels close to the influence group. The assumption was further validated in relation to cases of political interest. Law enforcement agencies (AP, NAC, GPI) communicated intensely and unfavorably on cases initiated against the members of the Shor group, holding multiple press conferences and releasing intercepts and evidence supporting their culpability.

A complementary assumption is that the individuals affiliated with the influence group within the judiciary were favored by the criminal investigation authority. The Prosecutor General's Office sought to conceal from the public any reports or complaints filed against the individuals associated with the influence group within the judiciary or to maintain a low profile for such cases during the investigation phase. When cases against opponents of the influence group within the judiciary were closed due to lack of evidence, the criminal investigation authority refrained from disclosing this information or conveyed it to the public through terse communications.

Both selectivity assumptions serve the interests of the groups with influence in justice and thus indirectly support the existence of such undue influence.

The monitoring confirmed that, in most cases, mass media learned about the progress of high-profile criminal cases either through leaks (20%) or through leaks further confirmed by official communication from the criminal investigation authority (26%). This was noticed in particular in relation to the initiation of criminal investigation and searches targeting opponents of influence groups within the judiciary and of the government.

Additionally, there were six instances when initiation of criminal proceedings against specific individuals or court decisions were announced by politicians, two of whom were government officials. In contrast, during the previous monitoring period, no cases were identified where politicians informed mass media about the initiation or progress of a criminal case.

It is worth mentioning that, for the first time, the primary channels through which mass media received information about high-profile cases were the press releases and conferences conducted by the leadership of the criminal investigation authority.

To prevent suspicions and allegations of selective justice, law enforcement agencies are advised to:

- communicate in a balanced manner through official channels on all high-profile cases, irrespective of the individual's affiliation with specific interest/political groups. Unbalanced communication fosters the perception of influence by certain interest groups on criminal investigation;
- refrain from disclosing to individuals lacking procedural powers, in particular those holding political office or representatives of groups publicly recognized as having influence over the judiciary, details of criminal investigations that have not been made public. Disclosing plans to initiate criminal proceedings or investigation details not known by the public suggests external influence and lack of independence of the criminal investigation authority;
- conduct internal investigations into leaks and instances of external disclosure of details of proceedings that undermine the progress of the investigation and lead to suspicions that the criminal investigation authority is not independent in its actions.

The monitoring also confirmed that in 68% of the sampled cases, the investigated allegations had been previously reported by journalists. In six instances, criminal cases initiated by prosecutors directly referenced
journalistic investigations. For comparison, during the previous monitoring period, the proportion of cases where mass media had previously covered the facts that became the subject of investigation and instances in which criminal cases directly referenced media investigations were nearly identical.

In most cases, however, the criminal investigation authority did not take immediate action, but with a delay of 2–3 years. In these cases, the timing of the criminal proceedings often seemed to be influenced by the political expediency of the government or interest groups with influence over the judiciary.

During the monitoring, several cases were identified in which journalists and prosecutors seemed to coordinate their actions. Shortly after certain journalists associated with an influence group in the judiciary reported about illegal actions involving certain individuals, prosecutors conducted searches of their homes and announced the opening of criminal cases.

For the first time since the first monitoring exercise, five criminal cases were initiated following a complaint by an MP. The complaint was filed with the Supreme Council of Prosecutors by PAS MP Lilian Carp in connection with alleged illegal actions committed by Prosecutor General Alexandr Stoianoglo. The speed at which the criminal investigation authority took action, started the investigation and apprehended the suspect was surprising.

In order to prevent suspicions and allegations of selective justice, law enforcement agencies are advised to:

xvi. initiate investigations immediately after they receive any information about alleged offences and communicate this to the public;

xvii. approach with caution the reports or complaints from representatives of the ruling party about unlawful activities carried out by members of the opposition parties or officials in hostile relations with the government.

Furthermore, to avoid suspicions of using mass media as an influence tool in selective justice cases, media outlets and journalists are advised to:

xviii. treat with utmost caution the information received from their sources in the criminal investigation authority or from certain influence groups regarding the unlawful activities carried out by specific individuals;

xix. refrain from unbalanced disclosure of the leaked information regarding the details of cases investigated by prosecutors.

In certain criminal cases or allegations of corruption involving ruling party officials, the prosecution authority refused to investigate those allegations. The Chief Anti-Corruption Prosecutor found no grounds for starting criminal investigation. In two other cases, where there were clear suspicions of corruption involving subordinates, the heads of the AP and the NAC defended them immediately, including publicly, portraying them as victims of smear campaigns and threatening whistleblowers.

Therefore, law enforcement agencies are recommended to:

xx. refrain from making statements in support of individuals targeted by reports from whistleblowers until these claims are thoroughly investigated;

xxi. verify public information regarding the alleged illegal actions by government officials through criminal proceedings to determine whether there are grounds for initiating criminal investigation.
In 73% of the monitored cases, it was confirmed that mass media received information about the place and time of apprehensions either through press releases or from sources. In the majority of instances (78%), the media obtained details about the place and time of apprehension from sources and were able to witness and record the moment of apprehension.

Most of the cases where mass media received information about the place and time of apprehension in advance from sources happened before August 2022. These leaks pertained to the cases involving individuals that were hostile to the influence group in the judiciary.

In comparison, during the previous monitoring period, 5 cases of leaks to the media regarding the place and time of apprehension were identified, accounting for 20% of the total number of apprehensions.

A new trend noticed during the third monitoring period involves numerous leaks of information about criminal investigation actions in the Telegram channels operated by individuals close to the interest groups with influence over the judiciary. In several instances, they disclosed the plans to initiate criminal cases, were present during apprehension and searches, and leaked information about the evidence held by the criminal investigation authority.

To prevent suspicions and allegations of selective justice, law enforcement agencies should:

- **xxii. avoid leaks about the cases under investigation and planned procedural actions, including apprehension and arrest;**

- **xxiii. in high-profile cases, irrespective of the individuals’ affiliations, announce arrests in a balanced manner using official methods. Consistency in approach is crucial to prevent speculation of politically motivated differential treatment;**

- **xxiii. conduct internal investigations into such leaks and hold accountable the responsible individuals.**

Criminal investigation is the confidential phase of criminal proceedings, which is why prosecutors and investigators traditionally communicate through official press releases, statements, and media comments. 40% of the press releases from AP during the monitoring period related to cases involving illegal party funding by the Shor group.

Throughout this monitoring period, AP leadership held a large number of press conferences, during which certain evidence, intercepts, and items/money seized during searches were disclosed to the public. The conferences and briefings primarily related to cases initiated against politicians who were hostile to the government.

The monitoring revealed several instances where, after the initiation of criminal proceedings, searches and apprehension of suspects, heavily publicized by the media, the prosecution authority did not provide any updates on the progress of those cases or provided terse updates. This behavior pattern was evident in the cases against political opponents or opponents of the influence groups within the judiciary, when the allegations were not confirmed or there was no more political interest in them.

The monitoring of the criminal cases against former President Igor Dodon revealed an inconsistent communication approach of the criminal investigation authority in different monitoring periods. During the first monitoring period, the AP provided updates through press releases, including summaries of each court hearing. Similar information was shared by Dodon via a website dedicated to his criminal cases. Communication from both the AP and Dodon regarding the progress of the cases ceased almost simultaneously.
It is therefore recommended that law enforcement agencies and courts:

**xxiv.** ensure at least minimal communication on high-profile cases, even in instances where there is a decision to maintain the secrecy of court hearings;

**xxv.** maintain proactive communication regarding politically sensitive cases involving high-ranking government officials;

**xxvi.** carefully dose pro-active public communication on sensitive cases involving opposition figures who are inconvenient to the government in order to prevent interpretations and allegations of bias.

In all the monitored cases, the subjects of criminal investigations were allowed to communicate with mass media. The most popular communication channel was social media (Facebook and Telegram). In the case of two defendants, prosecutors asked the investigating judges to order preventive measures to restrict their communication with mass media, but these requests were denied.

Throughout the monitoring period, one instance of journalists being intimidated by a subject of criminal proceedings was identified.

Regarding the treatment of journalists by judges during the monitoring period, it was generally positive. However, in 10% of cases, judges expressed annoyance at the presence of mass media during hearings or prohibited journalists from attending or video recording the hearings. There was a case where a judge tried to intimidate the journalists present at a hearing by threatening them with fines and disclosing their home addresses, which had never happened before.

Similarly to the first monitoring period, journalists' interest in attending court hearings was quite low. In 90% of the hearings, the monitors were the only journalists present during the trial.

Therefore, law enforcement bodies and courts should:

**xxiv.** ensure at least a minimum level of communication on high-profile cases, even when there is a decision to maintain the secrecy of court hearings.

Courts should:

**xxv.** ensure ethical behavior and openness towards mass media representatives who request to attend open court hearings;

**xxvi.** refrain from engaging in intimidation of mass media or unreasonably requesting additional documents from journalists to be allowed to the court premises and hearings;

**xxvii.** Court administrations should thoroughly investigate mistreatment of journalists by judges and, if necessary, refer these cases to the Disciplinary Board for appropriate sanctions.

Media outlets should:

**xxviii.** monitor high-profile cases by attending court hearings and engaging with the involved parties;

**xxix.** maintain ethical and professional conduct when communicating with the court and the parties in the lawsuit, refraining from disrupting the smooth running of court hearings and complying with the court's filming requirements during the trial.
V.3 Validation of selectivity assumptions in criminal proceedings

The main assumption of the Report regarding selectivity in criminal proceedings is that certain individuals under criminal investigation who are aligned with the interest group with influence over the justice system, including those from the government (PAS) during the monitoring period, receive preferential treatment compared to the individuals with conflicting interests. Although each situation analyzed in the Report may be legally justified by the provisions of the Criminal Procedure Code, the apparent leniency shown towards some individuals and severity towards others suggest selective justice practices.

Overall, different procedural approaches were identified in several cases with similar circumstances. There were 10 such cases out of 58 (17%), in addition to 5 cases included in the monitoring sample, providing an opportunity for comparison. The differences in approach related to:

1. **Illegal interceptions in the "kuliok" case versus illegal interceptions in the Telegram leaks case.** In the “kuliok” case, the illegal interceptions (video) served as ground to initiate a criminal investigation against the leader of the parliamentary opposition party (Igor Dodon in the "kuliok" case), while in the Telegram leaks case, where certain information also became public due to the publication of illegal interceptions of communication from telephone messaging applications, no criminal investigation was launched (communication between Justice Minister and SCP members related to the competition for the position of chief prosecutor of AP).

2. **Manipulation of competitions organized by SCP for the positions of head of AP (Telegram leaks) and head of PCCOCS versus manipulation of competition for the Prosecutor General position.** While in the case of manipulation of the competition for Prosecutor General position by giving lower scores to undesirable candidates a criminal investigation was launched, in several instances of manipulation of competitions for Prosecutor General's Office using the same method, such as those for the head of AP and the head of PCCOCS, criminal investigation was not initiated.

3. **Allegations of illicit enrichment of prosecutors Alexandr Stoianoglo, Ruslan Popov, Igor Popa and judges Ion Druta, Oleg Sternioala, Alexandru Gheorghies, Vladislav Clima versus allegations of illicit enrichment of former prosecutor Eugeniu Rurac and SCM members Dorel Musteata and Nina Cernat.** While criminal investigation was initiated against prosecutors Alexandr Stoianoglo, Ruslan Popov, Igor Popa and judges Ion Druta, Oleg Sternioala, Alexandru Gheorghies and Vladislav Clima, no criminal investigation was initiated into allegations of illicit enrichment of Eugeniu Rurac, Dorel Musteata and Nina Cernat.

The monitoring indicates an increase in the number of high-profile cases involving individuals with higher positions. Approximately one-fourth (26%) of the subjects in these cases hold positions that have not been previously under investigation: president of the Republic of Moldova, prosecutor general, speakers of parliament, president of the Supreme Court of Justice, vice president of the Supreme Court of Justice and the presidents of the two largest Courts of Appeal – Chisinau and Balti. MPs, both former and current, targeted by criminal investigation account for 38% of the total sample. Even though many of these cases sparked public controversy, they still have a legal and historical significance, because they have helped the society, the law enforcement agencies, the prosecution authority and the judiciary understand that anyone can be held accountable.

Reflecting on the developments across the three monitoring periods, it becomes evident that any party or influence group once favored or protected by selective justice will inevitably at some point become the victim of the system: PDM, Plahotniuc and Shor were favored before 2019, and to some extent till 2021. Today, they
are the ones targeted in the most high-profile cases (69% of cases and 70% of all defendants in such cases). All the prosecutors whom the former Prosecutor General refused to investigate for illicit enrichment are now facing indictments.

The first monitoring in 2019 confirmed the assumptions of selective justice in favor of the government and those close to PDM and Plahotniuc. In 2020–2021, there was a shift away from favoring PDM towards the new government — PSRM together with Dodon, and the Platon interest group. In 2023–2024, selectivity towards PDM, Plahotniuc, Shor and the Platon interest group disappears, while justice selectivity towards PSRM/Dodon government appears to fluctuate, transitioning from once unfavorable treatment to a more favorable one, possibly due to the nearing elections.

Stepping on the same rake when cultivating the loyalty of judges and prosecutors to a particular party or a group proves futile, as elements of a subservient system will serve any regime. It is not just integrity that matters, as ‘obedience’ does not guarantee courageous actions, essential for a genuine fight against corruption. Therefore, judges and prosecutors who have courage and competence should be identified and promoted.

While different approaches to applying criminal and criminal procedure codes may be explained by the broad discretion of judges, prosecutors, and criminal investigators, the approaches consistently favoring individuals connected to interest groups or those politically affiliated to the government create a troubling sense of selective justice.

Therefore, the law enforcement agencies, prosecutors and courts should:

1. avoid employing different approaches to individuals involved in similar and/or related offences, especially if those connected to interest groups and/or politically to the government receive preferential treatment compared to the individuals seen as opponents;

2. publicly clarify the reasons for any differentiated treatment of individuals involved in similar and/or related offences, particularly if those connected to an influential interest group, including the government, receive preferential treatment over the individuals seen as opponents.

The monitoring revealed a case where the most powerful decision-maker in criminal proceedings in the previous monitoring period, former Prosecutor General Alexandr Stoianoglo, became a "victim" of his own previously favorable stance towards PSRM. Stoianoglo is now seeking to hold former Justice Minister Litvinenco criminally accountable based on Litvinenco's illegally hacked and publicly disclosed Telegram communication, which contains important information for Stoianoglo's defense in his criminal cases. However, Stoianoglo had previously refused to initiate criminal proceedings based on leaked interceptions — those revealing discussions between former President Igor Dodon and former PDM leader Vladimir Plahotniuc. Stoianoglo openly advocated against initiating investigations in that case, claiming that the illegal manner in which the interceptions were obtained was more important than their content.

Most of the 347 court hearings on the 28 cases at the trial stage scheduled during the monitoring period were public (87%), with three cases being examined behind closed doors (Vladimir Andronachi, Dorin Damir and Igor Popa). In other case (Platon, fraud) one hearing, involving examination of personal data, was closed. These are the only criminal cases in the sample where the hearings could not be monitored.

301 public hearings (87%) were held in the courtroom and the other 46 (13%) took place in the judges’ offices. When hearings took place in judge's offices, monitors did not report insufficient space for public attendance, with only a few exceptions.
During all 3 monitoring periods, there was an increase in the number of high-profile cases where details of the hearings were either published with errors or not published at all. Compared to the previous period, the frequency of inadequately announced meetings increased 15 times in 2022–2023 — from 3 to 46 cases. While the shortage of court clerks and assistant judges, which was not observed in previous years, may partly explain this situation, such an increase is still beyond understanding. Thus, 63% of all hearings with incorrect or missing details on the portal were related to cases involving Platon, followed by 11% related to the Gacikevici case (witness hearings and evidence examination), 7% to the Botnari case, 7% to the Melnichuk case, and 4% to Dodon cases (“spravka” and “kuliok”).

In conclusion, the hearings on high-profile cases should always be prioritized to be held in courtrooms even in those courts where there are limitations because of high caseloads and space. The very nature of these cases implies public interest, and the judiciary cannot overlook this fact. Neglecting this legitimate interest contributes to society's distrust in the judiciary, fostering perceptions of ties with interest groups and political decision-makers. Finally, the absence of public information about certain court hearings, depriving interested citizens of the opportunity to attend trials, may rightfully raise suspicions of interference by interest groups and politicians.

It is therefore recommended that courts:

iii. schedule the hearings for high-profile cases involving individuals of high public interest either due to their affiliation with a known interest group or political group in courtrooms rather than in judges’ offices;

iv. ensure accurate information regarding the date, time and place of hearings is published for all cases, particularly the high-profile ones.

During the judicial stage of the 28 monitored cases, a total of 22 recusal motions and 1 abstention were filed, all of which were rejected. Most of them concerned judges (70%) and were filed by the defense. Additionally, the monitoring revealed instances where fines were imposed for abusive filing of recusals. For instance, in the case of former Moldovan President Igor Dodon (“kuliok”), the defendant’s attorneys were fined 2,500 MDL each for abusively requesting recusal of judges and 1,000 MDL each for requesting recusal of the prosecutor.

Throughout the monitoring period, several instances of judges being replaced due to resignations related to extraordinary integrity evaluations were identified.

Additionally, the monitoring revealed an unusual replacement of a prosecutor in court through an unexpected legislative amendment. In the “kuliok” case involving former President Igor Dodon, three months before the 2023 local general elections, the prosecutor handling the case was substituted following an unexpected legislative change initiated by the Ministry of Justice. The immediate consequence of the amendment was the discontinuation of the delegation of the case prosecutor to the AP, making him unable to proceed with this case. Another prosecutor was appointed instead. Interestingly, the original prosecutor returned after three hearings, having been included in the group of prosecutors assisting the state prosecution in the case, under the Criminal Procedure Code. Notably, the amendment was rooted in the arguments used by the defense against the prosecutor delegated to the AP. It should be noted that following the elections on November 5, 2023, PAS and PSRM formed several coalitions at the local level. Additionally, the Speaker of Parliament hinted at the possibility of further collaboration after the 2025 parliamentary elections, thus suggesting a favorable procedural development for the defendant, who is no longer viewed as part of the opposition but as a potential member of a future government coalition.

However, this was not the only change. There is another draft amendment aimed at removing the prosecutor from trial which has not been enacted yet. Nevertheless, the mere existence of this proposal suggests communication and influence by the defendant on the government, granting him procedural benefits.
Therefore, the courts should:

v. refrain from replacing a judge/judicial panel, especially in politically sensitive cases, for reasons other than incompatibility;

vi. avoid replacing prosecutors through legislative interventions.

The delays in examination of high-profile cases decreased from 56% in the previous period to 42%. This monitoring confirmed the assumption that in the case of defendants with pessimistic procedural prospects, especially if they are associated with influential interest groups or the government, the examination was delayed, primarily due to reasons related to defendants. This also validates the assumption that the judiciary favors the interest group/government. For instance, in Dodon’s “kuliok” case, the court ordered an expert examination of the video evidence. However, the National Center for Judicial Expertise has already announced that it will be able to provide the results of the examination to the court only in a year’s time, i.e. after the results of the presidential and even the parliamentary elections will become known, and when it might be necessary to form a coalition government.

As in the previous monitoring period, there are no concerns either about ensuring equality of arms, nor about the ethical behavior of judges.

However, another surprising circumstance could significantly and conclusively impact the outcome of one of Igor Dodon’s cases in court (the medical certificate case), leading to a favorable resolution: through a legislative amendment to the Criminal Code, decriminalizing the provision on which the indictment is based. This amendment passed its first reading at the end of December 2023. This situation can be viewed as a defense tactic available to the defense, but unavailable to the state prosecution. Such intervention confirms the assumption of favorable justice selectivity, facilitated by the Parliament, which no longer appears to treat the defendant as opposition, but rather as a potential member of the future parliamentary coalition in a potential joint government after the 2025 parliamentary elections.

Therefore, courts are advised to:

vii. examine corruption cases and/or cases involving representatives of interest groups/political parties expeditiously, considering the heightened public interest in them, while ensuring respect for the procedural rights and guarantees of all defendants, regardless of their affiliation with the ruling parties;

viii. impose disciplinary sanctions, including dismissal, on judges and prosecutors who exert influence on their colleagues to lobby the interests of influential groups, including politicians, and disciplinary sanctions on judges and prosecutors who accept such influence.

The Ministry of Justice, Government and Parliament should:

i. promote the state’s criminal policies in a fair manner to all legal subjects;

ii. refrain from interfering in the work of the prosecution authority and courts by customizing legislation in order to influence the position of prosecutors or judges in specific pending criminal cases.
### ANNEX 1: IMPLEMENTATION STATUS OF RECOMMENDATIONS FROM 2019 AND 2021 REPORTS

The ruling political parties and/or those that, to some extent, are accountable for the performance of the law enforcement agencies should:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refuse to accept any anti-justice guarantees that might be offered by actors from the judicial system, such as the Prosecutor General, subordinate prosecutors, SCP, SCM, and judges.</td>
<td>Progress reported.</td>
</tr>
<tr>
<td>Refuse to accept or extend any anti-justice guarantees that might be offered by interest groups with influence on justice.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Refuse to accept new applications for party membership or supporters from among individuals under criminal prosecution.</td>
<td>Progress reported.</td>
</tr>
<tr>
<td>Suspend and/or revoke the party membership of criminally prosecuted persons to avoid damage to the party image.</td>
<td>Progress reported.</td>
</tr>
<tr>
<td>Treat with respect the independence of the justice actors and judicial decisions and refrain from any interference, irrespective of the political and/or interest group affiliation of the subjects of criminal investigations.</td>
<td>No progress.</td>
</tr>
</tbody>
</table>

To avoid suspicions and accusations of selective justice, the law enforcement bodies should:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Give equal consideration to public signals indicating potential involvement of political actors or influence groups in corrupt practices.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Refrain from absolving individuals who have reportedly been involved in corrupt practices without conducting a thorough verification of such allegations.</td>
<td>There is some progress.</td>
</tr>
<tr>
<td>Verify the public allegations before deciding whether or not to initiate a criminal case.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Refrain from creating lists of cases suggesting they will receive preferential treatment. Such an approach is clear proof of selective practices within the prosecution authority.</td>
<td>No such cases have been reported.</td>
</tr>
<tr>
<td>Recommendation 2021</td>
<td>Status of implementation</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
</tr>
<tr>
<td>Ensure maximum transparency of the process and criteria used to select the 38 cases allegedly driven by political motives.</td>
<td>No such cases have been reported.</td>
</tr>
<tr>
<td>Refrain from making public statements in support of the innocence of individuals that are still under investigations by prosecutors or pending trial.</td>
<td>Progress reported.</td>
</tr>
<tr>
<td>Maintain balanced official communication through official channels for all high-profile cases, regardless of the individual’s affiliation with interest/political groups.</td>
<td>No progress.</td>
</tr>
<tr>
<td>The Prosecutor General should refrain from taking a stand in favor of individual subjects under criminal investigation to avoid any perception of favoritism. Prosecutor General should be mindful that a positive or negative attitude towards a subject could influence the actions of prosecutors and/or judges investigating these cases.</td>
<td>No such cases have been reported.</td>
</tr>
<tr>
<td>Make sure details of criminal investigations that have not been publicly announced are not disclosed to individuals outside the prosecution authority, especially to political figures or representatives of groups perceived to influence the judiciary. Public disclosure of plans to initiate criminal proceedings and/or of investigation details suggests external influence and a lack of independence of the criminal investigation body.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Investigate internally information leaks and disclosures of procedural details. Such leaks can undermine the investigation and raise doubts about the independence of the criminal investigation body.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Take immediate action in response to allegations of offences and communicate actions taken to the public.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Refrain from engaging in controversies with political officials, particularly those in opposition, and in any communication that is not appropriate for a criminal prosecution body.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Immediately dissociate from statements of support made by controversial individuals, who are perceived as representatives of groups with influence over justice.</td>
<td>No such cases have been reported.</td>
</tr>
<tr>
<td>Prevent leaks regarding ongoing proceedings and planned procedural actions, including apprehensions and arrests.</td>
<td>For cases initiated between September 2021 and June 2022, there is no progress. For cases initiated since June 2022 to now, there is progress.</td>
</tr>
</tbody>
</table>
### Annex 1: Implementation Status of Recommendations from 2019 and 2021 Reports

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure balanced communication, through official channels, regarding arrests in high-profile cases, regardless of the subjects’ political affiliation. Adopt a standardized approach to all cases to prevent speculation of politically motivated differential treatment.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Conduct internal investigation into leaks and hold accountable the persons that disclosed the information to mass media.</td>
<td>No progress.</td>
</tr>
</tbody>
</table>

#### Recommendations for Law Enforcement Agencies and Courts:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensure there is at least a minimum level of public communication on high-profile cases, even in instances where the trial is secret.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
<tr>
<td>Avoid differentiated treatment of the persons allegedly involved in committing similar offences, particularly if those affiliated with a political or other interest group receive a more favorable treatment than their perceived opponents.</td>
<td>No progress. Deteriorated.</td>
</tr>
<tr>
<td>Publicly explain the reasons for any disparities in the treatment of individuals allegedly involved in similar and/or related offences, particularly if those affiliated with an influential political (including government) or other interest group receive more legal-procedural advantages than their perceived opponents.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Conduct a comprehensive review of recusal requests submitted by the defense, particularly in high-profile cases.</td>
<td>No change.</td>
</tr>
<tr>
<td>Warn or sanction those who file recusal requests apparently intending to delay the judgements that seem to be unfavorable to the representatives of the interest group.</td>
<td>There is some progress, fines have been applied. However, it is unlikely that in high-profile cases fines can deter the delays used as a defense tactic.</td>
</tr>
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#### Recommendations for Courts:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hold hearings on high-profile cases involving individuals of increased public interest, either because they belong to an influential interest group or represent considerable political interests, in courtrooms rather than in judges’ offices.</td>
<td>No change.</td>
</tr>
<tr>
<td>Recommendation 2021</td>
<td>Status of implementation</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>Ensure accurate communication of the date, time and venue of court hearings, particularly in high-profile cases.</td>
<td>The situation deteriorated alarmingly. Instances of publication of wrong hearing details on high-profile cases increased 15 times.</td>
</tr>
<tr>
<td>Avoid changing the judge and/or the panel of judges for reasons other than conflict of interest, especially in high-profile cases.</td>
<td>The situation deteriorated alarmingly, because of the extraordinary evaluation of judges and prosecutors.</td>
</tr>
<tr>
<td>Examine cases of corruption and/or involving representatives of interest groups and political parties quickly, considering the high level of public interest in the proceedings, while ensuring the rights and procedural guarantees of all defendants, regardless of their affiliation with the governing parties.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Court managers should publicly communicate and/or inform the Superior Council of Magistrates of any attempts to influence judges in connection with the trials of specific cases, particularly those involving representatives of interest groups and political parties. Additionally, they should report incidents of direct intimidation of judges to law enforcement bodies.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Apply disciplinary sanctions, including dismissal, to judges and prosecutors who, acting in favor of influential interest groups, including politicians, put pressure on other judges and prosecutors, and/or apply disciplinary sanctions to the judges and prosecutors who allow be influenced.</td>
<td>No progress.</td>
</tr>
</tbody>
</table>

**Recommendations for SCM and SCP:**

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigate any violation of the provisions of the Code of Ethics for Prosecutors.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Develop and put in place a clear accountability mechanism for managers within the prosecution bodies at all levels to address violations of ethical requirements. Review and update Code of Ethics as needed to ensure its comprehensiveness.</td>
<td>No progress.</td>
</tr>
</tbody>
</table>
## Recommendations for courts and mass media:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court communicators should provide the public with updates about the general developments that took place in the court hearings on high-profile cases.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Mass media should monitor high-profile cases by attending court hearings and engaging in communication with the parties in the trials.</td>
<td>There is some progress, though the recommendation is not fully implemented.</td>
</tr>
</tbody>
</table>

## Recommendations for mass media:

<table>
<thead>
<tr>
<th>Recommendation 2021</th>
<th>Status of implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Handle with utmost caution the leaks from the criminal investigation bodies or interest groups regarding the alleged offences committed by certain individuals.</td>
<td>No progress.</td>
</tr>
<tr>
<td>Refrain from publishing leaked information related to the investigated cases in an unbalanced manner.</td>
<td>No progress.</td>
</tr>
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</table>
ANNEX 2: List of Monitored Cases (Charges and Progress)

Cases against Igor Dodon and PSRM MPs

1. CASE acceptance of financing for a political party from a criminal organization ("kuliok")

**Charges:** In the summer of 2019, video footage emerged showing former Moldovan President Igor Dodon receiving a black bag from former PDM leader Vladimir Plahotniuc, allegedly containing funds intended to finance the PSRM and negotiate with the Russian Federation for the formation of a government coalition between socialists and democrats. Dodon faces accusations of soliciting and accepting between $600 thousand and $1 million from Plahotniuc in 2019. Charges included passive corruption, accepting financing for a political party from a criminal organization, treason, and illicit enrichment (art. 324; art. 181/2; art. 337 and art. 330/2 CC).

The case has been split. The charges of passive corruption and accepting financing for the political party from a criminal organization (art. 324 and art. 181/2 of the Criminal Code, referred to as the "kuliok" case) have been sent to the court, while the other charges remain under criminal investigation.

**Case background:** From July 2016 to December 2019, the NAC investigated the alleged illegal financing of the PSRM from the Bahamas, focusing on suspected money laundering. In 2019, Viorel Morari, former head of the AP, took over the case from the NAC for further investigation by the AP. On December 2, 2019, the case on alleged money laundering in the Bahamas was merged with the investigation into video footage showing former President Igor Dodon receiving a black bag from former PDM leader Vladimir Plahotniuc in the context of discussions about PSRM financing previously received from the Russian Federation. In early 2020, with the appointment of the new Prosecutor General Alexandr Stoianoglo and the withdrawal of the high-profile cases at the PGO after an inspection at the specialized prosecution offices, the two cases were split again.

In 2022, the PGO, AP and SIS launched an investigation into the information published by the Washington Post, according to which Russia’s Federal Security Service had funneled tens of millions of dollars to cultivate a network of Moldovan politicians who would steer Moldova’s politics towards Moscow.

On May 17, 2022, the Chisinau Court of Appeal overturned the decision of the Chisinau Court not to initiate a criminal case against Igor Dodon based on the publicly released video recordings.

On May 24, 2022, the anti-corruption prosecutors and SIS conducted searches in several locations, including Dodon's home and his parents' residence in Sadova. Dodon was apprehended for 72 hours. During the searches, prosecutors discovered more than 600 thousand MDL, 17 thousand EUR, and 1000 USD in one location alone. During the searches, Dodon's brother-in-law, Merineanu, tried to destroy evidence by swallowing some receipts found at his home that confirmed real estate transactions totaling over 700 thousand EUR. The individuals under investigation concealed certain items and documents relevant to the criminal case.

On May 25, 2022, the prosecutor requested 30 days of preventive arrest for Dodon, but the court imposed 30 days of house arrest. This measure was later extended until November 18, 2022. Dodon's brother-in-law, Petru Merineanu, was placed under preventive arrest for 30 days.

On October 6, 2022, the AP announced that the case against former President Dodon on charges of passive corruption and organizing and accepting financing for a political party from a criminal organization while serving as President was sent to court.
On November 9, 2023, prosecutors presented crucial evidence to the court - the video footage showing Igor Dodon, former PDM leader Vladimir Plahotniuc, and Sergei Iaralov. According to prosecutors, they were discussing Moldova's federalization plan. The case is currently at the witness testimony stage in court. At the request of the defense, the court approved an expert examination of the video footage with the bag. This examination is scheduled to take place in a year's time (after the presidential elections scheduled for October 2024).

2. CASE treason, Igor Dodon

Charges: The former Moldovan President Igor Dodon faces charges of passive corruption, acceptance of financing for a political party from a criminal organization, treason, and illicit enrichment (art. 324; 181/2; 337 and 330/2 of the CC). The case has been split and the charges of passive corruption and acceptance of financing for a political party from a criminal organization have been sent to court.

One of the charges, specifically treason, remains at the criminal investigation stage (art. 337 CC).

Case background: In 2020, PGO/AP investigated the images that went viral in the public space in the summer of 2019, showing Dodon receiving a black bag from Plahotniuc, purportedly containing money for financing the PSRM and for negotiating with the Russian Federation the formation of a government coalition between socialists and democrats. Initially, the prosecution authority refused to initiate criminal proceedings, citing lack of evidence regarding the contents of the black bag and the absence of elements constituting an offence.

On May 17, 2022, the Chisinau Court of Appeal overturned the decision of the Chisinau Court not to initiate a criminal case against Igor Dodon and the decision of the AP not to initiate criminal investigation based on the video recordings released to the public.

The case was split on two counts and sent to the Supreme Court of Justice for substantive review. Three other episodes, including charges of illicit enrichment, violation of rules for management of party and electoral funds, and treason, are currently under criminal investigation at the Anti-Corruption Prosecution Office.

3. CASE illicit enrichment, Igor Dodon

Charges: Following the searches at the residence of the former Moldovan President Igor Dodon in the "kulok" case, he was charged with illicit enrichment (art. 330/2 para. (2) CC).

Case background: Dodon's wife was interrogated on June 14, 2022, and charged with complicity in the crime of illicit enrichment and barred from leaving Moldova for 60 days.

On August 10, 2022, Dodon's mother, Galina Dodon, was also charged with complicity in the crime of illicit enrichment. During the searches, significant sums of money (approximately 1 million MDL in various currencies) were found at her residence. Some of that money, €17,000, was found in an envelope labeled with the name of a political party.

On November 18, 2022, Dodon was released from house arrest under judicial supervision with a prohibition on leaving the country. In this criminal case, Dodon's wife, Galina Dodon, and his mother, Galina Dodon (as an accomplice), were recognized as suspect/defendant and accomplice.

The court imposed the procedural measure of house arrest on him for 30 days despite the prosecutors’ request for preventive detention. The house arrest was subsequently extended until November 2022, after which the procedural measure was modified, and Igor Dodon was prohibited from leaving the country.

During the searches, substantial sums of money and evidence indicating real estate transactions and luxury holidays were discovered and seized.
Dodon’s brother-in-law, Petru Merineanu, was also under criminal investigation. During the searches, he attempted to destroy evidence by swallowing some receipts related to certain transactions. He was apprehended and held in police custody for an extended period of 4.5 months.

4. CASE forged medical certificate, Igor Dodon

**Charges:** On January 19, 2023, the former Moldovan President Igor Dodon, a defendant in the "kuliok" case examined by the SCJ, requested permission from the court to travel to Romania for a week, citing one of his sons required rehabilitation treatment and presenting a medical certificate. The judges granted his request, allowing him to travel from January 28, 2023 to February 5, 2023. Suspecting that he intended to flee the country, on January 25, 2023 prosecutors conducted searches at the doctor who signed the certificate. When questioned by prosecutors, the doctor admitted to issuing the certificate at the request of a colleague who was the wife of a PSRM municipal councilor, Dinari Cojocaru.

Dodon, his wife, and the doctor were charged with possession and use of a false medical document (art. 361 para. (2) item b) CC).

**Case background:** On January 25, 2023, prosecutors conducted searches at the doctor Marina Arapan who signed the medical certificate and indicted her. On January 26, 2023, a criminal case was filed against Igor Dodon and his wife. Dodon accused the prosecutors of putting pressure on doctors: "Nothing holy, no common sense, there is not even a touch of respect for the law. They terrorized them for hours, put pressure on them and threatened them with cases and polygraph tests. They left behind them the tears of doctors and other medical professionals, frightened by the abusive behavior of the prosecutors."

On March 28, 2023, the case was sent for trial and distributed to judge Tudor Stambol. On June 15, 2023, judge Angela Catana accepted the defense’s request to join this case with the “Energocom” case, in which Igor Dodon is under criminal investigation for exceeding his office duties.

On December 28, 2023, the Parliament passed in the first reading a draft law repealing the provisions of Article 361 para. (2) item b) CC. Given the more favorable situation it creates, once it comes in effect, the amendment will retroactively affect the ongoing cases and could potentially lead to the cessation of the prosecution of Igor Dodon on this count.

5. CASE exceeding office duties, Igor Dodon (Energocom)

**Charges:** The former President of Moldova, Igor Dodon, is accused of endorsing in 2008, when he was Minister of Economy, the signing of a contract for the purchase of electricity at a higher price for Moldova, resulting in a damage of 123 million MDL to the public budget. The criminal case was initiated based on the research conducted by energy experts. Dodon is charged with exceeding his official duties (art. 328, para. (3) CC).

**Case background:** The investigation into this case started in 2018 and concluded in 2020. However, in September 2021, the PGO restarted the investigation. Subsequently, in December 2021, Dodon was officially recognized as a suspect and questioned by the PGO. In June 2022, the PGO filed charges against him.

On September 13, 2022 the case was sent to court and assigned to judge Angela Catan. The first hearing took place on September 26, 2022. Unlike other cases against him, no preventive measures were applied to him this time. On June 15, 2023, the investigating judge accepted merging this case with the so-called "spravka" case, where Dodon is accused of possessing and using a false medical document. Presently, the case is at the stage of evidence examination.
6. CASE illicit financing of PSRM (BAHAMAS)

**Charges:** Three members of the PSRM, namely MPs Vlad Batrincea and Zinaida Greceanii, and the former MP Alla Dolinta, have been identified as suspects in the case. They are suspected of violating the PSRM’s financial management rules, forgery of public documents, and involvement in illegal PSRM financing schemes (art. 181, para. (3) CC).

**Case background:** On July 1, 2016, the NAC initiated criminal investigation into the financing of PSRM by Westerby Limited, based on reasonable suspicions of money laundering on a large scale through Exclusiv Media LLC, the non-resident company Westerby Limited and other still unidentified entities and individuals. In 2019, Viorel Morari, the former head of the Anti-Corruption Prosecution Office, transferred the case from the NAC to be further investigated by the Anti-Corruption Prosecution Office. On December 2, 2019, this case was merged with another criminal case involving alleged illegal external financing of PSRM. With the appointment of the new Prosecutor General in early 2020, these two cases were split into two separate proceedings. In 2022, the PGO, AP and SIS began investigating the information published by the Washington Post, according to which Russia’s Federal Security Service had funneled tens of millions of dollars to cultivate a network of Moldovan politicians to steer Moldova’s politics towards Moscow.

On July 27, 2022, MP Corneliu Furculita, PSRM Executive Secretary, was identified as a defendant and questioned by the AP. On October 18, 2022, MP Zinaida Greceanii, former PSRM leader and former Speaker of the Moldovan Parliament, was also identified as a defendant.

Subsequently, on October 31 and November 11, 2022, the AP conducted searches at the PSRM headquarters. In late December 2022, Vlad Batrancea was questioned as a suspect, suspected of involvement in several offences under art. 181 para (1) and (5) and art. 361 para. (2) CC. Also in December, former PSRM MP Alla Dolinta was indicted on suspicion of forgery of public documents and involvement in illegal PSRM financing schemes.

The case is currently at the criminal investigation stage.

7. CASE illicit enrichment, Radu Mudreac, PSRM MP

**Charges:** PSRM MP Radu Mudreac is currently under criminal investigation for illicit enrichment and money laundering (art. 330/2 para. (2) CC).

**Case background:** In April 2022, Prosecutor General Dumitru Robu requested the removal of the immunity of PSRM MP Radu Mudreac in Parliament and filed an indictment against him for illicit enrichment and money laundering. According to prosecutors, NIA had discovered a difference of approximately 4.5 million MDL between Mudreac’s assets and income, with funds traced on his and his wife’s company’s accounts. The prosecutors did not request preventive arrest, deeming it unnecessary. Following the address in Parliament regarding the immunity removal, Radu Mudreac fell ill and was hospitalized. The case remains at the criminal investigation stage.

Cases against and related to Ilan Shor

8. CASE fraud and money laundering committed by an organized criminal group (Marina Tauber)

**Charges:** MP Marina Tauber is accused of being part of an organized criminal group led by Ilan Shor, which gained control of Unibank, Banca Sociala and Banca de Economii between 2013 and 2014. Acting in collusion with Shor, Tauber allegedly participated in misappropriation of significant sums of money from Banca de
Economii under the guise of restructuring the bank, making it appear as investments in it. A non-resident company managed by Tauber was to buy back some of the bad loans from Banca de Economii. Tauber obtained and integrated the money. She also acquired a stake in Unibank. On May 27, 2022, she was indicted on two counts in the “bank fraud” case: fraud and money laundering on a large scale for the benefit of a criminal organization (art. 190 para. (4); art. 243 para. (3) CC).

**Case background:** On May 26, 2022, Marina Tauber had her parliamentary immunity revoked at the request of Acting Prosecutor General Dumitru Robu.

Subsequently, a preventive measure in the form of a 60-day prohibition on her leaving the country was imposed on her. Despite this restriction, Tauber traveled to Israel, where Ilan Shor is believed to be hiding. Tauber returned to Moldova. The case against her is currently at the criminal investigation stage.

Tauber’s parliamentary immunity was also revoked on September 16, 2019, following a request by prosecutors investigating alleged fraud and money laundering. At that time, her party colleague, MP Reghina Apostolova, also lost immunity. Both were apprehended in Orhei, where a protest against their apprehension was organized. However, in October 2020, prosecutors dropped the criminal charges against them, claiming that “the facts did not constitute elements of the alleged offences”.

9. **CASE illicit financing of Shor Party (Marina Tauber)**

**Charges:** Marina Tauber, an MP from the now declared unconstitutional Shor Party, faces charges of falsifying the financial report of the Shor Party submitted to the Central Electoral Commission, as well as of accepting financing for the party from an organized criminal group.

Investigators found discrepancies in the party’s reported expenditures, particularly regarding the payments totaling $260,000 made to Russian singers Filip Kirkorov and Morgenstern to perform on June 19 in the Great National Assembly Square, while the report indicated no expenses in this sense.

In the first half of 2022, the Shor Party reportedly made payments totaling 20.5 million MDL, significantly surpassing the reported amount of 1.7 million MDL (originating from donations by party members). Allegations suggest that the party knowingly accepted funds of questionable origin from a criminal group, which were used to finance party activities. These funds entered Moldova through transfers and conversions, including in cryptocurrency, and various financing channels were used to disguise their origin, including through transit towns such as Dubai, Vienna and Monaco. Prosecutors documented several instances where payments totaling €600,000 were purportedly made to the party, despite reported expenses amounting to just over 228,000 MDL. Additionally, monthly salaries of 100,000 euros were allegedly paid to party members from the same sources, and over 3.5 million MDL were used to transport individuals to protests in the Great National Assembly Square.

Marina Tauber is facing charges for illegal financing of political parties or electoral campaigns, as well as violation of the management rules of political party funds or electoral funds (art. 181 para. (2) CC).

**Case background:** Marina Tauber was apprehended on July 21, 2022 by NAC officers for 72 hours immediately after her parliamentary immunity was lifted at the request of Prosecutor General Dumitru Robu.

On July 23, 2022, she was placed in preventive detention for 30 days at Prison No. 13 due to concerns that she might commit further offences. During searches at the Shor Party headquarters, evidence was found indicating that the operating system had been re-installed in her computer and other computers in the headquarters and that other individuals involved in the case had left the country. On September 14, 2022, Tauber’s preventive measure was modified to house arrest. On January 5, 2023 she was placed under judicial supervision and participated in the protests organized by the Shor Party.
On May 1, 2023, Tauber was apprehended at Chisinau International Airport while attempting to travel to Israel. The apprehension was based on a prosecutor’s order citing a violation of the preventive measure imposed on her.

On May 26, 2023, Marina Tauber’s parliamentary immunity was once again lifted for 3 episodes related to the criminal case involving the financing and falsification of reports of the Shor Party. On July 17, 2023, Tauber was transferred from house arrest to judicial supervision for the third time.

The case was sent to court on June 20, 2023. During the monitoring period, 18 court hearings were scheduled on the case, most of which were postponed. Presently, the case is at the judicial investigation stage.

10. CASE bank fraud, Ilan Shor

Charges: Ilan Shor is accused of committing fraud and money laundering on a large scale when he was chairman of the Board of Directors of BEM.

Case background: The criminal case against Ilan Shor was initiated in 2016, and in the same year (August 2016) it was sent to court. Shor was apprehended, but judge Ghenadie Pavliuc refused to place him under arrest, issuing a warrant for house arrest instead. On May 22, he was released under judicial supervision to participate in the election campaign for local elections in Orhei. In August 2016 the case was sent to trial.

On June 21, 2017 Shor was convicted, though the court ruled that the sentence would not be enforced until it became final. The Chisinau Court judge Andrei Niculcea sentenced Shor to 7 years and 6 months in prison, significantly less than the 19 years requested by the prosecutor for charges of fraud and money laundering. The judge concluded that Shor misappropriated funds, but attributed the actions to the benefit of others, namely Platon and Filat. Notably, the judge heavily relied on statements made by Shor and his witnesses, largely overlooking the evidence and bank statements provided by prosecutors. The reasoned judgement was withheld and was not made public until 2021.

The decision of the first instance court was appealed at the Chisinau Court of Appeal, where it remained for 8 months due to several judges abstaining from examining the case. Subsequently, the case was transferred to the Cahul Court of Appeal, where it remained from April 2018 until August 2021. During this time, 82 court hearings were scheduled, but only 4 took place, with the rest being cancelled or postponed at the request of lawyers or in connection with the examination of appeals to the SCJ. On August 20, 2021, SCJ decided to transfer the case back to the Chisinau Court of Appeal. Justice Minister Sergiu Litvinenco announced at the SCM his intention to file a complaint with the Judicial Inspection to investigate the actions of the judges who facilitated the transfer of the case. The Prosecutor General’s Office also disapproved of the decision to transfer the Shor case, as this meant that the examination should restart from the beginning.

On April 13, 2023, Shor, facing charges on 9 counts, was sentenced to 15 years in prison. The news of Shor’s sentencing by the Court of Appeal was first reported by Olesea Stamate, the chair of the parliamentary committee for legal affairs, appointments, and immunities, who wrote on Facebook: “Justice has finally triumphed in our country”. This was followed by a statement from Maia Sandu. Later, on April 19, Veronica Dragalin, the head of the AP, held a press conference announcing the seizure of Shor’s assets in Moldova, valued at about 1.36 billion MDL. Shor fled Moldova in June 2019 and has since been on the national and international wanted list, though he retained his status as an MP during this period.
11. CASE organization of mass riots (Shor Party)

Charges: On March 12, 2023, the GPI announced the disruption of an operation planned for an upcoming protest organized by "Miscarea pentru Popor", of which the Shor Party is a member. The plan involved "organization of destabilizing actions and mass disorders". "Diversionists were to be organized into 10 groups, each consisting of 5 to 10 people. These individuals, recruited from among people with criminal records and sportsmen, intended to provoke the police and create corridors to facilitate destabilization during the protests. They were promised to be paid 10 thousand dollars each", the National Police chief said. The criminal case was initiated for organization of mass disorders (art. 285 CC).

Case background: During the operation in March 2023, 25 people were apprehended and taken to the National Investigation Inspectorate. On April 20, 2023, it was announced that the criminal proceedings against 7 of the individuals, who were apprehended on March 11 in connection with the case involving organization of mass riots, were terminated. On November 4, 2022, the GPI released interceptions and footage captured by hidden camera, as well as other footage from searches and protests organized by the Shor Party. These records were related to the searches conducted on November 4 in Balti, Chisinau, Drochia, and Ungheni in connection with the same case involving organization of mass riots between September 18 and October 16, 2022. Prosecutors announced that they had assigned suspect status to eight individuals and seized 380,000 MDL during the searches. The case is currently at the criminal investigation stage.

12. CASE large scale money laundering, Ilan Shor

Charges: The leader of the Shor Party is under criminal investigation for money laundering on a large scale related to the „bank fraud“ case (art. 243 para. (3) items a), b) CC). According to prosecutor’s statements in Parliament, Ilan Shor coordinated his criminal plans “to embezzle money from the banking system” with criminal groups led by Veaceslav Platon and Vladimir Andronachi.

Case background: On May 26, 2022, Acting Prosecutor General Dumitru Robu requested Parliament to lift Ilan Shor’s immunity. He was accused of involvement in money laundering on a large scale committed by an organized criminal group.

The case has been merged with the so-called “bank fraud” case. The lifting of immunity was sought to facilitate further criminal investigation actions, prevent asset alienation, and advance the case to trial. The case is at the criminal investigation stage.

13. CASE financing of electoral competitors from sources forbidden by law and money laundering, Mihail Bagas, candidate for mayor of the capital town

Charges: Activist and former candidate for mayor of the Chisinau municipality representing Liga Oraselor și Comunelor, Mihail Bagas, is suspected of organizing and complicity in the illegal financing of political parties, initiative groups, and electoral contestants, committed on a large scale. He is also accused of aiding and abetting money laundering on a large scale committed by an organized criminal group (art.181 para. (3) and art. 243 CC).

Case background: Mihail Bagas was arrested on September 21, 2023, just two days after he submitted his candidacy papers for the local elections, and placed in preventive detention for 30 days.

He was released on October 23, 2023. The AP said the revocation of the preventive measure was due to circumstances that cannot be disclosed to the public.
14. **CASE illegal financing and bribing voters during the election campaign for governor of Gagauzia**

**Charges:** The criminal case was initiated for hindering by any means the free exercise of the electoral right or obstructing the operations of electoral bodies, as well as for illegal financing of political parties, initiative groups, electoral contestants, or referendum participants (art. 181 para. (1) and art. 181 para. (3) CC).

**Case background:** The case was initiated on April 27, 2023 by NAC based on materials from the National Investigation Inspectorate (NII) of the General Police Inspectorate. Subsequently, on May 7 and 13, 2023, searches were carried out jointly by NAC and NII officers, under the oversight of the Anti-Corruption Prosecution Office, leading to the discovery and seizure of material evidence at the suspects’ premises. On July 20, the Anti-Corruption Prosecution Office announced that 11 individuals had the status of suspects in the criminal case initiated by NAC for illegal financing and bribery of voters during the election campaign for the governor of Gagauzia. The elected governor, Evgenia Gutul, has the status of defendant.

15. **CASE illegal party financing, independent MPs Alexandr Nesterovschi and Irina Lozovan**

**Charges:** On September 21, 2023, Irina Lozovan and Alexandr Nesterovschi, members of the Renastere Party, had their parliamentary immunity revoked. They face charges of involvement in the illegal financing of a party by the organized criminal group led by Ilan Shor (art. 30; art. 324 para. (3), items a), b) and c) and art. 26, art. 181/3 CC).

**Case background:** On September 21, 2023, following the removal of their immunity, MPs Nesterovschi and Lozovan were apprehended on the suspicion of accepting illegal financing for their political party from an organized criminal group. Nesterovschi was initially placed in preventive arrest for 60 days, and later to house arrest.

The prosecutors’ actions took place during the election campaign, where Nesterovschi was running for mayor of the Balti municipality in the local elections of November 5, 2023.

On September 23, 2023, Veronica Dragalin, the head of the Anti-Corruption Prosecution Office, announced that defector MPs Irina Lozovan and Alexandr Nesterovschi were allegedly involved in an illegal party financing scheme and passive corruption linked to Ilan Shor’s financial sources. They purportedly received thousands of euros and tried to recruit others for the purposes of the criminal group led by Ilan Shor.

Later, on November 9, the AP announced that the criminal case against MP Irina Lozovan and her husband, Pavel Girleanu, a rayonal councilor in the Ocnita rayonal council, was sent to court. They face charges for the offence of knowingly accepting political party funding from an “organized criminal group” and complicity in the offence. Lozovan has been placed under house arrest.

On December 1, 2023, the AP completed the criminal proceedings against Nesterovschi and sent the case to court. The MP is accused of passive corruption on a large scale for the benefit of an organized criminal group and for organizing financing of political parties from sources prohibited by law, committed on a large scale. The prosecutors allege that Nesterovschi “accepted and received undue benefits, including his appointment as a member of the political bureau of the Renastere Party, being the de facto leader of this party, acting under the direction of the organized criminal group”, as well as “payments (not less than 35 000 USD) from the organized criminal group led by Ilan Shor” for leaving the parliamentary faction of the Communists and Socialists Bloc and establishing a new parliamentary faction which would represent the interests of the organized criminal group.
Cases against former Prosecutor General Alexandr Stoianoglo and his entourage

16. CASE abuse of authority, creating conditions for Laundromat, Alexandr Stoianoglo

Charges: The criminal proceedings against Prosecutor General Alexandr Stoianoglo were initiated on October 5, 2021 for allegations of abuse of power (art. 327 para. (3) item b) CC).

Case background: Alexandr Stoianoglo is accused of facilitating the adoption of legislative amendments to Law 190/2007 in 2011, while serving as chairman of the parliamentary committee for national security, defense and public order. These amendments allowed the transfer of money from the bank accounts blocked by the Office for Prevention and Fight Against Money Laundering by filing an appeal with the court before its examination by the court. These legislative amendments subsequently facilitated the so-called Russian “laundromat” scheme.

The criminal proceedings were initiated on October 5, 2021 following a report from MP Lilian Carp, chairman of the parliamentary committee for security, defense and public order. The SCP appointed Victor Furtuna, a prosecutor from the Anti-Corruption Prosecution Office, to handle the case.

Stoianoglo was apprehended for 72 hours. Subsequently, he was placed under house arrest (for approximately 2 months) and later under judicial supervision.

In December 2022, following Victor Furtuna’s appointment as acting Chief Prosecutor at PCCOCS, he was replaced by Deputy Anticorruption Prosecutor Petru Iarmaliuc. The case is at the criminal investigation stage.

17. CASE abuse of authority and passive corruption, Alexandr Stoianoglo (Platon’s release and shares in Ukrainian company)

Charges: Stoianoglo was accused of accepting and receiving undue assets from Veaceslav Platon totaling 63 million MDL. The alleged offenses include passive corruption (art. 324 para. (3) items a) and b) CC), false statements (art. 352 para. (2) CC), and abuse of power (art. 327 para. (3) item b) CC).

Case background: The criminal proceedings against Prosecutor General Alexandr Stoianoglo, as well as prosecutors Elena Ceruta and Dumitru Raileanu, were initiated on October 5, 2021, following a complaint from MP Lilian Carp, the chairman of the parliamentary committee for security, defense, and public order. SCP assigned prosecutor Victor Furtuna from the Anti-Corruption Prosecution Office to investigate the allegations.

Prosecutors Elena Ceruta and Dumitru Raileanu, involved in reviewing Veaceslav Platon’s conviction, were also accused of abuse of power in the same case.

Stoianoglo was apprehended on the same day the criminal proceedings were initiated and was subsequently placed under house arrest, then under judicial supervision.

The investigation found that Veaceslav Platon, who was serving a prison sentence in Prison No. 13 in connection with an episode related to the bank fraud, promised, offered, and transferred to Stoianoglo, through his wife, assets in the form of shares in his company in Ukraine, which in turn owned shares in Moldindcombank. These shares had been seized by the state in the case in which Platon had been convicted. The estimated value of the shares was 63 million MDL. They purportedly became accessible to Stoianoglo after Platon’s acquittal in the criminal case in which he had been convicted and was serving his prison sentence. Additionally, Stoianoglo was accused of omitting in his declaration of personal assets and interests the ownership of shares in the Ukrainian company, registered under his wife’s name as of January 5, 2021.
On September 22, 2022, prosecutor Furtuna publicly announced the termination of the criminal proceedings on this charge. The case was sent to court in October 2022. After the case was sent to court, state prosecutor Victor Furtuna became Acting Chief Prosecutor of the PCCOCS and was replaced by state prosecutor Petru Iarmaliuc.

On November 2, 2022, the acting President of the Chisinau Court ordered the case to be tried by an ad hoc panel comprising a judge-rapporteur, to whom the case was initially assigned, and two judges appointed by the acting President. The decision was challenged to the Chisinau Court of Appeal by the prosecutors charged in the same case - Elena Ceruta and Dumitru Raileanu. During the proceedings in the Chisinau Court of Appeal, the defendants raised an exception of unconstitutionality of the procedural-criminal norms and those of the Law on the judicial organization related to the creation of judicial panels (complaint no.193g/2023). On March 28, 2024, the Constitutional Court declared the complaint inadmissible. Meanwhile, on February 22, 2024, the acting President of the Chisinau Court issued decision no. 13, ordering the specialization of 9 judges to examine the cases sent to court by the Anti-Corruption Prosecution Office. None of the judges in the original panel were among those 9 judges. Upon the motivated proposal of the judge-rapporteur from the original panel, Arina Ialanji, on March 14, 2024, the case was randomly assigned to judge Vitalie Budeci. Subsequently, a new panel for examination of the case was formed of Vitalie Budeci (chair/rapporteur), Liliana Cusa, and Sergiu Stratan on March 15, 2024 by a decision of the Acting President of the Chisinau Court.

A year and a half after the case was sent to court, the examination of the case has not yet begun.

18. CASE illicit enrichment, Alexandr Stoianoglo

Charges: On April 19, 2023, the Anti-Corruption Prosecution Office announced that the suspended Prosecutor General Alexandr Stoianoglo had been charged with illicit enrichment (art. 330/2 para. (2) CC).

Case background: On August 5, 2022, the SCP consented to investigation of allegations of illicit enrichment and money laundering committed by suspended Prosecutor General Alexandr Stoianoglo. According to the report, Stoianoglo allegedly indirectly owns, through his daughter, an apartment, approximately 135 square meters in size, priced at 824,815 MDL, located next to the apartment where he lives with his family. The sale-purchase contract was purportedly concluded in 2015 in the name of his daughter, who, a 19-year-old student at the Academy of Economic Studies at that time, did not have sufficient legal income to afford the apartment, which was actually valued at about 2.5 million MDL. The actual beneficiaries of the property were allegedly Alexandru Stoianoglo and his wife. In his 2015 assets declaration, Stoianoglo, then a Member of Parliament, reported an income significantly lower than the purchase price of the apartment.

Stoianoglo challenged the SCP's decision of October 5, 2022 that authorized the initiation of criminal proceedings in this case. On November 24, 2022, the Chisinau Court of Appeal deemed Stoianoglo's appeal inadmissible. However, on March 13, 2024, the Supreme Court of Justice upheld Stoianoglo's appeal and annulled the decision of the Chisinau Court of Appeal of November 24, 2022.

Meanwhile, the jurisdiction of the courts to examine and verify the legality of SCP's decisions has been modified. Therefore, Stoianoglo's request for the annulment of the SCP's decision has been sent to SCJ.

19. CASE exceeding office duties, Alexandr Stoianoglo (Chitoroaga case)

Charges: Suspended Prosecutor General Alexandr Stoianoglo faces charges of exceeding official duties in connection with the payment of an allowance to Prosecutor Nicolae Chitoroaga, former head of PCCOCS (art. 328 para. (3) item b) CC).
MONITORING THE SELECTIVITY OF CRIMINAL JUSTICE

ANNEX 2: LIST OF MONITORED CASES

Case background: The criminal proceedings against Prosecutor General Alexandr Stoianoglo were initiated on October 5, 2021 for allegedly exceeding his official duties, following a complaint from MP Lilian Carp, chair of the parliamentary committee for security, defense, and public order.

Suspended Prosecutor General Alexandr Stoianoglo was charged with exceeding his official duties in connection with the payment of an allowance to Nicolae Chitoroaga, former head of the PCCOCS. Chitoroaga is under criminal investigation, and the law prohibits the payment of allowances in such circumstances. After the criminal proceedings against Stoianoglo were initiated, Chitoroaga paid back the allowance. Stoianoglo is accused of committing the offence in complicity with the former head of the HR unit of the Prosecutor General’s Office.

Following the initiation of criminal proceedings, Stoianoglo was apprehended for 72 hours, further placed under house arrest, and subsequently under judicial supervision.

This was the first case against Stoianoglo to go to trial (November 2021).

On February 28, 2024 Stoianoglo was acquitted by the first instance Buiucani Court. The Anti-Corruption Prosecution announced its intention to appeal.

20. CASE false statements and illicit enrichment, Ruslan Popov, former Deputy Prosecutor General

Charges: Former Deputy Prosecutor General Ruslan Popov is accused of being the actual owner of a modern orchard and a fruit storage facility registered in the name of his father, a retiree from the village of Milesti Mici. Both Ruslan Popov and his wife, Iulia Popov, who is also a prosecutor, face charges of illicit enrichment and eight episodes of falsely declaring assets and personal interests (art. 352/1 para. (2) and art. 330/2 para. (2) CC).

Case background: Popov was apprehended in early October 2021 and placed in police custody.

Subsequently, he was placed under house arrest until the end of December 2021, after which the measure was changed to judicial supervision.

During the criminal investigation, prosecutor Popov was suspended from office. In March 2022, he resigned.

The Anti-Corruption Prosecution Office completed the criminal proceedings in May 2022 and sent the case to court. However, at the end of 2023, the examination of the criminal case in which former Deputy Prosecutor General Ruslan Popov is accused of illicit enrichment was postponed for an indefinite period of time as the former prosecutor was recovering from surgery. The case is currently at the preliminary hearing stage.

Earlier, several court hearings were postponed because another defendant in the case, a businessman, also underwent surgery.

21. CASE false statements and illicit enrichment, Igor Popa, former Deputy Prosecutor General

Charges: The former head of the Ciocana Office of the Chisinau Prosecution Office, Igor Popa, is charged with illicit enrichment and intentionally omitting information in the declarations of assets and personal interests submitted from 2018 to 2020 (submitted upon hiring, annually, and upon resignation/dismissal). He allegedly omitted details about the real estates owned by his girlfriend. Popa is under investigation for illicit enrichment and five counts of false declaration of assets (art. 330/2 para. (2) and art. 352/1 para. (2) CC).

Case background: The head of the Ciocana Office of the Chisinau Prosecution Office, Igor Popa, was apprehended on November 9, 2021.
On December 28, 2021, at the request of the Acting Prosecutor General Dumitru Robu, SCP suspended Popa from office. Popa remained under house arrest for about 3 months before the measure was changed to judicial supervision.

On January 28, 2022, the anti-corruption prosecutors concluded the criminal investigation into the five counts of false declaration of assets. The case was sent to court in February 2022. On April 12, 2022, Popa resigned from his position.

The preliminary hearing stage lasted over a year, with many court hearings being postponed for reasons such as absence of the defense, recusal motions and, requests for closed-door proceedings to avoid the presence of journalists.

The case regarding Popa’s suspected illicit enrichment is currently at the criminal investigation stage.

**Cases against former PDM leader Plahotniuc and his entourage**

**22. CASE illicit enrichment, Vlad Plahotniuc**

**Charges:** Following NIA’s checks, significant disparities were discovered between Vlad Plahotniuc’s income and expenses. According to prosecutors, while being a member of the Moldovan Parliament, Plahotniuc concealed numerous assets by registering them under the names of various companies and individuals. Initial inquiries suggest that Plahotniuc purportedly acquired several movable assets, including a luxury yacht, and real estate properties in Switzerland, Romania, and Spain, including while serving as a member of parliament. Some of these assets have already been identified, while others have been seized abroad. The difference between his assets and actual income amounts to two billion MDL.

Vladimir Plahotniuc is charged with illicit enrichment (art. 330/2 para. (2) CC).

**Case background:** On November 17, 2021, the PCCOCS initiated a case on Vladimir Plahotniuc’s alleged illicit enrichment on a large scale, prompted by a report from the Security and Intelligence Service. The initiation of criminal proceedings was made possible due to the annulment, by acting Prosecutor General Dumitru Robu, of a previous decision not to initiate criminal proceedings, issued in the summer of 2021.

On February 16, 2022, Vladimir Plahotniuc was indicted and declared wanted. The information was confirmed by the case prosecutor from PCCOCS, Dumitru Railean, although initially denied by the General Prosecutor’s Office. In March 2022, Railean was charged with abuse of office when deciding to release and drop charges against Veaceslav Platon, along with former Prosecutor General Alexandru Stoianoglo. Subsequently, SCP suspended Railean from office.

The new PCCOCS prosecutor to whom the criminal case was further assigned was a delegated prosecutor within the PCCOCS. His delegation was terminated and then reconfirmed.

**23. CASE large scale money laundering, Vlad Plahotniuc (Metalferos)**

**Charges:** In 2019, after the PDM lost power and Vladimir Plahotniuc left the country, the Latvian Anti-Money Laundering Service notified the Moldovan authorities that between October 30, 2012 and June 1, 2015, the person authorized to sign for the company “Metoil Trading” LLP was the citizen of Moldova Vladimir Plahotniuc. At that time, Plahotniuc was an MP and even First Deputy Speaker of the Moldovan Parliament, a position he held between December 2010 and February 2013. Plahotniuc had made no reference to this company in his assets declarations at the time. This offshore company was also implicated in the bank fraud case.
Former PDM leader Vlad Plahotniuc faces accusations of organizing or leading a criminal organization, money laundering, and fraud (art. 284 para. (1); art. 190 para. (5); art. 243 para. (3) CC).

**Case background:** The criminal proceedings for embezzlement from "Metalferos" JSC were initiated on September 4, 2019 by the Prosecutor General's Office. Subsequently, seven additional criminal cases were merged with this case, covering offences such as leading a criminal organization, fraud, and money laundering on a large scale. In October 2021, the PCCOCS announced that Plahotniuc had the status of a defendant in the Metalferos case and prosecutors requested an arrest warrant for Vlad Plahotniuc.

It was not until July 5, 2022, 6 months after the request submitted by PCCOCS prosecutors, that the judges of the Ciocana Chisinau Court issued an arrest warrant in absentia.

The Metalferos case was initially handled by the anti-corruption prosecutor Eugeniu Rurac. Later, the case was taken over by Vladislav Caruceru from the General Prosecutor's Office. In December 2019, Rurac claimed in a communication to the Prosecutor General that he faced pressure to resign coming from Metalferos decision-makers. Following the replacement of the case prosecutor, the individuals apprehended in the Metalferos case were released from custody.

On February 7, 2022, the criminal case against a criminal group of 8 individuals was sent to court.

**24. CASE involvement in bank fraud, Vlad Plahotniuc**

**Charges:** In June 2019, former PDM leader Vladimir Plahotniuc left Moldova. In the same month, the Moldovan authorities received a notification from the Swiss authorities through a spontaneous exchange of information with the SPCSB, which also investigated the activities of the companies affiliated with Vladimir Plahotniuc. Plahotniuc is currently on trial for charges related to the creation and leading of a criminal organization, as well as fraud and money laundering (art. 284 para. (1); art. 30, 42 para. (3); art. 190 para. (5) and art.30; art. 243 para. (3) items a) and b) CC).

**Case background:** The AP initiated criminal proceedings against Plahotniuc on September 23, 2019. He was indicted in absentia and investigations started to locate him. On October 10, 2019, a 30-day preventive arrest warrant was issued, followed by an international search announcement.

On May 15, 2020, the criminal case was merged with the "bank fraud" case, and on May 18, 2020, his indictment was complemented with charges of creating or leading a criminal organization; organizing fraud committed by an organized criminal group or criminal organization; money laundering committed by an organized criminal group or criminal organization. Assets in Moldova, Switzerland, Romania, and France, whose ultimate owner is Plahotniuc, were seized until October 2021. Plahotniuc's legal team appealed against the seizure orders. The examination of the appeals was delayed by a year by the defense, which filed a motion to transfer the case and raised several exceptions of unconstitutionality.

During the criminal proceedings, requests for international legal assistance were sent to 10 countries to check the financial transactions under investigation. The criminal investigation team is investigating actions allegedly undertaken by various individuals since 2009, purportedly involved in forming a highly organized criminal network; recruiting members from both criminal and business circles to amass illicit funds resulting from the control over several segments of economic crime; embezzlement from the Moldovan banking system; money laundering; taking over other people's businesses; establishing and monopolizing economic sectors; fraudulent practices; extortion, and other offences aimed at generating illegal funds for the organization.

On July 18, 2023, the Anti-Corruption Prosecution Office sent the criminal case against Vladimir Plahotniuc to court for substantive examination, charging him with creating and leading a criminal organization, fraud,
and money laundering. On January 22, 2024, at the request of Plahotniuc's legal team, the case was merged with the case against the former managers of the National Bank during the bank fraud period. The Anti-Corruption Prosecution Office objected to such merging, citing concerns that it would delay the examination of the case.

25. CASE passport fraud, Vlad Plahotniuc, Vladimir Andronachi, Alexandru Valcu, Vladislav Zara, Serghei Railean

**Charges:** Between 2013 and 2021, Vladimir Andronachi, Alexandru Valcu, Vladislav Zara, and Serghei Railean allegedly put in place a fraudulent scheme instructed by individuals who were members of an organized criminal group, created and led by a public figure (Vlad Plahotniuc). This scheme involved the fraudulent acquisition of an automated system for producing and personalizing documents and purchase of ID cards. They allegedly favored a Lithuanian company (Garsu Pasaulis), made abusive payments, resulting in inflated prices for passports, identity cards, driving licenses, and other products issued by the PSA. The financial damage from this scheme is estimated at €26 million, equivalent to over 500 million MDL. The former PSA decision-makers, Vladislav Zara and Serghei Railean, are facing charges of abuse of power or abuse of office (art. 327 para. (2) CC).

**Case background:** The case was initiated on October 22, 2021 by the PGO for abuse of office committed by decision makers at the Public Services Agency for personal gain. On April 5, 2022, the AP initiated another criminal case. The two cases were joined in a single proceeding.

On May 10, 2021, the residence of the former PSA head during the PSRM government, Zara, was searched in his absence as he had left the country. On May 3, the home of businessman Alexandru Valcu was searched. On the same day, Sergiu Railean, the head of the PSA during the Plahotniuc period, was apprehended.

On September 13, 2022, arrest warrants were issued in absentia for Valcu, Zara, Andronachi, and Plahotniuc due to their failure to appear for recognition and hearing as suspects/defendants.

On November 11, 2022, the case against Serghei Railean and eight PSA employees was sent separately to court. On June 20, 2023, the Anti-Corruption Prosecution Office reported that a former PSA employee and a businessman, who were reported wanted, had been located, indicted, and interrogated. A ban on leaving the country was issued on them as a preventive measure.

26. CASE Metalferos fraud, Vladimir Andronachi, former PDM MP

**Charges:** Former PDM MP Vladimir Andronachi faces charges of fraud and money laundering on a large scale (art. 190 para. (3); art. 243 para. (3) CC).

**Case background:** The criminal case was initiated in September 2019. Subsequently, seven other criminal cases were merged with it, covering offences such as leading a criminal organization, fraud, and money laundering on a large scale. Prosecutors gathered evidence indicating that the total damage caused to the state between 2017 and 2019 amounts to almost 1.2 billion MDL. Five criminal groups with 30 suspects, including the Andronachi and the Plahotniuc groups, are under investigation.

On July 8, 2022, Andronachi was placed on an international wanted list by INTERPOL after failing to appear for prosecutors’ hearings, leading to an arrest warrant being issued in absentia.

On August 23, 2022, the Ciocana Court ordered the seizure of the National Hotel. On February 7, 2022, a criminal case against one of the five criminal groups, in which eight individuals face charges, was sent to court. On November 2, 2022, Andronachi was apprehended in Ukraine and extradited to Moldova.
27. CASE bank fraud, Vladimir Andronachi

**Charges:** Former PDM MP Vladimir Andronachi, together with his wife Nadejda and two accomplices, lawyer Carolina Andriuta and a former company administrator Sergiu Gusan, faces charges of money laundering through several organized criminal groups. They are accused of embezzling approximately 32 million MDL from Banca de Economii under the false pretext of making investments in the financial institution. According to prosecutors, these criminal activities reached their peak during the final stage of the bank fraud between November 24 and 27, 2014. The money was laundered during 2015. Subsequently, the money was integrated into the legal circuit in Moldova and other countries and used for personal purposes, including the acquisition of an aircraft by Vladimir Andronachi, Vasile Botnari, Constantin Botnari, and other close associates of Vlad Plahotniuc. Former PDM MP Vladimir Andronachi is currently standing trial for fraud and money laundering for the benefit of an organized criminal group (art. 190 para. (3); art. 243 para. (3) CC).

**Case background:** The indictment was filed in September 2021. On January 25, 2023, the Anti-Corruption Prosecution Office announced that it had concluded the criminal proceedings against Vladimir Andronachi and an accomplice (Anatolie Blonschi) in the criminal case disjoined from the broader "bank fraud" case.

On November 2, 2022, Andronachi was apprehended in Ukraine and extradited to Moldova. After nearly six months in preventive detention, he was transferred to house arrest for 30 days with "certain restrictions and obligations, including electronic monitoring". Four individuals paid a bail totaling 22,000 MDL for Andronachi's release from preventive detention. While under house arrest, Andronachi was accused of attempting to damage the electronic monitoring device.

On March 10, 2023, the Anti-Corruption Prosecution Office sent the case to court.

On May 19, 2023, judge Gheorghe Balan decided to examine the case behind closed doors.

On January 9, 2024, Anatolie Blonschi, who was also a defendant in the case together with Andronachi and was reported wanted, surrendered at the Leuseni-Albita border crossing point. Like Andronachi, he was released on bail from preventive detention on January 11 paid by four individuals. The case is currently at the stage of first instance court examination and is closed to the public.

28. CASE bank fraud 2, Vladimir Andronachi

**Charges:** Former PDM MP Vladimir Andronachi, together with his wife, accountant, and the family lawyer, is suspected of being involved in the misappropriation of 32 million MDL from BEM under the false pretext of building a new headquarters for the bank. The funds were allegedly converted into EUR and transferred to another company through a Latvian bank. Subsequently, the money was laundered through several offshore companies, whose beneficiaries were Vladimir Plahotniuc, Vladimir Andronachi, Nadejda Andronachi, Anatolie Blonschi and others.

Vladimir Andronachi, his wife Nadejda Andronachi, the family accountant Carolina Andriuta, and the family lawyer are currently under criminal investigation for money laundering (art. 243 para. (3) CC).

**Case background:** On September 20, 2021, Vladimir Andronachi released a press statement, stating that while he was abroad "for medical reasons", the prosecution authority served his wife with a summons for his indictment in the "bank fraud" case. The prosecution authority refused to provide details to mass media. Three days later, the Andronachi family’s residence was searched.

On October 1, 2021, Andronachi, his wife, and the family's lawyer were officially indicted. The PGO announced that judges had issued an arrest warrant in absentia for Andronachi and placed him on an international wanted list. His wife and lawyer were under investigation at liberty, with a prohibition on leaving the country.
On April 1, 2022, the case was sent to court. In July 2022, with the consent of the judges, Nadejda Andronachi traveled to Vienna for medical examinations but returned to the country. This case is examined in open hearings, even though it pertains to the same facts as the other bank fraud case against Andronachi, which is examined behind closed doors.

29. CASE illicit enrichment, Vasile Botnari, former SIS director

Charges: Former SIS Director Vasile Botnari faces charges of illicit enrichment (art. 330/2 CC).

Case background: In March 2022, Vasile Botnari was apprehended under suspicion of committing the offence of illicit enrichment. He was placed under preventive arrest, and his assets worth 28 million MDL were seized.

In September 2022, the AP completed the criminal investigation and sent the case to court. Examination of the case has been delayed numerous times.

30. CASE expulsion of Turkish teachers, Vasile Botnari

Charges: Vasile Botnari, former director of the Security and Intelligence Service, is accused of abuse of power or office for allegedly organizing, coordinating and leading, in September 2018, a secret operation to expel seven Turkish citizens, teachers at a private high school, from Moldova. Botnari pleaded guilty (art. 327 para. (2) item b) CC).

Case background: On September 6, 2018, seven employees of the "Orizont" high school network were apprehended by SIS officers and sent to Turkey on a charter flight. Upon arrival, they were handed over to local special services and subsequently sentenced to prison terms ranging from 6 to 12 years.

The initial criminal proceedings concerning the expulsion of the Turkish teachers began in October 2018. From the very first day, prosecutor Oleg Afanasii classified the proceedings. A month later, on November 5, 2018, Afanasii dropped the charges, citing that the facts did not constitute elements of an offence.

Subsequently, on September 2, 2019, following a change in government and the conviction of Moldova at the ECHR on the case of the Turkish teachers, the acting Prosecutor General Dumitru Robu revoked the order on termination of criminal proceedings. The case was then assigned to prosecutor Victor Plugaru. Initially, the defendants in the case were two former SIS deputy directors, Alexandru Balan and Alexandru Baltaga, and the then head of the Migration and Asylum Bureau, Olga Poalelungi.

On January 15, 2020, former SIS director Vasile Botnari was recognized as a defendant in the case involving the Turkish teachers and charged with abuse of power. The charges stemmed from allegations that he organized and personally oversaw the extradition of the teachers. Botnari did not plead guilty during the criminal investigation stage. In February 2020, it was revealed that the charges against the initial three defendants had been dropped after Vasile Botnari's indictment for abuse of power.

In an official statement, the prosecution authority announced that the case had been sent to court, without mentioning that it had been classified during the criminal investigation stage in 2018. The investigation and court hearings continued to be conducted behind closed doors. Details about the trial and verdict were not made public. The case was assigned to judge Andrei Niculcea, who issued sentences in Vlad Filat's and Ilan Shor's "bank fraud" cases.

Half a year after the case had been pending in court, Vasile Botnari pleaded guilty. On July 10, 2020, he requested examination of the case through a simplified procedure. Botnari also agreed to pay damages
of almost 2.4 million MDL to Moldova, following the ECHR ruling on the Turkish teachers’ case, and to reimburse the SIS’ expenses of 348 000 MDL for aircraft rental.

The verdict was handed down on July 15, 2020, but it was not been made public by the prosecution. Instead, it was later disclosed by Prosecutor General Alexandr Stoianoglo during a TV talk show on TV8. However, Stoianoglo mistakenly said that Botnari had received a suspended sentence. It was later revealed that the prosecutor had requested a 3-year prison term for Botnari for abuse of office, but the judge imposed a fine of only 88 thousand MDL. To justify this decision, the judge cited recommendations from the ECHR and the Committee of Ministers of the Council of Europe that courts should consider applying non-custodial sentences more frequently. The first instance decision was not challenged by the prosecutor to the Chisinau Court of Appeal.

Subsequently, the lawyers representing Galina Tufekci, the wife of the expelled principal of the “Orizont” high school in Ceadar-Lunga, lodged an appeal. On February 17, 2023, the Court of Appeal decided to return the case of former SIS director Vasile Botnari to the prosecution authority.

31. CASE violation of passport procedures, Sergiu Railean

**Charges:** The former head of the PSA, Sergiu Railean, faces accusations of facilitating the issuance of identity documents violating the issuance procedures, including in the absence of applicants, who were individuals from Vladimir Plahotniuc's circle. According to prosecutors, these actions were taken to benefit the criminal organization led by Plahotniuc. Railean is charged with abuse of power, exceeding official authority, forgery of public documents, and making, possessing, selling or using false official documents (art. 327 para. (3); art. 328 para. (3) item c); art. 332 para. (2) item c); art. 361 para. (2) item a) CC).

**Case background:** The case against Sergiu Railean was initiated on February 17, 2021 by the PCCOCS. On May 3, 2021, the anti-corruption prosecutors and SIS and SPIA officers conducted 50 searches at SPA and Railean's residence. He was apprehended for 72 hours and subsequently placed in preventive detention for 20 days. On November 19, 2021, he was placed under house arrest. The same case concerns former PDM MP Constantin Botnari, who has reportedly fled to London and is reported wanted.

On July 21, 2022, the case against Railean was sent to court and is currently at the evidence stage in the first instance court.

32. CASE fictitious employment at Ministry of Internal Affairs, Dorin Damir

**Charges:** FEA president Dorin Damir faces accusations of having been illegally employed as an undercover agent in the former Directorate 5 of the National Investigation Inspectorate of the General Police Inspectorate. Damir purportedly was granted the special title of "commissioner" under the nickname "HOLRIO" and issued a passport with a different identity in order to conduct "undercover investigations". The reason for infiltrating the police was allegedly to document his godfather Vladimir Plahotniuc. According to prosecutors, between July 2017 and September 2019, Damir allegedly was paid without actually fulfilling any legitimate duties within the Directorate No. 5 of the NII. These actions resulted in the misappropriation of public funds totaling 170,294.75 MDL. Dorin Damir is charged on five counts: abuse of office, embezzlement, illegal border crossing, disclosure of state secrets, and forgery of public documents (art. 42 para. (4) and (5); art. 327 para. (2) item b); art. 191 para. (4); art. 362 para. (1); art. 344 para. (1); art. 332 para. (1) CC).

**Case background:** Dorin Damir was apprehended on July 5, 2021 by PCCOCS prosecutors and indicted the next day, July 6, 2021, by prosecutor Dumitru Raileanu. Following his arrest, Damir spent almost seven
months in preventive detention. On January 26, 2022 he was placed under house arrest by the Buiucani Court due to "inhuman detention conditions and deteriorating health". Subsequently, he was placed under judicial supervision.

On September 24, 2021 the case was sent to court. The defendants in the case include Alexandru Panzari, the former head of the GPI, and Valeriu Cojocari, suspended head of police inspectorate Balti. Panzari was apprehended on July 30, 2021, following searches. Initially he was placed in custody for 30 days, but on August 25 the preventive measure was changed to house arrest. The court proceedings are not open to the public. During the monitoring period, eight out of the 13 scheduled hearings did not take place.

33. CASE forgery, former notary Olga Bondarciuc

**Charges:** Former notary Olga Bondarciuc is accused of having authenticated several documents related to the business dealings of fugitives Vladimir Plahotniuc, Ilan Shor, and Veaceslav Platon. Additionally, she is a defendant in the "bank fraud" case for allegedly making false statements. Prosecutors claim that Bondarciuc withheld information related to the "bank fraud" case when questioned in February 2018. In June 2020, Bondarciuc announced in a Facebook post that she had received threats from Platon. She is charged with forgery of public documents (art. 332 CC).

**Case background:** In September 2021, Olga Bondarciuc was apprehended in Belgium, where she had applied for political asylum. Following her arrest, she was detained in Brussels. On July 14, 2022, Bondarciuc was extradited to Moldova. Upon return, she was interrogated and placed under preventive arrest. However, she was later released under judicial supervision. On October 21, 2022, the case against her was sent to court.

Veaceslav Platon’s cases

34. CASE Laundromat, Veaceslav Platon

**Charges:** Between January 2011 and May 2014, 22 billion USD were forcefully withdrawn from the correspondent accounts opened by 21 banks from the Russian Federation in "Moldindcombank". This was executed by 5 bailiffs through 36 court orders. The money was subsequently transferred to offshore companies. The operation was aimed at transferring capital from Russia to offshore areas, leveraging the Moldovan banking system. Over the following years, from 2014 to 2017, an additional 30 criminal cases were initiated and joined with the primary case. The criminal cases against judges and bailiffs were split and sent to court. While some of them were acquitted, others who were found guilty were not convicted due to the expiration of statute of limitations. Veaceslav Platon is currently under criminal investigation for money laundering on a large scale, abuse of office, and making, possessing, selling or using false official documents (art. 243 para. (3), item b); art. 335, para. (1') and art. 361 para. (1) CC).

**Case background:** The criminal case against Veaceslav Platon was initiated by the AP on February 14, 2014. Platon was indicted in absentia in April 2022. The Chisinau Court, Ciocana Office, granted the request of the anti-corruption prosecutors and issued a preventive arrest warrant. In June 2022, the NAC announced record seizures of 268 million MDL in connection with the case. Platon fled Moldova in the summer of 2021 and is currently on the wanted list.

35. CASE manufacturing and distribution of counterfeit cards, Veaceslav Platon

**Charges:** SCJ judge Svetlana Novac was investigated for allegedly withdrawing 3.6 million MDL from Moldindcombank using a card opened at a Latvian bank. The funds originated from an account of
a company affiliated to Platon. However, the judge told prosecutors that she did not have such a card and the actions were meant to discredit her. Notably, since 2008 she had presided over several cases involving Platon and his companies, all of which he lost.

Prosecutors recognized the judge as an injured party in the case. In June 2019, a criminal case in which Veaceslav Platon is accused of "manufacturing and circulation of fake cards" was split from the primary case. Two individuals, including Platon's cousin Marina Marohina, have the status of defendants in the case and are announced as wanted. Until their whereabouts are determined, the criminal proceedings have been suspended.

Marohina was working in the banking operations section of Moldindcombank when the attempt to discredit the judge took place. According to the prosecutors, Marohina had made a counterfeit bank card in the name of Svetlana Novac and transferred €300,000 from Platon's company account to the fake card and prepared bank invoices indicating withdrawals totaling $290,000 from Moldinconbank. Veaceslav Platon is accused of producing and circulating counterfeit cards (art. 237 CC).

**Case background:** The criminal case was initiated by the NAC in April 2013 for money laundering on a large scale.

On August 20, 2019 the case against Platon was sent to court. However, although 11 court hearings were scheduled on the case during the monitoring period, only one took place.

36. **CASE money laundering, forgery and fraud, Veaceslav Platon**

**Charges:** Veaceslav Platon, the purported owner of the controlling interest in the insurance companies "AsitoKapital" JSC (Romania), "Moldasig" JSC and "Alliance Insurance Group" JSC, owned through third parties, allegedly orchestrated and oversaw the embezzlement of substantial assets from these companies between September and December 2016, involving other persons in committing this offence. Platon is being tried for offences related to causing financial harm through deceit or breach of trust, fraud, and making, possessing, selling or using counterfeit official documents within several insurance companies (art. 190 para. (5); art. 196 para. (4); art. 361 para. (2) items b) and d) CC).

**Case background:** On May 20, 2017, the AP sent to court the criminal case in which Veaceslav Platon and two other defendants were charged with fraud on a large scale.

Platon received a 12-year prison sentence from the Chisinau Court, Buiucani Office, on December 12, 2017.

Four years later, in 2020, the Chisinau Court of Appeal overturned the verdict and sent the case back for re-trial. After several postponements, the case was resumed from the beginning.

On May 3, 2023, it was announced that crucial evidence in the case – specifically a CD containing video footage intended for court examination - had disappeared. The judge later announced that the CD had been found.

**Illicit enrichment cases, former PDM MPs**

37. **CASE illicit enrichment, former MP Sergiu Sirbu**

**Charges:** NIA discovered a significant disparity between the reported and actual income of former PDM MP Sergiu Sirbu amounting to 1.9 million MDL. Sergiu Sirbu was accused of orchestrating the defection of 13 MPs from the PCRM to the PDM. Sirbu was charged with illicit enrichment and active corruption (art. 330/2 para. (2); art. 325 CC).
Case background: On February 2, 2022, Sergiu Sirbu was apprehended in connection with a criminal case initiated by the AP on illicit enrichment based on NIA’s findings. Sirbu was held in preventive detention for approximately 4 months (extended every 30 days) and under house arrest for 1.5 months (extended after 30 days). He was subsequently released on provisional basis under judicial supervision.

During the proceedings, NIA sought the confiscation of unreported assets, but the request was denied by the Chisinau Court of Appeal. On August 14, 2022, the SCJ upheld the decision of the Court of Appeal.

38. CASE illicit enrichment, former MP Violeta Ivanov

Charges: Former PDM MP Violeta Ivanov faced charges of illicit enrichment and active corruption stemming from her alleged involvement in orchestrating the defection of a group of 13 MPs from PCRM to PDM (art. 330/2 para. (2) and art. 325 para. (3) CC).

Case background: The criminal proceedings against Violeta Ivanov were initiated in October 2019 by Acting Prosecutor General Dumitru Robu on the basis of a reasonable suspicion of active corruption, following some statements made by MP Elena Bondarenco in 2016.

Ivanov was apprehended on February 2, 2022 on suspicion of illicit enrichment and active corruption. On February 4, 2022, she was placed under preventive arrest for 20 days and subsequently under house arrest for about 4.5 months (extended every 30 days). On July 20, 2022, the Court of Appeal Chisinau released her provisionally under judicial supervision. While in preventive detention, Violeta Ivanov received permission from the prosecutor to attend her mother’s funeral, albeit under escort, a decision criticized by some experts as inhuman treatment, given the non-violent nature of her alleged offences and that she was not a threat to society or the case.

On December 29, 2022, the Anti-Corruption Prosecution Office announced the closure of the criminal case against all the individuals indicted for active corruption, citing insufficient evidence and that the incriminated acts did not have elements of an offence. Prosecutors noted that the primary evidence in the active corruption charge was the testimony of the former Communist Party MP Elena Bondarenco, which could not be corroborated by other evidence, especially given that the witness died in July 2022.

However, the prosecution authority confirmed that the criminal proceedings concerning allegations of illicit enrichment against the 13 former MPs are ongoing.

39. CASE illicit enrichment, former MP Artur Resetnicov

Charges: Former PDM MP Artur Resetnicov was charged with illicit enrichment and active corruption in connection with the orchestration of the defection of 13 MPs from the PCRM to the PDM (art. 330/2 para. (2) and art. 325 para. (3) CC).

Case background: Artur Resetnicov was apprehended on February 2, 2022 on suspicion of illicit enrichment and active corruption linked to the defection of 13 MPs from the PCRM to the PDM.

On February 4, 2022, the court applied the measure of preventive arrest, and Artur Resetnicov remained in custody for 4 months, before being placed under house arrest. During the preventive detention, he was hospitalized in April after an accident and subsequently went on a hunger strike in protest.
On December 29, 2022, the Anti-Corruption Prosecution Office announced the closure of the case against the individuals indicted for active corruption due to insufficient evidence to prove the offence. Prosecutors also stated that the primary evidence in the active corruption charges was the testimony of the former Communist Party MP Elena Bondarenco, which could not be corroborated by other evidence, especially given that the witness died in July 2022.

However, the prosecution authority confirmed that the criminal proceedings concerning allegations of illicit enrichment against the 13 former MPs are ongoing.

40. CASE illicit enrichment, former MP Anatolie Zagorodnii

Charges: Former PDM MP Anatolie Zagorodnii was charged with illicit enrichment and active corruption in connection with the orchestration of the defection of 13 MPs from PCRM to PDM (art. 330/2 para. (2) and art. 325 para. (3) CC).

Case background: Anatolie Zagorodnii was apprehended on February 2, 2022.

On February 4, 2022, he was placed under preventive arrest, where he remained for 4 months (extended every 30 days) until the procedural measure was changed to house arrest. Subsequently, he was provisionally released under judicial supervision.

On December 29, 2022, the Anti-Corruption Prosecution Office announced the closure of the case against the individuals indicted for active corruption due to insufficient evidence to prove the offence. Prosecutors also stated that the primary evidence in the active corruption charges was the testimony of the former Communist Party MP Elena Bondarenco, which could not be corroborated by other evidence, especially given that the witness died in July 2022.

However, the prosecution authority confirmed that the criminal proceedings concerning allegations of illicit enrichment against the 13 former MPs are ongoing.

41. CASE illicit enrichment, former MP Vladimir Vitiuc

Charges: NIA discovered a variance of approximately 3 million MDL between the income reported and the actual income of former PDM MP Vladimir Vitiuc. He was also accused of orchestrating the defection of a group of 13 MPs from the PCRM to the PDM. Former PDM MP Vladimir Vitiuc was charged with illicit enrichment and active corruption (art. 330/2 para. (2) and art.325 para. (3) CC).

Case background: Vladimir Vitiuc was apprehended on February 2, 2022 on suspicion of illicit enrichment and active corruption.

On February 4, 2022, he was placed under preventive arrest, spending 2 months in custody (less than the others, as his defense cited complications from surgery during his detention). Subsequently, the preventive measure was changed to house arrest followed by the restriction to leave the country.

On December 28, 2022, the SCJ rejected NIA's appeal, upholding the decision of the Chisinau Cour of Appeal to invalidate NIA's fact-finding report on Vitiuc's assets.

In 2023, Vitiuc was reportedly recruited by the SIS while in preventive detention, and offered release and preservation of his assets in exchange for cooperation with the SIS. Consequently, he purportedly clandestinely recorded some meetings of the Shor Party.
On December 29, 2022, the Anti-Corruption Prosecution Office announced the discontinuation of charges against the individuals indicted for active corruption. The decision was based on the exhaustion of all legal avenues for evidence gathering, with prosecutors determining that the allegations did not meet the criteria for prosecution. Prosecutors also stated that the primary evidence for the active corruption charges was the testimony of the former Communist Party MP Elena Bondarenco, which could not be corroborated by other evidence, especially that witness Bondarenco died in July 2022.

However, the prosecution authority confirmed that the criminal proceedings concerning allegations of illicit enrichment against the 13 former MPs are ongoing.

42. CASE illicit enrichment, Adrian Candu, former Speaker of Parliament

**Charges:** Former Speaker of Parliament, Andrian Candu, faces charges of illicit enrichment (art. 330/2 para. (2) CC).

**Case background:** The criminal proceedings were initiated in March 2022 following a notification from NIA revealing disparities between Candu’s income and expenditures totaling 4.3 million MDL. This amount was traced back to the purchase of 4 buildings in Chisinau and the transactions on card accounts made in the country and abroad.

On July 12, 2022, the NAC and the AP conducted searches at Candu’s family residence and his three other properties. He was declared a suspect and interrogated at the NAC. Candu has not admitted guilt.

In April 2023, the AP communicated to mass media that Andrian Candu had been indicted for illicit enrichment. However, in order not to disrupt the ongoing evidentiary process and pending procedural decisions, the AP refrained from disclosing further details.

43. CASE false statements and illicit enrichment, former PDM MP Alexandru Jizdan,

**Charges:** Former Minister of Internal Affairs, Alexandru Jizdan, was suspected of making false statements and of illicit enrichment (art. 330/2 para. (2) and art. 352/1 para. (1) CC).

**Case background:** In 2021, the Prosecution Office of Chisinau municipality initially refused to initiate criminal proceedings against Jizdan. However, in June 2022, the acting Prosecutor General identified deficiencies in the actions of the municipal prosecutors, overturned the initial decision, and ordered the criminal proceedings to be conducted by PCCOCS prosecutors. Subsequently, the prosecutors initiated criminal proceedings against Jizdan, who was declared a suspect, though no restrictions were applied on him.

In October 2022, the Chisinau Court overturned the decision to initiate criminal proceedings, prompting prosecutors to appeal to the Chisinau Court of Appeal. The appellate court upheld the decision, thereby halting the ongoing criminal proceedings against the former minister, who was under investigation for illicit enrichment and false asset reporting. PCCOCS prosecutors closed the criminal proceedings on March 13, 2023.

Cases against judiciary actors

44. CASE illicit enrichment, Alexandru Gheorghies, former President of Balti Court of Appeal

**Charges:** The former President of Balti Court of Appeal, Alexandru Gheorghies, is accused of owning, through third parties, assets he had not reported in the declaration of assets and interests. These assets purportedly substantially exceed Gheorghies’ reported income (art. 330/2 para. (2) CC).
**Case background:** On November 16, 2021, the SCM authorized the apprehension, arrest and search of judge Alexandru Gheorghies, the then President of the Balti Court of Appeal. On the same day, Alexandru Gheorghies was apprehended following the searches conducted by the AP and SIS.

According to prosecutors, from 2014 onwards, the former judge allegedly possessed and used assets, through third parties, which were not reported in the declaration of personal assets and interests. These assets purportedly exceed the income he officially received while serving as a judge and include three luxury cars, a residential property and other real estate.

Gheorghies was apprehended and held in custody for 20 days, after which he was placed under house arrest for an additional 30 days. While he was under arrest, on December 1, 2021, at the request of the Prosecutor General's Office, the SCM suspended him from office.

On January 13, 2022, the Chisinau Court of Appeal provisionally released Gheorghies under judicial supervision for a period of 60 days. On March 25, 2022, the President of Moldova relieved Gheorghies of his duties based on his resignation.

On March 27, 2023, the Chisinau Court of Appeal overturned the SCM's 2021 decision to authorize Gheorghies' apprehension, arrest, and search and the decision to suspend him from office.

SCM challenged the decision of the Chisinau Court of Appeal in the higher court. Currently, the criminal case against Gheorghies is still at the criminal investigation stage.

45. **CASE illicit enrichment, Vladislav Clima, former President of Chisinau Court of Appeal**

**Charges:** The former President of Chisinau Court of Appeal, Vladislav Clima, is charged with illicit enrichment (art. 352/1 CC).

**Case background:** In March 2022, the Anti-Corruption Prosecution Office initiated criminal proceedings against Vladislav Clima, former President of Chisinau Court of Appeal, who shortly before had submitted his resignation to the SCM and resumed his lawyer practice. On April 11, 2022, the anti-corruption prosecutors searched Clima's home and car after obtaining the consent of the Board of the Lawyers Union. The Anti-Corruption Prosecution Office announced that no relevant objects and documents pertaining to the case under investigation were found and seized during the searches. No restrictive procedural measures were applied against the former judge.

In June 2022, NIA announced the completion of checks of the assets and personal interests of Vladislav Clima. NIA did not identify any discrepancies, omissions, or inaccuracies in the declarations of assets and personal interests submitted by Clima for the years between 2014 and 2021.

In April 2023, the AP communicated to mass media that Vladislav Clima had been formally charged with illicit enrichment. However, in order not to disrupt the ongoing evidentiary process and pending procedural decisions, the AP refrained from providing further details.

46. **CASE exceeding office duties, Rodica Antoci, suspended manager of NIA**

**Charges:** Rodica Antoci, the former manager of the National Integrity Authority, was charged with abuse of authority or exceeding office duties (art. 328 para. (3) item b) CC).

**Case background:** On January 27, 2022, Rodica Antoci's residence was searched on suspicion of committing the offence of abuse of authority or exceeding office duties. The criminal case was initiated based on an anonymous letter published in November 2021, alleging that Antoci misused public funds for personal gain.
47. CASE illicit enrichment, judge Oleg Melniciuc

Charges: Oleg Melniciuc, a judge at the Chisinau Court, faces charges of illicit enrichment and false statements (art. 330/2 para. (2) and art. 352/1 para. (2) CC).

The defendant, Oleg Melniciuc, purportedly provided incomplete or false information in his declaration of assets and personal interests during the years 2013-2017, while serving as a judge and Vice-President of the Chisinau Court (Rascani Office). Additionally, Melniciuc is accused of illicit enrichment, which involves possession of assets, both personally and through third parties, by a public official, with a value substantially exceeding the reported income.

Case background: The criminal case against Melniciuc was initiated in the summer of 2017 at the request of the Prosecutor General. The indictment was issued on October 9, 2018 by the Anti-Corruption Prosecution Office, and the case was sent for examination to the Chisinau Court (Centru Office), where Melniciuc was also employed, although he was on childcare leave. On October 10, 2018, the case was randomly assigned and for a year it was on the table of the Chisinau Court judges. However, following a decision by the Criminal Board of the SCJ on December 4, 2019, it was transferred to the Anenii Noi Court on the grounds that Melniciuc was employed as a judge in the Chisinau Court.

Despite being a defendant in two criminal cases and suspended by the SCM as a result, Melniciuc continued working at the Chisinau Court, as the Chisinau Court of Appeal overturned the SCM’s suspension decision in October 2019. On September 3, 2021, the judges at the Anenii Noi Court, Bender Office, decided to terminate the criminal case against Melniciuc regarding the offence under art. 352/1 para. (2) CC due to the expiration of the statute of limitations. In the case of illicit enrichment under art. 330/2 paragraph (2) of the Criminal Code, Melniciuc was sentenced to 7 (seven) years’ imprisonment to be served in a closed-type prison, with deprivation of the right to hold certain positions or engage in specific activities in the field of jurisprudence for 15 years from the date of the final judgment of conviction. Additionally, the court ordered the extended confiscation of currency valuables totaling 640,143 MDL, which represents the substantial difference between the acquired assets and the reported income received by Melniciuc and his family members, as well as money/ currency valuables amounting to 606 000 MDL. The sentence was appealed.

48. CASE illicit enrichment, Ion Druta, former President of SCJ

Charges: The prosecution against Ion Druta, the former President of the Supreme Court of Justice, was initiated based on a report by the SIS, which investigated the properties acquired by the members of the Druta family between 2016 and 2019, revealing a significant difference between these acquisitions and the reported income. Druta is accused of illicit enrichment (art. 330/2 para. (2) CC).

Case background: On September 23, 2019, the Acting Prosecutor General initiated criminal proceedings against SCJ judge Ion Druta under article 330/2 para. (2) of the Criminal Code for illicit enrichment. On September 24, 2019, the SCM authorized the removal of Druta’s immunity and the prosecutors from the Anti-Corruption Prosecution Office, jointly with the NAC, conducted searches at his office. The searches,
conducted while the judge was abroad, resulted in the seizure of money of unknown origin, an office computer and documents deemed relevant to the investigation.

On October 2, 2019, the Anti-Corruption Prosecution Office announced the apprehension of Ion Druta for 72 hours, after questioning him. The apprehension decision was determined by the items found during the searches of his office and residence that were deemed to potentially confirm the reasonable suspicion of illicit enrichment. On October 4, 2019, the Anti-Corruption Prosecution Office officially indicted Ion Druta and attributed him the status of defendant.

Furthermore, on October 30, 2019, the Anti-Corruption Prosecution Office seized several real estate properties and vehicles belonging to Druta, valued at 12.8 million MDL. On October 1, 2019, Druta submitted his resignation request, which was accepted by the SCM on October 24, 2019. Subsequently, on December 19, the Parliament unanimously approved his dismissal from the position of judge and president of the SCJ. Currently, Ion Druta has the status of a defendant. The criminal prosecution is ongoing, with actions being carried out in order to objectively and fully investigate the circumstances of the case.

49. CASE abuse of office, Viorel Morari, former head of Anticorruption Prosecution Office

Charges: Viorel Morari, the former head of the Anti-Corruption Prosecution Office, faces charges of abuse of office and forgery of public documents (art. 327 para. (2) items b) and b1) and art. 332 para. (2) item b) CC). He is accused of personally receiving a complaint from the former leader of PDM, Vladimir Plahotniuc, on December 26, 2016, in which the latter requested the criminal prosecution of Veaceslav Platon for a slanderous denunciation filed with the Directorate for Investigating Organized Crime and Terrorism in Romania. Plahotniuc's complaint was brought to the Anti-corruption Prosecution Office by Viorel Morari himself, who “forgot” about the complaint until March 2017. In March 2017, in an attempt to conceal his negligence and the delayed examination of Plahotniuc's complaint, knowing with certainty that the complaint did not meet the legal requirements, he instructed a subordinate to “correct the mistake” and retroactively register the complaint with the date of December 28, 2016. He issued a backdated decision for the examination of Plahotniuc's complaint. Additionally, he ordered the initiation of criminal proceedings against Veaceslav Platon for defamatory denunciation, backdating it to December 30, 2016. Furthermore, he instructed the subordinate prosecutor to draft orders establishing the competence of the Anti-corruption Prosecution Office to prosecute the case and forming a prosecution team. He assured the subordinate that backdating the registration of the complaint and the decision to initiate prosecution is a purely technical, insignificant matter, and as Chief Prosecutor, he took full responsibility, emphasizing the importance of the person who signed the complaint. Consequently, as a result of these actions, all complaints and statements filed by Veaceslav Platon against Plahotniuc, both prior and subsequent, were deemed false and slanderous by the Anti-Corruption Prosecution Office, without any intervention to verify the reported facts.

Case background: On December 26, 2019, the Prosecutor General, based on 2 reports received by the Prosecutor General's Office, initiated criminal proceedings for alleged abuse of office and forgery of public documents by the Chief Prosecutor of the Anti-Corruption Prosecution Office. On January 10, 2020, Viorel Morari was recognized as a suspect, questioned and apprehended.

In February 2020 the case was sent to court. In April 2021, lawyer Ion Crețu, representing Veaceslav Platon, requested the transfer of the criminal case against Viorel Morari from the Chisinau Court to another court of equal level. Ion Crețu argued that the actions of some judges examining Morari's case "raise suspicions of lack of impartiality". On May 19, 2021, SCJ judges rejected the request of Platon's lawyer. The SCJ decision is irrevocable. The case remains pending at the Chisinau Court. After 146 court hearings, many of which were postponed, the Chisinau Court has only completed the examination of one volume of the case (out of 7 volumes).
After questioning the initial prosecution witnesses who testified in favor of the defendant Morari, delays in the examination of the case began in the spring of 2021. Several motions for recusal of some members of the trial panel were filed, and judge-rapporteur Ana Cucerescu filed a request for abstention, alleging harassment by her two colleagues on the panel, Irina Paduraru and Vasilisa Muntean. After the rejection of judge Cucerescu's abstention request, the defendant Ceruta requested the recusal of panel chair Muntean. The recusal request was granted, leading to an adjournment of the trial until a replacement judge was appointed, who then requested time to acquaint himself with the case files. Subsequently, judge Paduraru went on maternity leave and a new panel was formed, with two new judges, and the examination of the case had to start from the beginning.

50. CASE coercion to testify, Mihai Ivanov, anticorruption prosecutor

Charges: Mihai Ivanov, a prosecutor in the Anticorruption Prosecution Office, spearheaded the prosecution of two prosecutors from the Ciocana Prosecution Office, Roman Clim and Eugen Tifoi, when it was headed by Ruslan Popov. The prosecutors were accused of extorting a bribe amounting to €200,000, potentially intended for Ruslan Popov. After Popov became the deputy of Prosecutor General Alexandr Stoianoglo, Clim and Tifoi filed a complaint against Ivanov, claiming that he had exerted psychological pressure on them to plead guilty (art. 309 CC).

Case background: On May 22, 2020, PCCOCS conducted searches in the office of the anti-corruption prosecutor Mihai Ivanov, during which only his computer was seized. Ivanov, who was on sick leave at the time, was not present during the searches. On September 4, 2020, the Cahul Court of Appeal deemed the searches in Ivanov’s office to be illegal. Ivanov said that the decision of the Cahul Court of Appeal indicated that the case had been fabricated to save the two prosecutors from criminal liability. On September 30, 2021, the SCP rejected the request of Prosecutor General Alexandr Stoianoglo to suspend Ivanov from his position. The charges against Ivanov were ultimately dropped, and the case against him was closed in 2023.

51. CASE alleged illegal actions related to the analysis and provision of information to the Pre-Vetting Commission (Iulian Muntean case)

Charges: The criminal proceedings were launched based on allegations of withholding information during the extraordinary evaluation of candidates for positions within the SCM. The individuals involved allegedly concealed that Muntean had been the subject of a criminal investigation conducted by NAC’s criminal investigation unit. Iurie Gatcan and Arcadie Rotaru, both NAC officers, were tasked with collecting, analyzing, and providing information to the Pre-Vetting commission. At the time of the alleged events, Gatcan was working in the Secretariat of the Pre-Vetting Commission and later became a member of the Vetting Commission. The specific article of the Criminal Code under which the criminal proceedings were initiated remains unclear.

Case background: On September 26, the Anti-Corruption Prosecution Office announced the initiation of a criminal case concerning the purportedly unlawful actions of certain NAC employees responsible for gathering, analyzing, and providing information to the Pre-Vetting Commission regarding the candidate for SCM, Iulian Muntean. The AP has not provided any updates regarding the progress of the criminal case.
Annex 2: List of Monitored Cases

Cases of interest to politicians:

52. CASE abuse of office and false statements, mayor of Nisporeni, Grigorie Robu

Charges: Grigorie Robu, mayor of Nisporeni, faces charges of abuse of office and false statements (art. 327 and art. 352/1 CC).

Case background: On September 19, 2023, during the election campaign for the general local elections, the mayor of Nisporeni, Grigorie Robu, a PDM member, was apprehended on suspicion of abuse of office and false statements. Two other officials were also apprehended, while another individual is being investigated in liberty. Robu and the other officials fully admitted their guilt. Robu was placed under house arrest. Following the searches conducted at the residence, offices, and cars of the involved individuals, documents and electronic devices were seized. The case is at the criminal investigation stage.

53. CASE embezzlement of funds intended for Ukrainian refugees, head of Medical and Social Assistance Directorate of Chisinau municipality, Boris Gilca

Charges: According to the NAC, over the past year, one of the temporary accommodation centers for refugees received goods totaling 100 million MDL from budget allocations and 8 international NGOs. The director of the NAC announced that when the accommodation center was set up, its staff, jointly with civil servants from the Medical and Social Assistance Directorate, reported false information on the distribution of aid, food, and non-food goods necessary for refugees using falsified signatures. A criminal case was initiated against Boris Gilca, the head of the Medical and Social Assistance Directorate, for abuse of office and embezzlement of external funds (art. 327 para. (2) item b1) and art. 332/2 para. (2) item a) CC).

Case background: The criminal case was initiated in February 2023. On May 4, 2023, Boris Gilca was apprehended, together with one of his subordinates, following searches. Subsequently, he was placed under house arrest. On August 18, 2023, Boris Gilca announced his resignation.

54. CASE violation of secrecy of correspondence (Telegram)

Charges: On November 9, 2022, Moldova-Leaks.com, a website created the day before, published several private Telegram conversations purportedly involving the then Justice Minister Sergiu Litvinenco. Two days later, the website released alleged conversations of current Prime Minister Dorin Recean, then advisor to President Maia Sandu on defense and national security and secretary of the Supreme Security Council (SSC). This was followed by leaked conversations of former MP Vadim Pistrinciu, the then Minister of Internal Affairs Ana Revenco, MP Dumitru Alaiba, and Ion Munteanu, acting Prosecutor General. In the conversations purportedly attributed to former Justice Minister Sergiu Litvinenco, he was discussing with some SCP members the support of Veronica Dragalin's candidacy in the competition for head of the Anticorruption Prosecution Office. Initially, Litvinenco claimed that all the leaked messages were fabricated, but later suggested that the information was taken out of context and truncated.

The administrators of Moldova-Leaks.com chose to remain anonymous but announced on the website that this was "the largest leak of private correspondence of high-ranking officials in Moldova" and that other leaks involving other officials would follow.

In November 2022, the PCCOCS initiated criminal proceedings related to the "illegal interception of computer data transmission" (art. 260/1 CC).
Case background: The case was initiated based on the complaints received from individuals who claimed violation of their rights. Yet, no final decision has been reached on this case so far. There are currently no individuals accused or suspected of hacking into the accounts of the public figures. Some of them have applied to be recognized as injured parties in the case. Rogatory commissions have been initiated in other countries, as the IP addresses are located abroad.

Initially, the prosecution of the case was overseen by prosecutor Ruslan Perevoznic, the son of Iurie Perevoznic, a former deputy of the suspended Prosecutor General Alexandr Stoianoglo. Subsequently, the case was transferred to prosecutor Alexandru Paun.

In August 2023, the PCCOCS stated that "the criminal proceedings on the case are ongoing, with individuals still being questioned and new evidence being gathered. Additionally, PCCOCS prosecutors have initiated inquiries in other countries, some of which have provided responses." The head of SIS mentioned during a TV talk show that the investigated actions were part of a campaign aimed at inflaming the situation in Moldova and undermining citizens’ trust in state institutions.

55. CASE abuse of office, Gheorghe Cavcaliuc (Petic case)

Charges: Six former employees of Directorate No. 5 of the National Investigation Inspectorate, including the former head of the General Police Inspectorate, Gheorghe Cavcaliuc, who has meanwhile become the leader of a new political party, PACE, have been charged with fabricating criminal cases against inconvenient individuals. Cavcaliuc is accused of having fabricated a case in 2018 involving allegations of rape against Gheorghe Petic, resulting in Petic being sentenced to 3.5 years in prison. Furthermore, individuals working in Directorate No. 5 were also accused of orchestrating the placement of dozens of cartridges for Kalashnicov machine guns in the car of a Moldovan citizen in 2018, just before the latter crossed the border into Ukraine. The citizen ended up with a criminal case, with implications for the national political landscape, as the victim was the chair of the Chisinau territorial organization of a political party at the time. Given that this case and Petic investigation involve similar facts and people who participated in both cases under investigation, the PCCOCS prosecutors have joined the cases.

Cavcaliuc faces charges of abuse of office, as well as false accusations, giving and inducing another to give false testimony, violation of privacy, and carrying and possession of ammunition (art. 327 para. (3); art. 311; art. 309; art. 177; art. 290 CC).

Case background: The criminal case was initiated on September 10, 2021. On October 5, 2021, 6 individuals were apprehended for alleged involvement in framing Gheorghe Petic for rape. On November 5, 2021, the former head of the GPI, Gheorghe Cavcaliuc, was summoned to the PCCOCS to be questioned as a defendant in Petic's case. Cavcaliuc, who had left Moldova, was charged in absentia. He subsequently sent a request to the PCCOCS asking for an international rogatory commission to be sent to the United Kingdom of Great Britain and Northern Ireland to give testimony.

On January 25, 2023, the PCCOCS announced the completion of the criminal investigation and requested authorization from the Ciocana Court to proceed with the prosecution in Cavcaliuc's absence. Concurrently, a material was published clearing Cavcaliuc. In this material, a former employee of Directorate No. 5 claimed that in 2021 he was forced by the PCCOCS to testify against Cavcaliuc in the Petic case.

INTERPOL declined to issue an international arrest warrant for Cavcaliuc, citing potential political overtones of the case. Subsequently, another case against two other individuals was split from the case against Cavcaliuc and sent to court on February 23, 2022. Another case involving charges against three individuals was split on April 13, 2022 and sent to court on April 22, 2022.
56. CASE passive corruption and influence peddling, former mayor Dorin Chirtoaca

**Charges:** The former mayor of Chisinau municipality, Dorin Chirtoaca, is currently on trial for passive corruption and influence peddling in the interest of an organized criminal group or organization (art. 42 para. (2); art. 326, para. (3) item a); art. 324 para. (3) items a), b) CC).

**Case background:** The criminal case against Dorin Chirtoaca was initiated on September 25, 2015. On May 26, 2017, he was apprehended by prosecutors on charges of influence peddling. Chirtoaca was indicted for allegedly instructing the deputy mayor of the capital, who chaired the tender commission for construction of parking lots in Chisinau municipality, to sign the contract with EME PARKLEITSYSTEM GmbH without the approval of the Chisinau Municipal Council. The case was sent to court on July 21, 2017. Chirtoaca was held in custody till November 10, 2017, after which he was released under judicial supervision. During the proceedings, Chirtoaca was suspended from his position as mayor of Chisinau. On December 22, 2022, he was acquitted by the first instance court in the paid parking case. He himself announced the verdict on his Facebook page, attaching a copy of the judgement. According to the operative part of the judgement, the court found "significant indications of deviation from the principle of procedural loyalty, the principle of loyalty in obtaining evidence, and the principle of establishing the truth" during the criminal proceedings.

The Anti-Corruption Prosecution Office announced its intention to appeal the verdict. The appeal was registered at the Chisinau Court of Appeal on January 27, 2023. The first hearing, scheduled for May 17, 2023, did not take place due to the inability to form a judicial panel.

57. CASE forgery and money laundering, Chiril Lucinschi

**Charges:** Former PLDM MP Chiril Lucinschi is on trial for making false statements and money laundering (art. 42 para. (2); art. 243 para. (3) item b); art. 352/1 para. (1) and para. (2) CC).

**Case background:** Former PLDM MP Chiril Lucinschi was accused of laundering large sums of money between 2012 and 2014 through three companies belonging to him, as well as through several offshore companies and intermediaries. More specifically, the off-shore companies, under fictitious consultancy contracts, transferred $440,000 to the accounts of the non-resident company IPA International Project Agency in Liechtenstein. Tracing the money flow, prosecutors found that the funds originated from the non-performing loans taken between 2012 and 2014 from BEM, Unibank, and Banca Sociala through offshore companies. Additionally, in 2013, Toast Delux LLC, allegedly under Lucinschi’s control, purportedly obtained an unsecured loan of 5,000,000 MDL from Unibank. Subsequently, the funds were converted and transferred through various companies to a non-resident company. The $401,650 ended up on the accounts of Rousseau Alliance LP, which transferred the money to Banca de Economii to offset the bad loans. Lucinschi was arrested on May 25, 2017, and 2 months later, on August 1, 2017, the case was sent to court. He spent 10 months under house arrest. On April 4, 2018, the first instance court sentenced him to 5 years and 6 months in a semi-custodial prison, with a 4-year ban on holding public office. However, on July 9, 2021, the Chisinau Court of Appeal sent the case back for reconsideration. The case was assigned to judge Ion Morozan, who scheduled a single hearing within a year and a half for September 19, 2022. As of November 28, 2022, all hearings were adjourned, and after judge Ion Morozan submitted his resignation, the case was transferred to judge Djeta Chistol. The new panel scheduled 18 court hearings beginning in January 2023, but all of them were adjourned or failed to take place.
58. CASE bank fraud, Gacikevici,

Charges: Former president of BEM, Grigore Gacikevici, is prosecuted for violation of lending regulations and policies (art. 239 para. 2 item a) CC).

Case background: The case dates back to May 22, 2015, when Gacikevici was apprehended in connection with a criminal investigation into violation of lending regulations. He was accused of helping two companies to obtain a fraudulent loan exceeding two million EUR. He was subsequently released from custody. On November 30, another case was initiated against Gacikevici, this time for alleged violation of lending regulations to help other three companies obtain loans totaling 260 million MDL. On December 1, Gacikevici was apprehended again. In total, he spent over two years in preventive detention. In 2017, Gacikevici was apprehended again and later released. Former Prosecutor General Eduard Harunjen announced in 2018 that a total of 17 criminal cases had been initiated against Gacikevici. However, the former president of BEM might avoid punishment due to the statute of limitations for the offences he is charged with, which stands at 15 years from the time they were committed. The first case was sent to court in March 2013, and 4 other criminal cases were joined to the original criminal case, the last one being joined in 2019. On June 15, 2018, the prosecution authority announced that it had sent to court a case against Gacikevici and four other members of BEM’s Credit Committee, accused of granting non-performing loans to 52 companies between 2007 and 2012, totaling about 2.2 billion MDL. The assets pledged by those companies were deliberately overvalued. The case remains pending in the first instance court.