



DECLASSIFIED¹

AS/Mon(2016)07

14 April 2016

amondoc07_2016

or. Engl.

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by the Republic of Moldova

Information note by the co-rapporteurs on their fact-finding visit to Chisinau (22-23 February 2016)

Co-rapporteurs: Ms Valentina LESKAJ, Albania, Socialist Group, and Mr Ögmundur JÓNASSON, Iceland, Group of the United European Left

I. Introduction

1. We paid a fact-finding visit to Chisinau on 22-23 February 2016; this was our first visit as newly appointed co-rapporteurs for the honouring of obligations and commitments by the Republic of Moldova. Given the changing political context, our visit focused on the latest political developments and the implementation of [Resolution 1955 \(2013\)](#). As a follow-up to the action undertaken by the Monitoring Committee and the former Chairperson's visit², we also decided to enquire about the cases of Mr Filat, former Prime Minister, and Mr Petrenco, former PACE member, who were both, at that time, in pre-trial detention. We issued a statement at the end of our visit, stressing the need for credible reforms to be undertaken by the country (see Appendix 1).

2. We very much appreciated the assistance provided by the Moldovan authorities and their goodwill. We should like to thank Ms Palihovici, Head of the Moldovan Delegation to the PACE and all the delegation members, as well as the Secretariat of the delegation for facilitating our meetings and ensuring the smooth organisation of our visit. We would also like to extend our thanks to José-Luis Herrero, Head of the Council of Europe Office in Chisinau, and his team, whose assistance in arranging the meetings with media and NGO representatives was very valuable and appreciated.

3. During our visit, we met the Speaker of Parliament, the Ministers of Justice and Internal Affairs, the Deputy Prime Minister for Reintegration as well as the Deputy Minister of Foreign Affairs and European Integration. We met Mr Filat, Mr Petrenco and their respective lawyers, the director of Prison No. 13, the General Prosecutor and the Director of the National Anti-corruption Centre. Discussions were also held with leaders of political parties, the Moldovan delegation to PACE, representatives of the international community and NGOs, in order to understand the current dynamics in the country.

4. This information note will refer to the most important developments since the last information note by the previous co-rapporteurs, Ms Christoffersen (Norway, SOC) and Mr Wach (Poland, EPP/CD) published in July 2015.³ During our visit, we also took stock of the state of play of the settlement of the Transnistrian conflict which, given the political crisis in Chisinau and recent elections in Tiraspol, had not progressed much in recent months, but was to be revived in spring 2016. This issue will be the focus of our next visit to the country.

¹ Document declassified by the Monitoring Committee at its meeting on 21 April 2016.

² See [Stefan Schennach's statement](#) entitled "Republic of Moldova: Vlad Filat and Grigore Petrenco entitled to fair trials free from political interference", 26 December 2015.

³ See Doc [AS/Mon \(2015\)20 rev](#), 13 July 2015.

II. Latest political developments

5. The Parliamentary Assembly, in its 2013 resolution, and later the Monitoring Committee, raised serious and constant concerns about the politicisation of State institutions, the lack of independence of the judiciary, the need to reform the prosecution office and to strengthen the independence of the National Anti-corruption Center. These shortcomings had resulted in declining trust in politicians and the judiciary. This was confirmed to us by various interlocutors, including representatives of civil society, who expressed their deep concern, mistrust and lack of confidence in the parliament, government and other State institutions. There was also a widely-shared feeling that the country has been “captured” by oligarchs who are perceived as controlling a significant number of political stakeholders and officials, including in the justice system, media and the economy, which could prove devastating for the democratic foundations of the country. The recent bank scandal (see below) – in which one billion dollars was claimed to have disappeared from the banks – has added to this frustration – if not despair – of citizens. Some of the younger, better educated persons saw no other option than to leave the country to find a brighter future, which in turn will have a negative long-term impact on the Republic of Moldova.

6. The economic situation has also deteriorated in the last two years, with a lack of economic growth⁴, double-digit inflation, a continued Russian embargo on Moldovan products and the decrease of remittances sent by Moldovans working abroad (which amount to 25% of GDP). The Speaker of the Parliament acknowledged that these factors had had an impact on the currency and on salaries, making citizens’ life more difficult than before.

7. This frustration has brought tens of thousands of people onto the streets in recent months, especially since the bank scandal erupted at the beginning of 2015. Tent camps were set up by the promoters of “Our Party” – *Partidul Nostru* (Mr Usaitii) and the Party of the Socialists (Mr Dodon) in front of the parliament building on the one hand, and, to a lesser extent, by the founders of the Civic Platform “Dignity and Truth” in front of the government buildings. Large-scale demonstrations have been organised since spring 2015 by the opposition, in the aftermath of the bank scandal, demanding early elections, direct election of the President of the Republic, and against oligarch and member of the Democratic Party Vlad Plahotniuc being appointed Prime Minister. Some counter-demonstrations were also organised by the Democratic Party to support the ruling coalition and European integration. Demonstrations and camps have remained peaceful for the moment (for which the Ministry of the Interior should be commended).

8. The last mass demonstration took place on 25 January 2016 when between 15 000 and 40 000 people peacefully demonstrated. The joint action of Mr Dodon (Socialist), Mr Usatii (“Our Party”) and Mr Nastase (Dignity and Truth Platform), who don’t share the same political visions, raised questions. The protesters adopted a resolution demanding the organisation of direct elections for the Head of State; the dismissal of the heads of the Central Election Commission, the National Anti-corruption Centre and the National Integrity Commission, the dismissal of the Prosecutor Generals and of the Governor of the National Bank of Moldova; the release of former MP Grigore Petrenco, the dissolution of the parliament and the organisation of early elections.

9. We noted that the camps on public ground and the mass demonstrations had been handled peacefully so far. We discussed with the Interior Minister the action undertaken during the mass protests, which had brought tens of thousands of people onto the streets in recent months, which, however, culminated in violent protests on 20 January 2016 in front of the parliament when the government was approved, resulting in policemen and some protesters being injured. We invited the police forces to show further restraint, and refrain from using excessive force. We urged that all allegations of police misconduct, including fabricated evidence, be convincingly investigated in order to ensure trust in the police. We were assured that every measure would be taken to guarantee citizens’ freedom of assembly and freedom of expression. In this context, we hope that the authorities will also refrain from undertaking any legal action against protesters which could have a chilling effect on critical voices.

10. Despite the on-going political turmoil, the Moldovan authorities in power pursued their European integration agenda, which was demonstrated by the adoption (without the support of the opposition) of a “Declaration on the stability and modernisation of Moldova” by the parliament on 25 February 2016. The authorities expressed their commitment to the implementation of the Association Agreement, including a Deep and Comprehensive Free Trade Area (AA/DCFTA), signed in 2014. However, the difficult economic

⁴ According to the World Bank forecast, GDP growth was expected to be 0.5% in 2015. Despite a sharp decline in national poverty (from 30.2% in 2006 to 16.6% in 2012), the Republic of Moldova remains one of the poorest countries in Europe. <http://data.worldbank.org/country/moldova> and <http://www.worldbank.org/en/country/moldova/overview>.

situation, marked by the follow-up to the bank scandal, had slowed down the reform process and postponed the financial assistance expected from the International Monetary Fund (there has been no Agreement with this institution since 2015) and the European Union, which await a stabilisation and consolidation of the banking system. At the same time, due to the political crisis, NGOs noted that the support of the public for EU integration dropped from 78% in 2007 to 40% today.

11. Moldovan politics remain subject to external influence. Previous reports and information notes by the Monitoring Committee referred to the geopolitical dimension of domestic politics. In recent months, given the political stalemate, unionism (calling for reunification with Romania) seems to have gained support, according to local opinion polls.⁵ On 27 March 2016, a “March of the Unionists” was organised to commemorate the 98th anniversary of the union of Bessarabia with Romania (“Unirea”) as well as a congress, with the participation of 1 725 delegates from the two States, which founded the “Council of the Country-2” (*Sfatul Tarii-2*) to “prepare unification of ‘the two Romanian states’ by March 2018”. This prompted the parliament, at the initiative of the Party of the Communists, to adopt on 31 March 2016 a statement on the inviolability of the sovereignty, independence and permanent neutrality of the Republic of Moldova which was carried by the votes of 62 Communist, Socialist, Democratic and former Communists MPs.⁶ A counter-demonstration (March for the Moldovan Statehood) was organised in Comrat on 2 April 2016; the Autonomous Territorial Unit of Gagauzia-Yeri opposes reunification with Romania and would, in that case, seek independence from the Republic of Moldova, as indicated in the illegally-held referendum of February 2014.

a) Political reshuffle in the parliament

12. The “hunting accident” (December 2012)⁷, the subsequent dismissal of Filat’s government (April 2013) and the eruption of the bank crisis (end of 2014) destabilised the pro-European coalition partners, and stirred political instability (4 Prime ministers and 2 acting Prime ministers were appointed since April 2013). The detention of former Prime Minister and current MP Vlad Filat, Head of the Liberal Democratic Party, on 16 October 2015 further exacerbated the mutual mistrust among the coalition partners. This made it practically impossible for the three parties to find an agreement and form a governing coalition. On 30 October 2015, the government which had been formed by LDPM member Valeriu Streleț on 30 July 2015 was challenged by a vote of confidence in the parliament. Mr Streleț’s government was dismissed after the Democratic Party decided to vote against its coalition partner. Gheorghe Brega was appointed acting Prime Minister until a new government with a parliamentary majority could be formed.

13. On 21 December 2015, 14 Communist MPs decided to quit the Communist fraction and join Mr Lupu’s Democratic Party. They agreed to form together a “Social-Democratic Platform”.

14. The President of the Republic, who had declined to nominate, as a candidate for the post of Prime Minister the oligarch Vlad Plahotniuc proposed by the Democratic Party, appointed on 22 December 2015 Ion Sturza. On 4 January 2016, however, due to lack of a quorum, the parliament was unable to vote on the cabinet submitted by Mr Sturza.

15. The Democratic Party managed to gather a parliamentary majority after 7 MPs from the Liberal Democratic Party decided, on 11 January 2016, to join the parliamentary majority, in an attempt to ensure that “Moldova would pursue its European course and avoid early elections”. Mr Lupu announced that he then had the parliamentary majority needed to form a government comprising 34 “Social Democrats”, 13 Liberals, 7 Liberal Democrats and 1 former Liberal Democrat (securing 55 seats in parliament).

16. On 13 January 2016, the Democratic Party again proposed Mr Plahotniuc for the post of Prime Minister. This proposal was rejected by President Timofti, who, based on a ruling of the Constitutional Court

⁵ In 2015, only between 7.5 to 15 percent of Moldovans favored unity with Romania (<https://euobserver.com/beyond-brussels/127824>). It amounted about 20% in 2016.

⁶ <http://www.ipn.md/en/politica/75692>

⁷ On 23 December 2012, about 30 persons, including magistrates and officials, took part in an illegal hunt in Domneasca Forest natural reserve. A Moldovan businessman was accidentally killed. It emerged that the General Prosecutor Valeriu Zubco, who took part in this hunt, did nothing to report the killing to the authorities and hid his weapon. The then Prime Minister Mr Filat, asked for the resignation of the General Prosecutor. The Democratic Party, which had nominated Mr Zubco, and the Liberal Party, then ordered a wider anti-corruption investigation, including into Mr Filat’s Liberal Democratic Party and into the country’s banks. A vote of no-confidence (on suspicion of corruption) was requested by the Democratic Party and – with the votes of the Communist MPs – was passed, resulting in the dismissal of Mr Filat’s government on 8 March 2013.

of April 2013⁸, considered that this candidate “did not meet the integrity requirements”. The President left it to 14 January for the majority to propose a new candidate.

17. In the meantime, after the Democratic Party decided to maintain Plahotniuc as its candidate, the 7 members of the Liberal Democratic Party withdrew from the parliamentary majority gathered by Mr Lupu. The President asked the Democratic Party to reconfirm its majority, which the party declined to do. In the evening, President Timofti proposed Ion Păduraru, Secretary General of the Presidential Administration, for the post of Prime Minister.

18. On 15 January 2016, a declaration signed by 55 MPs attested that a new parliamentary majority could be formed and was ready to appoint Pavel Filip to the post of Prime Minister. In these circumstances, Ion Păduraru decided to withdraw his candidature.

19. On 20 January 2016, the parliament approved the nomination of the government of Mr Pavel Filip, with 57 votes, out of 68 MPs present. As the Socialist MPs blocked the rostrum, protesting against the nomination procedure, the Speaker decided to instigate a fast-track approval of the proposed government: after Mr Filip briefly presented his cabinet, the parliament proceeded to vote, without a presentation of the programme of the government or the possibility for MPs to ask the candidates questions. As the majority feared that the newly appointed government could be prevented from taking office, it was decided to organise the oath ceremony in the office of the President of the Republic that very (late) night, in the absence of the two *de facto* members of the government (i.e. the Governor (*Bashkan*) of the Autonomous Territorial Unit of Gagauz-Yeri and the President of the Science Academy), who could not be informed on time, and without any media presence, which was unusual for such a ceremony.

20. The formation of this parliamentary majority raised many questions and concerns about the motivation of this “political nomadism”: The quitting of the 14 Communist MPs in December 2015 triggered heavy criticism from Mr Voronin, Head of the Party of the Communists, who claimed (to us) that these deputies had been “bought”. However, despite many allegations and complaints, we note that no criminal investigation for political corruption was initiated or concluded, due to lack of formal complaints.⁹

21. The shifting of political affiliation of about a quarter of the Moldovan parliamentarians within a few weeks, in a context marked by the strong influence of business interest on political parties, has raised questions and criticism. We would like, in this context, to recall that the Assembly recently stated that “in Council of Europe member States, imperative mandates are prohibited and parliamentarians are free to exercise their mandates as they see fit. Nevertheless, the mandates are moral contracts between voters and the parliamentarians, based on the principles, values and opinions championed in their election manifestos. Switches in political affiliation after elections therefore raise questions and criticisms – in particular in ethical and moral terms – relating to political opportunism, potential threats to public confidence in the political class and the internal discipline of political parties.”¹⁰

22. These political moves also had an impact on the Moldovan delegation, which could not be completed by the beginning of the January 2016 part-session; the Liberal faction could not have its representatives appointed in the delegation within the deadlines provided by the Assembly Rules. The credentials of the delegation were subsequently challenged on procedural grounds, during the January 2016 part-session, on the ground that the incomplete composition of the delegation did not allow fair representation of the political parties or groups represented in the Moldovan Parliament.¹¹ The Assembly established that the composition of the Moldovan delegation “did not comply with the principles set out in Rule 6.2 of the Rules of Procedure” and decided “to ratify the Moldovan parliamentary delegation's credentials and [requested] that the Parliament of the Republic of Moldova present the updated list of the delegation's composition, in line with Rule 6.2.a of the Rules of Procedure, before the beginning of the Assembly's part-session in April 2016”. We

⁸ On 22 April 2013, the Constitutional Court excluded Mr Filat's candidacy for the post of Prime Minister as he had been dismissed by the parliament on suspicion of corruption. The Court stated, as a principle, that “any political mandate has to be based on high standards of integrity. (...) The appointing to/ holding of leading positions by individuals who have had doubt cast on their integrity implies a disrespect for the rule of the State law”.

See: <http://www.constcourt.md/libview.php?l=en&id=428&idc=7>.

⁹ Communist MP Elena Bondarenco had stated on a TV show that she had been proposed money and positions by a parliamentary party in exchange for leaving the faction she is member of. The National Anti-Corruption Centre launched an investigation, which could not be concluded, as Ms Bondarenco failed to appear at NAC hearings to which she had been summoned on several occasions in March 2016.

¹⁰ [Resolution 2037 \(2015\)](#) on Post-electoral shifting in members' political affiliation and its repercussions on the composition of national delegations, paragraph 2.

¹¹ See [Resolution 2092 \(2016\)](#) on the Challenge on procedural grounds of the still unratified credentials of the parliamentary delegation of the Republic of Moldova and [Doc. 13962](#).

were pleased to learn that the Moldovan parliament submitted a completed delegation for the PACE April 2016 part-session, that should enable the Moldovan delegation to play a full and active role in the Assembly in 2016.

23. The approval of the new government by the newly formed coalition was followed by incidents which occurred during the evening of 20 January 2016 in front of the parliament. Demonstrators managed to break into the parliament building before being contained and expelled from the building, resulting in casualties, and in policemen and some protesters being injured. We discussed with the Interior Minister the action undertaken during the mass protests. While acknowledging that the police faced challenges to maintain public order in a heated and polarised situation, we invited the police forces to show further restraint and refrain from using excessive force. We urged that all allegations of police misconduct be convincingly investigated in order to ensure trust in the police. We were assured that all measures would be taken to guarantee citizens' freedom of assembly and freedom of expression. The General Prosecutor Mr Gurin opened a criminal case on mass disorder, and launched criminal investigations to identify the people who had incited protesters to violence.

24. On 23 January 2016, the Constitutional Court rejected the complaint lodged by the Socialists who challenged the approval of Mr Filip's government. The Constitutional Court considered that the decision of the Parliament to approve the Government was the expression of the MPs' will and is a political action. Thus, the voting could not be examined from the constitutional point of view.

25. On the same day, the Liberal-Democratic Party excluded the 7 MPs who had joined Mr Lupu's position on 11 January 2016 and decided to join the ranks of the opposition.

26. On 29 January 2016, the Speaker of the Parliament Mr Candu formulated a number of proposals to address the demands of the protesters, who, however, declined the invitation to discuss them. Mr Candu indicated that the parliament would be ready to examine an initiative to hold a referendum on the direct election of the head of state during the first sitting of the spring session; he noted that the members of the Central Election Commission would soon be replaced, as their terms in office expired in February 2016. The Speaker announced that the parliament intended to reform the National Anticorruption Centre and the National Integrity Commission; their heads and administration would be chosen in a contest. The Prosecutor General's Office was currently being reformed and the appointment of a new prosecutor general would follow new rules. A new governor of the National Bank of Moldova was to be named in February 2016. Concerning the release of former MP Grigore Petrencu, Mr Candu stressed that any involvement of the parliament in this judicial case would be illegal. However, he mentioned the possibility to set up a parliamentary sub-committee, to be chaired by the opposition that would supervise this case in cooperation with the foreign partners and civil society so as to avoid abuses. Finally, he recalled that the parliament has no legal basis to self-dissolve, following a ruling of the Constitutional Court. The possibility of early elections could be discussed in case the parliament would not be able to elect a new head of state during spring.

b) *Decision of the Constitutional Court, reinstalling the direct election of the President of the Republic*¹²

27. On 4 March 2016, the Constitutional Court issued a milestone decision that followed the complaint lodged on 12 November 2015 by 18 MPs from the Liberal Democratic Party of Moldova (which, at that time, was still part of the ruling coalition) at the initiative of our colleague Mr Ghilechi. The Constitutional Court declared that the constitutional amendment adopted in 2000 (which introduced the election of the President by the parliament by a three-fifths majority, i.e. 61 votes) was unconstitutional, because it differed from the proposed amendment which had been submitted to and validated by the Constitutional Court prior to its examination in the parliament (which then required that the President be elected with 51 votes). The Constitutional Court added that this decision "does not represent basis to recognise the acts adopted by the President elected based on the provisions of Article 78 [or the President *ad interim*] [as] unconstitutional". The Constitutional Court, which had been solicited on different occasions on the interpretation of article 78 for example, decided to reverse this constitutional amendment 16 years after its adoption, which, in the absence of deadlines to introduce challenges to the Constitutional Court, raises questions about legal security, as mentioned by the Venice Commission on earlier occasions.¹³

¹² Decision of the Constitutional Court of 4 March 2016, "Constitutional Court of Moldova has restored the right of citizens to elect the President" <http://www.constcourt.md/libview.php?l=en&idc=7&id=759&t=/Overview/Press-Service/News/Constitutional-Court-of-Moldova-has-restored-the-right-of-citizens-to-elect-the-President>.

¹³ Concerning Ukraine, the Constitutional Court of Ukraine adopted on 30 September 2010 a decision whereby it declared the 2004 Law on the amendment to the Constitution No. 2222 unconstitutional and required that laws subsequently adopted be brought in line with the previous Constitution of 1996. The Venice Commission stated, in 2014 (see [CDL-AD\(2010\)044](#)), that "the reinstatement of the 1996 version of the Constitution by a judgment of the

28. This decision paved the way for the direct election of the President of the Republic, which fulfilled one of the pressing demands of the demonstrators and – seemingly, according to polls – of a large majority of the population. The mandate of the current President, Mr Timofti, expired on 23 March 2016. The Constitutional Court ruled on 17 March 2016, based on its ruling of 14 December 2000 that the President of the Republic would remain in office until the election of a new President.¹⁴ A cross-party working group has been established by the parliament to draft the necessary amendments to align the electoral framework with the decision of the Constitutional Court, and prepare for direct elections. This ad hoc parliamentary committee submitted a bill amending the Electoral Code on 8 April 2016, which would require a presidential candidate (whether a political party representative or an independent candidate) to raise, within one month, 15 000 citizens' signatures from at least a half (i.e. 18) of the country's administrative-territorial units in order to be registered by the Central Election Commission; the bill reduces the presidential campaign from 90 to 60 days. It would revise the minimum age from 35 to 40 years old¹⁵. Candidate would need to have lived, or have been living, in the country not less than 10 years. The authorities sent the draft Law on changes to the Electoral Code to the Venice Commission for opinion.

29. On 31 March 2016, the parliament decided to fix the date of this election to 30 October 2016, a decision which was immediately questioned by the President of the Socialist Party, who considers it should be held in June. On

30. The legal solution by the Constitutional Court will avoid a potential political crisis, provided a three-fifths majority can be reached in parliament to elect the President. *Pro memoria*, the Assembly had repeatedly asked that Article 78 of the Constitution be amended, because it could lead to political deadlock (as it did in 2009-2012). During our visit, we were informed that there were two other initiatives to change the system of electing the President of the Republic:

30.1. On 17 February 2016, a motion was tabled by 37 Socialists and LDPM MPs to change the constitution. However this proposal was dismissed by the Constitutional Court on 29 February 2016, because it would have prevented the Constitutional Court from its exclusive competence to ascertain the circumstances that justify the dismissal of the Moldovan President.

30.2. The representatives of the Platform "Dignity and Truth" that we met during our visit informed us that they had started to collect signatures of citizens, in order to initiate a constitutional referendum that would submit the proposal of direct election of the President of the Republic, decrease of the number of members of parliament (from 101 to 71 MPs) and lift the immunities granted to MPs. However, on 30 March 2016 the Central Election Commission dismissed this initiative on the ground that the petitioners failed to comply with the constitutional provisions which state that "a revision of the Constitution may be initiated by a number of at least 200 000 voting citizens of the Republic of Moldova. (...) [covering] at least a half of the territorial-administrative units of the second level, and in each of these units must be registered at least 20 000 signatures in support of the said initiative".¹⁶ The 400 000 signatures collected failed to fulfill this second requirement. The initiators of the petition reacted to this decision by announcing that they would seize a national court to challenge this decision, considering that it was unrealistic to require 20 000 signatures from each of the 18 territorial-administrative units for initiating a referendum, in line with the constitutional rules established in the year 2000, while the number of territorial units increased since then (there were 12 units in the year 2000, compared to 37 today), and the country's population had almost halved since then.¹⁷

c) Recent legislative changes

31. In this changing political environment, the parliament resumed its work in mid-February and initiated a series of important legislative changes to bring forward much needed and expected reforms, with a view to stabilising the institutions of the country and securing the bank system (in order to reach an agreement with the IMF).

Constitutional Court of Ukraine raises questions of the legitimacy of past actions, as the institutions of Ukraine worked for several years on the basis of constitutional rules later declared unconstitutional (...) The working of the main state organs is now based on rules changed by a court and not on rules changed by the *Verkhovna Rada*, as a democratically legitimate body". In 2014 (CDL-AD(2014)037), the Venice Commission also recalled that "a constitution (...) is not only a temporary political act: it is the legal foundation of the state. Amendments to the constitution should be sustainable and the constitution should be stable also in the longer perspective".

¹⁴ <http://www.ipn.md/en/politica/75396>.

¹⁵ This requirement would prohibit Our Party leader Renato Usatii, aged 37, from running in the election.

¹⁶ Article 141.1 of the [Moldovan constitution](#).

¹⁷ See <http://www.moldova.org/en/electoral-commission-moldova-rejected-initiative-constitutional-referendum/> And <http://www.ipn.md/en/politica/75705>.

31.1. On 25 February 2016, the parliament adopted a much expected Law on the Public Prosecutor's Office – which was one of the accession commitments signed by the Republic of Moldova. This draft law was examined by the Venice Commission in its 2015 Opinion¹⁸. The adopted text is a significant step forward to limit the prosecutors' powers to the criminal procedure sphere, to increase the independence of the prosecution service from the executive and the judiciary, as well as from any political or other interference. It provides for additional guarantees for the internal autonomy of prosecutors, reduces hierarchical control over the work of the lower level prosecutors, and improves the mechanism for the appointment of the Prosecutor General. This text should also secure the genuine participation – instead of mere consultation – of the authorities of the Autonomous Territorial Unit Gagauzia-Yeri, which are now required for the appointment of the local Chief Prosecutor, in line with the recommendations of the Venice Commission. The appointment of the General Prosecutor in line with the new law requires the constitution to be amended.¹⁹ After the adoption of the new law, Mr Gurin, General Prosecutor (whose mandate expires in April 2018), tendered his resignation as from 1 March 2016, which was accepted by the parliament. It is yet to be clarified whether the new General Prosecutor will be elected, according to the old or the new law (i.e. by selection by the Superior Council of Prosecutors through public competition and for a single seven year mandate), provided that the constitution can be amended by then.

31.2. On 26 February 2016 the parliament adopted the law on the amendment and completion of the Audiovisual Code (81 votes in favour) which aims at limiting media concentration: a private person or legal entity will only have the right to hold 2 broadcasting licences at the most, instead of 5, in the same administrative and territorial unit, and a person will be able to finance only one TV station. This is a step which we welcome.

31.3. The parliament adopted a law on preventing corruption of civil servants ("integrity package"), a law on the banking system regulations and the Law on the Moratorium on State Inspections to limit the methods by which the state can abusively intervene in entrepreneurial activity.²⁰

31.4. We were also informed that a bill related to the Code of Ethics and Conduct for members of parliament was introduced on 5 April 2016.²¹ The adoption of such a code would be a positive step, as this issue has been pending since 2013.

31.5. A new Governor of the National Bank, Sergiu Cioclea, was appointed on 11 March 2016 by the parliament (with 61 votes) for a seven year mandate.

31.6. On 18 March 2016, the Speaker of the parliament Mr Candu initiated a procedure for nominating a new composition of the Central Election Commission (CEC). According to the Speaker, the parliamentary majority should propose five members to the CEC, and the opposition three members; he also proposed that the Head of the CEC be nominated by the representatives of the opposition.

32. Finally, we welcome the setting-up of the working group on the harmonisation of the Moldovan legislation with the Statute of the Autonomous Unit of Gagauzia-Yeri, as well as the continuation of institutional dialogue between the authorities in Chisinau and Comrat.

33. We encourage the authorities to focus on the implementation of the adopted laws in conformity with Council of Europe standards. There is also an urgent need to continue to reform the judiciary and to strengthen the independence of the justice system. In the light of our discussions with the Minister of the Interior, we believe that further reform of the State Police is necessary, especially improvement in working conditions and pay, which is at the lowest level. This would increase the motivation of the police and their capacity to fight corruption.

III. Conditions in prisons

34. Following the fact-finding visit paid by former Chairperson of the Monitoring Committee Mr Schennach to Chisinau on 21-22 December 2015, we decided to follow the cases of former Prime Minister Mr Filat and former PACE member Mr Petrenco, whose detention conditions raised concern. Mr Schennach's statement

¹⁸ [CDL-AD\(2015\)005](#), Joint Opinion on the draft Law on the Prosecution Service of the Republic of Moldova, adopted by the Venice Commission at its 102nd Plenary Session (Venice, 20-21 March 2015).

¹⁹ See Article 125 of the [Moldovan constitution](#).

²⁰ The Center for the Analysis and Prevention of Corruption (CAPC) appraised the vulnerability of this law. It regretted on 30 March 2016 that the bill had been insufficiently debated by the civil society and that it lacked an impact-assessment.

In <http://www.ipn.md/en/economie-business/75671>.

²¹ <http://tribuna.md/en/2016/04/05/codul-de-etica-si-conduita-a-deputatului-in-parlament-propus-spre-aprobare/>.

of 22 December was followed by a letter on 11 January 2016, to which the Minister replied on 22 January 2016.

a) Overall consideration

35. It is to be commended that we were given permission to visit Remand Penitentiary No. 13 in Chisinau without any restrictions. We had extensive and frank talks with the Minister of Justice, who was present during our visit, and with members of the prison administration, on prison conditions in general, and possible ways to improve the current situation.

36. There was widespread consensus within the national authorities that the state of prisons in the Republic of Moldova, and especially Prison No.13 in Chisinau, is problematic.

36.1. The Minister acknowledged that this prison is below international standards, and should be replaced by a new prison, to be built with the assistance of the Council of Europe Bank for Development. A call for tender has been issued, and the construction was expected to start in 2017.

36.2. The poor conditions in prisons were also confirmed by the Moldovan Ombudsman (who acts as the Torture Prevention Mechanism) whose staff have visited Prison No.13 fifty times since 2008.²² The Ombudsman indicated on his website that he had received 95 complaints from persons detained in these facilities. Following the last visit on 3 December 2015, the Ombudsman had urged the authorities to close down this prison, given the inadequate conditions of detention, prison overcrowding, unsatisfactory hygienic-sanitary condition of detention premises, non-respect of the ban on smoking in cells, unhealthy atmosphere in many cells and insufficient lighting in cells. Prison disciplinary isolation cells did not meet minimum standards of detention either. The Ombudsman also considered that the continued admission and penitentiary placement of persons arrested or sentenced lead to the violation of the right to physical integrity and / or mental health of people and caused them physical or psychological suffering, amounting to inhuman or degrading treatment. He recommended undertaking effective measures to build a new prison or at least urgent measures in order to improve conditions of detention in the dwelling.²³

37. At Council of Europe level, the issues of the state of prisons was also addressed:

37.1. The European Court on Human Rights acknowledged, in various cases, that there were violations of Article 3 of the Convention related to the prohibition of inhuman and degrading treatment. In a recent judgment *Pisaroglu vs. Republic of Moldova* of 3 June 2015, the Court concluded that there was a “*lack of effective domestic remedies in respect of poor conditions of detention in Moldova*”, and that the hardship endured by the applicant during her detention between July 2010 and July 2014 went beyond the unavoidable level of hardship inherent in detention and reached a threshold of severity contrary to Article 3 of the Convention”.²⁴

37.2. The Committee for the Prevention of Torture and Inhuman Treatment (CPT) is currently preparing a new country report on the Republic of Moldova. A CPT delegation visited detention facilities, including prison 13, in September 2015. The CPT conclusions are not yet available, as the findings remain confidential until publication of the report.

38. We appreciate the Minister's readiness to address specific issues raised after Mr Schennach's visit that could ease the day-to-day life of all pre-trial detainees (such as weekly phone calls or access to lawyers), and avoid undue restrictions to the legislation in force.²⁵ In particular, we noted that regulations were expected to be approved by the government in relation to phone calls by detainees. A governmental decision related to the restriction of access by lawyers to prisons during given hours contradicts the legislation which provides for around-the-clock access of lawyers to their clients in prison; the law should be respected. The government was also working on an amnesty law (for persons convicted of non-serious crimes) and alternative schemes to prison (for example suspended sentences, or shortened sentences for

²² Under the National Mechanism for the prevention of torture, the ombudsman institution visited prison n°13 4 times in 2008, 19 times in 2011, 5 times in 2012, 4 times in 2013, 8 times in 2014 and over 10 times in 2015. In:

<http://www.ombudsman.md/ro/content/avocatul-poporului-solicita-repetat-autoritator-sistarea-activitatii-penitenciarului-nr-1>.

²³ <http://www.ombudsman.md/ro/content/avocatul-poporului-solicita-repetat-autoritator-sistarea-activitatii-penitenciarului-nr-1>.

²⁴ Case of *Pisaroglu v. the Republic of Moldova* (Application no. 21061/11), Final judgment, 03/06/2015.

²⁵ An exchange of letter between Mr Schennach and Minister Cebotari on 22 December and 11 January elaborated on these issues.

those not jeopardising public order) to address the issues of prison overcrowding. We also reiterate the readiness of the Council of Europe to assist in the judicial reforms pertaining to detention facilities.

b) The case of Mr Filat, former Prime Minister

39. We visited former Prime Minister Mr Filat, who is in pre-trial detention in Prison No. 13, and inquired about his detention conditions. As a Member of Parliament and Chairman of the Liberal Democratic Party, he raised the issue of his limited access to his fellow party members and to the parliament.

40. On 12 October 2015, Moldovan businessman Ilhan Shor, former President of the Administrative Board of Banca de Economii – and Mayor of Orhei since June 2015 – made a testimony to the Anti-corruption Prosecutor, indicating that he gave a 250 million dollars bribe to former Prime Minister Vlad Filat, an assertion that Mr Filat denied. On that basis, Mr Filat's parliamentary immunity was lifted on 15 October 2015 by the parliament. This decision was challenged on procedural grounds to the Constitutional Court which however ruled, on 17 November 2015, that the decision was constitutional. Mr Filat has been in detention since then, first in the National Anti-Corruption Centre (NACC), in remand units (for 72 days) then in remand Prison No. 13. His pre-trial detention was then extended by 30 days (he was then transferred to Prison No. 13). While Mr Filat's detention conditions seemed to have improved, he complained about the lack of communication with members of parliament, the media, etc., especially in view of his leadership of the Liberal Democratic Party. He also considered that his voting rights, as a member of parliament, were being violated and referred to the case of Mr Iliascu who, in 1999, could cast his vote from the prison in Tiraspol where he was detained. Mr Candu, Speaker of Parliament, explained that this was an exceptional case, Mr Iliascu being at that time "illegally detained by illegal authorities". The Speaker however was ready to look into this legal issue with the Council of Europe and find a legal path to handle this case, as MPs have to cast their vote in person.

41. We were also informed by the General Prosecutor that, at that stage, Mr Filat's court hearings were being held *in camera*. Given the fact that this prominent case relates to the greatest fraud in Moldova's recent history, we hope that his hearings can soon be held in public, as it is in the public interest that this process is as transparent as possible. A group of prominent NGOs made an appeal on 27 March 2016 for the hearings to be public, considering that the public examination of this case is crucial given the completion of the investigation, the resonance of the case, the seriousness of the accusations and the speculations about the orchestration of the trial – and would increase the people's confidence in the legal system.²⁶

42. The Constitutional Court (CC) ruled on 23 February 2015 that the pre-trial detention period and its extension could not exceed 12 months in any case. According to the CC, 12 months are sufficient for both the prosecution and the judicial investigation. Furthermore, the CC determined that the 90-day remand period, applied by courts until now, was illegal. According to the new regulation, the courts shall issue a maximum term of 30 days each time. Requests to release Mr Filat on bail have been rejected by courts. The examination on the merits of this case has been postponed until now.

c) The case of Mr Petrenco, former PACE member

43. On the first day of our visit, at the very moment when we were supposed to meet with Mr Petrenco's lawyer, an unexpected court hearing was organised for Mr Petrenco, whose remand detention was suddenly changed to house arrest based on Article 179 of the Code of Criminal Procedure ("Release against personal guarantees of people of high public authority"): the court accepted the personal guarantee presented by 24 Socialist members of the parliament (while a few weeks earlier it had rejected the personal guarantees provided by 2 PACE members and 2 members of the European Parliament). This measure usually provides for the full release of pre-trial detainees. Mr Petrenco's lawyer therefore challenged the decision, considering that it violated Article 179 of the Code of Criminal Procedure; this measure was combined with a decision to put Mr Petrenco under house arrest (Article 188 of the Code of Criminal Procedure) and supplemented by a number of restrictions on personal freedom, including a ban on receiving and making phone calls and e-mails, and the obligation to call the police every two hours. In addition, Mr Petrenco was obliged to wear an electronic belt – a measure, we were told, that had been applied for the first time in a case of house arrest.

44. We appreciate Mr Petrenco's release from prison. It is however only an interim step in an on-going procedure. We reiterate our position that Mr Petrenco, like any other citizen, should be entitled to a fair trial with full procedural guarantees. In this respect, we shared with the Minister of the Interior our concerns about allegations of fabricated evidence, which we expect to be convincingly investigated in order to ensure trust in

²⁶ The list of the NGOs can be found [here](#). It includes Amnesty International, Transparency International, the Centre for the Analysis and Prevention of Corruption, Legal Resources Centre of Moldova, Promo-Lex, etc.

the police. We also inquired about the presence of heavily armed escort policemen to take Mr Petrenco to court which, the Minister of Interior explained, was not meant to intimidate but to prevent the followers of the “Petrenco group” present in and around the court building from disturbing public order.

45. On 23 March 2016, the district court decided to prolong the house arrest of the members of the “Petrenco group” until 26 April 2016, invoking the risk of the committal of new crimes and disorder, of influencing the remaining witnesses and the need to protect public security and order. The court decided however to remove the electronic belt, especially after the lawyers expressed the suspicion that the device was bugged. All other restrictions remained in place, and the court denied the possibility for Mr Petrenco to give interviews to two TV channels (Jurnal TV and TV7), which his lawyer considered as a new violation of his rights and freedoms, taking into consideration that he is the leader of an opposition party.

46. We welcomed the proposal by the Speaker of Parliament Mr Candu to set up a parliamentary sub-committee which could play a useful role in supervising the procedure. On 10 March 2016, the Moldovan Parliament rejected the proposal made by the opposition to create a special (full) committee on the “Petrenco group” case (29 opposition MPs from three factions (Socialists, communists and liberal-democrats) voted in favor). The main argument was that Mr Petrenco is no longer in prison and such a committee is no longer needed. However, we believe that this case which, undoubtedly, has a political dimension, ought to be supervised to ensure that the legal procedure complies with the law, and with the requirement of a free and fair trial.

IV. Follow-up to the bank scandal

47. During our visit, we inquired about the state of play of the investigation into the bank scandal, given the major impact this case has had both on the political and economic levels. We shall recall here the main features of the case as presented by the former rapporteurs in their last information note:²⁷

“At the end of 2014, the National Bank of Moldova placed three major commercial banks (Banca de Economii and Banca Sociala, followed by a similar decision on Unibank) representing about 30% of total banking assets, under special administration. In 2015 it became public that 1 billion dollars – which represents 12% of the national GDP – had been transferred before the parliamentary elections of 30 November 2014 from the three major banks to offshore accounts, the owners of which could not be identified.

(...)

The General Prosecutor explained to us at length the pyramidal mechanism put in place by a businessman, Mr Shor [who became later Mayor of Orhei], who acquired in 2012 and 2013 shares in the three already indebted banks. In addition, he was also granted the airport concession for 49 years. When he entered the market in 2015, Mr Shor’s banks had accumulated 7 billion lei in debts. He played legally on the market, collecting 10 million lei deposits from the people through attractive rates and granting 4 billion lei credit to his own companies – while the government refrained from intervening to avoid a major crisis

48. Ms Christoffersen and Mr Wach noted at that time that this case had had “a devastating effect on the reputation of the pro-European coalition, provoked a drop in the confidence of people in the EU integration process and more generally a high level of frustration and disappointment of people we met. Therefore, it [was] of the utmost importance to establish the responsibility of those involved in these accumulated failures of the system, and to redress the shortcomings in order to stabilise the financial situation of the Republic of Moldova”.

49. During our visit, we were assured by the authorities that all necessary steps will be taken to fully investigate the bank fraud, bring all those responsible to justice and address the systemic dysfunctioning of the institutions revealed by the bank scandal. The General Prosecutor indicated that there were 20 cases pending, and 13 people had been charged with fraud.

50. In the meantime, the Kroll Company, which has been contracted to further investigate the case, prepared a progress briefing on its continuing investigation of a large-scale fraud in the Moldovan banking sector, which was delivered to the National Bank of Moldova (“NBM”) on 25 March 2016. In its press release, the NBM made the following statement:

“The Kroll briefing confirmed the preliminary findings of NBM that the transactions were part of a “co-ordinated fraud”. (..) This first phase of investigation has corroborated the initial findings (...) and uncovered

²⁷ [AS/Mon \(2015\) 20 rev.](#)

clear evidence of the central involvement in the fraud of Mr. Ilan Shor and companies and individuals connected to him (...). Evidence collated and analysed by Kroll has confirmed that the Shor Group was connected to the acquisition of shares of the three Moldovan Banks between 2012 and 2014, directly controlled important decision making within the three Moldovan Banks including decisions on providing “loans” to connected companies that were never intended to be repaid, established the web of companies through which the fraud proceeds were misappropriated and laundered, and appear to have received a significant proportion of the stolen funds. At this stage Kroll has identified more than USD 350 million of payments that can be directly attributed to the fraud that took place within the Three Moldovan Banks. It is clear that the laundering and dissipation of the fraud proceeds involved a large network of companies and bank accounts in multiple jurisdictions, including bank accounts at other Moldovan banks as well as Latvia, Estonia, Russia and Cyprus. Steps are continuing to trace the fund flows to identify all those that ultimately benefitted from the fraud and to initiate the necessary legal proceedings that will result in the recovery of assets. It is expected that the beneficiaries of the fraud will include a number of other parties in addition to Mr. Ilan Shor.”²⁸

51. The National Bank of Moldova added that “the intention of the longer term investigation is the recovery of stolen funds, as well as the identification of all the parties who knowingly participated in and benefitted from the wrongdoing, including parties and financial institutions outside Moldova”.

V. Concluding remarks

52. The authorities of the Republic of Moldova went through a critical period but have managed to overcome this new political crisis through continued, but tense dialogue with the opposition. We note that most of the demands formulated by the protesters have, in one way or another, been addressed, if not met, which has decreased tension. The authorities however are expected to deliver credible reforms that will have an immediate impact on the consolidation of democratic institutions – and to seriously address the legitimate concerns of citizens about respect for the rule of law, democracy and human rights, but also transparency and accountability of politicians and officials. These issues must be addressed as a matter of priority by the authorities, should the country want to remain genuinely committed to the standards of the Council of Europe and, ultimately, to improve its citizen’s living conditions. This can only be achieved through dialogue with all segments of society, in full respect of all sensitivities, and in the interest of the Moldovan citizens.

53. We remain very concerned by the persistent allegations that business interests prevail over the general interest. This is affecting the very functioning of democratic institutions. It undermines the rule of law, the independence of the judiciary and the independent functioning of the law enforcement agencies. We urge the authorities to further adopt measures which will ensure the separation of powers, the respect of rule of law and the protection of fundamental human rights. We believe that changing individuals will not be enough to reform the system. The system itself, including political parties, should be reformed.

54. We therefore encourage the authorities to adopt, and above all implement, the announced reforms pertaining to the Prosecutor’s Office, the independence of the judiciary, the plurality and independence of the media, the fight against corruption and the consolidation of the banking system. The reform of the judiciary will continue to be a key element for the democratisation of the country. In the meantime, we will continue to follow the cases of Mr Filat and Mr Petreenco.

55. Following the decision of the 4 March 2016 by the Constitutional Court, the Republic of Moldova is heading towards presidential elections. We invite the Moldovan authorities to make use of the expertise of the Council of Europe to align – and upgrade – its election legislation with the Constitutional Court decision. We also expect all stakeholders to put in place conditions conducive to free and fair elections.

²⁸ Press release of the National Bank of Moldova, 25 March 2016 <http://bnm.md/en/content/press-release-1>.

APPENDIX 1 – Programme of the visit

Monday 22 February 2016

- 08:45 Meeting with representatives of the civil society (Legal Resource Centre, Institute for Public Policies and the Association for Independent Press)
- 09:30 Meeting with Ms Cristina BANCU, Associate lawyer of Mr Vladimir FILAT
- 10:00-10:30 Meeting with Ms Ana URSACHI (excused), lawyer of Mr Grigore PETRESCO and his wife, Ms Lilia PETRESCO
- 10:45 Meeting with representatives of Civic Platform Dignity and Truth: Ms Valentina BOLGANIUC, Ms Inga GRIGORIU (Union of Students and Youth of Moldova), Mr Vasile NASTASE (Civic Platform), Mr Victor LEANCA (Pensioners Union of Moldova), Mr Alexandru SLUSARU (Union of Agricultural Producers Associations), Mr Vasile ZGARDAN
- 11:30 Meeting with Mr Ilian CASU, Deputy Chairman of Partidul Nostru (Our Party)
- 12:15 Meeting with Mr Viorel RUSU, Coordinator, and Mr Alexandru OSADCI, Manager, Congress of Local Authorities from Moldova (CALM)
- 14:00-16:30 Meeting with Mr Vladimir CEBOTARI, Minister of Justice, Mr Alexandru PINZARU, Head of the Penitentiary Administration and Mr Valerii STARII, Director of Penitentiary no. 13 of Chisinau, Judiciary Colonel
- Meeting with Mr Vladimir FILAT, MP and former Prime Minister of the Republic of Moldova, prison 13
- 17:00-17:45 Meeting with Mr Vladimir VORONIN, President of the Party of Communists
- 18:00-19:00 Joint meeting with Mr Corneliu GURIN, General Prosecutor of the Republic of Moldova and Mr Viorel CHETRARU, Director of the National Anti-corruption Center
- 19:15-20:00 Meeting with Mr Vladimir CEBOTARI, Minister of Justice
- 20:00 Meeting with Mr Grigore PETRESCO, former member of the parliament and former PACE member (under house arrest)

Tuesday 23 February 2016

- 08:15-08:45 Meeting with H.E. Mr Andrian CANDU, Chairman of the Parliament of the Republic of Moldova
- 09:00-09:40 Meeting with Mr Valeriu STRELEȚ, Acting President of the Liberal Democratic Party
- 09:50-10:30 Meeting with Mr Marian LUPU, President of the Democratic Party
- 10:40-11:20 Meeting with Mr Mihai GHIMPU, President of the Liberal Party
- 11:30-12:10 Meeting with Mr Igor DODON, President of the Party of Socialists
- 12:20-13:00 Meeting with Meeting with Mr Tudor COPACI, Secretary General of the Government
- 13:30-14:45 Working lunch offered by Ms Liliana PALIHOVICI, Deputy Chairperson of Parliament, Head of the Moldovan delegation to the PACE, and members of the Moldovan delegation to the PACE, Mr Valeriu Ghilechi, Mrs Valentina Buliga, and Mr Andrei Neguta
- 15:00-15:45 Meeting with Mrs Daniela CUJBA, Deputy Minister of Foreign Affairs and European Integration
- 16:00-16:45 Meeting with Mr Gheorghe BĂLAN, Deputy Prime Minister for Reintegration

- 17:00-17:45 Meeting with Mr Alexandru JIZDAN, Minister of Internal Affairs
- 18:30 Meeting with H.E. Pirkko TAPIOLA, Head of the EU Delegation
- 20:00 Working dinner with H.E. Michael SCANLAN, Head of the OSCE Mission, H.E. Pascal VAGOGNE, Ambassador of France, H.E. Ulrike KNOTZ, Ambassador of Germany, H.E. Marius LAZURCA, Ambassador of Romania and H.E. Signe BURGSTALLER, Ambassador of Sweden

APPENDIX 2 – Statement of the co-rapporteurs

PACE monitors: credible reforms ‘urgently needed’ in the Republic of Moldova

26.02.2016 – Valentina Leskaj (Albania, SOC) and Ögmundur Jónasson (Iceland, UEL), co-rapporteurs of the Parliamentary Assembly of the Council of Europe (PACE) for the monitoring of obligations and commitments by the Republic of Moldova, paid their first fact-finding visit to the country on 22-23 February 2016.

“During our open and frank meetings with the authorities, we were assured that the country would remain committed to fulfill its obligations and commitments towards the Council of Europe. However, various interlocutors, including representatives of civil society, expressed their deep concern, mistrust and lack of confidence in parliament, government and other state institutions, a feeling which seems to be widespread. We also learned of a widely-shared feeling that the country has been ‘captured’ by oligarchs who are perceived to control a significant number of political stakeholders and officials, including in the justice system and the economy, which could prove devastating for the democratic foundations of the country. The recent bank scandal – in which one billion dollars disappeared from the banks – adds to the frustration, if not the despair, of citizens. Some of the younger, more educated people see no other option than to leave the country to find a brighter future, which in turn would have a negative long-term impact on the Republic of Moldova.

In this adverse context, the authorities in place bear a special responsibility towards the population. The authorities are expected to deliver credible reforms that have an immediate impact on the consolidation of democratic institutions – and to seriously address the legitimate concerns of citizens about respect for the rule of law, democracy and human rights, but also transparency and accountability of politicians and officials. These issues must be addressed as a matter of priority by the authorities, should the country want to remain genuinely committed to the standards of the Council of Europe and, ultimately, to improve people’s living conditions.

We therefore encourage the authorities to adopt, and above all, implement, the announced reforms pertaining to the independence of the judiciary, the plurality and independence of the media, the fight against corruption and the consolidation of the banking system. We welcome the adoption of the long-awaited law on the Prosecutor’s Office that we expect to be fully in line with Venice Commission recommendations. We were also assured that further significant steps would be taken in the coming weeks, as the parliament has prepared legislative packages on new bank regulations and integrity laws.

We welcome the latest developments concerning the case of Grigore Petrenco, former PACE member, whose remand detention was suddenly changed to house arrest on the first day of our visit. Mr Petrenco’s release from prison is to be valued; it is however only an interim step in an ongoing procedure. We reiterate our position that Mr Petrenco, like any other citizen, should be entitled to a fair trial with full procedural guarantees. The setting up of a parliamentary sub-committee chaired by the opposition, as proposed by the Speaker of Parliament, could play a useful role in supervising the procedure.

We visited Remand Penitentiary No. 13, where we had extensive talks with the Minister of Justice and members of the prison administration, whom we thank for their openness and availability. We reviewed prison conditions in general and possible ways to improve the current situation.

We visited former Prime Minister Mr Filat, who is in pre-trial detention in Prison No. 13, and raised the issue of his detention conditions. As a Member of Parliament and chairman of the Liberal Democratic Party, he raised the issue of his limited access to his fellow party members and to the parliament. We were also informed by the General Prosecutor that, at that stage, Mr Filat’s court hearings were being held in camera. Given the fact that this prominent case relates to the greatest fraud in Moldova’s recent history, we hope that his hearings can soon be held in public, as it is in the public interest that this process is as transparent as possible. We were assured by the authorities that all necessary steps will be taken to fully investigate the bank fraud, bring all those responsible to justice and address the systemic dysfunctioning of the institutions revealed by the bank scandal.

We discussed with the Interior Minister the action undertaken during the mass protests, which has brought tens of thousands of people onto the streets in recent months, culminating in violent protests on 20 January 2016 in front of the parliament, when the government was approved, resulting in policemen and some protesters being injured. We invite police forces to further show restraint, and refrain from using excessive force. We urge that all allegations of police misconduct, not to mention allegations of fabricated evidence, are convincingly investigated in order to ensure trust in the police. We were assured that all measures would

be taken to guarantee citizens' freedom of assembly and freedom of expression. In this context, we hope that the authorities will also refrain from undertaking any legal action against protesters that could have a chilling effect on critical voices.”

During their visit, the co-rapporteurs met the Speaker of Parliament, the Ministers of Justice and Internal Affairs, the Deputy Prime Minister for Reintegration as well as the Deputy Minister of Foreign Affairs and European Integration. They met Mr Filat and Mr Petrencu's lawyers, the director of Prison No. 13, the General Prosecutor, and the Director of the National Anti-corruption Centre. Discussions were also held with leaders of political parties, the Moldovan delegation to PACE, representatives of the international community and NGOs.