



**DECLASSIFIED<sup>1</sup>**

**AS/Mon(2016) 27**

14 September 2016

amondoc27\_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 and Tiraspol (27-29 June 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 and Tiraspol on 27-29 June 2016 to collect information about the latest political and legislative developments in the country ahead of the presidential elections of 30 October 2016, to monitor the implementation of [Resolution 1955 \(2013\)](#), and to learn about progress in the Transnistrian conflict settlement process. We issued a statement at the end of our visit (see Appendix I).

2. We would like to express our thanks to the Moldovan authorities for organising this visit and securing all the meetings in the country. We would like in particular to thank Ms Buliga, Head of the Moldovan Delegation to the PACE and the members of the delegation, the Secretariat of the delegation as well as Mr José-Luis Herrero, Head of the Council of Europe Office in Chisinau and the other staff members for their invaluable support in organising our visit to Chisinau and Tiraspol. The programme of the visit is appended (see Appendix II).

3. During our visit, we met the Speaker of Parliament, the President of the Republic, the Prime Minister, the Deputy Prime Minister for Reintegration, the Minister of Justice, the Deputy Minister of Internal Affairs and the Governor of the Autonomous Unit of Gagauzia-Yeri. We also had talks with leaders of political parties, the Moldovan delegation to PACE, the President of the Constitutional Court and the Deputy General Prosecutor, the Ombudsman, representatives of the media, NGOs and the international community.

4. This information note reflects the latest developments in the country since the publication of our last information note<sup>2</sup> in April 2016. We shall also take into account the most recent findings of the monitoring bodies of the Council of Europe related to the Republic of Moldova.

#### **II. Latest political developments**

##### *a) General context*

5. During this visit, we focused on the legislation passed by the government of Pavel Filip, which was formed in February 2016 after a major political crisis due to the bank scandal. The government expressed its commitment to implement, by the end of July 2016, the roadmap agreed upon with the European Union in February 2016, following the EU Association Agreement signed in 2014. At the time of our visit, the authorities considered that they had fulfilled 70% of the roadmap, which should address the fight against corruption, the reform of the justice system, the stabilisation of the bank system and the creation of a

<sup>1</sup> Document declassified by the Monitoring Committee at its meeting on 22 September 2016.

<sup>2</sup> See [AS/Mon \(2016\) 07](#).

business environment conducive to attracting investment. The Prime Minister also insisted that pressure was needed to ensure full implementation of the legal framework.

6. At the time of our visit, the country was still seeking a financial agreement with the International Monetary Fund (IMF), which has been pending for almost a year following the bank scandal. This situation also prompted the EU to suspend its financial contributions to the country. On 26 July 2016, the IMF staff and the Moldovan authorities reached a staff-level agreement (still to be approved by the IMF Management and the Executive Board in October 2016) based on a three-year Extended Credit Facility and Extended Fund Facility (ECF/EFF) arrangement amounting to approximately US\$ 179 million. This agreement aims at making “swift upfront improvements in financial sector governance and supervision”. It should ensure “macroeconomic and financial stability, tackle long-standing vulnerabilities rooted in a nontransparent shareholder structure of the banks and weak supervisory and regulatory framework of Moldova’s financial sector, as well as structural reforms to facilitate sustainable and inclusive growth and improve business climate”.<sup>3</sup> The signature of this agreement is to be noted and welcomed to the extent that it may pave the way for reforms and increased accountability and transparency in the banking and financial sector.

7. The major bank scandal that erupted in 2015 still remains to be thoroughly investigated. The Prime Minister expected that those responsible would be brought to trial, the stolen money recovered and the legal framework upgraded to prevent such fraud in the future. Investigations are still ongoing. A second report is yet to be issued by the audit company Kroll. At this stage, 30 individuals (including officials of the banks concerned) have been arrested. On 22 June 2016, Ilhan Shor, who was managing the three banks involved in the bank scandal, was arrested. However this arrest was on suspicion of tax evasion and money laundering and not for the bank scandal, for which he was under arrest for a short time in October 2015.

8. For the time being, the authorities are having to deal with the financial consequences of this fraud. On 13 June 2016, the government submitted, under emergency procedure, a bill on the planned issuance of MDL13.6bn (610 million Euros) of government bonds, to repay, from the public budget, the emergency aid extended in March 2016 by the national central bank (after receiving government guarantees) to the three banks (ie Banca de Economii, Banca Sociala and Unibank) from which the 1 billion dollars had been siphoned off in 2014-2015. The service of the 25-year bond (with a 5% interest) was estimated at 0.5% of GDP during 2017-2019. The issuance of such bonds was widely perceived as shifting the financial burden to the citizens, which triggered strong reactions in society. On 21 July 2016, the parliamentary committee for the economy, budget and public finance refused to debate the bill.<sup>4</sup>

9. Further developments are also expected after the statement made on television on 27 June 2016 by the former deputy head of the Office for Combatting Money Laundering at Moldova’s National Anticorruption Centre (NAC), Mihail Gofman, now living in the United States, alleging that the then government was aware of the situation in the banks. He also claimed that the then Prime Minister Vlad Filat, Mayor of Orhei Ilan Shor, Democratic Party deputy chairperson Vlad Plahotniuc and businessman Veaceslav Platon were involved in, and benefitted from, non-performant loans. Veaceslav Platon, against whom an arrest warrant was issued by Interpol, was arrested in Ukraine on 25 July 2016 for bank fraud and money laundering and extradited to the Republic of Moldova on 29 August 2016.

*b) Upcoming presidential elections: political developments and legal framework*

10. On 4 March 2016, the Constitutional Court decided to declare the 2000 constitutional amendment unconstitutional, and re-establish the direct election of the President of the Republic. The President of the Constitutional Court explained to us that this decision was made for the sake of clarity and political stability, after the country experienced 3 dissolutions of parliament in 5 years, and a difficult election of the President of the Republic by the parliament in 2012.

11. We enquired whether this constitutional change would alter the role of the President of the Republic. The incumbent President, Mr Timofti, did not rule out that this change in the election procedure of the President could, in a country governed by a parliamentary system, prompt a discussion about the competencies of the President, which, according to Mr Timofti, may not be sufficient to enable the President to perform his duties: he mentioned, as an example, that the President is responsible for territorial integrity, but cannot appoint the Minister of Defence.

<sup>3</sup> [Press release of the IMF](#), “IMF Staff and the Moldovan Authorities Reached a Staff-Level Agreement”, 26 July 2016.

<sup>4</sup> <http://www.intellinews.com/moldovan-parliamentary-committee-rejects-bill-requiring-government-to-pay-mdl13-6bn-stolen-from-banks-102466/?source=moldova>.

12. As a consequence of the decision of the Constitutional Court, the parliament undertook to amend the Electoral Code. At the request of the Speaker of the Parliament, the Venice Commission adopted on 10-11 June 2016 an opinion on the draft electoral code<sup>5</sup>, which was “generally in accordance with international obligations and standards”. The Venice Commission however recommended the Moldovan authorities to clarify (or delete) Article 114 on the invalidity of elections in case of insufficient turnout (in order to avoid potential endless cycles of failed elections), ensure reasonable, objective, verifiable language tests (which should be subject to effective review). The Venice Commission also considered that the residence requirement of 10 years to be able to be a candidate to the presidential elections should be “reconsidered or reduced to ensure compliance with universal suffrage” (such a change would require a constitutional amendment). The procedure to recall the President of the Republic (which should not take place on the basis of political discretion) should also be clarified. The de-registration procedure for candidates remains an issue and could be applied as a sanction “in violation of the principle of proportionality”.<sup>6</sup> (This was a contentious issue during the 2014 parliamentary elections, when Mr Usaitii’s party was de-registered 48 hours before the elections took place by the Central Election Commission due to investigations launched against the party, which later proved unfounded.) The Venice Commission also noted that other issues identified in previous election observation reports remained untouched, such as the clarification of rules governing the funding of election campaigns and political parties.

13. The Venice Commission also drew attention to the number of polling stations set up abroad and recommended that criteria be established to define their number. For the time being there is an electronic procedure to register voters living abroad. Further indications about the procedure which will be followed to decide on the number and location of these polling stations would be welcome.

14. The revised Electoral Code was adopted on 23 June 2016. The law requires that presidential candidates raise a minimum of 15,000 signatures in support of their candidacy and that they be at least 40 years old, speak the official language and have lived in Moldova for 10 years. It has reinstated the 60-day election campaign period used prior to 2000 (instead of the 90-day campaign period currently in place for parliamentary elections); the presidential campaign this year will start on 30 August 2016.

15. The new composition of the CEC was approved by the parliament on 17 June 2016. On 27 June the CEC members elected Alina Rusu Chairperson.

16. We discussed the preparation of the elections with representatives of political parties and with the authorities. The representatives of small, extra-parliamentarian parties with limited human and financial resources feared that the shortened election campaign (our interlocutors were referring to a 30-day election campaign that was foreseen at that time) might not be enough to organise a fully-fledged campaign throughout the country. As citizens could only support one single candidate, these parties considered this measure as restrictive, and feared that the support (signature) granted by a citizen to two candidates could be scratched out from one list without the knowledge of the candidate concerned. These candidates also feared misuse of administrative resources by the ruling parties. The Prime Minister Mr Filip assured us that he had given instructions to his ministers not to get involved in politics and to focus on governmental activities.

### **III. Recent adoption of laws pertaining to democracy, the rule of law and human rights**

#### *a) New Law on the Prosecution Service*

17. The new Law on the Prosecution Service entered into force on 1 August 2016. The law provides for the creation of the Office of the Anti-Corruption Special Prosecutor, and the Office for Fighting Organised Crime and Money Laundering. At the time of our visit, the appointment procedure for the two specialised prosecutors was about to be completed by the Prosecutorial Council. The Group of States against Corruption (GRECO) assessed positively the new Law on the Prosecution Service, as it contains positive measures aimed at enhancing the autonomy and professionalism of prosecutors, establishing a transparent and objective procedure for their recruitment and increasing the capacity of the Superior Council of Prosecutors. However, “whether these goals are achieved or not will depend on how the law is implemented in practice”, an opinion of GRECO that we fully endorse.<sup>7</sup>

<sup>5</sup> [CDL-AD\(2016\)021](#), Joint opinion of the Venice Commission and the OSCE/ODIHR on the draft law on changes to the electoral code, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016).

<sup>6</sup> [CDL-AD\(2016\)021](#), para. 23.

<sup>7</sup> [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep\(2016\)6\\_Moldova\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep(2016)6_Moldova_EN.pdf).

18. The appointment of a new General Prosecutor in line with the provisions of the new law (ie by the President, upon proposal of the Prosecutorial Council, and no longer by the parliament) requires however that the constitution be amended, which is not yet in the pipeline, as far as we are aware.

19. We also discussed with the President of the Republic, Mr Timofti (a former President of the Superior Council of Magistrates), the reform of the justice system, in particular the restructuring of court networks and the decrease in the number of courts, which, according to Mr Timofti, could make access to justice more difficult.

*b) Ministry of the Interior*

20. The newly appointed Deputy Minister of the Interior Mr Purice informed us about the adoption of a strategy for the development of the police (2016-2020), which should lead to the setting-up of a “community police”, in line with European standards, with more transparent selection and recruitment procedures. The newly adopted Law on the Single Status of Staff should ensure better social conditions to help prevent corruption in the police force. Mr Purice also hoped that the salaries of members of the police force could be increased. Amendments to the penal code, which were submitted to Council of Europe expertise, should increase the protection of police forces against violence.

21. We reminded the Ministry of Interior officials about Mr Petrenco’s case, where there had been worrying allegations of fabricated evidence, which, we believed, required proper investigation. We did not, however, receive satisfactory answers to our queries as to whether investigations into allegations of fabricated evidence had started. The Deputy Minister also stressed that the police had gone through difficult times in recent months, given the mass demonstrations, the geopolitical situation triggering important sources of provocation from neighboring countries, and a divided society. He denied that the police was acting in a selective way to protect certain persons or properties.

*c) Fight against trafficking in human beings*

22. The Deputy Minister of the Interior considered that the situation with respect to the fight against trafficking in human beings had improved as the visa liberalisation regime had facilitated legal travel, so that people no longer needed to be involved in criminal schemes to travel. Thus, according to the Deputy Minister, the number of victims of trafficking was decreasing. Trafficking for purposes of forced labour and for sexual purposes remained however prevalent.

23. This evaluation was not corroborated by the findings of the Group of Experts on Action against Trafficking in Human Beings (GRETA)<sup>8</sup> in its second evaluation report: according to official statistics, the number of identified victims of trafficking rose from 154 in 2011, to 310 in 2015, 68% of the victims being female. GRETA acknowledged the progress made in improving the legal framework, such as criminalising the use of services of victims of trafficking, increasing sanctions for traffickers, expanding the categories of staff trained, raising awareness of the risks of trafficking and increasing the number of places available for victims of trafficking in specialised shelters.

24. GRETA stressed however that efforts were still needed to provide adequate funding for victim assistance and protection measures; all victims should have effective access to public health care; more progress was expected to identify child victims, provide them with adequate accommodation and services, and ensure long-term monitoring of their reintegration; the monitoring of recruitment and temporary work agencies and involving the private sector should also be reinforced, and labour inspectors better trained in order to proactively identify victims of trafficking for the purpose of labour exploitation. Access of victims to compensation should be facilitated and guaranteed by making use of traffickers’ confiscated assets and setting up a State compensation scheme accessible to all victims of trafficking. Furthermore, GRETA considered that the Moldovan authorities should ensure that cases of trafficking in human beings are successfully investigated and prosecuted and lead to effective, proportionate and dissuasive sanctions.

*d) Fight against corruption*

25. The fight against corruption must remain a priority. In its July 2016 report devoted to “Corruption prevention in respect of Members of Parliament, judges and prosecutors” (4<sup>th</sup> cycle)<sup>9</sup>, the Group of States

<sup>8</sup> [GRETA\(2016\)9](#) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova, Second evaluation round, adopted on 11 March 2016 and published on 7 June 2016.

<sup>9</sup> [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep\(2016\)6\\_Moldova\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/Eval%20IV/GrecoEval4Rep(2016)6_Moldova_EN.pdf).

against Corruption (GRECO) called on the Republic of Moldova to improve and ensure effective implementation of anti-corruption legislation in respect of parliamentarians, judges and prosecutors. Inconsistent application of anti-corruption laws and policies, the weak capacities and lack of independence of the major institutions in charge of fighting corruption remained key problems. The National Integrity Commission needed to be significantly strengthened as it lacked the required powers and independence to carry out meaningful verification of the asset and interest statements submitted.

26. Despite positive steps taken in parliament, access to information on parliamentary work needs to be improved to “ensure proper democratic debate, widen public participation in the legislative process and shed light on the interaction of parliamentarians with third parties”<sup>10</sup>. GRECO also suggested the adoption of a code of conduct for parliamentarians. It highlighted that parliamentary immunity was a significant obstacle to bringing MPs suspected of corruption to justice – while the Parliamentary Assembly, during its June 2016 part-session, recalled for its part the importance of a system of parliamentary immunity which would prevent politically motivated criminal proceedings.<sup>11</sup>

27. The GRECO report also noted that there was a negative public perception of the judiciary in the country, and that determined action was necessary to rebuild public trust. GRECO stressed that the composition and operation of the Superior Council of Magistracy must be reviewed. Its decisions needed to offer sufficient guarantees of objectivity and transparency, especially as regards the recruitment, promotion and disciplinary liability of judges. More needed to be done to make judges aware of ethics and integrity, and rules on gifts and other advantages needed to be properly enforced. In addition, the accountability of judges for misconduct must be reinforced by reviewing the rules and practice regarding disciplinary liability.

28. In July 2016 the parliament adopted a “package of integrity laws” which was seen as contentious by civil society representatives, which wanted the President of the Republic not to promulgate it. The President of the Constitutional Court recalled that such integrity laws had already been declared unconstitutional in 2015. In an attempt to limit the abuses and cases of corruption, the government decided to limit the number of audit agencies from 46 to 11.

e) *Liability of judges*

29. During our visit, we were informed about the decision which had been taken on 6 June 2016 by the Superior Council of Magistrates (SCM) approving legal action against an Appeal Court judge, Domnica Manole, who the authorities accuse of an “unlawful decision”. Judge Manole had annulled a decision of the Central Election Commission (CEC) which had rejected the holding of a referendum on amending the Constitution<sup>12</sup>. Ms Manole’s decision was later overturned by the Supreme Court. The Minister of Justice downplayed this lifting of immunity, indicating that it would only authorise an investigation by the General Prosecutor, who had strong suspicions about the case. This move, however, raised many questions among civil society representatives about selective lifting of immunity, as it was the first time that the immunity of a judge had been lifted for a decision addressing a political issue – just ahead of a presidential election.

30. At the same time, the Constitutional Court had to address a request submitted by a first instance judge (on behalf of seven judges in all), with respect to their individual liability for actions or omissions having caused or greatly contributed to violations of the European Convention on Human Rights, found by a judgment of the European Court of Human Rights (ECtHR) – or – by a friendly settlement imposed on the Republic of Moldova for a case pending before the ECtHR – or – by a unilateral declaration of the Government of the Republic of Moldova, in application of Law no. 151/2015.<sup>13</sup> The Constitutional Court required an *Amicus curiae* brief from the Venice Commission.<sup>14</sup> The Venice Commission limited this principle, recalling that judges can only be held accountable for decisions where there is “proof of malice or gross negligence, otherwise judicial independence would be obstructed”; the Commission also noted that the national court is “not always at fault for a decision that is overruled by the ECtHR, but that a country’s

<sup>10</sup> Ibid.

<sup>11</sup> See [Resolution 2127 \(2016\)](#) on Parliamentary immunity: challenges to the scope of the privileges and immunities enjoyed by members of the Parliamentary Assembly adopted in June 2016 and [Doc. 14076](#) (rapporteur: Liliana Palihovici, Republic of Moldova, EPP/CD).

<sup>12</sup> The Truth and Dignity Party (DA) gathered about 400,000 signatures in support of the referendum but the CEC rejected the initiative on the basis that it did not collect the required 20,000 signatures from at least half of Moldova’s 31 administrative districts. The referendum initiative included provisions for the direct election and dismissal/recall of the President; limiting of parliamentary immunity; and reduction of the number of MPs from 101 to 71.

<sup>13</sup> Former PACE co-rapporteurs questioned this law, which basically punishes judges whose decision led the European Court of Human Rights to find Moldova in breach of the Convention.

<sup>14</sup> [CDL \(2016\) 14](#), Republic of Moldova – *Amicus Curiae* Brief for the Constitutional Court on the Right of Recourse by the State against Judges, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016).

legislative norms and the functioning of the justice system can also play a role". Judges should not become liable for recourse action when they are exercising their judicial function according to professional standards defined by law (functional immunity). A finding of a violation of the ECHR by the ECtHR does not necessarily mean that judges at the national level can be criticised for their interpretation and application of the law: violations could stem from systemic shortcomings in the member State.

31. The issue of the liability of judges will thus require a close follow-up in a context marked by allegations of lack of independence of judges and State institutions being "captured" by oligarchs.

32. The authorities also acknowledged that corruption in the judiciary remains a major problem. In this respect, GRECO called for additional measures regarding "instructions given to prosecutors and hierarchical interventions on cases, the composition and decisions of the Superior Council of Prosecutors and the disciplinary liability of prosecutors".<sup>15</sup>

f) *Freedom of assembly*

33. Concerns were raised about freedom of assembly after four demonstrators from the "Dignity and Truth" Platform were arrested on 5 May 2016 on charges of "mass disorder" for participating in a large demonstration on 24 April 2016, during which the protesters demanded the government's resignation and early parliamentary elections on the same day as the presidential election set for 30 October 2016. The protest resulted in scuffles between police and protesters (17 police and 2 civilians were reported injured by the Ministry of the Interior), with protesters throwing eggs and stones and police using tear gas. Civil society representatives explained to us that the protest began on the central square, but later moved to the residence of First Deputy Chairperson of the Democratic Party, Vladimir Plahotniuc, where they scuffled with police, and then on to the business centre, where Mr Plahotniuc's offices are reportedly located, calling for his arrest and accusing him of capturing the country and controlling the government.

34. We raised this case, and more generally the situation in the country with respect to freedom of assembly, with the Deputy Minister of the Interior.

34.1. On 5 May 2016, four demonstrators, ie Alexandu Panuta, Ion Matasevici, Radu Cibotari and Valeriu Casu were arrested on suspicion of organising and participating in mass disorder during the 24 April protests. Two were sent to pre-trial detention, while the other two were put under house arrest. Several people stressed that the aim of these arrests was to prevent further demonstrations by intimidating potential demonstrators.

34.2. On the other hand, on 22 May 2016, a march in central Chisinau in support of Lesbian, Gay, Bisexual, and Transgender (LGBT) rights, attended by about 300 participants, including representatives of the diplomatic community, was interrupted by a counterdemonstration of Orthodox priests and worshippers. The LGBT march was heavily guarded by the police and managed to proceed five blocks before having to be evacuated; the march was also disrupted by young and aggressive men, some of them wearing face masks, who threw eggs at the participants. We understood that no criminal charges were brought against these counterdemonstrators, thus casting a serious shadow of doubt about selective prosecution of demonstrators.

34.3. In the meantime, we have been informed that the demonstrations organised during the celebration of the 25<sup>th</sup> anniversary of the Republic of Moldova, on 27 August 2016, were marked by incidents: according to media reports, tear gas was used against protesters by the police. The Minister of the Interior Mr Jizdan stated that "the actions of the police were taken in order to keep the military parade going, taking in account that some protesters were throwing objects at policemen and were trying to break the line"<sup>16</sup> while Amnesty International Moldova considered the use of tear gas as "abusive and unmotivated".<sup>17</sup> The representative of the Promo-Lex NGO deplored the lack of proportionality of the measures taken, their excessive and indiscriminate application on all protesters, despite the provocations of some of them, without prior notification, as required by the law.<sup>18</sup>

g) *Media related issues*

<sup>15</sup> [http://www.coe.int/t/dghl/monitoring/greco/news/News2016/News\(20160705\)Eval4\\_Rep.of.Moldova\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/news/News2016/News(20160705)Eval4_Rep.of.Moldova_en.asp).

<sup>16</sup> <http://www.moldova.org/en/amnesty-international-concerned-police-clashes-protesters-moldova-independence-day/>.

<sup>17</sup> <http://amnesty.md/en/media/felicitari-draga-republica-moldova-la-25-de-ani-de-independenta-ai-si-mai-putine-drepturi/>.

<sup>18</sup> <http://www.moldova.org/en/amnesty-international-concerned-police-clashes-protesters-moldova-independence-day/>.

35. With the direct election of the President of the Republic in sight (30 October 2016), we enquired about the situation of the media in the country. We welcomed the adoption of the law limiting concentration of media ownership, but we understand that this law will not be fully effective until the expiration of current licences, as explained to us by the Speaker of the Parliament. Media outlets will thus continue to operate under the current conditions during the forthcoming electoral campaign (ie 75% of media outlets belong to the same owner, including 4 major TV channels), which will make us particularly vigilant about fair media coverage.

36. In this context, we discussed the newly adopted Electoral Code with political stakeholders in the light of the recently adopted opinion of the Venice Commission, and other electoral issues. In this context, concerns were expressed about access to media and media advertisement during the campaign, as prices were expected to rise in such a way that small political parties would find it difficult to afford advertising.

37. A new Audiovisual Code was also under preparation. On 29 June 2016, the Parliamentary Commission for Mass Media examined a report on the draft of a new Audiovisual Code to adapt Moldova's broadcasting to European standards in respect of freedom of expression and access to broadcast media, and regulate the advertising market in line with EU standards. The draft bill would have limited the number of broadcasting licences to one per person. However, this draft raised a lot of questions, as it contained provisions to increase to 80% the amount of news and feature programs broadcast in Romanian, including during prime time, and sought to prohibit the retransmission of programs from states that have not ratified the European Convention on Transfrontier Television, which includes the Russian Federation. These draft amendments were criticised by the international community for introducing excessively restrictive provisions, and civil society representatives, who required additional consultations on that issue. The Moldovan parliament eventually postponed the adoption of these amendments until parliament's autumn-winter session<sup>19</sup>

#### *h) Activity of the Ombudsman*

38. The new Law on the Ombudsman entered into force in October 2015. Since then, the new organigramme has been drafted. However, only 27, out of the 65 staff members foreseen by the law, were working in the Office of the Ombudsman. The Ombudsman Mr Cotorobai did not complain forcefully but referred to poor working conditions and other organisational issues that were distracting from the real work of the Office.

39. Mr Cotorobai said that the issues addressed by citizens referred mostly to access to justice, rights of persons with disabilities, domestic violence, torture and ill-treatment, socio-economic and health rights. The Ombudsman regretted that his annual reports, for the past 6 years, were only considered at committee level, and not debated by the plenary chamber in the parliament.

#### *i) Fight against discrimination and the promotion of minority rights*

40. We were informed that the Anti-Discrimination Council, established by the 2012 Anti-Discrimination Law, is now operational. We have however been informed that two draft bills were introduced in parliament seeking 1) to abolish the Anti-Discrimination Law or 2) to punish "homosexual propaganda". The authorities were well aware that such laws would jeopardise the visa liberalisation regime, and would not be in line with the requirements set in the EU Association Agreement. For our part, we expect the parliament to stick to its commitment to promote an inclusive society, combat prejudice and reinforce mechanisms to fight discrimination.

41. A new strategy for national minorities should be prepared by the end of the year. We reminded the authorities that the ratification of the European Charter for Regional or Minority Languages was a commitment taken by the Republic of Moldova when acceding to the Council of Europe. The Deputy Minister of Foreign Affairs explained that a pilot project has been launched in villages of 8 regions that could be extended to all regions, if successful.

42. Finally, we learnt that the authorities requested an opinion of the Venice Commission on the draft law on the ethno-cultural status of the District of Taraclia. The draft opinion should be adopted by the Venice Commission at its next session in October 2016.

#### *j) The case of Mr Filat, Member of Parliament and former Prime Minister*

---

<sup>19</sup> Infotag, 1 August 2016.

43. The final hearing in former Prime Minister Mr Filat's case took place on the first day of our visit. We reiterated our regrets that this trial was held *in camera*, thus preventing citizens from having legitimate access to information pertaining to a major bank fraud, which is an issue of public interest, impacting the State budget and the functioning of its institutions. An open and transparent hearing in line with the European Convention on Human Rights is a pre-condition for creating public trust in the fairness of the judicial system. The authorities explained that the hearing could not be public, as there were ongoing investigations against witnesses in Mr Filat's case. However, we reiterated to both the Prime Minister and the authorities that we put great emphasis on compliance with the legal provisions of both the Moldovan Constitution and the European Convention on Human Rights to ensure fair trials – and public hearings are a basic requirement that contribute to ensure transparency of judicial processes.

44. On 27 June 2016, Mr Filat was sentenced to 9 years imprisonment on charges of passive corruption and abuse of his position. The court also ruled to strip Mr Filat of his state award, fined him 60,000 MD Lei (~2750 Euro) and prohibited him from holding public office for five years following his release from jail. Properties worth 4.5 million Lei (app. 210 000 Euros) were confiscated.

45. Mr Filat's lawyer, Igo Popa, indicated that Mr Filat had admitted that he had received some gifts, he denied however any other wrongdoing. He considered his case was politically motivated and lacked evidence of his guilt. Mr Popa mentioned the unmotivated seizure of assets, numerous law violations suffered by Mr Filat, including the denial of the right to a public trial, whereas Article 117 of the Constitution provides for the public character of legal proceeding; violation of the principle of equality of arms (as the court decided to summon only half of the 28 witnesses called by the defence, and only 5 of these could submit their declaration to the court); no access to phone calls since 23 May 2016, limited access to a notary in prison despite a court decision; inhuman treatment at the court, despite his health condition during his hunger strike, including degrading and inhuman conditions in the cell in which he had been detained; unjustified numerous transfers to the basement of the prison; and a number of procedural mistakes.<sup>20</sup> Mr Popa indicated that he would bring Mr Filat's case to the European Court of Human Rights once domestic remedies had been exhausted.

46. In the wake of the bank scandal, the businessman and Mayor of Orhei, Ilhan Shor, was arrested by the National Anti-corruption Centre on 22 June 2016 – based on alleged tax evasion, and not on the bank fraud case – as a result of a rogatory commission, which provided evidence of his involvement in criminal cases, according to the Deputy General Prosecutor we met. *Pro memoria*: Mr Filat was arrested on the basis of Mr Shor's statements about alleged bribing of the former Prime Minister. Mr Shor is now on pre-trial detention, which was extended for 30 days on 22 July 2016.

47. We also discussed with the Speaker of the Parliament, Mr Candu, the problem raised by the detention of Mr Filat, who remains a Member of Parliament but has been deprived from his voting rights. As there are no substitutes to members of the Moldovan Parliament, a member of parliament needs to resign to allow the next on the list to substitute him. The Speaker invited the Liberal-Democratic party to propose a solution. He also mentioned that the electoral system could be changed in the future. Introducing a mixed electoral system could prove to be more convenient in order to deal with the Autonomous Territorial Unit of Gagauzia-Yeri, the Transnistrian region of the Republic of Moldova, or minority communities.

k) *The case of Mr Petrenco, former PACE member*

48. We also enquired about the case of Mr Petrenco, whose house arrest was lifted on 26 April 2016. A number of restrictions however were imposed on the members of the Petrenco Group, who are not allowed to leave the City of Chisinau or to take part in mass protests, a measure which we found a serious restriction of the basic right to assembly. We also understood that the members of the Prosecution Office that we met disliked the behavior of the Petrenco Group (who showed a "lack of respect" for the court). They furthermore complained about the postponement of several court hearings due to the absence or alleged sickness of the lawyers, pointing out that there had been 35 court hearings since October 2016, when the investigation was finalised.

49. Mr Petrenco said that the material belonging to his political party, seized after the September 2016 protests, had not been returned to him, with no explanations. He is not allowed to leave the country unless allowed to do so by a judge. He travelled once to Romania. But then, although he had been given permission by the authorities to travel to Berlin with his wife, the authorisation given by the judge had been canceled at the very last minute, as the couple were about to board the plane. Their IDs were also retained. Mr Petrenco

---

<sup>20</sup> Information provided by the "Popa & Associates" law firm in charge of Mr Filat's defence, on 27 June 2016.



was later denied authorisation to travel to the June 2016 session of the Parliamentary Assembly, to which he had been invited.

50. We raised these issues with the authorities but received no convincing explanations about the restrictive measures imposed on Mr Petrenco, which prevent him from leaving Chisinau or from participating in protests “that might lead to disorders”, as was explained to us by the Deputy General Prosecutor. It remains to be clarified if these restrictions are necessary and proportional. In effect, they hamper the exercise of Mr Petrenco’s right to assembly and his political rights as a party leader. We fear that these and other restrictions and unpredictable legal decisions could be seen as amounting to political harassment and we emphasised our serious concern in this respect. On 4 July 2016, the judicial control of Mr Petrenco and the members of this group was extended until 5 August 2016. On 3 August 2016, the court decided to prolong the judicial control of Mr Petrenco and the other members of the “Petrenco Group” for an additional 30 days (ie until 4 September 2016), leaving all restrictions in place. This decision was confirmed and renewed on 2 September 2016. These restrictions cannot be seen to be necessary nor can they be seen to be proportional or legitimate.

#### *l) State of prisons*

51. We also discussed with the Minister of Justice reforms aiming at improving prison conditions and implementing penal policies to avoid overcrowded prisons. The Minister informed us that the design of the prison which is to replace the infamous prison 13 of Chisinau should be selected by spring 2017 and submitted to construction companies. An amnesty law was also in preparation. We have been informed that the government decided on 22 June 2016 to change the prison regulations and allow lawyers to visit their clients in prison even on week-ends (with 6 hours prior notice). An amendment to the prison code of execution was prepared to amend the regulations governing access of prisoners to telephone calls. The Minister also announced the upcoming adoption of an amnesty law, which would allow the requalification of criminal cases of detained persons. Amendments to the criminal code and criminal code of procedure would decriminalise further issues. On 22 July 2016, on the occasion of the 25th anniversary of the declaration of Moldova’s independence, the parliament adopted a bill submitted by the government for the amnesty of about 1,300 convicts (excluding very serious offences or concurrent crimes) and 400 detainees were to be released on parole.<sup>21</sup>

52. We discussed the situation in prisons with Mr Cotorobai, Ombudsman, who is also the National Mechanism for the Prevention of Torture under the UN OPCAT Convention. He said that the parliament had yet to approve the regulation of a council, to be composed of the Ombudsman, the Special Ombudsman for Children and five members of the civil society. However, the Ombudsman’s Office had already undertaken to visit prisons and issue reports and recommendations about prison conditions.

53. In addition, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published on 30 June 2016 its report following its 2015 visit in Moldova<sup>22</sup>, which confirmed the problems identified with the Minister of Justice during our visit in February 2016. In particular the poor prison conditions: “material conditions of detention in the prisons of Chişinău and Soroca were inadequate also in many other respects (e.g. poor, or even very poor, state of repair and hygiene; limited access to natural light; insalubrious sanitary facilities; infestation by vermin; worn-out and filthy mattresses, etc.)” and, in the CPT’s view, could be considered as amounting to “inhuman and degrading treatment”.<sup>23</sup> While awaiting the construction of a new prison, the CPT invited the Moldovan authorities to take measures to improve these living conditions.

54. While the CPT welcomed the recent decrease in the frequency and severity of alleged instances of police ill-treatment, and noted that no allegations of ill-treatment were received in respect of staff performing custodial duties in police temporary detention isolators, it was however informed about a number of allegations from detained persons of excessive use of force by the police at the time of apprehension, after the person concerned had been brought under control. Several allegations were also heard of physical ill-treatment during preliminary questioning by operational officers, in order to extract a confession. Inter-prisoner violence at Soroca Prison and, to a lesser extent, at Chişinău and Rezina Prisons, was also mentioned as an issue.

<sup>21</sup> [IPN, 22 July 2016](#), “Parliament votes to amnesty 1,700 detainees”.

<sup>22</sup> [CPT/Inf \(2016\) 16](#), Report to the Government of the Republic of Moldova on the visit to the Republic of Moldova carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), from 14 to 25 September 2015, published on 30 June 2016.

<sup>23</sup> <http://www.cpt.coe.int/documents/mda/2016-16-inf-eng-executive-summary.pdf>.

#### **IV. Latest developments pertaining to the Autonomous Territorial Unit of Gagauzia-Yeri**

55. We discussed recent developments pertaining to the Autonomous Territorial Unit of Gagauzia-Yeri (hereafter: Gagauzia). The Governor (Bashkan) Ms Vlah expressed her satisfaction about progress made in communication between Chisinau and Comrat, and the functioning of the working group (which had held 8 meetings so far) put in place by the parliament in late 2015. A first progress report had just been issued, which included a conclusion agreed by all sides: any changes of legislation affecting the Autonomous Territorial Unit of Gagauzia-Yeri should only be made with the approval of the Gagauz People's Assembly [regional parliament]. She considered that two legal acts needed to be adopted rapidly: a law stipulating that changes affecting Gagauzia should be adopted with the approval of the People's Assembly, and that the Law on the Special Status adopted in 1994 should have the status of a "Special Law", which would need a two-thirds majority to be amended. Ms Vlah insisted that the swift adoption of laws would be important to confirm the results achieved so far.

56. The Speaker of the Parliament, Mr Candu, also welcomed the good communication channels established with the People's Assembly, and hoped to work on capacity building of its staff. The Speaker also indicated that four draft laws were currently being examined by the Ministry of Justice. However, given the constraints on the parliament, due to the heavy work load triggered by the reform of the banking system and the integrity package, there was little hope that these draft laws could be adopted before the end of July 2016.

57. Ms Vlah highlighted the issue of the appointment of staff (ie police, prosecution office, etc.) to the decentralised state institutions "without the consultation of the Gagauz authorities" and she insisted on the need to set up a branch of the Agency for Regional Development – expected in Gagauzia since 2008 – and the appointment of civil servants in Gagauzia and Comrat. The funds allocated by the State to Gagauzia were also a matter of contention: Ms Vlah considered that the State had failed to allocate 18 million Lei (approx. 825 000 Euros) that should have been granted to Gagauzia. The budget of Gagauzia (ie 510 million Lei) depends on the central level, as the taxes collected on the territory (210 million Lei) are not sufficient to cover all expenses.

58. Ms Vlah reiterated that it was in the interest of Gagauzia to secure political stability, reinforce social rights, avoid conflicts with the Moldovan authorities and consolidate the country, noting that people in Gagauzia felt Moldovans and did not want to split. We warmly encouraged the Moldovan parliament and the People's Assembly of the Autonomous Unit of Gagauzia-Yeri to pursue their constructive dialogue to address long-standing contentious issues on the harmonisation of Moldovan legislation with the autonomous status. Such initiatives deserve our wholehearted approval, and show the ability of Moldovan politicians to search for solutions and thus strengthen their country's institutions, and to build an inclusive society.

#### **V. Latest developments in the Transnistrian conflict settlement**

##### *a) Domestic developments*

59. We traveled to Tiraspol on 28 June 2016, where we intended to meet all the stakeholders, including the *de facto* President Mr Chevchuck, as well as the *de facto* Speaker Mr Vadim Krasnosielski, and other representatives of the "Supreme Council", but they were not available to meet us. We were only able to meet the Chief Negotiator and *de facto* "Minister of Foreign Affairs", Mr Ignatiev.

60. Prior to this meeting, we had had an exchange of view with the Chief Negotiators of the Republic of Moldova and Deputy Prime Minister for Reintegration, Mr Balan, who considered that the respect for human rights and freedom of expression had worsened under Mr Chevchuck. The direct and indirect support granted by the Russian Federation (ie the gas supply from Russia, the cost of which is added to the currently 5.5 billion dollars debt of Transnistria), financial support to pensioners, free food given to kindergartens, etc), the presence of 2 000 Russian soldiers and 450 Russian peace-keepers, and the lack of access to foreign sources of information (except Russian media) created the perception that Transnistria was part of, and protected by, Russia. He also noted the limited space for NGOs, and that promoting the reintegration process in Transnistria could lead to jail sentences. Therefore he stressed that the continuation of the confidence-building measures, and pressure concerning the respect of human rights by the Transnistrian *de facto* authorities (including on Latin-script schools and the property rights of farmers and landowners in Transnistria) would be much appreciated.

61. In Tiraspol, the representatives of the civil society and young project leaders involved in the Council of Europe confidence-building measures that we met mentioned that NGOs had become more active under the *de facto* presidency of Mr Chevchuk. However, the current situation was marked by restrictions on freedom

of expression, lack of an independent media, blocking of websites upon “recommendations” issued by the local intelligence service, non-functioning of the court system, a selective taking over of Russian legislation into domestic politics to ensure harmonisation with the Russian Federation (such as a draft law on “foreign agents” that had been approved in first reading at the “Supreme Council”) and pressure exercised over Latin-script schools. Young people we met felt under pressure, disadvantaged, exposed to the promotion of a “Transnistrian identity” in local media, and were striving to have access to culture and to “the bigger world”. They were eager to travel abroad, while expressing little confidence in any conflict settlement process. Those concerned praised the confidence-building measure programme of the Council of Europe, which, they said, enabled “building mutual interest” more than “building confidence”, which exists at individual level.

62. Several political developments ought to be mentioned here. In November 2015, the election of the members of the “Supreme Council” (ie the *de facto* “parliament”) took place in Transnistria: 33 out of 43 seats were won by candidates belonging to the Obnovlene party (Renewal) in opposition to the party of the *de facto* President Mr Chevchuck. The Renewal party is controlled by the corporation Sheriff, which is the main economic force in the region. In December 2016, elections for the *de facto* President will be held. *Pro memoria*, the *de facto* President is the Head of the executive and appoints his Cabinet. Mr Chevchuck’s position has recently been challenged both politically by the “Supreme Council”<sup>24</sup> and legally (with allegations of corruption brought by the Prosecutor).

63. Transnistria is also experiencing an economic crisis which can be explained by a variety of internal and external factors: the conflict in eastern Ukraine and the closing of the border after the repeal of five military agreements, the banking crisis in the Republic of Moldova, rapidly falling Russian, Moldovan and Ukrainian currencies which led to “the collapse of Transnistrian export, the fall of crucial remittances to the local economy from Russia and a significant decrease in internal consumption.”<sup>25</sup> An open conflict between the presidential and parliamentary administration has also fuelled speculation about business-oriented interests which might impact the economic situation: Mr Chevchuck accused the Sheriff company of attempting to build an oligarchic system in Transnistria and moving significant sums of money to tax havens, thus directly affecting the budget of Transnistria.<sup>26</sup>

64. The political situation was also marked by a political power struggle between the *de facto* “executive” and “legislative” branches. On 13 April 2016, the Supreme Council adopted in first reading a number of amendments to the Constitution, which, according to experts, limit the powers of the Transnistrian *de facto* President. In particular, the Supreme Soviet deleted from the legislation a clause that invested the President with the authority to submit bills to the parliament in the so-called “regime of legislative necessity”, which had been used 218 times by Mr Chevchuk. Another amendment stipulates that if the *de facto* President fails to sign and publish a law passed by the parliament or return it back to parliament for reconsideration within the stipulated 14-day limit, it would automatically come into force with the signature of the Speaker and upon publication. Amendments to the electoral code were also submitted, under which the turnout threshold for the leadership election would be reduced to 25% from the current 50%. The decrease of the population due to emigration from Transnistria was cited as a rationale, as was the fact that the turnout for elections to the legislative body (Supreme Soviet) was below 50%. Finally, a draft bill was currently being examined by the “Supreme Council”, which would redefine (ie limit) the role, task and expected results of the Chief Negotiator, and restrict it to the negotiation of the independence of Transnistria only, which would, for Mr Ignatiev, be counterproductive in the on-going negotiations – and most certainly be seen as another move to restrict the competences of the *de facto* executive branch, vis-à-vis the *de facto* lawmakers.

65. Some restrictive laws were adopted in June 2016 in Tiraspol, such as the “Law prohibiting criticism of Russian Peacekeeping role in Transnistria”: expressing in public actions or statements “obvious disrespect for the Russian peace-keeping mission in Transnistria and aimed at distortion of the mission’s positive role” was made a criminal offence punishable by a fine of up to 17 000 Transnistrian roubles (app. 1400 €) or 3 years in prison, up to 7 years if the crime was committed by a person of responsibility or a group of persons by prior agreement.

#### b) *The Transnistrian conflict settlement process*

<sup>24</sup> The *de facto* President can veto laws adopted by the “Supreme Council”. On 9 June 2016 for example, Mr Chevchuck rejected the law proposing to reduce the threshold of voters’ turnout for the “presidential elections” from 50% to 25%. This veto was however overridden on 29 June by the “Supreme Council” by 36 votes in favour, and one against.

<sup>25</sup> Kamil Calus, [Transnistrian “House of Cards”](#), *Neweasturope*, 7 June 2016.

<sup>26</sup> Kamil Calus, *ibid.*

66. We welcomed the resumption of the “5+2” discussions<sup>27</sup> in Berlin on 3 June 2016. This meeting resulted in the drafting of a roadmap for future work, and the signature of a Protocol paving the way for agreements related to environment protection; apostilisation (ie transcript authentication) of Transnistrian diploma; telecommunications; licence plates issued in Transnistria and the issues of the criminal cases opened by Moldovan prosecutors against Transnistrians that create legal hurdles in the current discussions. With regard to the protection of the environment, two agreements were signed on 10 and 15 June 2016 pertaining to the exchange of information related to weather forecasts and the protection of natural resources in the Dniester/Nistru River basin. In order to implement the remaining agreements, the Moldovan and Transnistrian sides were still expected to present a concrete timetable for action before the informal conference on confidence-building measures was organised by the OSCE on 12-13 July 2016 in Bavaria (Germany).

67. On 26 July 2016, following a meeting with the OSCE Chairperson-in-Office and German Minister of Foreign Affairs Mr Steinmeier, Prime Minister Filip confirmed Moldova’s determination to contribute effectively to the implementation of the Berlin Protocol, stressing at the same time the need to “remove barriers to the free movement of persons, goods and services, ensuring the effective work of the Latin-script schools, free access of farmers from Dubasari district to their agricultural lands and opening bridges nearby the settlements Gura Bicului – Bicioc.”<sup>28</sup>

## VI. Conclusions

68. A consolidated majority was achieved in parliament to back the Democratic Party early in 2016 (in dubious conditions), which has allowed the government to work and pass the legislation needed to fulfil the requirements of the European Union Association Agreement roadmap, as well as legislation on the financial institutions. We acknowledged that the reform process has accelerated, resulting in the adoption of new laws on the Prosecutor’s Office, the media and the fight against corruption, which is to be welcomed, as is the constructive dialogue with the Gagauz authorities. However, we expect the forthcoming reforms to be implemented in good faith and in line with Council of Europe standards and practices. A number of interlocutors remain concerned and expressed a lack of trust in public institutions, which are consistently perceived as being “captured” by business interests, and described the situation as “calmer, but more serious” than a few months earlier.

69. More progress is in particular expected towards solving the bank fraud case, bringing all those responsible to justice, and alleviating the burden of the Moldovan citizens, who will pay a heavy price: the public debt to cover the financial losses will further impoverish the country. It is of the utmost importance that the international community continues to press for more reforms to combat corruption, address the dysfunctioning of State institutions, and respect for the rule of law. In this respect, the signing of an agreement with the International Monetary Fund on 26 July 2016 (at secretariat level) will hopefully contribute to paving the way to rooting out the causes of the bank fraud.

70. We also encourage the Moldovan authorities and the *de facto* authorities of Transnistria to pursue their efforts to implement the Berlin Protocol, in particular to recognise diplomas and car number plates, but also to make progress concerning Latin-script schools, access of farmers to their lands and free movement of goods and persons across the Nistru River. We appreciate the efforts by the stakeholders of the 5+2 discussions, under the leadership of the OSCE, to make progress on the conflict settlement and bring citizens living on both sides of the Nistru River closer. We expect the Council of Europe to remain supportive of this move, and provide the expertise needed to overcome legal hurdles.

71. Finally, on the eve of the presidential election, we hope that the Moldovan authorities will show the necessary commitment to ensuring that people feel safe when exercising their right to assembly and freedom of expression, and that the political parties will be play a level field. We encourage the Moldovan authorities to take all the necessary steps in this direction.

---

<sup>27</sup> The “5+2” format of discussions involve the Republic of Moldova, Transnistria, the OSCE, the Russian Federation and Ukraine, as well as the United States and the European Union which have an observer status.

<sup>28</sup> <http://www.moldpres.md/en/news/2016/07/26/16006013>.

## Appendix I – Statement by the co-rapporteurs following their visit to Chisinau and Tiraspol

### Monitors, ending Moldova visit, note ‘accelerated’ reforms but list concerns

04/07/2016 – Following their visit to the Republic of Moldova on 27-29 June 2016, PACE monitoring co-rapporteurs Valentina Leskaj (Albania, SOC) and Ögmundur Jónasson (Iceland, UEL) have said that they expect forthcoming reforms to be implemented in good faith and in line with Council of Europe standards and practices. “We noted that reform processes have accelerated, resulting in the adoption of new laws on the Prosecutor’s office, the media and the fight against corruption, which is welcome. However, our frank and open meetings led us to have some concerns about implementation of the laws, and also about the functioning of the judiciary. In particular:

- we regret that the trial of former Prime Minister Vlad Filat – sentenced to 9 years of prison on 28 June 2016 – was held in camera, thus preventing citizens from having legitimate access to information pertaining to a major bank fraud, which is an issue of public interest, impacting the State budget and the functioning of its institutions. An open and transparent hearing in line with the European Convention on Human Rights is a pre-condition for creating public trust in the fairness of the judicial system.

- the procedural aspects of legal proceedings against former PACE member Grigore Petrenco were raised with the authorities. We did not, however, receive satisfactory answers to our queries as to whether investigations into allegations of fabricated evidence have started, nor any convincing explanations about the restrictive measures imposed on Mr Petrenco, which prevent him from leaving Chisinau or from participating in protests “that might lead to disorders”. It remains to be clarified if these restrictions are necessary and proportional. In effect, they hamper the exercise of Mr Petrenco’s right to assembly and his political rights as a party leader. We fear that these and other restrictions and unpredictable legal decisions could be seen as amounting to political harassment and we emphasized our serious concern in this respect.

- the issue of the liability of judges was also on the agenda, and will require a close follow-up in a context marked by allegations of lack of independence of judges and State institutions being “captured” by oligarchs.

With the direct election of the President of the Republic in sight (30 October 2016), we enquired about the situation of the media in the country. We welcomed the adoption of the law limiting concentration of media ownership, but we understand that this law will not be fully effective until the expiration of current licenses. Media outlets will thus continue to operate under the current conditions during the forthcoming electoral campaign, which will make us particularly vigilant about fair media coverage. In this context, we discussed the newly adopted electoral code with political stakeholders in the light of the recently adopted opinion of the Venice Commission, and other electoral issues.

Concerns were raised about freedom of assembly, after four demonstrators from the “Dignity and Truth” Platform were arrested on 5 May 2016 on charges of “mass disorder” for participating in a large demonstration on 24 April. Two are still being detained and two are under house arrest, raising concern about the possible chilling effect of such arrests on opposition members.

Civil society representatives reiterated their concern about their lack of trust in public institutions.

Finally, we warmly encourage the Moldovan parliament and the People’s Assembly of the Autonomous Unit of Gagauzia-Yeri to pursue their constructive dialogue to address long-standing contentious issues on the harmonisation of Moldovan legislation with the autonomous status. Such initiatives deserve our wholehearted approval, and show the ability of Moldovan politicians to search for solutions and thus strengthen their country’s institutions, and to build an inclusive society,” said the co-rapporteurs.

In Chisinau and Tiraspol, Ms Leskaj and Mr Jónasson welcomed the resumption of the “5+2” discussions and discussed with the Chief Negotiators the output of the Berlin meeting of 3 June 2016, as well as discussing human rights issues and freedom of expression with representatives of civil society.

During their visit, the PACE co-rapporteurs met the President of the Republic, the Speaker of Parliament, the Prime Minister, the Deputy Prime Minister for Reintegration, the Justice Minister, the Deputy Minister of Internal Affairs, the Governor of the Autonomous Unit of Gagauzia-Yeri, and the President of the Constitutional Court. They also had talks with leaders of political parties, the Moldovan delegation to PACE, the Deputy General Prosecutor and the Ombudsman, representatives of the media, NGOs and the international community.

## **Appendix II – Programme of the visit**

### **Monday 27 June 2016**

- 08:30-12:00 Meetings with representatives of the civil society and extra-parliamentary political parties organised by the Council of Europe
- 08:30-09:30 Meeting with representatives of the civil society (\*)
- Mr Vlad GRIBINCEA, Legal Resource Centre
  - Mr Ion MANOLE, Promolex
  - Mr Petru MACOVEI, Association of Independent Press
  - Mr Arcadie BARBAROSIE, Institute for Public Policies
- 09:30-10:30 Meeting with representatives of the media (\*)
- Mr Vasile BOTNARU, Radio Free Europe
  - Mr Vladimir SOLOVIEV, Newsmaker
  - Mr Leonid MELNIC, Editor in Chief, TV production, Moldova 1
- 10:30 -11:00 Meeting with Mr Adrian NASTASE, President of the Party “Platform Dignity and Truth” (PPDA) (\*)
- 11:15-11:45 Meeting with Ms Maia SANDU, President of the Party Action and Solidarity (PAS) (\*)
- 12:10-12:55 Meeting with Mr Alexandru TĂNASE, President of the Constitutional Court
- 13:05-13:35 Meeting with Mr Viorel CIBOTARU, President of the Liberal Democratic Party and Mr Tudor DELIU, Vice-president
- 13:45-14:30 Work lunch hosted by the Moldovan delegation to PACE, with the participation of Mr Valeriu GHILETCHI, Mr Mihai GHIMPU, Mr Andrei NEGUȚA
- 14:45-15:15 Meeting with Mr Dumitru DIACOV, Honorary President of the Democratic Party
- 15:20-15:50 Meeting with Mr Mihai GHIMPU, President of the Liberal Party
- 15:55-16:25 Meeting with Ms Inna ȘUPAC, President of the faction of the Party of the Communists
- 16:30-17:00 Meeting with Ms Zinaida GRECEANII, President of the faction of the Socialist Party and Mr Andrei NEGUȚA, Vice-president of the faction
- 17:15-18:00 Meeting with Mr Vladimir CEBOTARI, Minister of Justice
- 18:15-19:00 Meeting with Mr Iurii GARAB, Deputy General Prosecutor
- 19:15-19:50 Meeting with Mr Mihail COTOROBAI, Ombudsman
- 20:00 Working dinner with H.E. Ambassador Pirkka TAPIOLA, Head of the EU Delegation and Mr Per NORMARK, Political-military Officer of the OSCE Mission

### **Tuesday 28 June 2016**

- 07:40-08:15 Meeting with Mr Igor POPA, Mr Vladimir FILAT’s lawyer (\*)
- 08:30-09:15 Meeting with Mr Gheorghe BĂLAN, Deputy Prime Minister for Reintegration and Chief Negotiator
- 09:25-10:10 Meeting with Mr Dorin PURICE, Deputy Minister of Internal Affairs
- 10:10 *Departure for Tiraspol* (\*)
- 12:00 -14:00 Working lunch with representatives of the civil society (\*)

- 14:00-15:00 Meeting with Mr Vitalii IGNATIEV, Chief Negotiator (\*)
- 15:30-16:30 Meeting with Mr Vasili KALIKO, Empowered Representative of Human Rights (*de facto* ombudsman) (\*)
- 17:15 -18:15 Meetings with the representatives of Confidence-building measures projects funded by the Council of Europe (\*)

18:15 *Return to Chisinau*

- 20:30 Meeting with Mr Grigore PETRENCO, former PACE member and Ms Ana URSACHI, his lawyer (\*)

**Wednesday 29 June 2016**

- 08:30-09:15 Meeting with Mr Pavel FILIP, Prime Minister
- 09:30-10:15 Meeting with Ms Irina VLAH, Governor of Autonomous Territorial Unit of Gagauzia-Yeri
- 10:30-11:15 Meeting with H. E. Mr Nicolae TIMOFTI, President of the Republic of Moldova
- 11:30-12:15 Meeting with H.E. Mr Andrian CANDU, Chairman of the Parliament
- 13:00 Meeting with Ms Daniela MORARI, Deputy Minister of Foreign Affairs and European integration

(\*) Meetings organised by the Secretariat of the Council of Europe