

Moldova Bulletin – July 23, 2010 – Report on the current situation in Moldova

The European Partnership for Democracy (EPD) is a Brussels-based organization active in the field of democracy assistance which has Moldova as one of the target countries. Using our partner organizations in Moldova we try to bring current information from established international and Moldovan news agencies in order to provide an independent view on Moldova to the Brussels decision makers. Please address any questions or comments to klaraweger@epd.eu.

Contents

FOREIGN ENGAGEMENT	1
U.S. Government provides aid for Moldovan flood victims.....	1
Romanian Government assists Moldova in flood cleanup	2
MOLDOVA POLITICS	2
Central Election Commission approves referendum calendar	2
Court rules against referendum on religion in schools.....	2
Constitutional Court rules Mihai Ghimpu's decree about June 28 is unconstitutional	2
Communist opposition reiterates intention to boycott referendum	2
Social-democrats to boycott constitutional referendum on 5 September.....	3
Ghimpu to consult Constitutional Court about necessity of dissolving Parliament	3
Restored Declaration of Independence sent to Parliament	3
Constitutional Court president: Parliament must be dissolved, regardless of referendum result.....	3
Constitutional Court asked to interpret article concerning President's term in office	3
13 electoral participants can start campaigning.....	4
Peace between Opposition and Government is now impossible, PCRM secretary.....	4
FREEDOM OF THE MEDIA.....	4
Radio Moldova to host debates from July 31 st	4
HUMAN RIGHTS and RULE OF LAW	5
UN agency to Moldova welcomes ratification of Convention for Disabled People.....	5
Protest outside Constitutional Court	5

FOREIGN ENGAGEMENT

U.S. Government provides aid for Moldovan flood victims

The U.S. Government donated pillows, blankets, sheets, sleeping bags, personal hygiene supplies etc., of an amount of over \$250,000 to persons affected by floods in Moldova. In the handover ceremony, chargé d'affaires of the U.S. Embassy Marcus Micheli said the U.S. will also provide \$50,000 to purchase emergency relief supplies for the flood victims. Prime Minister Vlad Filat said the aid will be distributed by the Hancesti Emergencies Department. He also said he asked the U.S. to delegate experts to work together with Moldovan experts on an emergencies strategy to prevent floods in the future. *IPN, 22 July 2010.*

Romanian Government assists Moldova in flood cleanup

During his visit to the flood-stricken villages on July 22, Vlad Filat said the Government of Romania decided to provide supplementary aid to the €100 million promised earlier. An additional agreement between the Governments of the two countries will be signed the next days. The aid will consist of building materials for the about 700 houses that will be built for the flood victims who remained without homes. *IPN, 23 July 2010.*

MOLDOVA POLITICS

Central Election Commission approves referendum calendar

The Central Election Commission (CEC) approved the proposed calendar for organizing and holding the constitutional referendum on direct presidential elections on September 5, 2010. 30 parties that registered with the Ministry of Justice by July 7, 2010 will be allowed to campaign for the referendum. *IPN, 9 July 2010*

Court rules against referendum on religion in schools

The Supreme Court of Justice turned down an inquiry submitted by Valeriu Pasat, the head of the initiative group promoting mandatory teaching of Orthodox religion in schools. The court left in force a decision by the Court of Appeal which prohibited the collection of signatures in favor of a referendum on the matter. Pasat said he would not abide by the court's decision. 'No matter how this litigation evolves, we will collect signatures in favor of our initiative which is already enjoying the support of over 40,000 Christians,' Pasat said. *Moldpres, 8 July 2010*

Constitutional Court rules Mihai Ghimpu's decree about June 28 is unconstitutional

The Constitutional Court ruled that Mihai Ghimpu's decree to institute the Soviet Occupation Day on June 28 is unconstitutional. The Court's president Dumitru Pulbere argued Mihai Ghimpu tried to assess the historical events from legal viewpoint. The decree is to be annulled. *IPN, 12 July 2010*

The Actiunea Europeana Movement (MAE) openly disapproved the Constitutional Court decision, declaring the decree of interim president Mihai Ghimpu according to which June 28 was declared "Soviet Occupation Day" unconstitutional. MAE President, MP Veaceslav Untila believes this is a political decision. „The justice system proved one more time it is not independent, it is a shameful decision, a sign confirming the deficiency of Republic of Moldova's judicial system". *Deca-press, 12 July 2010*

According to Igor Munteanu, head of the Institute for Development and Social Initiative "Viitorul" "the decree to declare June 28 the Soviet Occupation Day issued by Mihai Ghimpu cannot be named unconstitutional as it infringes no constitutional principle or other things requiring constitutional control". According to the analyst, the Constitutional Court's July 12 decision shows the problems and challenges of the reform of the legal system in Moldova are extremely serious. "The Court missed the chance to remain silent in this case and set thus a precedent," Igor Munteanu said. At the Constitutional Court's hearing this morning, Acting President Mihai Ghimpu said that if the decree is declared unconstitutional, the decree signed by former head of state Vladimir Voronin in 2002, whereby fascism was condemned, should also be annulled. "It is clear that the Court does not follow the path of precedents. Earlier, it kept silent as it wasn't probably notified, but now it decided that the Acting President assessed a historical event from legal viewpoint, fact that cannot be challenged in the Constitutional Court," Igor Munteanu told the Agency. *IPN, 12 July 2010*

Communist opposition reiterates intention to boycott referendum

The Moldovan Communist Party (PCRM) considers the September 5 referendum is only a method for the government coalition to avoid early legislative elections and remain in power. In a statement, the PCRM's Central Committee says the referendum will be a continuation of the coup staged on April 7. "The referendum initiated by

the Alliance for European Integration does not aim at determining a method for the head of state election. It will not represent a consultation of the population, but a continuation of the coup mounted on April 7. It will be an attempt to deprive the Moldovan people of (...) the right to elect another, truly popular government," the statement reads. The Communist Opposition reiterates that it will boycott the referendum and urges the people not to take part in it and say "No" to the plebiscite. *IPN, 14 July 2010*

Social-democrats to boycott constitutional referendum on 5 September

The Social Democratic Party calls people to boycott the constitutional referendum on September 5. „By organizing the referendum and then presidential elections, the authorities try to maintain the current Parliament to power illegally. Our concern refers to changes in the Election Code that will enable the adoption of amendments to the Constitution with the vote of 17% of citizens, which is not high enough. Moreover, this poll will induce the organization of other referendums during which decisions leading to the liquidation of Republic of Moldova statehood will be taken”, Victor Selin, social-democratic leader, states. *Deca-press, 13 July 2010*

Ghimpu to consult Constitutional Court about necessity of dissolving Parliament

Acting President Mihai Ghimpu said he will consult the Constitutional Court about the necessity of dissolving the legislative body after the referendum. He made the statement in a program on the public TV channel. Asked by the political analyst Arcadie Barbarosie if he will dissolve the Parliament after the referendum if the people vote in favor of direct election of the head of state, Mihai Ghimpu said he will consult the Constitutional Court about this. *IPN, 14 July 2010*

Restored Declaration of Independence sent to Parliament

The original of Moldova's Declaration of Independence that was restored after it burned during the April 2009 events was sent to the Parliament's Apparatus for storage. The original contained 278 signatures, while the restored document 271 signatures. Pantelei Sandulachi, the head of the Association "Parliament 90", said several Communist MPs and two former lawmakers from the Transnistria region refused to put their signatures again. *IPN, 16 July 2010*

Constitutional Court president: Parliament must be dissolved, regardless of referendum result

Acting President Mihai Ghimpu must dissolve the Parliament, no matter what the result of the constitutional referendum is, said the president of the Constitutional Court Dumitru Pulbere. "The President should consult the Court when to start the Parliament dissolution procedure. Even if the method of electing the head of state is modified by referendum, the Court's decision will be based on the norms existing when the dissolution problem arose. The problem appeared on June 16, when the Parliament was to be dissolved in accordance with Article 78 of the Constitution," Dumitru Pulbere told a news conference on July 19. Asked if the leader of the Communists Party Vladimir Voronin can run in the presidential elections again, Dumitru Pulbere said the Constitutional Court will pronounce on the issue if it is asked to, but, under the law, the post of Acting President is not identical to that of President. *IPN, 18 July 2010.*

Constitutional Court asked to interpret article concerning President's term in office

The head of the parliamentary commission for appointments and immunities, Ion Plesca, requested the Constitutional Court to interpret Article 80 of the Constitution, which says that a person who held the post of President two consecutive terms can run no more for the post. Ion Plesca explained the move is aimed at preventing different interpretations after the constitutional referendum. "Some of the electoral contenders do not know the Constitution and sometimes misinterpret some of the articles. Thus, I asked the Court to pronounce itself

so that all the participants in the campaign for the referendum know what that article says,” Ion Plesca stressed. The MP is convinced that the person who held two consecutive offices cannot apply for presidency anymore, regardless of the method of electing the head of state. The Communist lawmakers repeatedly said the former head of state Vladimir Voronin could run for a new term in office as the post held by Mihai Ghimpu on an interim basis represents an interruption between the second and a possible third term. Ion Plesca specified that Mihai Ghimpu holds the position of head of state without being sworn into office. Sources in the Constitutional Court told the Agency that Ion Plesca’s application was filed on July 16, but it is not yet known when it will be examined and who will be the judge-rapporteur. The president of the Constitutional Court Dumitru Pulbere said recently that under the Constitution, no person can hold more than two offices as President and there is not need for interpretation, but, if asked, the judges will pronounce on this case. He also said that the post of President held on an interim basis is not identical to that held permanently. *IPN, 19 July 2010.*

13 electoral participants can start campaigning

The 13 electoral participants in the campaign for the September 5 constitutional referendum that have been registered by the Central Election Commission (CEC) can place election posters, take part in public debates and campaign. The CEC secretary Iurie Ciocan said the political parties can file applications to be registered as participants by August 4, but those who were already registered can start campaigning. Besides rights, the participants also have obligations like weekly presenting financial reports to the CEC. The parties are allowed to spend at most 7.5 million lei on the campaign. The electoral participants can lodge challenges with the CEC if they identify irregularities committed by other participants. No broadcaster has yet informed the CEC about their intention to organize electoral debates, Iurie Ciocan said. The debates can start on any campaign day. “The broadcasters decide by themselves when to organize the debates,” Ciocan said. *IPN, 21 July 2010.*

Peace between Opposition and Government is now impossible, PCRM secretary

“The most important thing in the current parliamentary session is that the voters in Moldova had the possibility of convincing themselves that the AEI is unable to govern, achieve the set objectives and make progress, especially in the European integration process,” said the secretary of the Central Committee of the Communist Party Iurie Muntean, when asked to enumerate the results achieved by the legislative body in the spring-summer session. “The people were able to see the mistake they made on July 29, 2009. This is an accomplishment, at least for the PCRM,” Iurie Muntean said. According to him, the government coalition in fact never existed. “The so-called Alliance for European Integration was a stillborn baby. The decomposition of this baby is now at the final stage,” he said. As to the failures of the Parliament in the 2010 spring-summer session, the Communist MP said many chances to establish a constructive political dialogue were missed. “The peace between the Opposition and the Government is now impossible,” he said. *IPN, 21 July 2010.*

FREEDOM OF THE MEDIA

Radio Moldova to host debates from July 31st

The public debates on the September 5 constitutional referendum at Radio Moldova will take place at two levels – for civil society representatives and for the electoral participants, the public radio station’s director Alexandru Dorogan has told Info-Prim Neo. The debates involving civil society representatives will be held under the theme “Referendum 2010 – Ideas, Opinions, Suggestions”. They will begin on July 31. The invitees will include NGO leaders, scientists, constitutional law experts, and others. “We consider such debates with civil society on the radio are needed as the referendum concerns the entire society,” Alexandru Dorogan said. Six programs of 50 minutes each will be held. The debates with representatives of the parties registered by the Central Election Commission as participants in the campaign for the referendum will start on August 5. During the “Tribune of the Referendum Participants” debates, the electoral participants will benefit from 10 minutes of free airtime. *IPN, 22 July 2010.*

HUMAN RIGHTS and RULE OF LAW

UN agency to Moldova welcomes ratification of Convention for Disabled People

United Nations Organization (UN) agency to Moldova welcomed the decision of the Moldovan Parliament as of July 9 to ratify the Convention on the rights of disabled people. The UN Agencies expressed their commitment to help the Government and the civil society in the process of implementation of the various Convention provisions. The UN General Assembly adopted the Convention on Disability Rights and its Optional Protocol on December 13, 2006. According to some data, there are about 170 thousand disabled persons in Moldova. *Deca-press, 12 July 2010*

Protest outside Constitutional Court

A group of protesters picketed the building of the Constitutional Court condemning its decision to nullify the presidential 'Soviet Occupation Day' decree. The protesters demanded the resignation of the Court 'in bank' accusing its judges of immorality. The protesters intend to demonstrate on a daily basis until the Court reverses its decision. A protest rally was also planned outside the Russian Embassy in Chisinau, as well. "Why was that our judiciary interfered and gave a political assessment to a historical event? The Constitutional Court is playing into a foreign country's hands", declared Ghenadie Brega, an outspoken activist. *IPN, 13 July 2010*