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European Partnership for Democracy

Moldova Bulletin – May 14, 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.

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FOREIGN ENGAGEMENT

Moldovan-Romanian parliamentary commission for EU integration to be set up

The European Union Border Assistance Mission to Moldova and Ukraine (EUBAM) has planned to create two model Moldovan-Ukrainian border checkpoints in 2010. The customs checkpoints Todora-Starokazachye and Otaci-Moghiliov Podilskii were chosen as model border checkpoints. The project will focus on daily analysis of operations at the customs checkpoints in order to decrease and liquidate corruption at the border. To this end, an opinion poll will be conducted among drivers and passengers who cross the state border, in order to get a clear vision of the way the Customs Service and the Border Guard Services fulfil their duties. The pilot project's activities will be monitored by a working group made up of customs employees and border guards assisted by employees of Field Offices and advisers of the EUBAM Mission. *Moldpres, 6 May 2010*

Moldova and Slovakia to cooperate in European integration field

Foreign and European Integration Minister Iurie Leanca and Slovakian Foreign Minister Miroslav Lajcak signed a joint declaration on cooperation in the European integration field in Chisinau. Under the document, Slovakia commits to back Moldova's EU integration road. Following the signing ceremony, the head of the Moldovan diplomacy, Iurie Leanca, said that the signing of this declaration is an important moment in the development of the bilateral ties. For his part, Miroslav Lajcak said that his country fully supports Moldova on the European integration path, and will provide every experience to this end. Moldova has a unique opportunity, as it is well-regarded and -perceived by the European Union, and these countries are willing to increase their support for Moldova, the Slovakian minister said. *Moldpres, 7 May 2010*

Moldovan deputy premier and World Bank officials discuss medium-term reforms agenda

Deputy Prime Minister, Economics Minister Valeriu Lazar on 6 May had a meeting with World Bank (WB) Director for Ukraine, Belarus and Moldova Martin Raiser, WB Country Manager for Moldova Melanie Marlett and a WB chief economist for Moldova, Dino Merotto. The meeting's goal was to discuss the agenda of medium-term reforms of Moldova's government, in the context of an exercise of economic assessment held by the World Bank at present. The meeting was also aimed at debating up-to-date aspects regarding the energy sector. The sides also discussed the successful completion of the talks for a 25-million-dollar agreement on financing of the programme on economic recovery between the Moldovan government and World Bank. The money was earmarked as budgetary support to cover the spending for economic re-launch and social protection. At the meeting, Valeriu Lazar stressed that the earlier established agenda of short-term reforms has been practically implemented already. Presently, a priority of the government is to implement a set of medium-term reforms which would include stimulating investments and liberalizing the foreign trade. *Moldpres, 7 May 2010*

MOLDOVA POLITICS

Constitutional Court approves PCRM's amendment proposal

The Constitutional Court approved the proposal to modify article 78 of the Constitution and allow electing the head of state by three rounds of voting, which was submitted by the parliamentary group of the Communists Party. The decision was pronounced on Thursday, 29 April. All the six judges of the Court voted in favor of the motion, but formulated a number of recommendations. According to the president of the Constitutional Court

Dumitru Pulbere, three of the proposal's points can be included in an organic law, not in the Constitution. Dumitru Pulbere said it is not recommended to dissolve the Parliament within ten days if the President is not elected by three rounds (61, 57 and, respectively, 52 votes). 'No European country imposes conditions as regards the dissolution of Parliament. The political parties must find solutions to overcome the situation so as to avoid holding early elections endlessly,' Dumitru Pulbere said. The PCRM's suggested that elections should be held only if there are at least two candidates, but the Constitutional Court ruled that there can be a single candidate. The Communists Party's representative to the Constitutional Court Sergiu Sarbu said it is the Parliament that will decide whether to accept the Court's recommendations or not. The motion will be examined in Parliament six months after the publication of the Court's decision in the Official Gazette. It can be passed by 67 votes. *IPN, 29 April 2010*

Marian Lupu says dissensions inside government coalition went beyond limits

'The language and method of promoting the opinions, with mutual accusations, shows that the Alliance for European Integration entered a serious phase and only urgent measures can help bring things to normality inside the coalition,' Marian Lupu (Leader of the Democratic Party – PDM) said in a press briefing on 29 April. According to him, the situation has worsened because the Alliance did not manage to create an efficient mechanism for coordinating the actions of its members. 'The latest events showed that the absence of such a mechanism can have dramatic effects. After the 29 July elections, we have made calls to stop the war between the left and the right. Now we have to address these messages to the colleagues from the Alliance as the rivalry between them can lead to irremediable consequences,' Lupu said. 'We consider that the government should be efficient. We had dissenting opinions from the very beginning and agreed not to focus on sensitive issues. The present dissensions went beyond limits. The Alliance entered a dramatic, critical stage. There are two things we can do now: concentrate on the real development priorities of Moldova, or admit that the election campaign started and work separately on segments of electoral interest. But this is not in accordance with the government program.' *IPN, 29 April 2010*

AEI soon to have a secretariat

The leaders of the Alliance for European Integration (AEI) assure the people that the government coalition is solid. On 3 May in the evening, the four leaders said the Alliance will soon have a secretariat. 'Moldova is now governed in a different way, not like during the Voronin regime. Currently, we have a four-party coalition with different viewpoints sometimes, but it works in unison,' said Vlad Filat. Marian Lupu said the AEI is a new formula in Moldova's political system and the four parties showed they can work as part of a coalition during several months, but they have yet many things to learn. Asked about the possible early legislative elections and how they will run in them – together or separately, the four leaders refused to say, arguing that the Alliance has not yet discussed this subject as it is not clear if early elections will take place. Mihai Ghimpu said the ruling coalition intends to set up a secretariat that will make known the decisions taken by the leaders and lawmakers of the Alliance. *IPN, 4 May 2010*

Constitutional Court approves constitutional amendment proposal by AEI

The proposal of the Alliance for European Integration (AEI) to amend Art.78 of the Constitution was approved on 4 May by the Constitutional Court. Under the proposal, the head of state would be elected by direct popular vote and could be dismissed with a two-thirds vote of Parliament. Like in the case of the project submitted by the opposition Communist Party (PCRM), the approval of the Constitutional Court came with a few reservations. Constitutional Court Chair Dumitru Pulbere warned that the Alliance should pay attention to Art.80, which determines the duration of presidency, and Art.85, which in the current version says that the acting president shall dissolve Parliament should it fail to elect the president. If neither proposal gets parliamentary endorsement, an alternative would be a referendum called by either the Government or a group of 200,000 citizens; the president or the acting president is empowered to call only an advisory, non-binding referendum, the Court specified. *IPN, 4 May 2010*

Mihai Ghimpu says he will not hurry to dissolve Parliament

The parliamentary commission for the modification of article 78 of the Constitution will examine the amendment proposals submitted by the PCRM and the AEI and will make a suggestion in Parliament, Moldova's Acting President Mihai Ghimpu said on his return from Strasbourg. 'If the problem is not solved in Parliament, we will hold again discussions with the Venice Commission,' he stated. 'I think the visit to Strasbourg was promising. Now everything depends on this Commission' Mihai Ghimpu added. He said in this connection that he will not hurry to dissolve the Parliament and that the discussions will continue. Ion Plesca, the head of the mentioned parliamentary commission, said the commission will have a working meeting next week and will discuss this subject. Gianni Buquicchio also said the politicians must make sure that article 78 is amended before the dissolution of Parliament. The president of the Venice Commission Gianni Buquicchio told Radio Free Europe that the Moldovan delegation that had been in Strasbourg praised the amendment proposal of the Alliance for European Integration. 'I told Mister Ghimpu that they must act quickly. They cannot dissolve Parliament before 15 June. However, this situation cannot last for three or four years more. Most probably, the legislative body will be dissolved at the end of this year, Gianni Buquicchio said, quoted by Radio Free Europe. According to the European official, a consultative referendum can be held to ask the population how they want the head of state to be elected. The possible amendments will anyway be adopted in Parliament. *IPN, 6 May 2010*

Modified Electoral Code adopted in first reading

The Parliament passed the amended Electoral Code in first reading. The amendments allow creating electoral blocs and setting up polling stations in places outside embassies and reduce the election threshold for parties from 5% to 4% and for independent candidates from 3% to 2%. According to Valeriu Nemerenco, chairman of the special parliamentary commission for improving the electoral legislation, 55 articles of the Electoral Code have been modified and several new articles have been added. Valeriu Nemerenco said that a number of proposals submitted by NGOs, political parties and other organizations will be discussed when the document is voted in the second reading. 'The amended Code contains a number of recommendations that were made by the Venice Commission in 2007-2008, but were not taken into account then,' Valeriu Nemerenco said. *IPN, 7 May 2010*

Vladimir Voronin wants elections in October

The Communists Party of Moldova considers that the early legislative elections should be held in autumn, in the second half of October. The PCRM is ready to return to the sittings of the Parliament immediately after a preliminary agreement over the modification of article 78 of the Constitution is reached with the Alliance for European Integration (AEI), the party's president Vladimir Voronin told a news conference on 11 May. The former head of state stressed that this possible consensus will become utopian if the government coalition does not agree to dissolve Parliament and announce new early elections. Another condition imposed by the Communists is to disband the commission for studying the totalitarian Communist regime in Moldova, which is called by Vladimir Voronin 'Ghimpu's commission'. *IPN, 11 May 2010*

Parliamentary commission for amending presidential election mechanism fails to reach consensus

The parliamentary commission for the amendment of Article 78 of the constitution (on the presidential election mechanism) failed to reach a consensus. The only decision that the representatives of the opposition Communists and the representatives of the Alliance for European Integration (AIE) managed to take was that the commission will hold another meeting and will ask for the support of a mediator. The head of the commission, Ion Plesca, said that the meetings are necessary, even if each side supports its own draft. We came up with a draft which we deem as necessary, as the latest surveys show that people want direct presidential elections. 'Now, we have to take a break, discuss within the alliance, the Party of Communists (PCRM) will also discuss, and we will come with concrete proposals at the next meeting. If each side insists on its own draft, and no compromise is found, we will resume discussions with the Venice Commission.' At the end of the meeting, the Communist members said that they would insist that their draft should be accepted as foundation for a joint draft. *Moldpres, 11 May 2010*

FREEDOM OF THE MEDIA

Moldova, on 144th place in 'Press Freedom in the World' Survey

Republic of Moldova is considered to be a country without free press, according to the annual survey 'Press Freedom in the World' (2009), made public on Thursday, in Washington, by the American Organization 'Freedom House'. Moldova, with 65 points, was placed by the authors of the rating on the 144th position. Monitor Media Agency notes 'Freedom House' experts place Moldova among the countries where media is not free for the fifth year. *Deca -press, 29 April 2010*

Moldova asks CoE commissioner for Human Rights to send mission to release arrested journalist

The Moldovan delegation to the Parliamentary Assembly of Council of Europe (PACE) from Strasbourg asked the commissioner of the Council of Europe for Human Rights, Thomas Hammarberg, to send a mission to Transnistrian region to release journalist Ernest Vardanian. The authors assert the Chisinau Government tried to release the journalist, but the authorities from the left bank of the Nistru River did not react. The request was signed by AMN leader, Deputy spokesman Serafim Urechean, PDM leader, MP Marian Lupu, Ana Gutu (PL), Vitalie Nagacevschi (PLDM), Valeriu Ghiletschi (PLDM) and Stela Jantuan (PDM). *Deca-press, 29 April 2010*

HUMAN RIGHTS and RULE OF LAW

Mihai Ghimpu: Ion Muruianu defied Parliament

The Acting President expressed his indignation at the fact that the Supreme Council of Magistrates canceled the holding of the post of president of the Supreme Court of Justice on an interim basis immediately after the Constitutional Court ruled that Ion Muruianu was dismissed illegally. In a press briefing on 30 April, Mihai Ghimpu said the Alliance for European Integration should be more active in making decisions when certain violations are committed. 'The fact that Muruianu took up the post before the Parliament examined the Constitutional Court's decision upset me. The Supreme Council of Magistrates, which has nothing to do with the dismissal of Muruianu, came together and annulled the decision concerning the holding of the post of president of the Supreme Court of Justice on an interim basis,' Mihai Ghimpu said, stressing that Ion Muruianu defied the Parliament. *IPN, 30 April 2010*

11 policemen, under investigation in Valeriu Boboc case

11 policemen were dismissed and put under criminal investigation in the case of Valeriu Boboc' death, killed in the night of 7 to 8 April, 2009. The Ministry of Internal Affairs, Victor Catan, specified on Monday, during a press conference, that some of them were put under accusation. Some of them are just witnesses. The former chief of municipal police, Iacob Gumenita, and policeman Ion Perju, are among these policemen. The policemen that will not be considered guilty will be re-assigned, Catan specified. *Deca-press, 3 May 2010*

Constitutional Court will not be able to decide in cases like 'Ion Muruianu'

The Government greenlighted a bill concerning the constitutional control exerted by the Constitutional Court. Under the bill, the presidential decrees, the parliamentary and government decisions of individual nature shall not be subject to constitutional oversight exerted by the Constitutional Court, the Ministry of Justice informed. If Parliament passes the bill, the Constitutional Court will not be able to decide in cases similar to Ion Muruianu's, who was discharged by Parliament from the post of Chief Justice on 4 March. The Ministry of Justice argues that the exemption from constitutional oversight of the individual acts issued by Parliament, the President and the Government is in line with the provisions of the Law on the Constitutional Court, which says that subject of constitutional control shall be only the acts listed in Art.135 para.(1) letter (a) of the Constitution, that is, of lawmaking nature. The bill was proposed after the Constitutional Court on April 27 decided to revoke the decision of Parliament to dismiss Chief Justice Ion Muruianu, despite it being an administrative act of individual nature. In

this sense, Minister of Justice Alexandru Tanase challenged the legality of the Court's decision and demanded its revocation. *IPN, 5 May 2010*

Commission of inquiry says 7 April events did not represent a coup attempt

No coup was attempted on 7 April, 2009, but the protests were determined by the problems existing in the country before 5 April. The police did not intervene in time, the prosecutors and judges acted illegally and no traces of involvement of foreigners in the protests were identified. These are some of the conclusions contained in the report of the parliamentary commission of inquiry into the 7 April, 2009 events that was presented at the 7 May sitting of the Parliament. A decision based on the conclusions and recommendations of the report is to be taken at one of the next sittings. 'The report cannot be regarded as a verdict. It contains a number of recommendations for the Prosecutor General's Office, the Ministry of the Interior and the Supreme Council of Magistrates, which are to investigate certain circumstances and persons who were questioned by the commission more thoroughly,' the commission's chairman Vitalie Nagacevschi said. The commission examined the pre-electoral context and pointed out a number of problems – the utilization of administrative resources in the electoral campaign, the imperfection of the legislation, the fact that the members of the Central Election Commission accused each other of being politically biased and did not react to violations committed by certain electoral contenders. Vitalie Nagacevschi said that the former police commissioner of Chisinau Vladimir Botnari, former deputy commissioner Iacob Gumenita, former prosecutor general Valeriu Gurbulrea and other officials were near the Great National Assembly Square on 6 April in the evening, but did nothing to prevent the protests. Speaking about the leaders of the then Opposition, who had been authorized to stage protests, Vitalie Nagacevschi said there were a lot of people in Chisinau's central square and nobody could control the crowd. 'It is not clear why the police officers at 20.00 were ordered to leave the Parliament, while the firefighters did not start to put out the fire that broke out in the building,' he said. Also, a number of judges committed serious violations as they tried young people inside police stations. The commission questioned 82 persons. Former head of state Vladimir Voronin refused to give testimony, while Judge Dorin Popovici did not appear before the commission. In the end, Vitalie Nagacevschi said the report was approved only by the members of the commission that form part of the Alliance for European Integration, while the Communist MPs expressed a separate position. The Opposition accused the commission of being not objective and said the present administration was involved in the organization of the protests. Vitalie Nagacevschi denied the accusations, saying that if politicians had been involved in those events, they would have been held accountable as the PCRM governed the country for four more months after the protests. *IPN, 7 May 2010*