On the rule of law in the Republic of Moldova

The Alliance of Liberals and Democrats for Europe Party convening in Amsterdam, the Netherlands on 1 to 3 December 2017:

Notes:

- with great concern the continuous regress of democracy in Moldova and the threats to the rule of law;
- the Association Agreement between the Republic of Moldova and the European Union, signed on 27 June 2014 in Brussels, Belgium, ratified by the Moldovan Parliament on 2 July 2014 and by the European Parliament on 13 November 2014, that reads: “in their cooperation in the area of freedom, security and justice the Parties shall attach particular importance to the promotion of the rule of law, including the independence of the judiciary, access to justice, and the right to a fair trial; the Parties will cooperate fully on the effective functioning of institutions in the areas of law enforcement and the administration of justice; respect for human rights and fundamental freedoms will guide all cooperation on freedom, security and justice”; [1]
- Article 6 of the European Convention on Human Rights that states: “in the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law”; [2]
- the continuous polarisation of Moldovan society towards Russia, and the ongoing concentration of power into the hands of oligarch which leads to a de-facto merger between economic and political actors; notes the extremely slow proceedings into the great banking fraud scandal that saw over $1 billion dollars laundered, which reveals the entanglements between political class and those responsible;
- the cuts in EU funds for justice support programmes, due to the lack of tangible progress and insufficient commitment of the Moldovan authorities in reforming the justice system, given the lack of proper allocation of funds and personnel, as express conditionality for EU support to Moldova; Notes that these cuts are followed by pauses in funds transferring relating to other policy areas;
- European liberals remain committed to the principle that any case of potential abuse of office must be investigated.
Expresses concern about:

- the extremely difficult situation of democracy in the Republic of Moldova, as a result of the political pressures placed on local public authorities;
- the arrest and the treatment of Mr Dorin Chirtoacă, Mayor of Chisinau, Moldova, which is suggestive of selective and partisan justice; [3]
- the regression of democracy through pressure applied to political opponents. Four MPs from the Liberal Party parliamentary faction were forced to leave the faction and through blackmail, intimidation and threats, other Liberal MPs are being urged to do the same thing;
- the ruling Democratic Party (PDM) wilfully discarding the recommendations of the Venice Commission and changed the electoral system in a hasty and opaque manner without the full involvement of the opposition or civil society that will unfairly hit the smaller and opposition parties in the country thus ensuring that the country’s MPs are no longer either proportional or representative of the country that voted for them; [4]
- the perceived lack of independence of the judiciary and the politically motivated hunt on members of the judiciary, whose independence in being cast into doubt, by means of unlawful interpretation of the Criminal Code, recalling the case of now ceased member of the judiciary Dominica Manole;
- the "stick and carrot" practices through which some 40 from 101 MPs from other political groups joined the Democratic Party, in what can be perceived as a means of avoiding the risk of running on the 6% threshold needed to have Parliamentary representation;

Calls on:

- the ALDE Party to consider delegating a group of experts and ALDE MEPs members of Civil Liberties, Justice and Home Affairs and Human Rights Parliamentary committees, to visit Chisinau and be informed on the threats to the Democracy and State of Law in the Republic of Moldova;
- the EU institutions to closely scrutinise the commitments undertaken by the Republic of Moldova by virtue of the DCFTA EU-Moldova and to uphold the conditionality of the funding on a strict "no reform-no disbursement" basis;
- ALDE member parties to condemn the political pressure on MPs of Liberal Party faction in the Parliament of the Republic of Moldova;
- the respective authorities in the Republic of Moldova to adhere to the international standards and good practices in conducting such investigations. [4]
Sources:


Resolution:
On the rule of law in the Republic of Moldova

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