

Editorial

Who do the bells of justice in the Republic of Moldova ring out for?

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The decision to invalidate the results of the Chisinau Municipal Election (3 June, 2009) and the maintenance of the first instance court's decision by the Court of Appeal is setting the citizens of the Republic of Moldova as well as the foreign partners of the country ablaze.

Univocally, justice has lost a very good opportunity to wash away the accusations brought against it - that it serves narrow circles of political profiteers, and that it doesn't work in the name of fairness and justice.

Hundreds of citizens have protested against this injustice in the past week, arguing that an abusive decision is stealing one of their inalienable rights – to right to elect local representatives - respectively against the arguments put forward by the court judges regarded as “puerile and lacking common sense”. The judges are suspected of playing the game of the Democratic Party that wants to prevent the candidate of the united opposition, Andrei Nastase, from taking over the executive control of the capital, and with it - to give a lesson to everybody who doubted the “obstinacy” of the Power to stay in power. And in order to achieve its goal, they use the clientelism of a weak justice ... It is interesting to note that the sense of illegality is being felt even by the political party that lost the elections, which increases the perception of the public about the decisions taken by the court regarding the cancellation of perfectly valid elections.

The consequences of this situation are multiple. The public perceives the invalidation of elections in the capital as a personal affront, which rips up the credibility of the system and deepens the rupture between the Power and society. Indignant with the unlawfulness of the adopted decisions, several protesters have launched blame for power and justice, followed by an impressive number of citizens (about 30,000 marching) on Sunday, 24 June, who continued the peaceful protest against the invalidation of the local elections' results in Chisinau. The protests suggest a prominent mobilization of the opposition, which is going to severely penalise these undemocratic deviations of the



Power, stimulating the desire to participate in the life of the “city” of some segments that had treated with lots of indifference the political scene on which nothing important was happening. We can say that the illegalities have shaken the bell of justice, which has awakened for action a deeply revolted audience that was looking for a pretext. On June 22, the Superior Council of Magistracy (SCM) launched an appeal to citizens and the press, calling for a “reasonable

approach”, but it seems that the SCM message misses an essential element of this situation - the public is demanding impartial justice rather than calmness, and restoration of electoral justice rather than the status quo in a matter which means to the people violation of “red lines”, one of which is the direct elections of local power.

The incident that hasn't consumed until present has prompted harsh reactions from external actors. The reactions, though generally benign but firm, have been echoed by the Head of the EU Delegation to Chisinau, Peter Michalko, the European External Action Service (June 20th), the European Parliament (June 21st), the European People's Party (June 20th), the US State Department (June 21st). Thus, the main foreign partners have fixed in their interventions a significant rebound of the electoral democracy in the Republic of Moldova and an unprecedented interference in the judicial act. This recoil is contrary to the European standards that are circumscribed by the RM-EU Association Agreement and is all the more serious as the leader of the Democratic Party has assumed over the last years the status (confirmed in press conferences) of giving directions to all the powers in the state, from his position as the main decision-maker of this party. The perception is creating the political realities, which means that everything happening between the Opposition and the courts involved in the deliberation of this case will have repercussions on the macro-financial assistance, but also on how the political process is being evaluated by the EU institutions (Commission, Council and Parliament). Respect of the popular vote is a sine-qua-non condition of any government pretending to be democratic - and even more so, of a government engaged in a Political Association Agreement with the EU.

I will remind in this context that securing the independence of justice is one of the clearest and most non-negotiable conditions imposed by the EU on Moldovan authorities with the clear goal of ending political clientelism, emphasized by the instrumentation of selective justice for the benefit of oligarchic groups and the rehabilitation of the citizens' trust in the rule of law. This priority of the dialogue between the official Chisinau and the EU institutions can be found in all- without exception- political documents adopted in the last years by the two sides. And the fact that things did not improve significantly in this respect is proved also by the neutral finding that there is no difference in the articulation of this serious problem in the Moldovan justice in the text of the recommendations of the European Council from 15 April 2016 and in those of the EU-Moldova Council from February 2018. The EU remains deeply concerned by the lack of independence of the judiciary and the prosecutor's office in our country, which undermines the principles of efficiency, transparency and accountability of those who should protect the citizens from abuse, corruption and impunity in society. Neither the latest Report on the implementation of the Moldova-EU Association Agreement (April 2018) leaves much room for enthusiasm. The technical style adopted to describe the monitored institutions and indicators is hiding a clear dissatisfaction of the EU, which is attesting lack of political will and the ambiguities of political actions taken recently by the ruling party (Democratic Party of Moldova).

The change in the electoral system in 2017 has totally contrasted with the recommendations of the Venice Commission (CoE / OSCE-ODIHR), showing a certain desire to change the rules of play for the benefit of those in power and to the detriment of the fundamental norms of the political association with the EU. On 26 February 2018, the European Union's Foreign Ministers unanimously supported that 100 million euros of assistance requested by the Chisinau authorities will only be granted according to the progress achieved by the Republic of Moldova, with reference to the above-mentioned conditions: the rule of law, the multi-party system and the guarantee of respect for human rights. Moreover, Federica Mogherini, the head of European diplomacy, has underlined the existence of "trends" that strengthened the EU's concerns about the political situation in the Republic of Moldova, including among others the politicization of state institutions, media clientelization, systemic corruption and weak governance, which could complicate the provision of the required assistance. The reforms are stagnating and most of the progress indicators in agriculture or education remain isolated, having a modest impact on the overall situation.

The investigations of the banking fraud are being dragged on despite the rhetoric of Moldovan officials about being maximally open and firmly committed to this end. At the same time, the lack of concrete results in the management of the "Russian laundromat" and "theft of the billion" is fuelling the EU reluctance to credit anything in white, which would justify provision of community benefits. Trust is lost and its restoration will take time and probably require a radical change of the political class in the Republic of Moldova.

The EU calls on the Moldovan authorities to make progress in ensuring the state's functionality, including but not limited to removing the judiciary from the political clientelism, anti-corruption policies that should not protect the interests of those involved in hidden schemes, while streamlining integrity policies and stimulating local autonomy. It is counterproductive for the EU to tolerate the exploitation of formal institutions of dialogue by political actors in the Republic of Moldova, without the benefits of the association influencing the lives of ordinary people. The European Commission and the European External Action Service (EEAS) aim to monitor in detail the fulfilment of the conditions and objectives of the political association in strict compliance with Art. 212 of the Treaty on the Functioning of the European Union.

The increased demand of European officials towards the endemic character of corruption and the deficiencies of the political regime in the Republic of Moldova are fixed up in the latest Monitoring Report on the implementation of the EU-Moldova Association Agreement. The document points out to the deficiencies of the implementation, as well as to some objective limits in the implementation of management corrections of the reforms conducted with external support. So, despite the "conditionality" imposed in the EU-Moldova dialogue following the "cookie and whip" model, it is clear that both signatories of the Association Agreement need new social energies that would prevent the "downplaying" of the bilateral relationship and provide new roles to certain societal actors (the press, local authorities, civil society), thus generating more "social resilience", while the European education could create beneficial pressure on the quality of public services, and help improve interaction with the police, the judiciary and the central government. The EU would like to involve in its dialogue with the Moldovan society not only the government but also a broader range of autonomous actors capable to better understand the diverse interests of the society they represent and to transform from net beneficiaries in net contributors to the Europeanization process of the state. Only when this happens, will we find out who the bells of justice in the Republic of Moldova ring out for.