

Statement on the eroding democracy in Republic of Moldova

We, the Signatory Organizations, members of the Civic Coalition for Free and Fair Elections, and of the National Platform of Eastern Partnership Civil Society Forum, and other non-governmental organizations,

Understanding the mission and responsibility of the civil society in the process of democratization and protection of citizens' rights and interests:

Express our profound disappointment with the eroding of democracy in Republic of Moldova, where citizens' fundamental right to elect their representatives is being infringed.

We reiterate our complete disagreement with the motivation and the arguments used by the judges to invalidate the vote of more than 240,000 citizens from Chisinau, representing circa 40% of the voters that elected the mayor of the municipality.

We are deeply concerned that justice in Republic of Moldova is politically controlled and used as a tool against the public interest.

We are alarmed that now and henceforth any elections can be invalidated by means of ill motivated court decisions, thus nullifying citizens' choice.

It is of paramount importance that the legality and legitimacy of the political power as well as the right to govern are ensured as a result of people's will, expressed in periodic and free and fair elections.

It is the common responsibility of authorities, voters and political forces in building and consolidating the democratic

institutions, and thus

We call upon all political forces in the country as well as the development partners to use all legal means to protect the rule of law in Republic of Moldova.

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www.alegiber.md – **The Civic Coalition for Free and Fair Elections** is a permanent, voluntary entity, made up of 35 nongovernmental organizations from the Republic of Moldova, having the aim to contribute to the development of democracy in the Republic of Moldova, by promoting and conducting free and fair elections in accordance with the standards of the ODIHR (OSCE), the Council of Europe and specialized institutions affiliated to it.

The National Platform of the Eastern Partnership Civil Society Forum is an informal NGO network, created within the framework of the Eastern Partnership Civil Society Forum, set up in five working groups, specialized on different areas of expertise. At present, 85 civil society organizations of the Republic of Moldova are members of the National Platform.

Contact person: Polina Panainte, Secretary of the Coalition, 022 212992, polina@e-democracy.md

Statement on invalidation of the election of the mayor of Chisinau municipality

We, the Signatory Organizations, members of the Civic Coalition for Free and Fair Elections, and of the National

Platform of Eastern Partnership Civil Society Forum, and other non-governmental organizations,

We are deeply concerned and alarmed by the judgments issued by the Chisinau City Court on June 19, 2018 and the Chisinau Court of Appeal on June 21, 2018, invalidating the local elections of the Chisinau mayor of May 20, 2018 (round I) and June 03, 2018 (round II).

We declare with all responsibility that we totally disagree with the reasoning and arguments used to void the vote of over 240,000 inhabitants of Chisinau, or about 40% of the municipality electorate.

We believe that the reasoning of the decisions of the Chisinau Court and the Court of Appeal is deficient, inconclusive and undermines citizens' confidence in the independence and professionalism of the judiciary.

We assume the right to resort to all legal means to defend the public interest and to advance our position set forth in this Statement.

Contrary to the judgments issued by the courts and in support of the above-mentioned desiderata, we present the following conclusions:

- **Applying a punishment not provided by legislation and the sanctioning of more than 240,000 voters who participated in the elections.** We emphasize that the Electoral Code provides for three types of sanctions: legal (electoral), contraventional and criminal. For illegal campaigning in the Election Day the candidate/candidates are imposed a contravention fine of maximum 1500 MDL (about 75 euros). In fact, more than 240,000 voters who exercised their right to vote, none of whom contested the lawfulness of the elections, were punished by invalidating the elections; as well as all the Moldovan citizens who pay taxes to the state budget,

as the local elections were funded from the state budget.

- **The deficient and unconvincing reasoning of the judgments issued.** The finding of the Court of Appeal that candidates' calls, addressed to the voters on the Election Day, influenced the results of the elections had to be analyzed by their impact. It could have had both negative and positive impact. To void the elections, the Chisinau Court had to prove that the influence was negative. But this cannot be proved, unless citizens or candidates challenge the election results or, if citizens protest. If the impact of the campaigning made by candidates in the Election Day led to increased participation in the second round, then the court had to demonstrate that higher voter turnout damages the electoral process, which is impossible to prove. The Chisinau Court identified an influence on elections results which was not qualified anyhow. This disqualifies the decision to invalidate elections.
- **Judgments with an unclear and destabilizing impact.** The abstruse decisions of the courts undermine the entire electoral process, which according to the legislation, must conclude with the election of Chisinau mayor. If the courts declared the elections void, they had to clearly and unequivocally identify the guilty ones and remove them from the electoral competition, calling repeated voting. This has not been done, and the impact of the judgments has prompted voters' protest.
- **No candidate challenged the results of the local elections in Chisinau** The defeated candidate requested the court to determine the violations similarly invoked in the [Constitutional Court decision of 13 December 2016](#) on the confirmation of the election results and the validation of the mandate of President of the Republic of Moldova. Additionally, election results have not been challenged by the electoral bodies neither by the observation missions.

- **The judiciary continues the practice of selective justice.** In the case of the candidate of the political party Șor competing in the local elections in Jora de Mijloc village, where allegations of violations were submitted both by candidates and observers, and could have led to the exclusion from the election race and therefore, to the cancelation of elections due to corruption of voters through aggressive campaigning, which exceeded the financial ceiling allowed by law, the elections were still validated. On the other hand, in the municipality of Chisinau, for a minor offense sanctioned by a fine of 1500 MDL (about 75 euros), which can be applied exclusively to the candidate responsible for the offense, and which is not included in the list of legal sanctions that may lead to exclusion from electoral race, the elections were called invalid, thus the winning candidate being, de facto, excluded from the race.
- **Delay and lack of transparency in the case examination.** The Chisinau Electoral Constituency Council had to pass on the minutes and the elections report to the Chisinau Court in 48 hours after the closure of the polling stations. The counting was finalized on 04.06.2018, 12:00, but the above mentioned materials were sent to court only on 11.06.2018. The Chisinau Court illegally and unjustifiably banned the free observation of the trial by reporters and journalists and, moreover, threatened them with sanctions. We underline that journalists, in the electoral context, have the same rights as observers, and have access to all election materials and can assist at all election operations, validation of the mandate, being among the last election operations.
- **By issuing such judgements, there is, de facto, an unjustified suppression of the freedom of expression,** by prohibiting the public call for voters' mobilization to participate in the elections on Election Day.

- There are growing doubts that by invalidating the elections and given the imperfect legal framework (publicly confirmed by CEC officials), **there is the risk of a total suppression of the popular will in Chisinau.** Thus, there is a risk that repeated elections will not be organized and the country's capital will be headed by an acting mayor.
- **Negative consequences of the invalidation of elections.** The trenchant attitudes of the development partners resonate with the assessments on the failure of justice sector reform, once again confirmed by the unjustified decisions issued by the courts on invalidation of Chisinau mayor elections. The growing concern about what has happened due to the negative judicial practices can be extended to the upcoming parliamentary elections given the mixed electoral system.
- **Voters' protests against the court decisions.** Chisinau voters protest is aimed at raising awareness among citizens and development partners, aiming at mobilizing the local and international public opinion in order to restore democracy in the Republic of Moldova. In these circumstances, it is justified to ask the development partners to review the conditions for granting any kind of assistance to Moldovan authorities.

In the context of the above, the signatory organizations ask the courts to come back to normal operation, to apply in good faith the legal provisions and repeal the judgments issued by the Chisinau Court (Center headquarters) on June 19, 2018 and the Chisinau Court of Appeal on June 21, 2018, which did not validate the local elections of Chisinau mayor on May 20, 2018 (round I) and June 03, 2018 (round II).

The signatory organizations reiterate their support for the rule of law and the supremacy of the popular will and call on all actors involved in the process to show political maturity

and deep respect for the truly democratic traditions.

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[Statement of civil society on invalidation of local elections Chisinau 2018](#)

Promo-LEX analyzed the funding of political parties and activities carried out by

CEC and CICDE in 2017

On Thursday, 21 June, 2018, Promo-LEX Association presented the annual reports on [Financing of political parties in the Republic of Moldova. 2017 retrospective](#) and [Implementation of the Strategic Plans of the Central Electoral Commission and the Center for Continuous Electoral Training. 2017 retrospective](#). The event was attended by members of political parties, representatives of state institutions, civil society, etc.

Financing of political parties in the Republic of Moldova, 2017

According to the Promo-LEX Association, both the legislation on political parties and the electoral legislation are still defective in 2017. Similar to the concerns and demands found in the opinion of Venice Commission of 7 December 2017, Promo-LEX identified the same deficiencies in banning donations from Moldovans working outside the country; high level of annual ceilings for donations to political parties made by individuals and legal entities; lack of supervision and enforcement of rules governing the funding of political parties.

Although the Association notes a breakthrough in party reporting on their financial management in 2017, it has registered limited access to the completeness of financial information, including due to the imperfection of the model of financial reporting proposed by the CEC. Lack of such expenditure categories as “political consultancy”, “rewards for volunteers and agitators”, “street panels expenses”, “e-advertising expenses”, “promotional advertising expenses” allow reporting subjects to generalize the data, minimizing the transparency of spending that falls under these categories.

Cornelia Calin, financial analyst said: "Following the civic monitoring during 2017, Promo-LEX monitors identified the failure of political parties to accurately report their real spending and estimated undeclared expenses of at least 42,748,397 lei."

"The cases reported and the phenomenon of abuse of administrative resources by the parties are worrying. According to interviews, at least 2 political parties (PDM and PSRM) abused of such resources in 2017," the Promo-LEX expert adds.

The report contains recommendations for the legislature, electoral authorities, political parties, and other parties concerned. The most important recommendations are:

To the Parliament of the Republic of Moldova:

- Inclusion of express provisions requiring the CEC to publish data on the granted amount, donor's identity (name and surname of the person, full name of the organization and its form), place of residence and occupation, or type of work, or type of activity, both from the annual financial reports, as well as from the semi-annual ones, including from their Annexes.
- Exclusion of the provision prohibiting financing of election campaigns and political parties by Moldovan citizens that are temporarily based abroad.

To the Central Electoral Commission:

- Standardization of the format of the Reports on party financial management with the Reports on the financing of election campaigns.

In the second report, **Implementing the Strategic Plans of the Central Electoral Commission and the Center for Continuous Electoral Training (CICDE)**, Promo-LEX assessed the activities carried out by the CEC and CICDE during 2017 through the

provisions of the Strategic Plans and annual reports.

To achieve the objectives set, in 2017, the CEC proposed to put in place 35 actions (2 less than in 2016), which corresponds to the provisions of the Strategic Plan of the CEC. In the opinion of the Promo-LEX Association, which is based on the analysis of documents relevant to CEC's activity, in 2017, the institution managed to fulfill 51.43% of all the activities planned, in full and, partially, 20.00% of the total activities planned. 28.57% of activities were not executed.

According to the Promo-LEX analyst Mariana Focsa, the best results were achieved by the CEC in increasing transparency in the work of election bodies, as well as in improving electoral management and strengthening institutional capacity. On the other hand, unsatisfactory results were recorded in the development and implementation of the SIAS "Elections" System, as well as in the transparency of funding of political parties and election campaigns.

To achieve the objectives of the CICDE Strategic Plan, 29 activities were planned for 2017 (5 less than in 2016). According to Promo-LEX, 48.28% (14) of the activities planned were fully fulfilled during the management period, while 27.59% (8) of the activities were partially executed. 24.14% (7) of the activities were not executed.

"The best results were achieved in the implementation of actions related to the provision of diverse and innovative training services, in the field of participatory democracy organized at national and international levels. Unsatisfactory results were registered in the implementation of the activities aimed at attracting and employing a team of motivated professionals and trainers to operate in an enabling environment," Promo-LEX election analyst says.

Following the evaluation of the activities, carried out by CEC

and CICDE during 2017, Promo-LEX comes with a series of recommendations, of which we can highlight the following:

To the Central Electoral Commission

- Identify and put in practice mechanisms for enhancing mutual communication between the Central Electoral Commission – Public Services Agency, aiming at updating the data in SIAS “State Register of Voters” and SIA “State Register of Population” (prior to and after the elections).
- Identification and implementation of measures to retain, motivate and increase employees’ loyalty.

To the Center for Continuous Electoral Training

- Exclusion from the Annual Action Plans of the activities required by the legal framework, which are not planned actions, but rather rules that govern the institution’s operation.
- Identification and implementation of mechanisms for motivation and retention of trainers.

Annual Reports on [Financing of political parties in the Republic of Moldova. 2017 retrospective](#) and [Implementation of the Strategic Plans of the Central Electoral Commission and the Center for Continuous Electoral Training. 2017 retrospective](#) have been carried out under the Program of Democracy, Transparency and Responsibility, funded by the United States Agency for International Development (USAID).

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PUBLIC APPEAL on limited transparency in the process of adoption and abusive content of the CEC Decision no. 1694 of 12 June 2018 on Amending and Supplementing the Regulation on the Status of Observers and the Procedure for their Accreditation

Chisinau, June 19, 2018

The Civic Coalition for Free and Fair Elections and the signatory organizations

- *express their disagreement with the imitation of decisional transparency in the process of approval by the Central Election Commission (CEC) of the amendments to the Regulation on the Status of Observers and the Procedure for their Accreditation,*
- *condemn CEC's defiant behavior towards interested parties, being a public authority specializing in electoral management,*
- *point out the fact that the CEC, having limited time to adjust the regulatory framework for the organization of parliamentary elections based a new election system, for inexplicable reasons, spends its time and resources promoting uninspired initiatives,*

- ***call on the CEC to urgently repeal the decision that includes abusive and limiting conditions in the monitoring of the election process to ensure transparency and legitimacy.***

We remind that on 27 April 2018, on the institution's website, the CEC published the draft decision "On Amending and Supplementing the Regulation on the Status of Observers and Procedure of their Accreditation", approved by the CEC decision no. 332 of 24 October 2006"[\[1\]](#). The deadline for submitting recommendations was 17 May 2018. The CEC did not provide any plausible explanation for the need to adopt these changes.

Under Law no.239-XVI of 13 November 2008 on transparency in the decision-making process and the Government Decision no. 967 of 9 August 2016 on the mechanism of public consultation with the civil society in the decision-making process, the Promo-LEX Association, as an interested party, on 10 May 2018, forwarded to the CEC its findings, conclusions and recommendations with regard to the draft decision submitted for public consultations[\[2\]](#).

By the objections raised, Promo-LEX disapproved on principle the introduction of mandatory requirements for the signature of the candidate nominated for accreditation, qualifying this initiative as unnecessary, designed to substantially complicate and bureaucratize the observer's accreditation and activity. To support this position, relevant legal and procedural arguments were presented, as well as references to international standards in the field.

Subsequently, in the afternoon of 11 June 2018, a summary of objections and proposals (recommendations) to the draft CEC Decision "On Amending and Supplementing the Regulation on the Status of Observers and the Procedure for their Accreditation", approved by the Decision of the Central Election Commission no. 332 of 24 October 2006"[\[3\]](#) was

published on the website of the CEC.

Judging by the document posted on the website, only the Promo-Lex Association submitted recommendations and objections. Apparently, the recommendations submitted were generally welcomed by the project's authors, but it was specified that "the list of persons, whose accreditation is requested, was excluded and a form was introduced", which raised reasonable suspicions in Promo-LEX. No copy of the form was attached to the reply and it is unclear what document is meant.

On 12 June 2018, within less than 24 hours from posting of the Summary, the CEC approved the amendments to the Regulation. With regard to the procedure of approval and its content, we emphasize:

- *none of the 16 proposed modifications and additions are to be found in the original version of the draft decision that is subject to consultations. All the changes are new; they have not been subject to public consultations. We, therefore, find that the approval of the Regulation with amendments that have a significant impact on the election process, conducted in absence of public consultations, is contrary to the provisions of Law no.239-XVI of 13 November 2008 on transparency of the decision-making process;*
- *an Application Form for the accreditation of national observers, which is even more abusive and bureaucratic than the one submitted to public consultations, was introduced as an Annex. Thus, the number of headings to be filled in by the candidate for accreditation has been doubled, requiring the candidate to fill in personally such information as: National Identification number (ID code), participation in previous elections, e-mail address, contact phone number, etc., including the mandatory signature identical to that in the identity card);*
- *it is an alarming attempt to limit the right to report*

of the observer, involved in the elections by introducing the obligation to ensure the confidentiality of personal data, to which the observer has access. Extensive interpretation of these rules may obstruct the election monitoring;

- *we are categorically against this unjustified interference of the election authority in the work of observation missions, achieved by creating artificial barriers;*
- *we qualify this interference of the CEC as an attempt to intimidate the observers, by arbitrarily requesting such contact information as telephone numbers, e-mail addresses, etc.;*
- *we believe that the CEC has conscientiously and provocatively adopted a policy of defiance of the interested parties, involved in election monitoring process.*

In the context of the above, as well as on the basis of the provisions of the Law on Transparency in the Decision Making Process and points 22 and 32 of the Regulation on Public Consultation with Civil Society in the Decision Making Process, ***the signatory organizations call for the urgent abrogation of CEC Decision no. 1694 of 12 June 2018 and urges the election authority to treat the observer's institution not as an enemy, but as a partner, perhaps an uncomfortable one, but the one that contributes to the fairness and legitimacy of election procedures.***

In spite of the insistent actions of the CEC, we still have the conviction that the respective authority, along with other public authorities, responsible for the organization of election processes, sincerely wants to ensure the conduct of free and fair elections in the Republic of Moldova. This will be impossible without free, fair and efficient monitoring of elections by observers.

The signatory organizations reserve the right to discourage,

by any legal means, the harmful initiatives of the supreme election authority to obstruct the monitoring of election processes and to ensure their transparency.

Signatory organizations:

Members of the Council of the Civic Coalition for Free and Fair Elections:

Promo-LEX Association

Association of Independent Press

Center Partnership for Development

National Youth Council of Moldova

CONTACT Centre

Center for Independent Journalism

Community Association "WatchDog.MD"

Institute for European Policies and Reforms (IPRE)

Union of organizations of people with disabilities from the Republic of Moldova

Institute for Development of Social Initiatives "Viitorul" (IDIS Viitorul)

Legal Resources Centre from Moldova

Transparency International Moldova

East-Europe Foundation

Centre for Policies and Reforms

Terra-1530

Foundation for Education and Development – Moldova

BIOS Association

Foundation for Education and Development – Moldova

Institute for Public Policy

Center for Development and Management

National Environmental Center

The Regional Environmental Centre

EcoContact

[\[1\]](#) The Central Election Commission presents for public consultations the draft decision "On Amending and Supplementing the Regulation on the Status of Observers and Procedure for their Accreditation", approved by the decision

of the Central Election Commission no. 332 of 24 October 2006". <http://cec.md/index.php?pag=news&id=1070&rid=21954&l=ro>

[2] The opinion of Promo-LEX on the content of the draft resolution "On Amending and Supplementing point 7 of the Regulation on the Status of Observers and the Procedure for their Accreditation", approved by the Decision of the Central Election Commission no. 332 of 24 October 2006". https://promolex.md/wp-content/uploads/2018/05/Opinie-Promo-LEX_Regulament_CEC_Observatori_10.05.2018.pdf

[3] Summary of Objections and Proposals (Recommendations) to the Draft decision of the Central Election Commission "On Amending and Supplementing the Regulation on the Status of Observers and the Procedure for their Accreditation", approved by the Decision of the Central Election Commission no. 332 of 24 October 2006 " <http://cec.md/index.php?pag=news&id=1074&rid=22380&l=en>

Promo-LEX submitted the monitoring reports on parliamentary oversight and meritocracy in the civil service during 2017

On Friday, June 15, 2018, Promo-LEX Association published the annual reports on 'Monitoring Parliamentary Oversight in the Republic of Moldova in 2017' and 'Monitoring the Appointment to/Termination of Public Positions in 2017'.

The purpose of the event is to inform decision-makers and opinion leaders on Parliament's performance in terms of parliamentary oversight, as well as on how the law is obeyed when it comes to appointment to / termination of public positions.

Based on what was discussed in the report on **parliamentary oversight**, there are some essential findings, which mainly repeat the findings of 2016:

- The parliamentary oversight is often constrained by the incomplete legal framework, which neither defines appropriately the Parliament's oversight competences, nor describes clearly the operating procedures part of the parliamentary oversight work;
- The MPs' questions and interpellations are inefficient when used as parliamentary oversight tools, as the questioned parties submit incomplete, evasive, formal answers, often with a delay;
- Lack of legal framework meant to hold accountable (administratively or penally) the decision makers that provide the MPs and Inquiry Committees with inaccurate, incomplete or erroneous information makes it impossible for them to carry out their mandate properly;
- The legal provisions that concern the duty of some public authorities (General Prosecutor's Office, Court of Accounts, etc.) to report to the Parliament are incomplete and some situations are not described at all.

However, the Parliament of the Republic of Moldova has taken some concrete actions to build over time the effects of a modern parliamentary oversight focused on European best practice. This effort took the form of the following actions undertaken during 2017-2018:

- Development of the Methodology on the Ex-post Assessment of the Implementation of Legislative Acts and its approval by the Decision of the Standing Bureau No 2 of

February 7, 2018. It is worth mentioning that the ex-post assessment has already started and the extent of its implementation is going to be analysed in the Assessment Report for 2018;

- Starting the drafting of the new Parliament's Rules of Procedure, where the parliamentary oversight role is approached in a more profound and qualitative manner, by explaining thoroughly the parliamentary oversight procedures and avoiding situations where legal provisions leave room for interpretation.

As a result of the findings reported in the study on parliamentary oversight in 2017, the expert Adrian Fetescu provided some recommendations to be implemented as soon as possible:

1. Describe in the Parliament's Rules of Procedure and in other regulatory acts, including the internal ones, a parliamentary oversight procedure, which would cover all its perspectives (hearings, motions, inquiry committees, etc.);
2. Regulate from a procedural perspective the way inquiries are conducted, in order for them to be an efficient parliamentary oversight tool, with no political innuendos, with clearly provided duties for the inquiry committees;
3. Set the necessary legal framework for the mandatory ex-post assessment of the legislation; develop the methodology for this purpose, as well as identify the authorities responsible for this activity.

With respect to the second study that was presented during the event, the expert Mariana Kalughin mentioned the following findings related to the employment to/termination of public positions in 2017:

- *Legal framework:* There was noticed during the regulation process a trend of the public authorities to skip some

stages (the written test) in the competition for filling some public dignity positions or public positions of senior level;

- *Institutional framework:* In the competition for filling the position of NAC Director, it was worrisome that the competition was not observed by representatives of civil society and academia, but also that when applying for this position the candidates were exempted from presenting their vision regarding the institutional development strategy;
- *Enforcement:* The provisions are enforced, to a limited extent though. The qualifier mentioned in the study is assigned because of the unavailability of information, the authorities' refusal to provide information or because the information provided is incomplete and confusing;
- *Outcome:* The principles of legality, independence, integrity, transparency are guaranteed to a limited extent. The qualifier mentioned in this study is assigned because of the failure to guarantee the principle of transparency.

Given that the recommendations formulated in the previous Monitoring Report (2017) are still topical, but also taking into the account the developments in 2017, the expert recommends the following:

1. develop a single legal act that would regulate how the Parliament shall organize and conduct the competition for filling public dignity positions (the respective draft document that is in the Parliament could support a public debate on this topic);
2. inform the public effectively on the organized and conducted competitions, including by showing in institutional activity reports information on how applicant verification procedures and polygraph tests are applied, as well as comprehensive information about

- the results of the competitions;
3. raise the transparency of competitions by improving web resources.

The reports had been developed by independent experts contracted by Promo-LEX Association – Mr. Adrian Fetescu developed the report on **‘Monitoring Parliamentary Oversight in the Republic of Moldova in 2017’** and Mrs. Mariana Kalughin developed the report on **‘Monitoring the Appointment to / Termination of Public Positions in 2017’**. Both reports include recommendations for the Parliament, President and Government of the Republic of Moldova. Promo-LEX Association has produced similar reports for 2016. Promo-LEX will continue to monitor these topics until 2019.

For more information, please contact:

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Urgent Action | Grave health concerns for detainee with cirrhosis



Moldovan businessman Serghei Cosovan is unable to access essential health care in pre-trial detention for his acute cirrhosis. The authorities are ignoring medical grounds to support treatment in an external specialised hospital and have recently remanded him to 30 more days in pre-trial detention. Serghei Cosovan's health is rapidly deteriorating and there are serious risks to his life.

Moldovan businessman and local councilor of Codru city, **Serghei Cosovan**, 46, was put in pre-trial detention on 26 September 2017 on charges of fraud and abuse of office. He was placed in Penitentiary Institution number 16 in Chisinau, Moldova's capital, and his pre-trial detention has subsequently been extended by the courts several times. While in detention, according to his lawyers and as visible to those present in the court room, Serghei Cosovan's pre-existing cirrhosis (scarring of the liver) worsened, resulting in repeated hemorrhages, which require surgery to be stopped. He also developed a hernia. Both conditions require specialised medical treatment not available in Penitentiary Institution number 16.

Serghei Cosovan's lawyers made numerous attempts to change his remand to judicial supervision, referencing Order 331 of the Ministry of Justice of Moldova from 2006, which stipulates that some seriously ill prisoners should be exempt from punishment. On 24 April, in recognition of the severity of his medical condition and urgent medical treatment required, a court in Chisinau acknowledged that the order should be extended to cover pre-trial detainees and instructed Serghei Cosovan to be released and placed under house arrest. As Serghei Cosovan was leaving the detention centre officers from the Police Department of Chisinau Municipality rearrested him, informed him he was being investigated for new fraud allegations, and placed him in remand for 72 hours. On 27 April, a court ordered Serghei Cosovan's return to pre-trial

detention, ignoring his grievous health concerns. He was returned to the detention centre the same day.

Amnesty International is concerned about the standard of health care provided at Penitentiary Institution number 16's hospital, which is not equipped to provide essential care for Serghei Cosovan's condition. For example, during his initial detention, he had to be transported by ambulance at least three times to an external medical facility for emergency surgery to treat his cirrhosis, which can lead to extensive internal bleeding. Following each surgery, the medical professionals that performed it recommended that Serghei Cosovan not be in detention, be admitted to a specialised hospital, and be constantly monitored by specialists as his cirrhosis has entered its final stage and is life threatening. On 24 May, a court in Chisinau extended Serghei Cosovan's pre-trial detention for a further 30 days, putting his rapidly deteriorating health at further serious risk due to the lack of adequate medical care in Penitentiary Institution number 16.

Please write immediately in Moldovan, English or your own language:

* Asking that Serghei Cosovan have access to timely and adequate health care, including being hospitalized in an external specialised hospital deemed necessary by health professionals;

* Highlighting that the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) require that "sick prisoners who require specialist treatment ...be transferred to specialised institutions or to civil hospitals" (para. 27 [1]).

PLEASE SEND APPEALS BEFORE 23 JULY 2018 TO:

Head of Penitentiary 16

Igor Patraşcu
sect. Buiucani

com. Pruncul, Chishinau, Moldova

Fax: +373 22 61-54-86

Salutation: Dear Mr. Patraşcu

Prosecutor General

Eduard Harunjen

str. Banulescu – Bodoni, 26

2005 Chishinau

+373 22 21-20-32

Email: proc-gen@procuratura.md

Salutation: Dear Prosecutor General

And copies to:

Mihail Cotorobai, Ombudsman of
Moldova

str.Sfatul Ţării, nr.16

mun.Chişinău,MD-2012, Moldova

Email: ombudsman@ombudsman.md

Also send copies to diplomatic representatives accredited to your country.

ADDITIONAL INFORMATION

On 18 May, the World Organization against Torture lodged an urgent appeal for Serghei Cosovan's release before the European Court of Human Rights. The businessman was also visited in detention by a delegation from the Ombudsman's Office of Moldova, which confirmed his serious health condition.

The Moldovan penitentiary system has chronic shortages of qualified medical staff and facilities to ensure prisoners in its care receive adequate medical attention. In Moldova, in order for a medical facility to be qualified, it must receive accreditation in accordance with national legislation. According to the latest European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) ruling? (word missing here) (CPT/Inf (2016) 16), the

Penitentiary Institution number 16 prison hospital lacks adequate equipment and most rooms are overcrowded. It is not an officially accredited medical facility. The CPT was also critical about the low number of staff present at the time of their visit.

In 2017, The UN Committee against Torture (CAT) noted concerns about the quality of medical care provided to detainees in Moldova's penitentiary system. In their report, they recommended that the Moldovan authorities intensify efforts to hire and train medical staff, establish and implement adequate procedures, and place hospital medical units under the supervision of the Ministry of Health to ensure compliance with accreditation requirements. Standards for the provision of medical care are set out in a number of international documents. In particular, Rule 27(1) of the Mandela Rules provides for the transfer of sick prisoners who require specialist treatment to specialised institutions or civilian hospitals.

The importance of provision of medical care in places of detention is further reiterated in the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Principle 24 states that medical care and treatment shall be provided whenever necessary [to a detained or imprisoned person] free of charge. More detailed criteria were developed by the European Committee for the Prevention of Torture (CPT) in its 3rd General Report. In particular, paragraph 38 states that "a prison health care service should be able to provide medical treatment and nursing care in conditions comparable to those enjoyed by patients in the outside community."

The European Prison Rules of the Council of Europe state in paragraph 40.5 that "All necessary medical, surgical and psychiatric services including those available in the community shall be provided to the prisoner for that purpose". Moreover, paragraph 46.1 states that "Sick prisoners who

require specialist treatment shall be transferred to specialised institutions or to civil hospitals, when such treatment is not available in prison.”

The denial of medical care may amount to torture or other ill-treatment.

Name: Serghei Cosovan

Gender m/f: m

UA: 111/18 Index: EUR 59/8516/2018 Issue Date: 11 June 2018

Source: [Amnesty.org](https://www.amnesty.org)

Read more:

- 1. OMCT issued an Urgent Appeal to the authorities of the Republic of Moldova on Serghei Cosovan's case;**
 - 2. (Video) The case of Cosovan: Released from the penitentiary to be detained in the police isolator;**
 - 3. hudoc.echr.coe.int.**
-

Massive violations of human rights in the Transnistrian region

In the period of April and May 2018, a group of residents of Tiraspol, Transnistrian region, requested, at least 8 times,

the representatives of Tiraspol administration to authorize several public meetings. Through public meetings, citizens wanted to express their dissatisfaction with the social problems that are aggravating in the Transnistrian region. In all the eight cases, the region's administration refused to authorize assemblies for unjustifiable reasons.

Even if the Tiraspol City administration did not authorize the requested meetings, on 2 June 2018, a group of people held a public meeting. In the meeting, they criticized representatives of the Transnistrian administration for the poor social conditions existing in the Transnistrian region.

On 3 June 2018, militia representatives in the region detained about 40 people that attended the meeting of 2 June 2018. The persons detained were escorted to the militia headquarters in the city of Tiraspol. The reason for their detention, referred to by militia representatives in the region, is the illegal nature of the public gathering of 2 June 2018.

Relatives of the persons detained have reported that in some cases, militia representatives applied physical force, verbally insulted the people, forbid them to use the toilet, requested them to sign documents with unclear content. So far, the exact number of people detained and the reason for their detention is unknown.

On 4 June 2018, the regional judges sanctioned the participants in the public meeting of 2 June 2018 in connection with the alleged violation of order in a public assembly. Punishments in the form of administrative detention for up to 15 days, including fines, have been applied.

[The press conference organized by the citizen Oleg Horjan offers more details of the case.](#)

Promo-LEX Association condemns the mass violations of human rights that are taking place in the region, following the public meetings organized.

The Promo-LEX Association appeals to the Prosecutor's Office of the Republic of Moldova to investigate the violation of the right to freedom of assembly, the right not to be subjected to torture, the right to freedom and security, as well as other violations, committed in the above mentioned period.

OMCT issued an Urgent Appeal to the authorities of the Republic of Moldova on Serghei Cosovan's case



On May 18, 2018, the World Organization Against Torture ([OMCT](#)) [issued an Urgent Appeal to the authorities of the Republic of Moldova on Serghei Cosovan's case.](#)

Mr. Cosovan has been kept in provisional arrest in Penitentiary No. 16-Pruncul for more than six months. WOAT draws your attention to the fact that that Mr. Cosovan, being diagnosed with hepatic cirrhosis, has not received any

medical aid relevant to his health condition. As a result of prolonged arrest and the absence of a qualified medical aid in detention, his health condition constantly worsens. To save his life, Mr. Serghei Cosovan needs a hepatic transplantation, but to benefit this procedure he needs to be included on the waiting list. Any delay of his inclusion on the waiting list reduces his chances of survival.

OMCT requests the authorities of the Republic of Moldova to guarantee urgently the physical and psychological integrity of Mr. Serghei Cosovan and to assure immediately the receipt of medical aid relevant to his health condition through his transfer to an **accredited medical institution specialized in severe hepatic disease and hepatic transplantation.**

OMCT REQUESTS:

- Guarantee in all circumstances of the physical and psychological integrity of Mr. Serghei Cosovan;
- Immediate transfer of Mr. Cosovan to an accredited medical institution specialized in severe hepatic disease and hepatic transplantation;
- Guarantee of detention conditions and relevant medical services to all the persons who are imprisoned and detained in Moldova, according to the United Nations Standard Minimum Rules for the treatment of prisoners;
- Guarantee of observance of human rights and fundamental freedoms throughout the country, according to the national laws and international standards in the sphere of human rights.

OMCT sent this Appeal to the following institutions: *Ministry of Justice of the Republic of Moldova; National Penitentiary Administration; Penitentiary No. 16-Pruncul; People's Advocate Office of Moldova; Government Agent of the Republic of Moldova; Prime Minister of the Republic of Moldova; Prosecutor General of the Republic of Moldova; Anti Corruption Prosecutor's Office; Superior Council of Magistracy of*

Moldova; Ambassador of Permanent Mission of the Republic of Moldova to the United Nations Office in Geneva, Switzerland.

Also, the Appeal was sent to the Office of the UN Resident Coordinator in Moldova, OSCE Mission to Moldova, EU Delegation to Moldova and the Council of Europe Office in Moldova.

Promo-LEX Association sent the Appeal of WOAT to the competent authorities, through whom it requests the fulfillment of prompt actions, and requests a reaction in this case.

At the same time, [OMCT](#), along with Promo-LEX Association, addressed an Urgent Appeal to **UN Special Rapporteur on Torture, Prof. Nils Melzer.**

We remind you that on March 29, 2018, the **European Court of Human Rights urgently communicated Serghei Cosovan's complaint** filed by Promo-LEX Association on March 20, 2018. At the same time, the Court awarded the examination of his case a priority basis (status?).

A journalistic investigation on this case was made by media institution: [newsmaker.md](#).

For more information, please contact:

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Promo-LEX Observation Mission

of the new local elections of May 20, 2018: new details on the conduct of the elections in the seven constituencies

May 20, 2018

Time: 14:30

Promo-LEX Observation Mission of the new local elections presented its findings for 09.15 – 12.45-time interval. See the following findings below:

Restricted access or obstruction of a free observation process in the polling station – 1 case.

PS 1/103, Chisinau. Promo-LEX Observer was threatened by the observer of an election contender, being asked to introduce himself. He refused to present the accreditation badge, mentioning “my people will come in a moment and you will have troubles.”

Presence of advertising materials, posters, electoral boards within the area of the polling station (100 meters of the PS) – 1 case.

PS 2/58, Balti. 12 advertising materials of A4 format with the image of a candidate were identified within 100 meters of the PS.

Ballot boxes have not been sealed as provided by the legal procedures – 3 cases of ballot boxes with broken/ damaged or missing seals.

PS 1/213, Chisinau. There are 2 stationary ballot boxes in the PS that have been sealed with only 3 seals each.

PS 1/270, Chisinau. There are 2 ballot boxes, including a stationary one, which has been sealed with only 2 seals (2

seals are missing). The PS was offered sufficient seals (5), but only 3 have been used.

PS 1/271, Chisinau. The stationary ballot box is sealed with 3 seals. The president said he received only 5 seals. Therefore, 2 were used for the mobile ballot box.

Unjustified group voting (2 and more persons present in the voting booth) – 3 cases.

PS 1/39 Chisinau. Two voters (husband and wife) entered the voting booth together. A remark was made, but they did not react. The ballots were not canceled.

PS 2/15, Balti. While voting, two voters, spoke to each other. One of them looked into the voting booth of the other. Nobody made any remarks. The voters voted and left.

PS 1/281, Chisinau. Having taken the ballots from the EBPS member, two voters (husband and wife) went to the same voting booth and applied the stamp "VOTED". The President of the EBPS did not notice this moment, so no action was taken.

Unjustified presence of unauthorized persons in the PS or within 50 meters of the PS – 7 cases.

PS 16/43 Jora de Mijloc. The representative of an election contender, having some lists on her, was staying within 50 meters of the PS. Some voters stopped and talked to her before entering the polling station. The police were summoned, the woman left, but still, she was near the polling station, but at a greater distance.

PS 1/306 Chisinau. An unknown person entered the PS, approached the PSRM Party observer and communicated something to him. The President noticed this and asked him to leave the premises. The person complied with the requirements and left the PS.

PS 1/28, Chisinau. At 09.14 a.m., a person came to the door of the PS and asked why no one went to the people, who needed help and then left.

PS 2/2, Balti. At 10:44a.m., a policeman was speaking with a woman in the polling station. When the observer approached the

policeman, he left. The observer asked the woman who spoke to the policeman why he was there. The woman said the policeman came to find out how many people had voted so far.

PS 2/12, Balti. For more than 3 hours, a man stood within 50 m of the PS, strolling, talking on the phone and going behind the PS. The observer did not see him talking to the voters, but he could talk to them when being behind the PS.

PS 16/43 Jora de Mijloc. Within 20 meters, there was a person, taking pictures of the voters, who entered the polling station. This person is one of the two who, in the morning, introduced themselves as observers of an election contender and said they would receive their accreditation cards later. Now, this person claims to be a press representative.

PS 16/42 Jora de Mijloc. Within 30 meters of the PS, two representatives of a contender are registering the voters that leave the polling station.

Rumors, attempts, or even real situations of offering material or monetary rewards to voters within / or near the polling station to determine voters' choice – 1 case.

PS 2/12, Balti. A voter entered the PS, picked up a ballot and attempted to leave the PS. The secretary did not let him out and the voter put the blank ballot into the ballot box. The observer watched the voter out and heard him talking on the phone, saying he was not allowed to leave the PS and asked if he would be paid even if he did not vote.

Electioneering or bad PR within / or near the polling station to determine voters' choice – 6 cases.

PS 1/103, Chisinau. At 09:15 a.m., in the immediate vicinity of PS, a person was spreading leaflets. An EBPS member noticed this, took the leaflets and threw them away. The Promo-LEX observer failed to see the candidate on the leaflets, but they were red.

PS 1/131 Chisinau. A member of the EBPS approached a voter in the voting booth, showing him where to apply the "Voted" stamp, saying, "Here in the circle."

PS 1/47 Chisinau. A voter was campaigning in favor of a candidate in the PS. The president of the PS intervened and the voter left the PS.

PS 1/47 Chisinau. A voter did not know who to vote for and asked a PS member. After the involvement of the PS president, the voter was redirected to the voting booth and voted individually.

PS 1/27, Chisinau. At 09.45 a.m., an observer representing a contender, was discussing with a man outside the PS (in the vicinity of the PS). Then the man entered the PS and voted. The contender's observer told an EBPS member "eto nas celovek" (it's our man). As soon as he left the voting booth, the observer asked the man if he had fulfilled his obligations and asked for his telephone number.

PS 1/4, Chisinau. A representative with the right to consultative vote of a party that is not an election contender in Chisinau, with an accreditation card issued on May 20, 2018, was standing holding a bag with the party emblem right in the PS. He was asked to hide the bag; the man put it behind his back, but anyway it was visible.

Organized transportation of voters (buses, minibuses, or other transport units that would normally not be in the vicinity of the PS) – 1 case.

PS 16/40, Jora de Mijloc. A minibus with a contender's emblem was parked within 100m of PS.

Acts of violence or intimidation of voters, or of other persons – 1 case

PS 1/82 Chisinau.

At 12:10 p.m. a voter insulted the operators because they asked for his identity card. The voter requested to write an appeal. The president gave him a stamped notebook, in which the voter wrote that he could not exercise his/her right to vote.

Deficiencies in the functioning of SIAS Elections (State Automated Information System) (suspension of operation,

situations when SIAS Elections indicates that the voters voted, while they claim they did not) – 4 cases.

PS 1/306 Chisinau. At 9:47a.m., the SIAS Elections system was not accessible for a period of 10-15 minutes, the reason being a technical failure of the network. The technician's intervention was required. No voters were present at that time.

PS 1/159, Chisinau. At 10.29 a.m., SIAS Elections indicated that a voter, who wanted to vote, had already voted. That person claimed he did not vote but he was not allowed to do it again.

PS 1/263 Chisinau. For an hour and a half, the SIAS Elections system did not work, the reason being a technical deficiency (lack of internet connection). Technicians intervened and the problem was fixed. Throughout this period, voters' lists were made and people voted, after which they were introduced into the system starting with 9.15 a.m.

PS 1/054 Chisinau. At 11.53 a.m. the SIAS Elections system stopped working for about 12 minutes, they were not voters during that time.

Faults in the voters' lists (address discrepancies, deceased voters, signatures made instead of other people) – 53 cases.

PS 1/256 Chisinau. A voter identified in the voters' list that there are 15 people more registered at his address. The voter submitted an appeal.

PS 1/127 Chisinau. A voter found that the voters' list indicated the old street name of his home address, even if it has been changed. The person was indignant, but voted.

PS 1/145 Chisinau. A voter is not on the basic voters' lists, but his name is present in SIAS Elections system. The PS president refused to introduce his name in the supplementary lists and sent the voter to the passport office for a confirmation.

PS 1/120 Chisinau. A woman was not on the list. The president contacted the CEC to verify the case and she was subsequently included in the supplementary list.

PS 1/131 Chisinau. One person noticed that her son, who went abroad 4 years ago, is included in the voters' list. The woman claims that she has personally gone several times to the passport office to solve this problem because her son has no residence in the Republic of Moldova, however, he is still on the lists. She shattered peace and quiet of the polling station and specified that she will return today to check if there is a signature next to her son's name.

PS 1/64 Chisinau. A voter found that one more person is registered at the address where he is domiciled. The president of the PS said he would report this case and asked for the voter's phone number.

PS 1/46 Chisinau. A person has been on supplementary lists for 5 years and has not been included in the basic lists so far, hence he disturbed the peace in the PS.

PS 2/8 Balti. A voter was not included in the voters' lists because he recently obtained his dwelling. Having contacted the Public Services Agency, the president of the PS allowed him to vote, including him in the supplementary list.

PS 1/123 Chisinau. A voter approached the observers and said that 13 years ago, she discovered that two more people are registered at her domicile and appear on the voters' list, one of them had already voted. The woman mentioned that no one besides her lives there and she wanted to write an application with respect to this fact, but she has sight problems. The PSRM observer offered to help her, writing the application, the woman signed it and left, the application remained with the PSRM observer.

PS 1/152 Chisinau. Two people were not on the voters' lists, having consulted the District Administration, the president of the EBPS allowed them to vote, included them in the supplementary voters' lists.

PS 1/80 Chisinau. A voter reported to the PS members that a person is on the voter's lists at the same address where he lives, even if he had previously been at the Registry Office to fix this error.

PS 1/2 Chisinau. A voter made his identity card 5 days before

the elections, but he was not included in the voters' lists. He asked to vote on the supplementary lists. The president of the PS called the District Administration and they told him that the voter did not have the right to vote.

PS 1/302 Chisinau. A voter was not included in the basic voters' lists, but according to the data from his identity card, he is registered in this PS. The president allowed him to vote, including him in the supplementary voters' lists.

PS 1/302 Chisinau. A voter was not on the voters' lists, but according to the data from her identity card, she is due to vote in this PS. Consequently, she voted, being included in the supplementary voters' lists.

PS 1/152 Chisinau. A voter is domiciled in the area of □□this polling station, but is on the voters' lists. Having consulted the services of the District Administration, the president of the EBPS allowed him to vote, including him in the supplementary voters' lists.

PS 2/43 Balti. Several people (at least 15) could not vote in this PS, even if they live nearby. They were referred to another PS to vote. However, some of them had voted in this PS in the previous elections.

PS 1/152 Chisinau. The voter claims that an unknown person is registered at his / her domicile address. The person wrote an application to the president of the EBPS, requesting to make a change in the voters' list.

PS 1/104 Chisinau. At 08.45 a.m., a voter was not found in SIAS Elections system, nor on the basic voters' lists, even if the woman stated that she permanently voted in this polling station. EBPS members noted that several houses were omitted when the voters' lists were drawn up and many people, domiciled in the vicinity, were not included in the lists. Finally, the person voted, being included in the supplementary voters' list.

PS 2/4 Balti. At 08.05 a.m., a voter, domiciled within the respective PS, found that he was not included in the basic voters' list of this PS. Finally, he voted, being included in the supplementary lists.

PS 1/252 Chisinau. At 9.10 a.m., a voter noted that a person that diseased 19 years ago was included in the basic voters' lists. The president of the PS advised the woman to appeal to the CEC for more information.

PS 1/85 Chisinau. At 09.33 a.m., a voter noted that there are some unknown people, registered at his domicile on the voters' lists. Their exact number is unknown.

PS 1/246 Chisinau. At 09.38 a.m., a voter identified on the voters' list an unknown person, registered at his home address. The voter drew a line in front of that person's name.

PS 1/79 Chisinau. At 09.45 a.m., a voter came to vote at the PS near his home, but he was not on the basic voters' lists. He voted on the supplementary lists.

PS 1/302 Chisinau. At 09.51 a. m., two voters found that they were not included in the basic voters' lists, although identified by the SIAS Elections system. As a result, they were included in supplementary voters' lists and were able to vote.

PS 1/41 Chisinau. At 09.47 a.m., a voter found that he was not included in the basic voters' lists, although he was domiciled within the PS. The voter was included in the supplementary lists.

PS 1/87 Chisinau. At 09.40 a.m., a voter found that his neighbor, who diseased 10 years ago, was on the basic voters' lists. The president of the PS said he cannot exclude that person from the lists, because there was no document, confirming what the voter said.

PS 1/232 Chisinau. At 10.00 a.m., a voter came to the PS to vote, having an expired identity card, he had a certificate from the passport office that allow him to vote. The president of the EBPS called the CEC to check whether it was possible for him to vote on the basis of such a certificate. However, he was not allowed to vote.

PS 2/5 Balti. At 10.23 a.m., EBPS members found that the voter's ID series did not match the one on the voters' list. The president of the PS called someone, corrected the error

and the voter voted.

PS 1/206 Chisinau. At 10.00 a.m., a voter was not found either on the basic voters' lists, or in SIAS Elections system, although his home address corresponds to the respective PS. Given that the identity card indicated the domicile valid for that PS (recently established), the person was included in the supplementary voters' lists and voted.

PS 1/299 Chisinau. At 10. 34 a.m., a voter identified a deceased person on the basic voters' lists. The President noted this information.

PS 2/21 Balti. At 10.00 a.m., a voter was not found on the basic voters' lists. Once it was established that he has the right to vote at this PS, the voter was included in the supplementary list.

PS 1/216, Chisinau. A voter identified in the voters' lists, a foreign person, registered at his address (he never lived there). The voter was indignant and did not want to vote.

PS 1/213, Chisinau. A voter found a deceased person on the voters' lists.

PS 1/110, Chisinau. A voter was red-flagged in SIAS Elections system, therefore, he was not allowed to vote. The person went to the CEC, where he was told that he was allowed to vote, provided he leaves a copy of his identity card in the polling station (the address of the residence visa does not refer to that PS). Finally, the voter voted on the supplementary lists.

PS 2/43, Balti. Two citizens, husband and wife, although living together, were referred to different polling stations.

PS 1/233, Chisinau. A voter found on the basic voters' lists that an unknown person was registered at his address.

PS 1/89, Chisinau. Some people (3-4) were registered in SIAS Elections system, but they were not on the basic voters' lists. They voted on the supplementary lists.

PS 1/39, Chisinau. A voter identified on the basic voters' lists that a foreign person registered at his / her home address. The President of the PS did not undertake any action.

PS 2/27 Balti. A woman came with two identity cards and it was found that the series of the ID she presented did not match

the one on the list. The woman got scared and fled. The president tried to catch her up, but in vain.

PS 1/266 Chisinau. A voter was registered in the SIAS Elections system with a different address than the one provided in the ID card. He approached the EBPS president, who checked the information and allowed him to vote, including him in the supplementary lists.

PS 1/10 Chisinau. Two persons having their domicile / residence within the polling station were not included in the basic lists, but their names were in the SIAS Elections system and respectively, they voted on the supplementary lists.

PS 1/85 Chisinau. 2 voters claim that 2 unknown persons are registered at their addresses on the voters' lists.

PS 1/101 Chisinau. A voter who has recently bought a dwelling, where only two people are registered, noticed that another 3 unknown people are listed in the voters' lists at that address.

PS 1/104 Chisinau. A voter noted that his address is not included in the basic voters' lists, despite the fact that he always voted at that PS. The voter was included in the supplementary voters' lists.

PS 1/274 Chisinau. A voter changed her dwelling 5 days ago. The person went to the PS, according to the new address. At that PS, however, she was not either in the SIAS Elections system or in the voters' lists. Later, she went and voted at the PS, where she had previously been registered, having to write a statement on her own responsibility. The EBPS also drew up minutes in this respect.

PS 1/80 Chisinau. A voter observed the name of a deceased person on the voters' lists.

PS 1/27 Chisinau. A voter noted that his mother, who diseased 1 years ago, was included in the voters' lists. He did not present a death certificate, but he has been to the Registry Office several times with this document. He wrote a complaint in this respect.

PS 1 / 30 Chisinau. A voter noticed that her deceased husband

was included in the basic lists. She did not present any death certificate, so her husband remained on the list.

PS 1/149, Chisinau. A voter noticed that an unknown person is living at his address. The observer took a picture of the list.

PS 1/80, Chisinau. A voter observed the names of a deceased person on the voters' lists.

PS 1/86, Chisinau. A voter noticed that some unknown people are registered at his address.

PS 1/232, Chisinau. A voter found that a foreign person, registered at his address, is on the basic voters' lists. He claims that the same thing happened in the Referendum. He indicates that although he had requested to exclude the person from the list before the elections, he had been told that the person was excluded.

PS 2/24 Balti. An elderly voter was not on the lists, although she had previously voted in the same PS. She says she has not changed her address. The PS members referred her to the passport office.

Taking photos of ballots – 13 cases.

PS 1/48 Chisinau. A voter photographed the ballot, being reprimanded by the president of the PS, he deleted the photo.

PS 1/139 Chisinau. A voter photographed the ballot, none of the EBPS members reacted to it.

PS 1/95 Chisinau. In two voting booths, two voters simultaneously photographed the ballots. When the PS president told them to delete the photos, the voters revolted, saying that this not banned anywhere. The voters did not delete the photos. Appeals have not been filed.

PS 1/203 Chisinau. At 09.39 a.m., a voter took photos of the ballot. At the insistence of the EBPS members, the person deleted the pictures.

PS 1/230 Chisinau. At 10.21 a.m., a voter who was in the voting booth, photographed his ballot, having applied the "Voted" stamp. The president noted this case and asked him to delete the picture. The voter complied with the requirements

of the president.

PS 2/57 Balti. At 10.05 a.m., the voter voted, then photographed the ballot. The president made a remark and the voter deleted the picture.

PS 1/248 Chisinau. At 10.44 a. m., a voter, who was in the voting booth, photographed the ballot. Nobody intervened.

PS 1/236 Chisinau. A voter photographed the ballot. Several EBPS members noticed this situation, but no one said anything. The voter left without deleting the picture.

PS 1/97 Chisinau. A voter photographed the ballot. After the PS members asked him to delete the picture, the voter rebelled and did not allow the photo to be deleted, arguing that the law does not prohibit taking pictures. He voted and the picture was not deleted.

PS 1/64, Chisinau. A voter attempted to photograph the ballot, but he was prevented from doing that.

PS 1/151, Chisinau. A woman photographed the ballot. The president of the EBPS made a remark, but it is not known whether the picture was deleted or not.

PS 1/151 Chisinau. A voter took picture of the ballot, one of the observers asked to delete the picture, the picture was deleted.

PS 1/231 Chisinau. A voter, being in the voting booth, photographed the ballot. The EBPS president noticed this and asked him to delete the picture.

Others

PS 1/103, Chisinau. An observer, representing one of the contenders, frequently approached two of the EBPS members, who offered him a list with the names and addresses of those who possibly have voted. That observer periodically went out and sent this information through his phone.

PS 2/14 Balti. An elderly voter (born in 1935) forgot the ID card at home, the members of the EBPS decided to allow him to vote without an ID card.

PS 1/47, Chisinau. Inside the PS, an observer representing one of the contenders, helped a blind voter to exercise his right.

The observer told the voter who to vote for. No complaints were filed, although other EBPS members noticed this.

PS 1/297, Chisinau. At 09.15a.m., three observers, representing some election contenders, voted in the PS where they monitored the elections, without being on the lists. The PS president said he called the CEC and was told that those observers had the right to exercise their voting rights there. They were included and signed in the supplementary voters' lists.

PS 1/293, Chisinau. At 09.42 a.m., there was a conflict among the EBPS members in the PS. One of the members wanted to keep the voters' lists, but the secretary explained that she was personally responsible for the lists.

PS 1/205, Chisinau. A sick person filed a request for voting at the place of residence, but this request was sent to another PS not to the PS no. 205, the president of the EBPS contacted the CEC and finally allowed the person to vote there.

The Promo-LEX observation mission of the new local elections of May 20, 2018 monitors the elections through 8 long-term observers (LTOs) in the seven constituencies established. On the day of the elections, Promo-LEX delegated a short-term observer to each polling station in the constituency. Observers involved in the monitoring process signed the Promo-LEX Independent National Observatory's Code of Conduct, committing themselves to act promptly, in good faith and in a non-partisan manner. The activity of all the observers is coordinated by the central team of the Association.

The activity of Promo-LEX OM is supported financially by the United States Agency for International Development (USAID). The opinions expressed in the Promo-LEX public reports belong to the authors and do not necessarily reflect the views of the funders.

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Promo-LEX Association asks the Central Election Commission to abandon the changes proposed to the regulatory framework, which will substantially complicate the process of accrediting national, and especially international, observers

On April 27, 2018, the CEC submitted for public consultations the draft decision "On amending and complementing clause 7 of the Regulation on the Status of Observers and the Procedure for their Accreditation, approved by the Decision of the Central Election Commission no. 332 of October 24, 2006".

Promo-LEX Association considers the completions proposed to clause 9 of the Regulation, along with the introduction of a new Annex and a complement to the existing one as unnecessary, irrelevant and abusive to the work of observers, which seem to

have the task of creating artificial obstacles to the accreditation of national, but mainly international, observers.

Obliging potential observers to sign personally the list submitted for accreditation is an unnecessary initiative that creates artificial normative barriers

According to the CEC, the person requesting accreditation is to sign the list personally, thus accepting the processing of personal data that concerns it. Promo-LEX warns that according to the legislation, the consent of personal data subject is not required in the cases, where processing is required for tasks of public interest, or ones resulting from the exercise the powers of public authority, vested in the operator or third party, to whom the data are provided.

In the case of observers' accreditation, both circumstances are present, thus giving the operator the right not to require a personal signature on the list of accept of personal data processing. In the opinion of Promo-LEX, election monitoring is a task of public interest, and on the other hand, only the CEC and lower election bodies are public authorities that have the legal prerogative to accredit observers, a responsibility granted under art. 68 of the Electoral Code.

The completions proposed will bureaucratize and substantially delay the process of accrediting of national and, especially international, observers.

We note that this new task may be virtually impossible to realize for international election observation missions. For instance, to monitor the presidential elections, the CEC accredited over 560 international observers from more than 50 international actors. We specify that the problem becomes extremely serious for public associations and election contenders that will accredit a large number of observers. For example, in the case of Promo-LEX Association, more than 2 500

national observers were accredited in the presidential elections of 2016.

CEC's coercion of public associations and election contenders to indicate the domicile of accredited persons is totally irrelevant and even abusive

Promo-LEX Association points out that the observer's domicile is absolutely irrelevant in the exercise of its election monitoring rights. We remind you that neither the norms of the Electoral Code, nor those of the Regulation on the Status of Observers and the Procedure for their Accreditation limit the activity of observers by requirements regarding their domicile, residence or, on the contrary, their absence. By intending to introduce this requirement, the CEC, in a discretionary and artificial manner, proposes new criteria that could hinder the free activity of observers in future elections.

Completions proposed by the CEC contradict the spirit of the Venice Commission Standards on Election Monitoring

Promo-LEX Association reminds you that according to the Code of Good Practice in Electoral Matters, national and international observers should be given the greatest opportunity to participate in election monitoring. Furthermore, election observation plays an important role as it provides evidence of adequate or inadequate organization and course of the election process.

CEC reiterates its intentions to complicate the observers' accreditation procedure

We remind you that in August 2016, the Commission took into account the recommendations of Promo-LEX and did not amend its Regulation. It seems at least strange that, in the context of the parliamentary elections to be held on the basis of a new electoral system, the CEC reverts to its proposals, which had already been rejected once.

According to the Association, the decisions adopted by the CEC with regard to bureaucratization and hindering of observers' accreditation will further constitute an indicator of the attitude of the electoral authority regarding the activity of the observers.

[Promo-LEX Opinion with regard to the content of the CEC draft decision "on amending and complementing clause 7 of the Status of Observers and the Procedure for their Accreditation".](#)

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