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The functioning of democratic institutions in Moldova

Report

Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe
(Monitoring Committee)

Co-rapporteurs: Mrs Josette DURRIEU, France, Socialist Group, and Mr Egidijus VAREIKIS, Lithuania,
Group of the European People's Party

Summary

The present report summarises the events which followed the parliamentary elections of 5 April 2009, analysing the systemic shortcomings in the functioning of Moldova's democratic institutions highlighted by the post-electoral crisis and suggesting a number of concrete steps the Moldovan authorities should take, in co-operation with the Parliamentary Assembly and the competent bodies of the Council of Europe, in order to eliminate the consequences of the crisis and step up the much needed democratic reforms.

A. Draft resolution

1. On 5 April 2009, parliamentary elections took place in Moldova. These elections were an essential test for Moldova's democracy and should have enabled the country to strengthen democratic institutions and make progress towards European integration. In the view of the Parliamentary Assembly's Ad hoc committee which observed the elections, "they met many international standards and commitments but further improvements were required to ensure an electoral process free of undue administrative interference and to increase public confidence". The debates on public television held on the principle of a ballot to determine speaking time should have given candidates the opportunity to get their messages across. Nevertheless, it was noted that the opposition did not succeed in getting across its ideas and programmes. Furthermore, the observers noted that:

- 1.1. the electoral process was marked by a number of significant procedural shortcomings;
- 1.2. the state broadcaster blurred the distinction between the coverage of duties of state officials and their campaign activities;
- 1.3. the campaign environment was affected by frequent allegations of intimidation of voters and candidates, as well as claims of misuse of administrative resources.

2. The Assembly regrets that these and many other shortcomings of the electoral process are repetitions of those already detected in previous elections in Moldova and, most recently, during the local elections of 3 and 17 June 2007. In this respect, the Assembly recalls its Resolution 1572 (2007) on the honouring of obligations and commitments by Moldova in which it:

- 2.1. underlines that such recurrent problems in Moldovan electoral practice are not in line with the obligations which Council of Europe member states aspiring to build a pluralist democratic society based on the rule of law must respect;
- 2.2. invites the authorities to carefully study and take into account the conclusions of the international observers on the local elections of June 2007 with a view to eliminating all shortcomings with respect to European standards for democratic elections in order to conduct totally free, fair, and democratic parliamentary elections in 2009.

3. The Assembly is concerned about the Moldovan authorities' failure to effectively address its earlier recommendations regarding the improvement of the electoral process and the strengthening of the state's democratic institutions before the parliamentary elections of 5 April 2009. On the contrary, amendments introduced to the Electoral Code in April 2008 raised the electoral threshold from 4 to 6%, prohibited the creation of electoral coalitions of political parties and socio-political organisations and introduced a ban on the exercise of public functions by Moldovan citizens holding multiple nationality. The combined effect of these amendments was to restrict the opportunities for a number of political forces to participate effectively in the political process, thus undermining pluralism. Despite the holding of debates on the principle of a ballot to determine speaking time, media coverage was not satisfactory, as the debates were regarded more as an opportunity for political players to argue with each other than as an opportunity to develop their ideas and political programmes.

4. The Assembly deplores the fact that the spontaneous peaceful protest in front of the buildings of the Presidency and of the Parliament which had begun on 6 April 2009, mainly at the initiative of young people who did not accept the results of the elections, degenerated on 7 April 2009 into a violent attack on, and devastation of, the buildings of the Parliament and the Presidency, as well as the destruction of public buildings. The right to demonstrate is essential in a democracy. And it is also a government's duty to ensure its citizens' right to security when public order is disturbed. It is always difficult to reconcile respect for these reciprocal rights. But for all that, there is no right which allows public buildings to be destroyed and burned down, thus endangering the lives of the persons inside them. Consequently the Assembly firmly condemns such acts of violence, which must never be used in a democratic society as a vehicle to express political opinions.

5. At the same time, the Assembly firmly disapproves the statements made by the Moldovan authorities immediately after the outbreak of violence, in which officials, at the highest political level, without first having conducted a thorough investigation, accused the opposition of staging the violent protests in an attempt to organise a *coup d'Etat*. The Assembly believes that, in the circumstances, the authorities should have shown greater restraint in their statements in order to calm the situation.

6. The Assembly is strongly concerned about numerous allegations that acts of violence were committed by the police during the post-electoral events. These were reported by numerous international and domestic non-governmental organisations, as well as by the National Prevention Mechanism against Torture, established under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. These allegations include:

- 6.1. numerous cases of “beating, ill-treatment, torture, cruel and inhuman punishment”;
- 6.2. violations of the right to a fair trial and of the right to an effective remedy, as defined by the European Convention of Human Rights and the case-law of the European Court of Human Rights;
- 6.3. disproportionate restrictions on freedom of access to information and freedom of the media, and attacks against journalists.

7. The Assembly urges that an independent and thorough investigation of all these allegations of human rights violations be started immediately, and that those responsible for these violations be brought to trial. In this context, full co-operation needs to be established with the responsible bodies of the Council of Europe, particularly the Commissioner for Human Rights and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

8. With a view to restoring confidence in the country’s democratic institutions, the Assembly once more urges the Moldovan authorities to fully implement, in this particular context, the recommendations contained in its earlier Resolution 1572 (2007). In particular, the Assembly urges the authorities to:

- 8.1. resume reform of the electoral legislation, in co-operation with the European Commission for Democracy through Law (Venice Commission), in order to lower the electoral threshold for political parties, thus opening up the political process for more pluralism; immediately review the voters’ lists in order to establish them definitively, introducing an obligation for regular review and abolish in future supplementary or complementary lists; put in place mechanisms and procedures enabling the many Moldovan citizens residing abroad to exercise effectively their voting rights;
- 8.2. continue media reform, promoting in both law and practice media pluralism, and transform the state-funded TV and radio channels into a genuine public broadcasting service offering to the population a plurality of views;
- 8.3. further reform the judiciary in order to guarantee its independence; increase the effectiveness and professionalism of the courts and build up the confidence of the population in the effectiveness of domestic judicial remedies against alleged human rights violations;
- 8.4. further reform the police; create effective remedies against acts of torture, excessive force and violence by members of the police; set up training for members of the police, so as to ensure that they always act in full compliance with the law and in conformity with the standards of the European Code of Police Ethics, which is enshrined in Committee of Ministers Recommendation (2001) 10 to member states;
- 8.5. considerably improve conditions of detention to bring them fully into line with European standards; transfer responsibility for pre-trial detention from the Ministry of Internal Affairs to the Ministry of Justice;
- 8.6. ensure that all allegations of police ill-treatment or torture are subject to prompt, thorough, independent and impartial investigations and subsequent prosecution where appropriate; implement fully the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

9. The Assembly considers that Moldova’s neighbours and partners, particularly Romania, Ukraine and Russia, which are also members of the Council of Europe, must play a constructive role in calming the tensions and promoting dialogue between all the political stakeholders, while respecting the country’s sovereignty and territorial integrity.

10. At the same time, the Assembly emphasises that all Moldovan political stakeholders, representing the majority and the opposition, must themselves shoulder their responsibilities, notably, relating to the post-electoral situation, in order to resolve the current political crisis and to restart a normal political process. To this end, it recommends that the following priority measures be taken by the authorities as well as all political stakeholders, including the opposition parties:

10.1. all political stakeholders should recognise the decision of the Constitutional Court confirming the results of the elections; this should not be interpreted as entailing an obligation to accept the merits of that decision. Anyone who disputes the result of the elections has the right to challenge this decision by any legal means available to them, including the European Court of Human Rights;

10.2. the authorities and all political stakeholders should immediately and resolutely condemn violence and commit themselves to using only democratic political means to defend their positions, ideas and programmes;

10.3. an independent, transparent and credible inquiry into the post-electoral events and into the circumstances which led to these must be begun immediately, in addition to the independent investigation into all the aforementioned allegations of human rights violations;

10.4. the parties which successfully cleared the electoral threshold and will participate in the allocation of the seats in the Parliament should engage in a constructive dialogue within the framework of the parliamentary process in order to resolve the current political crisis and put the political process back on the right track; democratic debate must now take place in Parliament; the election of the future President of the country should offer a concrete opportunity to restore confidence in the democratic process;

10.5. at the same time, the parliamentary majority and the opposition should engage in an inclusive political dialogue with a wide participation of extra-parliamentary forces and civil society in order to develop their new vision for the country's future, on the basis of democratic principles and European integration they subscribed to;

10.6. the new Parliament should promptly draw up and adopt an Action Plan with concrete measures and deadlines on the implementation of the Assembly recommendations contained in this Resolution, as well as commitments taken but not honoured so far, as established in Resolution 1572 (2007) on the honouring of obligations and commitments by Moldova.

11. Therefore, the Assembly resolves to continue to give attention to the situation in Moldova and urges its Monitoring Committee to examine, at its next meeting prior to the June 2009 part-session, the progress made by the Moldovan authorities in implementation of the present resolution and the previous resolutions, and to propose any further measures that the situation may require it to take.

B. Explanatory memorandum by Mrs Durrieu and Mr Vareikis, co-rapporteurs**Table of contents**

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I. Introduction

1. The urgent debate on the functioning of democratic institutions in Moldova was proposed by the Socialist Group with a view to analysing the post-electoral crisis which emerged in Moldova, following the parliamentary elections of 5 April 2009. The elections were observed by an Ad hoc committee of the Bureau of the Parliamentary Assembly, chaired by Mr David Wilshire (United Kingdom, EDG) and consisting of 14 members of the Assembly¹. According to a well-established practice, this matter was referred to the Committee on the honouring of obligations and commitments by member states (Monitoring Committee) and we were instructed to prepare a draft report, in our capacity as co-rapporteurs of the Monitoring Committee for Moldova.

2. The present report aims at summarising the events which followed the parliamentary elections of 5 April, analysing the systemic shortcomings in the functioning of Moldova's democratic institutions highlighted by the post-electoral crisis and suggesting a number of concrete steps the Moldovan authorities should take, in co-operation with the Assembly and the competent bodies of the Council of Europe, in order to eliminate the consequences of the crisis and step up the much needed democratic reforms. This report does not in any manner amend or supersede the report by the Ad hoc committee on the observation of parliamentary elections of 5 April 2009 in Moldova, of which the rapporteurs were members. To avoid duplication, we shall refer to this report in the present document, where appropriate.

3. Moldova has been under monitoring since July 1995. The last report on the honouring of obligations and commitments by Moldova was debated by the Assembly on 2 October 2007². In its Resolution 1572 (2007), the Assembly congratulated the Moldovan authorities for significantly advancing on the path of democratic reforms and adopting a number of important measures to strengthen democratic institutions and honour commitments to the Council of Europe.

4. However, while praising the Moldovan authorities for the elaboration and adoption of a number of important laws, in consultation with the competent Council of Europe bodies, the Parliamentary Assembly noted that the effective implementation of this legislation was not always achieved and that some important reforms still needed to be implemented. In particular, the Assembly noted, with concern, that the electoral process in Moldova was plagued by a number of systemic problems, in particular, intimidation and pressure on candidates during the campaign, lack of pluralism in the media coverage of the electoral campaign, as well as inappropriate application of some election procedures. The Assembly, therefore, invited the Moldovan authorities to carefully study the conclusions of international observers and take the necessary steps in order to eliminate all shortcomings in the electoral process, before the parliamentary elections of 2009. We stressed, already then, the political importance of the 2009 elections.

5. During our visit to Chisinau on 7-9 September 2008, we reiterated that the 2009 parliamentary elections would be an essential test for Moldova's democracy³. We therefore hoped that the parliamentary elections of 5 April 2009 would reinforce the country's democratic institutions even further and help them to move forward along the path of European integration. We note that this was a vain hope. To understand the reasons underlying the post-electoral crisis and suggest a concrete way ahead, we have analysed the events of 6-8 April in the light of the commitments and obligations undertaken by Moldova, as a Council of Europe member state, in the fields of democracy, the Rule of Law and human rights.

6. We wish to thank the outgoing Speaker of the Parliament, Mr Marian Lupu, and the members of the Moldovan delegation to the Assembly, for their full co-operation and, in particular, for having promptly replied to our letter of 15 April and provided us with extensive information about the measures the authorities have taken following the events of 7 April 2009.

II. Parliamentary elections of 5 April 2009 and post-electoral events

7. In its statement, the International Election Observation Mission (IEOM)⁴ noted that the April 2009 "parliamentary elections in Moldova met many international standards and commitments but further improvements are required to ensure an electoral process free from undue administrative interference and to increase public confidence"⁵.

¹ See report by the Ad hoc committee contained in doc. AS/Bur/Ahmold (2009) 6

² See Doc. 11374, Resolution 1572 (2007) and Recommendation 1810 (2007)

³ See doc. AS/Mon(2008)28rev, para.9: http://assembly.coe.int/CommitteeDocs/2008/20081113_amondoc28_2008.pdf

⁴ which included the members of the Assembly Ad Hoc committee

⁵ <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2156>

8. The observers furthermore noted that “the elections took place in an overall pluralistic environment, offering voters distinct political alternatives. The legal framework generally provided an adequate basis for the conduct of a democratic election, although important previous recommendations remain to be addressed. Election day was well-organised and passed calmly and peacefully, with no major incidents reported. The voting and counting process was assessed positively by the observers, despite a number of significant procedural shortcomings. The media provided contestants with opportunities to convey their messages, in particular through debates and paid airtime. The observers noted, however, that the state broadcaster blurred the distinction between the coverage of duties of state officials and their campaign activities. The campaign environment was affected by frequent allegations of intimidation of voters and candidates, and claims of misuse of administrative resources. Some of these allegations were verified by the observers.”⁶

9. Already on 6 April 2009, when the Central Election Commission (CEC) announced the preliminary results of the elections, it became clear that the Party of Communists of Moldova (PCM) would remain in a strong position. According to CEC figures, the PCM came first with 49,48% of the votes; the key opposition parties shared the second, third and fourth place with, respectively, 13,14% of the votes for the Liberal Party (LP), 12,43% of the votes for the Liberal Democratic Party of Moldova (LDPM) and 9,77% of the votes for the “Moldova Nostra (Our Moldova)” Alliance (AMN). Other parties scored between 3,70 and 0,17% of the votes, falling short of the 6% electoral threshold. The turnout was estimated at 59,50%. As a result of the elections, the PCM should be allocated 60 seats in the 101-member parliament; the 41 remaining seats will be shared between the LP (15 seats), the LDPM (15 seats) and the AMN (11 seats). Thus, the PCM has secured an absolute majority in the new parliament, while falling short by just one seat of the qualified majority of 3/5th (61 seats), necessary for electing the President of the State.

10. Immediately after the announcement of the preliminary results, the opposition parties spoke strongly against the victory of the PCM. In particular, the leader of AMN, Mr Serafim Urechean, asserted that “the April 5 elections were not free and fair and that massive fraud was operated on the Election Day.”⁷ In a press conference held on 6 April, he stated that AMN observers have recorded a lot of violations of legislation both on Election day and throughout the electoral campaign. In the same interview, Mr Urechean noted that “people [would] participate in massive protests for sure, as they [were] sick of their lives due to the Party of Communists”.

11. The chairman of the LDPM, Mr Vlad Filat, for his part, stated “that his party [did] not recognise the election results and [would] protest against them”. In a press conference, on 6 April 2009, he said that the LDPM would begin protests. He noted that his party, after having considered the results of the parallel counting of ballots in some polling stations “discovered serious violations committed during the electoral campaign”. He also spoke about “the massive use of administrative resources, large financial inflows used by the communists to bribe voters, criminal cases opened with the purpose to intimidate certain opposition political leaders.”⁸

12. At a press conference held on 7 April 2009, the leader of the LP, Mr Mihai Ghimpu, spoke about concrete evidence of electoral fraud, namely, the introduction of some 200,000 people in the voters’ register on the basis of the so-called “residence certificates”, issued as annexes to citizens’ identity cards. According to Mr Ghimpu, “observers have recorded concrete cases in the Ciocana district of the capital, where an elector came to the polling station with two annexes to identity card and chose one of them to vote. Also, observers recorded cases when unknown persons were registered residence in apartments without the owners’ consent and they voted this way.” According to the Deputy Chairman of the LP and Mayor of Chisinau, Mr Dorin Chirtoaca, “in some cities, more than 40 % of the electors were included in supplementary voters’ lists.” In his view, this was a clear evidence of the irregularities in the electoral process because, on average, the number of voters on supplementary lists should amount to a reasonable maximum of 10%⁹.

13. Personal statements by the leaders of the opposition parties were followed by a popular movement. Young people, apparently organised via Internet and social networks, declared the 6th April as a “national mourning day”. Ms Natalia Morari, journalist from the “Think Moldova” foundation, and Mr Ghenadie Brega, from the “Hyde Park” NGO, reportedly launched an appeal to young people via Internet and SMS to gather in the main square of Chisinau around the statue of Stefan cel Mare and light a candle in order to peacefully protest against the victory of the PCM. An important number of young people came to the meeting point, holding and shouting anti-communist slogans and saying that the elections were rigged. That said, the

⁶ Ibid

⁷ <http://www.e-democracy.md/en/elections/parliamentary/2009/electoral-news/20090407/#c6>

⁸ <http://www.e-democracy.md/en/elections/parliamentary/2009/electoral-news/20090407/#c6>

⁹ <http://www.e-democracy.md/en/elections/parliamentary/2009/electoral-news/20090407/#c3>

protest ended peacefully and young people left the main square, resolving, however, to continue the protest on the next day at 10 am.

14. The protest resumed on 7 April and, around noon, there were reportedly some 10,000 young people on the main square between the Presidency and the Parliament buildings. The protestors were joined by the leaders of the main opposition parties (LP, LDPM, and AMN) who spoke about irregularities in the electoral process. While many young people protested with anti-communist slogans, some were reported to use pro-Romanian rhetoric and shouted "We are Romanians!" and "Unification!". Reportedly, some of the protesters brought with them maps of Romania and Romanian flags. According to most observers, the young people standing in the front rows of the crowd were behaving in an aggressive manner. The state institutions were guarded by cordons of police officers, but they appeared to be much less numerous than the protesters.

15. Practically all observers agree with the fact that some people wearing black clothes were present among the protesters instigating them to violence and making calls to physical aggression. There is no agreement, however, about whom these people were and what their real intentions were.

16. Around 1 pm., violence started. Reportedly, under pressure and following provocations by some people wearing black clothes, some protesters started throwing stones at the building of the Presidency. The police seemed incapable of protecting the building. After a short period of clashes, the police officers withdrew, leaving the building at the mercy of the protesters. Soon after, the flags of the European Union and of Romania were hoisted on the roof of the Presidency building. It was reported that the protesters hoisting the flags were assisted by the police officers guarding the building.

17. Soon after, the protesters attacked the building of the Parliament. The response of the police troops protecting the Parliament was similar: after a short but violent clash, the police withdrew, leaving the building to the protesters, who quickly invaded it, vandalising offices and destroying furniture, office equipment and official documents. Given that the police did not appear to take any credible attempt to protect the official buildings, some independent observers and experts suggested that the protests might have been staged by the authorities themselves. The authorities, for their part, declared that, in order to avoid further escalation of violence and in an attempt to calm down the protesters, they decided to let them enter the buildings of the Presidency and of the Parliament. At the same time, we have to note that all reports suggest that the leaders of the main opposition parties present on the spot were trying to calm down the overheated crowd. They publicly condemned violence after the events. All seem to have been incapable of coping with these events.

18. Almost immediately, the authorities declared that the violent protests were instigated by the opposition leaders in an attempt to stage a *coup d'Etat* against the Moldovan state. President Voronin, in particular, claimed that the Romanian authorities were involved in the organisation of the riots.

19. On this last point, we are particularly concerned about a serious degradation of the relations between Moldova and Romania. During the violent events of 7 April, the border between Moldova and Romania was closed. The train connection between Chisinau and Bucharest was cancelled on the following day. Subsequently, the Moldovan Ambassador in Romania was recalled to Chisinau for consultations and the Romanian Ambassador to and the Deputy Head of Mission in Moldova were declared *persona non grata*. At the same time, the visa regime for Romanian nationals travelling to Moldova was introduced. As a result of this measure and following the closing of the border, a number of Romanian journalists were expelled from the country and some 20 others were refused entry at the border. The accusation by President Voronin about Romania's involvement in the riots provoked a harsh reaction on the side of Romanian authorities. The Romanian Parliament, in a joint meeting of the Senate and of the Chamber of Deputies, adopted a joint declaration rejecting all accusations and stating that the actions of the Moldovan authorities were motivated by "panic and powerlessness". In his address to the Romanian Parliament, the President of the country, Mr Traian Basescu, declared that, in case the oppressive actions of the Moldovan government continued, the Romanian authorities would be obliged to invoke article 7 of the Romanian Constitution which obliges Romania to support the people of Moldova "who consider themselves Romanians and feel like Romanians"¹⁰. Subsequently, the Government of Romania simplified the procedure for granting Romanian citizenship to certain categories of applicants, in particular, to former Romanian citizens who gained Romanian nationality by birth and who lost it for reasons that cannot be imputed on them or whose Romanian nationality was cancelled without their consent.¹¹

20. We strongly disapprove the statement of President Voronin implying direct involvement of the Romanian authorities in the violent protests. This is a very severe accusation which cannot be made publicly

¹⁰ <http://www.azi.md/en/story/2365>

¹¹ <http://www.azi.md/en/story/2410>

without a thorough investigation. At the same time, we consider that the response of the Romanian authorities was not appropriate and heated up the relations between the two neighbouring countries even more instead of calming the tensions down. Moldova and Romania have a complex common history and the leaders of both countries have to speak about both countries' national identities with utmost caution and responsibility. We believe that both sides have to show restraint and behave in a responsible manner while the events of 7 April are being investigated and all facts are being established.

21. On the night of 7 to 8 April 2009, police forces dispersed the remaining protesters gathered in front of the Presidency and Parliament building. Reportedly, more than 200 people were arrested. During the day, more arrests occurred and the demonstrators were reported by some witnesses to have been beaten up and taken away in police cars. There were reports of demonstrators being manhandled by what appeared to be plain-clothes police officers. At least 3 people are reported to have died during the protests. Two are believed to have died while in police custody. The body of a third young man was delivered to his family on 16 April by police mentioning suicide as the official cause of death. The family contested this because they claimed that the body had no marks on the neck to suggest this. During the events of 7-8 April and immediately after, we received a great number of appeals from civil society organisations, opposition leaders as well as international organisations. Some of the appeals, in particular, those circulated by the Mayor of Chisinau and Deputy Chairman of the LP, Mr Dorin Chirtoaca, included information about cases of individual people beaten up and tortured in police custody, which was supported by individual testimonies and photographic evidence. Mr Chirtoaca told us that he had been denied access to those police stations which he had visited, in his capacity as mayor of Chisinau, in order to obtain information about the arrested persons. We are extremely concerned about these allegations of massive and severe violations of human rights.

22. In an attempt to ease tensions, the President of Moldova, Mr Voronin, requested, on 10 April 2009, the Constitutional Court to authorise a complete recount of all ballot papers. The Constitutional Court authorised this on 12 April and the CEC decided to proceed with the recount on 15 April. The opposition parties, LP, LDPM and AMN, refused to participate in the recount. However, on 10 April 2009, they applied to the CEC asking to access and copy the voters' lists for the purposes of making further verifications. The CEC granted the appeal, but the PCM challenged the CEC's decision in a court of law, claiming that the CEC acted *ultra vires* (as the law does not authorise the copying of the voters' lists), as well as asserting that the copying of the voters' lists could violate the legislation on the protection of personal data. The appeal was granted but the opposition representatives have, reportedly, managed in the meantime to make copies of some of the extracts from the voters' lists for some areas.

23. At a press conference held on 15 April 2009, the main opposition parties, LDPM, LP and AMN, spoke about allegations of serious irregularities in the electoral process, including allegations of widespread multiple voting, voting without appropriate ID documents, forged signatures on voters' lists and voters with identical ID numbers. The Election Observation Mission of the OSCE/ODIHR was provided with examples of inaccuracies that were allegedly contained in the information submitted by the Ministry of Information Development (MID) to local self-government authorities to facilitate the compilation of voters' lists. The OSCE/ODIHR experts attempted to verify a limited number of cases of alleged fraudulent voting based on deficiencies of the voters' lists. While most cases appeared credible, the documentation provided by the opposition to substantiate these claims was limited in scale, and a comprehensive analysis is necessary for a conclusive assessment.¹²

24. On 21 April 2009, the CEC announced the final results of the vote. During the recount, some minor deviations from initial results were found. The differences were not substantial, however, and did not impact on the allocation of seats in the parliament: the PCM should obtain 60 seats, the LP and the LDPM – 15 seats each, and the AMN – 11 seats. We draw attention to the fact that the Speaker of Parliament is elected by a simple majority, and that a qualified majority of 61 votes is required for the election of the President of the Republic. Thus the new majority can elect the Speaker of Parliament, but falls one vote short of the number needed to elect the President of the Republic. After the recount, the estimate of the turnout figure was changed to 57,54%¹³. The final results were forwarded to the Constitutional Court for certification. That said, three members of the CEC, Mr Nicolae Garbu, Mr Mihai Busuleac and Mr Vasile Gafton, signed the final protocol with reservations, asserting that the CEC did not take into account a number of inaccuracies that could be regarded as falsifications. Mr Garbu, who examined the minutes of the electoral offices in five districts, asserted that the signatures on the minutes of 15 April were different from those on the minutes of 5 April, a fact which, in his view, could entail falsifications. He suggested that the CEC should ask for additional time from the Constitutional Court in order to make the necessary verifications and that the Prosecutor

¹² Post-election Interim Report, 6-17 April 2009. Election observation mission of OSCE/ODIHR to Moldova.

¹³ <http://www.azi.md/en/story/2469>

General's office should investigate alleged violations.¹⁴ On 21 April, the LP filed a complaint with the CEC claiming that it had found some 10,000 false votes after the verification of 25% of voters' registers. Reportedly, the CEC refused to examine the complaint, asserting that no complaint could be filed after the finalisation of the vote recount. The results of the elections were validated by the Constitutional Court on 22 April 2009.

III. Shortcomings in the functioning of democratic institutions highlighted by the post-electoral developments

i. Shortcomings of the electoral legislation

25. In our 2007 report on the honouring of obligations and commitments by Moldova, we welcomed the changes in the Electoral Code of Moldova adopted in 2005, which lowered the electoral threshold from 6% to 4%, for political parties, and from 9-12% to 8%, for coalitions of political parties. This measure was expected to increase pluralism in the Parliament as, in the 2005 parliamentary elections, the share of votes cast for contestants who failed to clear the thresholds amounted to 16,4%.

26. In April 2008, the Electoral Code was amended again. While some amendments were welcomed by the Venice Commission and the OSCE/ODIHR, as they brought some technical improvements to the organisation of the electoral process, several important recommendations were not addressed at all or were not addressed in an adequate manner¹⁵.

27. In particular, the threshold for the participation in the allocation of seats was raised again up to 6%. The votes for the contenders which do not clear the minimum threshold are redistributed between political parties allowed to participate in the allocation of seats according to the d'Hondt principle. Moreover, the establishment of coalitions of political parties was prohibited. The combined effect of these measures did not help, in our opinion, increase pluralism in the Parliament. As we noted earlier, according to the preliminary results announced by the CEC, only 4 parties cleared the threshold and are eligible for the allocation of seats. The votes cast for the contenders who failed to clear the threshold represent approximately 15% of all votes cast. Therefore, unfortunately, we have, yet again, to repeat our assessment made after the 2005 parliamentary elections in that the Moldovan legislative framework governing elections does not create the necessary conditions for the plurality of views to be represented in Parliament. In this respect, we would like to reiterate the position of the Assembly that "in well-established democracies, there should be no thresholds higher than 3% during the parliamentary elections"¹⁶ and urge the Moldovan authorities to amend again the Electoral Code, in co-operation with the Venice Commission, in order to open up the political process for more pluralism.

28. Another amendment to the Electoral Code which raised concern is the prohibition of people holding multiple citizenship to exercise public functions, including becoming members of parliament. According to article 75, paragraph 3, of the Electoral Code, a person may stand as a candidate with multiple citizenship, provided that, if elected, he/she denounces citizenships other than Moldovan. In the case of *Tanase and Chirtoaca v. Moldova* (Judgment of 18 November 2008, application No 7/08), the European Court of Human Rights found such a requirement contrary to Article 3 of the Additional Protocol to the European Convention of Human Rights (ECHR), as well as to the European Convention on Nationality, which Moldova ratified on 30 November 1999. According to estimates, there would be 22 candidates who are believed to hold multiple citizenship on the lists of the parties which would participate in the allocation of seats, on the basis of preliminary results given by the CEC. In our opinion, given the rather high number of Moldovan nationals holding multiple citizenship, the ban on the exercise of public functions by Moldovan citizens holding multiple citizenship has a negative effect on the participation in the political process of a wide majority of Moldovan citizens. We thus believe that the legal requirements in this respect should be amended to open up for more pluralism.

29. On 17 February 2009, the Moldovan authorities challenged the decision of the European Court of Human Rights in the *Tanase and Chirtoaca vs. Moldova* case and the appeal is now pending before the

¹⁴ <http://www.azi.md/en/story/2480>

¹⁵ See Joint opinion of the Venice Commission and of OSCE/ODIHR on the Election Code of Moldova, 23 October 2008, CDL-AD(2008)022.

¹⁶ See Assembly Resolution 1547 (2007) on the state of human rights and democracy in Europe, as well as Assembly Resolution 1616 (2008) on the state of democracy in Europe: functioning of democratic institutions and progress of the Assembly's monitoring procedure. See also the *Yumak and Sadak v. Turkey* judgment of the European Court of Human Rights of 8 July 2008, Application no. 10226/03.

Grand Chamber. We shall wait until the decision of the Grand Chamber is made public to make our final assessment.

30. Finally, the accuracy of the voters' lists is a third issue which raises concerns about the electoral process. According to the amendments to the Electoral Code, it was anticipated that an "Electronic Register of Voters" would be put in place in 2009. However, reportedly for various reasons, including financial ones, this system was not available for the elections of 5 April. Consequently, the voters' list was compiled on the basis of the permanent population registry maintained by the Ministry of Development and Information.

31. The quality of the population registry varies between municipalities and, consequently, negatively affects the quality of the voters' register, opening the door for manipulations. As noted in the Report of the Ad Hoc committee on the observation of the parliamentary elections in Moldova¹⁷, the difference between the number of voters on the electoral lists compiled on the basis of municipal registers and the initial data of the CEC from the 2005 parliamentary elections, amounts to approximately 315,641 voters, which represents an increase of over 10% with respect to the 2005 elections. This difference has raised serious concerns among observers and leaders of opposition parties about the accuracy of the voters' lists.

32. During the election observation, we saw people voting with their ID cards without being included in the main voters' register; their names were added to the so-called "supplementary register of voters". According to the preliminary data provided by the CEC, 117,563 people were included in the supplementary register. This represents around 7,55% of voters who participated in the ballot. We consider that this is a high figure. In the context of Moldova, it appears difficult to check accurately why so many voters were not included in the voters' register because a large proportion of the country's population is believed to be residing abroad. We therefore urge the Moldovan authorities to work further on the reform of the voters' register in order to eliminate all inaccuracies promptly, and, in any case, before the next elections (whether local or national).

ii. Campaign environment and lack of media pluralism

33. In our report on the fact-finding visit to Moldova on 7-9 September 2008, we noted that "the adoption of new [electoral] legislation was part of the process of building a strong parliamentary democracy" and that "this legislation has to be implemented properly". We also "called on the authorities to create an environment which would be conducive to the holding of a democratic, free and fair election and ensure that all electoral contestants be given equal rights and opportunities in the electoral process", including as regards "access to the media".¹⁸

34. It appears that the authorities have failed to fully implement this recommendation. In the statement of preliminary findings and conclusions, the International Election Observation Mission (IEOM) noted that "while the campaign environment was generally pluralistic, there were frequent allegations of candidate and voter intimidation and police involvement, some of which were verified. Months prior to the elections, criminal and tax investigations were launched against a number of opposition leaders and party activists. Candidates involved complained that their campaigning was affected by fear of possible repercussions."¹⁹

35. With respect to media pluralism, the IEOM noted that, although "the media provided contestants with opportunities to convey their messages, in particular through debates and paid airtime", non-paid speaking time was allocated by ballot. Nevertheless, the IEOM noted that the state-funded channels had blurred the distinction between the coverage of duties of state officials and their campaign activities."²⁰ Similar problems were encountered during the 2007 local elections²¹, and the publicly-funded national TV and radio channels Moldova 1 and Radio Moldova still fall short of the requirements of a genuine public service broadcaster. General opinion, however, does seem to be that the opposition opted to use these media more to engage in argument than to develop its programmes.

36. It is therefore clear that the very same problems relating to the campaign environment and media pluralism for the 2009 parliamentary elections were highlighted in our last report on the honouring of obligations and commitments by Moldova²², debated in October 2007. With respect to the electoral environment, in its Resolution 1572 (2007), the Assembly invited the Moldovan authorities to "carefully study and take into account the conclusions of the international observers of the local elections of June 2007 with a

¹⁷ Doc AS/Bur/Ahmold (2009) 6

¹⁸ Doc. AS/Mon(2008)28rev, paragraph 8

¹⁹ http://www.osce.org/documents/odihr/2009/04/37142_en.pdf

²⁰ <http://assembly.coe.int/ASP/Press/StopPressView.asp?ID=2156>

²¹ See Doc. 11374, paragraph 158

²² See Doc. 11374, paragraph 83

view to eliminating all shortcomings with respect to European standards for democratic elections in order to conduct totally free, fair, and democratic parliamentary elections in 2009".²³ Unfortunately, we have to note, with regret, that the authorities have failed to implement this recommendation of the Assembly.

iii. Lack of trust in institutions and need for a shared vision of the country's future

37. While the shortcomings of the legislative framework, the lack of media pluralism, the problems affecting the campaign environment and the opposition parties' strategies of course present serious challenges to the proper functioning of Moldova's democratic institutions, we find it even more alarming that the people of Moldova, especially, the younger generation, have lost trust in the country's democratic institutions and the existence of a normal political process. As we have already seen, mass protests, involving great numbers of young people, started spontaneously and were driven by an overall feeling of disappointment, because the young voters could not identify with the results of the elections, neither could they trust the electoral process. In our opinion, this shows that Moldova's people urgently need a new and shared-by-all vision for the country's future, built around democracy and European integration.

38. It is true that the "presidential majority" in the previous legislature (which consisted of the PCM, the Popular Christian Democratic Party) had declared European integration to be its strategic objective. However, the fact that those who participated in the protests of 6-8 April did not accept the results of the elections and the victory of the Party of Communists of Moldova could indicate that the benefits of the country's strategic course to European integration are not clearly visible and accessible to them. This is extremely worrying because, as we said in our earlier reports, Moldova has chosen the path of European integration.

39. At the same time, from our frequent and long discussions with Moldova's key stakeholders, NGO activists and ordinary citizens within the framework of our numerous fact-finding visits to the country, we have gained the impression that the voters equally do not consider that the programmes and proposals of the key opposition parties represent a credible political alternative. We have noted already in our report on our fact-finding visit to Moldova on 7-9 September 2008 that "the opposition parties are experiencing real difficulties in showing a capacity to offer an alternative and organise their activities for this purpose."²⁴ We believe that this statement has been confirmed by the results of the parliamentary elections of 5 April 2009, and by the fact that some of yesterday's leaders are now no longer members of Parliament.

40. In this context, we believe that the development of a shared vision for the country's future, based on the principles of democratic European integration, is the most serious challenge for the post-electoral period and, in this respect, we call upon all stakeholders to shoulder their responsibilities and start working towards achieving this goal, without further delays. We stress that violence should be unequivocally condemned and that all human rights violations have to be thoroughly investigated and sanctioned. We believe that all stakeholders, including the parliamentary majority and the opposition, as well as extra-parliamentary parties, should work together to reform the country's institutions in order to implement democratic standards and open up the political process to pluralism. The election of the President of the country will, in our opinion, be an important moment in "confidence-building" between the majority and the opposition, as well as between society and institutions. The effectiveness of the dialogue between the majority and the opposition on this important issue will ultimately help the citizens regain confidence in the state and develop a new common vision for the country's future.

41. The forthcoming election of the President of the country will be a new essential step for Moldova. This important and historical step should be taken by the Parliament. Everyone should fully assume his or her own responsibilities vis-à-vis the history of Moldova.

IV. Serious concerns about the violations of human rights during the post-electoral period

i. Ill-treatment of and detention conditions of people arrested following the events of 7 April 2009 need to be verified

42. As mentioned earlier, journalists, as well as domestic and international NGO activists, have provided credible evidence confirming that around 200 people were arrested by the police after the events of 7 April with extreme brutality. The Mayor of Chisinau and Deputy chair of the Liberal Party claims that the numbers of those arrested are considerably higher. The figure of 800 people was mentioned in one of his statements. He told us that his party had created a database which included the cases of 318 persons whose rights had

²³ See sub-paragraph 16.4

²⁴ Doc. AS/Mon(2008)28rev.2, paragraph 10

been violated. The Liberal Party continues to collect eyewitness accounts. A significant number of cases of ill-treatment, torture and detention in inhuman and degrading conditions have been identified and confirmed by Amnesty international and the OSCE Mission in Moldova.

43. According to the Moldovan Ministry of Interior, as of 11 April 2009, 129 people were detained. Of these, 88 people had been sentenced to administrative detention for 2 to 15 days, 22 people had been fined and four people had been released. Fifteen people had not been charged yet. A further 86 people have been detained on suspicion of committing criminal acts.

44. According to Amnesty international, local NGOs have testimony from over 100 detainees, their families or lawyers, claiming that they have been beaten or subjected to torture and other cruel, inhuman and degrading treatment.²⁵ The UN Human Rights Advisor, who visited the Penitentiary Centre No. 13 (SIZO No. 13) where a great number of arrested persons were and are still detained, together with the National Preventive Mechanism against Torture²⁶, confirmed in a report which was made available to us that he personally saw acts of cruel and unusual punishment inflicted on the detainees. According to the same report, the arrested persons claimed having been held under inhuman conditions, with 25-28 individuals kept in an 8 square meters cell with only limited access to water and sanitary facilities.

45. According to information provided by the OSCE Mission in Moldova, on 10 April, the Deputy Chair of the National Prevention Mechanism against Torture alleged that defence lawyers do not have access to places of detention to see their clients, who are interrogated without the presence of a lawyer. Judges are allegedly brought to police stations to issue arrest warrants.

46. According to the information provided by Prosecutor General's Office, as of 21 April 2009, only the organisers of the protests and people with previous criminal record remained in detention in penitentiary institutions. 98 persons arrested after the events of 7 April were released, according to an official statement. Reportedly, the Prosecutor General's Office asked for the release of the detainees following the appeal to amnesty the participants in the riots formulated by President Voronin in a TV address of 15 April. Reportedly, following the statement of President Voronin, the Speaker of the Parliament, Mr Marian Lupu, spoke in the press about the need to apply the proposed amnesty not only to the protesters but also to the police officers involved in the violent incidents.

47. An independent, transparent and credible investigation into the post-electoral events and into the circumstances which led to these must be begun immediately. The right to demonstrate is essential in a democracy. And it is also a government's duty to ensure its citizens' right to security when public order is disturbed. It is always difficult to reconcile respect for these reciprocal rights. But for all that, there is no right which allows public buildings such as the Parliament and Presidency to be destroyed and burned down, thus endangering the lives of the persons inside them. Truth and justice must be expressed, in Moldova as elsewhere. We express our concern about the idea of introducing an amnesty for the members of the police involved in the violence. We agree with Amnesty International that "amnesties for such abuses are inconsistent with international law and the state's duty to bring to justice those responsible for such abuses and to ensure reparation for the victims"²⁷. All credible allegations of human rights violations should also be independently, transparently and thoroughly investigated, and those found guilty should be sanctioned.

48. During the days which followed the events of 7 April 2009, we received written information letter about the arrest of the former Presidential Advisor, Mr Sergiu Mocanu, on the charges of usurpation of state authority. He is currently under a 25-day pre-trial detention. Mr Mocanu claims to have no relations with the demonstrations. Another high-profile case was opened against Mr Gabriel Stati, a prominent Moldovan businessman, who was arrested at Odessa Airport on 9 April. The Moldovan Prosecutor General has requested the extradition of Mr Stati to Moldova, on the grounds of alleged participation in the organisation of mass disorder.

²⁵ <http://www.amnesty.org/en/library/asset/EUR59/003/2009/en/457cb4c5-0ae7-4f4f-824b-4bc825d51f07/eur590032009en.pdf>

²⁶ In January 2008, amendments to the Law on Parliamentary Advocates entered into force as leading to the establishment of an independent "Consultative Council", which has been designated as National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Consultative Council is composed of 11 independent experts and one of the four Parliamentary Ombudspersons, acting as chair. Under the law, these experts have the right to undertake unannounced visits to all places where persons can be deprived of their liberty and to conduct private interviews with all persons detained.

²⁷ "Moldova: No impunity for police officers". Public statement. Amnesty International. 21 April 2009.

49. According to information provided by the OSCE Mission in Moldova, criminal investigations have been reportedly opened against leaders of the Liberal Democratic Party, namely Mr Vlad Filat, Mr Alexandru Tanase and Mr Vitali Nagacevski, for inciting mass disorders. On 9 April, the son of Mr Nagacevski was arrested and taken to the central police commissariat in Chisinau. He had been detained for one hour and then released.

50. On 20 April 2009, we received a copy of a letter addressed by the Ministry of Justice to local NGOs which are members of the coalition "Civic Coalition for Free and Fair Elections - "Coalition 2009". These NGOs were requested to provide information on the measures they should have taken, according to the law, in order to prevent and stop the violent incidents of 7 April 2009, in their capacity as "organisers" of the public manifestations. The organisations were requested to provide this information within 10 days. However, in response to the Ministry's request, the "Civic Coalition for Free and Fair Elections - "Coalition 2009" declared that it was not the organiser of the event and therefore had nothing to report upon.

51. We strongly condemn all violations of human rights and call upon the competent authorities of Moldova to conduct an independent, transparent and thorough investigation into all reported cases. We are particularly concerned about the fate of young people, some of whom appear to be still in detention and have suffered from ill-treatment. In this respect, we call upon the Moldovan authorities to fully co-operate with the Council of Europe's Committee for the Prevention of Torture and Inhuman and Degrading treatment (CPT). Equally, we consider that the Ministry of Justice and other competent authorities should make all necessary verifications before taking actions in accordance with the law against the legal organisers of the protests. The actions of the authorities should be fully transparent and aim at building up trust between the institutions and the civil society instead of creating further tensions.

52. We learned that, on 21 April 2009, President Voronin established a State Commission to "draft measures to prevent anti-constitutional actions and eliminate their consequences". The Chairman of the Legal Affairs Committee of the Parliament and member of the Moldovan delegation to the Assembly, Mr Vladimir Turcan, was appointed Chairman of this Commission which brings together MPs, Ministers, as well as civil society representatives and journalists²⁸. While, in principle, the establishment of a Joint Commission involving politicians, state officials and civil society activists should contribute to restore trust in democratic institutions and processes, we consider that the establishment of the Commission should in no manner prevent the investigation of alleged human rights violations or used as an excuse for the failure to take appropriate actions on this front. The mandate of this commission should be clearly defined and its members appointed in full transparency, and guarantees of its independence should be clearly established. In particular, the composition of the Commission should reflect the plurality of views in the Moldovan society and include not only politicians representing the majority, but also those representing the opposition. We remain at the disposal of the Moldovan authorities for providing them with appropriate advice in this respect.

53. In the light of the above, it is clear that, in spite of the fact that the authorities have in recent years taken steps to reform the police and penitentiary institutions, more efforts are required. We therefore believe that, to eliminate the possibility of similar incidents recurring, the authorities should, without further delay, develop a concrete Action Plan to step up the reform of the police and of the penitentiary institutions, in co-operation with the Council of Europe.

ii. Restrictions on access to information and freedom of the media

54. In the wake of the events of 7 April, we received numerous reports containing allegations of restrictions on the freedom of media. Reportedly, 20 Romanian journalists and three Georgian TV crews travelling to report from Chisinau were prevented from entering Moldova. Others entered freely. At least five Romanian journalists already reporting from Moldova were told to leave the country after the introduction of the visa regime for Romanian nationals on 9 April 2009.

55. Reportedly, during the events of 7-10 April, police were seen attacking and threatening journalists, as well as destroying filming equipment and tapes²⁹. At least three journalists were detained and later released and the police carried out a search of the flat of one journalist.

56. Reportedly, internet access in Chisinau via the network of the national provider Moldtelecom was interrupted on 7 April and in the morning of 8 April. Access to some websites, including the social networking website Facebook and opposition-leaning news sites, such as unimedia.md, ape.md, timpul.md, jurnalTV.md and jurnal.md were temporarily inaccessible on 11 April.

²⁸ <http://www.azi.md/en/story/2479>

²⁹ <http://www.article19.org/pdfs/press/moldova-crackdown-on-dissent-must-stop.pdf>

57. We condemn the above-mentioned restrictions on access to information and violations of the freedom of the media, which are unacceptable in a Council of Europe member state, and expect the authorities to take all the necessary steps to eliminate the consequences of these violations. We subscribe, in this respect, to the statement of our colleague Mr Andrew McIntosh, (United Kingdom, SOC), Chair of the Assembly Sub-Committee on the Media, in that “freedom of expression and information is a cornerstone of democracy. Public confidence and democratic stability can only be restored if the public is able to receive unrestricted, unbiased and truthful information through their own choice of media”³⁰.

V. Challenges for the future and recommendations

58. In the light of the above, we believe that the systemic problems highlighted in the present report have seriously undermined the trust of Moldovan citizens in the political process, as well as in the country's democratic institutions which do not function in full compliance with democratic standards and the principles of the rule of law and the protection of human rights. The lack of confidence in the democratic process seems to have been the basis of the protest, which started on 6 April 2009, in front of the buildings of the Presidency and of the Parliament, of mainly young people who did not accept the results of the elections.

59. It is regrettable that the spontaneous peaceful protest degenerated, on 7 April 2009, into a violent attack on, and devastation of, the buildings of the Presidency and of the Parliament and the destruction of public property. The use of disproportionate force by police officers when arresting the protesters and the reported ill-treatment or even torture practised during the ensuing detentions is even more regrettable and cannot be tolerated in a Council of Europe member state aspiring to build a pluralist democratic society, respecting the principles of rule of law and protection of human rights.

60. In order to restore confidence in the country's democratic institutions, we believe that the authorities should, without further delay, fully implement the Assembly recommendations contained in Resolution 1572 (2007).

61. We also consider that the countries adjoining Moldova, particularly Romania, Ukraine and Russia, must play a constructive role in calming the tensions and promote dialogue between all the political players, while respecting the country's sovereignty and territorial integrity.

62. At the same time, we emphasise that all Moldovan political players must themselves shoulder their responsibilities in order to resolve the current political crisis and to restart a normal political process. To this end, we recommend that the following priority measures be taken by the authorities as well as all political stakeholders, including the opposition parties:

- all political stakeholders should recognise the decision of the Constitutional Court confirming the results of the elections; this should not be interpreted as entailing an obligation to accept the merits of that decision. Anyone who disputes the result of the elections has the right to challenge this decision by any legal means available to them, including the European Court of Human Rights;
- the authorities and all political stakeholders should immediately and resolutely condemn violence and commit themselves to using only democratic political means to defend their positions, ideas and programmes;
- an independent, transparent and credible inquiry into the post-electoral events and into the circumstances which led to these must be begun immediately, in addition to the independent investigation into all the aforementioned allegations of human rights violations;
- the parties which successfully cleared the electoral threshold and will participate in the allocation of the seats in the Parliament should engage in a constructive dialogue within the framework of the parliamentary process in order to resolve the current political crisis and put the political process back on the right track; democratic debate must now take place in Parliament; the election of the future President of the country should offer a concrete opportunity to restore confidence in the democratic process;
- at the same time, the parliamentary majority and the opposition should engage in an inclusive political dialogue with a wide participation of extra-parliamentary forces and civil society in order to develop their new vision for the country's future, on the basis of democratic principles and European integration they subscribed to;

³⁰ http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=4567&L=2

- the new Parliament should promptly draw up and adopt an Action Plan with concrete measures and deadlines on the implementation of the Assembly recommendations contained in this Resolution, as well as commitments taken but not honoured so far, as established in Resolution 1572 (2007) on the honouring of obligations and commitments by Moldova.

63. We consider that the Assembly should continue to give its attention to the situation in Moldova and urge its Monitoring Committee to examine, at its next meeting prior to the June 2009 part-session, the progress made by the Moldovan authorities in implementation of the present resolution and the previous resolutions, and to propose any further measures that the situation may require it to take.

Reporting committee: Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Reference to committee: Reference No. 3529 of 27 April 2009

Draft resolution approved by the committee on 28 April 2009

Members of the committee: Mr Serhiy **Holovaty** (Chairperson), Mr György **Frunđa** (1st Vice-Chairperson), Mr Konstantin Kosachev (2nd Vice-Chairperson), Mr Leonid Slutsky (3rd Vice-Chairperson), Mr Aydin Abbasov, Avet **Adonts**, Mr Pedro Agramunt, Mr Miloš **Aligrudić**, Mrs Meritxell Batet Lamaña, Mr Ryszard **Bender**, Mr József **Berényi**, Mr Luc van den Brande, Mr Mevlüt **Çavuşoğlu**, Mr Sergej Chelemendik, Ms Lise **Christoffersen**, Mr Boriss Cilevičs, Mr Georges **Colombier**, Mr Telmo Correia, Mrs Herta Däubler-Gmelin, Mr Joseph **Debono Grech**, Mr Juris **Dobelis**, Mrs Josette **Durrieu**, Mr Mátyás **Eörsi**, Ms Mirjana **Ferić-Vac**, Mr Giuseppe Galati, Mr Jean-Charles Gardetto, Mr József Gedei, Mr Marcel Glesener, Mr Charles **Goerens**, Mr Andreas **Gross**, Mr Michael **Hagberg**, Mr Holger Haibach, Ms Gultakin Hejibayli, Mr Michael **Hancock**, Mr Davit **Harutyunyan**, Mrs Olha **Herasym'yuk**, Mr Andres **Herkel**, Mr Kastriot Islami, Mr Mladen **Ivanić**, Mr Miloš Jevtić, Mrs Evguenia **Jivkova**, Mr Emmanouil **Kefaloyiannis**, Mr Hakki Keskin, Mrs Katerina Konečná, Mr Jaakko Laakso, Mrs Sabine Leutheusser-Schnarrenberger, Mr Göran Lindblad, Mr René van der Linden, Mr Eduard **Lintner**, Mr Pietro Marcenaro, Mr Bernard Marquet, Mr Dick Marty, Mr Miloš **Melčák**, Mr Jean-Claude Mignon, Mr João Bosco Mota Amaral, Mrs Yuliya **Novikova**, Mr Theodoros Pangalos, Mr Alexander **Pochinok**, Mr Ivan **Popescu**, Ms Maria **Postoico**, Mr Christos **Pourgourides**, Mr John Prescott, Mrs Mailis Reps, Mr Andrea Rigoni, Mr Ilir Rusmali, Mr Armen Rustamyan, Mr Indrek **Saar**, Mr Oliver Sambevski, Mr Kimmo **Sasi**, Mr Samad Seyidov, Mr Christoph **Strässer**, Mrs Chiora **Taktakishvili**, Mr Mihai **Tudose**, Mrs Öslem **Türköne**, Mr Egidijus **Vareikis**, Mr José Vera Jardim, Mr Piotr **Wach**, Mr Robert Walter, Mr David **Wilshire**, Mrs Renate Wohlwend, Mrs Karin S. **Woldseth**, Mrs Gisela Wurm, Mr Boris Zala, Mr Andrej Zernovski.

N.B.: The names of the members who took part in the meeting are printed **in bold**

Secretariat of the committee: Mrs Chatzivassiliou, Mr Klein, Ms Trévisan, Mr Karpenko