



Information Documents
SG/Inf(2002) 46 12 November 2002

Moldova

Official Visit of the Secretary General, Mr Walter Schwimmer

(Chisinau, 14 to 15 October 2002)

1. On invitation of the President of the Republic of Moldova, Mr Vladimir Voronin, the Secretary General paid an official visit to Chisinau from 14 to 15 October 2002.

A first oral report on the Visit was presented at the 812th meeting of the Ministers' Deputies on 16th October 2002.

2. The programme of the visit of the Secretary General and the composition of the delegation are set out in Appendices 1 and 2 .
3. During his visit, the Secretary General met the President of the Republic of Moldova on three occasions. He also had meetings with the Speaker of the Parliament, the President of the Constitutional Court, the Prime Minister, the Minister of Foreign Affairs, the Minister of Justice and one of the two Parliamentary Ombudsmen. He had a prolonged discussion with the leaders of the three parliamentary fractions. The Secretary General addressed a special meeting of the political parties Round Table. He paid a visit to the Information and Documentation Center of the Council of Europe. A meeting with representatives of the Associations of lawyers and judges was organised on the spot. The Secretary General also had an exchange of views with the ambassadors of France, Germany and the United Kingdom.

The Secretary General held two press conferences: one directly after his first meeting with the President of the Republic; the second one at the end of his visit. His statements were widely covered by the media locally and in neighbouring countries.

4. During his visit the Secretary General, in particular
 - a. discussed with the Moldovan authorities the context of Moldova's forthcoming chairmanship of the Committee of Ministers and the fulfillment of the commitments contained in the recent PACE Resolution 1303 (2002), and

- b. introduced his Special Representative to Chisinau, Mr Jorgen GRUNNET, to the Moldovan authorities.

I. Present political situation

5. The political situation in Moldova at the time of the visit seemed to be calm and stable. An assembly of PPCD voters, convened on 6 October 2002 to criticise the Government's policy, had been cancelled by the Party leadership.

The Government follows the public opinion in underlining a more pro-European orientation of its policy.

Nevertheless, some topics for possible tensions in the future were brought to the attention of the Secretary General:

- the treatment of the opposition by the majority in Parliament;
 - concerns about freedom of the media;
 - the lack of transparency in the legislative process;
 - the controversy concerning the draft solution on the Transnistria issue, proposed by the OSCE;
 - the consequences of increasing corruption on Moldovan society.
6. The representatives of the international community in Moldova have acknowledged the important role played by the Council of Europe and, in particular, by the Secretary General in defusing the political tension at the beginning of the year.
 7. The talks with all Moldovan interlocutors and, in particular, with the President of the Republic took place in a friendly and constructive atmosphere.

II. Main conclusions of the visit

a) Respect of Council of Europe standards and commitments

8. The issue of the expected follow-up to Council of Europe expertise on the legal texts was raised with all interlocutors from Government, Parliament and the Judiciary. They all pledged that the recommendations by Council of Europe experts would be **fully taken into account**¹. Fifteen texts have

¹ At present the following laws and draft laws have been or are currently submitted for Council of Europe expertise:

1. Draft Law on the General Prosecutor's Office
2. Draft Law on the Bar
3. Draft Law on notaries
4. Draft Law on judicial bailiffs
5. Draft Law on political parties
6. Draft Law on prevention and fighting money laundering
7. Law on the declaration of incomes and property of public officials
8. Draft Law on fighting corruption and favoritism
9. Draft amendment to the Law on the organisation of the judiciary, the Law on the status of judges and the Law on the High Council of Magistrates
10. Penal Code
11. Civil Code
12. Law on religious denominations
13. Draft law on political parties and socio-political organisations
14. Law on the status of members of Parliament

so far been sent to Strasbourg. Sixteen more legal texts will follow very soon, according to the Minister of Justice.

9. The Secretary General reminded the Minister of Foreign Affairs that the compatibility exercise under Article 52 of the ECHR should be concluded before Moldova would take the chair of the Committee of Ministers of the Council of Europe.
10. With regard to the adoption of the amendments to the law on "Teleradio Moldova" passed by the Moldovan Parliament in July 2002, the President of the Republic of Moldova reiterated his commitment, contained in a letter to the Secretary General of 3 October 2002, that this text would be based on the recommendations of the Council of Europe experts. This statement was repeated before the press after his meeting with the Secretary General.
11. The Minister of Justice pledged that the ECHR judgment on the Bessarabian Church would soon be fully implemented with regard to the **enjoyment of property rights**. This property remains earmarked for the Church. He would, however, prefer if this rather complicated and delicate problem would be settled in direct negotiations between the Bessarabian and the Moldovan Orthodox Churches.
12. With regard to the question of the independence of the judiciary, the interlocutors of the government stated that it was more jeopardised by the lack of professionalism on the side of the magistrates and by the bad material and technical conditions of the Moldovan court houses than by any interference from the side of the authorities. Discussion with the President of the Constitutional Court and representatives of the Associations of judges and lawyers revealed, however, that legislation remains ambiguous on many points. Some legal texts were apparently drafted and adopted without taking into account the opinion of the judges and lawyers concerned. The President of the Constitutional Court also agreed that the appointment mechanism for judges needs to be improved and in particular needs to be made more transparent.
13. In his talks with the Minister of Justice and the Parliamentary Ombudsman, the Secretary General also raised the issue of the state of the penitentiary in Moldova. In particular, he voiced grave concern about the situation in the so-called "Colony N°8" in Bender. This is a prison under the administration of the Moldovan Ministry of Justice, but in Transnistrian territory. The situation is marked by frequent disruptions in food or electricity supply for prisoners, many of whom are sick with tuberculosis.
14. The Secretary General also voiced his concern to the President of Moldova about the arrest of the editor of the Magazine "Accente", which had taken place just one day before his arrival.

b) Political questions

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15. Law on the organisation and conduct of public gatherings

15. The President of the Republic, the Prime Minister, the Minister of Foreign Affairs and the representatives of all political forces represented in Parliament stated the readiness of Moldova to take over the chairmanship of the Committee of Ministers of the Council of Europe in May 2003. The President recently appointed an interministerial Commission for the preparation of the Chairmanship. A programme for the presidency and an action plan for technical and material assistance is currently being prepared in Chisinau and will be sent very shortly to Strasbourg. Possible financial support for technical and material assistance may come from the European Commission as pointed out in a letter from the President of the European Commission, Romano Prodi, to President Voronin of 4 October 2002.

With regard to the Moldovan Chairmanship the Secretary General stated repeatedly that his Special Representative and the Secretariat would be ready to give any support needed. However he also made it clear that the full implementation of the obligations formulated by the PACE before Moldova takes over the CM remained a political pre-requisite (not a legal one) for an active and successful chairmanship (cf press release of 15 October 2002 in Appendix III). He pointed out to all government interlocutors that the Parliamentary Assembly will again look into the question of the fulfilment of obligations and commitments by Moldova in April 2003.

The Secretary General further noted with satisfaction that the Minister of Foreign Affairs has committed his country to pay Moldova's arrears in its financial contribution to the Council of Europe budget.

16. With regard to the inquiry into the abduction and reappearance of the member of Parliament, Vlad Cubreacov, the President of the Republic accepted the offer of international assistance expressed by the Secretary General.
17. In his meeting with the participants at the Moldovan Round Table the Secretary General underlined the importance the Council of Europe bodies attached to it with regard to developing a political culture of interaction in the country. He announced that, during the month of November 2002, the Council of Europe would organise an assistance seminar for the Moldovan Round Table in which well known personalities with Round Table experience from Poland and the former German Democratic Republic will participate.
18. The parliamentary minority complained during the visit that their work in Parliament was hindered by the majority. The Secretary General, therefore, suggested that his Special Representative could organise regular observation of the work of the Parliament. The Speaker and the parliamentary leaders, as well as the representatives of the international community were sympathetic to this idea. The Speaker admitted that the rules of procedure of the Parliament may need some updating.
19. With regard to the settlement of the Transnistrian conflict, the Secretary General offered the expertise of the Venice Commission to the Moldovan Government and Parliament, once the elements for a political framework have been firmly agreed upon. The present draft proposed by the OSCE is supported by the Governmental majority and rejected by the opposition.

20. All Moldovan interlocutors and the representatives of the international community welcomed the appointment of the Special Representative of the Secretary General. They are looking forward to fruitful co-operation.

III. Council of Europe projects and co-operation programmes

21. The Secretary General confirmed again that the Council of Europe would give assistance in transforming the Moldovan judicial training Center into a School of Magistrates. The Minister of Justice committed himself to earmark a budget for this project on which the Moldovan government is putting high hopes. This project should be included, if possible, in the new Joint Programme between the European Commission and the Council of Europe for Moldova.
22. The President of the Republic, the parliamentary leaders, as well as the representatives of the international community welcomed the Secretary General's idea to establish a School of Political Studies in Moldova. This School will be part of the planned network of Schools of Political Studies in South Eastern Europe.

Appendix I

Programme of the Official visit of the Secretary General to the Republic of Moldova (Chisinau, 14-15 October 2002)

Sunday, 13 October 2002

18:15 Arrival of the Delegation

19:00 Meeting with the Ambassador of France, Ms Dominique GAZUY, the Ambassador of Germany, Mr Michael ZICKERICK, and the Ambassador of the United Kingdom, Mr Bernard WHITESIDE

Monday, 14 October 2002

8:00 Meeting with the Minister of Justice, Mr Ion MOREI

9:00 Meeting with the leaders of the three parliamentary groups, Mr Victor STEPANIUC (PCRM), Ms Valentina CURTU (Braghis Alliance) and Mr Lurie ROSCA (PPCD)

10:50 Meeting with Round Table of Political Parties

12:00 Meeting with the Speaker of the Moldovan Parliament, Ms Eugenia OSTAPCIUC

- 13:00 Lunch offered by the Speaker of the Parliament
- 14:00 Meeting with the President of the Constitutional Court, Mr Victor PUSCAS
- 15:00 Meeting with the Prime Minister of the Republic of Moldova, Mr Vasile TARLEV
- 15:40 Meeting with the President of the Republic of Moldova, Mr Vladimir VORONIN *(followed by a Press Conference)*
- 18:30 Dinner offered by the President of the Republic of Moldova

Tuesday, 15 October 2002

- 8:00 Meeting with representatives of the Associations of lawyers and judges
- 9:00 Meeting with Ms Alina IANUSENKO, Parliamentary Ombudsman of the Republic of Moldova
- 10:00 Visit to the Information and Documentation Center of the Council of Europe
- 11:00 Meeting with the Minister of Foreign Affairs, Mr Nicolae DUDAU
- 12:00 Press conference
- 13:00 Dinner offered by the President of the Republic of Moldova
- 15:25 Departure to the airport

Appendix II

Composition of the delegation

Mr Walter SCHWIMMER	Secretary General of the Council of Europe
Mr Jorgen GRUNNET the	Special Representative of the Secretary General of Council of Europe to Moldova
Mr Alexander BARTLING	Private Office
Mr Uwe MÜLLER	Advisor, Directorate General of Political Affairs

Appendix III

Press releases

501a(2002)

"Moldova has to fully satisfy its commitments before taking over the Council of Europe chairmanship next year," says Walter Schwimmer

Strasbourg, 15.10.2002 - Following his visit to Moldova, Walter Schwimmer, Secretary General of the Council of Europe, today underlined the importance for the country to fulfil all its commitments to the 44-nation Organisation as soon as possible.

"In my meetings with President Voronin, Prime Minister Tarlev, Foreign Minister Dudau and representatives of the three political groups in the Parliament, I was made aware of the clear will of Moldova to take over the chairmanship of the Council's Committee of Ministers in May next year. In order to successfully carry out this term of office, it is now a priority for the political forces in Moldova to demonstrate their determination to fully comply with Council of Europe standards, particularly those regarding freedom of the media and of religion, the rights of parliamentarians, the autonomy of local authorities and the independence of judicial institutions", Mr Schwimmer stated.

He also made clear that the recommendations of the Parliamentary Assembly should be fully implemented before Moldova takes over the chairmanship. In addition, Mr Schwimmer invited the country to make use of the Council of Europe's co-operation and assistance programmes for the preparation of this mandate.

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