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EVALUATION REPORT

approved according to Article 40
of the Rules of Organization and Functioning

ALA MALÎI

judge of the Central Court of Appeal
subject of evaluation under Article 3 para. (1) Law No. 252/2023

25 March 2025

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The Commission established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice and discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (hereinafter "Law No. 252/2023") deliberated on the matter on 13 February 2025 and approved the following report on 25 March 2025. The members participating in the approval of the report were:

1. Scott BALES
2. Andrei BIVOL
3. Willem BROUWER
4. Lilian ENCIU
5. Iurie GĂTCAN
6. Lavly PERLING

Since there was no unanimous vote among the panel members assigned to evaluate the subject, the evaluation report was examined by the full Commission in accordance with Article 17 para. (3) of Law No. 252/2023.

Based on its work in collecting and reviewing the information, and the explanations provided in the public hearing and its subsequent deliberations, the Commission prepared the following evaluation report.

I. Introduction

1. This report concerns Mrs. Ala Malii (hereinafter the "subject"), a Central Court of Appeal judge.
2. The Commission conducted its evaluation pursuant to Law No. 252/2023 and the Commission's Rules of Organization and Functioning (hereinafter "Rules").
3. The Commission concluded that the subject does not meet the financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. The subject has been a Central Court of Appeal judge since 2018. This court was known as the Chișinău Court of Appeal until it was renamed on 27 December 2024.
5. Previously, she served as a judge at the Ciocana District Court, Chișinău municipality (2008-2018). Between 2001 and 2008, the subject held various

positions as a public servant at the Chișinău Court of Appeal and the Supreme Court of Justice.

6. The subject received a bachelor's degree in law in 2004 at the Law Academy in Moldova.

III. Evaluation Criteria

7. Under Article 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
8. Under Article 11 para. (2), a subject:

"[...] does not meet ethical integrity requirements if the Evaluation Commission has determined that:

- a) in the last 5 years, he/she seriously violated the rules of ethics and professional conduct of judges, or, as the case may be, prosecutors, as well as if they acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of the law, and the European Court of Human Rights had established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights;
- b) in the last 10 years, has admitted in his/her work incompatibilities and conflicts of interest that affect the office held."

9. Under Article 11 para. (3), a subject:

"[...] does not meet the criterion for financial integrity if the Evaluation Commission has serious doubts determined by the fact that:

- a) the difference between assets, expenses and income for the last 12 years exceeds 20 average salaries per economy, in the amount set by the Government for the year 2023;
- b) in the last 10 years, admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount set by the Government for the year 2023."

10. The applicable rules of ethics and professional conduct for judges in the relevant period were regulated by the:

- a. Law No. 544 of 20 July 1995 on Status of Judge;
- b. Law No. 178 of 25 July 2014 on Disciplinary Liability of Judges;
- c. Judge's Code of Ethics and Professional Conduct No. 8 of 11 September 2015 approved by the Decision of the General Assembly of Judge;

- d. Judge's Code of Ethics approved by the decision of the Superior Council of Magistracy no. 366/15 of 29 November 2007;
- e. Guide on the integrity of judges No. 318/16 of 3 July 2018 approved by the Superior Council of Magistracy.

11. The average salary per economy for 2023 was 11,700 MDL. Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.
12. Article 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, and the origins of the subject's wealth.
13. In evaluating the subject's financial integrity, Article 11 para. (5) of Law No. 252/2023 directs the Commission also to consider the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of wealth and personal interests, as well as of persons referred to in Article 33 paragraphs (4) and (5) of Law No. 132/2016 on the National Integrity Authority.
14. In assessing a subject's compliance with the ethical and financial integrity criteria, the Commission applies the rules and legal regime in effect when the relevant acts occurred.
15. According to Article 11 para. (2) of Law No. 252/2023, a subject shall be deemed not to meet the ethical integrity criterion if the Commission has determined the existence of the situations provided for by that paragraph. Under Article 11 para. (3) of Law No. 252/2023, the Commission determines that a subject does not meet the financial integrity criterion if it establishes serious doubts determined by the facts considered breaches of the evaluation criteria. The Commission cannot apply the term "serious doubts" without considering the accompanying phrase "determined by the fact that". This phrase suggests that the Commission must identify as a "fact" that the specified conduct has occurred.
16. Regarding the standard of "serious doubts" in the context of the vetting exercise, the Constitutional Court noted, concerning previous decisions, that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Magistracy can only decide not to promote a subject if the report examined contains "confirming evidence" regarding the non-compliance with the integrity criteria. The word "confirms" suggests a certainty that the subject does not meet the legal

criteria. Thus, comparing the wording “serious doubts” with the text “confirming evidence”, the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgement No. 2 of 16 January 2025, §§ 99, 101).

17. Once the Commission establishes substantiated doubts regarding particular facts that could lead to failure of evaluation, the subject will be given the opportunity to oppose those findings and to submit arguments in defense, as provided by Article 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

18. On 5 April 2024, the Commission received the information from the Superior Council of Magistracy pursuant to Article 12 para. (1) of Law No. 252/2023. The information included the subject as a judge of the Central Court of Appeal.
19. On 11 April 2024, the Commission notified the subject and requested that she complete and return an ethics questionnaire, and the declarations as provided in Article 12 para. (3) of Law No. 252/2023 within 20 days from the date of notification (hereinafter, both declarations referred together as the “five-year declaration”). The subject returned the completed five-year declaration and questionnaire on 30 April 2024.
20. On 13 August 2024, the Commission notified the subject that her evaluation file had been randomly assigned to Panel A with members Andrei Bivol, Lilian Enciu and Lavly Perling. She was also informed that subjects may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
21. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Commission evaluated compliance with these criteria over the past five, ten, and 12 years. Due to the end-of-the-year availability of the tax declarations and declarations on wealth and personal interests, the financial criteria evaluation period included 2012-2023 and 2014-2023. The evaluation period for the ethical criterion includes the past five or ten years calculated backward from the date of the notification.
22. In the last 12 years of the evaluation period, the subject had an obligation to submit declarations, both under Law No. 133/2016 on the Declaration of Wealth and Personal Interests and under Law No. 1264/2002 on the Declaration and Income and Property Control for persons with positions of

Public Dignity, Judges, Prosecutors, Civil Servants, positions of Management. The subject's husband was also obliged to submit annual declarations to NIA until 2015.

23. The Commission sought and obtained information from numerous sources. No source advised the Commission of later developments or any corrections regarding the information provided. The sources sought to provide information on the subject included the General Prosecutor's Office, the Anti-Corruption Prosecutor's Office, the Prosecutor's Office for Combating Organized Crime and Special Cases, the Ministry of Internal Affairs, the National Anticorruption Center, the National Integrity Authority (hereinafter "NIA"), the State Fiscal Service (hereinafter "SFS"), the National Office of Social Insurance (in Romanian: *Casa Națională de Asigurări Sociale*, hence hereinafter – "CNAS"), the General Inspectorate of Border Police, banks (Moldinconbank JSC, MAIB JSC, BCR Chișinău JSC, Victoriabank JSC, OTP Bank JSC, Banca Socială JSC, Banca de Economii JSC), Office for Prevention and Fight Against Money Laundering (in Romanian: *Serviciul Prevenirea și Combaterea Spălării Banilor*, hence hereinafter – "SPCSB"), Public Service Agency (hereinafter "PSA"). Information was also sought from other public institutions and private entities, open sources such as social media and investigative journalism reports. Several petitions were received from civil society and individuals. These were included in the evaluation file. All information received was carefully screened for accuracy and relevance.
24. On 11 September 2024, the Commission asked the subject to provide additional information by 22 September 2024 to clarify certain matters (hereinafter the "first round of questions"). On 17 September 2024, the subject requested an extension of 7-10 days, which the Commission granted, extending the deadline to 30 September 2024. On 30 September 2024, the subject requested an extension until 9 October 2024, which the Commission granted. The subject provided answers and documents within the extended deadline.
25. On 29 October 2024, the Commission asked the subject to provide additional information by 10 November 2024 to clarify certain matters (hereinafter the "second round of questions"). On 8 November 2024, the subject requested an extension until 17 November 2024, which the Commission granted. The subject provided answers and documents within the extended deadline.
26. On 3 December 2024, the Commission asked the subject to provide additional information by 12 December 2024 to clarify certain matters (hereinafter the "third round of questions"). On 11 December 2024, the

subject requested an extension of 10 days, which the Commission partially granted, extending the deadline to 16 December 2024. The subject provided answers and documents within the extended deadline.

27. On 24 January 2025, the Commission notified the subject that it had identified some areas of doubt about the subject's compliance with the financial criterion and had preliminarily established a non-compliance with the ethical integrity criterion and invited her to attend a public hearing on 3 February 2025. Due to the travel arrangement impediments of one of the international members, the Commission rescheduled the hearing for 5 February 2025. The subject was also informed that the evaluation report may refer to other issues that were considered during the evaluation.
28. As provided in Article 39 para. (4) of the Rules, the subject sought and was provided access to all the materials in her evaluation file on 29 January 2025.
29. On 30 January 2025, the subject submitted additional information and documents. The Commission included them in the evaluation file and discussed their relevance in the Analysis section.
30. On 5 February 2025, the Commission held a public hearing. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and the ethics questionnaire. She also stated that she did not have any corrections or additions to the answers previously provided to the Commission's requests for information.
31. In the deliberation after the hearing, Panel A could not reach unanimity. Therefore, under Article 40 para. (3) of the Rules, Panel A referred the evaluation of the subject to the Commission. The subject was informed about this and invited to another public hearing before the Commission on 12 February 2025.
32. On 10 February 2025, the subject informed the Commission that she would not attend the hearing in accordance with Article 16 para. (2) of Law No. 252/2023. Consequently, the Commission evaluated the subject based on the information gathered during the evaluation and the initial hearing.

V. Analysis

33. This section discusses the relevant facts and reasons for the Commission's conclusion.
34. Based on the information it collected, the Commission analyzed and, where necessary, sought further clarifications from the subject on the following matters:

- a. conflict of interest;
- b. involvement in three cases leading to violations of the European Convention on Human Rights;
- c. difference between the assets, expenses and income (unjustified or inexplicable wealth) for the years 2013-2016, and 2023.

A. Doubts not leading to failure

- **Conflict of interest with the insolvency administrator I.S.**
 - 35. According to the information from the Border Police, the subject and her husband crossed the border on 25 January 2020 (exit) and on 9 February 2020 (entry) as passengers, with the vehicle model Land Rover Discovery m/y 2018, owned by I.S.
 - 36. Responding to the first round of questions, the subject confirmed the information. She explained that I.S. is her husband's ex-colleague and that they traveled together to Karlovy Vary, Czech Republic, for treatment/vacation.
 - 37. According to the information from BC MAIB on 21 July 2022, the limited liability company owned by the subject's husband received an advance payment of 100,000 MDL from I.S.
 - 38. According to the Integrated Case Management System (PIGD), the subject was the rapporteur in seven cases where I.S. acted as authorized administrator in insolvency proceedings. The subject did not self-recuse in any of the cases.
 - 39. In the first case, the subject examined a revision request submitted by one of the creditors against the debtor's restructuring plan. I.S. was the company's insolvency administrator, and the creditor claimed that the plan covered only 81.4% of its claim. The Central Court of Appeal panel, including the subject, dismissed it as inadmissible.
 - 40. The second case concerns an appeal on points of law against the insolvency court's decision to include a third party's claim in the claims table. I.S. was the debtor's insolvency administrator. In this case, the subject declared a self-recusal (after receiving the hearing notice during this vetting procedure).
 - 41. The third and fourth cases concern motions for a change of venue in the insolvency proceedings of two companies, where I.S. was the insolvency administrator.

42. The fifth case concerns insolvency proceedings in which one of the creditors was obliged to make additional payments to the debtor. I.S. was the insolvency administrator. The debtor was represented by a lawyer in court. By a decision of 27 October 2022, the panel of the Court of Appeal, including the subject, dismissed the appeal.
43. The sixth case concerns a request by the Municipality of Chișinău to include in the table of claims a debt of 186,349 MDL, representing unpaid land lease fees. The insolvency administrator, and subsequently the first-instance court, dismissed the request. The municipality then filed an appeal on points of law. The subject declared self-recusal (after receiving the hearing notice during this vetting procedure).
44. The seventh case concerns a request by the creditors' committee to dismiss V.R., the insolvency administrator. I.S. was the deputy insolvency administrator. By a decision of 1 August 2024, the panel of the Court of Appeal, including the subject, dismissed the appeal.

The subject's arguments regarding the potential conflict of interests

45. In response to the third round of questions, the subject stated that she did not self-recuse because I.S. was not a party or a participant in the proceedings in the sense of Article 59 of the Code of Civil Procedure. She did not provide legal assistance as a lawyer or represent herself in the above proceedings.
46. In addition, the subject noted that three cases (Nos. 2, 3, and 6) were not examined on merits but were only assigned to her. In case No. 4, only the motion for a change of venue was considered. In case No. 1, she examined a revision request, and in case No. 5, I.S. was not present in court but was represented by a lawyer. In case No. 7, I.S. was not the insolvency administrator but another person (V.R.). Finally, the subject stated that none of the cases ended with a favorable solution for I.S.
47. On 24 January 2025, after the subject received the notice of hearing, she recused herself from two cases that were assigned to her (cases Nos. 2 and 6). The subject mentioned in her declarations that the self-recusal is based on her knowing the family of I.S. Although she does not consider that there is a reason for the recusal, as the insolvency administrator is not a party to the proceedings, one of the notified doubts by the Commission is her relationship with I.S. Therefore, she decided to recuse herself. By rulings of 28 January and 30 January 2025, two different panels of the Central Court of Appeal rejected the subject's self-recusal.

Legal principles

48. Under Article 11 para. (2) lit. b) of Law No. 252/2023, a subject does not meet the criteria of ethical integrity if the Commission has established that in the last 10 years, he/she has admitted incompatibilities and conflicts of interest affecting his position.
49. As already noted in the Commission's previous reports (e.g., *Ursachi Report* of 5 November 2024), in its Judgement No. 18 of 27 September 2022, the Constitutional Court mentioned that a distinction must be made between the conflicts of interest of judges arising in administrative activity (e.g. presidents of courts) and in jurisdictional activity.
50. Judges must perform their functional duties impartially and objectively. In general, this obligation requires a judge to refrain from examining an application or making a decision if he or she has a personal interest that influences or could influence the impartial exercise and objective performance of his or her duties.
51. According to Article 50 para. (1) lit. e) of the Code of Civil Procedure, a judge handling a case shall be recused if:

"he/she has a personal, direct, or indirect interest in the resolution of the case, or if there are other circumstances that call into question her/his objectivity and impartiality."

52. Article 52 para. (1) of the Code of Civil Procedure provides:

"If the grounds specified in Articles 50 and 51 exist, the judge, [...] is obliged to refrain from examining the case. [...]."
53. Under Article 4 para. (1) lit. a) of Law 178/2014 on disciplinary responsibility of judges, a disciplinary offense can be:

"non-compliance by intention or gross negligence with the duty to abstain when the judge knew or should have known that circumstances provided by law requiring abstention existed [...]."
54. Under Article 15 para. (1) lit. a) and d) of Law No. 544/1995 on the status of judges, a judge is obliged:

" a) to be impartial; d) to refrain from acts that compromise the honor and dignity of judges or that cause doubts about the judge's objectivity."
55. Under Article 4 para. (4) and (5) of the Code of Ethics:

"The judge shall refrain from making decisions, when his/her interests, those related by blood, adoption, affinity, or other persons who have close ties with his/her family, could influence the correctness of decisions."

"The family and social relations of the judge must not influence the court decisions he/she adopts in the performance of his/her professional duties."

56. Under the Commentary of the Code of Ethics, if a judge:

"[...] finds a conflict of interest, his task is to disclose this fact to the appropriate parties, taking all necessary steps to eliminate the conflict of interest and/or to refrain from judging the case."

57. According to the well-established case-law of the ECtHR, impartiality is evaluated based on: (1) a subjective test, which considers the personal conviction and behavior of a particular judge, that is, whether the judge held any personal prejudice or bias in a given case; and also (2) an objective test, that is to say by ascertaining whether the tribunal itself and, among other aspects, its composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality.

58. There is no watertight division between subjective and objective impartiality since the conduct of a judge may not only prompt objectively held misgivings as to impartiality from the point of view of the external observer (objective test) but may also go to the issue of his or her personal conviction (subjective test) (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 6 November 2018, § 145).

59. The ECtHR also stated that justice must not only be done, but it must also be seen to be done. Judges should comply with both subjective and objective tests of impartiality. Appearance of partiality under the objective test is to be measured by the standard of an objective observer. A personal friendship between a judge and any member of the public involved in the case or close acquaintance of a judge with any member of the public involved in the case might give rise to a reasonable apprehension of bias. The above standards serve to promote the confidence which the courts in a democratic society must inspire within the public (*Castillo Algar v. Spain*, 28 October 1998, § 45).

The Commission's assessment

60. The Commission notes that the subject self-recused in two cases after receiving the hearing notice. The flagging by the Commission of cases as raising a potential doubt should not have been a determining factor in a subject's decision to self-recuse. The hearing notice from the Commission signals a need for scrutiny. Still, judges must independently assess whether the criteria for recusal are met, regardless of the procedural elements of the evaluation, such as the timing of a hearing notice, or the rounds of questions.

61. In her declarations of self-recusal of 24 January 2025, the subject did not disclose all relevant information regarding her relationship with I.S. She omitted details about their common vacation and I.S.'s payment of 100,000 MDL to her husband's company. As a result, the panels rejecting the self-recusal requests may have been unable to assess all the relevant facts.
62. The Commission notes that under Article 4 para. (1) of Law No. 149/2012 on insolvency, the insolvency administrator is a participant in insolvency proceedings. Although Article 52 of the Code of Civil Procedure does not formally classify the insolvency administrator as a party to the proceedings, Law No. 149/2012, as a special law, explicitly states that the administrator is a participant in the proceedings. An observer would naturally deem the insolvency administrator as a participant in the proceedings. This is implicitly confirmed by the fact that the insolvency administrator is appointed by the creditors, who are the key participants in the insolvency.
63. The subject's second argument was that, in three out of seven cases, no decisions were issued on the merits. Moreover, in two other cases, the decisions addressed procedural matters (change of venue, dismissal of the administrator, revision request). In one case, I.S. was represented in court by a lawyer.
64. The Supreme Court of Justice, in its advisory opinion on procedural aspects related to a judge's self-recusal¹, states that the trial begins upon the filing of the claim, with the judge becoming involved as soon as the claim is received through PIGD.
65. If the legal grounds for recusal are met, the judge is required to abstain from the case, both during the case preparation stage and from the moment the lawsuit is filed, starting on the day the court receives the summons request via PIGD.
66. The Commission observes that, under these provisions, the subject was required to declare self-recusal from the moment the cases were assigned to her through the PIGD. Therefore, the subject's argument that no decisions were issued in cases Nos. 2, 3, and 6 is irrelevant in the context of her obligation to abstain.

¹ https://jurisprudenta.csj.md/search_rec_csj.php?id=165

67. The Commission must determine whether the subject's failure to declare self-recusal rises to the level of seriousness required by Article 11 para. (2) of Law No. 252/2023.
68. The Commission notes that the subject did not issue decisions on the merits in four cases, and in two cases, the subject declared self-recusal. Therefore, the failure to recuse did not result in substantive decision-making that could have affected significantly the rights or interests of the parties involved.
69. The ECtHR has established that a judge's dismissal must be justified by a pressing social need and proportionate to the legitimate aim pursued (*Xhoxhaj v. Albania*, No. 15227/19, § 402; *Thanza v. Albania* (No. 41047/19, § 151)).
70. Similarly, in its Judgement No. 2 of 16 January 2025, when asked to decide on the proportionality of sanctions for failure to pass the evaluation based on the criteria of ethical integrity, the Constitutional Court analyzed the situations where a judge does not self-recuse. The Court noted that this measure must be applied in accordance with the particular circumstances of the case. It noted the importance of establishing whether failure to self-recuse undermined the confidence in justice and the right of the persons concerned to an impartial tribunal.
71. The Commission believes that the subject's actions and inactions in this case did not fit the criteria for judicial misconduct cited by the Constitutional Court. In this case, it seems that the failure to recuse did not compromise judicial impartiality in a way that would justify removal from office. A failure to self-recuse, without an actual conflict of interest or harmful consequences, might not justify a penalty as severe as dismissal and a subsequent ban from the profession.
72. Given these circumstances, in this case, the Commission does not find a conflict of interest that affected the office held, as prescribed by Article 11 para. (2) lit. b) of Law No. 252/2023.
 - **Involvement in three cases leading to violations of the European Convention on Human Rights (hereinafter "Convention").**
73. According to the information provided by the Government Agent, the subject, as a judge, was involved in three cases which led to the finding of a violation by the European Court of Human Rights (hereinafter "ECtHR"):
 - *N.P. v. Republic of Moldova*, No. 58455/13, 6 October 2015
 - *Grecu v. Republic of Moldova*, No. 51099/10, 30 May 2017

- *The Association of Investigative Reporters and Editorial Security of Moldova (RISE) and Sanduța v. the Republic of Moldova*, No. 4358/19, 12 October 2021.

74. In *N.P. and Grecu*, the subject issued the decisions as a judge of the Court of Appeal and as a judge of the Ciocana District Court on 14 February 2012 and 3 May 2010, respectively. Therefore, the subject's decisions are outside the 10-year time limit provided in Article 11 para. (2) lit. (a) of Law No. 252. The Commission has, therefore, analyzed only the *RISE and Sanduța* case.

75. Under Article 11 para. (2) lit. a) of Law No. 252/2023, a subject does not meet the criterion of ethical integrity if the Commission has established that he or she issued arbitrary acts over the last 10 years, contrary to the imperative rules of the law, and the ECtHR had established, before the adoption of the act, that a similar decision was contrary to the Convention.

76. By judgment No. 2 of 16 January 2025, the Constitutional Court declared these provisions constitutional. It stated that according to this provision, the Evaluation Commission must establish that two cumulative conditions are met to determine the arbitrariness of an act issued by a subject. The first condition is that the act in question is contrary to imperative rules of law. The second condition is that before the adoption of the act, the ECtHR had found that a similar decision was contrary to the European Convention on Human Rights.

77. The Constitutional Court also noted that, to clarify the meaning of the concept of arbitrary acts, the addressees of the law may take into account, among others, the meaning attributed to this concept by the ECtHR. Thus, for example, in *Bochan v. Ukraine* (No. 2), 5 February 2015, § 62, the ECtHR stated that a judicial decision is arbitrary if, in essence, it has no legal basis in domestic law and does not establish any connection between the facts of the dispute, the applicable law and the outcome of the proceedings. The ECtHR considers such a decision to be a "denial of justice". Furthermore, in *Ballıktaş Bingöllü v. Turkey*, 22 June 2021, § 75, the ECtHR stated that a "manifest error" may be considered to have been committed by a judicial decision if the court has committed an error of law or fact that no reasonable court could ever have made, and which may disturb the fairness of the proceedings.

78. The case of *RISE and Sanduța* concerns the finding of the applicants liable for defamation in civil proceedings due to a journalistic investigation they realized. The Socialist Party of Moldova initiated civil defamation proceedings against the applicants. It claimed that the article falsely claimed

that the Socialist Party and Dodon's presidential campaign had been unlawfully funded from abroad, arguing that no state body found evidence. They also alleged the article relied on improperly obtained non-public documents.

79. The first instance ruled in favor of the Socialist Party, finding the article defamatory because no state body confirmed the party's foreign funding. The court ordered the applicants to publish a retraction in which they would admit that the impugned article about the alleged financing of the Socialist Party and of Mr. Dodon's campaign from abroad had been untrue and paid around 10 EUR. This decision was upheld by the Chișinău Court of Appeal and the Supreme Court of Justice. The courts retained that the article was based on excessive judgments of value.

ECtHR findings

80. The ECtHR found a violation of Article 10 of the Convention (freedom of expression) because of the finding of the applicants' liability for defaming the Socialist Party of Moldova.

Commission's assessment

81. The subject was involved as a judge of the Court of Appeal and issued the decision of 18 April 2018, which dismissed the applicant's appeal and upheld the first-instance decision. The subject's decision falls within the 10-year period.
82. During the rounds of questions and at the hearing, the subject stated that the decision was based on imperative rules of law and that the article was considered an "excessive" value judgment. The subject also mentioned that the Court of Appeal had applied ECtHR case law and the Supreme Court of Justice's explanatory decision. Finally, she admitted that the interference may not have been proportionate in light of the ECtHR findings and the decisions issued in revision proceedings.
83. According to the ECtHR, a decision is deemed arbitrary when it has no legal basis in domestic law and fails to establish any connection between the facts of the dispute, the applicable law, and the outcome of the proceedings. A manifest error of assessment occurs when a court makes an error of law or fact that no reasonable court could have made (§77).
84. In the present case, the ECtHR criticized the domestic courts for failing to properly balance the right to freedom of expression with the protection of reputation, leading to a violation of Article 10. While the reasoning may have

been inadequate or flawed, the courts nonetheless engaged with the facts and legal arguments. In cases where the ECtHR has found a decision to be arbitrary (e.g., *Bochan No. 2, Dulaurans*), the courts either failed to provide any reasoning or issued decisions entirely disconnected from the legal framework.

85. Therefore, the Commission considers that the decision issued by the subject in this case, although contrary to ECtHR case law, does not rise to the level of an “arbitrary act” as interpreted by the ECtHR.

B. Doubts leading to failure

- **Difference between the assets, expenses, and income (inexplicable wealth) for 2013-2016 and 2023.**

86. The Commission has established inexplicable wealth for the years 2013, 2014, 2015, 2016, and 2023. The difference between income and expenses (negative balance) in these years was -113,557 MDL, -120,794 MDL, -197,084 MDL, -119,461 MDL, and -139,063 MDL, thus forming a total inexplicable wealth of -689,959 MDL.

- **Inexplicable wealth for 2013**

Incoming financial flow

Cash savings

87. The subject declared cash savings of +161,400 MDL in the first round of questions. She stated that the source of funds was:
 - 131,400 MDL from the sale of her husband's company in 2005.
 - 20,000 MDL from the gifts received in 2011.
 - 10,000 MDL donation from her mother.
88. The subject said that her household obtained 131,400 MDL from the 2005 sale of her husband's limited liability company. According to the sale and purchase contract, the company was sold to S.C. for 5,400 MDL on 31 October 2005.
89. In response to the Commission's question concerning the difference between the two prices, the subject stated that they indicated 5,400 MDL (charter capital) at the buyer's request. She claimed that the company had an agricultural profile and owned approximately 137 plots of land, agricultural products (grains), seed materials, insecticides, fertilizers, and other items, with a total value estimated at 131,400 MDL. In addition, she said that her

husband deposited on the account of the company 219,600 MDL on 29 July 2005. Regarding how they managed to save the entire amount until 2013, the subject said that they sent it to her mother in the village for safekeeping.

90. During the hearing, the subject reiterated her statements. She also submitted a declaration dated 28 January 2025 signed by her mother, attesting that she received 131,400 MDL from the subject in 2005 for safe keeping. The source was the sale of the company, and she returned the amount to the subject in 2014 when they acquired a plot of land where they live.
91. The husband's company was registered on 15 July 2005 by the husband. On 29 July 2005, the subject's husband deposited 219,600 MDL in the company's account. The agricultural plots of land were acquired between August and October 2005. On 31 October 2005, the subject's husband sold the company, according to the contract, for 5,400 MDL and, according to the subject, for 131,400 MDL.
92. The subject stated that the high value of the company is explained by the profile, products, and plots of land. The Commission notes that the company was held by the subject's husband only for three months. The company was registered in July 2005 and sold at the end of October 2005. The period was not favorable for seeding/tilling activities, which could explain an increase in its value. The subject did not provide confirmative documents such as bank statements or payment receipts. The subject presented the deposit order made by his husband in July 2005, which could explain the amount of 131,400 MDL. However, no evaluation report or statement as to the company's fixed and current assets was provided.
93. Furthermore, the Commission finds it difficult to accept that the entire amount stayed intact for seven years following its sale. Especially considering that during this period, the subject's family could have incurred expenses for acquisition of various movable or immovable goods or other types of expenses. For example, according to the subject's answers, in 2007 her husband granted a loan of 1,575 EUR to G.A., although the subject claimed that it was granted from other sources (see § 114).
94. Even if the Commission were to accept that the company was sold for 131,400 MDL, there is no evidence that this amount was kept from 2005 until 2013. This case is distinct for other subjects (e.g. *Băbălău* evaluation report of 6 March 2025, § 58), where the Commission did not investigate how exactly the funds from 2011 were carried over to 2016, because the relevant stream of expenses would not have led to a negative balance above the threshold of

Law No. 252/2025. In that case, the safekeeping of the funds concerned 5 years, not 8.

95. The subject stated that the money was kept by her mother in the village. No plausible explanation was given why keeping money to her mother was considered safer, especially considering that the subject's mother lived alone, in a village.
96. Based on the above, the Commission does not accept the amount of 131,400 MDL as cash savings and will not include it in the incoming financial flow for 2013.
97. Regarding the amounts of 20,000 MDL and 10,000 MDL declared by the subject as gifts and donations from her mother, the Commission accepts them. The Commission analyzed the income received by the subject's mother and corroborated it with the CEP level for these years. Based on this information, the Commission identified that the subject's mother had enough income to afford these donations and gifts. No supporting evidence was provided regarding the actual transfer of these amounts. Still, considering the Supreme Courts of Justice decision on *Alexandru Rotari* of 19 august 2024, the lack of documentary evidence does not exclude the existence of donations between close relative (§ 62). Since these amounts were received close to 2013 and considering the financial capacity of the subject's mother, the Commission deems them acceptable. Therefore, the subject's household had cash savings of 30,000 MDL from 2012.

Salaries and social benefits

98. According to the SFS, the subject received in 2013 a net salary as a judge of +66,852 MDL. The subject's husband received a net salary of +52,707 MDL. In addition, he received a disability pension of +11,904 MDL.

Donations

99. In the first round of questions, the subject stated that she received from her mother a donation of +15,000 MDL.
100. Therefore, the subject's household had in 2013 an incoming financial flow of +176,463 MDL.

Outgoing financial flow

The advance payment for a plot of land for construction and an unfinished construction in Durlești

101. On 28 May 2013, the subject's husband entered an advance payment contract (*contract de arvuna*) with G.E. for a plot of land and an unfinished building in Durlești, Cartusa Street (a suburb of Chișinău). According to the contract, he paid 10,000 EUR (162,100 MDL) upfront for a total price of 27,000 EUR. The contract stated that if G.E. backed out, she would refund double the advance. If the subject's husband withdrew, no refund was allowed. In addition to the contract, the parties each signed a declaration on honor attesting to the conditions of the transaction and the advance payment.
102. Two days later, G.E. sold the same property to B.D. for a significantly lower price (11,000 EUR). On that same day, B.D. authorized the subject's husband to represent her in registering the property. Nearly a year later, on 28 March 2014, B.D. sold the property to the subject for the same amount (11,000 EUR).
103. When questioned, the subject denied purchasing any property in 2013 or paying 10,000 EUR. She claimed that the advance payment contract was signed on behalf of B.D., who was abroad and wanted to secure the property. The subject stated that the 10,000 EUR belonged to B.D., their godmother's daughter. B.D. later confirmed this in a written statement.
104. The subject explained the price discrepancy between the 27,000 EUR stated in the advance payment contract and the 11,000 EUR actual sale price as a requirement by the bank holding a mortgage on the property. The subject claimed that G.E. used the 10,000 EUR advance to repay the bank mortgage, allowing the sale to proceed.
105. The Commission found inconsistencies in the subject's explanations, particularly regarding when and how 10,000 EUR was transferred. If the subject's husband paid the amount on the day the contract was signed, there is no explanation for how B.D. could have given him the money if she had been abroad. Alternatively, if she was in the country, there is no explanation for why the subject's husband signed the contract in her name. Moreover, if the money was transmitted on the second day, as claimed during the hearing, then the purpose of the advance payment contract—which is to secure the property by providing an advance payment to prevent its sale to others—remains unclear. In addition, this contradicts the allegation concerning the mortgage repayment on 28 May 2013.
106. The Commission concludes that there is no plausible reason to exclude the 10,000 EUR advance payment from the subject's outgoing financial flow, as it was notarized and contractually agreed upon. However, the true motives behind the complex financial transactions remain unclear.

Cash savings

107. As stated in §§ 87-92, the Commission did not accept the cash savings of 131,400 MDL allegedly held by the subject's household at the beginning of 2013. Therefore, the Commission will include only -35,000 MDL as cash savings at the end of 2013. According to the Annex to the Rules, the savings at the end of the year are considered an outgoing financial flow for 2013, as they are carried forward as an incoming financial flow for the following year.

Other expenses

108. In the second round of questions, the subject declared expenses of -3,000 MDL incurred by her husband for a trip to Poland. In addition, according to SFS, the subject's husband paid -16,336 MDL to a limited liability company² on 1 October 2013.
109. The subject did not agree with this amount and claimed that the property on Tatarbunar Street had three co-owners, all of whom contributed to the payment of the 16,336 MDL.. Thus, each paid about 5,400 MDL for the acquisition of the asphalt for the courtyard and part of the access road, which was flooded due to its poor condition. The Commission identified the payment on the subject's bank account. Without evidence that the amount was divided into three parts, the Commission will include the entire amount as an expense for 2013.

Consumption expenditure per population (hereinafter "CEP")

110. The CEP³ in 2013 for the subject's household, consisting of the subject, her husband, and a child, was -73,584 MDL.

² According to public information, the company sells cement, metallurgical products, metal, and concrete construction.

³ The CEP for any year between 2006-2018 is calculated based on NBS methodology, available on the NBS website here: Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb (statistica.md). This link is reached from the home page of the NBS website following these steps (tabs): - Statistics by theme - Society and social conditions - Living standard of population - Stat bank - Population expenditure - Discontinued series - Household expenditures (2006-2018, based on resident population) - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2006-2018.

On the above link, the following variables were selected: Year - Consumption expenditures total - Area (Urban/Rural) - Number of children (if no children, without children is chosen) - Lei, average monthly per capita for one person. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

111. Therefore, for 2013, the subject's household had an outgoing financial flow of -290,020 MDL. The negative balance the subject's household accumulated in 2013 was **-113,577 MDL**. See the table below.

Table 1. Incoming and outgoing financial flows for 2013

Income, MDL		Expenses, MDL	
Cash savings from 2012	+30,000 MDL	CEP	-73,584
Subject's salary – Chișinău Court	+66,852	Payment for the property in Durlești	-162,100
Husband's salary - SF	+52,707	Husband's trip to Poland	-3,000
Pension disability	+11,904	Payment to LLC company	-16,336
Donation from mother	+15,000	Cash savings at the end of the year	-35,000
Total, MDL	+ 176,463		-290,020
Difference, MDL	- 113,557		

- Inexplicable wealth for 2014**

Incoming financial flow

Cash savings

112. At the end of 2013 (i.e., at the beginning of 2014), the subject had cash savings of +35,000 MDL. According to the Rules, this sum is considered incoming financial flow for 2014 as savings from the previous year.

The CEP for any year between 2019-2022 is calculated based on NBS methodology, available on the NBS website here: Consumption expenditures average monthly per capita by Years, Expenditure group, Area, Children in household and Unit. PxWeb (statistica.md). This link is reached from the home page of the NBS website following these steps (tabs): - Statistics by theme – Society and social conditions - Living standard of population - Stat bank - Population expenditure - Consumption expenditures of population by purpose of expenditures, number of children in household and area, 2019-2023.

On the above link, the following variables were selected: Year - Consumption expenditures total – Area (Urban/Rural) – Number of children (if no children, without children is chosen) – Lei, average monthly per capita for one person. The generated result was multiplied by the number of family members and then was further multiplied by 12 calendar months.

Salaries and social benefits

113. According to the SFS, the subject received a net salary of +102,477 MDL as a judge. She also received +2,361 MDL from the National Institute of Justice. The subject's husband received a net salary of +53,023 MDL from the SFS. In addition, he received a disability pension of +12,681 MDL.

Other income

114. The subject's household obtained +5,000 MDL as proceeds from selling the Seat Toledo car. In addition, according to the subject's answers and bank statements, G.A. repaid to the subject's family a loan of +1,575 EUR (+29,342 MDL)⁴. The subject stated that her husband gave this loan to G.A. before 2008, probably in 2007.
115. Therefore, the subject's household had in 2014 an incoming financial flow of +239,884 MDL.

Outgoing financial flow

The purchase of the vehicle model Volkswagen Transporter, m/y 2005

116. In the first and the second round of questions, the subject stated that in 2014, her husband purchased a vehicle model Volkswagen Transporter, m/y 2005, for 90,000 MDL, which he imported himself. According to the information provided by the customs service, the value of the vehicle was set at 80,700 MDL, and the import duty was set at 21,369 MDL. Therefore, the total vehicle value determined by the customs service was 102,069 MDL. The Commission will take into account the value of the vehicle determined by the custom service.

The purchase of a plot of land for construction and an unfinished construction in Durlești

117. On 28 March 2014, the subject purchased from B.D. a plot of land and unfinished construction in Durlești for -182,145 MDL. The transactions concerning this property are described in §§ 99-104.

CEP

118. The CEP in 2014 for the subject's household, consisting of the subject, her husband, and a child, was -76,464 MDL.

⁴ Converted at the central bank's average exchange rate in 2014 – 18,63 MDL/EUR.

119. Therefore, for 2014, the subject's household had an outgoing financial flow of -360,678 MDL. The negative balance the subject's household accumulated in 2014 was **-120,794 MDL**. See the table below.

Table 2. Incoming and outgoing financial flows for 2014

Income, MDL		Expenses, MDL	
Cash savings from 2013	+35,000	CEP	-76,464
Subject's salary – Chișinău Court	+102,477	Purchase of the property in Durlești	-182,145
Subject's salary - NIJ	+2,361	Acquisition of the car model VW Transporter (+ import taxes)	-102,069
Husband's salary – SFS	+53,023		
Pension disability	+12,681		
Proceeds from the sale of Seat Toledo	+5,000		
Repayment of loan from G.A.	+29,342		
Total, MDL	+239,884		-360,678
Difference, MDL	- 120,794		

- Inexplicable wealth for 2015**

Incoming financial flow

Salaries and social benefits

120. According to the SFS, the subject received a net salary of +111,184 MDL as a judge. She also received +1,278 MDL from the National Institute of Justice. The subject's husband received a net salary of +43,582 MDL from the SFS. In addition, he received a disability pension of +13,650 MDL.

121. According to the SFS, the subject's husband received +1,309 MDL from LLC "T.G.". However, according to the assessment act of the NIA dated 4 December 2019, the subject declared that her husband did not raise this salary, and that's why she did not include it in the annual declaration for 2015. Therefore, the Commission will not include 1,309 MDL in the incoming financial flow for 2015.

Donations

122. In the first round of questions, the subject declared that she received a donation of +10,000 MDL from her mother in 2015.

The sale of the vehicle Hyundai Santa Fe m/y 2006

123. In the first round of questions, the subject stated that her family purchased the vehicle in 2012 for 100,000 MDL and sold it in 2015 for 10,000 MDL. In response to the Commission's questions regarding the low sale price, the subject stated that she was obliged to indicate the contract price in her declarations to the NIC.

124. In the second round of questions, in response to the Commission's questions to confirm the prices for the purchase and the sale of the vehicle, the subject stated the following. She confirmed that the real purchase price was 100,000 MDL, but the employee responsible for registering the vehicle committed an error and omitted a zero. Regarding the sale price, the subject stated that they sold the vehicle for 80,000 MDL. She later found out about the indicated price of 10,000 MDL and was obliged to declare the price from the contract to NIC.

125. The Commission notes that, according to both contracts, the subject's family purchased and sold the vehicle for 10,000 MDL. Moreover, the subject reported the same price in her declarations to the NIC. The Commission acknowledges that the purchase and sale prices of the vehicle, as indicated in the contracts and declared to the NIC, are undervalued and were higher. At the same time, the subject's claims regarding the amounts of 100,000 MDL and 80,000 MDL are not supported by any evidence. Finally, the subject provided inconsistent explanations in the first and second rounds of questions. Therefore, the Commission considers the amount of 10,000 MDL.

126. The Commission used the same approach when calculating the acquisition value of this car, including the contractual price of 10,000 MDL, in calculating the subject's incoming and outgoing financial flows for 2012. If the Commission had attributed the declared purchase price of 100,000 MDL to the subject, the misbalance of assets for 2012 would have been at least—41,954 MDL.

127. Therefore, in 2015, the subject's household had an incoming financial flow of +189,694 MDL.

Outgoing financial flow

The purchase of the vehicle model Chevrolet Captiva m/y 2013

128. In the first round of questions, the subject stated that she bought the vehicle in 2015 for 110,000 MDL and sold it in 2020 for the same price. According to

the sale and purchase contract concluded by the subject with the dealer, the vehicle was sold for 11,500 EUR (221,218 MDL).

129. The Commission asked the subject to confirm and explain price differences in the second round of questions. The subject confirmed that they sold the vehicle for the price indicated in the contract, 221,218 MDL. However, she insisted that they purchased the vehicle for 110,000 MDL. As an explanation for the low price, the subject stated that it was an offer from a friend of her husband.
130. In the third round of questions, the subject reiterated that the low price was explained by the relationship between her husband and the seller, M.G. In addition, she stated that her husband provided to M.G. with *pro bono* maintenance services for his other vehicles. As M.G. is deceased, she cannot provide any declaration from him.
131. The Commission notes that the vehicle was two years old and had no significant damage or technical defects when the subject acquired it. In 2020, the subject sold the vehicle (then a seven-year-old car and after five years of use by the subject) for 221,218 MDL. This is twice what the subject paid for it in 2015.
132. According to online advertisements on online marketplaces such as 999.md, the price range for a vehicle Chevrolet Captiva m/y 2013 is between 7,500 EUR-11,000 EUR. These current market prices are for 11-year-old cars, such as the one the subject purchased, without considering the condition and specifications of the vehicle, as well as the mileage. When the subject sold the vehicle in 2020, the odometer data indicated 144,000 km (five years after the purchase). Therefore, the mileage should have been much lower when the subject purchased the vehicle. In addition, the photos from the photo table at the time of registration at the PSA indicate that the vehicle was in good visual condition (no visible wear and tear), and the technical inspection indicates that no technical defects were found.
133. Open-source information indicates that the Manufacturer's Suggested Retail Price (MSRP) for Chevrolet Captiva model year 2013 ranged from 24,000 USD to 28,000 USD in 2013. This data is based on various online vehicle pricing platforms, including Edmunds and Kelley Blue Book.
134. Publicly available information suggests that vehicles typically depreciate by 20-30% in the first year and by an additional 15-20% in the second year. Based on these rough calculations, a Chevrolet Captiva purchased in 2015—

featuring low mileage and a high-speck diesel combustion engine—would be valued at approximately 15,000 USD to 19,000 USD.

135. The subject provided no consistent explanations or economic rationale behind the seller's decision to sell the vehicle for 110,000 MDL. Considering the above findings, the Commission will calculate the purchase price of the vehicle Chevrolet Captiva m/y 2013 by the sale price in 2020, i.e. -221,218 MDL.

Cash savings

136. According to the subject's answers, she had cash savings of +10,000 MDL at the end of 2015.

Other expenses

137. In the first round of questions, the subject declared expenses of -30,000 MDL for repair works for the property located in Durlești.

138. According to bank statements and answers provided in the second round of questions, the subject's household incurred expenses for vacations in Hungary and Spain. The payments identified in bank accounts were -2,064 MDL and -19,754 MDL (13,484 MDL + 300 EUR (6,270 MDL)).

139. According to the SFS, the subject's husband paid -16,946 MDL to a limited liability company on 7 October 2015.

CEP

140. The CEP in 2015 for the subject's household, consisting of the subject, her husband, and a child, was -86,796 MDL.

141. Therefore, for 2015, the subject's household had an outgoing financial flow of -386,778 MDL. The negative balance the subject's household accumulated in 2015 was **-197,084 MDL**. See the table below.

Table 3. Incoming and outgoing financial flows for 2015

Income, MDL		Expenses, MDL	
Subject's salary – Chișinău Court	+111,184	CEP	-86,796
Subject's salary - NIJ	+1,278	Work repairs	-30,000
Husband's salary – SFS	+43,582	Acquisition of the car model Chevrolet Captiva	-221,218
Pension disability	+13,650	Vacations (Hungary + Spain)	-21,818

Proceeds from the sale of Hyundai Santa Fe	+10,000	Cash savings at the end of the year	-10,000
Donation from mother	+10,000	Payment to LLC	-16,946
Total, MDL	+189,694		-386,778
Difference, MDL	- 197,084		

- **Inexplicable wealth 2016**

Incoming financial flow

Cash savings

142. At the end of 2015 (i.e., at the beginning of 2016), the subject had cash savings of +10,000 MDL.

Salaries and social benefits

143. According to the SFS, the subject received, as a judge, a net salary of +152,112 MDL. She also received +1,806 MDL as medical allowance. The subject's husband received a net salary of +2,438 MDL from the SFS. In addition, he received a disability pension of + 14,961 MDL.

144. Therefore, in 2016, the subject's household had an incoming financial flow of +181,317 MDL.

Outgoing financial flow

Cash and bank savings

145. According to the subject's answers, at the end of 2016, she had -135,000 MDL in cash savings. In addition, the subject had -1,711 MDL as bank savings on his Victoriabank account no. MD90XXXXX2455.

146. In the first round of questions, the subject declared 135,000 MDL as cash savings at the end of 2016. The subject also declared this amount in her annual declaration to the NIA. In the third round of questions, after receiving the analysis of the inexplicable wealth, the subject claimed that the amount of 135,000 MDL did not belong to her. The subject stated that this amount belonged to her godmother, B.G., who gave it to her for safekeeping due to the conflictual relationship with her husband. She declared this amount to the NIA as she had formally kept it and returned the money to her godmother in May 2017.

147. The Commission notes that the subject stated in the first round of questions that her household had 135,000 MDL in cash savings at the end of 2016. No information was provided that this amount belonged to anyone else. Furthermore, the subject declared this amount to the NIA in 2016. Only in the third round of questions did the subject declare to the Commission that 135,000 MDL did not belong to her. She did not provide any evidence to support her statements. She did not explain why B.G. gave the amount to the subject for safekeeping and not to an immediate relative, such as her daughter. Also, the subject did not explain what happened in May 2017, as there was no longer needed to keep the money.

148. Therefore, based on the above findings, the Commission will not accept to exclude 135,000 MDL as cash savings held by the subject's household at the end of 2016 and subsequently from her outgoing financial flow.

Vacations

149. In the first round of questions, the subject declared expenses for vacations in Russia and Bulgaria of – 550 EUR (12,127 MDL)⁵.

Other expenses

150. In the first round of questions, the subject declared expenses of -60,000 MDL for repair works for the property in Durlești. In addition, according to the information provided by Lyceum Litterarum, the subject paid -5,000 MDL as a tuition fee for her son.

CEP

151. The CEP in 2016 for the subject's household, consisting of the subject, her husband, and a child, was -86,940 MDL.

152. Therefore, for 2016, the subject's household had an outgoing financial flow of -300,778 MDL. The negative balance the subject's household accumulated in 2016 was -119,461 MDL. See the table below.

Table 4. Incoming and outgoing financial flows for 2016

Income, MDL		Expenses, MDL	
Cash savings from 2015	+10,000	CEP	-86,940
Subject's salary – Chișinău Court	+152,112	Expenses for repair works	-60,000

⁵ Converted at the central bank's average exchange rate in 2016 – 22,05 MDL/EUR.

Medical allowance	+1,806	Tuition fee (Litterarum)	-5,000
Husband's salary – SFS	+2,438	Vacations in Rusia and Bulgaria	-12,127
Pension disability	+14,961	Cash savings	-135,000
Total, MDL	+181,317		-300,778
Difference, MDL	- 119,461		

- **Inexplicable wealth 2023**

Incoming financial flow

Salaries and social benefits

153. According to the SFS, the subject received a net salary of +281,336 MDL as a judge and +1,541 MDL as a medical allowance.

154. The subject's husband received a net salary of +62,093 MDL from a limited liability company. He received a disability pension of + 38,250 MDL. The subject's husband also received +8 MDL as bank interest from BC Victoriabank SA.

Bank savings

155. At the end of 2022, the subject had +520 MDL on her Victoriabank account no. MD90XXXXX2455, +3,643 MDL on her MAIB bank account no. MD96XXXXX5894 and +2,164 MDL on her MAIB bank account no. MD70XXXXX2000. The subject's husband had +36 MDL on his Victoriabank bank account no. MDXXXXX2455. In total, the subject's household had +6,363 MDL as bank savings.

Refinancing loan

156. On 25 January 2023, the subject took out a refinancing loan of +298,346.72 MDL from MAIB, with a repayment deadline of 15 January 2028. The purpose of the refinancing loan was to repay the lease for a Mazda CX-5 m/y 2019 and to settle a loan taken by the subject from Moldindconbank in 2019.

157. Therefore, the subject's household had in 2023 an incoming financial flow of +687,347 MDL.

Outgoing financial flow

Bank savings

158. The subject had -2,062 MDL on her Victoriabank account no. MD90XXXXX2455. In addition, the subject's husband had -121 MDL on his Victoriabank account no. MD90XXXXX2455.

Repayment of loans

159. The subject repaid the lease for a Mazda CX-5 m/y 2019 and the loan from Moldindconbank in 2019, amounting to -298,347 MDL. Additionally, she repaid -79,288 MDL for refinancing the 298,347 MDL loan and -40,305 MDL for the 100,000 MDL loan (accessed in 2021).

Vehicles

160. According to the PSA, the subject's husband purchased a Ford Ecosport m/y 2014 for -164,192 MDL and a trailer Kamaz for -2,000 MDL in the same year.

Vacations

161. In her five-year declaration, the subject declared that her family paid -30,000 MDL for a vacation in Greece. According to the bank statements, the subject's household also incurred expenses of -9,600 MDL for vacations in Romania.

Other expenses

162. The subject declared in her five-year declaration that her household paid -39,000 MDL for the utility bills. According to the SFS, on 22 February 2023, the subject's husband paid -3,996 MDL to E.T. LLC. On 21 December 2023, the subject's husband paid -16,250 MDL to J.B. LLC⁶. The total of these payments was -20,246 MDL.

CEP

163. The CEP in 2023 for the subject's household, consisting of the subject and her husband, was -141,840 MDL.

164. Therefore, for 2023, the subject's household had an outgoing financial flow of -827,001 MDL. The negative balance the subject's household accumulated in 2023 was -139,063 MDL. See the table below.

Table 5. Incoming and outgoing financial flows for 2023

Income, MDL	Expenses, MDL
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⁶ Based on information from open spaces, this company sells cement, metallurgical products, metal, and concrete construction.

Bank savings from 2022	+6,363	CEP	-141,840
Subject's salary - Chișinău Appeal Court	+281,336	Acquisition of the car model Ford Ecosport, m/y 2014	-164,192
Medical allowance	+1,541	Acquisition of the trailer Kamaz	-2,000
Husband's salary - LLC Intern GP Group	+62,093	Vacations in Greece	-30,000
BC Victoriabank SA interests	+8	Expenses identified on bank accounts in Romania	-9,600
Pension disability	+38,250	Utility bills	-39,000
MAIB Refinancing Loan	+298,347	- repayment of loan from MICB (200,000 MDL) in the sum of 55,300 MDL - and lease payments for Mazda CX-5 m/y 2019 in the sum of 251,643 MDL	-298,347
		Repayment of loan from MAIB (298,347)	-79,288
		Repayment of loan from MAIB (100,000)	-40,305
		Payments to LLC E.T. and LLC J.B. N3	-20,246
		Bank savings	-2,183
Total, MDL	+687,938		-827,001
Difference, MDL	- 139,063		

165. Thus, the subject's household incurred the following inexplicable wealth in the period 2012 – 2023:

Year	Amount of inexplicable wealth, MDL
2013	-113,557

2014	-120,794
2015	-197,084
2016	-119,461
2023	-139,063
Total	-689,959 MDL

166. The Commission has identified that the subject's household accumulated a negative financial balance of **-689,959 MDL**, which is above the threshold of 20 average salaries (234,000 MDL) required by Article 11 para. (3) lit. a) of Law No. 252/2023 to establish a subject's lack of financial integrity.
167. Moreover, even if the 2005 cash savings of 131,400 MDL and the 2015 purchase price of 110,000 MDL for the Chevrolet Captiva are accepted, the negative balance of inexplicable wealth would still amount to **-388,618 MDL**.

VI. Conclusion

168. Based on the information it obtained and the subject's explanations, the Commission proposes that Ala Malii does not promote the external evaluation on the grounds of non-compliance with the criteria set in Article 11 para. (3) lit. a) of Law No. 252/2023.

VII. Further action and publication

169. As provided in Article 40 point (4) of the Rules, this evaluation report will be emailed to the subject and the Superior Council of Magistracy. The Commission will publish the evaluation's result on its official website the same day.
170. No later than three days after the approval, a printed paper copy of the electronically signed report will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the evaluation file containing all the evaluation materials gathered by the Commission.
171. This report will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other persons, within three days after the expiry of the appeal period against the decision of the Superior Council of Magistracy or after the Supreme Court of Justice issues its decision rejecting the appeal or ordering the promotion or non-promotion of the evaluation.

172. This evaluation report was approved by a unanimous vote of the participating members on 25 March 2025 and signed pursuant to Article 8 para. (1) and (2) of Law No. 252/2023.

173. Done in English and Romanian.

Scott Bales

Chairperson