

Moldova's Constitutional Court Strikes Down Government Ban on Opposition Candidates

CHISINAU, MOLDOVA, March 28, 2024 /EINPresswire.com/ -- In a landmark decision, on March 26th, the Moldovan Constitutional Court has ruled against the government's ban on oppositional candidates, marking another significant blow to the government of Maia Sandu. The Court declared the legislation aimed at disqualifying individuals associated with the SHOR Party from participating in elections for the next three years unconstitutional.

This ruling ([referral no. 226a/2023](#)) follows a series of controversial events that unfolded since June 19, 2023, when the Constitutional Court dissolved the SHOR Party, leading to subsequent legislation targeting its members. Despite earlier attempts to restrict their participation in elections, the Court's decision on March 26, 2024, has invalidated these measures, reaffirming the principles of democracy and political participation in Moldova.

The legal battle, spearheaded by former MPs of the SHOR Party and their legal team, highlighted the unconstitutional nature of the legislation, citing vagueness, imprecision, disproportionality, and lack of foreseeability. The Court's decision underscores the importance of upholding the rule of law and protecting individuals' rights to participate in the democratic process.

[Criticism against the exclusion of opposition parties](#) and candidates from international bodies, including the Venice Commission and the Organization for Security and Cooperation in Europe (OSCE), further underscored concerns about the government's actions. Both organizations [urged Moldova to reconsider its approach](#), emphasizing the need to respect fundamental democratic principles and ensure proportional decision-making.

In response to the Court's ruling, the legal team representing the SHOR Party expressed satisfaction with the decision, emphasizing the importance of upholding justice and protecting citizens' rights. They commended the Court for its courage and commitment to justice, amidst allegations of governmental intimidation and disregard for democratic norms.

"The Constitutional Court's decision to strike down the unconstitutional law targeting oppositional candidates is a victory for democracy in Moldova," stated Aureliu Colenco, legal representative. "We applaud the Court's dedication to upholding the rule of law and ensuring fair and transparent elections. This decision sends a clear message that attempts to undermine democratic processes will not be tolerated."

Colenco added: “with this ruling, Moldova takes a significant step towards reaffirming its commitment to democratic principles and ensuring that all citizens have the opportunity to participate in the political process freely”.

The ruling comes amid several legal challenges for the Sandu Government. Earlier this month, the European Court of Human Rights decided to hear arguments in the case brought by the SHOR party against Moldova (Application No. 31493/23) in relation to the ban on the Shor Party, labelling the case as “a case with impact”, meaning that it may raise important issues of relevance for Moldova and/or for the Convention system.

Ilan Shor, the former leader of the SHOR Party who is sanctioned by the US, UK and EU governments, also won a case in the U.S. (Case no. 1:2023mc00072) with a key witness in the alleged bank fraud retracting evidence. Shor was sanctioned by the UK government for his alleged role in a bank fraud case in Moldova.

However, amidst this victory for democracy, concerns persist regarding the Sandu government's anti-democratic actions. The banning of opposition parties from partaking in local elections, the crackdown on opposition activists, and the closure of 13 TV stations and media outlets not aligned with government policies, represent alarming trends. Such actions undermine freedom of expression, limit political diversity, and erode the foundations of democracy in Moldova.

As Moldova navigates its democratic journey, it is imperative for the government to uphold the principles of inclusivity, transparency, and respect for human rights. The international community, civil society, and Moldovan citizens must remain vigilant in safeguarding democracy and holding authorities accountable for their actions.

Notes to editors:

About the Moldovan Constitutional Court:

The Moldovan Constitutional Court is the supreme authority in matters of constitutional interpretation in Moldova. Comprising respected jurists and legal experts, the Court plays a pivotal role in safeguarding constitutional rights and upholding the rule of law in the country.

About the Venice Commission:

The Venice Commission is an advisory body of the Council of Europe, specializing in constitutional law and human rights. It provides legal expertise and guidance to member states on matters relating to democracy, rule of law, and fundamental rights.

About the Organization for Security and Cooperation in Europe (OSCE):

The OSCE is the world's largest regional security organization, comprising 57 participating states from North America, Europe, and Asia. It promotes peace, security, and democracy through dialogue and cooperation among its member states.

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