

The Moldovan Constitutional Court blocks Filat from taking the office of prime minister

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On 22 April, the Moldovan Constitutional Court unanimously ruled that Vlad Filat may not become either acting head of the government, nor may he take this post again should he gain a parliamentary majority. In the court's opinion, a person who is suspected of corruption or who has been the subject of a vote of no confidence due to such charges cannot be a candidate for prime minister. It was stated in the reasons for the ruling that a prime minister who tolerates the presence of people suspected of corruption as members of his cabinet is in violation of the principles of the rule of law and therefore cannot perform such duties. The Vlad Filat cabinet was dismissed on 5 March. When the vote of no confidence was being passed, the MPs made reference to proceedings conducted by the National Anti-Corruption Centre (CNA) against some of the members of his cabinet. The decision to entrust Filat with the mission of forming a new government was taken on 10 April by President Nicolae Timofti.

On 23 April, Vlad Filat announced that the court's decision was politically motivated and set a dangerous precedent for the country. He did, however, declare that his party would act in compliance with the law. On the same day, President Timofti nominated a new acting prime minister: Iurie Leanca, the minister of foreign affairs.

Commentary

- The Constitutional Court's decision came as a surprise for both the Liberal Democratic Party of Moldova (PLDM) and President Timofti, whose spokesperson branded this ruling a 'catastrophe'. Everything seemed to indicate that a new cabinet led by Filat would be formed within a few days. Negotiations over the new agreement and the composition of the cabinet were almost over. On 22 April, Marian Lupu, the head of the Democratic Party (PDM), announced that his grouping would back Filat as the candidate for the head of a new government. At the same time, a group of seven MPs from the Liberal Party (PL), which refused to participate in the reconstruction of a cabinet led by Filat, said they would vote in favour of the new cabinet. The support from PDM (15 votes) and former members of PL (7 votes) plus 31 votes from PLDM would give a total of 53 votes, a sufficient level of support to form a cabinet. Filat would probably be also backed by

members of the 'Mishin Group' (3 votes) and two independent MPs.

- The controversial decision taken by the Constitutional Court has deprived Filat of the possibility to become prime minister, despite the fact that there have been no proceedings taken out against him by the public prosecution authorities. Given this situation, it appears that Filat could become prime minister again only when the corruption charges the CNA has brought against some of the members of his cabinet have been withdrawn. The CNA is controlled by PDM, and it cannot be ruled out that they will be trying to use this situation to strengthen their position in a future coalition and to gain stronger influence.
- Due to the Constitutional Court's ruling, it is at present unclear whether the decisions taken by Filat as acting prime minister since 5 March are legally binding. In the Court's opinion, Filat held this function without the mandate of the law. It was also surprising that the judges were unanimous in their verdict; four of them (of a total of six) were political nominees. They include former members of all the three groupings which formed the already defunct coalition, the Alliance for European Integration.