

**Evaluation Report No. 12 of 22 September 2025
on Victor FURTUNA, Interim Chief Prosecutor of the Prosecutor's Office for
Combating Organized Crime and Special Cases,
subject of evaluation under
Law No. 252/2023**

Evaluation Panel A ("the Panel") of the Prosecutor Vetting Commission ("the Commission") established by Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts ("Law No. 252/2023"), discharging the powers under the same Law, deliberated in private on 25 July 2025 and approved this report on 22 September 2025

The members participating in the approval of the evaluation report were:

*Christopher LEHMANN – Panel's Chair
Virginia MORARU
Saskia de VRIES*

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

I. Introduction

1. This report concerns Victor FURTUNA, Interim Chief Prosecutor of the Prosecutor's Office for Combating Organized Crime and Special Cases ("PCCOCS").
2. The Panel evaluated the subject of evaluation ("the subject") according to the procedure and criteria regulated by Law No. 252/2023, and according to the Rules of Procedure of the Prosecutor Vetting Commission ("the Commission Rules") approved by the Commission pursuant to art. 5 para. (4) of Law No. 252/2023.
3. The Panel unanimously concluded that Victor FURTUNA meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. Victor FURTUNA was appointed in November 2011 as prosecutor in the Buiucani Prosecutor's Office of the Chisinau municipality. On 2 May 2019, he was appointed as prosecutor in the Anti-Corruption Prosecutor's Office ("APO"). Since 17 January 2023, Victor FURTUNA was delegated to serve as Interim Chief Prosecutor of the PCCOCS. In

November 2024, following a public competition, the subject's candidacy was proposed to the General Prosecutor for appointment to the position of Chief Prosecutor of the PCCOCS.

III. Evaluation Criteria

5. Under art. 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
6. Art. 11 para. (2) of Law No. 252/2023 provides that a subject is deemed not to meet the requirements of ethical integrity if the Commission has determined that:
 - a) over the last 5 years, the subject has seriously violated the rules of ethics and professional conduct of judges or, as the case may be, of prosecutors, as well as if the subject acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of law, and the European Court of Human Rights has established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights.
 - b) over the last 10 years, the subject has admitted in his/her activity incompatibilities and conflicts of interest that affect the position held.
7. Art. 11 para. (3) of Law No. 252/2023 provides that the subject shall be deemed not to meet the criterion of financial integrity if the 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 as set by the Government for the year 2023.
 - b) over the last 10 years, the subject admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount as set by the Government for the year 2023.
8. The average salary per economy for 2023 was 11,700 MDL.¹ Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.
9. Art. 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, the sources of funds of the subject's wealth.
10. Art. 11 para. (5) of Law No. 252/2023 provides that in evaluating compliance with the

¹ Government decision No. 936/2022 on the approval of the amount of the average monthly salary per economy, forecast for 2023.

criteria set out in para. (3) of this article, the Commission shall also take into account the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of assets and personal interests, as well as of the persons referred to in art. 33 paras. (4) and (5) of Law No 132/2016 on the National Integrity Authority.

11. Art. 11 para. (6) of Law No. 252/2023 provides that in assessing compliance with the criteria set out in art. 11 paras. (2) and (3), the legal provisions in force when the relevant acts occurred are applied. The documents or findings of other entities with competence in the areas concerned shall have no predetermined value for the Commission. Findings in final judgments shall be taken into account by the Commission, except for judgments that the Commission considers to be arbitrary or manifestly unreasonable. The Commission may rule only on breaches of the rules of ethics and professional conduct, without ruling on the legality of the decisions in question.
12. In applying art. 11 para. (3) of Law No. 252/2023, 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.
13. Regarding the standard of “serious doubts” in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Prosecutors 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).
14. The Commission notes that the Venice Commission underlined that in “a system of prior integrity checks, the decision not to recruit a subject can be justified in case of mere doubt, on the basis of a risk assessment. However, the decision to negatively assess a current post holder should be linked to an indication of impropriety, for instance unjustified wealth, even if it cannot be proven beyond doubt that this wealth does come from illegal sources” (Opinion No. 1064/2021 of 20 June 2022, CDL-AD (2022)011-e, para. 10; Joint Opinion of 14 March 2023, CDL-AD(2023)005, para. 69).
15. Shifting the burden of proof to the subject, once the evaluating body has identified integrity issues, has been found permissible by the European Court of Human Rights (“ECtHR”), even in the vetting of sitting judges who may lose their positions or otherwise be sanctioned as a consequence of the evaluation. In *Xhoxhaj v. Albania*, no. 15227/19, 31 May 2021, § 352, the Court stated that “it is not per se arbitrary, for the purposes of the ‘civil’ limb of Article 6 § 1 of the Convention, that the burden of proof shifted onto the applicant in the vetting proceedings after the IQC [Independent Qualification Commission] had made available the preliminary findings resulting from the conclusion

of the investigation and had given access to the evidence in the case file” (confirmed for the vetting of prosecutors in *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 130).

16. Once the Commission establishes substantiated doubts based on particular facts that could lead to failure of evaluation, the subject will be afforded the opportunity to oppose those findings and to submit arguments in defense, as provided by art. 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

17. Victor FURTUNA was on the list of subjects submitted by the Superior Council of Prosecutors (“SCP”) to the Commission on 23 May 2024 for evaluation, pursuant to art. 12 para. (1) of Law No. 252/2023.
18. The subject holds the position of Interim Chief Prosecutor of the PCCOCS and was evaluated based on provisions of art. 3 para. (1) lit. e) and para. (3) of Law No. 252/2023.
19. On 24 May 2024 the Commission notified the subject of its initiation of evaluation and requested that he completes and returns the declaration of assets and personal interests for the last five years (“five-year declaration”), which includes the list of close persons in the judiciary, prosecution and public service, and an ethics questionnaire within 20 days, as provided in art. 25 para. (3) of the Commission Rules, consistent with art. 12 para. (4) of Law No. 252/2023. The subject returned the completed five-year declaration and ethics questionnaire within the deadline, on 10 June 2024.
20. Pursuant to art. 15 para. (2) of Law No. 252/2023 and art. 17 of the Commission Rules, the file in this matter was randomly assigned to Panel A.
21. On 16 August 2024, the Commission notified by email the subject that his evaluation file had been randomly assigned to Panel A with members: Christopher LEHMANN (Panel’s Chair), Nadejda HRIPTIEVSCHI and Saskia de VRIES. The subject was informed that he may request, in writing and at the earliest possible time, the recusal of members from their evaluation. The subject did not request the recusal of members.
22. On 15 November 2024, the SCP informed the Commission that following the public competition for the selection of the candidate for the position of Chief Prosecutor of the PCCOCS, initiated by the SCP’s Decision No. 1-224/2024 of 24 July 2024, Victor FURTUNA was nominated the winner of the competition. His candidacy was proposed to the General Prosecutor for appointment to the position of Chief Prosecutor of the PCCOCS. The Commission was also noted to assess the ethical and financial integrity of subject Victor FURTUNA, under the provisions of Law No. 252/2023 on the external evaluation of judges and prosecutors and the amendment of certain normative acts.
23. On 18 November 2024, the Commission informed the SCP and the subject that he is being assessed in accordance with Law No. 252/2023 in his capacity as a prosecutor within the

Anti-Corruption Prosecutor's Office (as notified on 24 May 2024). The Commission continued to evaluate the candidate and did not ask him to repeatedly submit the declarations in accordance with art. 12 para. (3) of Law No. 252/2023. After completing the evaluation of the subject, the Commission will send the evaluation report to the subject and the SCP, in accordance with the provisions of art. 17 of Law No. 252/2023.

24. On 29 May 2025, the Commission notified the subject that during the evaluation of his case, the member of Panel A - Nadejda HRIPTIEVSCHI and the member of Panel B - Cornel LEBEDINSCHI, were recused by the Commission's decisions of 19 May 2025 from his evaluation. Consequently, pursuant to the provisions of art. 17 para. (3) of the Commission's Rules the subject's file was assigned for evaluation to Panel A, composed of the following members: Christopher LEHMANN (Panel's Chair), Virginia MORARU, and Saskia de VRIES.
25. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Panel evaluated compliance with these criteria over the past five, 10 and 12 years, respectively. Due to the end-of-the-year availability of the tax declarations and declarations on assets and personal interests, the evaluation under financial integrity criteria included the periods of 2012 - 2023 and 2014 - 2023. The evaluation period for the ethical integrity criteria includes the past five or 10 years calculated as per art. 24 para. (3) lit. b) of the Commission Rules.
26. During the last 12 years of the evaluation period, the subject was required to file declarations, both under Law No. 133/2016 on the declaration of assets and personal interests ("Law No. 133/2016"), and under the previous Law No. 1264/2002 on the declaration and control of income and property of persons with public dignity positions, judges, prosecutors, civil servants and some persons with managing positions ("Law No. 1264/2002").
27. As part of the evaluation of the ethical and financial integrity of the subjects, the Commission obtained information from numerous sources. The sources generally included the General Prosecutors Office ("GPO"), specialized Prosecutors Offices, Superior Council of Prosecutors ("SCP"), National Integrity Authority ("NIA"), National Anticorruption Center ("NAC"), Office for Prevention and Fight Against Money Laundering ("AML"), Ministry of Internal Affairs ("MIA"), Customs Service ("CS"), State Tax Service ("STS"), General Inspectorate of Border Police ("Border Police"), the National Office of Social Insurance ("CNAS"), Public Services Agency ("PSA"), Governmental Agent within the Ministry of Justice, banks, financial institutions etc. Information was also sought, and where applicable obtained, from other public and private entities, as well as open sources, such as social media and investigative journalism reports. No complaints or information was received from members of civil society. All information received was carefully screened for accuracy and relevance.
28. To the extent that issues were raised from the subject's five-year declaration, and ethics questionnaire and collected information, those issues were raised in written questions with the subject.

29. On 12 November 2024, the Panel asked the subject to provide additional information by 19 November 2024 to clarify certain matters (hereinafter the “first round of questions”). The subject provided answers and documents within the set deadline - on 19 November 2024. On 17 December 2024 the subject sent additional information received from abroad.
30. On 2 January 2025, the Panel asked the subject to provide additional information by 13 January 2025 to clarify certain matters (hereinafter the “second round of questions”). On 3 January 2025 the subject asked the Panel for an extension of the deadline, due his annual leave and the dates of 4 - 5, 7 - 8, and 11 - 12 January are holidays in the Republic of Moldova. He mentioned that “[...] I only have four days, including today, to study the questions submitted and to contact the relevant institutions in order to formulate the necessary responses.”
31. On 6 January 2025 the Panel informed the subject that the extension of the deadline has been approved - by the end of 16 January 2025. The subject provided answers and documents within the set deadline - on 15 January 2025.
32. On 3 June 2025, the Panel asked the subject to provide additional information by 10 June 2025 to clarify certain matters (hereinafter the “third round of questions”). The subject provided answers and documents within the set deadline - on 10 June 2025.
33. On 24 June 2025, the Panel asked the subject to provide additional information by 1 July 2025 to clarify certain matters (hereinafter the “fourth round of questions”). The subject provided answers and documents within the set deadline – on 25 June 2025.
34. On 14 July 2025, the Panel notified the subject that it had not identified in its evaluation any areas of doubt about the subject’s compliance with the ethical and financial integrity criteria and invited the subject to attend a hearing on 25 July 2025. The subject was informed that he could request access to the evaluation materials.
35. Following the subject’s request, on 17 July 2025 the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.
36. On 25 July 2025, the subject took part in a public hearing of the Panel.
37. At the hearing, the subject reaffirmed the accuracy of his answers in the five-year declaration and ethics questionnaire and stated that he did not have any corrections or additions to the answers he had previously provided to the Panel’s requests for information.
38. After the hearing, in the evaluating the ethical integrity of the subject, due to new information that had become publicly available, the Panel decided to analyze two issues related to his involvement as a prosecutor in a criminal cases that led the European Court of Human Rights (“ECtHR”) to establish the violation of the European Convention of Human Rights (“ECHR”).

39. On 4 September 2025, the Panel asked the subject to provide additional information by 11 September 2025 to clarify this matter (hereinafter the “after-hearing round of questions”). The subject provided answers and documents within the set deadline - on 5 September 2025.
40. On 8 September 2025, the Panel unanimously decided, as per art. 9 para. (2) of the Commission Rules, to extend the deadline for approving the evaluation report on the subject until 29 September 2025 and to inform him accordingly.
41. On 8 September 2025 the Panel informed the subject via email on the extension of the deadline for approving the evaluation report until 29 September 2025.

V. Analysis

42. This section discusses the relevant facts and reasons for the Panel’s conclusion.
43. Based on the information it collected, the Panel analyzed and, where necessary, sought further clarifications from the subject on the following matter:

- **The involvement of the subject in three ECtHR cases where violations were found and in a case that is pending before the ECtHR.**

44. According to art. 11 para. (2) lit. a) of Law No. 252/2023, the subject does not meet the criterion of ethical integrity if the Commission determined that the subject 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 ECHR.
45. By judgment No 2 of 16 January 2025, the Constitutional Court declared these provisions as being constitutional. It stated that according to these provisions, to determine the arbitrariness of an act issued by a subject, the Evaluation Commission must establish that two cumulative conditions are met. The first condition is that the act in question is contrary to imperative rules of law. The second condition is that, prior to the adoption of the act, the ECtHR had found that a similar decision was contrary to the ECHR.

Issues that raised certain doubts during the evaluation but were either mitigated or do not lead to failure under the thresholds set by Law No. 252/2023:

46. The issues related to one of the ECtHR cases where violations had been found and to the case that is pending before the ECtHR were mitigated before the hearing, while the issues related to the other two ECtHR cases where violations had been found were mitigated after the hearing.

Issue 1. The involvement of the subject in the case of Stoianoglo v. the Republic of Moldova, ECtHR's judgment of 24 October 2023.

47. According to information that is publicly available, the Panel has established that on 24 October 2023, the ECtHR issued a judgement in the case of *Stoianoglo v. the Republic of Moldova*, application no. 19371/22². The Panel notes that the criminal proceedings against then Prosecutor General Alexandr Stoianoglo, which had been initiated in October 2021, received widespread media coverage. Multiple media sources reported that the subject was the lead prosecutor in these criminal proceedings.
48. The Panel notes that the case of *Stoianoglo v. the Republic of Moldova* concerned the then Prosecutor General's legal impossibility to appeal his suspension, which was automatically triggered by initiation of the criminal proceedings brought against him.
49. The ECtHR found that the applicant (Alexandr Stoianoglo) had not been afforded any form of judicial protection in relation to his suspension, which had prevented him from performing his duties and had deprived him of the corresponding salary for more than two years. As a result, the ECtHR held that there had been a violation of the right of access to a court (art. 6 § 1 ECHR applicable under its civil limb).
50. Analysing the ECtHR's judgment, the Panel notes that Alexandr Stoianoglo's application to the ECtHR did not refer to the conduct or acts of the subject, but reflected a legislative problem, which was later corrected by the Parliament by amending Law No. 3/2016 on the Prosecutor's Office.
51. In light of the above, this issue was mitigated before the hearing.

Issue 2. The involvement of the subject in a case pending before the ECtHR, which stemmed from another application from Alexandr Stoianoglo.

52. The Panel reiterates the notoriety of the criminal proceedings against then Prosecutor General Alexandr Stoianoglo, which were initiated by the subject in October 2021.
53. According to information that is publicly available, on 19 January 2022, Alexandr Stoianoglo lodged an application before the ECtHR³. In this application, Alexandr Stoianoglo claimed violations of art. 5 § (1) lit. c), art. 11 and art. 18 of the ECHR. It was communicated to the Government of the Republic of Moldova on 30 May 2022.
54. The ECtHR asked the Government of the Republic of Moldova if the material put forward by the prosecution (and relied upon by the domestic courts) to detain Alexandr Stoianoglo was sufficient to persuade an objective observer that Alexandr Stoianoglo might have committed the criminal offences impugned to him.

² Available at: <https://hudoc.echr.coe.int/eng?i=001-228367>

³ Available at: [https://hudoc.echr.coe.int/#%22itemid%22:\[%22001-218162%22\]](https://hudoc.echr.coe.int/#%22itemid%22:[%22001-218162%22])

55. The ECtHR also asked the Government of the Republic of Moldova if there had been a violation of Alexandr Stoianoglo's right to freedom of assembly due to the Chişinău Court of Appeal deciding to ban his presence in locations where public gatherings of any kind were taking place, including locations where public debates and releases occurred.
56. Lastly, the ECtHR asked the Government of the Republic of Moldova if Alexandr Stoianoglo's detention, allegedly in compliance with art. 5 of ECHR, was applied in disregard of art. 18 of the ECHR.
57. In assessing whether the subject's conduct or acts in relation to the matters addressed by the ECtHR could be deemed arbitrary in the sense of art. 11 para. (2) lit. a) of Law No. 252/2023, the Panel has relied on information from the case files on the preventive measures concerning Alexandr Stoianoglo and on the answers submitted by the subject in response to the fourth round of questions.
58. Thus, the Panel has established that on 5 October 2021, the subject, who had been designated by the SCP to investigate the accusations brought by a Parliament Member against then Prosecutor General Alexandr Stoianoglo, initiated criminal proceedings against the latter on the following charges: abuse of powers, passive corruption, making false statements, and excess of powers in the interests of an organized criminal group, affiliated with Veaceslav Platon. On the same day, the subject ordered the arrest of Alexandr Stoianoglo for 72 hours. In ordering Alexandr Stoianoglo's arrest, the subject highlighted the risks to abscond and to prevent the search of truth by the investigating authority.
59. On 7 October 2021, the subject applied for a 30-day detention warrant. On 8 October 2021, the Chişinău District Court ordered Alexandr Stoianoglo's house arrest pending trial for a 30-day period. This decision was upheld by the Chişinău Court of Appeals.
60. The Panel notes that at this point, in assessing the reasonableness of suspicions that Alexandr Stoianoglo might have committed the criminal offences impugned to him, the subject (and the domestic courts) relied mainly on the following materials, some of which had been earlier put forward to the SCP:
- a number of mass media investigative articles, recounting Alexandr Stoianoglo's role in a 2011 Parliamentary initiative which led to a change in national legislation on anti-money laundering (supplemented with reports made by think tanks on the justice reform in Moldova and the *Russian Laundromat*) and his connections to Veaceslav Platon – including a comprehensive investigation made by Ukrainian journalists about Alexandr Stoianoglo's wife supposedly becoming in 2021 the final beneficiary of two Ukrainian companies attributed to Veaceslav Platon;
 - extracts from official registries linking these two companies (as shareholders) to a Moldovan bank that was heavily implicated in the *Russian Laundromat*;

- the text of Alexandr Stoianoglo’s 2021 public speech on Veaceslav Platon’s absence of criminal guilt, running contrary to the 2020 SCJ final decision in the criminal case against Veaceslav Platon;
- a prosecutorial act attesting that the search conducted in Alexandr Stoianoglo’s office on 5 October 2021 uncovered his personal agenda, where several meetings with Veaceslav Platon in 2020 - 2021 were mentioned;
- Alexandr Stoianoglo’s 2020 annual declaration of assets and personal interests submitted to the NIA, where his wife’s alleged control of the two Ukrainian companies was not indicated; and
- official documents from the Prosecutor General’s Office showing that Alexandr Stoianoglo ordered the payment of severance to a former prosecutor, allegedly in breach of the law.

61. The Panel has also established that Alexandr Stoianoglo’s house arrest was successively prolonged until 9 December 2021. On this date, the Chişinău Court of Appeals replaced house arrest with judicial supervision, accompanied by an obligation for Alexandr Stoianoglo not to be present in locations where public gatherings of any kind were taking place, including locations where public debates and releases occurred.

62. Asked in the fourth round of questions about his role in instituting this particular obligation for Alexandr Stoianoglo, the subject explained that he had sought house arrest as a preventive measure and that he was not asked by the Chişinău Court of Appeals about his view on the imposition of said obligation. The Panel analyzed the minutes of the hearing at the Chişinău Court of Appeal on 9 December 2021 and the court ruling itself, ascertaining that the subject did not express his view about the court imposing a potential obligation of that kind, as these specific restrictions were instituted by the court of its own accord.

63. As mentioned by the Constitutional Court in its Decision of 16 January 2025, at para. 153, Law No. 252/2023 has set a high burden of proof for arbitrary conduct and acts. In this regard, the Constitutional Court referred to certain ECtHR cases, such as *Khamidov v. Russia*, Judgment of 15 November 2007, and *Andelković v. Serbia*, Judgment of 9 April 2013.

64. In *Khamidov v. Russia*, the unreasonableness of the domestic courts’ conclusion as to the facts was “so striking and palpable on the face of it” that the Court held that the proceedings complained of had to be regarded as “grossly arbitrary” (§ 174).

65. In *Andelković v. Serbia*, the Court found that the arbitrariness of the domestic court’s decision, which principally had had no legal basis in domestic law and had not contained any connection between the established facts, the applicable law and the outcome of the proceedings, amounted to a “denial of justice” (§ 27).

66. In the light of the above, the Panel concluded that given the absence of manifestly unreasonable elements in the subject’s conduct or acts, which would point to a lack of any connection between the established facts, the applicable law and the outcome of the

proceedings, but also due to the pending status of Alexandr Stoianoglo's application before the ECtHR, this issue was mitigated before the hearing.

Issue 3. The involvement of the subject in the case of Vieru v. the Republic of Moldova, EctHR's judgment of 19 November 2024.

67. After the subject's hearing, public information emerged regarding his involvement in the case of *Vieru v. the Republic of Moldova*.
68. The Panel has established that on 19 November 2024, the ECtHR issued a judgement in the case of *Vieru v. the Republic of Moldova*, application No. 17106/18, in which it was held that there have been violations of art. 2 under its procedural limb, art. 3 under its substantive and procedural limbs, and art. 14 read in conjunction with art. 2 and 3⁴ of ECHR. This case concerned the failure of the Moldovan authorities to effectively protect the applicant's sister (T.) from domestic violence which culminated in her death and to conduct an effective investigation into the circumstances of violence leading to her death.
69. Thus, due to newly arisen circumstances that may influence the evaluation of the subject's ethical integrity as provided for in art. 11 para. (2) lit. a) of Law No. 252/2023, on 8 August 2025, the Commission requested the Governmental Agent to provide a copy of the ECtHR case file in *Vieru v. the Republic of Moldova*. On 12 August 2025, the Governmental Agent provided a copy of this case file to the Commission.
70. Because the response from the Governmental Agent and the ECtHR case file in *Vieru v. the Republic of Moldova* did not provide full clarity, on 13 August 2025, the Commission requested from the Chişinău Prosecutor's Office a copy of the criminal case file concerning the investigation into the circumstances of T.'s death. On 19 August 2025, the Chişinău Prosecutor's Office provided the Commission with a copy of case No. 2016032052 with the note that „it was under the management of prosecutor Victor Furtuna until 7 December 2016. Prosecutor Victor Furtuna did not adopt any decisions to resolve the criminal investigation. Thus, the Commission is presented with scanned materials of the criminal case, in electronic format, accumulated until 7 December 2016. However, the rest of the materials do not refer to the activity of the subject of the evaluation.”
71. The Panel notes that as per § 83 of the ECtHR judgment, the circumstances of the case concern two general sets of proceedings involving I.C. (the T.'s ex-husband): one set relates to domestic violence - including proceedings for the issuance of protection orders, administrative and criminal proceedings on charges of domestic violence, bodily injuries, and breach of protection orders – and the other set relates to the death of T.
72. Since the subject was only involved in the criminal investigation related to T.'s death, the Panel will focus on the ECtHR's findings on this point. The Panel will therefore analyse

⁴Available at: [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-238017%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-238017%22]}).

ECtHR's reasons for establishing the violation of art. 2 of the ECHR under its procedural limb).

73. The Panel notes that on 22 August 2016, T. fell from the fifth floor of her apartment. On 12 October 2016, she died from the sustained injuries. On 8 September 2016, the police initiated criminal proceedings against I.C. (ex-husband) on charges of incitement to suicide or attempted suicide (art. 150 Criminal Code). The subject was designated to lead the investigation. On 7 December 2016, the criminal case was withdrawn from the subject's management due to his temporary delegation to another prosecutor's office.
74. On 29 December 2016, another prosecutor [V.L.] closed the investigation, concluding that no crime had been committed. This decision was cancelled on 14 February 2017. On 9 July 2018, another prosecutor [S.Z.] again closed the investigation, concluding that the elements of crime were absent.
75. The Panel has established that as prosecutor in these criminal proceedings, during 8 September 2016 and 7 December 2016, the subject issued or co-signed the following procedural acts:
- The ordinance of 8 September 2016 to set the time-limit for the investigation until 8 October 2016.
 - The ordinance of 7 October 2016 to extend the time-limit for the investigation until 7 November 2016, which indicated the necessity to obtain the forensic medical report and to hear a minor witness before the investigating judge.
 - The request of 10 October 2016 to the National Center for the Prevention of Child Abuse to provide a specially equipped room for hearing a minor witness.
 - The request of 12 October 2016 to the court to hear a minor witness before the investigating judge.
 - The minutes of 3 November 2016 regarding the hearing of the minor witness.
 - The ordinance of 7 November 2016 to extend the time-limit for the investigation period until 7 December 2016.
76. The ECtHR concluded at § 90 of its judgment, that the investigation into the circumstances of T.'s death was deficient. T.'s fall from the fifth floor and her death as a result of her injuries occurred in the context of at least two years of recurrent domestic violence and ineffective investigations. An investigation against I.C. on charges of incitement to suicide was promptly initiated but was discontinued almost two years later, concluding that her death could have been an accident.
77. The ECtHR mentioned the following, at § 91 of its judgment, regarding the violation of art. 2 of ECHR:
- a) Despite the known background of domestic violence, the investigation was opened under art. 150 of the Criminal Code (incitement to suicide or attempted suicide), which was less well-fitted to the circumstances of the case, rather than

under the provisions of the Criminal Code, which criminalised domestic violence that culminated in suicide (art. 201/1 para. (3) of the Criminal Code).

- b) The prosecutor (not the subject, but the one who closed the case in 2018) relied on hearsay evidence that T. had had no memories of the events while in hospital. But it does not appear that T. was interviewed directly, although she had not succumbed to her wounds until more than one month after the investigation had been initiated.
78. With regard to the failure to initiate criminal proceedings in accordance with the appropriate legal basis (reclassification from art. 150 to art. 201/1 of the Criminal Code), the ECtHR has admitted that it was not a decisive element since art. 150 of the Criminal Code also required an assessment of a possible systemic humiliation that could have led T. to commit suicide.
79. At the same time, the Panel underlines that the Criminal Code, as it was in force on 22 August 2016, did not allow for the criminal prosecution of a former spouse for acts of domestic violence, as he/she would no longer have been considered a family member.
80. Regarding the failure to interview T., the Panel notes that in the period immediately following the alleged suicide attempt, it is transpires from the criminal case file that the victim's health condition was very serious, as she was placed in the intensive care unit. Hence, the Panel finds it impossible to ascertain, to a reasonable degree of certainty, that the circumstances allowed for an effective interview with T. after her fall.
81. The Panel notes that the subject lead the criminal investigation for a relatively short period. Furthermore, it was not the subject who had decided to close the criminal case against I. C., which constituted a major factor for the ECtHR's conclusion as to the state's failure to conduct an effective investigation into the circumstances of T.'s death.
82. In the light of the above-mentioned circumstances, the Panel concluded that the subject's contribution to the violation of art. 2 of the ECHR (procedural limb) was not decisive and it cannot amount to arbitrary conduct/acts in the sense of art. 11 para. (2) lit. a) of Law No. 252/2023. Thus, this issue was mitigated after the hearing.

Issue 4. The involvement of the subject in the case of Mătăsarv v. the Republic of Moldova, EctHR's judgment of 30 November 2021.

83. After the subject's hearing, the Panel became informed of public allegations concerning the subject's involvement in the case of *Mătăsarv v. the Republic of Moldova*.
84. The Panel has established that on 30 November 2021, the ECtHR issued a judgement in the case of *Mătăsarv v. the Republic of Moldova*, application No. 53098/17, in which it was held that there have been violations of art. 10 and 5 § 1⁵ of the ECHR. This case concerned Anatol Mătăsarv's arrest and detention for three days followed by his

⁵ Available at: <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-213712%22%7D%7D>.

conviction for organizing a one-person protest in front of the Anti-Corruption Prosecutors Office involving a toilet seat and simulation of using it.

85. Thus, due to newly arisen circumstances that may influence the evaluation of the subject's ethical integrity as provided for in art. 11 para. (2) lit. a) of Law No. 252/2023, on 29 August 2025, the Commission requested the Governmental Agent to provide a copy of the ECtHR case file in *Mătășaru v. the Republic of Moldova*. On 4 September 2025, the Governmental Agent provided a copy of this case file to the Commission.
86. On 4 September 2025, the Commission requested from the Chișinău Prosecutor's Office a copy of the relevant criminal case file. On 9 September 2025, the Chișinău Prosecutor's Office (Buiucani office) informed the Commission that it does not hold criminal case No. 2016030139, as it had been sent to court, also mentioning that the subject had not been the prosecutor in charge of this case.
87. Also, on 4 September 2025, the Panel asked the subject to provide additional information by to clarify this matter. The subject provided answers and documents on 5 September 2025.
88. On the basis of the ECtHR case file in *Mătășaru v. the Republic of Moldova*, the Panel has established that on 28 January 2016, Anatol Mătășaru conducted a one-person demonstration in front of the APO. The next day, he was arrested by a group of police officers and placed in detention for seventy-two hours on suspicion of having committed the offence of hooliganism provided for by art. 287 of the Criminal Code. Prior to the expiry of the seventy-two hours of detention, the prosecutor in charge of the case, but not the subject, applied to the Buiucani District Court to have Anatol Mătășaru remanded in custody for a period of 30 days. On 1 February 2016, the district court dismissed the prosecutor's application for remand in custody. Anatol Mătășaru was released on the same day, but about twenty minutes after the expiry of the seventy-two hours provided for by law.
89. The Panel notes that the criminal case against Anatol Mătășaru, concerning his acts of hooliganism (art. 287 of the Criminal Code) mentioned above and his 72-hour preventive detention, was in handled by another prosecutor from the Buiucani Prosecutor's Office [M.P.], as evidenced by the materials collected by the Panel and the responses to after-hearing round of questions, provided by the subject of the evaluation.
90. The ECtHR found that Anatol Mătășaru's demonstration on 28 January 2016 amounted to protected speech under art. 10 of ECHR and that there was no justification for the interference with his right to freedom of expression. That finding was sufficient for the ECtHR to hold that Anatol Mătășaru's detention could not have been regarded as devoid of arbitrariness. The ECtHR also noted that Anatol Mătășaru's arrest was only possible because of the initial charge, which was later requalified, despite the lack of any violence or resistance, and that he was arrested more than 24 hours later (a day after the demonstration).

91. The Panel notes that on 1 February 2016, a criminal complaint was lodged against the police officers that abusively held Anatol Mătăsarū at the venue of the Buiucani District Court. The subject was the prosecutor in charge of investigating this case. As such, he interviewed Anatol Mătăsarū, a witness, and the police officers in question. He also examined relevant camera footage. On 4 March 2016, the subject decided not to initiate criminal proceedings, concluding that the elements of crime were absent. On 15 July 2016, an investigating judge annulled the subject's ordinance. Later, another prosecutor also decided not to initiate criminal proceedings. The criminal complaint was finally dismissed by a decision of the Chişinău Court of Appeals of 18 January 2017.
92. In his response to the after-hearing round of questions, the subject essentially confirmed the findings detailed at § 88 and argued that there is no link between his conduct or acts and the violations established by the ECtHR in the case of *Mătăsarū v. the Republic of Moldova*.
93. The Panel underlines that the subject was not in charge of the criminal case against Anatol Mătăsarū, and had no role in this arrest or detention, and that the violation of art. 10 of the ECHR, established by the ECtHR, was sufficient for to hold that Anatol Mătăsarū's detention could not have been regarded as devoid of arbitrariness.
94. In the light of the above, the Panel concluded that this issue was mitigated after the hearing.

VI. Conclusion

95. Based on the information it obtained and that was presented by the subject, the Panel proposes that Victor FURTUNA passes the external evaluation made according to the criteria set in art. 11 of Law No. 252/2023.

VII. Further Action and Publication

96. According to art. 17 para. (5) of Law No. 252/2023, this evaluation report shall be sent by e-mail to the subject and the SCP within three days of its approval, and on the same day the Commission will publish on its official website the information on the result of the evaluation.
97. Under art. 17 para. (6) of Law No. 252/2023, the Commission will submit to the SCP, within three days of approval of the evaluation report, a hard copy of that evaluation report, along with an electronic copy of the evaluation file of the subject.
98. Under art. 17 para. (8) of Law No. 252/2023 the evaluation report, in full, will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other people, within three days from the expiry of the deadline for appealing the SCP's decision (pursuant to art. 18 para. (3) lit. a) and c) of Law No. 252/2023) or from the date of issuance of the Supreme Court of Justice's decision (pursuant to art. 19 para. (5) point 1) and point 2) lit. c) of Law No. 252/2023).

99. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 22 September 2025 and signed by the Chairperson of the Commission.

100. Done in English and Romanian.

Signature:

Christopher LEHMANN
Chairperson
Prosecutor Vetting Commisison