

Republic of Moldova – national procedures for transfer of sentenced
persons

Updated 02/10/2014

The information contained in this table should be updated on a yearly basis.

The Central Authority (name of the institution, address, telephone, fax and e-mail where available) responsible for the transfer of sentenced persons:	Ministry of Justice of the Republic of Moldova MD-2012, Chisinau, 82, 31 August 1989 Telephone 00 373 22 234795 Fax 00 373 22 234797 http://www.justice.gov.md
If different from the Central Authority, the authority to which the request should be sent (name of the institution, address, telephone, fax and e-mail where available):	No other authorities
If different from the Central Authority, the Authority/ies in charge of coordinating and/or implementing the physical transfer of the person concerned (name of the institutions, address, telephone, fax and e-mail where available):	No other authorities
Channels of communication for the request for the transfer of sentenced persons (directly, through diplomatic channels or other):	Art. 5 of the Convention
Means of communication (e.g. by post, fax, e-mail ¹):	By post

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¹Please indicate if encryption or electronic signature is required.

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Language requirements:	In accordance with Article 17, paragraph 4, of the Convention, the Republic of Moldova declares that requests for transfers and supporting documents should be accompanied with a translation either in the Moldovan language or in one of the official languages of the Council of Europe.
Documentation required:	Art. 6 of the Convention
Continued enforcement or conversion of the sentence ² :	Both methods, depending each case in part In case of conversion of the sentence, this is done before the transfer has taken place (by a judicial act)
General rules on early release:	Art. 91 of the Criminal Code of the Republic of Moldova Article 91. Conditional exemption from punishment prior to the expiry of the term (1) The persons who execute a punishment of imprisonment, of assignment to a disciplinary military unit, or of arrest, and who have entirely compensated the damages caused by the crime for which they are convicted, may be conditionally exempted from punishment prior to the expiry of the term, if the court of law finds that the correction of the convicted person is possible without the complete execution of the punishment. At the same time the person may be exempted, either in whole or in part, from the complementary punishment as well. (2) When setting a conditional exemption

from punishment prior to the expiry of the term, the court of law may order the convicted person to fulfill obligations provided at art. 90 paragraph (6) for the non-executed part of the term of punishment.

(3) The conditional exemption from punishment prior to the expiry of the term shall be set by the court of law exercising jurisdiction on the territory where the convicted person is executing the punishment, on the basis of a recommendation from the body that exercises control over the execution of the punishment.

(4) Conditional exemption from punishment prior to the expiry of the term may be set if the convicted person, who at the time of the commission of the crime had reached the age of 18 years, has effectively executed:

- a) at least half of the term of punishment set for the commission of a minor crime or a less serious crime;
- b) at least two thirds of the term of punishment set for the commission of a serious crime;
- c) at least three quarters of the term of punishment set for the commission of an extremely serious crime or an exceptionally serious crime, as well as of the punishment applied to a person previously conditionally exempted from punishment prior to the expiry of the term, if the exemption from punishment prior to the expiry of the term was cancelled in the conditions of paragraph (8).

(5) A person sentenced to life imprisonment may be conditionally exempted from punishment prior to the expiry of the term if the court of law finds that it is no longer necessary for the person to further execute the punishment and if the said person had effectively served at least 35 years of imprisonment.

(6) The conditional exemption from punishment prior to the expiry of the term may be applied to juveniles if they have effectively executed:

- a) at least one third of the term of punishment set for the commission of a minor crime or

a less serious crime;

- b) at least half of the term of punishment set for the commission of a serious crime;
- c) at least two thirds of the term of punishment set for the commission of an extremely serious crime or an exceptionally serious crime.

(7) The control over the behavior of individuals conditionally exempted from punishment prior to the expiry of the term shall be exercised by the competent bodies, whereas the control over the behavior of soldiers - by the respective military commander.

(8) If during the non-executed part of the punishment:

- a) the convicted person violates public order and incurs an administrative sanction for that, or deliberately eludes from performing the obligations set by the court of law when setting the conditional exemption from punishment prior to the expiry of the term, the court of law, on the recommendation of the body indicated at paragraph (7), may issue an order of cancellation of the conditional exemption from punishment prior to the expiry of the term, obliging the convicted person to execute the non-executed part of the punishment;
- b) the convicted person commits by imprudence a new crime, the issue of maintenance or cancellation of the conditional exemption from punishment prior to the expiry of the term shall be decided by a court of law;
- c) the convicted person commits with intent a new crime, the court of law shall set the punishment according to art. 85. This rule shall also apply in the case of a commission by imprudence of a new crime, if the court of law cancels the conditional exemption from punishment prior to the expiry of the term.

Scope of application with regard to transfer of mentally disordered persons:	The Ministry of Justice of the Republic of Moldova had not received any request for transfer of mentally disordered persons
Scope of application with regard to nationals and/or residents:	In accordance with Article 3, paragraph 4, of the Convention, the Republic of Moldova declares that the term "national" includes the citizens of the Republic of Moldova, the foreign citizens or stateless persons with residence permits in the Republic of Moldova.
Other particularly relevant information (such as practice regarding time limits or revocation of consent):	-
Links to national legislation, national guides on procedure:	http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350171 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=320384 http://www.justice.gov.md/tabview.php?l=ro&idc=169
Link to information about the Convention (according to Article 4) in the official language(s) of the State Party (see also Rec. R (84) 11 of the Committee of Ministers concerning information about ETS°112 and PC-OC INF 12):	http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=350171 http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=320384
For Parties to the Additional Protocol	

Information on the implementation of Article 2 (e.g.interpretation of "by fleeing to"):	The named article is most applicable with the Russian Federation's cases
Information on the implementation of Article 3 (e.g. interpretation of the requirement of a consequential link between the decision on expulsion and the sentence):	- - -
Documentation required:	The documents can be found in the above mentioned links.
Other relevant information:	No other relevant information.