

THE ISSUE OF ORGANISING THE INVESTIGATION OF CORRUPTION OFFENCES COMMITTED BY PUBLIC OFFICIALS WITH SPECIAL STATUS BASED ON THE PRACTICE OF THE REPUBLIC OF MOLDOVA

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Abstract: This article examines the structural obstacles that undermine the investigation of corruption offences committed by public officials with special status, emphasising that many acquittals stem not from a lack of evidence but from deficiencies in criminalistic organisation and improper evidentiary management. The study shows that the failure to specify the official's concrete duties in the indictment, the unlawful establishment of the criminal investigation team, and the non-observance of legal requirements concerning the authorisation and use of special investigative measures generate significant evidentiary vulnerabilities. Likewise, shortcomings in the organisation of flagrant operations and the superficial manner in which hearings are conducted affect the integrity of the criminal process, while any form of inducement or provocation by state agents leads to the exclusion of evidence. The article highlights the need to establish a rigorous evidentiary discipline, to ensure a clear correlation between the alleged conduct and the official's competences, and to strengthen prosecutorial oversight of the investigative process. Consolidating these mechanisms is essential for enhancing both the efficiency and the credibility of criminal proceedings in corruption cases.

Keywords: corruption investigation; criminalistic methodology; special investigative measures; evidentiary fairness; flagrant operation; entrapment.

1. INTRODUCTION

Investigating corruption offences committed by public officials with special status constitutes one of the most sensitive areas of the criminal process, as it requires balancing the protection of the public interest with the safeguarding of fundamental guarantees afforded to individuals subjected to criminal proceedings. Recent judicial practice reveals a substantial gap between the aims of the criminal investigation and the results obtained in court, where numerous cases end in acquittals not because the evidence is insufficient, but due to methodological, tactical, or procedural shortcomings at the investigative stage. This reality underscores the need for an in-depth assessment of how investigative bodies organise, plan, and execute criminalistic and procedural activities in a field characterised by heightened institutional and evidentiary complexity. From a scientific perspective, the complexity of

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investigations concerning corruption by officials with special status derives both from the nature of their duties—regulated through normative acts distinct from the general regime of public service—and from the specific evidentiary requirements for demonstrating the elements of the offence. Judicial practice highlights, among other issues, repeated difficulties in delineating the official's competences, in lawfully establishing the criminal investigation team, in authorising and exploiting special investigative measures, and in organising the flagrant operation—factors that ultimately compromise the integrity of the evidentiary process. Additionally, shortcomings in interviewing witnesses and whistleblowers, along with the risks of entrapment created by collaborators or state agents, directly affect the validity of the criminal process and the fairness of investigative methods. Against this backdrop, the present article seeks to identify the main reasons behind evidentiary failures in such cases and to propose an analytical framework aimed at improving the criminalistic methodology applied in practice. Drawing on judicial decisions and interpreting them through the lens of modern criminalistics, the study aims to outline concrete directions for optimising the organisation of the criminal investigation, ensuring an appropriate balance between the effectiveness of criminal repression and the protection of fundamental rights. The overarching objective is to lay the foundation for an investigative model capable of preventing recurrent errors, strengthening the quality of evidence, and enhancing the credibility of justice in cases involving corruption committed by public officials with special status.

2. Materials and methods

The present research falls within the field of scientific-applied studies concerning the criminalistic organisation of investigations into corruption offences committed by public officials with special status. Its analytical foundation lies in the examination of final and irrevocable judicial decisions, relevant procedural acts, and the applicable normative framework, which together enabled the identification of recurring patterns of methodological and procedural errors in criminal investigations. The analytical method was employed to assess the content of indictments, the manner in which the criminal investigation team was established, and the techniques used for authorising and exploiting special investigative measures. The comparative method allowed the findings derived from national practice to be correlated with the standards developed in the case law of the European Court of Human Rights regarding proportionality of interferences, evidentiary fairness, and the exclusion of entrapment. In addition, the deductive method facilitated the formulation of conclusions concerning the systemic causes underlying evidentiary vulnerabilities, while the inductive method contributed to identifying common elements across the analysed cases, thus outlining a coherent picture of the tactical and criminalistic shortcomings. Methods of systematisation and generalisation were used to organise the information into a unified structure that reflects both the specific features of public officials with special status and the scientific principles governing the investigation of corruption. By combining these methodological tools, the research provides a rigorous and integrated assessment of current investigative practices, laying the groundwork for concrete directions aimed at improving the organisation of criminal investigations in this category of cases.

2. Discussion and Results

An analysis of judicial practice reveals a persistent and troubling reality: deficiencies in the criminalistic organisation of the investigation and the failure to adhere to scientific investigative methodology represent the primary cause of evidentiary failure, ultimately reflected in acquittals. The courts have consistently shown that evidence obtained unlawfully, disproportionately, or through the investigative authorities' exceeding their passive role cannot sustain a conviction, even when factual indications may appear compelling.

In several cases¹, the courts have found that the indictments lacked clarity, having been formulated by reference to general legal provisions without specifying the concrete duties of the public official with special status. In the case of M.S., for instance, the prosecution relied on the provisions of Law No. 158/2008 on the Public Function, disregarding the fact that police officers are regulated by Law No. 320/2012 on Police Activity and the Status of the Police Officer, which rendered the accusation vague and, consequently, unfounded.² In P.D., the court held that neither the objective nor the subjective elements of the offence had been proven, noting that the prosecution failed to demonstrate "*the act of requesting, accepting, or receiving illicit benefits in the exercise of public office*"³. Such inconsistencies illustrate the absence of a "competence matrix for public officials with special status," through which the prosecution must demonstrate that the act requested by the bribe-giver fell within the actual legal competences of the suspect or defendant. Without this correlation, the material element of the offence becomes a legal hypothesis rather than a proven factual reality.

Under these circumstances, the investigative authority must exercise heightened rigour in defining and documenting the legal status of the public official with special status. In practical terms, the investigators must examine with care the appointment acts, the documents demonstrating the exercise of office, the job description, as well as the special regulations delimiting the official's competences and responsibilities under the law. The individualisation of these duties serves as an essential precondition for establishing the causal link between the official's action and the benefit solicited or received. In the absence of such verification, the accusation risks being based on an abstract interpretation of legal norms, devoid of evidentiary substance.

Accordingly, the investigative authority must construct a "competence matrix for public officials with special status" that correlates the alleged conduct with the official's concrete legal prerogatives, thereby avoiding errors of legal classification and ensuring the soundness of the evidentiary foundation with respect to the objective element of the corruption offence (Diaconescu ,2004, p. 592).

¹ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 22 February 2017, delivered in Case No. 1a-196/2016. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/44C1F078-CD19-E711-80D3-0050568B2C1F. Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0; Decision of the Judicial Panel of the Comrat Court of Appeal of 11 January 2021, delivered in Case No. 1a-45/2020. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/EB176CC1-4227-46FB-877A-94D0CD512EB2; Decision of the Criminal Panel of the Chișinău Court of Appeal of 31 January 2024, delivered in Case No. 1r-396/23. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/A1B07FE2-2E13-478A-8CF3-825B40910C10.

² Decision of the Judicial Panel of the Comrat Court of Appeal of 11 January 2021, rendered in Case No. 1a-45/2020. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/EB176CC1-4227-46FB-877A-94D0CD512EB2.

³ Decision of the Criminal Panel of the Chișinău Court of Appeal of 31 January 2024, rendered in Case No. 1r-396/23. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/A1B07FE2-2E13-478A-8CF3-825B40910C10.

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In a series of cases⁴, the courts emphasised the illegality of the manner in which the criminal investigation team had been constituted, finding that certain procedural acts had been carried out by individuals who did not hold the status of criminal investigation officer. In the case N.O., the Court of Appeal held that appointing an intelligence officer as a criminal investigation officer without an order issued by the prosecutor is null, and that any evidence obtained in such conditions is inadmissible.⁵

In such circumstances, the investigative authority must exercise heightened diligence when establishing the criminal investigation team, strictly complying with the legality requirements set out in the Code of Criminal Procedure. In particular, the appointment of team members must be formalised by a prosecutor's order, expressly indicating the competences and responsibilities assigned to each participant. Any deviation from this procedure may result in the nullity of procedural acts and the exclusion of evidence collected by unauthorised persons. From a criminalistic perspective, rigour in forming the investigation team ensures not only the legal validity of the inquiry but also the methodological coherence of the evidentiary process, preventing functional ambiguities between intelligence officers and criminal investigation officers. Accordingly, the prosecutor must exercise effective oversight over the legality of establishing the investigation team, thereby guaranteeing the authenticity and evidentiary strength of the materials administered.

Deficiencies relating to the authorisation, execution, and use of evidence obtained through special investigative measures constitute the most frequent grounds for acquittal⁶. In more than half of the criminal cases in which defendants were acquitted, the courts excluded intercepted communications and/or recorded images, finding that the requirements of the Code of Criminal Procedure had not been observed.

In the case C.M., the trial judge found that the original storage medium containing the intercepted communications was missing, that there was no indication of the packaging and sealing of the carrier, and that transcripts had been imported from another criminal case without a lawful order or judicial ruling authorising this transfer.⁷ In H.C., the court criticised the investigative authority for failing to seize the device from which the recording had been made,

⁴ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 22 February 2017, delivered in Case No. 1a-196/2016. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/44C1F078-CD19-E711-80D3-0050568B2C1F; Decision of the Criminal Panel of the Bălți Court of Appeal of 06 February 2024, delivered in Case No. 1a-721/2020. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/E5AFFAFA-38E0-4A88-A4FE-876C4B5C15CD; Decision of the Judicial Panel of the Cahul Court of Appeal of 29 May 2019, delivered in Case No. 05-1a-664-06062018. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/7CC795FC-E470-443D-9B0C-1BC4CE2F2870.

⁵ Decision of the Criminal Panel of the Bălți Court of Appeal of 06 February 2024, delivered in Case No. 1a-721/2020. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/E5AFFAFA-38E0-4A88-A4FE-876C4B5C15CD.

⁶ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0; Decision of the Criminal Panel of the Bălți Court of Appeal of 13 May 2021, delivered in Case No. 1a-439/2020. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/54FD1A38-B2C3-4422-AC6C-0C19855C6F3F; Judgment of the Bălți Court of 04 July 2015. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/D4F6BBE9-052A-E511-A983-005056A5FB1A; Decision of the Judicial Panel of the Cahul Court of Appeal of 28 October 2019, delivered in Case No. 05-1a-495-06052016. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/3EBB30EB-07F3-4D84-B03C-644B3198B5EC; Decision of the Criminal Panel of the Bălți Court of Appeal of 25 May 2016, delivered in Case No. 1a-231/15. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/8A675DE2-3D39-E611-A9BA-005056A5FB1A.

⁷ Judgment of the Bălți Court of 04 July 2015. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/D4F6BBE9-052A-E511-A983-005056A5FB1A.

relying instead on a copied file, thereby compromising the authenticity of the evidence.⁸ A similar conclusion was reached in C.Ş., where the special investigative measures were annulled because state agents had taken an active role, an involvement tantamount to entrapment.⁹ The case of P.L. is illustrative of a different problem: the artificial initiation of the criminal act. The court established that the whistleblower had acted out of personal revenge, provoking the public official with special status to accept money for a fictitious act (the deletion of non-existent penalty points), which resulted in the nullity of all evidence.¹⁰

These cases reveal a serious and recurring tendency: instead of serving as instruments for documenting ongoing criminal conduct, special investigative measures often become tools for creating the incriminating situation itself, in violation of the principles of legality and proportionality.

Accordingly, the investigative authority must exercise exceptional methodological caution when ordering, executing, and using special investigative measures. First, strict compliance with the authorisation requirements set out in the Code of Criminal Procedure is essential, including a well-reasoned justification of the necessity and proportionality of each measure, so as to prevent its transformation into a mechanism of entrapment. Second, the investigative authority must ensure the integrity of the original recording media, the accurate documentation of the packaging and sealing of information carriers, and the complete recording of the chain of custody, thereby safeguarding the authenticity of the evidence.

At the stage of using the results, any form of active participation by state agents that could generate artificial situations or simulated criminal acts must be excluded. From a criminalistic standpoint, special investigative measures must be instruments for uncovering real criminal behaviour, not for creating it. For this reason, both the prosecutor and the criminal investigation officer must exercise effective control over the technical and legal stages of these procedures, ensuring the legality, authenticity and fairness of the evidentiary process, and preventing the subsequent exclusion of evidence in criminal proceedings.

In several cases¹¹, the courts criticised the lack of proportionality between the intrusiveness of special investigative measures and the seriousness of the offence under investigation. In C.A., for example, the judges noted that the interceptions had been conducted without any genuine justification of necessity, even though the evidence could have been obtained through other, less intrusive means.¹² In G.S., the court found that the special investigative measures had been ordered without assessing subsidiarity and without evaluating

⁸ Decision of the Judicial Panel of the Cahul Court of Appeal of 28 October 2019, delivered in Case No. 05-1a-495-06052016. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/3EBB30EB-07F3-4D84-B03C-644B3198B5EC.

⁹ Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0.

¹⁰ Decision of the Criminal Panel of the Bălți Court of Appeal of 25 May 2016, delivered in Case No. 1a-231/15. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/8A675DE2-3D39-E611-A9BA-005056A5FB1A.

¹¹ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0; Decision of the Criminal Panel of the Bălți Court of Appeal of 27 May 2020, delivered in Case No. 1a-561/2018. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/6B0F1E01-38F9-4F42-9DC5-83CCDBC94374; Decision of the Criminal Panel of the Chișinău Court of Appeal of 31 January 2024, delivered in Case No. 1r-396/23. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/A1B07FE2-2E13-478A-8CF3-825B40910C10.

¹² Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0.

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their proportionality in relation to the restriction of fundamental rights.¹³ From a criminalistic perspective, the absence of this procedural balance produces vulnerable evidence and undermines the entire evidentiary process, as the measures become an end in themselves rather than instruments for discovering the truth.

In such circumstances, the investigative authority must adopt a balanced and legally reasoned approach when ordering special investigative measures, in full compliance with the principles of proportionality and subsidiarity set out in the Code of Criminal Procedure and in the case law of the European Court of Human Rights. Before seeking authorisation for such measures, investigators must assess whether the intended objective can be achieved through traditional evidentiary means that are less intrusive, such as witness interviews, seizure of documents, or forensic and technical examinations. It is likewise advisable for the prosecutor to expressly justify the necessity of the measure, the seriousness of the alleged conduct, and the relationship between the restriction of fundamental rights and the public interest pursued.

From a criminalistic standpoint, compliance with these requirements is not merely formal; it ensures the fairness of the evidentiary process and the integrity of the investigation. A measure ordered without a genuine proportionality assessment risk turning the investigative activity into an abusive surveillance exercise, jeopardising not only the admissibility of the evidence but also the credibility of the justice institutions.

The analysis of several cases¹⁴ reveals serious irregularities in the organisation of the flagrant operation: the absence of continuous video recording of the money handover, the lack of fluorescent markings, the omission of UV testing, and the failure to ensure the chain of custody of the seized items. In all such cases, the material evidence was declared inadmissible because its integrity could not be verified. The courts emphasised that “*marking, handing over, documenting, and subsequently examining the money constitute a unified sequence of procedural and criminalistic actions; any interruption of this sequence nullifies the evidentiary value of the result.*”

As shown, judicial practice confirms that a flagrant operation is one of the most sensitive and complex procedural-criminalistic activities, as it requires direct intervention at the moment the offence is being consummated and generates essential evidence for establishing culpability. From a criminalistic standpoint, any procedural deviation in the planning or execution of the flagrant operation directly affects the authenticity, integrity, and probative force of the evidence. The absence of continuous video recording of the money handover, the omission of fluorescent markings, the lack of UV testing, or the failure to ensure the chain of custody are deficiencies that compromise the logical sequence of actions and render the material evidence contestable. Scientifically, a flagrant operation must be conceived as an

¹³ Decision of the Criminal Panel of the Bălți Court of Appeal of 27 May 2020, delivered in Case No. 1a-561/2018. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/6B0F1E01-38F9-4F42-9DC5-83CCDBC94374.

¹⁴ For example: Judgment of the Chișinău Court, Ciocana seat, of 06 August 2019, delivered in Case No. 1-1235/2017. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/DE113F63-2733-4177-9C2F-98494AD2A417; Decision of the Criminal Panel of the Bălți Court of Appeal of 06 February 2024, delivered in Case No. 1a-721/2020. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/E5AFFAFA-38E0-4A88-A4FE-876C4B5C15CD; Decision of the Criminal Panel of the Bălți Court of Appeal of 13 November 2019, delivered in Case No. 1r-164/2019. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/3C7B8669-A256-411E-85D3-9EB058A500CA; Decision of the Criminal Panel of the Chișinău Court of Appeal of 31 January 2024, delivered in Case No. 1r-396/23. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/A1B07FE2-2E13-478A-8CF3-825B40910C10.

integrated procedure in which the marking, handing over, documenting, and forensic examination of money or other objects used constitute consecutive and inseparable stages. The continuity of these actions guarantees the traceability of the evidence and excludes the possibility of subsequent interference with the evidentiary material. Interrupting the procedural flow or failing to provide uninterrupted video documentation breaks the unity of the procedure, thereby nullifying the probative value of the outcome. For this reason, continuous recording—capturing the moment of the handover, the distinctive markings applied, the seizure, and the transfer for forensic examination—is a fundamental methodological requirement in organising flagrant operations.

In this context, the investigative authority must strictly adhere to the principles of planning, control, and full documentation of the flagrant operation. It is recommended that: the marking of banknotes be carried out, where appropriate, with certified fluorescent substances, with exact documentation of the banknote serial numbers and the method of application; video recording cover the entire operation without interruption—from the handover to the seizure of the evidence—without cuts or unjustified pauses; the chain of custody be ensured through the immediate drafting of the official report, sealing of the items, and storing them in conditions that preclude contamination or substitution; the involvement of specialists in the preparatory and subsequent stages of the flagrant operation be duly recorded so as to guarantee the validity of the technical-scientific forensic findings on markings and traces; coordination between intelligence officers and the investigative authority or prosecutor be carried out on the basis of a written operational plan specifying roles, technical means used, and measures ensuring legal and procedural safeguards.

Compliance with these requirements ensures not only the legality and fairness of procedural activities but also the credibility of the act of justice. From a criminalistic perspective, a flagrant operation cannot be treated as a mere surprise capture of an offender in action; it is a scientifically grounded evidentiary procedure in which each technical detail contributes to constructing incontestable proof and strengthening the preventive and educational functions of the criminal process.

The interviewing of witnesses and whistleblowers is one of the most significant procedural-criminalistic activities, through which the investigative authority reconstructs the circumstances of the events, the mechanism of the offence, and the role of each participant. However, the analysis of the examined cases¹⁵ shows that, in many instances, this activity is approached formally, without an interview strategy tailored to the concrete objectives of the investigation. Superficial questioning, the use of general or irrelevant inquiries that do not contribute to establishing the causes and circumstances of the corruption offence, and the omission of face-to-face confrontation between individuals whose statements contradict each other, all constitute serious methodological deviations. From a criminalistic standpoint, such

¹⁵ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 22 February 2017, delivered in Case No. 1a-196/2016. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/44C1F078-CD19-E711-80D3-0050568B2C1F;

Decision of the Criminal Panel of the Bălți Court of Appeal of 27 May 2020, delivered in Case No. 1a-561/2018. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/6B0F1E01-38F9-4F42-9DC5-83CCDBC94374; Judgment of the Chișinău Court, Buiucani seat, of 12 December 2019, delivered in Case No. 1-4063/2019. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/B1019D88-172A-4F04-9CEE-89085AD36609; Decision of the Judicial Panel of the Cahul Court of Appeal of 29 May 2019, delivered in Case No. 05-1a-664-06062018. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/7CC795FC-E470-443D-9B0C-1BC4CE2E2870.

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shortcomings distort the factual picture and diminish the corroborative value of indirect evidence, undermining the foundation of the entire evidentiary process.

In both theory¹⁶ and practice, (Olteanu, 2009, p. 153–154. 346) an interview cannot be reduced to merely recording answers; it requires an analytical-synthetic operation based on prior planning of questions, (Ostavciuc, 2020, p. 4–5, p. 70) a logical sequence of inquiry, and constant adaptation to the reactions of the interviewee. The witness or whistleblower must be approached gradually—from general facts to specific details—while respecting psychological (Poalelungi, 2013, p.1192) requirements concerning the avoidance of suggestion and the maintenance of neutrality. In corruption cases, the interview carries particular significance: it must clarify not only the material act of requesting or receiving undue benefits but also the functional context, the motivation, the intent, and the relationship between the persons involved. Omitting these elements renders the statement an incomplete evidentiary source. Likewise, the confrontation of individuals whose statements contain contradictions is not a mere formal step but a scientific tool for verifying the truthfulness and internal coherence of the declarations. The absence of confrontation amounts to abandoning one of the most effective methods of internal verification of testimonial evidence. Without confrontation, contradictions remain unresolved, and the court is deprived of the means to assess witness credibility objectively.

Accordingly, the following criminalistic recommendations are necessary for investigative bodies: detailed planning of interviews, establishing a set of questions focused on the concrete act, the relationships among participants, and the context in which the corruption act occurred; complete audio-video recording of interviews, in order to preserve not only the verbal content but also the non-verbal reactions of the interviewee; conducting confrontations whenever significant contradictions arise, with detailed documentation of reactions, changes in statements, and body language; ordering and conducting psychological examinations or expert consultations in complex cases, to assess the credibility of statements and any external influences affecting witnesses; correlating testimonial evidence with material evidence and the results of special investigative measures, in order to consolidate a coherent and persuasive evidentiary body. Respecting these requirements ensures the scientific character of interviews and contributes decisively to establishing the material truth. From a criminalistic perspective, interviewing and confrontation are not merely tools for gathering information but cognitive instruments for reconstructing criminal reality, whose value depends entirely on the professionalism and methodology with which they are carried out.

Entrapment (Copețchi, 2017, p. 18–25) represents one of the most delicate and controversial criminalistic issues in the investigation of corruption offences committed by public officials with special status. From a scientific standpoint, it marks the fine boundary

¹⁶ See: United Nations Office on Drugs and Crime, Vienna, *Technical Guide to the United Nations Convention against Corruption*, United Nations, New York, 2009, 240 p. Retrieved from: https://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf; Olteanu, Gabriel Ion; Ruiu, Marin, *Criminalistic Tactics*, AIT Laboratories Publishing House, Bucharest, 2009, pp. 153–154. 346 p. ISBN 978-973-88201-4-2; Ciopraga, Aurel, *Evaluation of Testimonial Evidence in Criminal Proceedings*, Junimea Publishing House, Iași, 1979, p. 16. 272 p.; Doraș, Simion, *Criminalistics*, Volume II: Elements of Tactics, Tipografia Centrală, Chișinău, 1999, p. 128. 281 p.; Osoianu, Tudor; Ostavciuc, Dinu, *The Procedure for Hearing Witnesses and Victims under Special Conditions during the Criminal Investigation Phase*, *Studia Universitatis Moldaviae. Legal Sciences*, 2023, pp. 138–153. Retrieved from: https://ibn.idsi.md/sites/default/files/imag_file/138-153_0.pdf.

between legitimate undercover investigative activity and the unlawful inducement of an individual to commit the offence. Recent judicial practice¹⁷ confirms that courts now apply the “*fruit of the poisonous tree*” doctrine with increased strictness, excluding evidence obtained through entrapment—whether carried out by state agents or by informants previously used in other cases. In such situations, the evidentiary act loses validity regardless of its seemingly incriminating content, as it no longer reflects a free manifestation of the perpetrator’s will but rather an artificial construct generated by state authorities.¹⁸

From a criminalistic perspective, entrapment affects the very essence of the evidentiary process, transforming the investigation from a mechanism of documentation into one of fabrication. When a whistleblower or undercover agent goes beyond observing and recording pre-existing criminal conduct and instead induces, however subtly, the illicit act, a serious methodological and tactical deviation occurs, one incompatible with the principles of legality, fairness, and proportionality. In such cases, special investigative measures cease to serve the discovery of the truth and instead undermine the credibility of the entire criminal process.

To prevent such errors, concrete recommendations are necessary for investigative bodies and intelligence officers:

- *A clear distinction between documentation and inducement.* Before authorising an undercover measure, the prosecutor must assess the existence of a reasonable suspicion grounded in prior factual indications and not in mere assumptions or suggestions made by whistleblowers.

- *Rigorous control of collaborators and informants.* When such individuals have been involved in similar cases, a critical assessment of their credibility is required to avoid the systematic use of persons prone to provocation.

- *Full and transparent documentation of interactions.* All contacts between the state agent and the targeted individual must be recorded in full; gaps in evidentiary continuity (fragmented recordings, omission of the initial contact) must be avoided as they create suspicions of manipulation.

- *Professional training of investigative officers.* They must be trained according to modern criminalistic methodology, which prioritises observation, behavioural analysis, and the collection of authentic evidence rather than the artificial construction of criminal acts.

- *An active supervisory role of the prosecutor.* The prosecutor must exercise genuine oversight at every stage of the operation, ensuring that the purpose of the investigation remains the uncovering of existing criminal conduct, not the generation of new criminal scenarios.

¹⁷ For example: Decision of the Criminal Panel of the Bălți Court of Appeal of 07 November 2023, delivered in Case No. 1a-31/2021. Retrieved from:

https://instante.justice.md/ro/pigd_integration/pdf/3A1C8BA6-4E4B-49B2-8AEA-D517226D70C0;

Decision of the Criminal Panel of the Bălți Court of Appeal of 03 July 2019, delivered in Case No. 1a-703-2017. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/91D0740C-40AB-4CBB-A609-EBE97AD4032; Judgment of the Edineț Court, Ocnita seat, of 06 July 2018, delivered in Case No. 1-117/2017. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/71ADD173-2281-E811-80D7-0050568B4D5B; Decision of the Criminal Panel of the Bălți Court of Appeal of 22 March 2017, delivered in Case No. 1a-622/2016. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/06B93904-D92F-E711-80D3-0050568B2C1F; Decision of the Criminal Panel of the Chișinău Court of Appeal of 31 January 2024, delivered in Case No. 1r-396/23. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/A1B07FE2-2E13-478A-8CF3-825B40910C10; Decision of the Criminal Panel of the Bălți Court of Appeal of 25 May 2016, delivered in Case No. 1a-231/15. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/8A675DE2-3D39-E611-A9BA-005056A5FB1A.

¹⁸ Decision of the Criminal Panel of the Bălți Court of Appeal of 25 May 2016, delivered in Case No. 1a-231/15. Retrieved from: https://instante.justice.md/ro/pigd_integration/pdf/8A675DE2-3D39-E611-A9BA-005056A5FB1A.

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By complying with these requirements, investigative activity preserves its scientific and fair character and remains aligned with the principles of the rule of law. From a criminalistic standpoint, eliminating any form of entrapment strengthens the evidentiary process, enhances the credibility of law enforcement institutions, and increases the effectiveness of genuine anti-corruption efforts.

The analysed cases outline a coherent picture of the difficulties encountered in organising investigations in corruption matters: a persistent imbalance between operational activity and procedural-criminalistic methodology, the absence of coherent investigative planning, and a failure to respect the principles of proportionality and fairness in the criminal process. The public official with special status operates within an especially sensitive institutional framework, and the investigation of corruption offences involving such officials requires absolute methodological precision. Whenever investigative bodies replace scientific methodology with operational improvisation, the outcome becomes predictable: exclusion of evidence, findings of procedural nullity, and ultimately, acquittal.

Consequently, improving the organisation of criminal investigations in this category of cases must focus on establishing a strict evidentiary discipline, including intermediate legality checks for special investigative measures; ensuring unity between the operational plan and the criminalistic plan under the effective supervision of the investigative authority or the prosecutor; introducing a mandatory technical validation filter for digital evidence; complying with criminalistic tactics during interviews, confrontations, searches, and flagrant operations; and providing specialised training for investigative officers in evidentiary fairness and the avoidance of entrapment. Only through the implementation of these measures can investigations into corruption committed by public officials with special status meet the standards of efficiency, fairness, and evidentiary validity required both by domestic law and by European jurisprudence.

4. Conclusions and Recommendations

The analysis of judicial practice concerning the investigation of corruption offences committed by public officials with special status reveals a persistent lack of methodological and procedural rigour within investigative bodies. A significant portion of acquittals is not due to the absence of the alleged acts, but to the failure of the evidence to comply with the legal standards of legality, authenticity, and fairness. The lack of individualisation of the official's duties in indictments, the informal or unlawful constitution of the criminal investigation team, the improper application of special investigative measures, and the flawed organisation of flagrant operations directly undermine the validity of the evidentiary process. Likewise, superficial interviews, the omission of confrontations, and the tolerance of situations amounting to entrapment compromise the entire evidentiary structure, leading to the exclusion of essential proof. These findings demonstrate the need for a profound reform of the manner in which investigations in such cases are organised, as offences involving public officials with special status require a far more technical, integrated, and thoroughly documented approach than ordinary corruption offences. Only through criminalistic discipline, procedural accuracy, and the effective supervision of the prosecutor can the robustness of the evidentiary process and the credibility of the act of justice be ensured.

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