

Two men, one of whom was a former civil servant, were sentenced to 7 and 8 years in prison for fraud



The Chisinau Court, Buiucani, pronounced the sentence of conviction against a former head of the Information Resources Administration and Exploitation Section within the General Directorate of Architecture, Urbanism and Land Relations of the Chisinau Municipal Council, who was found guilty of committing the crime of fraud. The court set a sentence of 7 years in prison, with the sentence to be served in a semi-closed penitentiary, as well as deprivation of the right to carry out activities in the field of public procurement for a period of 5 years.

The second defendant was found guilty of committing the crime of fraud as the organizer and co-author of the crime and was sentenced to 8 years in prison, to be served in a semi-closed prison, and was also deprived of the right to carry out activities in the field of public procurement for a period of 5 years.

At the same time, both defendants were found guilty of making, possessing and using false official documents, but were released from criminal punishment for these acts as a result of the statute of limitations for criminal liability.

With regard to the third defendant, the court pronounced an acquittal, finding that the act charged did not meet the constitutive elements of the crime.

According to the evidence managed by the National Anti-corruption Centre, jointly with the Anti-corruption Prosecutor's Office, the defendants allegedly organized a fraudulent scheme to appropriate public funds from the General Directorate of Architecture, Urbanism and Land Relations of the Chisinau Municipal Council, under the pretext of purchasing computer equipment.

Thus, the former civil servant, acting in complicity with the other defendants, allegedly initiated the organization of a fictitious public auction for the purchase of two servers. Although the institution had a real need to purchase the equipment, the auction was allegedly rigged so that the winner would be designated a company previously established by the organizers of the scheme.

Following the public auction held in July 2010, the Directorate concluded a purchase contract worth 295,000 lei for the delivery of two servers. Subsequently, in order to obtain the transfer of public funds, the defendants allegedly presented the management of the Directorate with false tax invoices and receipt-handover documents, which fictitiously attested the delivery of the equipment. In reality, the respective goods were not delivered.

Being misled by the falsified documents, the managers of the Directorate ordered the transfer of the amount of 295,000 lei to the company designated as the winner of the auction. Subsequently, the money was allegedly transferred to another company based on fictitious transactions, in order to create the appearance of legality of the financial operations. Part of the amount was allegedly used for personal purposes and in the interests of the company controlled by one of the defendants.

As a result of the imputed actions, the General Directorate of Architecture, Urbanism and Land Relations of the Chisinau Municipal Council was allegedly caused material damage in the amount of 295,000 lei.

The state prosecutor is to decide on the appropriateness of challenging the sentence with an appeal to the Central Court of Appeal, within 15 days.

Note: A person accused of committing a crime benefits from the presumption of innocence until a final court decision of conviction becomes final.