

APPEAL TO ORGANIZE A PUBLIC COMPETITIVE SELECTION OF SCM MEMBER CANDIDATES

To the Parliament of the Republic of Moldova

September 3, 2013

On November 27, 2013, the term in office of the university professors selected to be members in the Superior Council of Magistracy (SCM) will expire. Under Article 3 (3) of the Law on the Superior Council of Magistracy, the Parliament of the Republic of Moldova must elect three members from among tenured professors of law. The law does not provide for the selection procedure.

The procedure for holding the General Assembly of Judges (GAJ) and the one for selecting SCM members from among judges are described in the Regulations of November 23, 2012, On the General Assembly of Judges, passed by the GAJ. According to this document, before the selection, it is necessary to announce the candidates on the basis of their programs submitted to the SCM and posted on its Web site.

On July 9, 2013, the SCM established the deadline by which judges should submit their applications. This deadline expired on August 23, 2013, and on August 29, 2013, the SCM posted the information about candidates on its Web site. Currently the SCM works on improving the procedure for selecting SCM members to make sure that it is transparent and leads to the appointment of the best candidates possible.

The lack of a transparent and clear procedure for the Parliament to select SCM members creates the perception that the selection is based rather on political criteria, which undermines the authority and credibility of the SCM as an independent and apolitical entity. That is why we request that the Parliament urgently regulate and implement a procedure by which it would select SCM members.

Taking into account the optimal timeframes for a fair and transparent selection, the signatories request the Parliament to initiate the public competitive selection of SCM members as soon as possible complying with the following requirements:

- **The development of the Regulations for selecting SCM members by the Parliament** and the establishment of a parliamentary commission for organizing the selection. The Regulations should clearly provide for three stages of the public competitive selection, namely: (1) the announcement of the selection procedure and the deadline by which candidates can submit their documents; (2) the pre-selection of eligible candidates by the parliamentary commission; (3) public hearing of candidates by the parliamentary commission and the preparation of explanatory notes on the candidates selection; and (4) the voting of the proposed candidates by the Parliament.

- **Transparency in establishing the procedure and the deadlines for submitting documents.** The announcement of the public competitive selection should specify the candidates eligibility criteria, and reasonable requirements and deadlines for submitting documents. It will suffice that the candidates submit their resumes, their vision on the term in office and a letter of intent. The announcement will be made public at least two weeks before the deadline for submitting applications. The public should be given enough time to examine, check, appraise and opine by sending notes on the candidates. The parliamentary commission will issue a motivated decision on admitting candidates to hearing and eliminating candidates who do not meet the eligibility criteria.

- **Transparency of the hearing of the candidates.** The parliamentary commission will announce the date, the time and the place of the candidates selection meeting at least 7 days before the hearing. The hearing will be public. The parliamentary commission will offer the same amount of time to each candidate so he would present his vision on the future work in the SCM and answer questions of the members of the special commission. The candidates will speak in the order in which their applications were submitted.

- **Motivation of the decision.** The parliamentary commission will adopt a motivated decision that will mention the reasons for which certain candidates were proposed while others were rejected. Passing a motivated decision based on merits will exclude the possibility of the accusations of political motivations. The Parliament will then vote the candidates proposed by the parliamentary commission in the plenary meeting without organizing a new hearing. In case the proposal of the parliamentary commission is rejected, a new selection will be organized.

Signatories:

Amnesty International Moldova

GENDER CENTRU Association

Promo-LEX Association

50/50 Women's Political Club Community Association

Independent Press Association (API)

Legal Assistance Center for Persons with Disabilities

Human Rights Information Center (CIDO)

Child Rights Information Center (CRIC)

GENDERDOC-M Information Center

Journalistic Investigations Center

La Strada International Center for the Protection and Promotion of Women's Rights

National Center of Roma (CNR)

Non-discrimination Coalition

Moldovan National Council of Young People

East Europe Foundation

Justice and Human Rights Working Group of the National Council for Participation

Public Policy Institute (IPP)

Institute for the Protection of the Fundamental Human Rights and Freedoms

Moldovan Institute for Human Rights (MIHR)

Victor Munteanu, Director of the Justice Program of Soros Foundation, Moldova

Transparency International Moldova