APPEAL ON SELECTING TENURE PROFESSORS AS MEMBERS OF THE SUPERIOR COUNCIL OF MAGISTRACY

To the Parliament of the Republic of Moldova

20 December 2013

On 21 November 2013, the Parliament amended the Law on the Superior Council of Magistracy (SCM), which requires the appointment of the SCM members by the Parliament from among tenure law professors on the basis of a public competition organized by the Parliament's Legal commission for appointments and immunities (the Commission). On 6 December, the Commission adopted the Regulations on the competition for selecting members to the SCM from among tenure law professors. Also then, it announced the competition and invited applicants to submit their application file during the period of December 9 through 16. On 17 December, the Commission published the list of the 14 candidates who had submitted their applications and the decision on admitting 12 of them and inviting them to an interview that would be held during a special meeting of the Commission on 18 December 2013, at 10:00 a.m. This meeting was postponed and the interviews took place on 19 December, starting 18:00 p.m. Immediately after the meeting the Commission held deliberations, after which it announced 3 candidates shortlisted for the Parliament's voting.

The signatories appreciate the Parliament's amending the Law on the SCM and the Commission's organizing the public competition to select the SCM members from tenure law professors. However, the signatories express their concerns about the manner of organizing the competition and the risk that the best candidates who will participate in the competition will not be proposed to the Parliament. The signatories call on the Parliament and each individual Member of Parliament to check the reputation and the compatibility of each candidate proposed by the Commission for the Parliament's voting with the position of SCM member.

The signatories are dissatisfied with the manner the Commission organized the competition. Thus, the Commission did not allow for the phase of public consultation of the candidates. Their CVs were posted online on 17 December and the interviews took place on 19 December. With such timeframes it was impossible to send opinions about the candidates to the Commission. Mass media too had no possibility to investigate and publish anything about the candidates. The Regulation on the competition did not include the mandatory requirement to motivate the decision on selecting candidates shortlisted for the Parliament's voting. Although on 19 December the Commission announced 3 candidates selected on the basis of their applications, the results of the interviews with them and of the deliberations, it did not explain the selection criteria and the Commission's decision was taken in just a few (15 or 20) minutes of deliberations. These aspects are susceptible to criticism in terms of the transparency and fairness of the selection and may negatively affect the public trust in the Superior Council of Magistracy. For more details about the civil society organizations' proposals on regulating the public competition, please see the draft regulations available at http://crjm.org/news/view/250.

On 19 December, following the interviews with the candidates, the Commission announced the selection of three of them for the Parliament's voting: Avornic Gheorghe, Cirnat Teodor, and Cojocaru Violeta. To ensure greater transparency and credibility of the selection process, we request that the Commission publishes the voting results and the reasons for selecting some candidates and rejecting others. In addition, we request that the Members of Parliament carefully check each candidate's compliance with the requirements for holding the position of a SCM member, particularly their integrity, impeccable reputation,

the absence of the activities incompatible with the position of the SCM member, including political affiliation and tenure in other public offices.

Signatories:

- Amnesty International Moldova
- Asociația pentru o Guvernare Responsabilă și Eficientă (AGER)
- Asociația Presei Independente
- Asociația Promo-LEX
- Asociația Telejurnaliștilor Independenți
- Centrul de Informare în Domeniul Drepturilor Omului
- Centrul de Investigații Jurnalistice
- Centrul de Resurse Juridice din Moldova (CRJM)
- Centrul de Resurse pentru Drepturile Omului (CReDO)
- Comitetul pentru Libertatea Presei
- Fundația Est-Europeană
- Institutul de Politici Publice (IPP)
- Programul Buna Guvernare, Fundația Soros-Moldova
- Ziarul de Gardă