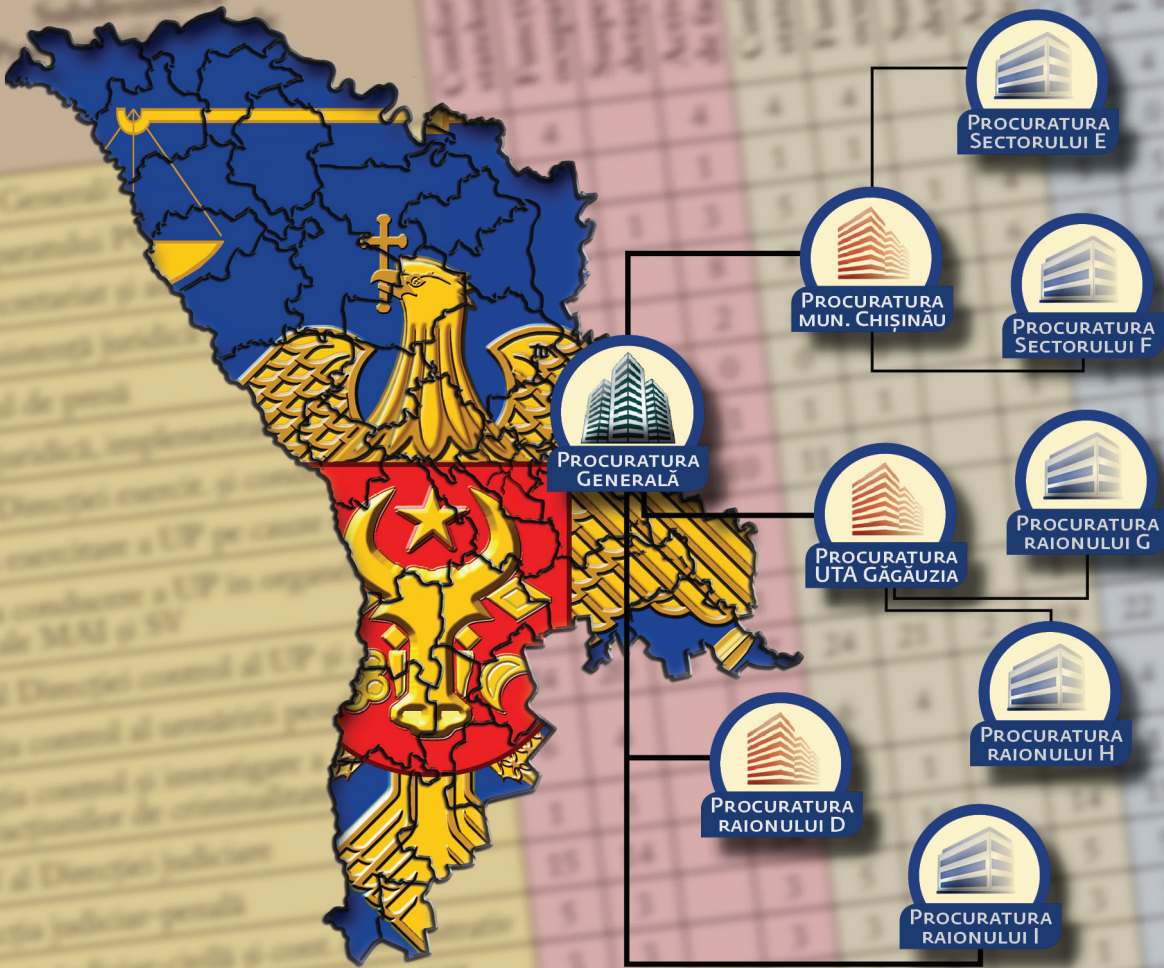


STUDY ON OPTIMISATION of the structure of the prosecution service and of the workload of prosecutors from the Republic of Moldova



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Vladislav GRIBINCEA, Laura ȘTEFAN

Translation from Romanian by
Liliana URSU

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Study on optimisation of the structure of the prosecution service and of the workload of prosecutors from the Republic of Moldova

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Summary

This study has been produced in cooperation with the Prosecutor General's Office of Moldova (PGO) in view of implementing the intervention area 2.2.6. of the Justice Sector Reform Strategy (JSRS). It aims at strengthening the institutional capacities of the Moldovan prosecution service and at enhancing its efficiency.

The study mainly refers to the challenges faced by prosecution service determined by the unequal workload of prosecutors as well as by the structure and competences of the prosecution service. The study recommends the reallocation of prosecutors, optimization of the structure of the PGO, as well as strengthening the capacities of certain prosecution offices and liquidation of others. The recommendations were made based on comparative standards and practices, workload of Moldovan prosecutors, on a survey and interviews with prosecutors.

The Moldovan prosecution service has competences both in the criminal and non-criminal areas. In criminal proceedings, prosecutors can both lead the investigations conducted by other bodies and start and conduct criminal investigations by their own. Prosecutors may initiate civil actions in the interest of vulnerable persons and state. Art. 6 of the Law on prosecution service provides that, in addition to criminal competences, the prosecutor may instruct authorized bodies to conduct inspections at economic agents, request explanations, and have free access to offices and documents of the economic agents. On the other hand, the legislation on petitioning requires prosecutors to react to any petition.

Due to its broad competences, the prosecution service is perceived in the society as an authority that should react to any illegality, even if there are other authorities entrusted to do so, even when it involves minor infringements. The competences of the Moldovan prosecution service in the non-criminal area have been subjects of ardent discussions in the past years. The 2012 attempts of the Ministry of Justice (MoJ) to remove the prosecutors' right of appearing in civil cases were unsuccessful. It seems that most prosecutors believe that such competences should not be removed, despite the high workload of many prosecutors. The prosecutors' right to conduct controls in cases other than criminal has always been an object of criticism. This study contains information of comparative law about the prosecutors' competences in the non-criminal area. It also presents the prosecutors' opinions expressed in the survey about the main competences of the Prosecution that generated contradictory discussions.

The study recommends simplifying the procedural hierarchy in prosecution service and radically reviewing the role and structure of the PGO. It recommends to focus the

competences of the GPO on managing the prosecution service and establishing prosecution service policies. Its competences of conducting criminal investigations in certain categories of cases should be transferred to a newly created prosecution office.

In addition to PGO, formally there are other 54 prosecution offices in Moldova: 35 rayon prosecution offices; 5 district prosecution offices (in Chişinău); 3 municipal prosecution offices (Bălţi, Bender and Chişinău); and the TAU Găgăuzia Prosecution Office. Moldova also has an Anticorruption Prosecution Office; a Transport Prosecution Office; 3 military prosecution offices (in Bălţi, Cahul and Chişinău); and 5 prosecution offices of the appellate court level. After assessing the functions and workload of these prosecution offices, recommendations were made to optimize the structure of the prosecution service. It is recommended to strengthen the capacities of the Anticorruption Prosecution Office and liquidate or radically revise the competences of the Chişinău Prosecution Office. Another suggestion is to liquidate the military and transport prosecution offices as well as those at appellate court level, followed by specialization of prosecutors at the location of military units and of the appellate courts. It is also recommended to optimize rayon and district prosecution offices in parallel with optimization of the judicial map. The recommendations on optimizing the structure of the prosecution service are based both on an analysis of data on the prosecutionservice activities from 2010 to 2012 using the Data Envelopment Analysis (DEA) and comparative practices of countries with a prosecution service organization similar to Moldova's.

At 31 December 2012 there were 771 prosecutor positions in the prosecution service: 152 - in the PGO; 29 - in the prosecution offices of the court of appeal level; and 590 - in the other prosecution offices. The workload of prosecutors varies considerably from one prosecution office to another. The study recommends reallocating positions among various offices to ensure a comparable workload for all prosecutors.

A better performance of the prosecution service can be achieved by increasing the auxiliary staff (who have lower salaries than prosecutors). One of the goals not reached while conducting this study was to formulate concrete recommendations on the staff that assists prosecutors. The DEA methodology used for this study departs from the presumption that the number of staff that assists prosecutors is adequate. DEA can only provide recommendations on the best reallocation of the existing staff. We concluded with regret that the staff that assists Moldovan prosecutors is not adequate. In 2012, Moldovan prosecutors were assisted by 363 persons – 210 public officers and 153 technical staff units, which represents 0.47 assisting staff units per prosecutor. Moldova ranks third in the top of European countries with the lowest number of staff per prosecutor, after Croatia and Russia. Data presented by European Commission for the Efficiency of Justice (CEPEJ) confirm that it is absolutely necessary to increase the number of staff that assists prosecutors. No exact recommendations could be made in that regard. A 50% growth would in any event appear reasonable.

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This study has been produced by Vladislav GRIBINCEA and Laura ȘTEFAN. The proposals about the optimal number of prosecutors in prosecution offices were formulated based on calculations made by Jesper WITTRUP. The statistical information collected by the LRCM team. The LRCM is very grateful to Laura and Jesper for their time and dedication. This study would not have been possible without their contribution.

The development of this study was possible due to the cooperation with the PGO. On this occasion, we would like to thank the Prosecutor General, Corneliu GURIN, for his openness as well as for promptly reacting to the challenges arisen. We would also like to thank prosecutors Viorel RADEȚCHI and Andrei PASCARI for the technical assistance and logistics provided to LRCM. We would also like to thank prosecutor Mircea ROȘIORU, the current President of the Superior Council of Prosecutors for assistance provided in reviewing the collected statistics and in assigning complexity grades.

Data collection was a challenge in developing the study. The PGO has an electronic database with statistics about the activity of the prosecutors. The LRCM team was granted direct access to this database. However, it does not permit an aggregate data collection or export of information in Excel or Word. Therefore, the data on prosecutors workload were manually introduced into the tables used for this study. This required additional effort of LRCM. We would like to bring special thanks to Valentina PURCEL and to Pavel GRECU for the many hours they spent on collecting data about the prosecutors' work, to Ion GUZUN for systematizing the data about prosecution service staff and prosecutors' work; to Ilie CHIRTOACĂ for the verification of the collected data and adjustment of tables for publication. We are also grateful to Nadejda HRIPTIEVSCHI for her assistance in developing the methodology of the study.

We are grateful to all prosecutors who took part in the survey. The survey represented the crucial part of this study and we appreciate that more than 70% of prosecutors from Moldova have devoted time to participate in it. We would like to thank CBS-Axa, especially Vasile CANTARJI, for organizing the survey among the prosecutors, data collection, and review of questionnaires.

We are grateful to the US Embassy for the financial support and excellent project management, which enabled us to conduct this study.

Abbreviations

CEPEJ – European Commission for the Efficiency of Justice

CPC – Moldovan Criminal Procedure Code

DEA – Data Envelopment Analysis

DIICOT – Division for Investigating Organized Crimes and Terrorism from Romania

DNA – National Anticorruption Directorate from Romania

ECHR – European Convention on Human Rights

JSRS – Moldovan Justice Sector Reform Strategy for 2011-2016

NAC – National Anticorruption Center from Moldova

NBS - National Bureau of Statistics from Moldova

PGO - Prosecutor General's Office from Moldova

SCP – Superior Council of Prosecutors from Moldova

Methodology of the Study

1. Overview

The study combined four main methods: examination of comparative practices; legal review; review of data on the workload of prosecutors; survey among prosecutors; and quality individual interviews with prosecutors.

The research makes an overview of the main standards and recommendations concerning the powers of the prosecution service and its internal organization. The recommendations on optimizing the structure of the prosecution service are based both on results obtained after applying DEA and on comparative practices from countries with an organization of the prosecution service similar to that of Moldova. Data from CEPEJ reports were also used.

Any decision on reorganizing or reallocating positions in an administrative system or on merging administrative units is a very important and, sometimes, controversial issue. The complexity of the problem increases when optimizing the prosecution service or the courts. Such decisions should be made only based on objective criteria and careful approaches, so that the recommendations are followed only when supported by all available data. This is the approach used in the study.

The study contains recommendations on reallocating prosecutor positions, on optimizing certain prosecution offices, and on revising the internal structure of the specialized prosecution offices. In an ideal world or in a system where all data are accurately collected and are easily accessible, the decision on optimizing the prosecution service should be made depending on the time needed for a prosecutor to work on certain types of cases. In several countries, studies have been conducted to assess the time needed by judges to manage different types of cases. A similar approach could be applied in case of prosecutors. However, such researches are very expensive and requires a lot of time and effort. This study is based on an alternative approach¹.

The recommendations on reallocating prosecutor positions from this study were made based on the prosecutors' workload in the recent years as well as on socio-demographic data. The calculations were based on assessing the relative complexity of the cases and actions dealt with by prosecutors. Complexity grades were assigned both for the number of cases as well as for the actions taken by prosecutors in the context of the cases investigated. Complexity

¹ In Moldova, there are no data available about the time necessary for a prosecutor to conduct various types of actions.

grades were also assigned for the actions of the prosecutors that cannot be related to a certain case and that are part of their work duties (ex. meeting with persons or conducted controls outside criminal investigations, etc.). The complexity was decided depending on the necessary tentative time for a prosecutor to complete a case or to perform a certain action. The results were obtained via DEA, a method broadly used in many countries for similar optimizations.²

The study applies a method that is based on a comparison of various units and analyzes the reallocation of prosecutor positions in district, rayon, municipal, TAU Gagauzia, specialized and appellate court level prosecution offices.³ It does not provide exact recommendations for reallocating the staff of the PGO because its functions are specific and there are no other units in Moldova with whom the comparison would have been possible.

The study does not answer the question about the optimal number of prosecutors in Moldova. It only recommends how to distribute the number of prosecutors among different prosecution offices in order to insure a comparable workload for all the prosecutors in the country.

2. Data Envelopment Analysis

The calculations on the reallocation of prosecutor positions are based on the data about the prosecutors work for the period 2010–2012, as well as on socio-demographic data for 2010–2011. The collected data were analyzed using DEA. The DEA approach has its methodological roots in mathematical programming. The major advantages of DEA, as compared to other less advanced methods of comparative evaluation (e.g. the weighted workload model), are that it does not require or requires very little information about the preferences, price/weight or priority information and can be used to cope efficiently with the multiple inputs and outputs.⁴

The DEA approach put each prosecution office in the best light as compared to other prosecution offices. The main idea is to identify the weight of cases or the weight of

² This method was used in Belgium, Brazil, Denmark, Germany, Norway, Spain, Sweden and Romania for optimizing the judicial system.

³ In Moldova formally exist 35 rayon prosecution offices; five district prosecution offices (Chişinău); three municipal prosecution offices (Bălţi, Bender and Chişinău), and the TAU Găgăuzia Prosecution Office. Also, the country has an Anticorruption Prosecution Office, a Transport Prosecution Office, and free military prosecution offices (Bălţi, Cahul and Chişinău). All these prosecution offices have competences both in regard to criminal investigations and representation in courts. Moldova has other five prosecution offices that contribute to examination of cases in the five appellate courts of the country. The latter do not have competences in the field of criminal investigation.

⁴ DEA estimates the best technological practice based on real observations of inputs and outputs in a group of prosecution offices, using a minimal extrapolation principle. The smallest set of input-output combinations is identified that 1) contains real observations; and 2) satisfies some general properties related to production. The basic model, often called VRS (Variable Returns to Scale) implies free laying off of inputs and outputs and convexity of the feasible set of input-output combinations. To underline that while at present the comparative evaluation literature is indeed rather technical, the conceptual ideas that underlie the modern comparative evaluations can intuitively be understood also by simple illustrations. Complicated calculations are made by a corresponding computer program.

performance so that the entity assessed is put in the best light possible. When an entity, even having in mind the best possible evaluation, seems to have an excess or insufficiency of staff, it is certain that actions should be taken. This conservative approach is particularly important when the reallocation of resources is decided, because it is very important to make sure that the amount of work of each entity has been fairly assessed. A decision on staff reallocation is a rather serious one and it is important to make sure that such reallocations take place only when there is a solid base to state that this in fact would contribute to enhancing the general efficiency of the prosecution service.

A major disadvantage of DEA in regard to staff allocation consists in the fact that, in its basic forms, it tells by how many prosecutors (or staff units) or prosecution offices should be reduced in order to become as efficient as the most efficient prosecution offices. Nonetheless, the objective of staff distribution among prosecution offices does not consist in reducing the total number of staff but rather in ensuring a more balanced allocation of staff that would reflect the prosecution service current workload.

3. Data Used for the Calculation of Reallocations

The calculations of prosecutor position reallocations are based on data on the prosecutors' work for 2010–2012 as well as on the socio-demographic data for 2010–2011. This data does not refer only to the criminal, civil or misdemeanor cases dealt with by prosecutors, but also to other activities undertaken by prosecutors, such as inspections, examination of petitions, generalization of practice, international legal assistance, preparation of informative notes etc.

The data on prosecutor' work were extracted from the InfoPG database, administered by the PGO and which contains official information about the work of prosecution offices in Moldova. The study authors do not doubt that most prosecution offices have correctly entered the information into InfoPG. However, in regard to certain prosecution offices there are suspicions that the data about certain activities have not been entered into the database. Nonetheless, due to the lack of alternative sources for verification, the team that worked on the study departed from the presumption that the InfoPG data are accurate and exhaustive.

The decision to use the data on the prosecutor' work of the past three years was based on the reasoning of having the most recent data and to see the workload in a certain dynamics. Such an approach should enhance the validity of the analysis and of the recommendations made. The socio-demographic data were collected only for 2010–2011 because the information for 2012 was not available at the date of data collection. Nonetheless, since demographic data do not change very fast, we considered the data for 2010–2011 sufficiently reliable.

Traditionally, in Moldova, the workload of justice sector actors takes place exclusively based on the total number of registered cases, generally, without taking into account the types of cases and their complexity. This approach turned out to be deeply wrong.⁵ Modern

⁵ Gramckow, Heike (2012). "Estimating Staffing Needs in the Justice Sector", World Bank Working Paper

methods of evaluation and budgeting are based on detailed calculations of results and workload. In this way, it is possible to allocate budgets and additional staff depending on the number of actual staff necessary to examine, manage or investigate various types of cases.

The data collected for this study were not used in a traditional way. Not only the number of cases was taken into account but also the actions taken by prosecutors in performing their duties of this statistics was available. Various types of cases, materials or actions require different effort from prosecutors. Hence, when the prosecutors' workload is assessed, account should be taken of the differences among different types of cases, materials or actions. For this study, all types of prosecutor cases, materials and actions have been ranked by categories to which complexity weights were assigned from 0.1 (simplest) to 3 (most complex). This ranking is not based on the complexity of legal aspects of the case but on the average time needed by a prosecutor to complete a certain case or material or for performing certain procedural actions. The weight assigned to different types of cases, materials or actions deals with by prosecutors from rayon, district, municipal, TAU Gägäuzia and specialized prosecution offices is presented in the table of **Annex 1A**. Having in mind the specifics of the work of appellate court level prosecution offices, their work was evaluated based on different weights, as presented in the table of **Annex 1B**. The ranking of all such types of cases, materials and actions by complexity categories as well as their weighting was done by the LRCM staff after consulting the prosecutors, including those from the PGO.

Increased attention was given to the criminal investigations conducted by prosecutors. In order to assure a higher accuracy to the calculations, criminal investigations have been classified into 3 categories, depending on the article of the Criminal Code under which the investigation was started. The weighting of various types of criminal investigations is presented in the table of **Annex 1C**. For some prosecution offices, it was not possible to weigh their investigations because the article under which the investigation was started was not known. In this case, the weight given was variable (see **Annex 1A**). Account was also taken of the prosecutors work related to the authorization of criminal investigation activities, arrest procedures, and examination of cases in court. Thus, for example, complexity weights were given both for starting criminal investigations and for authorizing the special investigation measures, for arrests and for examination of cases in court. Having in mind that the weighing was mainly related to the opening of the procedure, a downgrading coefficient was applied when criminal cases were transferred according to the competency. The downgrading was used also for the cases in which a plea bargaining agreement was concluded.

The socio-demographic data were used to assess and forecast the number and types of cases. These data allow obtaining calculations that are not based exclusively on the statistics generated by prosecutors and, hence, provide a more comprehensive picture of the workload of prosecutors. These are also important because the figures generated as a result of applying this model are the most plausible ones for the following years, since socio-demographic data do not change as fast as legislation or other aspects that may affect the judicial statistics.

The socio-demographic data used referred to the population of the jurisdictions of different prosecution offices and to its age and occupation, average salary, number of legal

entities registered etc. The socio-demographic data was mainly obtained from the National Bureau of Statistics (NBS). It covers each rayon of the country, except Transnistrian region. The data includes information about the *stable and current population*, divided by age groups and rural/urban environment; monthly average salary; rate of unemployment; as well as the number of crimes and offences registered. The data for TAU Găgăuzia were obtained from the Department of Statistics of the TAU Găgăuzia. The number of *companies registered* in 2010–2012, according to the situation as at the year-end, was obtained from the State Registration Chamber.

Four separate models were used for reallocating prosecutor positions. They are based on the following data: information about the workload of prosecution officers in the last 3 years (2010–2012); data on the workload of prosecution officers in the most recent year (2012); socio-demographic data according to the territorial competences of courts for 2010–2011; and a calculation based on the fixed weight of cases. The first two DEA models are based on the number and type of cases, materials and actions reported by prosecution offices (divided and analyzed depending on the weight granted). On the other hand, the third model used in the study is based on demographic and socio-economic data meant to estimate the workload of prosecution offices.

The calculations on reallocating prosecutor positions were made based on the information about the number of prosecutors in each prosecution office as of 31 December of the reference year. For this purpose, data about the number of prosecutors who actually worked in each prosecution office were used. The suspended from office or detached persons, as well as the vacant positions were not taken into consideration. Subsequently, the results were adjusted to reflect the number of existing prosecutor positions in each prosecution office (except for the PGO) as of 31 December 2012. The data about the number of prosecutors as at 31 December in 2010–2012 were obtained from the PGO.

4. Survey among prosecutors

During the research, a prosecutor survey was conducted. The survey was based on written questionnaires and was produced by CBS-Axa. It used the questionnaire developed by the LRCM team after consultations of two international experts. The questionnaire contained questions about the prosecutors' work and career as well as about the competence of the prosecution service and of the prosecutors' bodies of self-administration. The questionnaires were filled out between 24 June and 10 July 2013. The questionnaires were completed by 547 prosecutors, which accounts for 77.6% of the total number of Moldovan prosecutors.

The survey was conducted by having the respondents individually fill out the questionnaires and by assuring maximum confidentiality of the answers. The questionnaires in A4 envelopes were left at each prosecution office and the prosecutors were asked to fill them out and return them in sealed envelopes. The sealed envelopes were subsequently collected by the CBS-Axa staff. The questionnaire does not contain information identifying the respondent. The review of the questionnaires was conducted by Vasile CANTARJI.

Functions of the prosecution service

1.1 International Standards and Practices

The number of prosecutors is directly dependent on the functions granted to prosecutors by law. The main task of European prosecutors is to investigate criminal cases. The Recommendation 19/2000 of the Committee of Ministers of the Council of Europe develops guidelines on the role of prosecutors in the criminal justice system. The prosecution service is defined as the public authority that in the name of the society ensures the application of the law when its violations are susceptible of criminal sanctioning. In all criminal justice systems, prosecutors:

- a) Decide to start or continue a criminal investigation;
- b) Present the accusation before courts;
- c) Can appeal certain judgments and plead in appeal court.

In certain criminal justice systems, prosecutors also have the following functions:

- a) Implement national policies on criminality and adapt them where certain regional and local circumstances require;
- b) Lead, guide or supervise criminal investigations;
- c) Ensure that victims receive real assistance;
- d) Decide on alternatives if the criminal investigation does not continue;
- e) Supervise the enforcement of judgments.

The central element in this definition is the severity assigned by the legislator to the legal violations to be dealt with by the prosecutors – such violations are extremely serious, susceptible of criminal sanction. Thus, we notice that the emphasis in the matter related to prosecutor competences is put on their fundamental role within criminal proceedings, while the other tasks assigned to prosecutors are in principle secondary. The prosecutor protects the general interests of the society, driving the criminal justice system when he reaches the conclusion that the violations of the law are sufficiently serious as to bring criminal liability – which is the most severe form of legal liability – for the persons who have committed such acts.

According to the 2012 CEPEJ Report (data of 2010), of the 48 European criminal legal systems examined (47 countries and Scotland (United Kingdom), which has a legal system different from that of England and Wales), in 12 countries prosecutors do not have competences in the non-criminal area; in other 6 countries such competences exist but are narrow, while in the other 30 countries prosecutors have broader competences in the

non-criminal area. The exact limits of such competences vary from country to country. However, the tendency to give broader competences to prosecutors in the non-criminal area is observed in the former socialist countries.

According to the CEPEJ Report, of the 48 countries, in 17 (Armenia, Austria, Bosnia and Herzegovina, Czech Republic, France, Lithuania, Luxemburg, Moldova, Monaco, Poland, Russia, Slovakia, Slovenia, Spain, Macedonia, Turkey and Ukraine) prosecutors can defend the public interest and legality using civil and/or misdemeanor procedures. In 11 countries (Armenia, Azerbaijan, Croatia, Georgia, Greece, Malta, Moldova, Portugal, Russia, Slovakia and Ukraine), they can represent in court the interests of the state and of state institutions. In 18 countries (Albania, Andorra, Austria, Bulgaria, the Czech Republic, France, Hungary, Moldova, Norway, Portugal, Romania, Russia, San Marino, Slovakia, Spain, Turkey and Ukraine), prosecutors defend in court the rights of vulnerable groups, such as juveniles, victims of crime, persons with disabilities, as well as in the family law area. In the Czech Republic and Slovakia, prosecutors have competences in the insolvency area; in Portugal prosecutors can deal with cases related to work accidents or professional diseases, while in Scotland (United Kingdom), prosecutors can request seizure of property by the state. In 14 countries (Armenia, Azerbaijan, Bulgaria, Lithuania, Moldova, Holland, Portugal, Russia, Serbia, Slovenia, Spain, Macedonia, Turkey and Ukraine), prosecutors can deal with misdemeanor procedures.

In Romania, the recent years have been marked by important changes in criminal and extra-criminal matters that was aimed at relieving prosecutors of the competences they have acquired along the time in extra-criminal matters. In the new Criminal Code and the new Criminal Procedure Code, the prosecutor's competence to conduct his own investigation in regard to certain crimes considered of increased severity or in regard to which the complexity of investigations is significant has been significantly reduced and the prosecutor has only kept the competence to supervise the criminal investigations conducted by the investigation bodies. The principle that underlies this reform direction in the Romanian criminal policy is that of enhanced response by the state to the criminal phenomenon. It is considered that the significantly higher number of policemen as compared to the relatively low number of prosecutors by transfer of competence would permit settling a higher number of cases than at present. In fact, even today, when prosecutors investigate certain crimes directly, they do not work alone but together with policemen. The difference is that for crimes which are put by the legislator in the prosecutor's own investigation, he must indicate concretely and clearly to the policeman what kind of criminal investigation acts must be taken and it is important that the acts taken by the prosecutor have a significant share within the criminal investigation acts. From this point of view, the procedure is marked by excessive formalism, which delays the criminal investigation.

By de-concentrating the competences of investigation of various crimes, the reaction of the state would be prompter and those who have committed serious violations of the law would come before the law within a shorter period. This concern the speed of the procedures for holding the guilty liable is the more important in outlining criminal policies the more the general trend in the new criminal legislations of Europe is focused on reducing

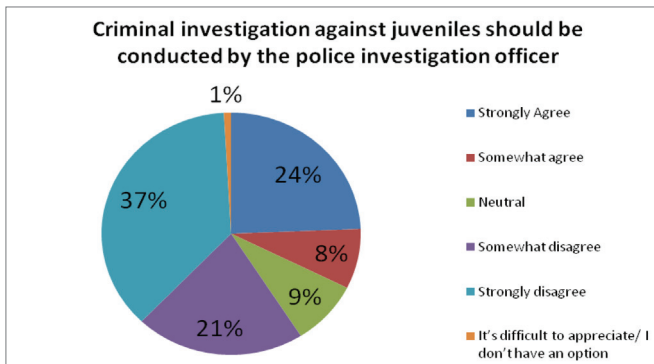
sentences. This sentence reductions lead to a reduction of the statute of limitations of the criminal liability for the respective acts, putting additional pressure on the criminal justice system in the sense of completing court proceedings in the shortest timeframe possible. Except for Romania and Italy, the European Union countries regulate the statute limitations differently– the statute of limitations continues to flow either until an indictment is filed with the court or until a decision is issued in the first instance court. Thus, the risk of time limitation during the court proceedings is generally eliminated.

1.2 Republic of Moldova

a) Criminal Area

In Moldova, prosecutors have the competence to lead the criminal investigations carried out by other bodies and to carry out the criminal investigations on their own. Art. 270 of the Criminal Procedure Code (CPC) gives the exclusive competence of the prosecutor to conduct criminal investigations against the president of the country, members of the parliament, members of the government, judges, prosecutors, the military personnel, bailiffs, criminal investigation officers and juveniles. Moreover, regardless of the type of the criminal investigation, only the prosecutor can request the judge to authorize criminal investigation measures or apply pretrial or home arrest.

Although some of these competences are logical, it is hard to understand why a criminal investigation officer from the police would not be able to conduct criminal investigations in a simple case against a juvenile, especially taking into account that within maximum 6 hours a prosecutor is notified about the arrest while the juvenile's detention without a judge's authorization cannot last more than 24 hours. This task of the prosecution service takes a great share of the prosecutors' work. According to the 2013 Activity Report of the prosecution service, 2,143 criminal cases were started against juveniles in 2013. This accounts for 33% of all criminal investigations conducted by prosecutors (6,465). During the survey, prosecutors were asked if this competence should be transferred to the criminal investigation officers. The prosecutor answers are presented in the chart below, which shows that 58% of the respondents would rather disagree or fully disagree with having this competence assigned to criminal investigation officers:



The exclusive competence of prosecutors to conduct criminal investigations against the bailiffs, which was introduced in 2012, raises even more questions. The CPC does not distinguish among various categories of accusations brought against the bailiff. The prosecutor must conduct criminal investigations against a bailiff even if the criminal case refers to actions that are not related to the bailiff's professional duties. On the other hand, criminal investigations against lawyers, a profession that usually has more tense relations with the criminal investigation officers, is not the exclusive competence of prosecutors. We recommend to exclude the exclusive competence of prosecutors to conduct criminal investigations against bailiffs.

Prosecutors were asked which crimes should remain in the exclusive competence of the prosecutors. Torture acts, acts committed by persons holding public dignity positions, acts committed by representatives of law-enforcement bodies and of the intelligence service were considered to be sufficiently serious to be investigated directly by prosecutors.

The CPC provides that the prosecutor "leads" or "conducts" the criminal investigations. A problem of the Moldovan system seems to be the lack of a clear delimitation in practice of tasks between prosecutors and criminal investigation officers in investigating criminal cases when the prosecutor "leads" the criminal investigation. This misunderstanding can be generated by the casuistic approaches and lack of firmness among prosecutors then by the insufficient legal regulation. Reluctance of prosecutors to assume responsibility for the quality of the criminal investigations was established, reluctance that may be explained by the insufficient quality of the criminal investigations conducted by the criminal investigation officers of the Ministry of Interior, National Anticorruption Center (NAC) or of the Customs Service.

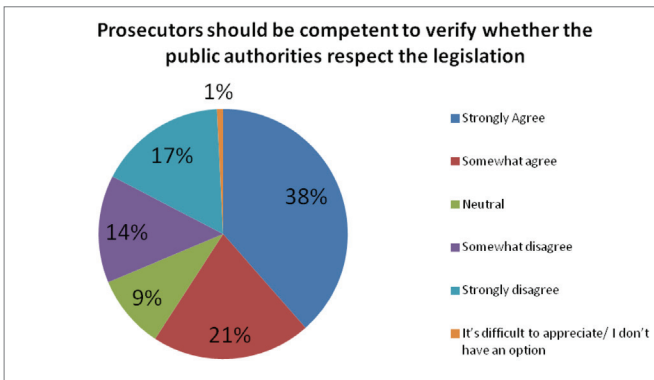
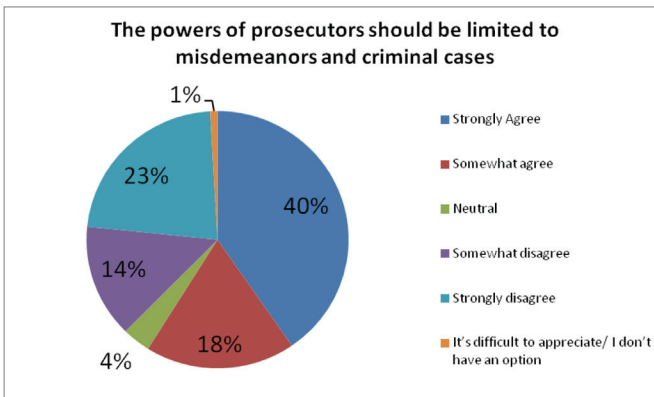
b) Non-Criminal Area

In addition to criminal competences, Moldovan prosecutors have rather large competences in other areas. They may start civil actions and impose misdemeanor sanctions. As to the civil actions, Art. 71 of the Civil Procedure Code stipulates that the prosecutor can start an action in the interest of incapable persons or of other persons who "cannot file an action in court by themselves due to health reasons, advanced age ... or for other reasons." The same article stipulates that the prosecutor may file an action in the interest of the state or of the society in nine situation expressly stipulated by this article, as well as in other cases stipulated by law. In fact, prosecutors may start actions in the interest of the state at any time when the public interest, the state property, or the formation and enforcement of the budget are directly or indirectly affected.

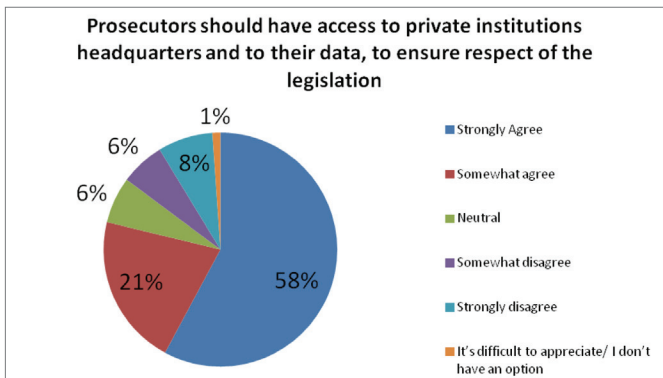
Art. 6 of the Law on prosecution service stipulates that, in addition to the competences related to criminal investigations, the prosecutor may order the authorized authorities to conduct inspections of business operators, to request verbal or written explanations in case of violations of human rights or of the "public order", as well as to

have free access to the locations of public institutions, of the business operators, other legal entities and to their documents and materials. Art. 18 of the Law on prosecution service further grants to the prosecutors' the right to issue mandatory notifications for institutions and persons responsible for reinstating the legality "if they estimate that misconduct may require measures or sanctions other than those stipulated by the criminal law." The legislation on petitioning also requires prosecutors to react to any petition.

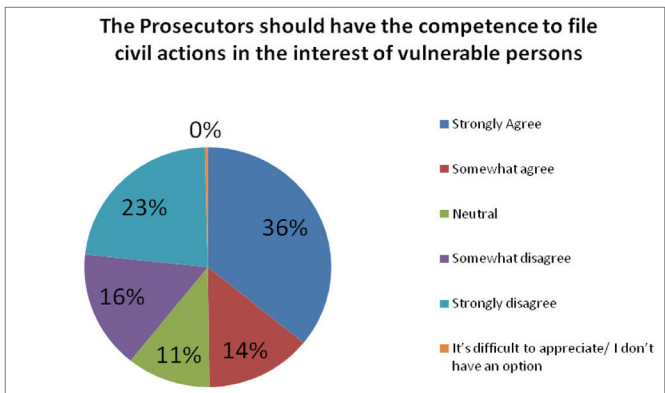
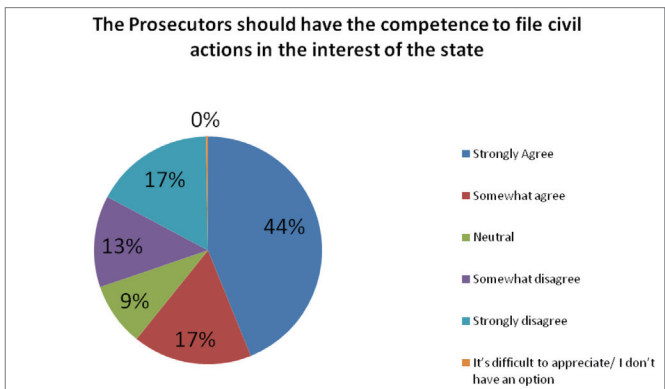
In the survey, the prosecutors were questioned about the competences of prosecutors in the non-criminal area. The responses confirm that 59% of the respondents consider that the prosecution service should exclusively deal with criminal and misdemeanor cases. However, when asked about the prosecutors' right to conduct inspections with the public authorities, the same 59% of respondents stated they agreed with this competence. The prosecutors' answers are shown in the following two charts.



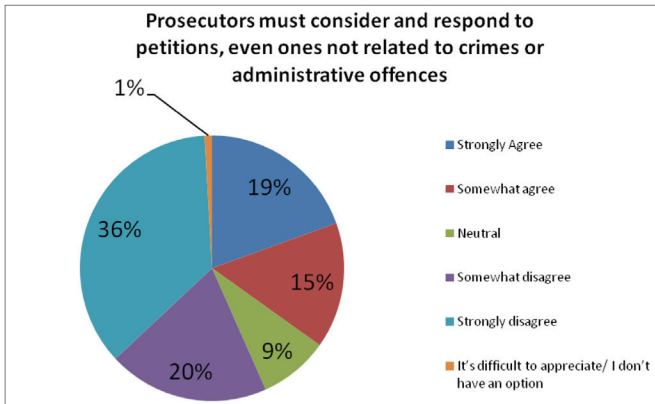
The competence of the prosecution service to verify the observance of the legality by economic operators in non-criminal situations is an issue challenged along the years. When asked about this competence, 79% of prosecutors who participated in the survey stated that they fully agreed or rather agreed with this competence. The prosecutors' answers are shown in the chart below.



During the survey, the prosecutors were asked about the competence to file civil actions in the interest of the state and of vulnerable persons. 61% of the respondents agreed with the competence to file civil actions in the interest of the state and only 50% agreed with the competence to initiate civil actions in the interest of vulnerable persons. The prosecutors' answers are shown in the charts below.



However, when the prosecutors were asked about the obligation to examine petitions, only 34% of the respondents stated it should exist and 56% disagreed with the existence of this obligation for prosecutors. The prosecutors' answers are shown in the chart below.



The results of the survey confirm that prosecutors agree with the limitation of competences of the prosecution service to the criminal and misdemeanor areas. However, prosecutors would like to have rather broad competences to conduct controls of the public authorities and business operators. Such responses are hard to conciliate and rather speak about the understanding of the existing problems, but also about the reluctance to give up current competences, which seems to offer a certain comfort for prosecutors.

Furthermore, prosecutors would more likely agree to start actions in the interest of the state than in the interest of vulnerable persons. These results should generate serious questions about the perception among prosecutors of their role in the civil justice system. The current broad competences in the non-criminal area creates preconditions for distracting the attention of the prosecution service from the criminal area, which should represent the main, if not the only, area of concern of a modern European prosecution service. Maintaining the competence of prosecutors to appear in civil proceedings may also serve as a reason to increase political pressures on prosecutors or as an incentive for corruption.

The position of the Venice Commission was constant along the time in the direction of concentrating the prosecutors' activities on criminal matters. For example, in its Opinion on Ukraine's draft law on prosecution service,⁶ the Venice Commission notes that the role of the prosecution service is an extremely debated subject in the ex-soviet region, especially in the context of justice system reforms – such reforms remove general supervision from among the prosecutors' competences, limiting the prosecutor's role to criminal matters in accordance with the European standards. Another competence put in discussion in the Opinion is the one on the prosecutor's role in protecting human rights. The Venice Commission considers that this role was justified in the past by the low performance of the institutions that did not ensure *de facto* observance of human rights. The Venice Commission suggested that these two competences be transferred from prosecutors to other state institutions – the competence on general supervision should be

⁶ CDL-AD(2012)019

[http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)019-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)019-e)

replaced by the courts, which should be competent to verify the legality of all acts of the administration and the one on ensuring observance of human rights should be transferred to the Ombudsman.

The Venice Commission has also reviewed the prosecutors' competence to intervene for protection of the economic interests of the state. It suggests the limitation of this intervention to those situations when the economic interests of the state are jeopardized by actions of other legal entities with divergent interests. In the opinion of the Venice Commission, this adjustment of competences would ensure the separation of powers in the state and would balance the institutional system – in fact, these recommendations were also formulated previously in the opinion CDL-AD(2010)044.

The Recommendation 11 of 2012 of the Committee of Ministers of the Council of Europe outlines the main directions on the role of prosecutors outside the criminal justice system. The Venice Commission shows – in the Opinion on the Ukraine's draft law on prosecution service – that the provisions of the Recommendation 11 of 2012 should be understood as laying down limits for the extra-criminal competences of prosecutors and not as an invitation to include the extra-criminal competences in the prosecutors' sphere of activity. The extra-criminal competences must be clearly and restrictively stipulated in the law and must be performed in compliance with principles of legality, fairness, correctness and impartiality.

The Recommendation 1604 of 2003 of the Parliamentary Assembly of the Council of Europe draws attention to a vulnerable zone that may be reached in violating the European Convention on Human Rights if the states do not regulate adequately the prosecutors' activities. When prosecutors have competences in extra-criminal matters, their role should not generate conflicts of interests or inhibit the capacity of persons to demand observance of their rights. The separation of powers in the state should be observed and the interference of the state in the cases dealt with by prosecutors should be excluded.

Although this was not the main focus of this document, it must be specified from the very beginning that when optimizing the Moldovan prosecution service, in account should be fundamentally be taken of the legislator's intentions concerning the legislative construction of criminal and criminal procedure matters in the following years. Of course, the structure of the prosecution service and the number of positions per each institutional level must also be decided based on the legal responsibilities assigned to prosecutors.

After reviewing the workload of Moldovan prosecutors for 2010-2012, an attempt was made to calculate how the prosecutors' workload would be affected if removing their competence to appear in civil proceedings. The results suggest that, after removing this competence, the prosecutors' workload would decrease by at least 5%.

Structure of the prosecution service

The structure of the prosecution service is dependent on its functions and internal independence granted to prosecutors. It also depends on cooperation between the PGO and the other prosecution offices, on the cooperation between the prosecution service and other public authorities that have competences in the criminal area, on the administrative-territorial organizations, as well as in judicial map.

2.1 Structure of the prosecution service

As a rule, the structure of the prosecution service mirrors the judicial map. For example, in **France**, prosecutors are subordinated to the Prosecutors General of the prosecution offices attached to the courts of appeal and are subordinated to the Minister of Justice. In **Czech Republic** the structure of the prosecution service follows the structure of the court system and has four levels: the Supreme Prosecution Office of the Republic (resided in Brno), two high prosecution offices (in Prague and Olomouc), eight regional prosecution offices, and 89 district and departmental prosecution offices. The competences of the prosecution offices are similar to those of the courts under which they operate. In **Bulgaria**, the structure of the prosecution service is similar and includes the Supreme Prosecution Office of Cassation, appellate prosecution offices, district prosecution offices, and regional prosecution offices. In **Poland**, the prosecution service is made up of the Prosecutor General's Office; regional, district and appellate prosecution offices; the Military Prosecution Office; and the prosecutors attached to the National Memory Institute.

In **Romania**, the Prosecutor General leads the Public Ministry, which is made up of civil and military prosecution structures. The civil prosecution structures are made up of the Prosecution Office attached to the High Court of Cassation and Justice, the prosecution offices attached to the courts of appeal, prosecution offices attached to tribunals and the prosecution offices attached to the district courts. There are two specialized structures within the Prosecution Office attached to the High Court of Cassation and Justice: the National Anticorruption Directorate (DNA) and the Directorate for Combating Organized Crime and Terrorism (DIICOT). These divisions are headed by chief prosecutors and are directly subordinated to the Prosecutor General of Romania. The military prosecution structures are made up of the military prosecution section within the Prosecution Office under the High Court of Cassation and Justice, the Military Prosecution Office attached to the Military Court of Appeal, the Military Prosecution Office attached to the Territorial Military Tribunal, and the military prosecution offices attached to the military district courts.

In Romania, there are 15 prosecution offices at the court of appeal level; 42 prosecution offices at the tribunals level; and 182 prosecution offices at the district court level. A criminal investigation and oversight and a judicial sections operate within the prosecution offices at the courts of appeal level. The prosecution offices attached to the Constanța and Galați Courts of Appeals also have a maritime-fluvial section each. The prosecution offices of the tribunal level have a criminal investigation and criminal oversight section, a judicial section, and an economic-administrative division each.

In **Germany**, prosecution offices attached to high regional courts are headed by a Prosecutor General, and by superior chief prosecutors – for prosecution offices attached to regional courts. The internal divisions of each prosecution office are headed by senior prosecutors. The number and competence of these divisions are established by each prosecution office. In general, big prosecution offices have divisions specialized in certain types of crimes (e.g. corruption, organized crime, capital market crimes, media related crimes, environmental crimes, juvenile crimes) that are added to the divisions with general competences.

The highest level prosecution office in **Moldova** is the Prosecutor General's Office. The country also has five appellate court level prosecution offices, six specialized prosecution offices (one anticorruption, three military and and transport) and 42 district prosecution offices. Chișinău Prosecution Office and the Prosecution Office of Găgăuzia Territorial Administrative Unit (TAU), which are superior to the district prosecution offices in their jurisdiction, also exist in Moldova. In Chișinău, there are five district prosecution offices while in TAU Găgăuzia there are three. The structure of the Moldovan prosecution service, except for the specialized prosecution offices, the Chișinău Prosecution Office and the TAU Găgăuzia Prosecution Office, reproduces the structure of the judicial map. The structure of prosecution service of Moldova is shown in **Annex 2A**.

It seems that there is no clear delimitation of competences of various prosecution offices in Moldova. Thus, in the criminal area, there is no clear delimitation in law or in practice of competence between district prosecution offices and the PGO. It is true that the Prosecutor General, under art.270 para. 6 of the CPC, can transfer any criminal case for investigation to a PGO prosecutor. However, the situations in which the PGO is responsible *ex officio* of certain types of cases had is insufficiently regulated in law so far. In practice, it is unusual that prosecution offices other than the PGO will investigate cybercrimes or trafficking in persons. Also, the law does not distinguish between the competence of district or rayon prosecution offices and the competences of TAU Găgăuzia Prosecution or of the Chișinău Prosecution Offices. These gaps do not add predictability and sustainability to the public prosecution system. These issues will be discussed in detail in the following sections and are mainly determined by the hierarchical subordination in the prosecution service.

2.2 Hierarchical subordination

In European law systems, the issue of prosecutor independence is treated extremely different. Some countries grant to prosecutors functional independence similar to judges, while others place prosecutors under the direct and strict control of the government, through the Ministry of Justice. Unlike judges, who should work without political interferences, when

it comes to prosecutors, the role of the Ministry of Justice exists and varies from involvement in appointing and revoking the most important figures (**Romania**) to the possibility to formulate general instructions for prosecutors (**France** and **Germany**). According to CEPEJ 2012 Report, prosecutors enjoy an independent status in 27 countries and are placed under the authority of the minister of justice in 15 countries. The recommendation 19/2000 of the Committee of Ministers of the Council of Europe permits the existence of both independent prosecution offices and prosecution offices integrated in the executive branch.

The Venice Commission has conducted a study on the European standards concerning the independence of the prosecution service (no. 494/2008 of 20 May 2010)⁷ in which it notes the significant trend in increasing the independence of prosecution systems both in countries with Anglo-Saxon traditions and in those with a continental legal system. The study shows that, in Europe, the countries in which the prosecution service is an integral part of the executive branch are very few – **Austria, Denmark, Germany, Holland, Norway** and **Poland**. The main concern about the interaction between the executive branch and the prosecution service is that the executive should not have direct interventions in the work of the prosecution service and, accordingly, the role of the Ministry of Justice should be limited to the competence of giving administrative instructions. The Commission has also reviewed the accountability mechanisms of European prosecution services and shows that it is important to eliminate any type of accountability to the Parliament related to concrete cases. The Parliament should only receive activity reports of general character.

The Venice Commission noted in its study that it is very important to understand that, where prosecutors are part of the judicial system, being magistrates, their independence fundamentally differs from that of judges. This has to do with the *external independence* of the prosecution service that consists in the fact that the executive does not have the right to intervene directly in specific cases and instruct the Prosecutor General or the over prosecutor on the case to proceed in a certain manner, but may formulate directions of criminal policy for prosecutors. On the other hand, *internal independence* of prosecutors prohibits impermissible influence of the prosecutor dealing with the case by their superiors. A defining element of the prosecution service is the hierarchical subordination of prosecutors to the Prosecutor General – this principle bears various nuances in European states (in Italy, prosecutors enjoy more autonomy). In his work, Prosecutor General is assisted by a variable number of deputies, to whom the Prosecutor General delegates certain responsibilities. In federal states, regional prosecution offices enjoy more autonomy from the central leadership than in the unitary states. Internal independence can hence consist in the right of prosecutors dealing with the case to decide in an independent manner on procedural acts without authorization from superiors.

In **Romania**, the written instructions of the hierarchically superior prosecutor issued according to the law are mandatory for subordinated prosecutors. However, when it comes to solutions in his cases, the prosecutor is independent. The inferior prosecutor may appeal to the Superior Council of Magistracy the intervention of the hierarchically

⁷ Preliminary draft report on European standards as regards the independence of the judicial system: Part II – the prosecution service, disponibil la: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-JD\(2010\)001-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-JD(2010)001-e)

superior prosecutor on conducting the criminal investigation or solution issued by him. The acts adopted by the prosecutor on the case can be annulled by reasoned order of the hierarchically superior prosecutor if considered illegal. An already assigned case cannot be taken away from a prosecutor unless he did not deal with the case in an unjustified manner for more than 30 days, is absent from work, or if there are objective reasons that justify the urgency of conducting certain procedures and that impede his recalling and, accordingly, if he is suspended or is fired.

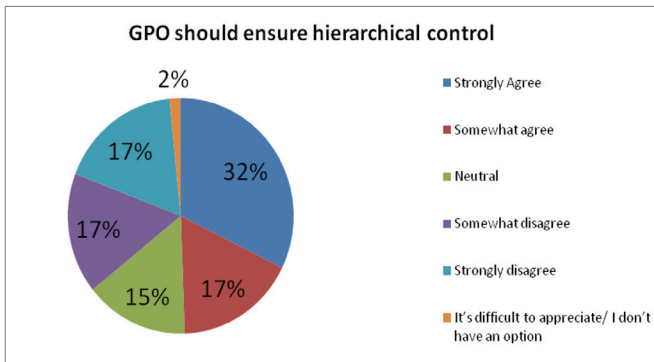
An interesting issue raised is related to the prosecutors' decisions not to investigate certain cases. If for all the investigations that reach the court all prosecutor acts are assessed by judges, the same not always happens in case of decisions to discontinue the investigations. More exactly, in most cases, the prosecutor decisions to cease certain investigations never appear before a court. Most criminal systems allow the persons who consider themselves affected by a prosecutor's decision to appeal this decision in court. However, in many cases, the victim is the state itself and there is no procedural standing for individuals. This is the case of crimes related to public budgets and functioning of public institutions. For example, **Italy** has created a system in which all prosecutor decisions to close certain cases are confirmed in court.

The hierarchical subordination of prosecutors always existed in **Moldova**. On the one hand, the number of hierarchically superior prosecutors is rather high while, on the other hand, the competences of hierarchically superior prosecutors are vaguely regulated in the law. According to the law, not only the direct supervising prosecutor and the Prosecutor General are hierarchically superior but also a large number of other prosecutors. Thus, art. 6, p. 37¹ of the CPC stipulates that "the territorial prosecutor, the specialized prosecutor and his deputies, the prosecutor of Chişinău and that of Găgăuzia, as well as their deputies, the heads of subdivisions of the PGO responsible for the criminal investigation and their deputies, the first deputy and deputies of the Prosecutor General, and the Prosecutor General" are hierarchically superior prosecutors in the criminal proceedings. As a result, an ordinary prosecutor from a district prosecution office from Chişinău has at least six hierarchically superior prosecutors. They can give instructions before starting the criminal investigation and during the criminal investigation. Such instructions can refer not only to the legality of the prosecutor's actions but also to the opportunity of undertaking procedural measures. They can also annul the orders of hierarchically inferior prosecutors and, according to Art. 51 of the CPC, the written instructions of the hierarchically superior prosecutor are mandatory. Moreover, according to art. 270 para. 5 of the CPC, the hierarchically superior prosecutors of the PGO (other than the Prosecutor General and his deputies), the Chişinău Prosecution Office and the TAU Găgăuzia Prosecution Office may transfer one criminal investigation from one district prosecution office to another district prosecution office. Hierarchically superior prosecutors may intervene both on complaint and *ex officio*.

Such a large number of hierarchically superior prosecutors does not contribute at all the procedural stability of hierarchically inferior prosecutors. Moreover, the broad competences of hierarchically superior prosecutors may seriously affect the strategies and tactics of the prosecutor responsible of the case and may even lead to leakage of confidential information,

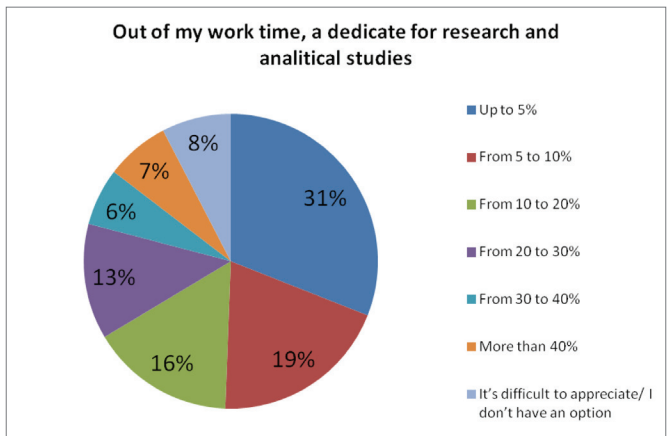
especially in complex, high profile or sensitive cases. It is necessary to reduce the number of hierarchically superior prosecutors and to establish only one level of hierarchically superior control. The persons dissatisfied with the decision of the hierarchically superior prosecutor may then go to court. The competence of the Prosecutor General in this sense should not be affected. It is also necessary to regulate clearly the situations in which the hierarchically superior prosecutors may intervene. It is true that in 2012, the provisions of Art.52 of the CPC, that *inter alia* regulates the competence of the hierarchically superior prosecutor, have reduced the possibility of intervention of the hierarchically superior prosecutor. However, the 2012 amendments refer only to the transfer of the criminal case and not to the competence of giving instructions.

In the survey, prosecutors were asked about the responsibilities of the PGO, being given the list of 13 responsibilities that the PGO currently has, including the one related to the hierarchical control. In regard to 12 of them, the vast majority of respondents declared that these competences should remain. However, in regard to the hierarchical control, the prosecutors split. Only 49% of respondents were in favor of maintaining this competence. 34% of prosecutors disagreed with it. More details about the prosecutors' answers are shown in the following chart.



Another aspect that may affect the prosecutors' independence is the extensive practice of the PGO to request from the other prosecution offices, especially from the ones of the appellate court level generalizations of prosecutors' and court practices. The PGO intention to monitor the practice is a positive thing. However, too many request for such generalizations substantially reduces the prosecutors' possibilities of dealing with their main tasks. In 2011, prosecutors prepared more than 2,000 generalizations and in 2012 – about 1,950. It was surprising to find that appellate court level prosecution offices write a high number of informative notes to the PGO on the cases they deal with. In 2012, the 4 existing prosecution offices wrote 145 informative notes. When asked how much time they devoted to developing studies and making reviews, 16% of the prosecutors questioned stated that they devoted from 10% to 20% of their work time to this process; 13% of prosecutors stated they devoted to this activity from 20% to 30% of their work time, while other 13% of prosecutors – more than 30% of their work time. For more details, please see the following

chart. The high number of requests for generalization of practice may give the impression to the hierarchically inferior prosecutors that the PGO puts their responsibilities on the shoulders of prosecutors from the prosecution offices.



2.3 The Prosecutor General's Office

The PGO is usually the structure with the highest hierarchical rank in the prosecution service. The role of the PGO varies from one country to another, covering an extremely broad range of responsibilities, from formulating methodological guidelines to presenting cases before the Supreme Court and the Constitutional Court, as well as investigation of complex cases or that refer to persons with a special status (members of the parliament or the government, magistrates etc.).

The structure and number of prosecutors who works in the PGO varies depending on the role granted to the PGO. For example, in the **Norwegian PGO**, in a country with a population comparable to than of Moldova, work less than 20 prosecutors. They mainly deal with establishing policies at the prosecution office level and administration of the prosecution system, including some responsibilities of the SCP. In **Romania**, which has a population six times larger than in Moldova, the Prosecution Office attached to the High Court of Cassation and Justice had 175 prosecutor positions in 2013.

In **Spain**, the Prosecutor General's Office is made up of the Prosecution Inspection Service; the Technical Secretariat and an Administrative Unit. The PGO also includes specialized structures, as well as structures responsible for supervising the prosecutors' work in certain areas, as follows: Prosecution Office on Domestic Violence; Prosecution Office for Crimes against the Urban Regime, Historical Heritage Protection, against the Environment and Forests; Prosecution Office for Work Accidents; Prosecution Office for Road Safety; and the Prosecution Office for Foreigners.

In the **Moldovan PGO**, as of 31 December 2012, there were 152 prosecutor positions, which accounts for 19.7% of the total number of prosecutor positions in the country (771). The number of prosecutor positions in the PGO did not change during 2010-2012, nor did the total number of prosecutor positions in the country.

On 1 January 2013, there were 25 subdivisions in the PGO. The organizational chart of the PGO is presented in **Annex 2B**. Prosecutors work in all the subdivisions, except for two sections – on Finance and Accounting and on Logistics. We were surprised to find that a number of prosecutors also worked in the PGO subdivisions that do not focus mainly on legal matters, such as the Press Service or the Personnel Section. As at the end of 2012, of the 152 prosecutor positions in the PGO, 54 positions were equally distributed (27 in each) between two Divisions, the judicial one and the one on control of criminal investigation and methodical assistance. The Division on Conducting Criminal Investigation and the Division on General Investigation had 23 positions each. For more details, see **Annex 2C**.

The tasks of subdivisions of the PGO are established in its Internal Rules of Operation, approved by the Prosecutor General. However, a summary analysis of the organizational chart and of the tasks of the subdivisions of the PGO mentioned on the website of the PGO suggests that the competences of some subdivisions may overlap and may be performed by one subdivision. For instance, the Division on General Investigations seems to deal both with criminal cases, such as crimes committed in the army, and with non-criminal cases, such as the control of enforcement of punishments or financial-economic investigations. It is hard to understand why the complex criminal cases of this division could not be examined by the section responsible for conducting criminal investigations of exceptional cases, while simple cases – by the district prosecution offices. It seems that the existence of this Division is mainly determined by the existence of 3 deputies of the Prosecutor General and by the country's past when the prosecution service had extended competences of oversight in the field of observance of the legislation.

The workload of the General Investigation Division raises serious issues about the need for its existence. The Division is made up of 4 sections. In 2012, the 8 prosecutors of the Section for Financial-Economic Investigations submitted to court only 19 criminal cases. On the other hand, they examined 634 petitions, filed 36 misdemeanor cases, conducted 11 controls and issued 146 acts of reaction as a result of the petitions examined, citizens heard, and inspections conducted. The 4 prosecutors of the Section for Juveniles and Human Rights did not investigate any criminal, civil or misdemeanor cases. In 2012, they focused their work on examining petitions (396 in total, 199 of which were sent according to competence), hearing persons (41), generalizing the practice (50 informative notes prepared for the Prosecutor General and 13 methodological recommendations) and amending the legislation (40 initiatives). The 4 prosecutors of the Section on Investigations in the Armed Forces in 2012 focused more on conducting controls (285) and preparing notifications (139). Also, they filed 13 criminal cases with the court. The section responsible for the control of detention facilities and execution of sentences, with 4 prosecutors, focused on examining petitions (605 in total, 429 of which were sent according to competence), hearing of persons (484) and conducting controls (68). It also examined 23 notifications of crimes and opened 9 criminal cases. However, all of them were submitted for investigation to other prosecution offices. The figures above clearly suggest that, from the point of view of efficiency, the existence of a General Investigation Division is hard to justify, especially having in mind the tendency of reducing the competences of the prosecution service in the non-criminal area.

The responsibilities of the sections of this division could be transferred to other divisions of the PGO, or even in the competence of the district prosecution offices.

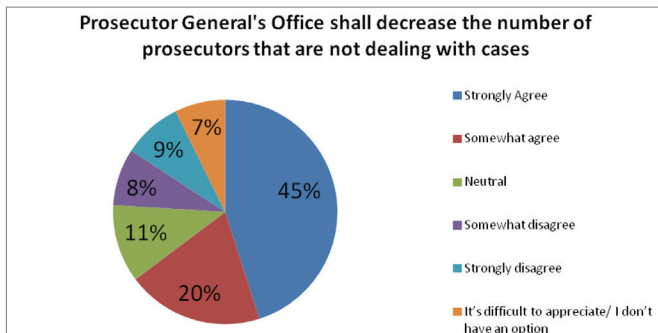
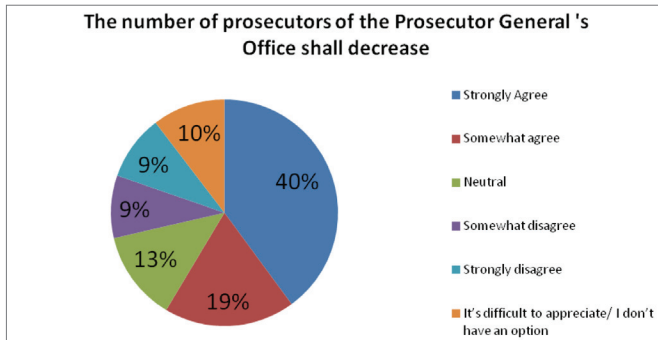
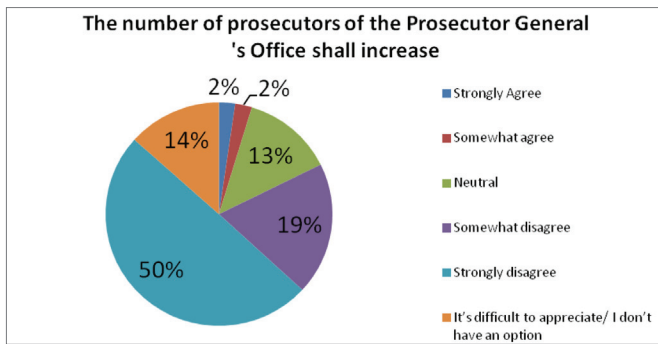
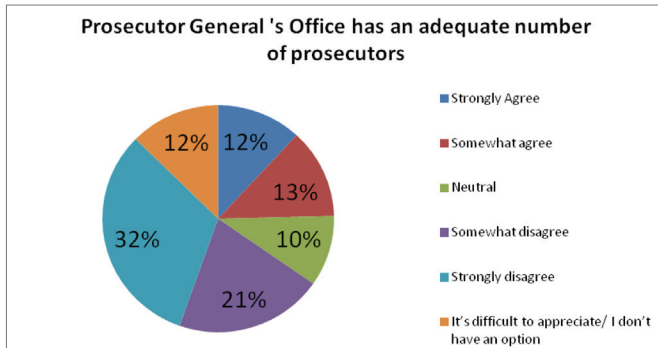
Unlike many European countries, the Moldovan PGO easily accepts to investigate certain categories of cases and to conduct criminal investigation of a large number of cases. The PGO has a special section that mainly deals with criminal investigations – the Section for Criminal Investigation of Exceptional Cases. In 2012, it ordered the initiation of 78 of the 112 investigations started by the PGO and sent to court 29 of the 49 criminal cases investigated and filed with court by the PGO. The Section on Criminal Investigation of the central bodies of the Ministry of Interior and of the Customs Service annually leads the criminal investigation in more than 200 criminal cases. Focusing on such a high number of criminal cases does not support PGO focusing on main tasks of an European style PGO – establishing policies at the prosecution system level and managing this system. Delegating the competences of conducting or leading the criminal investigation to other prosecution offices, or creating specialized prosecution offices that would deal with such cases could be a solution in this case. This does not mean that the PGO should not conduct criminal investigation in certain, truly exceptional, cases. However, their number should be much smaller. Keeping the same number of prosecutors to perform this task seems unreasonable.

In **Romania**, the procedural responsibilities of the Prosecution Office attached to the High Court of Cassation and Justice are clearly divided between these two section – the criminal investigation and forensics section and the judicial section. The other subdivisions (except for the military one) do not have procedural responsibilities (see **Annex 2D**). In Romania, there is another specialized prosecution structure that deals with the criminal acts committed by the military; however, its size has been reduced and its staff is continuously decreasing. In 2013 it was made up of 14 prosecutors. Military prosecution offices exist in other countries as well, such as Poland and Bulgaria. However, the existence of such prosecution offices is determined by the size of the country's armed forces and priorities.

As we mentioned above and will be mentioned below in the section on reallocation of staff, the workload of Moldovan military prosecutors is so small that it is hard to justify, from an efficiency point of view, the existence of specialized military prosecution offices. In the absence of specialized prosecution offices, specialized subdivision of the Moldovan PGO is not justified either.

In the survey, the prosecutors were asked about the responsibilities of the PGO, being given the list of the 13 responsibilities that the PGO currently has. In regard to 12 of them, the vast majority of respondents said they should remain. However, in respect of hierarchical control the prosecutors' position split. Only 49% of respondents were in favor of maintaining this competence. 34% of prosecutors disagreed with it. These results may be determined either by the exaggerated reporting tasks imposed on the prosecutors by the PGO, or by the excessive hierarchical control. When asked about the number of prosecutors in the PGO, only 25% of the respondents stated that the current number of prosecutors in the PGO is adequate, while 53% disagreed with this. Only 4% of the respondents said that the number of prosecutors in the PGO should be increased while 69% disagreed. At the same time, 59% of prosecutors agreed with the reduction in the number of prosecutors in the PGO and only 19% were

against. On the other hand, 65% of the respondents agreed that the number of prosecutors in the PGO who do not deal with investigating cases should be reduced and only 16% disagreed with this. Details about the prosecutors' answers are shown in the following charts.



The results of the survey confirm that, although prosecutors agree with many of the PGO responsibilities, they do not agree with the increased hierarchical control and the high number of prosecutors of the PGO. During the interviews with prosecutors, several prosecutors stated that the PGO prosecutors do not do what they are supposed to do and that they would prefer to transfer many prosecutors from the PGO to hierarchically inferior prosecution offices that deals with investigations.

2.4 Specialized prosecution offices

The specialization of prosecutors both at individual and at institutional levels is assumed as a priority, being justified by the fast development of the crime phenomenon. A supple form of prosecution service should come to respond to the new forms of criminality that would allow an optimal use of resources of the public sector to annihilate and punish the criminals as well as for recovering the damages generated by criminal behavior. In view of combating the modern forms of criminality, which are extremely sophisticated, the Recommendation 19/2000 of the Committee of Ministers of the Council of Europe recommends that, in addition to the continuous professional training, the promotion of inter-disciplinary specialist at the level of prosecution offices, mainly by including specialists in the investigation teams in order to provide to prosecutors the technical support they need. We notice that this division is a new one in the context of organization of the prosecution service that along the time has essentially been an entity made up of prosecutors, helped by support staff (assistants, drivers etc.). In the EU member countries, the trend towards specialization appeared back in the 1990s. The specialized units were endowed with qualified staff to provide the necessary assistance to the investigative bodies in conducting the investigations and certain autonomy of the prosecution system.

In **Spain**, there are two specialized prosecution offices that carry out investigation activities. The first one is the Prosecution Office specialized in Combating Illegal Drug Trafficking. It participates in drug trafficking and money laundering procedures, associated with such crimes, which is in the jurisdiction of the National Court and of the Central Investigation Court, and coordinates all activities of the other prosecution offices related to this type of crimes. The second is the Prosecution Office for Combating Corruption and Organized Crime, which investigates crimes committed by a certain category of civil servants and certain economic crimes that refer to illicit benefits. Established in 1996, the specialized section of the prosecution office was initially competent to combat economic crimes and corruption. Subsequently, it took over also the competence of combating organized crime. Today, this Prosecution office in Spain has competences in the following three sectors:

- a) Economic crimes of major complexity;
- b) Corruption crimes in the public sector;
- c) Money laundering crimes committed by national and transnational organized crime groups of special importance, less those related mainly to opium trafficking and terrorism.

This specialized prosecution office has auxiliary units that support the prosecutors work. A unit in the National Agency for Tax Administration provides support to prosecutors. At present, this structure has 10 members of the staff, 5 of whom belong to the Tax Inspection and 5 to the Treasury. The second support unit refers to public administration. The support units of the judicial police made up of the unit belonging to the National Police and of the unit belonging to the Civil Guard work next to them. The unit belonging to the National Police – located in the General Commissariat of the Judicial Police, having national territorial jurisdiction – has been assigned to the specialized prosecution office since 1995 and is made up of 12 persons. The unit in the Civil Guard is also located in the central structure, which gives it general territorial competence. This entity has 10 members of the staff. Spain also has other structures specialized in combating cybercrimes, traffic offences, crimes against women.

In **Italy**, the National Anti-Mafia Directorate is a structure within in the PGO attached to the Court of Cassation. This structure was established in 1991 and has territorial jurisdiction for the entire territory of the country to investigate organized crimes. The National Anti-Mafia Division is led by the National Anti-Mafia Prosecutor and covers 20 magistrates who can be supported in their investigative work by the Anti-Mafia Investigative Department from the Police, by specialized units from the Carabinieri and by the Central Unit of Investigation against Organized Crime of the Financial Guard. The National Anti-Mafia Division has two support services (the international cooperation service and the research and documentation service) and the rest of prosecutors work within the division is concentrated on the following areas: mafia, Camorra, 'Ndrangheta, drug trafficking, trafficking in persons, legalization of goods derived from crimes, public procurements, forger of financial instruments, suspect transactions and foreign criminal organizations.

In **Croatia**, the concept of 'verticality' has been used in the fight against corruption and organized criminality: a specialized police structure (PNUSKOK) works at the level of specialized prosecution office (USKOK). The cases investigated by these investigative units are tried by judges appointed for this specific purpose. In this way, the specialization is ensured throughout the criminal proceeding – from the initial stage of the investigation to the examination of the case in court.

In **Germany**, in certain lands, the prosecution service include specialized structures for combating economic crimes. These structures include prosecutors and court secretaries, economic experts and auxiliary staff. These professional groups work together in the same building, which facilitates a good communication among the team members. A team of prosecutors often works on complex cases, thus abandoning the traditional paradigm of having one prosecutor work on case.

In **Romania**, the model used includes two specialized prosecution offices – one in charge of fighting corruption at high level (DNA) and another one – in combating organized crime (DIICOT). Both structures enjoy autonomy in the Public Ministry, being led by chief prosecutors assimilated with the prime deputy Prosecutor General of Romania, who are also secondary credit officers. The DNA and DIICOT operate within the Prosecution Office

attached to the High Court of Cassation and Justice and all the prosecutors in those two structures, including those working at the local level, enjoy a salary pay equal to that of the prosecutors of the Prosecution Office attached to the High Court of Cassation and Justice. Investigation of corruption and organized crimes in Romania are the exclusive competence of the prosecutors. This means that the prosecutor exerts total control over the manner in which the investigation takes place from the beginning of the case, establishing in detail the investigation plan and the involvement of each member of the investigation team. The specialists who work in the two specialized structures develop technical-scientific reports for the duration of the investigation, reports that can be used as evidence in court. The existence of these reports never excludes the possibility to order independent expert conclusions during the investigation or trial.

DNA does not investigate all corruption cases. Its competence is limited to corruption committed by persons holding important positions, alongside with corruption crimes where the amount of the bribe exceeds EUR 10,000 or where the amount of damages exceeds EUR 200,000. In addition to corruption crimes, the DNA competence also includes all the crimes against the financial interests of the European Communities as well as a number of damage crimes, if the damage caused exceeds EUR 1,000,000. Concentration of the DNA competence exclusively on serious crimes permits using the resources allocated to the Directorate with maximum efficiency. The remaining corruption crimes are dealt with by prosecutors from ordinary prosecution offices.

In the DNA, prosecutors are assisted by police officers appointed from the judicial police, specialists in various areas (public procurements, finance, accounting, constructions), as well as assisting staff (legal secretaries) and auxiliary staff (drivers, maintenance staff). DNA staff is made up of 130 prosecutor positions; 170 positions of judicial police officers and agents; 45 expert positions; 85 positions of legal secretaries; and 80 positions of economic and administrative staff. A specific element in the organization of the DNA is the fact that it has its own structure of judicial police, thus being able to carry out investigative activities without appealing to the traditional police structures if the prosecutor on the case thinks this investigation strategy is the most adequate. The DNA chief prosecutor nominally selects the police officers who are to be deployed for up to 6 years: the deployment of officers and judicial police agents within the DNA is made at the nominal proposal of the DNA chief prosecutor, by order of the Minister of Administration and Interior, and their appointment is done by order of the DNA chief prosecutor. The deployment ends either upon expiration of the six year mandate or by a reasoned order of revocation issued by the DNA Chief Prosecutor. The specialists produce technical-scientific reports in the cases investigated by the prosecutors, without being assigned exclusively to a certain section. DNA also has a technical service that provides specialized support for implementing special investigation measures. At central level, DNA has two sections with investigative responsibilities and a judicial section that assures the representation of all cases in court. At local level, DNA has 15 territorial services – one attached to each appellate court. At local level, the investigative work is combined with representation in court, with both prosecutors and police officers working within territorial services.

Unlike the DNA, DIICOT does not have its own judicial police structure in its composition but in carrying out investigative activities it cooperates with the correspondent structure in the Romanian Police (Division for Combating Organized Crime). At present, DIICOT has a staffing scheme that includes 280 prosecutors, 200 positions of administrative staff and 40 specialists. Similar to DNA, the DIICOT specialists produce technical-scientific reports in the cases investigated by the DIICOT prosecutors. At central level, DIICOT has 5 services with investigative responsibilities and one with responsibilities in judicial matters. At local level, DIICOT has 15 territorial services attached to the courts of appeal, 26 local offices, and one antidrug office within the territorial office of Bucharest. As it can be noticed, the DIICOT structure is adapted to the needs generated by the diversification of organized crime at the local level. The territorial structures of the two specialized divisions are integral part thereof, prosecutors being paid at the payroll level specific to the Prosecution Office attached to the High Court of Cassation and Justice.

In **Moldova**, there is a prosecution office specialized in combating corruption (the Anticorruption Prosecution Office), 3 military prosecution offices (for the northern, central and southern regions of the country), and the Transport Prosecution Office. At the PGO level also exist subdivisions specialized in combating torture (Torture Combating Section) and the Section for Combating Trafficking in Persons. None of these prosecution offices, except for the military prosecution offices, has exclusive competence to conduct criminal investigations. On the contrary, these prosecution offices prefer to oversee the criminal investigation that is conducted by the National Anticorruption Center (NAC), the Ministry of Interior or other prosecutors (in case of PGO sections).

The Anticorruption Prosecution Office has competences only in the criminal area. The CPC does not regulate its material competence. However, Art.269 of the CPC regulates the NAC competence, which has the right to conduct criminal investigation in most the of cases (except for the situation stipulated by Art.269 para.2 of the CPC) concerning the crimes stipulated by Art.243 (money laundering), 279 (terrorism financing) and Arts. 324–335 of the Criminal Code (crimes against the proper work in the public sphere, taking bribes, giving bribes and abuse of power). The Anticorruption Prosecution Office's main task is to oversee criminal investigations in such cases. Anticorruption Prosecution Office can at any time take over a criminal case from the NAC to have it investigated by its prosecutors. However, the Anticorruption Prosecution Office does not have its own criminal investigation officers, experts or operative officers. Therefore, criminal investigation task forces involving NAC staff are set up for the complex investigations. On the other hand, the vast majority of cases that can be investigated by anticorruption prosecutors have an higher complexity. Therefore, we suggest changing the work and administration of the Anticorruption Prosecution Office according to the DNA model. This, on the one hand, will take the political pressure off the NAC and, on the other hand, will remove the existing duality of powers and interests between the NAC management and the anticorruption prosecutors.

Regretfully, the Moldovan legislation does not establish a minimal limit for the cases that come in the competence of the Anticorruption Prosecution Office or of the NAC. It is unreasonable to create incentives that highly qualified prosecutors investigate simple

corruption cases that can be investigated fast and easily by other criminal investigation bodies. In Romania, for example, the DNA does not investigate minor corruption cases. Establishing minimal limits would orient prosecutors towards investigating truly important cases. So far, NAC and Anticorruption Prosecution Office has supplied information about very few truly important cases.

At the end of 2012, the Anticorruption Prosecution Office had 37 prosecutor positions. The review conducted under this study established that the number of anticorruption prosecutors should be seriously increased. For more details, see Chapter 3 of this study.

As mentioned in the previous section of this study, the PGO investigates at present too many criminal cases. In order to allow the PGO focus on management of the prosecution service and establishing policies at the prosecution service level, it is recommended to create a separate structure that would investigate the criminal cases that are now investigated by the PGO. Having in mind the complexity of the matters that would fall in the competence of the new entity, it is recommended that its structure and manner of operation reproduce the ones of the DNA and not of DIICOT, as the latter proves to be less efficient than DNA.

Taking into account the complexity, importance and sensibility of the cases that may be assigned in the competence of the Anticorruption Prosecution Office and of the new entity recommended to be created, it is vital to grant them broad operational independence. The objective could be reached by directly subordinating the chiefs of the two entities to the Prosecutor General. Also, there should be created a special mechanism for remunerating prosecutors and the other staff who works in such prosecution offices as well as improve their technical endowment.

The workload of military prosecutors and of those from the Transport Prosecution Office is smaller than the average in the system. Suggestions in their regard are made in the next section of this study.

Optimization of the workload of prosecutors

3.1 General information about the number of prosecutors

According to the 2012 CEPEJ Report, there were 88,920 prosecutors in the member states of the Council of Europe in 2010. The average ratio of prosecutors reported to the population in the 48 legal systems examined in the study was of 11.1 prosecutors per 100,000 inhabitants. The smallest ratio was in France (3.0) and the highest in Lithuania (25.7) (For more details, see **Annex 3A**). The CEPEJ Report data show that in the former socialist countries the number of prosecutors as reported to the number of the population is much higher than in the Western European countries. Moldova ranks fifth, with a coefficient of 20.7 prosecutors per 100,000 inhabitants. This is nearly twice as high as the European average.

The high number of per capita prosecutors does not necessarily mean that a radical reduction of the number of prosecutors is required. The number of prosecutors in a country depends on a number of factors, including the specifics of the legal system, the crime rate, the level of legal culture, the powers of the prosecution service and of other bodies called to secure public order, as well as on the size of staff that assists prosecutors. In some countries, the persons that do not formally hold the position of prosecutor can in practice perform responsibilities specific to prosecutors, generally, under the supervision of a prosecutor (Austria, Estonia, France, Georgia, Germany, Italy, Luxembourg, Slovenia, Switzerland, England and Wales). This option has budgetary consequences because the resources necessary for paying salaries to less qualified staff are smaller than those necessary for the system if it had been composed exclusively of prosecutors.

In 2010, there were 737 prosecutor positions in Moldova. This number has increased in the meantime. On 31 December 2012 there were 771 prosecutor positions in the prosecution service, 152 of which in the PGO (see **Annex 2C**), 29 – in the appellate court level prosecution offices and 590 – in the other prosecution offices (see **Annex 3B**).

Despite the high number of per capita prosecutors, the budget of Moldovan prosecution service as reported to the GDP (0.1%) is comparable to the European average (0.08%). The problem is related to the absolute value of EUR 1.2 million that was comparable only to the budget of Georgian prosecution service, which was of EUR 1.6 million. In regard to the per capita distribution, Moldova allocated EUR 1.2 to prosecution service, which represented the smallest value of the examined countries, were the median rate is of EUR 8.3 and an average rate is of EUR 11.1.

The reduced budget of the Moldovan prosecution service can be explained by the small salaries of prosecutors but also to the low number of the staff that assists prosecutors. As of 31 December 2012, there were 210 public servant positions and 153 technical staff positions in the prosecution service.

3.2 Recommendations on the reallocation of prosecutor positions among various subdivisions of the prosecution service

The activity of all prosecution offices in the country has been examined as part of this study. By applying the DEA methodology, results were obtained about the recommendable number of prosecutor positions for each prosecution office in the country, except PGO. The methodology used does not answer the question about the actual number of prosecutors needed in Moldova. It only makes recommendations for balancing the workload of prosecutors in the country, starting from the presumption that the average workload of prosecutors is adequate and that the efficiency of prosecutors' daily work is good, even though things can be different in practice.

The DEA calculations were made based on the statistics extracted from the database of the PGO, InfoPG, and on official socio-demographic data. Different degrees of complexity were assigned to prosecutors' work categories depending on the time necessary for a prosecutor to perform it. Having in mind that appellate court level prosecution offices is specific, special weights were assigned for them and these prosecution offices were compared among themselves. The list of activities and of weights assigned are presented in **Annexes 1A-1C**. The workload of prosecutors between 2010 and 2012 was examined. The statistics on the complexity of cases, materials and actions of prosecution offices for 2010-2012 is presented in **Annexes 4A-4D**.

The proposals for reallocating prosecutor positions have been made based on the average results obtained after application of several models. The models are based on: the average statistics on the prosecutors' activities for 2010-2012 (Model 1); the data about the prosecutors' activities in the most recent year (2012) (Model 2); the socio-demographic data for 2011 (Model 3), and the model based on a fixed or variable weight of certain activities whose complexity could not be accurately established (Model 4).

Normally, the data put on the basis of optimization should not be dependent on the unit subject to optimization. Unlike judges, who are obliged to examine all the cases assigned to them, prosecutors can influence their workload by increasing the number of controls or otherwise. In order to ensure that the results were not influenced by the prosecutors' discretion, calculations were made both without taking into account the controls conducted by the prosecutors and by taking into account the information about the controls conducted by prosecutors. The results obtained were very similar. The results obtained when the controls conducted by prosecutors were not taking into account are presented in the following table. Recommendations are made in the table both for the optimal number of prosecutors and for the most conservative change. However, it is not recommendable to use the results based on the most conservative change because it does not fully take into account the prosecutors' workload and implies a reduction of prosecutor positions.

Reallocation of prosecutor positions without taking into account the controls conducted by prosecutors *										
Prosecution office		No. of prosecutor positions in the prosecution office	Model 1	Model 2	Model 3	Model 4	Average model 1-4	Most conservative Change	No. of prosecutor positions recommended	Reallocation of positions
1	Chişinău	33	24	24		23	23,7	24	24	-9
2	Botanica District	28	25	27	27	30	27,3	27	27	-1
3	Buiuani District	26	32	39	27	34	33,0	27	33	+7
4	Centru District	30	26	27	26	30	27,3	30	27	-3
5	Ciocana District	24	19	22	23	22	21,5	22	21	-3
6	Rîşcani District	28	27	29	28	32	29,0	28	29	+1
7	Bălţi	25	28	28	26	32	28,5	26	28	+3
8	Bender	5	3	4		3	3,3	4	3	-2
9	Anenii Noi	12	12	12	12	13	12,3	12	12	0
10	Basarabasca	6	4	4	6	4	4,5	6	4	-2
11	Briceni	10	9	11	9	10	9,8	10	10	0
12	Cahul	16	11	12	12	13	12,0	13	12	-4
13	Cantemir	7	7	7	8	8	7,5	7	7	0
14	Călăraşi	9	8	9	9	9	8,8	9	9	0
15	Căuşeni	11	12	10	12	14	12,0	11	12	+1
16	Cimişlia	8	7	7	9	7	7,5	8	7	-1
17	Criuleni	9	10	11	11	11	10,8	10	11	+2
18	Donduşeni	8	4	5	6	5	5,0	6	5	-3
19	Drochia	9	10	7	12	10	9,8	9	10	+1
20	Dubăsari	5	5	4	6	5	5,0	5	5	0
21	Edineţ	10	12	9	10	12	10,8	10	11	+1
22	Făleşti	8	10	11	8	9	9,5	8	9	+1
23	Floreşti	10	7	6	9	8	7,5	9	7	-3
24	Glodeni	7	5	6	9	6	6,5	7	6	-1
25	Hînceşti	14	15	15	14	16	15,0	14	15	+1
26	Ialoveni	13	12	15	13	13	13,3	13	13	0
27	Leova	7	6	4	7	6	5,8	7	6	-1
28	Nisporeni	7	7	8	7	6	7,0	7	7	0
29	Ocnîţa	7	6	6	8	6	6,5	7	6	-1
30	Orhei	14	12	11	16	15	13,5	14	13	-1
31	Rezina	8	9	8	8	8	8,3	8	8	0
32	Rîşcani	8	7	6	9	7	7,3	8	7	-1
33	Sîngerei	8	8	7	9	9	8,3	8	8	0
34	Soroca	14	13	14	12	13	13,0	14	13	-1
35	Străşeni	12	11	12	11	13	11,8	12	12	0
36	Şoldăneşti	5	6	6	6	6	6,0	6	6	+1
37	Ştefan Vodă	8	10	10	12	12	11,0	10	11	+3
38	Taraclia	7	9	6	7	6	7,0	7	7	0
39	Teleneşti	7	8	8	10	8	8,5	8	8	+1
40	Ungheni	14	12	11	14	14	12,8	14	13	-1
41	TAU Gagăuzia Prosecution Office	10	7	7		7	7,0	7	7	-3
42	Comrat	7	8	9	10	9	9,0	8	9	+2
43	Ceadir-Lunga	8	7	5	9	8	7,3	8	7	-1
44	Vulcăneşti	5	3	2	5	3	3,3	5	3	-2
45	Anticorruption Prosecution Office	37	78	72		39	63,0	39	63	+26
46	Transport Prosecution Office	8	7	6		7	6,7	7	7	-1
47	Bălţi Military Prosecution Office	5	3	3		2	2,7	3	3	-2
48	Cahul Military Prosecution Office	4	3	3		2	2,7	3	3	-1
49	Chişinău Military Prosecution Office	9	7	6		4	5,7	7	6	-3
	Total	590						572	590	

Model 1 - Average workload for 2010-2012 according to DEA

Model 2 - Average workload for 2012 according to DEA

Model 3 - Socio-demographic data for 2010-2011

Model 4 - Workload based on the fixed weight of cases according to DEA

* The results shown in the table do not refer to appellate court level prosecution offices and to the PGO

The results from the previous table refer to the prosecutor positions as of 31 December 2012, which apparently did not change significantly. It shows that major reallocations of prosecutor positions are necessary in the Prosecution Office of Chişinău (reduction by 9 units), Prosecution Office of Buiucani, Chişinău (increase by 7 units), and in the Anticorruption Prosecution Office (increase by 26 units). In 11 prosecution offices, the number of prosecutor positions should not change while in the other prosecution offices, the number of prosecution offices shall be adjusted by 1–4 units. The table does not refer to the reallocation of prosecutors in the appellate court level prosecution offices. The proposals for their reallocation are presented in the section 4.3 of the Study.

The proposals on staff reallocation formulated in the tables above refer to the situation in the legal system between 2010 and 2012. Any important change of the competence of the prosecution service or the procedure of examination of cases with the prosecutor's participation could influence these figures. Thus, a reduction in the competences of the prosecution service or a decrease in the crime rate would determine a reduction in the prosecutors' workload. On the other hand, complicating the procedures of case examination or broadening the prosecutors' competences may increase their workload. The internal practices of the prosecution service may also affect the prosecutors' workload, even if the other elements remain unchanged.

Being interested in the manner of influence of the prosecutors' workload by excluding the prosecutors' competence of appearing in civil cases, we have made calculations by applying DEA. The results confirm that excluding civil proceedings from the competence of the prosecution service would reduce the workload of the prosecution service by at least 5%.

On the other hand, a review of statistics crime rate confirms that there has been an increase in registered crimes in the past years. Information in this regard is presented in the following table.

Year	Crimes registered	Variation	Criminal cases sent to court	Variation
2010	33,402		8,898	
2011	35,124	+ 5,1%	9,338	+ 4,9%
2012	36,615	+ 4,2%	9,959	+ 6,6%
2013	38,157	+ 4,2%	9,797	-1,6%

On the other hand, a thorough review of the crime rate statistics confirms that the increase has mainly taken place due to light or less severe crimes, investigation of which usually requires less effort from the prosecutors.

Feasibility of liquidating or merging some prosecution offices

In the most legal systems examined for this study, the residence of local level prosecution offices coincides with the residence of district courts. The same is the case of Moldova.

According to the first intervention area of the JSRS (no. 1.1.1), until 2016, the judicial map is to be optimized for strengthening the institutional capacity and the efficient use of available resources. At the beginning of 2014, the LRCM, in cooperation with the Ministry of Justice and the Superior Council of Magistracy, published the Study on the optimization of the judicial map in the Republic Moldova. The study *inter alia* proposed merging a number of district court and liquidating the specialized courts. We recommend optimizing the rayon and district prosecution offices depending on the optimized judicial map.

4.1 Chişinău and TAU Găgăuzia Prosecution Offices

In Chişinău, there are five district prosecution offices and one municipal prosecution office. The Chişinău Prosecution Office has competence on the entire territory of the municipality and each district prosecution office has competence on one of the five districts of Chişinău. A similar system exists in TAU Găgăuzia. There are three rayon prosecution offices (Comrat, Ceadâr-Lunga and Vulcăneşti) on the territory of TAU Găgăuzia. The territorial competence of the TAU Găgăuzia Prosecution Office includes the territorial competence of the three rayon prosecution offices of TAU Găgăuzia. Both the TAU Găgăuzia Prosecution Office and the Chişinău Prosecution Office are hierarchically superior to first level prosecution offices from their territorial jurisdiction.

Neither the CPC nor other laws make distinction between the material competence of the five district prosecution offices from Chişinău and that of the Chişinău Prosecution Office. Such delimitation does not exist between the TAU Găgăuzia Prosecution Office and the three rayon prosecution offices of TAU Găgăuzia either. A considerable part of the workload of the two prosecution offices is also determined by their role of hierarchically superior prosecution offices.

Taking into account the fact that it has been recommended to reduce the number of hierarchically superior prosecutors and the draft Concept on reforming the prosecution service recommends one level of hierarchical supervision, it is likely that the Chişinău Prosecution Office and the TAU Găgăuzia Prosecution Office will lose their status of

hierarchically superior prosecution office and the workload of the prosecutors of these prosecution offices will decrease significantly.

Although the **Chişinău Prosecution Office** leads the criminal investigation in the cases investigated by the General Police Commissariat of Chişinău and the Traffic Police Division of Chişinău, it seems that this competence of the Chişinău Prosecution Office is confirmed through its internal rules. They also examine the criminal cases assigned to them by the Prosecutor General.

The data on the work of the Chişinău Prosecution Office and that of TAU Găgăuzia related to criminal cases are presented in the table below:

Year	Actual prosecutors	Complaints received	Crim. invest. started	Crim. invest. led	Crim. invest. completed	Crim. invest. sent to court
<i>Chişinău Prosecution Office</i>						
2010	30	483	75	1455	51	35
2011	28	271	85	1259	67	22
2012	33	285	123	1551	62	33
<i>TAU Găgăuzia Prosecution Office</i>						
2010	8	74	28	1	33	20
2011	8	55	20	1	25	18
2012	6	39	23	3	6	5

The data from the previous table certainly shows that, in the criminal area, the Chişinău Prosecution Office mainly deals with leading the criminal investigations conducted by the General Police Commissariat of Chişinău and the Traffic Police Division of Chişinău, and not with conducting criminal investigations.

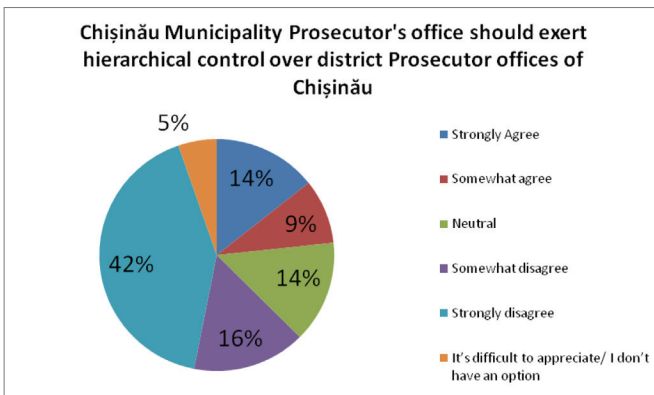
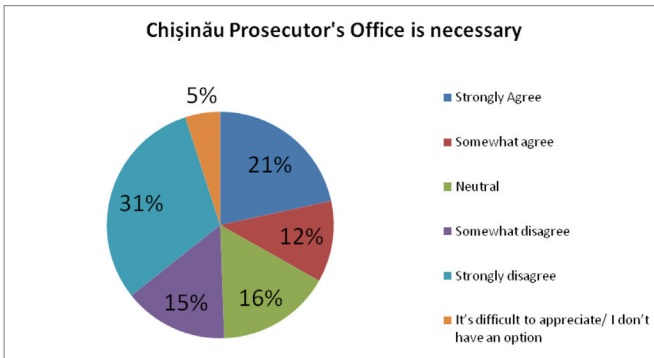
A more thorough analysis of statistics revealed that, out of the total number of led criminal investigations of the Chişinău Prosecution Office, in 2010 - 1,239 (85% of the criminal cases led) concerned traffic offences, in 2011 - 1,089 (86% of the criminal cases led) and in 2012 - 1,285 (83% of the criminal cases led). Traffic offences are not among the most complicated ones. It was surprising to find that a high level prosecution offices deal with such cases. It seems that this competence was given to the Chişinău Prosecution Office without taking into account the complexity of such cases or enhancement of the prosecutors' work. To ensure an increased efficiency of prosecutors with special experience, such as those from the Chişinău Prosecution Office, it is feasible to transfer these cases to the prosecution office of the district from Chişinău where the criminal investigation officer is located. Things are exactly so in other rayons of the country.

In regard to leading the criminal investigations conducted by the General Police Commissariat of Chişinău, it seems that this competence of the Chişinău Prosecution Office was granted based on the practices established in the past. Although these cases are of increased complexity, they are not that numerous.

The DEA results confirmed that the workload of prosecutors of the Chişinău Prosecution Office is much lower than the average workload per country, while in other Chişinău-bases prosecution offices the workload is much higher than the average per country. Thus, in 2012, the 33 prosecutors of the Chişinău Prosecution Office completed only 62 criminal cases in

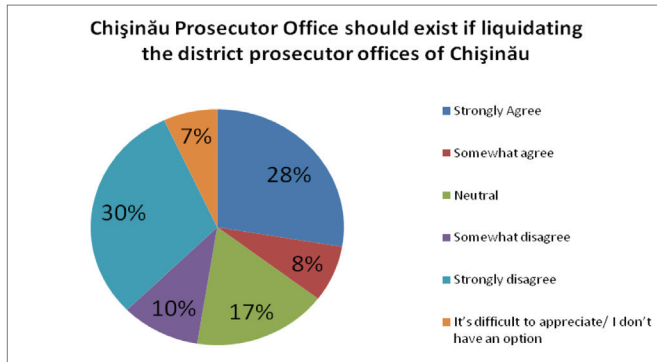
which they conducted criminal investigation. 29 of them were discontinued and 33 were sent to court. For this reason, it was recommended to decrease the number of prosecutors in the Chişinău Prosecution Office by 9 units (by 30%).

In the survey the prosecutors were asked if the Chişinău Prosecution Office was necessary. Only 33% of respondents agreed, while 46% of prosecutors disagreed with the existence of this prosecution office. The prosecutors were also asked if the Chişinău Prosecution Office should exert hierarchically superior control over the other prosecution offices of Chişinău. Only 23% of respondents agreed while 58% disagreed. The details of the prosecutors' answers to the two questions are presented in the charts below.



In the light of the intention of simplifying of the system of hierarchical subordination, of the nature of cases examined by the Chişinău Prosecution Office and of the reduced workload of prosecutors in this prosecution office, as well as the opinions of the prosecutors, maintaining the Chişinău Prosecution Office with its current competences is not justified. In some European countries there are indeed municipal prosecution offices in the capital city (ex. in Norway). However, these prosecution offices have distinct material competence and, in principle, do not conduct plenary control over the other prosecution offices.

During the survey, the prosecutors were asked if the Chişinău Prosecution Office should exist if liquidating the district prosecution offices of Chişinău. 36% of the respondents supported this idea while 40% were against.



TAU Găgăuzia Prosecution Office is based in the city of Comrat. Its creation was determined by the creation of the Gagauz autonomy. However, from the point of view of efficiency, the existence of this prosecution office is hard to justify. In 2012, the six prosecutors of this prosecution office started only 23 criminal investigations and completed only 6 criminal cases. Unlike the Chişinău Prosecution Office, the TAU Găgăuzia Prosecution Office practically does not have cases where it leads the criminal investigations. It seems that the reduced workload of this entity is known within the prosecution service. Thus, the responsibilities of the Comrat Court of Appeal level Prosecution Office, which *de jure* exists but *de facto* does not exist, are carried out by a prosecutor from the TAU Găgăuzia Prosecution Office.

The liquidation of the TAU Găgăuzia Prosecution Office could be a politically sensitive step. However, in view of enhancing the work of Comrat-based prosecutors, we think it is reasonable to merge all the prosecution offices of Comrat. At present, there should be three prosecution offices in Comrat – the TAU Găgăuzia Prosecution Office; the Comrat Prosecution Office, and the Comrat Court of Appeal level Prosecution Office (which *de facto* does not exist). These could be merged into one prosecution office that should have after the optimization 17 prosecutors.

4.2 Military and Transport Prosecution Offices

The three military prosecution offices in the country have their premises in the city of Bălţi (competent for the northern region and 5 prosecutors), in Chişinău (competent for the central region and 9 prosecutors), and in the city of Cahul (competent for the southern region and 4 prosecutors). Their work is coordinated by a section of the PGO. In the three prosecution offices there are 18 prosecutor positions. The military prosecution offices conduct the criminal investigation in regard to the military and other staff and penitentiary system. They do not have competences in civil cases; however, they ensure the observance of the law in armed forces.

After reallocating the prosecutor positions, it is recommended to relocate 6 of the 18 prosecutor positions of these prosecution offices to other prosecution offices. More details in this regard are provided in the following table. As a result, the Bălţi Military Prosecution Office should have 3 prosecutor positions; the Cahul Military Prosecution Office – 3 positions; and the Chişinău Military Prosecution Office - 6 positions.

Reallocation of prosecutor positions in military prosecution offices									
Prosecutor Office		No. of prosecutor positions in the prosecution office	Model 1	Model 2	Model 3	Model 4	Model Average 1-4	Most conservative Change	No. of prosecutor positions recommended
47	Bălți Military Prosecution Office	5	3	3	2	2,7	3	3	-2
48	Cahul Military Prosecution Office	4	3	3	2	2,7	3	3	-1
49	Chișinău Military Prosecution Office	9	7	6	4	5,7	7	6	-3

Model 1 – Average workload for 2010-2012 according to DEA

Model 2 – Average workload for 2012 according to DEA

Model 3 – Socio-demographic data for 2010-2011

Model 4 – Workload based on the fixed weight of cases according to DEA

The quality and financial efficiency of an entity is mainly determined by the number of persons that work in the entity. Small prosecution offices and courts are more costly to maintain and most often do not provide space for adequate professional growth or specialization. For this reason, the Study on optimizing the judicial map recommends merging the courts where there is no sufficient workload for at least 5 judges. In the survey, the prosecutors were asked what the minimal number of prosecutors should be in a territorial prosecution office to insure its efficiency: 0.3% of respondents said that at least 3 prosecutors were enough; 4% agreed with at least 5 prosecutors; 8% - with at least 7 prosecutors; and 37% - with at least 9 prosecutors. 42% of respondents said there should be no minimal number.

All the cases investigated by the military prosecution offices are examined by the Military Court, which is located in Chișinău. The prosecutors of Bălți and Cahul Military Prosecutors Offices are coming to Chișinău to participate in court hearings, which takes a lot of their time. Moreover, the Study on optimizing the judicial map recommends liquidating the Military Court because the workload in this court was sufficient for only 0.25 judge positions. In the light of the reduced workload in the three military prosecution offices, we recommend liquidating them. However, in the prosecution offices with territorial jurisdictions on military units, prosecutors can be specialized in order to cope with the specific tasks that the armed forces imply.

In the **Transport Prosecution Office** there were 8 prosecutor positions in 2012. It had special material competence, mainly determined by the competence of the Transport Commissariat, which, after the recent reorganization of the Ministry of Interior does not exist anymore. While conducting this study, the number of prosecutors in this prosecution office decreased to 4. The calculations made within the study also suggest a reduction of positions in this prosecution office. In the survey, the prosecutors were asked if the existence of the Transport Prosecution Office was justified. 36% of the respondents agreed with its existence and 44 disagreed. Taking into account the competence and staff changes that have interfered recently, we cannot recommend maintaining this prosecution office.

4.3 Appellate court level prosecution offices

The five appellate court level prosecution offices have the main task of contributing to examination of cases in the courts of appeal. They do not conduct or lead criminal investigations. The prosecutors of these prosecution offices participate in examining appeals and generalizing the practice.

Although five such prosecution offices should exist, the Comrat Court of Appeal level Prosecution Office does not exist and its tasks are performed by a prosecutor of the TAU Găgăuzia Prosecution Office. The Parliament is now examining a draft law on liquidating the Bender Court of Appeal and the Superior Council of Magistracy has issued a positive advisory opinion on this initiative. The liquidation of the Bender Court of Appeal inevitably determines the liquidation of the Bender Court of Appeal level Prosecution Office.

As of 31 December 2012, 28 prosecutors were working in the existing appellate court level prosecution offices, 13 of whom – in the Chişinău Court of Appeal level Prosecution Office. The recommendations on reallocating the staff are shown in the following chart. It shows that the number of prosecutors in the Chişinău Court of Appeal level Prosecution Office must increase by two units. The units shall be taken from the Bălţi Court of Appeal (one unit) and from the Prosecution Office of Cahul Court of Appeal (one unit) level Prosecution Offices. As a result, the Bălţi Court of Appeal level Prosecution Office should have 7 prosecutor positions; the Bender Court of Appeal level Prosecution Office - 3 positions; the Cahul Court of Appeal level Prosecution Office – 3 positions, and the Chişinău Court of Appeal level Prosecution Office – 15 positions. Having in mind the reduced number of prosecutor positions that should exist in the Cahul and Bender Courts of Appeal level Prosecution Offices, their existence is hard to justify. On the other hand, maintaining prosecution offices only at Chişinău and Bălţi Courts of Appeal level affects the standardized nature of the prosecution service structure. Taking into account the low number of prosecutors at the Bălţi Court of Appeal level Prosecution Office, we recommend merging it with Bălţi Prosecution Office and specializing prosecutors within the newly-created prosecution office.

Reallocation of prosecutors in the appeal court level prosecution offices										
Prosecution office		No. of prosecutor positions in the prosecution office	Model 1	Model 2	Model 3	Model 4	Model Average 1-4	Most conservative Change	No. of prosecutor positions recommended	Reallocation of positions
50	Bălţi Court of Appeal level Prosecution Office	8	6	6	9	7	7,0	7	7	-1
51	Bender Court of Appeal level Prosecution Office	3	3	2	4,5	2	2,9	3	3	0
52	Cahul Court of Appeal level Prosecution Office	4	3	3	2	2	2,5	3	3	-1
53	Chişinău Court of Appeal level Prosecution Office	13	15	15	12	17	14,8	13	15	2
54	Comrat Court of Appeal level Prosecution Office	0	2	3	1,5	2	2,1	2	1	0
Total		28						28	29	

Model 1 – Average workload for 2010-2012 according to DEA

Model 2 – Average workload for 2012 according to DEA

Model 3 – Socio-demographic data for 2010-2011

Model 4 – Workload based on the fixed weight of cases according to DEA

Assisting staff of the prosecution service

Using auxiliary staff for performing those prosecutor responsibilities that are not essentially related to leading or conducting criminal investigations enables a more efficient use of human resources within the prosecution service. A better performance of the prosecution service can be obtained by smaller public expenditures allocated for the salaries of the auxiliary staff (who have lower salaries than prosecutors) instead of increasing the number of prosecutors.

One of the goals that has not been reached is formulating concrete recommendations on reallocation of prosecutor assisting staff. After a thorough examination of the situation from Moldova, it was established that no detailed recommendations can be made in this respect. The DEA methodology used for this study departs from the presumption that the number of staff assisting prosecutors is adequate, while DEA may provide recommendations on the best reallocation of this staff. Regretfully, we reached the conclusion that the number of staff that assists prosecutors from Moldova is inadequate.

As of 31 December 2012, there were 771 prosecutor positions in Moldova. They were assisted by 363 persons, 210 of whom are public servants and 153 are technical staff units. This represents 0.47 positions of assisting staff per prosecutor. The 2012 CEPEJ Report provides comparative information on this issue (see **Annex 3A**). According to the CEPEJ Report, in the 48 legal systems examined, prosecutors are assisted in performing their duties on average by between 1.3 and 1.6 staff units per prosecutor, with extremes – San Marino – 8 and Croatia – 0.1. In the top of countries with the lowest number of assisting staff per prosecutor, Moldova ranks third after Croatia and Russia.

If related to the country's population, Moldova has 10.2 staff units assisting a prosecutor per 100,000 inhabitants, which nearly reaches the European average (13.1). However, one should not neglect the fact that in Moldova there are twice as many prosecutors (20.7 prosecutors to 100,000 population) as the average in the legal systems examined by CEPEJ (11.1 prosecutors to 100,000 population).

The figures above suggest that it is absolutely necessary to increase the number of staff assisting prosecutors. However, we cannot offer recommendations in this sense, although a 50% increase would be reasonable.

Main Recommendations

1. To examine the feasibility of excluding the exclusive competence of prosecutors to conduct criminal investigations against juveniles and bailiffs;
2. To reexamine the prosecutor competence in the non-criminal area, by excluding the competences of conducting controls at private law persons outside criminal proceedings;
3. To restrict or even exclude the prosecutors' competences of appearing in civil proceedings;
4. To make a clear distinction in the law between the competences of the PGO and those of other prosecution offices concerning the oversight and conduction of criminal investigation. If the Chişinău Prosecution Office and the TAU Găgăuzia Prosecution Office are not liquidated, their competences should also be delimited from the competences of rayon and district prosecution offices of their territorial jurisdictions;
5. To amend the legislation to introduce a single hierarchically superior prosecutor and limit his competences in verifying or giving instructions about the criminal investigations. This amendment should not affect the competence of the Prosecutor General of intervening in exceptional situations;
6. To revise the role, competences and structure of the PGO and concentrate its efforts on managing the prosecution service and establishing policies at the level of the prosecution service;
7. To reduce the number of prosecutors in the PGO by transferring the criminal investigation tasks to a newly-created specialized prosecution office and hire in PGO persons who do not have the status of prosecutor in positions that do not require a legal background;
8. To strengthen the capacities of the Anticorruption Prosecution Office by creating a structure similar to the DNA in Romania, limit its competence to the most severe cases and increase the number of prosecutors therein;
9. Reallocate prosecutor positions according to the recommendations from the Study;
10. Optimize the map of rayon prosecution offices depending on the adjustment of the judicial map;
11. Liquidate or radically revise the competences of Chişinău Prosecution Office;
12. Liquidate the military, transport and appellate court level prosecution offices and specialize the prosecutors from the residence of military units and courts of appeal;
13. Increase considerably the staff that assists prosecutors, accompanied by a possible modest reduction of the number of prosecutors.

Annexes

Annex 1A: The complexity weights assigned to different types of cases, materials and actions of the prosecutors (except appeal court level prosecution offices)

Types of cases	Types of cases, as registered in the statistics of the prosecution service		
<i>Complexity 0.1</i>			
<i>Criminal cases</i>	Participation at the examination of requests based on art. 469 CPC		
	Legality control of the prosecutor's action	Annulled decisions of refusal to open CI with initiation of CI	Prosecution office
			Mol
			CFECC
	Decisions adopted on criminal complaints	Refusal to open criminal investigation	Customs
			Mol
			CFECC
		Transmitted according to competence	Customs
			Prosecution office
			Mol
Requests for application of preventive measures (pre-trial arrest and house arrest)	Appeals of the prosecutors		
International legal assistance in criminal matters		Transfer. repressive procedure	
CI returned for additional investigations			
Authorization of investigative measures by the judge			
<i>Civil cases</i>	Civil actions		Examined appeals
			Examined appeals on points of law
			Revisions
<i>Other activities</i>	Examination of petitions		Examined petitions
			Persons in audience
<i>Complexity 0.25</i>			
<i>Criminal cases</i>	Criminal cases with adoption of the judgment	Appeals on point of law lodged by prosecutors	
	International legal assistance in criminal matters		Extradition requests to Moldova
			CI taken from other states
	Decisions adopted on complaints	Refusal to open criminal investigation	Prosecution office
	Legality control of the prosecutor's actions	Challenged in court	Decisions
			Activities
Requests for application of preventive measures (pretrial arrest and house arrest)			
<i>Civil cases</i>	Civil actions		Examined appeals
			Examined appeals on points of law
			Revisions
<i>Other activities</i>	Representation of the general interests of the society		Lodged orders
			Lodged requests

Types of cases	Types of cases, as registered in the statistics of the prosecution service		
Complexity 0.5			
<i>Criminal cases</i>	Criminal cases with adoption of the judgment	First instance (with plea bargain agreement)	
	International legal assistance in criminal matters	Requests of rogatory commissions	
		Enforcement of requests of rogatory commissions from abroad	
Decisions adopted on complaints	Opened criminal investigations	Mol, Customs complexity 1	
<i>Other activities</i> Representation of the general interests of the society		Conducted controls	
		Developed generalizations	
Complexity X (0.5-1.5)			
<i>Criminal cases</i>	Criminal cases with adoption of the judgment	Opened criminal investigations	Mol
			Customs
Complexity X (0.75-1.5)			
<i>Criminal cases</i>	Decisions adopted on complaints	Opened criminal investigations	Prosecution office
Complexity X (0.75-1.5)			
<i>Criminal cases</i>	Decisions adopted on complaints	Opened criminal investigations	CFECC
Complexity 1			
<i>Criminal cases</i>	Decisions adopted on complaints	Opened criminal investigations	Prosecution office, complexity 1
			Mol, Customs, complexity 1
Complexity 1.5			
<i>Criminal cases</i>	Decisions adopted on complaints	Opened criminal investigations	CFECC complexity X
	Decisions adopted on complaints	Opened criminal investigations	Prosecution office, complexity X
			Mol, Customs complexity 3
CFECC complexity 3			
<i>Civil cases</i>	Civil actions		Lodged
Complexity 2			
<i>Criminal cases</i>	Criminal cases with adoption of the judgment	First instance (without plea bargain agreement)	
	Opened criminal investigations	Prosecution office, complexity 2	
Complexity 3			
<i>Criminal cases</i>	Opened criminal investigations	Prosecution office, complexity 3	
Complexity - 1			
<i>Criminal cases</i>	Finalized CI	Sent according to competence to the investigation body	Prosecution office
Complexity - 0.5			
<i>Criminal cases</i>	Finalized CI	Sent according to competence to the investigation body	Mol
			CFECC
			Customs
Complexity - 0.25			
<i>Criminal cases</i>	Finalized CI	Criminal cases sent to the court	With plea bargaining agreement

Annex 1B: The complexity weights assigned to different types of cases, materials and actions of prosecutors from appeal court level prosecution offices

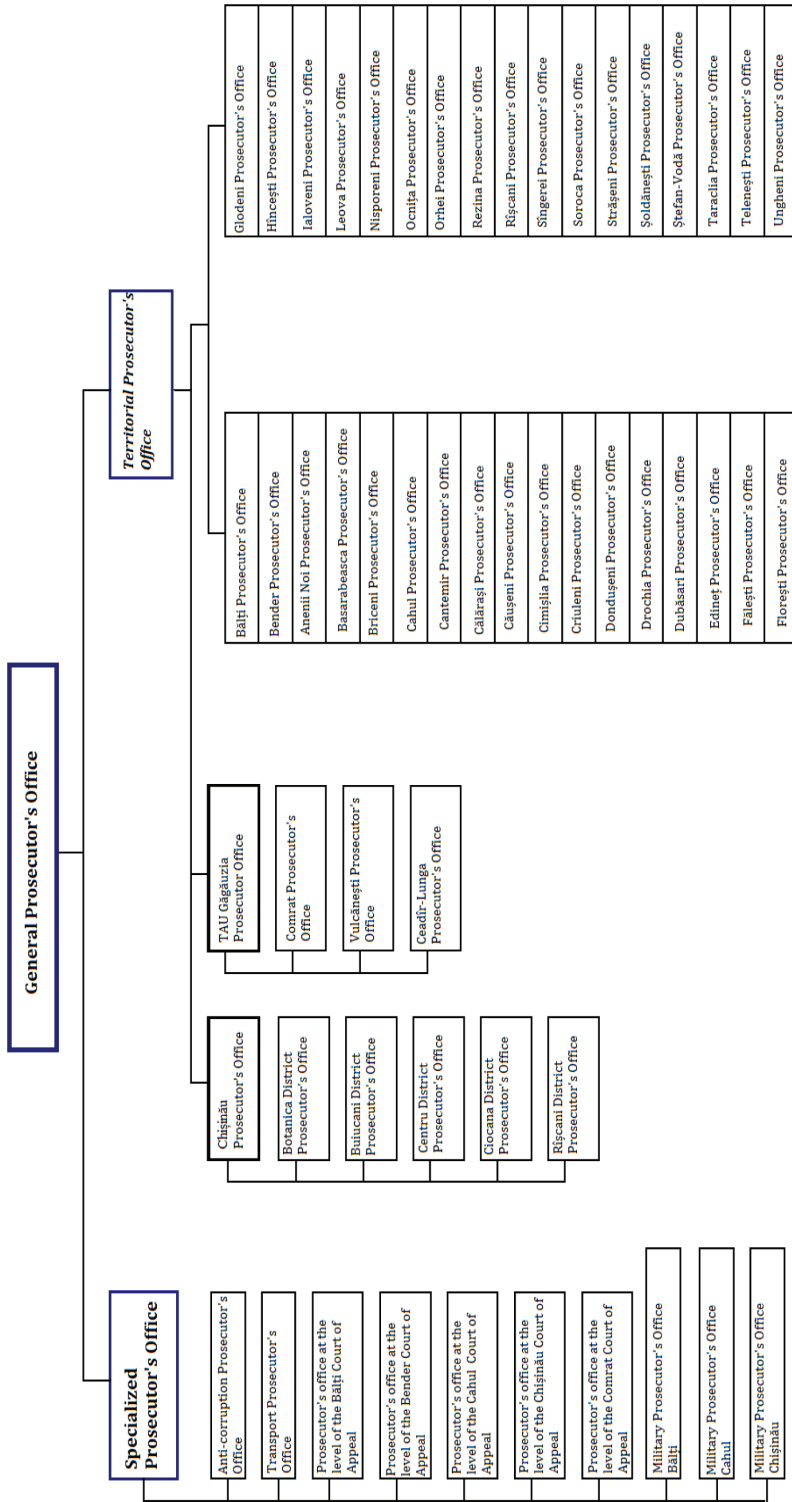
Types of cases, as registered in the statistics of the prosecution service		
<i>Complexity 0.1</i>		
<i>Misdemeanor offences</i>	examined in appeal on points of law	
<i>Criminal cases</i>	Completed criminal cases	appeals of the territorial prosecutors withdrawn
		examination of appeal on preventive measures
<i>Complexity 0.25</i>		
<i>Criminal cases</i>	Completed criminal cases	Additional appeals lodged
		The modification of charges in aggravation
		Participation at the examination of the other of cases (amnesty, anticipated release, etc.)
<i>Civil cases</i>	Participation at examination of extraordinary appeals	
	Additional appeals lodged	
	Appeals on points of law lodged with the SCJ	
<i>Other activities</i>	Informative notes prepared at the request of the PGO	
	Reports for General Prosecutor submitted	
	Notes on actions of territory prosecutors	
<i>Complexity 0.5</i>		
<i>Criminal cases</i>	Completed criminal cases	Appeals on points of law lodged with the SCJ
<i>Civil cases</i>	Examined by Court of Appeal in appeal on point of law	
<i>Complexity 1</i>		
<i>Criminal cases</i>	Completed criminal cases	Examined by Court of Appeal in appeal on point of law
<i>Other activities</i>	Generalizations of practice	
	<i>Ex officio</i> generalization of judicial practice	
<i>Complexity 1.5</i>		
<i>Criminal cases</i>	Completed criminal cases	Appeals on points of law lodged with the SCJ
<i>Criminal cases</i>	Examined in appeal	
<i>Complexity 2</i>		
<i>Criminal cases</i>	Completed criminal cases	Examined in appeal
<i>Civil cases</i>	Examined by Court of Appeal as first instance court	
<i>Complexity 3</i>		
<i>Criminal cases</i>	Completed criminal cases	Examined by Court of Appeal as first instance court
<i>Complexity - 0.5</i>		
<i>Criminal cases</i>	Completed criminal cases	Out of these with plea agreement

Annex 1 C: Chart on the complexity grades of the criminal investigations

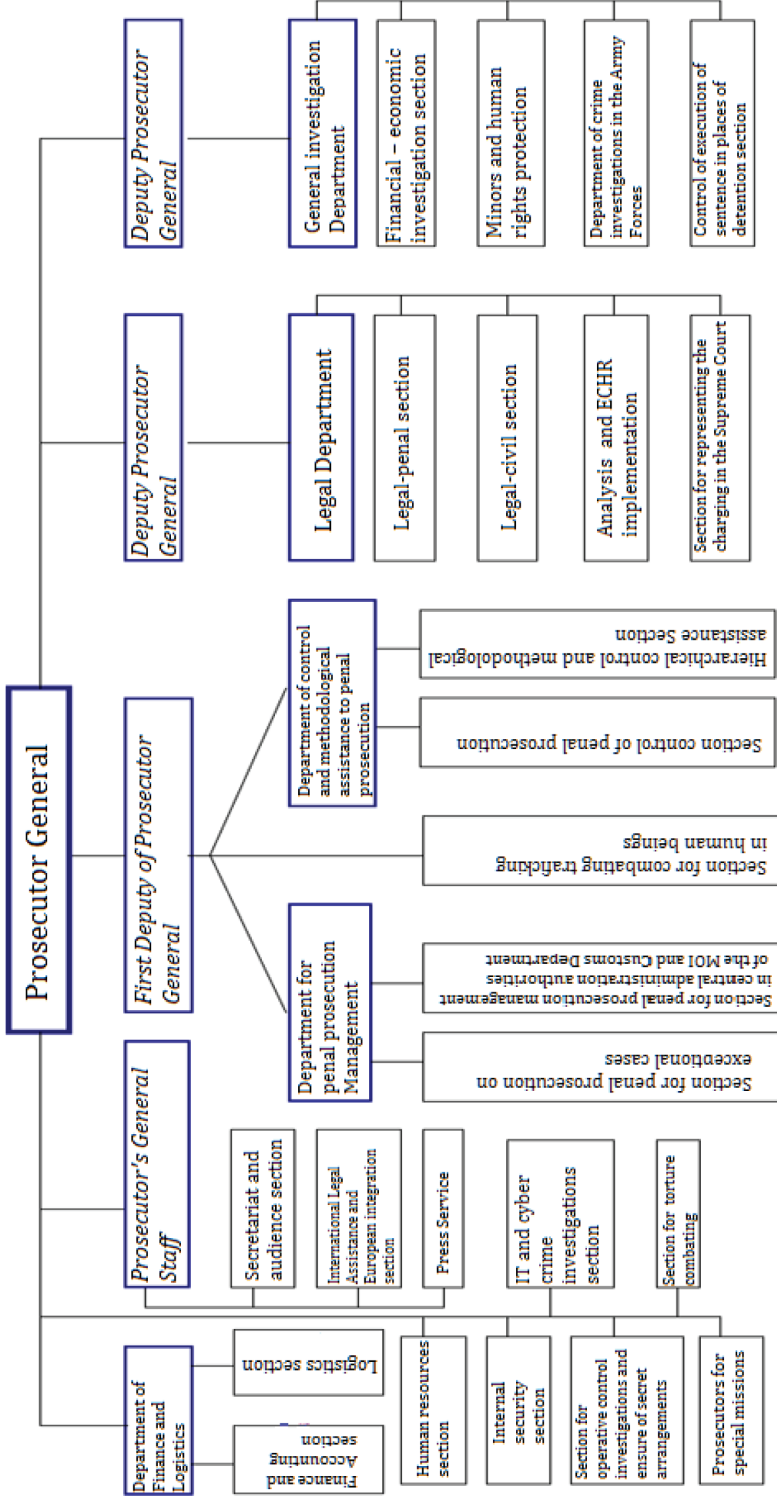
<i>Complexity 0.5</i>	
Lead	Theft (art. 186 CC)
	Robbery (art. 187 CC)
	Violation of Transport Traffic or Operational Safety Rules by the Person Operating the Means of Transport (art. 264 CC)
	Hooliganism (art. 287 CC)
	Negligent Performance of Duties (art. 329 CC)
	Other crimes
<i>Complexity 1</i>	
Lead	Violation of Labor Protection Regulations (art. 183 CC)
	Burglary (art. 188 CC)
	Blackmail (art. 189 CC)
	Fraud (art. 190 CC)
	Misappropriation of Another Person's Property (art. 191 CC)
	Appropriation in large and extremely large amounts (art. 195 CC)
	Illegal Circulation of Narcotic or Psychotropic Substances or Analogs Thereof Not for the Purpose of Alienation (art. 217 – 219 CC)
	Environmental crimes (art. 223-225 CC)
	Smuggling (art. 248 CC)
	Evasion from Customs Payments (art. 249 CC)
	Illegal Carrying, Storing, Purchasing, Producing, Repairing, or Marketing of Weapons and Ammunition and Their Theft (art. 290 CC)
	Active Corruption (art. 325 CC)
	Influence Peddling (art. 326 CC)
	Taking Bribes (art. 333 CC)
	Giving Bribes (art. 334 CC)
Crimes against justice (art. 303-309, 310-323 CC)	
Military Crimes (art. 364-393 CC)	
Carry out	Theft (art. 186 CC)
	Violation of Transport Traffic or Operational Safety Rules by the Person Operating the Means of Transport (art. 264 CC)
	Hooliganism (art. 287 CC)
	Negligent Performance of Duties (art. 329 CC)
	Other crimes
<i>Complexity 1.5</i>	
Lead	Deliberate Murder (art. 145 CC)
	Intentional Severe Bodily Injury or Damage to Health (art. 151 CC)
	Trafficking of Human Beings (art. 165, 220, 206, 207, 362/1 CC)
	Rape (art. 171 CC)
	Trafficking in Children (art. 206 CC)
	Financial-banking crimes (art. 238, 239, 240, 251, 252, 253 CC)
	Tax Evasion (art. 241-244, 249, 250 CC)
	Banditry, crimes against public security and public order (art. 278-286, 287-289, 291-302 CC)
	Passive Corruption (art. 324 CC)
	Abuse of Power or Abuse of Official Position (art. 327, 335 CC)
	Excess of Power or Excess of Official Authority (art. 328, 336 CC)
	Torture (art. 309/1 CC)

<i>Complexity 2</i>	
Carry out	Violation of Labor Protection Regulations (art. 183 CC)
	Burglary (art. 188 CC)
	Blackmail (art. 189 CC)
	Fraud (art. 190 CC)
	Misappropriation of Another Person's Property (art. 191 CC)
	Appropriation in large and extremely large amounts (art. 195 CC)
	Illegal Circulation of Narcotic or Psychotropic Substances or Analogs Thereof Not for the Purpose of Alienation (art. 217 – 219 CC)
	Environmental crimes (art. 223-225 CC)
	Smuggling (art. 248 CC)
	Evasion from Customs Payments (art. 249 CC)
	Illegal Carrying, Storing, Purchasing, Producing, Repairing, or Marketing of Weapons and Ammunition and Their Theft (art. 290 CC)
	Active Corruption (art. 325 CC)
	Influence Peddling (art. 326 CC)
	Taking Bribes (art. 333 CC)
	Giving Bribes (art. 334 CC)
	Crimes against justice (art. 303-309, 310-323 CC)
Military Crimes (art. 364-393 CC)	
<i>Complexity 3</i>	
Carry out	Deliberate Murder (art. 145 CC)
	Intentional Severe Bodily Injury or Damage to Health (art. 151 CC)
	Trafficking in Human Beings (art. 165, 220, 206, 207, 362/1 CC)
	Rape (art. 171 CC)
	Trafficking in Children (art. 206 CC)
	Financial-banking crimes (art. 238, 239, 240, 251, 252, 253 CC)
	Tax Evasion (art. 241-244, 249, 250 CC)
	Banditry, crimes against public security and public order (art. 278-286, 287-289, 291-302 CC)
	Passive Corruption (art. 324 CC)
	Abuse of Power or Abuse of Official Position (art. 327, 335 CC)
	Excess of Power or Excess of Official Authority (art. 328, 336 CC)
	Torture (art. 309/1 CC)

Annex 2A: Organizational chart of the Prosecution offices of the Republic of Moldova at 1 January 2014



Annex 2B: Organizational chart of the Prosecutor's General Office at 1 January 2014

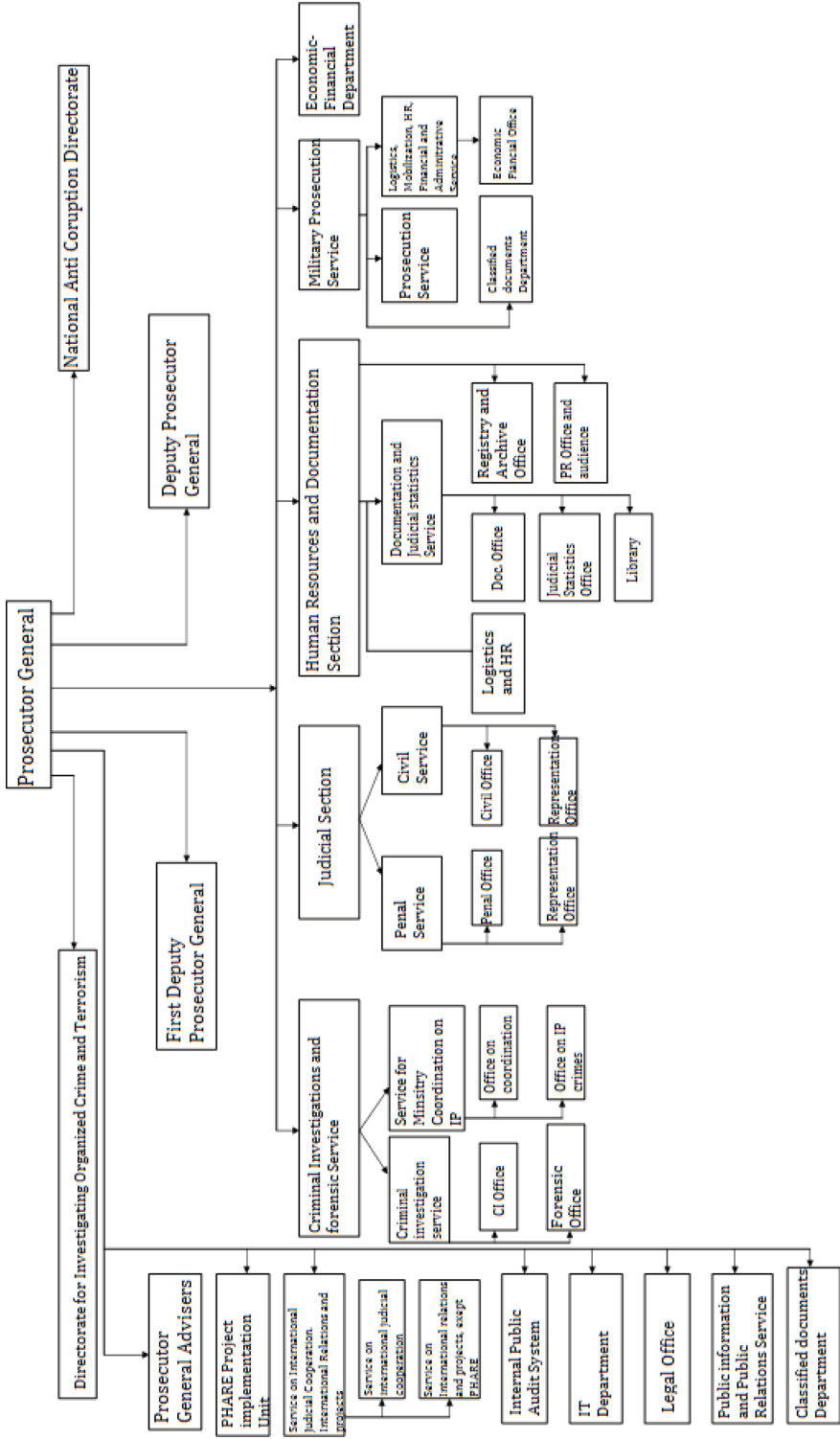


Annex 2C: The distribution of prosecutorial positions in General Prosecution office of Moldova, as of 31 December**

PGO subdivisions	2010				2011				2012			
	Assigned positions	Employed	Suspended/ Detached	Working de facto	Assigned positions	Employed	Suspended/ Detached	Working de facto	Assigned positions	Employed	Suspended/ Detached	Working de facto
Prosecutor General/Deputies	4	4		4	4	4		4	4	4		4
Chief of Prosecutor's General Bureau	1	1		1	1	1		1	1	0		
Section for secretariat and audience	5	4	1	3	5	5	1	4	5	5		5
Section for international legal assistance and European integration	8	8		8	8	7	1	6	7	6	1	5
Press service	2	2		2	2	2		2	2	1		1
Department for legal and reform implementation	0	0		0	0	0		0	4	4		4
Chief of Department for oversight of criminal investigation	1	1		1	1	1		1	1	1		1
Section for criminal investigation of exceptional cases	11	10		10	11	9		9	11	9		9
Section for oversight of criminal investigation in central administration authorities of the Mol and Customs Department	11	8		8	11	10		10	11	8		8
Chief of Department for control of criminal investigation and methodological assistance	1	1		1	1	1		1	1	1		1
Section for oversight of criminal investigation	24	20	3	17	24	21	2	19	22	18	2	16
Section for control and investigation of organized crime	6	4		4	6	4		4	4	3		3
Chief of the Judicial department	1	1		1	1	1		1	1	1		1
Judicial Criminal Section	15	14		14	15	14		14	15	15		15
Judicial Civil Section	5	3		3	5	5		5	5	4		4
Section for presenting charging at the SCJ	3	3		3	3	3		3	3	3		3
Section for analysis and ECHR implementation	3	1		1	3	1		1	3	1		1
Chief of General Investigation Department	1	1		1	1	1		1	1	1		1
Section for financial-economic investigations	9	8		8	9	8		8	9	8		8
Section for protection of minors and human rights	5	4		4	5	5		5	5	5	1	4
Section for investigations and crimes in the Armed Forces	4	4		4	4	4		4	4	4		4
Section for control of execution of criminal sanctions in the places of detention	4	4		4	4	4		4	4	4		4
Chief of finance and logistics Department												
Finance and Accounting Section												
Logistics Section												
Section for combating trafficking in persons	5	5		5	5	5		5	5	5		5
Section for combating torture	4	3		3	4	3		3	4	4		4
Internal Security Section	5	4		4	5	4		4	5	4		4
Section for IT and cyber crime investigations	3	3		3	3	3		3	3	3		3
Section for control of operative activities	3	3		3	3	3		3	3	3		3
Human Resources Section	3	3		3	3	3		3	3	3		3
Prosecutors for special missions	5	5	1	4	6	6	2	4	6	6	2	4
	152	132		127	153	138	6	132	152	134	6	128

** As presented by the Prosecutor General's Office

Annex 2D: Organizational Chart of the Prosecution office Attached to the High Court of Cassation and Justice of Romania



Annex 3 A: Public prosecutors, persons with similar duties as public prosecutors and non-prosecutor staff attached to public prosecution services (2012 CEPEJ Report)

State/Entities	Number of Public Prosecutors	Number of Prosecutors per 100.000 inhabitants	Number of persons with similar duties as prosecutors	Number of persons with similar duties as prosecutors per 100.000 inhabitants	Number of non-prosecutor staff attached to the public prosecution service	Number of non-prosecutor staff per 100.000 inhabitants	Number of non-prosecutor staff per prosecutor
Albania	314	9,8					
Andorra	3	3,5		5		5,9	1,7
Armenia	328	10,1					
Austria	346	4,1	146	1,7	332	4,0	1,4
Azerbaijan	994	11,0			1,160	12,9	1,2
Belgium	835	7,7			2,759	25,5	3,3
Bosnia and Herzegovina	308	8,0			550	14,3	1,8
Bulgaria	1,455	19,8					
Croatia	619	14,0			38	0,9	0,1
Cyprus	106	13,2			100	12,4	0,9
Czech Republic	1,240	11,8			1,527	14,5	1,2
Denmark	748	13,5					
Estonia	175	13,1	6	0,4	80	6,0	0,5
Finland	372	6,9	N/A		168	3,1	0,5
France	1,961	3,0	474	0,7			
Georgia	356	8,0	21	0,5	242	5,4	0,7
Germany	5,244	6,4	935	1,1	10,322	12,6	2,0
Greece	543	4,8					
Hungary	1,741	17,4			2,245	22,5	1,3
Iceland	81	25,4					
Ireland	191	4,2			191	4,2	1,0
Italia	1,978	3,3	1,178	1,9	9,409	15,5	4,8
Latvia	390	17,4			395	17,7	1,0
Lithuania	834	25,7			775	23,9	0,9
Luxembourg	46	9,0	7	1,4	37	7,2	1,0
Malta	30	7,2	N/A		39	9,3	1,3
Moldova	737	20,7			406	11,4	0,6
Monaco	4	11,1			6	16,7	1,5
Montenegro	120	19,4			134	21,6	1,1
Netherlands	786	4,7			3,807	22,9	4,8
Norway	577	11,7					
Poland	5,668	14,8	N/A		7,408	19,4	1,3
Portugal	1,475	13,9			1,756	16,5	1,2
Romania	2,326	10,9			3,044	14,2	1,3
Russian Federation	31,557	22,1	N/A		11,933	8,3	0,4
San Marino	1	3,0			8	24,1	8,0
Serbia	611	8,4			1,061	14,6	1,7

State/Entities	Number of Public Prosecutors	Number of Prosecutors per 100.000 inhabitants	Number of persons with similar duties as prosecutors	Number of persons with similar duties as prosecutors per 100.000 inhabitants	Number of non-prosecutor staff attached to the public prosecution service	Number of non-prosecutor staff per 100.000 inhabitants	Number of non-prosecutor staff per prosecutor
Slovakia	935	17,2			706	13,0	0,8
Slovenia	165	8,0	26	1,3	226	11,0	1,4
Spain	2,408	5,2	N/A		1,926	4,2	0,8
Sweden	1,001	10,6			607	6,4	0,6
Switzerland	434	5,5	210	2,7	722	9,2	1,7
Macedonia	201	9,8			205	10,0	1,0
Turkey	4,241	5,8			13,023	17,9	3,1
Ukraine	11,400	24,9					
UK-Ireland and Wales	2,866	5,2	426	0,8	4,793	8,7	1,7
UK-Northern Ireland	169	9,4			377	21,0	2,2
UK-Scotland	N/A				1,188	22,7	
Total	88,920						
Average	1,853	11,1	343	1,3	2,146	13,1	1,6
Median	611	9,8	178	1,2	607	12,9	1,3
Maximum	3,557	25,7	1,178	2,7	13,023	25,5	8,0
Minimum	1	3,0	6	0,4	5	0,9	0,1

Annex 3 B: The distribution of prosecutorial positions in prosecution offices of Moldova (except PGO), as of 31 December *

	PGO Office	2010				2011				2012			
		Assigned positions	Employed	Suspended/Detached	Working de facto	Assigned positions	Employed	Suspended/Detached	Working de facto	Assigned positions	Employed	Suspended/Detached	Working de facto
1	Chişinău	32	30	1	29	31	28		28	33	33		33
2	Botanica District	28	28	2	26	28	28	2	26	28	28	5	23
3	Buiucani District	26	26	3	23	26	26		26	26	26	2	24
4	Centru District	30	30		30	30	30		30	30	29		29
5	Ciocana District	24	22		22	24	23		23	24	24	2	22
6	Rîşcani District	28	27	2	25	28	28	5	23	28	28	1	27
7	Bălţi	25	24	1	23	25	24		24	25	23		23
8	Bender	5	5		5	5	4		4	5	3		3
9	Anenii Noi	12	12		12	12	11		11	12	12		12
10	Basarabeasca	6	4	1	3	6	6	1	5	6	5	1	4
11	Briceni	10	10		10	10	10		10	10	10		10
12	Cahul	16	14		14	16	16		16	16	15	1	14
13	Cantemir	7	7		7	7	7	1	6	7	6		6
14	Călăraşi	9	7		7	9	9		9	9	9	1	8
15	Căuşeni	11	10		10	11	10		10	11	11	1	10
16	Cimişlia	8	6		6	8	7		7	8	8		8
17	Criuleni	9	6		6	9	8		8	9	8		8
18	Donduşeni	8	8		8	8	8	1	7	8	8		8
19	Drochia	9	9	2	7	9	9	1	8	9	9	1	8
20	Dubăsari	5	5		5	5	4		4	5	4		4
21	Edineţ	10	9		9	10	8		8	10	9		9
22	Făleşti	8	8		8	8	8		8	8	8		8
23	Floreşti	10	10	1	9	10	7		7	10	10	1	9
24	Glodeni	7	7	1	6	7	7	1	6	7	7	1	6
25	Hînceşti	14	14		14	14	14		14	14	14	1	13
26	Ialoveni	13	13		13	13	13	3	10	13	13		13
27	Leova	7	5	1	4	7	6	1	5	7	6		6
28	Nisporeni	7	6		6	7	6		6	7	5		5
29	Ocnîţa	7	7		7	7	6		6	7	6		6
30	Orhei	14	11		11	14	14	1	13	14	14	2	12
31	Rezina	8	8		8	8	8		8	8	8		8
32	Rîşcani	8	7		7	8	8		8	8	7		7
33	Singerei	9	9		9	9	8		8	8	8		8
34	Soroca	14	13	1	12	14	7		7	14	14		14
35	Străşeni	12	11		11	12	12		12	12	11		11
36	Şoldăneşti	5	3		3	5	4		4	5	4	1	3
37	Ştefan Vodă	8	7		7	8	8	1	7	8	7		7
38	Taraclia	7	5		5	7	6		6	7	5		5
39	Teleneşti	7	7		7	7	7		7	7	7		7

	PGO Office	2010				2011				2012			
		Assigned positions	Employed	Suspended/Detached	Working de facto	Assigned positions	Employed	Suspended/Detached	Working de facto	Assigned positions	Employed	Suspended/Detached	Working de facto
40	Ungheni	14	14	1	13	14	14		14	14	13		13
41	TAU Găgăuzia	10	8		8	10	8		8	10	6		6
42	Comrat	7	5		5	7	6		6	7	7		7
43	Ceadir-Lunga	8	8		8	8	8		8	8			8
44	Vulcănești	5	4		4	5	4		4	5	5		5
45	Anticorruption Prosecution Office	37	34	1	33	37	37	1	36	37	33	1	32
46	Transport Prosecution Office	8	8		8	8	8		8	8	8		8
47	Bălți Military Prosecution Office	5	3		3	5	3		3	5	5		5
48	Cahul Military Prosecution Office	4	3		3	4	4		4	4	4		4
49	Chișinău Military Prosecution Office	9	9		9	9	9		9	9	8		8
50	Bălți Court of Appeal level Prosecution Office	8	6		6	8	6		6	8	8		8
51	Bender Court of Appeal level Prosecution Office	3	3		3	3	3		3	3	3		3
52	Cahul Court of Appeal level Prosecution Office	5	1		1	5	1		1	5	4		4
53	Chișinău Court of Appeal level Prosecution Office	13	13	1	12	13	13		13	13	13		13
54	Comrat Court of Appeal level Prosecution Office	0	0		0	0	0		0	0	0		0
Total		619	569	19	550	618	577	19	558	619	587	22	565

* As presented by Prosecutor General's Office

Annex 4 A: Data regarding different types of cases, materials and actions of the district, rayon, municipal, TAU Găgăuzia and specialized prosecution offices for 2010

No	Prosecution office	Number of Prosecutors <i>de facto</i>	Total procedures and activities	Procedures and activities <i>per prosecutor</i>	Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity X (0,5-1,5)	Complexity 1	Complexity X (0,75-1,5)	Complexity X (1-1,5)	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,25	Complexity -0,5	Complexity -1
1	Chişinău	29	5958	205	2404	746	1834	44	154	0	0	65	483	13	40	100	75
2	Botanica District	26	7826	301	4570	306	2026	52	281	0	0	83	210	4	193	70	31
3	Buiucani District	23	8284	360	4818	278	2240	41	312	0	0	58	182	18	173	78	86
4	Centru District	30	7383	246	3800	636	1920	46	365	0	0	131	244	15	148	9	69
5	Ciocana District	22	5560	253	2878	303	1623	57	342	0	0	88	115	3	108	19	24
6	Rîşcani District	25	9133	365	5472	442	2190	27	410	0	0	81	300	10	72	27	102
7	Bălţi	23	8829	384	4797	536	2073	46	528	0	0	114	189	31	449	0	66
8	Bender	5	943	189	555	26	229	9	35	0	0	9	27	1	30	1	21
9	Anenii Noi	12	4064	339	2201	181	1194	20	101	0	0	48	99	13	157	3	47
10	Basarabeasca	3	1326	442	723	69	358	23	18	0	0	25	52	5	42	0	11
11	Briceni	10	1966	197	930	143	586	16	91	0	0	67	44	5	58	7	19
12	Cahul	14	4278	306	2472	146	1174	42	83	0	0	67	120	8	127	26	13
13	Cantemir	7	1837	262	580	76	903	44	36	0	0	48	40	9	94	0	7
14	Călăraşi	7	2962	423	1878	114	649	30	58	0	0	80	64	4	78	2	5
15	Căuşeni	10	4525	453	2672	137	1205	61	64	0	0	117	189	6	46	6	22
16	Cîrmişla	6	2015	336	1172	138	499	24	39	0	0	38	76	3	14	2	10
17	Cîrulenii	6	2542	424	1530	116	596	32	66	0	0	41	97	7	26	4	27
18	Donduşeni	8	1264	158	732	79	298	13	38	0	0	43	34	2	23	1	1
19	Drochia	7	3868	553	2222	94	848	57	410	1	0	72	75	3	47	3	36
20	Dubăsari	5	1452	290	806	74	392	16	40	2	0	19	22	9	42	5	25

21	Edineț	9	3206	356	1835	199	715	24	108	1	0	67	193	10	6	0	48
22	Fălești	8	3197	400	2195	157	547	18	45	0	0	26	61	14	92	32	10
23	Florești	9	3284	365	1624	91	1066	284	44	0	0	60	35	2	71	4	3
24	Glodeni	6	2171	362	1023	56	805	24	51	0	0	99	30	6	40	0	37
25	Hîncești	14	3997	286	2440	188	871	62	90	0	0	136	127	18	35	7	23
26	Ialoveni	13	3126	240	2028	141	598	33	84	0	0	57	112	6	18	6	43
27	Leova	4	2583	646	1432	109	885	12	29	0	0	25	71	4	9	6	1
28	Nisporeni	6	1773	296	645	91	811	30	33	0	0	43	54	8	48	0	10
29	Ocnîța	7	1702	243	896	73	521	14	42	0	0	33	55	6	49	1	12
30	Orhei	11	4640	422	2597	192	1307	55	96	0	0	84	194	7	95	0	13
31	Rezina	8	2388	299	1518	89	554	22	60	0	0	30	52	7	26	12	18
32	Rîșcani	7	2298	328	1053	123	845	27	67	0	0	44	75	8	39	0	17
33	Sîngerei	9	2689	299	1401	154	856	24	66	0	0	40	51	6	65	4	22
34	Soroca	12	3881	323	2113	235	1036	26	150	0	0	66	43	10	194	2	6
35	Strășeni	11	3737	340	2098	211	958	47	103	0	0	67	113	8	77	0	55
36	Șoldănești	3	1395	465	821	56	335	15	25	0	0	26	84	2	29	0	2
37	Ștefan Vodă	7	2876	411	1664	97	703	35	48	0	0	58	120	6	102	36	7
38	Taraclia	5	2211	442	1411	100	490	17	13	0	0	28	37	15	83	0	17
39	Telenești	7	2617	374	1353	87	933	20	27	0	0	42	102	2	44	3	4
40	Ungheni	13	4223	325	2006	202	1487	49	95	0	0	93	98	13	155	0	25
41	TAU Găgăuzia	8	1645	206	1016	174	293	0	12	0	0	105	25	9	7	0	4
42	Comrat	5	1916	383	974	68	589	17	60	0	0	36	71	5	70	0	26
43	Ceadir-Lunga	8	2006	251	782	82	894	9	44	0	0	24	53	9	104	0	5
44	Vulcănești	4	1355	339	519	59	651	3	14	0	0	14	16	2	75	0	2
45	Anticorruption Prosecution Office	33	7158	217	4143	382	731	0	57	8	1195	6	239	139	79	0	179
46	Transport Prosecution Office	8	1610	201	737	87	426	38	140	0	0	51	63	7	49	8	4
47	Bălți Military Prosecution Office	3	691	230	97	200	319	0	7	0	0	1	51	0	14	0	2
48	Cahul Military Prosecution Office	3	671	224	174	181	275	0	6	0	0	2	22	4	5	0	2
49	Chișinău Military Prosecution Office	9	1050	117	402	273	212	0	19	0	0	11	68	10	43	0	12
TOTAL		528	162111	324*	88209	8797	43550	1605	5106	12	1195	2668	4977	512	3690	484	1306

*Average procedures and actions per prosecutor

Annex 4 B: Data regarding different types of cases, materials and actions of the district, rayon, municipal, TAU Găgăuzia and specialized prosecution offices for 2011

No	Prosecution office	Number of Prosecutors <i>de facto</i>	Total Procedures and activities	Procedures and activities <i>per prosecutor</i>	Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity X (0,5-1,5)	Complexity 1	Complexity X (0,75-1,5)	Complexity X (1-1,5)	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,25	Complexity -0,5	Complexity -1
1	Chişinău	28	4258	152	1389	504	1625	28	149	0	0	50	244	13	11	162	83
2	Botanica District	26	8809	339	5166	353	2242	41	277	0	0	91	261	27	239	78	34
3	Buiucaeni District	26	9367	360	4792	538	2705	47	366	0	0	64	379	40	305	22	109
4	Centru District	30	7557	252	3958	673	1909	31	331	0	0	113	304	14	148	20	56
5	Giocana District	23	5459	237	2531	406	1746	40	245	0	0	77	292	10	80	15	17
6	Rîşcani District	23	8127	353	4026	376	2713	31	415	0	0	92	262	5	117	16	74
7	Bălţi	24	8797	367	4555	637	2033	51	645	0	0	110	171	27	513	6	49
8	Bender	4	1047	262	609	49	298	3	32	0	0	3	17	1	21	2	12
9	Anenii Noi	11	3298	300	1430	242	1137	21	95	0	0	67	120	13	122	11	40
10	Basarabeasca	5	1257	251	750	57	350	6	19	0	0	7	27	1	37	0	3
11	Briceni	10	2479	248	1200	165	804	25	95	0	0	39	52	3	59	31	6
12	Cahul	16	3954	247	2010	168	1248	43	106	0	0	46	145	5	125	30	28
13	Cantemir	6	1910	318	500	101	924	45	42	0	0	157	56	1	80	0	4
14	Calăraşi	9	2914	324	1798	101	757	23	47	0	0	30	51	3	99	1	4
15	Căuşeni	10	4327	433	2571	188	1158	43	50	0	0	99	169	5	29	2	13
16	Cimişlia	7	2349	336	1231	134	765	21	34	0	0	37	72	6	36	0	13
17	Criuleni	8	2393	299	1136	120	751	44	80	1	0	54	89	6	64	14	34
18	Donduşeni	7	1461	209	799	96	377	13	35	0	0	44	53	2	40	0	2
19	Drochia	8	2840	355	1502	75	914	33	125	0	0	56	69	1	41	0	24
20	Dubăsari	4	1355	339	783	33	394	15	31	0	0	17	23	5	36	3	15

21	Edineț	8	3195	399	1866	215	654	21	108	0	0	0	51	216	5	6	0	53
22	Fălești	8	3070	384	2060	147	587	24	52	0	0	0	27	53	12	91	8	9
23	Florești	7	3292	470	1631	114	1309	23	29	0	0	0	52	36	0	88	1	9
24	Glodeni	6	1813	302	865	58	689	18	35	0	0	0	50	25	1	47	0	25
25	Hîncești	14	4257	304	2156	318	1288	46	58	0	0	0	150	185	14	20	2	20
26	Ialoveni	10	3438	344	1932	172	882	35	133	0	0	0	54	137	16	15	0	62
27	Leova	5	2069	414	887	92	947	18	21	0	0	0	19	67	1	12	5	0
28	Nisporeni	6	1664	277	668	70	682	29	29	0	0	0	39	84	4	39	17	3
29	Ocnîța	6	1953	326	1190	51	519	8	44	0	0	0	11	29	5	84	1	11
30	Orhei	13	4084	314	1999	141	1503	38	82	0	0	0	49	142	2	123	0	5
31	Rezina	8	2207	276	1224	168	493	29	55	0	0	0	56	109	19	26	10	18
32	Rîșcani	8	1795	224	771	116	642	22	66	0	0	0	34	73	10	51	3	7
33	Sîngerei	8	2411	301	1264	172	611	23	58	0	0	0	27	130	5	93	3	25
34	Soroca	7	4040	577	2130	252	1070	39	159	0	0	0	53	69	16	238	4	10
35	Strașeni	12	3119	260	1397	171	1027	25	126	0	0	0	79	113	11	91	17	62
36	Șoldănești	4	1570	393	939	61	370	9	43	0	0	0	46	63	3	33	2	1
37	Ștefan Vodă	7	2947	421	1586	131	806	37	39	0	0	0	41	196	6	74	19	12
38	Taraclia	6	1866	311	1001	98	526	13	33	0	0	0	22	30	15	94	8	26
39	Telenești	7	2485	355	1106	55	1067	22	30	0	0	0	27	99	8	64	1	6
40	Ungheni	14	3951	282	1751	202	1495	34	65	0	0	0	73	126	12	166	3	24
41	TAU Găgăuzia	8	1894	237	1105	211	349	0	6	2	0	0	182	21	5	8	0	5
42	Comrat	6	1832	305	762	78	677	11	88	0	0	0	41	53	7	95	0	20
43	Ceadrî-Lunga	8	2609	326	922	239	1122	7	29	0	0	0	156	39	3	85	0	7
44	Vulcănești	4	1210	303	462	41	638	4	9	0	0	0	8	3	1	44	0	0
45	Anticorruption Prosecution Office	36	7029	195	4191	400	768	0	43	0	1069	19	243	95	120	4	77	
46	Transport Prosecution Office	8	1610	201	748	96	520	28	79	0	0	0	35	33	8	56	2	5
47	Bălți Military Prosecution Office	3	483	161	72	124	233	0	3	0	0	0	0	36	0	12	0	3
48	Cahul Military Prosecution Office	4	647	162	179	154	263	0	6	0	0	0	0	32	3	8	0	2
49	Chișinău Military Prosecution Office	9	785	87	201	246	152	0	18	0	0	0	6	118	4	35	0	5
TOTAL		535	157283	304*	79801	9409	46739	1167	4765	3	1069	2660	5416	479	4120	523	0	1132

*Average procedures and actions per prosecutor

Annex 4C: Data regarding different types of cases, materials and actions of the district, rayon, municipal, TAU Găgăuzia and specialized prosecution offices for 2012

No	Prosecution office	Number of Prosecutors <i>de facto</i>	Total Procedures and activities	Procedures and activities <i>per prosecutor</i>	Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity X (0,5-1,5)	Complexity 1	Complexity X (0,75-1,5)	Complexity X (1-1,5)	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,25	Complexity -0,5	Complexity -1
1	Chişinău	33	4280	130	1308	396	1864	59	178	0	0	82	252	28	17	14	82
2	Botanica District	23	8375	364	4692	458	2038	59	324	0	0	116	322	13	239	67	47
3	Buiucaeni District	24	8381	349	3662	483	2802	41	495	0	0	76	388	54	274	0	106
4	Centru District	29	8025	277	4161	692	2113	9	340	0	0	111	300	21	165	13	100
5	Ciocana District	22	5573	253	2532	433	1766	40	273	1	0	75	274	15	97	42	25
6	Rîşcani District	27	8704	322	4055	454	3098	27	335	0	0	63	324	19	241	11	77
7	Bălţi	23	9006	392	4197	718	2504	62	677	0	0	91	250	13	416	13	65
8	Bender	3	1228	409	733	34	330	6	54	0	0	7	21	2	31	2	8
9	Anenii Noi	12	3201	267	1179	294	1183	51	97	0	0	66	153	7	103	2	66
10	Basarabeasca	4	1060	265	532	56	362	8	15	0	0	10	34	5	31	0	7
11	Briceni	10	3087	309	1417	232	833	135	86	0	0	211	44	5	78	35	11
12	Cahul	14	4273	305	2193	118	1473	25	89	0	0	26	130	7	155	40	17
13	Cantemir	6	1845	308	464	93	976	29	36	0	0	31	92	5	102	0	17
14	Călăraşi	8	2825	353	1589	127	763	30	40	0	0	74	51	7	134	1	9
15	Căuşeni	10	3501	350	1919	107	1121	43	61	0	0	87	108	3	37	7	8
16	Cimişlia	8	2190	274	1214	102	651	22	38	0	0	32	67	10	33	5	16
17	Criuleni	8	2413	302	976	114	802	58	135	0	0	64	138	2	57	11	56
18	Donduşeni	8	1479	185	757	81	469	11	41	0	0	24	29	4	60	0	3
19	Drochia	8	2798	350	1456	100	932	29	74	0	0	46	58	6	75	5	17
20	Dubăsari	4	1295	324	684	41	405	11	41	0	0	11	23	6	56	3	14

21	Edineț	9	2498	278	1366	155	688	11	82	0	0	31	134	6	1	0	24
22	Fălești	8	2834	354	1691	137	617	20	60	0	0	120	40	18	104	17	10
23	Florești	9	3028	336	1532	70	1202	28	20	0	0	50	34	1	82	1	8
24	Glodeni	6	1587	265	635	62	688	22	42	0	0	35	27	9	46	0	21
25	Hîncești	13	4101	315	2005	286	1275	40	76	0	0	97	226	7	55	0	34
26	Ialoveni	13	3625	279	2198	155	786	39	90	0	0	45	258	4	21	0	29
27	Leova	6	1847	308	712	67	885	19	29	0	0	19	49	0	64	0	3
28	Nisporeni	5	1496	299	569	54	618	26	42	0	0	51	89	9	37	0	1
29	Ocnîța	6	1887	315	1100	54	579	8	25	0	0	20	35	6	53	1	6
30	Orhei	12	3969	331	1979	127	1472	39	68	0	0	51	132	2	90	3	6
31	Rezina	8	2243	280	1263	111	570	23	47	0	0	44	116	7	32	10	20
32	Rîșcani	7	2033	290	957	172	676	19	58	0	0	33	47	4	49	10	8
33	Sîngerei	8	2321	290	1066	168	685	36	91	0	0	44	82	5	99	2	43
34	Soroca	14	3673	262	1829	298	999	25	117	0	0	75	119	19	177	2	13
35	Strășeni	11	3264	297	1654	197	898	43	95	0	0	60	173	7	92	8	37
36	Șoldănești	3	1531	510	710	77	494	27	35	0	0	52	66	7	51	5	7
37	Ștefan Vodă	7	2979	426	1619	141	830	28	54	1	0	31	154	5	105	7	4
38	Taraclia	5	1981	396	944	131	692	12	31	0	0	48	43	9	55	0	16
39	Telenești	7	2632	376	1158	119	1076	26	43	0	0	27	81	7	69	2	24
40	Ungheni	13	3438	264	1527	183	1217	53	105	0	0	71	122	8	124	3	25
41	TAU Găgăuzia	6	1751	292	962	74	416	0	11	0	0	256	12	6	2	0	12
42	Comrat	7	2180	311	937	101	732	15	61	0	0	168	69	11	64	7	15
43	Ceadir-Lunga	8	2200	275	860	77	1047	12	30	0	0	28	50	2	87	0	7
44	Vulcănești	5	1290	258	508	47	578	77	10	0	0	7	5	0	57	0	1
45	Anticorruption Prosecution Office	32	7719	241	4318	375	891	0	35	10	1443	36	238	130	104	22	117
46	Transport Prosecution Office	8	1903	238	886	120	613	48	65	0	0	60	53	5	45	1	7
47	Bălți Military Prosecution Office	5	525	105	118	146	207	0	9	0	0	0	28	3	12	0	2
48	Cahul Military Prosecution Office	4	632	158	211	133	239	0	12	0	0	0	25	5	4	0	3
49	Chișinău Military Prosecution Office	8	771	96	185	268	111	0	11	0	0	12	108	6	59	0	11
TOTAL		537	155477	297*	75219	9238	48266	1451	4883	12	1443	2874	5673	540	4241	372	1265

*Average procedures and actions per prosecutor

Annex 4D: Data regarding different types of cases, materials and actions of the appellate court level prosecution offices for 2010-2012

Prosecution office	Number of prosecutors <i>de facto</i>	Total procedures and actions	Average procedures and actions per prosecutor	2010						2011						2012												
				Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity 1	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,5	Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity 1	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,5	Complexity 0,1	Complexity 0,25	Complexity 0,5	Complexity 1	Complexity 1,5	Complexity 2	Complexity 3	Complexity -0,5	
50 Bălți Court of Appeal level Prosecution Office	6	1184	197	55	286	75	290	0	466	0	12																	
51 Bender Court of Appeal level Prosecution Office	3	382	127	36	66	23	106	0	103	0	48																	
52 Cahul Court of Appeal level Prosecution Office	1	422	422	55	65	3	90	14	112	0	83																	
53 Chișinău Court of Appeal level Prosecution Office	12	2669	222	1	386	332	494	1	1113	1	341																	
54 Comrat Court of Appeal level Prosecution Office*	0	328		63	51	20	51	23	120	0	0																	
TOTAL	22	4985	227**	210	854	453	1031	38	1914	1	484																	
2011																												
50 Bălți Court of Appeal level Prosecution Office	6	1565	261	101	308	112	415	5	368	2	254																	
51 Bender Court of Appeal level Prosecution Office	3	331	110	18	83	16	94	0	84	0	36																	
52 Cahul Court of Appeal level Prosecution Office	1	331	331	31	83	12	55	6	97	0	47																	
53 Chișinău Court of Appeal level Prosecution Office	13	3248	250	7	724	328	657	33	1097	0	402																	
54 Comrat Court of Appeal level Prosecution Office*	0	352		104	84	17	49	11	87	0	0																	
TOTAL	23	5827	253**	261	1282	485	1270	55	1733	2	739																	
2012																												
50 Bălți Court of Appeal level Prosecution Office	8	1637	205	58	347	157	380	16	389	0	290																	
51 Bender Court of Appeal level Prosecution Office	3	363	121	11	87	21	110	0	104	0	30																	
52 Cahul Court of Appeal level Prosecution Office	4	398	100	8	93	33	83	7	101	0	73																	
53 Chișinău Court of Appeal level Prosecution Office	13	3498	269	5	758	338	680	55	1171	2	489																	
54 Comrat Court of Appeal level Prosecution Office*	0	285		76	78	20	39	7	64	1	0																	
TOTAL	28	6181	221**	158	1363	569	1292	85	1829	3	882																	

* This activity is carried out by TAU Găgăuzia Prosecution Office

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The aim of the study is to help the decision-makers in Moldova decide on reorganization of the prosecution system in order to enhance its activity. The study focuses on reallocation of prosecutorial positions in district, rayon, municipal, TAU Găgăuzia Prosecution offices as well as prosecution offices at the level of appellate courts, to ensure a balanced workload of the prosecutors. The study also includes recommendations on optimization and adjusting competences for the prosecutor's from Republic of Moldova.

The Legal Resources Centre from Moldova is a not-for profit non-governmental organization based in Chişinău, Republic of Moldova. LRCM strives to ensure a qualitative, prompt and transparent delivery of justice and effective observance of civil and political rights in Moldova. In achieving these aims, LRCM combines policy research and advocacy in an independent and non-partisan manner.

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