

REPORT

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# Reforming the institution of the investigative judge in the Republic of Moldova

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Ion GUZUN



**LRCM**

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FROM MOLDOVA

## REPORT

# REFORMING THE INSTITUTION OF THE INVESTIGATIVE JUDGE IN THE REPUBLIC OF MOLDOVA

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# Introduction

Since 2003, there have been investigative judges in every court in the Republic of Moldova, except the specialized ones. They have special powers, examining complaints against criminal investigation bodies, pre-trial detention, authorizing searches and wiretapping, etc. The purpose of creating this institution was to ensure a greater observance of human rights during criminal investigation.

Although these judges decide on human rights observance during criminal investigation, they are not so numerous. In most courts, there is one investigative judge, except Buiucani, Centru and Rîșcani courts of the Chișinău municipality, where there are two investigative judges in each court. On 31 August 2012, in the entire country there were 44 positions of investigative judges, four of which were vacant.

From the very beginning, the institution of investigative judges was created as a separate category of judges, with specific criteria for appointment. They were appointed for an unlimited tenure. Due to the specifics of the requirements for appointment, in November 2013, 87% of the investigative judges were former prosecutors or criminal investigative officers. It seems that their professional profile has determined a pronounced pro-accusatory attitude. The specific of the activity of investigative judges, which involves examination of a limited variety of files, usually without adversarial proceedings, cumpers their professional development and career. On the other hand, the majority of the decisions of the investigative judges were not subject to appeal, which left room for abuse. At the same time, since the introduction of the institution of investigative judges in 2003, the number of investigative judges has not significantly changed despite a substantial increase in their workload. All these aspects, combined with reduced term provided by law for investigative judges to take a decision, led to poor quality of their activity and, finally, to numerous convictions of the Republic of Moldova at the European Court of Human Rights (ECtHR). For these reasons, in 2012, the reform of the institution of the investigative judge was initiated.

The Law no. 153, of 5 July 2012, which entered into force on 31 August 2012, provided for an evaluation of the activity of all investigative judges, their training at the National Institute of Justice (NIJ) and integration of investigative judges, which successfully passed the evaluation in the body of common law judges. The law also provides for temporary exercise of powers of investigative judge by common law judges appointed by SCM. This report analyses the implementation of the Law no. 153 and contains recommendations for streamlining the mechanism of appointing investigative judges. LRCM has also carried out an assessment of the workload of the investigative judges. The report includes

recommendations on optimizing the workload of investigative judges for every court in the country. This will create premises for improving the quality of their activity. On the other hand, the recommendations in the document are directed to streamlining the activity of investigative judges with a reduced workload.

This report contains chapters. For a better understanding of the facts, Chapter 1 provides a retrospective of the institution of the investigative judge in the Republic of Moldova. The activity of the investigative judges is analyzed in Chapter 2. The implementation of the reform of the investigative judge in 2012 is presented in Chapter 3. Chapter 4 includes information on the workload of the investigative judges and manner of optimizing it, while the recommendations on streamlining the mechanism of appointment of investigative judges and optimization of their workload are presented in the last chapter of this report.

# Abbreviations

**ECHR** – European Convention on Human Rights

**Evaluation Board** – Board for Evaluation of Performance of Judges

**CPC** – Criminal Procedure Code of the Republic of Moldova

**SCJ** – Supreme Court of Justice

**SCM** – Superior Council of Magistracy

**ECtHR** – European Court of Human Rights

**NIJ** – National Institute of Justice

**OM of the RM** – Official Monitor of the Republic of Moldova

**ICMS** – Integrated Case Management System

**JSRS** – Justice Sector Reform Strategy for years 2011 - 2016

**SCM Regulation** – Regulation on the procedure and conditions of appointing investigative judges, approved by the SCM Decision no. 145/6 of 12 February 2013

# Methodology of the Study

This report explores the process of reconfirmation of investigative judges in the capacity of common law judges and appointment of investigative judges under new rules set by the SCM Regulation on the procedure and conditions of appointing investigative judges, approved by Decision no. 145/6 of 12 February 2013 (SCM Regulation). The report contains recommendations on the optimization of the process of appointing investigative judges. The workload of investigative judges of all the courts of the Republic of Moldova has also been assessed. The report provides recommendations for streamlining the activity of the investigative judge and balancing the workload of the investigative judges throughout the country.

As to the reform of the institution of investigative judge initiated in 2012, the LRCM team has monitored the activity of the SCM and of the Board for Evaluation of Performance of Judges by studying in advance agendas and documents presented at the sittings of the SCM and the Board for Evaluation of Performance of Judges (BEPJ), attending the sittings of the SCM, studying the decisions of the SCM and of the Evaluation Board available on the SCM's website and analyzing the decrees of the President of the country etc.

The LRCM team created two databases for investigative judges – the first keeps record of the investigative judges who have been reconfirmed in the capacity of common law judges and the second one refers to the newly appointed investigative judges. The database refers to the investigative judges appointed in every court of the country. The verified data reflects the situation between 31 August 2012 and 31 December 2014.

In July – September 2014 there were conducted semi-structured qualitative interviews with current and former investigative judges. The interviews targeted, in special, the opinion of the investigative judges on the reconfirmation procedure, the quality of training the investigative judges for taking over the tasks of common law judges, manner of appointing new investigative judges by presidents of the courts, the eligibility condition of 3 years in the position of judge to carry out powers of investigative judge, tenure of the investigative judge, career advancement of investigative judges, training common law judges to take over the mandate of investigative judge, difficulties arising from the merging of tasks of common law judge and investigative judge etc. The interviews are confidential and the report does not reflect the names of those interviewed.

When assessing the workload of investigative judges, the activity of all common law courts of the country has been assessed. By applying the Data Envelopment Analysis

(DEA)<sup>1</sup>, results were obtained on the recommended number of investigative judges for each court. The methodology used does not answer the question on the effective number of investigative judges needed in the Republic of Moldova. It only provides proposals to level out the workload of judges in the country, based on the presumption that their usual workload is adequate, and the efficiency of their daily activity is good, although in reality, the situation could be different. DEA calculations were carried out by Mr. Jesper WITTRUP<sup>2</sup> based on statistical data extracted by the representatives of the LRCM from statistical annual reports presented by courts to the Department of Judicial Administration. These data are presented in Appendix no. 3 to the Report.

The categories of activities carried out by investigative judges were given different degrees of complexity depending on the working time required for their accomplishment. The activity of investigative judges during 2010-2013 has been analyzed. The complexity attributed to different cases examined by investigative judges is mentioned in the Appendix to the Report. Complexity was established following consultations with judges. Similar degrees of complexity have been used by LRCM in drafting the Study on optimization of the judicial map in the Republic of Moldova<sup>3</sup>.

Investigative judges were compared among themselves. They were not compared with the rest of the judges. Besides the powers attributed by the CPC, investigative judges from the majority of courts also examine other cases. In the absence of accurate data, the calculation was based on the presumption that all investigative judges, except those in the courts of mun. Chişinău, Bălţi and Cahul, dedicate 50% of their time to examination of other categories of cases than those, which according to the CPC are in their exclusive competence. In case of investigative judges in the courts of mun. Chişinău, Bălţi and Cahul, it was presumed that they examine only the categories of cases, which according to the CPC are in their exclusive competence.

Proposals on the required number of positions of investigative judge have been made based on the average of several models used. The models were based on statistical data on the activity of investigative judges for the years 2010-2013 (Model 1), information on the activity of investigative judges in 2013 (Model 2) and socio-demographic data for 2011 (Model 3)<sup>4</sup>.

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<sup>1</sup> DEA (English - Data Envelopment Analysis) represents a mathematical model which allows formulating recommendations based on comparison (in this case - of the workload) of similar entities. Official statistical data were analyzed. DEA did not analyze unprocessed statistical data. The cases examined by investigative judges were ranked depending on the time needed to finalize a file or material. Such rankings were determined following consultations with judges. Calculations were carried out by using a computer program.

<sup>2</sup> Mr. Wittrup is an expert from Denmark, known for his involvement in the optimization of many European judicial systems. He was the expert to assist LRCM in drafting studies on the optimization of judicial map and on specialization of judges.

<sup>3</sup> Available at [http://crjm.org/wp-content/uploads/2014/06/2014-Studiu-Optimiz-HartaJud-MD\\_ro-web.pdf](http://crjm.org/wp-content/uploads/2014/06/2014-Studiu-Optimiz-HartaJud-MD_ro-web.pdf).

<sup>4</sup> The socio-demographic data used referred both to the population within the jurisdictions of courts and to their age and occupation, average salary in every jurisdiction, number of registered legal entities etc. Socio-demographic data were predominantly obtained from the National Bureau of Statistics for every raion of the country. They include information on *stable and present population*, divided in age groups and rural/urban areas; average monthly salary; unemployment rate and the number of registered crimes and contraventions. Data regarding the raions of the

The draft Report was submitted to peer review within LRCM. Two national experts commented on the initial draft of the Report, which was then amended according to their suggestions. Before being launched, the final draft Report was sent to the representatives of the SCM for information purposes.

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Autonomous Unit Găgăuzia (ATU Găgăuzia) were obtained from the Department of Statistics of the ATU Găgăuzia. The number of *registered enterprises* has been obtained from the State Registration Chamber.

# Summary

On 31 August 2012, 40 out of the 44 positions of investigative judges were occupied and four of them were vacant. If investigative judges manifested willingness to continue working as judges, they were to be evaluated and, if successfully passing the evaluation and attending training courses at the NIJ, could be reconfirmed in the capacity of common law judge. Two investigative judges became common law judges, avoiding the procedure provided by the Law no. 153. One investigative judge has not requested reconfirmation in the position, due to approaching the maximum age limit for the position of judge. The rest 37 investigative judges requested reconfirmation in the position.

For reconfirmation in their positions, investigative judges were subjected to professional evaluation and participated in trainings organized by NIJ. The NIJ training lasted for 40 hours and covered issues other than those that the investigative judges face in their daily work. This training had the purpose of facilitating the integration of investigative judges in the body of common law judges. However, the NIJ training did not evaluate the knowledge and skills obtained during the training.

All the judges who requested reconfirmation underwent professional evaluation. According to the regulation approved by the CSM, only those investigative judges who have obtained "good", "very good" or "excellent" qualifications during the evaluation were to be reconfirmed in their positions. Judges Lanovenco and Ghețu were evaluated with qualification "failed" and the SCM proposed to the President to dismiss them.

By 31 December 2014, the SCM had adopted decisions addressing the issue of reconfirmation of 36 out of those 37 investigative judges who requested reconfirmation. The evaluation of the investigative judge Dorin COVAL was suspended, because criminal investigation had been initiated against him. Two judges who were given "insufficient" mark were proposed to be dismissed. In two other cases, even if previously they had requested to be reconfirmed in the capacity of common law judges, the investigative judges submitted their resignation and the SCM accepted them. SCM proposed to the President reconfirmation of the rest of the 32 judges in the capacity of common law judges.

The President of the country has reconfirmed in their positions 30 former investigative judges and refused to reconfirm judges Taban and Galben. In December 2014, the SCM rejected the repeated proposal of Mr. Taban to be reconfirmed in the capacity of common law judge and proposed to the President to dismiss him from the position of judge. As of now, there is no decree of the President in respect of Mr. Taban. The CSM has not yet taken a decision on the repeated proposal of judge Galben.

The Law no. 153 provides that the powers of the investigative judge must be temporarily exercised by common law judges appointed by the SCM. However, the law did not prohibit investigative judges in office as of the date of enactment of the Law to continue their activity neither before reconfirmation, nor after that. In practice, investigative judges continued their work unhindered. After reconfirmation, the SCM initiated the procedure of appointing judges who would temporarily exercise the powers of investigative judges. Out of the 30 former investigative judges who have been reconfirmed in the capacity of common law judges, 25 (83%) continue to work as investigative judge or as substitutes. One of the purposes of the Law no. 153 was the creation of prerequisites for professional development and career of investigative judges. The report recommends introducing a three-year prohibition for former investigative judges to exercise powers of investigative judge.

Given the seriousness and the number of issues to be decided by investigative judges and the limited time that they have at their disposal, exercising the powers of investigative judge requires special professional training and exceptional integrity. Although the SCM provided that usually, for exercising the powers of investigative judges persons with of at least three years of professional experience as a judge may be appointed, the SCM has appointed in this respect 14 judges who do not have this experience. There are judges in the respective courts with more than three years of experience. Moreover, three judges were appointed in the capacity of investigative judges, although they had no experience as a judge. The report recommends strict observance of the requirement of length of service and deviation from this rule only if in the respective court there are no judges with such experience. In the Republic of Moldova, there is only one court of this type - Vulcănești court.

The president of the court proposes to the SCM the candidate judge who will exercise the powers of the investigative judge. The consent of the judge was imposed by the SCM as a condition for appointment in the capacity of investigating judge. There were cases when the president of the court did not request such consent, and the judge found out from the decision of the SCM that he/she had to exercise the powers of investigative judge. Given the tenure of the investigative judge, neglecting the judge's consent upon appointment is unacceptable.

For efficient exercise of the powers of investigative judge, it is necessary to carry out preliminary training of the judges who will take over these tasks and to solve the problem of workload generated by the cases distributed to them in their capacity of common law judges before taking over the mandate of investigative judge. The examination of ordinary cases may last for several months, and the investigative judge must take a decision in, at most, several days. This can generate an increase in the workload of the investigative judge in the first months after taking over the mandate. Neither the Law no. 153, nor the SCM Regulation regulates these aspects. The report proposes that the appointment takes place with at least three months before taking over the powers, with a gradual decrease of the number of cases allocated to the judge before taking over the powers of investigative judge. During this period, we recommend that common law judges attend the training courses at the NIJ on the specifics of the activity of the investigative judge.

According to p. 3 of the SCM Regulation, the tenure of the investigative judges is up to three years. However, there are no minimum terms established. In practice, the SCM appoints

judges who will exercise the powers of investigative judges for different terms, varying from two months to three years. The SCM does not justify the length of the investigative judges' mandate in its decisions. In some decisions for appointing investigative judges, the SCM did not indicate any time limit, which creates confusions. The Report suggests the introduction of a fixed three-year term for exercising the function of investigative judge, with the interdiction of exercising these powers for two consecutive mandates.

The Report also recommends optimization of the procedure of appointing investigative judges by changing them in all the courts in the country in the same period. This will ensure that rotation of investigative judges takes place simultaneously in the entire judiciary. At the same time, this will contribute to unification and simplification of the process of proposal and appointment of investigative judges throughout the entire country, simplification of the training process by the NIJ and avoidance of situations when investigative judges are appointed with delays in some courts.

The document recommends maintaining at least one position of investigative judge in every court. Taking into account the specifics of the activity of the investigative judge, it is not encouraged to distribute the tasks of the investigative judge among more judges. Other judges could help the investigative judge in case the workload is temporarily too high.

Following the analysis of the workload of investigative judges for 2010-2013, the increase of the number of investigative judges in the courts of Chişinău and Bălţi municipality is recommended. In Cahul, Hînceşti, Ialoveni, Orhei, Soroca and Străşeni courts, investigative judges should examine only cases which are exclusively attributed to investigative judges according to the CPC. In the other courts, these judges can also receive other cases for examination, but the number thereof must depend on the time allocated by the investigative judge for exercising his/her main powers.

## Evolution of the institution of investigative judge

Judicial control of criminal investigation, exercised nowadays by the investigative judge was introduced in the domestic criminal procedure in 1994, by supplementing the 1961 version of the CPC with articles 195<sup>1</sup> - 195<sup>2</sup>. These norms provided for the right to challenge in court the legality and grounds of the arrest warrant issued by the prosecutor. In 1997, the CPC was supplemented with articles 195<sup>3</sup> - 195<sup>4</sup>, which stipulated the right to challenge in court the legality of the prosecutor's refusal to initiate criminal investigation. In 1998, the CPC was supplemented with articles 78, 78<sup>1</sup>, 78<sup>2</sup>, 79, 79<sup>1</sup> and 79<sup>2</sup>, which referred to the procedure of examining by the court of the motion of applying pre-trial detention and the manner of challenging the court decision. Other ways of interference of the criminal investigation body in the private life of a person during criminal investigation, (tapping, searches etc.) were carried out with the prosecutor's authorization.

In 1998, the CPC was supplemented with chapter XX<sup>1</sup> „Judicial control of the pre-judicial procedure”, which offered the possibility to challenge in court the motions and actions of criminal investigation bodies and prosecutor. These contestations were examined by several judges of the court who could not later examine the merits of the respective criminal cases. This has led to numerous cases of transferring case files to other courts.

The new CPC adopted on 14 March 2003 extended the area of judicial control of the criminal investigation and introduced the institution of investigative judge within courts, as a separate judicial body with its own powers in conducting criminal proceedings during criminal investigation. By Law no. 205, of 29 May 2003, on the enforcement of the new CPC, it has been established that the powers of the investigative judge are to be exercised by the judges of the respective courts until introduction of the position of investigative judge, but not later than 1 January 2004. The same law provided that for this purpose, the payrolls of the courts were to be completed with 44 units of investigative judges<sup>5</sup>.

According to criteria for selection of investigative judges introduced in 2003 in the Law no. 544 on the status of judge, as investigative judges could be appointed persons with at least 5 years' experience in the capacity of prosecutor, investigator or criminal investigation officer, or at least 3 years' experience as judge<sup>6</sup>. Investigative judges were appointed in this capacity

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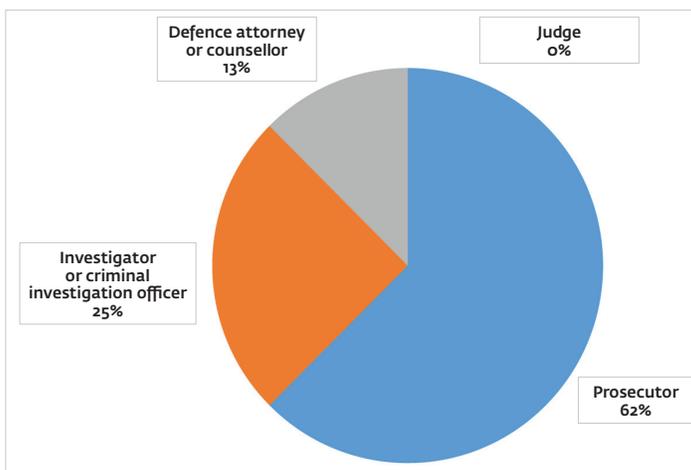
<sup>5</sup> Art. 7 of the Law no. 205, of 29 May 2003, on the enactment of the Criminal procedure code.

<sup>6</sup> Art. XXIV p. (4) of the Law no. 206, of 29 May 2003, for amendment of certain legislative acts.

by the President of the country at the SCM's proposal, initially for a 5 year term, then until reaching the age limit. In practice, no judge with an experience of at least 3 years has applied for the position of investigative judge<sup>7</sup>. A potential explanation would be that the selection conditions required a dualist nature of the position, combining both the experience as judge, and that of prosecutor or criminal investigation officer, which limited the number of judges candidates who were in office. Another explanation could be that judges were not convinced that this model would last long and they were preoccupied that they could not come back to their former position<sup>8</sup>. This has led to the fact that all positions of investigative judges have been filled in with former prosecutors and criminal investigation officers.

By the Law no. 247 of 21 July 2006, in force as of summer 2008, the conditions for access to the position of common law judge and investigative judge have been unified, allowing for access to these position to NIJ graduates and other categories of legal professions such as notaries, defence attorney, advisers, court clerks etc.<sup>9</sup> However, until the introduction of these amendments, the majority of the positions of investigative judges were already occupied, and after 2008 few positions of investigative judges became vacant. On 1 November 2013, of the total of 40 investigative judges in office, 25 were former prosecutors, 10 had had experience as investigator or criminal investigation officer (CIO), and five had been defence attorneys or worked as legal advisers within courts.

**Figure no. 1** Former professions of investigative judges in office as of 1 November 2013



<sup>7</sup> Legal Resource Centre from Moldova, *Execution of judgments of the European Court of Human Rights by the Republic of Moldova, 1997-2012*, 2012, p. 145, available at <http://crjm.org/app/webroot/uploaded/Executarearea%20hotararilor%20CtEDO%20de%20catre%20RM%201997%20-%202012.pdf>.

<sup>8</sup> Soros Foundation-Moldova and German Foundation for International Legal Cooperation, *Decisions on Arrest Taken by Investigative Judges in the Republic of Moldova. An Assessment from the International Point of View*, 2011, p. 62, available at [http://soros.md/files/publications/documents/Report\\_Stange\\_Final\\_0.pdf](http://soros.md/files/publications/documents/Report_Stange_Final_0.pdf).

<sup>9</sup> Art. II par. (6) of the Law no. 247 for amendment of certain legislative acts of 21 July 2006.

On 5 July 2012, the Law no. 153 was adopted which had the purpose, *inter alia*, to revise the mechanism of appointing investigative judges. According to the amendments introduced by this law, investigative judges who were in office at that moment, were to be integrated in the general body of judges, and the new investigative judges were to be appointed among common law judges. Reconfirmation of investigative judges in the capacity of common law judges had to take place during a 3-year period from the entry into force of the Law, at the SCM's proposal, by the decree of the President, after attending training courses at the NIJ and their performance evaluation<sup>10</sup>. At the same time, the Law no. 153 provided that appointment of investigative judges would take place according to a Regulation adopted by the SCM<sup>11</sup>.

On 12 February 2013, by the Decision no. 145/6, the SCM adopted the Regulation on the procedure and conditions of appointing investigative judges. This Regulation contains both transitory provisions regarding the procedure for reconfirmation of investigative judges in the capacity of common law judges, and provisions regarding appointment of new investigative judges from the general body of judges. Thus, the Regulation stipulated several conditions for selecting investigative judges, and, namely:

- a) experience in the capacity of judge for at least 3 years;
- b) consent of the judge;
- c) performance evaluation of the judge.

According to the Regulation, the SCM shall appoint the judge who will exercise the powers of investigative judge upon the court president's proposal, for up to a 3-year term. The minimum tenure has not been established.

Since the creation of the institution of investigative judge in 2003, the number of investigative judges has not substantially changed, despite the increase of investigative judges' workload. From 2006 until 2013, the number of cases examined by investigative judges has doubled.

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<sup>10</sup> Legal Resources Centre from Moldova, *Execution of judgments of the European Court of Human Rights by the Republic of Moldova, 1997-2012*, 2012, p. 145, available at <http://crjm.org/app/webroot/uploaded/Executarea%20hotararilor%20CtEDO%20de%20catre%20RM%201997%20-%202012.pdf>.

<sup>11</sup> Soros Foundation - Moldova and German Foundation for International Legal Cooperation, *Decisions on Arrest by Investigative Judges in the Republic of Moldova. An Assessment from the International Point of View*, 2011, p. 62, available at [http://soros.md/files/publications/documents/Report\\_Stange\\_Final\\_0.pdf](http://soros.md/files/publications/documents/Report_Stange_Final_0.pdf).

## Activity of investigative judges

### 2.1 General matters

According to the CPC, investigative judges have the following powers:

- a) examine the motions of the prosecutor on authorizing criminal investigation actions, special investigation measures and the application of coercive procedural measures (i.e. search, tapping, sequestration of goods, pre-trial detention etc.)<sup>12</sup>;
- b) examine complaints against the illegal acts of criminal investigation bodies and bodies performing special investigation activities, as well as complaints against illegal actions of the prosecutor<sup>13</sup>;
- c) examine requests on expediting criminal investigation<sup>14</sup>;
- d) exercise powers specific to the criminal investigation body<sup>15</sup>;
- e) exercise certain powers related to enforcement of criminal sentences<sup>16</sup>.

The Law introduces short terms for examining cases by the investigative judge. According to art. 305 para (3) of the CPC, motions for authorizing criminal investigation actions have to be immediately examined, but not later than four hours from the moment of receiving the motion. As to arrest motions, usually judges have at their disposal only several hours for the examination thereof<sup>17</sup>.

Most of the materials examined by the investigative judges are confidential. According to p. 103 of the SCM Instruction on the activity of procedural records and documentation in courts and courts of appeal<sup>18</sup>, the following materials examined by investigative judges are confidential:

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<sup>12</sup> Art. 300 para (1) of the CPC.

<sup>13</sup> Art. 300 para (2) and (3) of the CPC.

<sup>14</sup> Art. 300 para (31) of the CPC.

<sup>15</sup> Hearing witnesses according to art. 109 and 110 of the CPC.

<sup>16</sup> Art. 469-471 of the CPC.

<sup>17</sup> According to art. 166 para (7) of the CPC, the arrest motion of the detained person has to be submitted to the court at least three hours before the expiry of the apprehension period. The apprehension period is 72 hours for adults and 24 hours for minors. Art. 186 para (6) of the CPC provides that the motion for prolongation of pre-trial detention has to be filed with the investigative judge at least 5 days before the expiry of the previously applied term of pre-trial detention.

<sup>18</sup> SCM, Decision no. 142/4 of 4 February 2014, available at [http://csm.md/files/Acte\\_normative/142-4-anexa.pdf](http://csm.md/files/Acte_normative/142-4-anexa.pdf).

1. authorizing, substituting, ceasing or revoking pre-trial detention and house arrest;
2. prolonging the duration of pre-trial detention and house arrest;
3. authorizing temporary liberation of the apprehended or arrested person, or revocation thereof;
4. authorizing temporary withdrawal of driving license;
5. authorizing search, on-site investigation;
6. authorizing corporal search;
7. authorizing sequestration of goods;
8. authorizing seizure of objects containing state, trade or banking secret, seizure of information on telephone conversations;
9. authorizing exhumation of a corpse;
10. ordering placement of the person in a medical institution;
11. authorizing apprehension;
12. hearing witnesses according to art. 109, 110 and 110<sup>1</sup>;
13. examining requests on speeding up criminal investigation;
14. authorizing, upon the prosecutor's motion, special investigation measures, attributed by law to his/her powers:
  - a) searching the domicile and/or installing in it devices which ensure audio and video, photo and filming surveillance and recording;
  - b) supervising the domicile through use of technical means which ensure recording;
  - c) tapping and recording communications or images;
  - d) apprehension, search, delivery or seizure of postal dispatches;
  - e) monitoring electronic and telegraphic communications connections;
  - f) monitoring or control of financial transactions and access to financial information;
  - g) documenting with the help of technical means and methods, as well as localization or tracing by means of global positioning system (GPS) or by other technical means;
  - h) collecting information from electronic communications service providers.

The following materials examined by the investigative judge are not confidential:

1. examining appeals filed against actions of hierarchical superior prosecutor;
2. examining exclusion from the decision of certain counts of charges if the convicted person has been extradited;
3. authorizing temporary suspension of the suspect from his/her position;
4. authorizing physical and electronic surveillance of a person;
5. complaints filed according to art. 313 of the CPC;
6. motions, requests and complaints during execution of criminal sanctions;
7. authorizing transfer of persons convicted by other states;
8. authorizing extradition of foreign citizens for holding criminally liable and execution of sanctions;
9. acknowledgment and enforcement of judgements issued by foreign courts.

The SCM has set special rules for registering, examination and storage of materials examined by investigative judges in chapter VII of the Instruction on the activity of procedural recording and documentation in courts and courts of appeal. Taking into consideration the fact that most of the materials examined by investigative judges are confidential, the Instruction provided several rules in this respect, such as:

- a) existence of a special registry for registering confidential materials;
- b) marking the item as confidential in ICMS;
- c) obliging investigative judges to verify the integrity of sealed envelopes upon reception of confidential materials;
- d) obliging the court clerk and judicial assistant of the investigative judge who have access to the confidential materials to keep confidentiality;
- e) storing certain materials provided by the CPC in specially equipped places within the court, which has to correspond to certain security standards;
- f) manner of preserving other materials examined by the investigative judge,
- g) manner of ensuring confidentiality of materials in case of contesting rulings of the investigative judge.

However, the Instruction does not provide for the manner of registering materials that are to be examined by the investigative judge in the non-working days. It is not clear how the random distribution of these materials in non-working days takes place, in case there are several investigative judges in the same court. We suppose that every court has set its own particular rules in this respect. However, it is advisable that the SCM establishes uniform regulation of these situations.

In every court of the Republic of Moldova, except those specialized there is an investigative judge. In Buiucani, Centru and Rîșcani courts of Chișinău municipality there are two investigative judges. The rationale for deciding on the number of investigative judges was that every court in the country should have at least one investigative judge. It seems that this decision was not based on any detailed evaluation of the real workload of investigative judges.

Since the creation of the institution of investigative judge in 2003, their number has not substantially changed, despite an increase in their workload. Thus, the number of cases examined by the investigative judges increased from 20,670 in 2006 to 34,176 in 2013 (65%). Table no. 6 presents official statistical information on all categories of cases examined by investigative judges in 2006, 2009-2013.

The statistical data suggests that investigative judges have constantly manifested behavior convenient for prosecution<sup>19</sup>. Investigative judges have the tendency to authorize the

<sup>19</sup> Soros Foundation-Moldova, *Criminal Justice Performance from a Human Rights Perspective. Assessing the Transformation of the Criminal Justice System in Moldova*, 2009, p. 121, 127, 142, available at <http://soros.md/files/publications/documents/CRIMINAL%20JUSTICE%20PERFORMANCE%20FROM%20A%20HUMAN%20RIGHTS%20PERSPECTIVE.pdf>;

Soros Foundation-Moldova, German Foundation for International Judicial Cooperation *Decisions on Arrest by Investigative Judges in the Republic of Moldova. An Assessment from the International Point of View*, 2011, p. 57, available at [http://soros.md/files/publications/documents/Report\\_Stange\\_Final\\_0.pdf](http://soros.md/files/publications/documents/Report_Stange_Final_0.pdf); Legal Resources Centre from Moldova, *Execution of judgments of the European Court of Human Rights by the Republic of Moldova, 1997-2012, 2012*, p. 145, available at <http://crjm.org/app/webroot/uploaded/Executarea%20hotararilor%20CtEDO%20de%20catre%20RM%201997%20-%202012.pdf>;

majority of motions of tapping, search, issuing or prolonging arrest warrants. The reasoning of investigative judges' rulings suggests that the control carried out by the investigative judge is, most often, concise and perceived as a formality. We will further provide more information regarding the activity of investigative judges.

## 2.2 Judicial control carried out by investigative judges

In order to ensure observance of human rights during criminal investigation, starting with 2003, authorization of certain criminal investigation actions and constraint measures, among which search, tapping, sequester of goods, pre-trial detention has been introduced. This section will touch upon two aspects of the activity of investigative judges, which have a special impact on the observance of human rights and, namely, authorizing tapping and examination of detention motions.

When it comes to tapping, in 2009, ECtHR underlined in its judgment *Iordachi and others v. Moldova* a too often use of tapping and an especially high rate of authorizations in this regard offered by investigative judges<sup>20</sup>. Although this judgment was adopted in 2009, official statistical data confirm that, since then, the situation did not change significantly. Investigative judges annually accept more than 97% of the examined tapping motions, and this percentage has not changed essentially after the judgment *Iordachi and others*. What is more, the number of tapping motions submitted remains quite high. For example, in 2012, investigative judges examined 5,029 motions of tapping, while in 2009 there were examined 3,848 such motions. Although in 2013, the number of motions dramatically decreased, probably because of restrictive conditions introduced by the CPC for prosecutors when requesting authorizations of tapping, the rate of authorizations of the investigative judges remained just as high. Statistical data about examination of tapping motions is presented in the following table.

**Table no.1** Statistical data on motions of authorization of tapping examined by investigative judges in 2006, 2009–2013<sup>21</sup>

Year	Motions examined	Difference compared to previous year	Admitted motions	% admitted motions
2006	1,931		1,891	97.9%
2009	3,848	+199%	3,803	98.8%
2010	3,890	+1.1%	3,859	99.2%
2011	3,586	- 7.8%	3,539	98.7%
2012	5,029	+40.23%	4,911	97.6%
2013	2,915	-42.03%	2,876	98.66%

International Commission of Jurists, Soros Foundation–Moldova, *Reforming the judiciary in Moldova: prospects and challenges*, 2013, p. 57, available at [http://soros.md/files/publications/documents/ICJ\\_SFM\\_Report.pdf](http://soros.md/files/publications/documents/ICJ_SFM_Report.pdf).

<sup>20</sup> ECtHR, *Iordachi and others v. Moldova*, judgement of 10 February 2009, §§ 19–54.

<sup>21</sup> Data was obtained from annual statistical reports presented by courts to the Department of Judicial Administration.

Investigative judges also examine the prosecutor's motions of arrest during criminal investigation phase. Usually, acceptance of arrest motions takes place in lack of a detailed analysis of the reasons for arrest. Usually, the arrest motion reproduces the charges, and the parts regarding reasonable suspicion and justification of arrest reproduce the provisions of the CPC<sup>22</sup>.

A study<sup>23</sup>, which analyzed 652 case files on arrest procedures examined by investigative judges between 1 July and 31 December 2011, found the following:

- a) in approximately 50% of the case files, investigative judges have admitted the prosecutors' motions for application and prolongation of detention filed with a violation of the terms provided by the CPC (3 hours before the expiry of apprehension and, 5 days before the expiry of the previously applied arrest, respectively)<sup>24</sup>;
- b) in more than 60% of the case files, the minutes did not contain any information on the length of the court hearing where the authorization of arrest motion has been examined. In approximately half of the cases where it could be established the duration of the court hearing, the examination of the motion lasted up to 30 minutes<sup>25</sup>;
- c) although in many cases there were no evidence attached to the arrest motions, they were admitted by the investigative judge. In approximately 31% of the total number of the studied case files of arrest, there is evidence that confirms that the investigative judge was also presented the materials of the criminal case file. Although it contravenes the ECHR, judges used to refuse the access of defence to the materials of the criminal case presented by the prosecutor, invoking the confidentiality of the criminal investigation<sup>26</sup>;
- d) in less than 45% of rulings of investigative judges on application and prolongation of arrest warrants, reasonable suspicion regarding the commitment of the crime has been invoked, although this is a mandatory condition for arrest<sup>27</sup>;
- e) in only 28.5% of rulings of investigative judges on application and prolongation of arrest warrants, the alternative for arrest has been examined, although arrest cannot be applied if other preventive measures prove to be sufficient<sup>28</sup>;
- f) in only approximately 40% of rulings of investigative judges on application and prolongation of arrest warrants, the arguments of the parties have been examined and counterargued<sup>29</sup>;
- g) in only approximately 30% of the rulings of investigative judges on application and prolongation of arrest warrants, the ECtHR case law has been invoked<sup>30</sup>.

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<sup>22</sup> Idem, p. 143-144.

<sup>23</sup> Soros Foundation-Moldova, *Report on the observance of the right to liberty at the stage of criminal investigation in the Republic of Moldova*, 2013, available at [http://soros.md/files/publications/documents/Raport\\_Respectarea\\_Dreptului\\_print.pdf](http://soros.md/files/publications/documents/Raport_Respectarea_Dreptului_print.pdf).

<sup>24</sup> Idem, p. 7.

<sup>25</sup> Idem, p. 8.

<sup>26</sup> Idem, p. 7-8.

<sup>27</sup> Idem, p. 76.

<sup>28</sup> Idem, p. 91.

<sup>29</sup> Idem, p. 94.

<sup>30</sup> Idem, p. 97.

By 31 December 2013, ECtHR had pronounced 250 judgments on Moldovan cases where the merits of the case had been irrevocably examined. In 16 of these judgments, ECtHR found insufficient reasoning of investigative judges where arrest had been authorized. In four judgments, ECtHR found that arrest took place in lack of a reasonable suspicion that the person could have committed the crime of which is accused, and in several other judgments, ECtHR found that the defence had not had access to the evidence presented by prosecution for arrest or witnesses brought by the defence had not been heard.

Although the ECtHR first issued such convictions back in 2005, until now, the situation in this respect did not substantially change. After 2009, the number of motions on application pre-trial detention varied insignificantly. However, compared to the total number of criminal cases sent to court, the rate of arrest motions is slightly decreasing. Nevertheless, the rate of admission of motions for application of pre-trial detentions varies at around 80%. More statistical data on the arrest procedures are presented in the following table.

*Table no. 2 Statistical data on arrest motions examined in 2000, 2006, 2009–2013<sup>31</sup>*

Year	No. of criminal cases sent to court	No. of motions (without prolongations)	Compared to the no. of cases sent to court	Difference compared to previous year	Motions admitted by the judge	% of admitted motions
2000	-	6,266	-	-	5,104	81.4%
2006	13,517	5,083	36.5%	- 18.9%	4,025	79.2%
2009	9,525	3,427	36%	- 32.6%	2,878	84%
2010	9,941	3,287	32.7%	- 0.4%	2,814	85.6%
2011	10,846	3,332	30.7%	+ 1.4%	2,637	79.1%
2012	11,720	3,342	28.5%	+ 1.1%	2,682	80.2%
2013	9,797	2,672	27.3%	-20%	2,059	77.1%

### 2.3 Judicial review of the activity of investigative judge

Investigative judges issue rulings that should be motivated. As a rule, rulings of investigative judges are irrevocable as of the moment of adoption. Until April 2014, there used to be only one exception to this rule – rulings on preventive measures – these could be challenged in cassation. On 18 April 2014, amendments to Art. 313 CPC entered into force<sup>32</sup>. These amendments allowed challenging in cassation with the courts of appeal of rulings of investigative judges regarding complaints on refusal to start criminal investigation, dropping charges, ceasing investigation, closing criminal case and re-launching criminal investigation.

Statistical data<sup>33</sup> show that prior to the amendments introduced in 2014, most of the acts adopted by investigative judges could not be challenged. Thus, out of 24,369 materials

<sup>31</sup> Soros Foundation Moldova, *Report on the observance of the right to liberty at the stage of criminal investigation in the Republic of Moldova*, 2013, p. 15, available at [http://soros.md/files/publications/documents/Raport\\_Respectarea\\_Dreptului\\_print.pdf](http://soros.md/files/publications/documents/Raport_Respectarea_Dreptului_print.pdf).

<sup>32</sup> The Law no. 46 of 26 March 2014.

<sup>33</sup> Please, see Table no. 6 of this report, page 31.

examined by investigative judges in 2012 only 3,342 cases referred to preventive measures (motions on pre-trial detention), which represents approximately 14%. The other 86% of rulings could not be challenged. In 2013, this number was even larger and constituted around 90%.

Cassation introduced by the amendments in 2014 establishes premises for correcting mistakes of investigative judges and for a better observance of human rights. Still, it is worth mentioning that in 2011 when examining cases of pre-trial detention courts of appeal manifested an even more accusatorial attitude than investigative judges<sup>34</sup>.

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<sup>34</sup> Soros-Moldova Foundation, *Report on the observance of the right to liberty at the stage of criminal investigation in the Republic of Moldova*, 2013, pp. 116-120, available at [http://soros.md/files/publications/documents/Raport\\_Respectarea\\_Dreptului\\_print.pdf](http://soros.md/files/publications/documents/Raport_Respectarea_Dreptului_print.pdf).

## Reform of 2012

### 3.1 The substance of the reform

As it was mentioned herein above, poor performance of investigative judges was due to many factors, including the following:

- a) the professional profile of investigative judges, the majority of whom were former prosecutors or criminal investigative officers;
- b) an unlimited tenure, narrow specialization and reduced chances of professional growth and promotion of investigative judges;
- c) a very limited control over the activity of investigative judges;
- d) to a certain extent, a big workload of investigative judges in some of the courts.

JSRS is the first document which provided for integration of investigative judges into the general body of judges. Action 1.2.6. of the JSRS stipulates „Review the operation of the instruction judge institution in view of its inclusion into the common Law judicial body as specialized judges in this respective matter”.

The Law no. 153 of 5 July 2012, which entered into force on 31 August 2012, provided for the reform of the institution of investigative judge for the purpose of increasing the level of observance of human rights at the stage of criminal investigation. This initiative attempted to overcome some of the above-mentioned factors. When it comes to the reform of the institution of investigative judge, the Law no. 153 stipulates as follows:

- a) reconfirmation of investigative judges in the capacity of common law judge after performance evaluation (Art. VIII para (3));
- b) exercising of the powers of investigative judge by a common law judge of the respective court, appointed according to a regulation adopted by the SCM (Art. I para (6)).

According to Art. VIII para (3) of the Law no. 153, **reconfirmation** was to take place at the request of the investigative judge. Such a request was to be submitted to the SCM within three years from the entry into force of the law, i.e. until 31 August 2015. As a matter of fact, such a request should have been submitted at least several months earlier, because reconfirmation could have taken place only after performance evaluation. In its turn, the performance evaluation should have been preceded by attending continuous training courses at the NIJ. Proposal for reconfirmation in the position is to be made by the SCM, and the reconfirmation itself takes place by means of a Presidential decree in the court in which the investigative judge was working.

By the Decision no. 145/6 of 12 February 2013, the SCM adopted the Regulation on the procedure and conditions for appointing investigative judges<sup>35</sup>. The Regulation provides for conditions for reconfirmation of investigative judges in the capacity of common law judge and the procedure of appointing of common law judges for the exercise of the powers of investigative judge. It establishes the following phases and order for reconfirmation of investigative judges in the capacity of common law judges:

- a) submission by the candidate of request and initiation by the SCM of the reconfirmation procedure;
- b) training at the NIJ;
- c) assessment of the candidate by the Board for Evaluation of Performance of Judges;
- d) decision of the SCM on reconfirmation of the judge or, as the case may be, refusal to reconfirm;
- e) lodging with the President of the country the proposal on reconfirmation in the capacity of common law judge or dismissing the investigative judge.

The Regulation of the SCM on the **procedure and conditions for appointing investigative judges** provides for appointing of a common law judge for the exercise of the powers of investigative judge under the following conditions:

- a) consent of the judge;
- b) a minimum of three years of experience in the position of judge;
- c) proposal of the candidate by the court president;
- d) performance evaluation of the candidate;
- e) appointing by the SCM.

P. 7 of the SCM Regulation stipulates that either one or several common law judges may be proposed for the exercise of the powers of investigative judge, yet it does not provide that several judges can be appointed only if one judge cannot handle the workload. P. 8 of the SCM Regulation also stipulates that in case if there is no common law judge who would be willing to exercise the powers of investigative judge, the respective decision will be taken by the president of the court. Based on the proposal of the president of the court, the SCM will appoint the judge/judges for the exercise of the powers of investigative judge. Refusal to exercise the powers of investigative judge constitutes a disciplinary violation.

According to p. 4 of the SCM Regulation, there shall be a decision of the Board for Evaluation of Performance of Judges in order for the investigative judge to be reconfirmed in the capacity of common law judge. Performance evaluation is carried out based on general rules for evaluation of judges. Such rules are provided for in the Regulation on the criteria, indicators and procedure of performance evaluation of judges<sup>36</sup>. The Regulation provides for specific criteria of evaluation and sets the maximal score that can be given by the Board for Evaluation of Performance of Judges for each criterion. This regulation has been

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<sup>35</sup> Available at <http://www.csm.md/files/Hotaririle/2013/6/145-6%281%29.pdf>.

<sup>36</sup> The SCM, Decision no. 212/8, of 5 March 2013, regarding adoption of the Regulation on the criteria, indicators and procedure of performance evaluation of judges, available at <http://www.csm.md/files/Hotaririle/2013/8/212-8.pdf>.

subsequently amended, adjusting evaluation criteria and the score given to each criterion<sup>37</sup>. P. 16 of the SCM Regulation stipulates that an investigative judge can be reconfirmed in the capacity of common law judge only provided that he/she has been evaluated by the Board for Evaluation of Performance of Judges and given one of the following marks - „good”, „very good” and „excellent”. Should the investigative judge fail the performance evaluation, the SCM will propose to the President of the country to dismiss him/her.

The requirement of at least three years of professional experience as a judge has been introduced in order to ensure that the position is occupied by an experienced judge. Nevertheless, the SCM may appoint a judge who does not have the said experience „in certain justified cases”.

As opposed to the situation prior to the reform, when investigative judges had an unlimited tenure, p. 3 of the SCM Regulation mentions that the powers of the investigative judge are exercised for a term of up to three years. However, the Regulation does not stipulate the minimum tenure for exercising the powers of investigative judge. Neither does the Regulation clarify whether the appointment of investigative judges should take place before the end of the year or at a certain time interval before taking over the new powers. Likewise, the Regulation does not describe the transition from the capacity of a common law judge to that of an investigative judge, taking into account the fact that an investigative judge shall take decisions within several days, while cases received earlier in the capacity of common law judge are usually examined during several months. This could generate a great workload for a judge during the first several months in the capacity of investigative judge.

Neither the Law no. 153, nor the SCM Regulation mention if, prior to reconfirmation, investigative judges may continue to work or if, after reconfirmation, former investigative judges may exercise the powers of investigative judge. In practice, prior to reconfirmation, investigative judges continued to work.

Below, we will describe each phase necessary for reconfirmation in the position, as well as the manner in which common law judges have been appointed to exercise the powers of investigative judges.

## **3.2 Reconfirmation of investigative judges in the capacity of common law judges**

### ***3.2.1. Initiation of reconfirmation procedure***

All investigative judges working as such as of the date of enactment of the Law no. 153, except for four persons, have requested the SCM to initiate the procedure of reconfirmation. Investigative judges Vitalie DEREVENCO (Comrat court) and Iurie ȚÎMBALARI (Donușeni court) were transferred by the SCM at the end of 2012, into the position of

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<sup>37</sup> The CSM, Decision no. 796/34 of 5 November 2013 on adoption of amendments to the Regulation on the criteria, indicators and procedure of performance evaluation of judges, OM of the RM 276-280 of 29 November 2013, available at <http://csm.md/files/criteriievaluare.pdf>.

common law judge<sup>38</sup> without following the procedure provided for by the Law no. 153, i.e. without performance evaluation and attending trainings at the NIJ. It seems that this violation is due to the fact that the mechanism of reconfirmation had not been adopted yet. The SCM Regulation was adopted only in February 2013. This omission cannot be justified, taking into account the fact that the Law no. 153 provided for a special procedure of integrating investigative judges into the body of common law judges. Even after having been transferred, the said two judges did not attend trainings at the NIJ organized for former investigative judges. However, their performance was evaluated in 2014, according to the general plan of evaluation of all the judges in the country.

Investigative judge Ion GUȚU (Făleşti court) had not submitted a request on initiation of reconfirmation procedure in the position of judge. This may have connection with attaining the age limit in March 2015. No evaluation can be carried out in regards to judge Dorin COVAL (Căușeni court), because he is suspended in connection with a criminal case.

### *3.2.2 Training and the National Institute of Justice*

The Law no. 153 and the Regulation on the procedure and conditions for appointment of investigative judges provide for the obligation of investigative judges to attend trainings at the NIJ. Such trainings had the purpose of preparing investigative judges to review other types of cases. By the Decision no. 436/17, of 28 May 2013, the SCM decided that training of investigative judges at the NIJ should last 40 hours<sup>39</sup>. The subjects of the trainings included civil law, labor law, family law, financial and banking law, administrative law, civil procedure law, particularities of application of customs legislation, enforcement of court decisions of civil nature, protection of fundamental human rights in the light of the jurisprudence of the ECtHR. During the period September – December 2013, 40 investigative judges were trained<sup>40</sup>. Trainings were not followed up by evaluation.

The SCM Decision no. 436/17 does not specify if the said 40 hours of training of investigative judges are separate from the 40-hour yearly training, which is mandatory for all judges.

During the interviews carried out by the LRCM team for the purposes of this report, a large number of the interviewed investigative judges stated that the trainings at the NIJ as a part of the reconfirmation procedure were formal and of poor quality, while the duration of the training should be longer. One judge mentioned that no one could be trained in two weeks on subjects that he/she had not applied for a long period of time. This judge especially referred to the fact that, since 2012, judges should examine commercial cases. Some judges mentioned that the trainings in which lecturers from NORLAM and ABA ROLI participated were of a much better quality.

<sup>38</sup> SCM Decision no. 756/37 of 4 December 2012, available at <http://csm.md/files/Hotaririle/2012/37/756-37.pdf>.

<sup>39</sup> The SCM Decision no. 436/17 of 28 May 2013 on the schedule and topics of training courses for the investigative judges in office, available at <http://csm.md/files/Hotaririle/2013/17/436-17.pdf>.

<sup>40</sup> The SCM Decision no. 690/23 of 4 October 2013 on delegating investigative judges for participation in trainings organized at the National Institute of Justice during the period September – December 2013, available at [http://csm.md/files/Hotaririle/2013/29/690\\_29.pdf](http://csm.md/files/Hotaririle/2013/29/690_29.pdf).

### 3.2.3 Performance Evaluation

In 2013, the SCM conveyed to the Board for Evaluation of Performance of Judges documents regarding 18 investigative judges, and in 2014 – 22. The Evaluation Board has assessed the performance of investigative judges and has given the following marks.

*Table no. 3 Marks obtained by the investigative judges during performance evaluation*

Mark	Score according to the SCM Decision no. 212/8, of 5 March 2013	Mark given by the Evaluation Board (no. IJ)	Score according to the SCM Decision no. 796/34 of 5 November 2013	Mark given by the Evaluation Board (no. IJ)
Excellent	91 – 100	0	91 – 100	0
Very Good	81 – 90	11	76 – 90	17
Good	71 – 80	6	61-75	4
Sufficient	40 – 70	0	-	-
Insufficient	less than 40	0	41 – 61	0
Failed		1	less than 40	1

The SCM Regulation regarding reconfirmation of investigative judges<sup>41</sup>, in p. 16, allows reconfirmation only of those investigative judges that received the marks „good”, „very good” or „excellent”.

During the period 2013 – 2014, the Evaluation Board adopted decisions on evaluation within the following timeframes:

- a) one month – in relation to 18 investigative judges;
- b) between two and six months – in relation to seven investigative judges;
- c) between seven and 13 months – in relation to 10 investigative judges;
- d) within a term exceeding 13 months – in relation to two investigative judges.

Investigative judges Marcel JUGANARI (Călărași court) and Lilia DAȘCHEVICI (Ungheni court) submitted requests to be reconfirmed in the capacity of common law judge in March 2013, being evaluated by the Board for Evaluation of Performance of Judges only in November 2013. This delay of almost 8 months may be explained by the fact that the training of investigative judges at the NIJ commenced only in the autumn of 2013. In relation to six investigative judges it was impossible to calculate the timeframes in which they had been evaluated.

We have noticed that when evaluating the performance of investigative judges, the Evaluation Board did not have all the information necessary for evaluation. For instance, the Evaluation Board did not have information regarding cases involving the investigative judge and in relation to which the ECtHR had established violation of ECHR. Such information should have been presented by the Governmental Agent, yet he had not replied to the requests of the SCM. It is worth mentioning that neither had the Governmental Agent presented such information for periodic evaluation of the performance of common law judges, which takes place once every three years.

<sup>41</sup> Available at <http://www.csm.md/files/Hotaririle/2013/6/145-6%281%29.pdf>.

### ***3.2.4 Reconfirmation in the position***

According to p. 17 and 18 of the SCM Regulation, in regards to the investigative judge who attends trainings at the NIJ and receives the marks „good”, „very good” or „excellent”, the SCM submits to the President of the Republic of Moldova a proposal on reconfirmation of the investigative judge in the capacity of common law judge at the same court. Should the judge receive the marks „insufficient” or „failed”, or should the term for reconfirmation expire, the SCM should propose that the investigative judge be dismissed.

The SCM adopted decisions regarding reconfirmation of 36 out of the 37 investigative judges who had requested reconfirmation.<sup>42</sup> Two judges, Victor LANOVENCO<sup>43</sup> and Vasile GHETU, received the mark „failed”<sup>44</sup> and it was proposed that they be dismissed. In two other cases, the SCM accepted the resignation of investigative judges, even though previously they had requested reconfirmation in the capacity of common law judge.<sup>45</sup> Overall, the SCM proposed reconfirmation of 32 investigative judges. Evaluation of judge Dorin COVAL is pending and has been suspended, because he is subject to criminal investigation.

Reconfirmation of the investigative judge Vitalie COTOROBAI (Hincești court) was delayed, and the Presidential decree was issued 10 days after the expiry of the initial 5 year term of appointment<sup>46</sup>. The same situation occurred in relation to judges Ludmila BARBOS (Ialoveni court), Alexandru MOTRICALĂ (Dubăsari court) and Sergiu OSOIANU (Strășeni court)<sup>47</sup>. In these cases, the President issued the decree on the day on which the SCM proposed reconfirmation of the said three judges<sup>48</sup>.

In an interview carried out by LRCM for purposes of this study, one investigative judge mentioned that prosecutors may influence the decision of SCM or that of the President of the country. According to the said judge, the Prosecutor General receives reports from regional prosecutors regarding judges that are to be appointed or promoted. It seems that such information is later informally provided to the SCM members or the President of the country. This practice refers to all judges, and not only the investigative judges. Such information cannot affect the decision of the SCM on reconfirmation of investigative judge, because the SCM is obliged to propose to the President of the country for reconfirmation the investigative judge who attended trainings at the NIJ and received either „good”, „very good” or „excellent” marks. However, this information may influence the position of the President of the country or affect future career of the judge.

<sup>42</sup> One judge did not request reconfirmation due to reaching retirement age, and two judges were transferred into the position of common law judge, avoiding the reconfirmation procedure.

<sup>43</sup> The Decision on proposal to dismiss investigative judge Victor LANOVENCO was challenged with the SCJ. By the Decision of 27 March 2014, the SCJ rejected as unfounded the court action. The SCJ Decision is available at [http://jurisprudenta.csj.md/search\\_cont\\_csm.php?id=42](http://jurisprudenta.csj.md/search_cont_csm.php?id=42).

<sup>44</sup> Please, see the SCM Decision no. 11/1 of 14 January 2014, by which dismissal of investigative judge Victor LANOVENCO (Vulcănești court) was proposed; and the SCM Decision no. 366/13, of 15 April 2014, by which dismissal of investigative judge Vasile GHETU (Edineț court) was proposed.

<sup>45</sup> These are investigative judges Ion PRODAN (Florești court) and Gheorghe URSAN (Telenești court).

<sup>46</sup> Mr. Cotorobai was reconfirmed in the position of judge until reaching the retirement age by the Decree no. 647, of 23 May 2013. According to a reply received from the Hincești court, during the period 20 - 31 May 2013, investigative judge Vitalie COTOROBAI did not receive and did not examine any cases.

<sup>47</sup> Investigative judges Ludmila BARBOS, Alexandru MOTRICALĂ and Sergiu OSOIANU were appointed in their positions by the Presidential Decree no. 1865, of 30 September 2008.

<sup>48</sup> SCM Decision no. 678/29, of 4 October 2013, and Presidential Decree no. 822, of 4 October 2013.

The President of the country refused to reconfirm in the position of judge the following investigative judges: Vasile TABAN (Șoldănești court) and Anatolie GALBEN (Rișcani court, mun. Chișinău), although they had received the necessary mark at the Board for Evaluation of Performance of Judges and had attended NIJ trainings. By the SCM Decision no. 977/32, of 9 December 2014, Vasile TABAN was proposed to the President for dismissal. Until 15 January 2015, the SCM had not included in the agenda examination of the refusal of the President regarding Anatolie GALBEN.

Finally, out of the 32 proposals for reconfirmation of investigative judges received from the SCM, the President of the country issued decrees on reconfirmation in the position of judge in relation to 30 investigative judges and refused to reconfirm two investigative judges. The SCM rejected the repeated proposal of Mr. Taban and it was proposed to the President of the country to dismiss him from the position of judge<sup>49</sup>, while when it comes to the repeated proposal of judge Galben, the SCM has not taken any decision yet.

### 3.3 New rules on appointment of investigative judges

#### 3.3.1 Conditions for appointment

According to p. 2 of the SCM Regulation on the procedure and conditions for appointment of investigative judges, candidates for this position must cumulatively meet the following requirements:

- work experience in the judge position for at least three years. The SCM Regulation provides that this term can be reduced in cases when there are grounds to do so;
- completed performance evaluation procedure;
- consent to be appointed to this position.

When appointing new investigative judges, there were practical deficiencies regarding application of these criteria. It seems that upon receipt of the candidatures proposed by presidents of courts, the SCM do not verify the eligibility condition of the minimum three years of work experience as a judge. Thus, during 2013-2014, the SCM appointed to 14 courts investigative judges who had work experience as judges below three years. More details to this end are presented in the table below.

*Table no. 4 Investigative judges having work experience as judges for less than three years*

No.	Court	Judge	Date of appointment	SCM	Work Experience as judge (years)	Comments
1	Court Centru mun. Chișinău	Sergiu BULARU	26.02.2014	no. 212/8 of 04.03.2014	0	
2	Bălți Court	Ghenadie EREMCIUC	26.02.2014	no. 394/14 of 29.04.2014	0	

<sup>49</sup> As of 31 December 2014, there was no Presidential decree regarding dismissal.

No.	Court	Judge	Date of appointment	SCM	Work Experience as judge (years)	Comments
3	Cahul Court	Dumitru BOSII	05.03.2012	no. 268/10 of 18.03.2014	2	substitute IJ
4	Călărași Court	Dorina CROITOR	28.02.2011	no. 838/40 of 26.12.2012	2	has been holding the position of IJ since initial appointment
5	Ceadăr-Lunga Court	Elena CARPENCO	05.03.2012	no. 476/16 of 27.05.2014; no. 928/30 of 25.11.2014	2	temporarily transferred to Centru court, mun. Chișinău to exercise the powers of IJ
6	Comrat Court	Vasile HRAPACOV	07.11.2013	no. 7/1 of 14.01.2014	0	
7	Dubăsari Court	Ion MALANCIUC	22.12.2011	no. 636/27 of 17.09.2013	2	substitute IJ
8	Florești Court	Svetlana BUCUR	08.02.2012	no. 348/12 of 08.04.2014	2	
9	Ocnita Court	Gheorghe GRIB	01.08.2011	no. 312/18 of 29.05.2012	1	
10	Strășeni Court	Igor CHIROȘCA	05.03.2012	no. 336/11 of 12.04.2013	1	
11	Singerei Court	Nicolae CORCEA	03.10.2012	no. 808/34 of 05.11.2013	1	
12	Taraclia Court	Marina COINAC	08.02.2012	no. 73/3 of 22.01.2013	1	has been holding the position of IJ since initial appointment
13	Ungheni Court	Mariana STRATAN	11.07.2011	no. 237/9 of 12.03.2013	2	
14	Vulcănești Court	Igor BOTEZATU	23.09.2011	no. 336/13 of 12.04.2013	2	

None of the SCM decisions contains any explanation as to why a judge with the work experience of less than three years has been appointed in the position of investigative judge. A possible reason for this could be the lack of judges with the work experience exceeding three years in those courts. However, upon studying the list of judges in these courts it becomes clear that all of these courts, except for the Vulcănești court (where there is only one judge), there were judges having professional experience of more than three years. A good example of this is the Comrat court. In this court, the SCM appointed for the exercise of powers of investigative judge a person who had no experience as investigative judge (Vasile HRAPACOV), while another judge having seven years of professional experience was appointed as substitute investigative judge (Grigore COLEV). The said two judges were given these powers by the same decision of the SCM<sup>50</sup>.

<sup>50</sup> The SCM decision no. 7/1 of 14 January 2014, available at <http://www.csm.md/files/Hotaririle/2014/01/7-1.pdf>.

In April 2014, members of the SCM discussed in a meeting the possibility of amending the Regulation of the SCM by excluding the eligibility condition of three years of professional experience as judge<sup>51</sup>. In that meeting, it was argued that it was difficult to identify judges with at least three years of experience who would accept to exercise the powers of investigative judge. As a result of the discussions, the members of the SCM agreed that exercising the powers of investigative judges is a difficult task due to the nature of such powers and limited timeframes for examination of cases, and that idea was abandoned. In that meeting, the SCM decided to exclude the condition of having passed performance evaluation procedure for candidates for the position of investigative judge<sup>52</sup>. The SCM considered that the observance of this condition is impossible, because ordinary evaluation of judges' performance takes place once every three years, and the grounds for extraordinary evaluation are established by law, and do not include the situation of appointment as investigative judge.

The condition regarding the consent for being appointed as investigative judge will be addressed in the following section.

Neither the law no. 153 of 2012, nor the SCM Regulation provided for any interdiction for investigative judges holding office as of the date of enactment of the Law no. 153 to continue exercising the same powers after reconfirmation in the capacity of common law judge. In practice, this led to many investigative judges remaining in their positions even after the reform of 2012. For instance, 25 investigative judges out of the 42 who were in office as of the date of enactment of the Law no. 153 (circa 60%) were re-appointed by the SCM for the exercise of the powers of investigative judge, either in the capacity of investigative judge or substitute for investigative judge. More details to this end are presented in the following table.

The practice of the SCM of appointing the persons who were investigative judges as of the date of enactment of the Law no. 153 for the exercise of the powers of investigative judge, is in contradiction to the purpose of the said law. The purpose of that law was to integrate the former investigative judges into the general body of judges in order to ensure higher chances for their professional growth and promotion in career, as well as a better observance of human rights during criminal investigation stage.

**Table no. 5** *Investigative judges in office as of the date of enactment of the Law no. 153 who were re-appointed in 2013–2014 by the SCM for the exercise of the powers of investigative judge*<sup>53</sup>

No.	Court	Judge	SCM decision	Tenure	main / substitute
1	Buiucani Court, mun. Chişinău	Ion MOROZAN	no. 360/12 of 08.04.2014	08.04.2014 - 08.04.2017	main
2		Victor RĂŢOI	no. 918/29 of 11.11.2014	11.11.2014 - 11.11.2017	main
3	Botanica Court, mun. Chişinău	Constantin DAMASCHIN	no. 918/29 of 11.11.2014	07.11.2014 - 07.11.2017	main

<sup>51</sup> Agenda of the SCM meeting no. 12 of 8 April 2014, p. 15, available at [http://csm.md/files/Ordinea\\_de\\_zi\\_CSM/2014/12/Agenda12.pdf](http://csm.md/files/Ordinea_de_zi_CSM/2014/12/Agenda12.pdf).

<sup>52</sup> The SCM decision no. 326/12 of 8 April 2014, available at <http://csm.md/files/Hotaririle/2014/12/326-12.pdf>.

<sup>53</sup> Information from the web-page of the SCM, available as of 31 December 2014.

No.	Court	Judge	SCM decision	Tenure	main / substitute
4	Ciocana Court, mun. Chişinău	Iurie OBADĂ	no. 535/18 of 17.06.2014	17.06.2014 - 17.06.2017	main
5	Rîşcani Court, mun. Chişinău	Ghenadie MOROZAN	no. 360/12 of 08.04.2014	08.04.2014 - 08.04.2015	main
6	Anenii Noi Court	Igor BRAI	no. 187/7 of 25.02.2014	18.02.2014 - 31.12.2014	main
7	Basarabeasca Court	Dorin MUNTEAN	no. 477/15 of 15.05.2014	15.05.2014 - 15.05.2015	main
8	Bender Court	Pavel TODICA	no. 477/15 of 15.05.2014	15.05.2014 - 15.05.2017	main
9	Briceni Court	Viorica CADUC <sup>54</sup>	no. 267/10 of 18.03.2014	not indicated	substitute
10	Cahul Court	Ruslan PETROV	no. 268/10 of 18.03.2014	18.03.2013 - 18.03.2017	main
11	Cantemir Court	Constantin GHENCEA	no. 212/8 of 04.03.2014	Three years, but the term is not indicated	main
12	Călăraşi Court	Dorina CROITOR	no. 838/40 of 26.12.2012	01.01.2013 - 31.12.2013	main
			no. 560/19 of 1 July 2014	21.07.2014 - 31.12.2014	
			no. 918/29 of 11.11.2014	01.01.2015 - 31.12.2015	
13	Cimişlia Court	Vladimir RUSNAC	no. 862/28 of 28.10.2014	28.10.2014 - 28.10.2017	main
14	Ceadir-Lunga Court	Elena CARPENCO	no. 658/45 of 13.12.2011	05.03.2012 - 26.03.2013; 10.04.2014 - 27.05.2014	main. Later temporarily transferred to the Centru court, mun. Chişinău
15	Criuleni Court	Oleg COJOCARI	no. 187/7 of 25.02.2014	18.02.2014 - 31.12.2014	main
			no. 1099/33 of 16.12.2014	01.01.2015 - 01.01.2018	
16	Donduşeni Court	Iurie ȚİMBALARI	no. 136/6 of 12.02.2013	not indicated	main
17	Dubăsari Court	Alexandru MOTRICALĂ	no. 779/33 of 20.10.2013	not indicated	substitute
18	Glodeni Court	Oleg MORARU	no. 772/25 of 23.09.2014	23.09.2014 - 23.09.2017	main
19	Hînceşti Court	Vitalie COTOROBAI	no. 63/2 of 21.01.2014	01.01.2014 - 31.12.2014	main
			no. 1040/34 of 23.12.2014	01.01.2015 - 31.12.2015	
20	Ialoveni Court	Ludmila BARBOS	no. 447/15 of 15.05.2014	not indicated	substitute
21	Nisporeni Court	Petru TRIBOI <sup>55</sup>	no. 477/15 of 15.05.2014	15.05.2014 - 31.12.2014	main

<sup>54</sup> Since 1 January 2015, no longer exercises the powers of investigative judge.

<sup>55</sup> Since 1 January 2015, no longer exercises the powers of investigative judge.

No.	Court	Judge	SCM decision	Tenure	main / substitute
22	Orhei Court	Aureliu POSTICĂ	no. 829/27 of 14.10.2014	14.12.2014 - 14.06.2015	main. Temporarily transferred to the Rîșcani court, mun. Chișinău
23	Rezina Court	Andrei BALAN	no. 412/14 of 29.04.2014	29.04.2014 - 29.04.2017	main
24	Rîșcani Court	Sergiu GÖDOROGEA	no. 560/19 of 01.07.2014	01.07.2014 - 31.12.2014	main
			no. 12/01 of 13.01.2015	01.01.2015 - 31.12.2015	
25	Ștefan-Vodă Court	Sergiu PLEȘCA	no. 477/15 of 15.05.2014	15.05.2014 - 15.05.2017	main

### 3.3.2 Appointment procedure

According to p. 2 of the SCM Regulation on the procedure and conditions of appointment of investigative judges, the judge who exercises the powers of investigative judge is appointed by the SCM at the proposal of court president. Court president shall initiate the process of selection of the candidature of one or more judges who will exercise the powers of investigative judge. The court president will then propose to the SCM the candidate along with the consent of the judge in question<sup>56</sup>. The SCM Regulation leaves it up to the court president to select the candidate if no judge consents to exercising the powers of investigative judge. At the same time, refusal to exercise the powers of investigative judge will be qualified as disciplinary violation and will serve as ground for application of disciplinary sanction<sup>57</sup>.

The obligation of the court president to propose to the SCM the one or more candidates for the exercise of the powers of investigative judge, in lack of their consent, may lead to tensions in the court, which could have a negative impact on the operation of the court. At the same time, the situation of selection of candidate for the exercise of the powers of investigative judge is not regulated in cases in which several judges want to be appointed for the exercise of the IJ powers. Neither the Law no. 153, nor the SCM Regulation offers any solution for such situations.

During the interviews with judges we have noticed that the procedure of consultations and appointment of investigative judges upon their consent had not been observed in all cases. There were situations when judges learnt that they would exercise the powers of investigative judge only when they received cases specific for investigative judge. The most wide-spread situations are when common law judges do not want to take on the powers of investigative judge. It seems that this situation is due to the following main reasons:

- a) it is a new field, not practiced by common law judges;
- b) decisions are to be taken within limited timeframes and there is no time to review judicial practice or consult with other judges;
- c) judges are not trained prior to taken on the powers of investigative judge;
- d) investigative judges have a longer working day and sometimes work on days-off.

<sup>56</sup> Since 1 January 2015, no longer exercises the powers of investigative judge.

<sup>57</sup> P. 8 of the SCM Regulation on the procedure and conditions for appointment of investigative judges.

Besides the judges who permanently exercise the powers of investigative judge, the SCM Regulation on the procedure and conditions for appointment of investigative judges also provides for the appointment of judges who will temporarily exercise these powers. According to p. 9 of the SCM Regulation, appointment of one or more judges for temporary exercise of the powers of investigative judge, in case of short absence of the judge who permanently exercises these powers, will be done according to the same conditions and procedures. This provision is insufficient because it refers to the appointment of the judge when it is impossible to exercise the respective powers, and does not provide for a mechanism for the judge's substitution prior to the moment in which such situation occurs.

In practice, in certain courts, the SCM appoints several judges for the exercise of the powers of investigative judge and it is not clear who is the main investigative judge and who is his/her substitute.

The SCM Regulation does not offer any solution for the situation when the position of the investigative judge becomes vacant, for instance, in case of dismissal, death etc., which in practice may lead to various difficulties. The substitute of the investigative judge will not be able to substitute the main investigative judge for a longer term, due to the fact that the former will still have his/her other duties in the capacity of common law judge.

### ***3.3.3 Taking over the powers***

For an efficient activity of common law judges in the capacity of investigative judges, it is necessary to ensure their preliminary training and solving the problem of their workload that they received as common law judges before taking over the mandate of investigative judge. Neither the Law no. 153, nor the SCM Regulation regulates these aspects.

Preliminary training of common law judges for taking over the powers of investigative judge is exceptionally important. The activity of an investigative judge is peculiar and different from that of a common law judge. In lack of an adequate and timely training, including prior to taking over the mandate, common law judges are not sufficiently prepared in for a rapid taking over and efficient exercise of the powers of investigative judge. Currently, training of judges is being carried out by the NIJ according to the courses picked by judges during previous year. Taking into account the fact that judges do not know in advance that they will be appointed in the capacity of investigative judges, it is unlikely that they would choose trainings necessary for an investigative judge. It is necessary to regulate additional training of common law judges prior to their taking over the mandate of investigative judge.

The current legislative framework does not regulate the manner of solving the problem of the workload received by common law judges before taking over the powers of investigative judge. In practice, upon appointment, these judges have pending cases that they received earlier in their capacity of common law judges. It is in the interest of the parties that these cases continue to be examined by the same judge who initially received the case and not to have the case re-distributed to other judges once they are pending, in order to prevent delays in the proceedings. In practice the ICMS distributes cases to judges up until the last day before they take over the mandate of investigative judge. Subsequently, judges who

have been selected to exercise the powers of investigative judge keep those cases which they started to examine on the merits, while the rest of the cases are returned for re-distribution, which implies an unnecessary effort and postponement of proceedings. After taking over the powers of investigative judge, judges need approximately 1 - 1.5 months in order to finalize examination of all cases that were pending and were at the stage of examination on the merits. This leads to delays in examination of cases, as well as to hindering the specific activity of investigative judge. It is necessary to regulate the decrease of workload of common law judges before he/she take over the mandate of IJ in order to prevent delays in examination of cases.

### 3.3.4 Tenure

According to p. 3 of the SCM Regulation, the mandate of investigative judges is up to three years. In practice, the SCM appoints judges who will exercise the powers of investigative judge for different terms – from two months to three years. The SCM does not reason in their decisions the duration of tenure of investigative judge<sup>58</sup>. In some of the decisions on appointment of an investigative judge, the SCM has not specified any term, which creates confusion<sup>59</sup>. If in 2013 and in the first half of 2014, the tenure was approximately one year, by the end of 2014 the SCM practice had changed, investigative judges being appointed for a term of three years.

Appointment of investigative judges for short terms increases the workload of the SCM, because it implies often bringing up the issue of appointment of investigative judges.

Thus, out of the total number of 35 meetings held in 2014, in 26 meetings (74%) the SCM examined requests of court presidents regarding appointment of judges for the exercise of the powers of investigative judge.

Some courts have repeatedly requested the SCM to appoint investigative judges during one year. For example, the SCM has adopted four decisions regarding the Edineț court and three decisions each regarding the Hîncești and Nisporeni courts. In none of its subsequent decisions did the SCM annul the previously adopted decision. When, during one year, the SCM adopts several decisions on appointment of investigative judges, in its last decision it does not revoke its previous decisions, which, respectively, remain valid. Thus, there may be confusions regarding the judges who exercise the powers investigative judge. For instance, the SCM adopted five decisions on the appointment of an investigative judge in the Buiucani court, mun. Chișinău, in relation to eight judges<sup>60</sup>. One of these judges has been

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<sup>58</sup> For instance, in the Decision no. 212/8, of 4 March 2014, the SCM appointed three investigative judges for different tenures without any explanation. The decision is available at [http://csm.md/files/Hotaririle/2014/08/212-8\(1\).pdf](http://csm.md/files/Hotaririle/2014/08/212-8(1).pdf).

<sup>59</sup> The majority of these decisions were adopted during the period 2012-2013. The SCM did not follow this practice in 2014.

<sup>60</sup> Please, see the following SCM Decisions:

- no. 179/7 of 26.02.2013, whereby Oleg STERNIOALĂ, Victor BOICO and Mihail DIACONU were appointed without indicating the tenure, <http://csm.md/files/Hotaririle/2013/14/360-14.pdf>;
- no. 360/12 of 08.04.2014, whereby Ion MOROZAN and Ghenadie PAVLIUC were appointed for a term of three years, <http://csm.md/files/Hotaririle/2014/12/360-12.pdf>;

appointed as substitute investigative judge, and one of them has been promoted to the SCJ. Thus, out of the other six judges, it is not clear who exactly currently exercises the powers of main investigative judge.

Between 2012 and 2014, the SCM adopted at least 111 decisions regarding the requests of court presidents on appointment of investigative judges. Out of this number of decisions, in 29 decisions the SCM did not indicate tenures of investigative judges. Members of the SCM have explained that it was done in order to avoid problems when a subsequent decision of the SCM on appointment of another IJ is adopted after the expiry of the tenure of the previous investigative judge, because the legality of the decisions taken by the investigative judge during that period could be questioned.

As a rule, the SCM does not indicate the tenure of substitutes of investigative judges. In only one decision the SCM has indicated the tenure of substitutes of investigative judges, which was shorter than the tenure of the main investigative judge appointed by the same decision<sup>61</sup>.

Failure to indicate the period of time for which the judge was appointed for the exercise of the powers of investigative judge may be interpreted as a reservation of the SCM to change the judge at any point in time, or it may indicate that the judge is appointed for the exercise of the powers of investigative judge for a long period of time. In both cases, there is no certainty for the judges as to when their tenure as investigative judges will end, while there is a possibility for its interruption without any justification, which could raise questions as to the independence and impartiality of the judges.

Another problem connected to the tenure of investigative judges is the extremely short term for which some of the investigative judges were appointed. For instance, in the Soroca court the six judges exercise the powers of investigative judge on the basis of rotation for 2 months each<sup>62</sup>. We believe that this is not the best model of distributing the powers of investigative judge. Frequent change of investigative judges is problematic due to the following reasons:

- a) there is a higher risk of incompatibility of judges in a court, because the judges that acted as investigative judge cannot examine the merits of a criminal case<sup>63</sup>;

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- no. 730/23 of 09.09.2014, whereby Dorin DULGHIERU was appointed as substitute of the investigative judge without indicating the tenure, <http://csm.md/files/Hotaririle/2014/23/730-23.pdf>;

- no. 918/29 of 11.11.2014, whereby Elena COJOCARI was appointed between 11.11.2014 - 11.11.2015 and Victor RAȚOI – between 11.11.2014 - 11.11.2017, <http://csm.md/files/Hotaririle/2014/29/918-29.pdf>;

- no. 1040/34 of 23.12.2014, whereby Mihail DIACONU was appointed between 23.12.2014 - 22.12.2017, <http://csm.md/files/Hotaririle/2014/34/1040-34.pdf>.

<sup>61</sup> In the Ștefan-Vodă Court, the main investigative judge was appointed for a term of three years, and substitutes of the investigative judge were appointed for a term of approximately 6 months. Please, see the SCM Decision no. 477/15 of 15.05.2014 available at <http://csm.md/files/Hotaririle/2014/15/447-15.pdf>.

<sup>62</sup> SCM decision no. 64/2 of 21 January 2014, available at <http://csm.md/files/Hotaririle/2014/02/64-2.pdf>.

<sup>63</sup> Please, see Art. 33 para 2 p. 3 of the CPC.

- b) there is a greater workload for the judge who will have to both exercise the new powers of investigative judge and continue to examine cases in his/her capacity of common law judge which were distributed to him/her prior to being appointed as investigative judge;
- c) it is a challenge for the NIJ which may face difficulties in planning and organizing training courses in the specific field of activity of investigative judge.

In order to avoid the aforementioned problems, we recommend establishing a fixed tenure of all the investigative judges. This term should be sufficiently long for allowing the judge to specialize and adequately handle cases. In any case, taking into account the aspects related to evaluation of performance and judicial statistics, such tenure should not be less than one year. In order to ensure an increased efficiency a three-year tenure is recommended. However, in order to ensure integration and professional growth of judges, as well as to avoid partiality of judges, if appointed for three years, it should be prohibited to appoint the same investigative judge for consecutive mandates.

# Optimization of the workload of investigative judges

## 4.1 The current number of investigative judges and their workload

In each court in Moldova, save the specialized ones, there is one investigative judge. In each of the Buiucani, Centru and Rîșcani courts in mun. Chișinău, there are two investigative judges. When establishing the number of investigative judges, it was assumed that there should be at least one investigative judge in each court in the country.

It seems that the decision on the number of investigative judges was not based on a meticulous assessment of the real workload of investigative judges. Thus, even though during the past years, the greatest workload of investigative judges was in the Centru court in mun. Chișinău, until spring of 2013, there was just one investigative judge in that court.

Since the creation of the institution of investigative judge back in 2003, the number of investigative judges has not changed significantly, despite the increase of the workload of investigative judges. Thus, between 2006 and 2013, the number of cases examined by investigative judges increased by 65%. The table below presents official statistical data regarding all categories of cases examined by investigative judges during 2006, 2009-2013.

*Table no. 6 Official statistical data regarding cases examined by investigative judges in the years 2006, 2009-2013<sup>64</sup>*

Year	Authorization of search	Authorization of seizure of objects/documents	Authorization of seizure of correspondence	Authorization of wiretapping	Suspension from office	Application of sequester	Other constraint measures	Pre-trial arrest motions	Motions for prolongation of arrest	Complaints against CIB	Total
2006	3,515	882	200	1,931	43	142	4,217	5,083	2,662	1,995	20,670
2009	5,437	1,890	57	3,848	1	162	5,780	3,427	2,395	1,985	24,982
2010	7,453	3,234	83	3,890	0	147	9,164	3,287	2,395	1,932	31,585

<sup>64</sup> The data has been taken from annual statistical reports presented by court to the Department for Judicial Administration.

Year	Authorization of search	Authorization of seizure of objects/documents	Authorization of seizure of correspondence	Authorization of wiretapping	Suspension from office	Application of sequester	Other constraint measures	Pre-trial arrest motions	Motions for prolongation of arrest	Complaints against CIB	Total
2011	8,759	3,939	199	3,586	0	155	10,775	3,332	2,688	2,190	35,623
2012	8,744	4,627	206	5,029	0	187	8,574	3,342	2,881	2,421	36,011
2013	9,346	4,813	116	2,915	1	169	9071	2,672	2,439	2,634	34,176

The LRCM has established that in certain courts the workload greatly exceeds the average workload in the system, while in other courts the workload of an investigative judge is very low. Due to the low workload, most of the court presidents also distributed to investigative judges other categories of cases for examination, usually, related to contraventions. Up until 2014, the manner of distributing the said category of cases to investigative judges had not been regulated by the legislation, court presidents acting completely at their own discretion in this sense. Due to this, contravention cases were also distributed to investigative judges who had a high workload.

On 4 March 2014, the SCM amended its Regulation on random distribution of cases in courts<sup>65</sup>. The said amendments refer to investigative judges and provide the following:

*„8<sup>1</sup>. Common law judge who was appointed to exercise the powers of investigative judge, during his/her tenure in this capacity, will also be given other categories of cases in the volume of 50%”.*

This initiative of the SCM is not fair. It does not account for the workload of investigative judges in each court. Consequently, although in some courts there should be one investigative judge with a workload sufficient to represent 100%, there is a risk that in these courts the duties of investigative judge will be distributed between two judges, in order to allow examination of the other 50% of cases randomly distributed according to the SCM decision. On the other hand, the SCM decision of 4 March 2014 does not solve the most serious problem – overwhelming workload of investigative judges in large courts.

Taking into account the short timeframe stipulated by law for the investigative judge to examine cases, this situation often leads to interruption of hearings or postponement of cases which are not in the exclusive competence of the investigative judge. Moreover, even for a well prepared specialist, it is rather difficult to solve very different types of cases within short timeframes.

In some European countries, there are no judges who would be constantly and exclusively ensuring legality at the stage of criminal investigation<sup>66</sup>. However, the general trend in

<sup>65</sup> The SCM Regulation on random distribution of cases in courts, approved by the SCM decision no. 110/5 of 5 February 2013, available at [http://csm.md/files/Acte\\_normative/regulament\\_dosare.pdf](http://csm.md/files/Acte_normative/regulament_dosare.pdf).

<sup>66</sup> For example, England and Wales, Norway.

European countries is to have investigative judges. Hence, we recommend maintaining the institution of investigative judges and judges who would dedicate most of their work time to these tasks.

The workload of investigative judges should be realistic, in order not to jeopardize the quality of their work. On the other hand, investigative judges with an insufficient workload should be involved in examination of other cases.

## 4.2 The necessary number of investigative judges

As it was mentioned herein above, the workload of investigative judges in different courts greatly varies. This report was intended to formulate recommendations for leveling out the workload of investigative judges.

The results obtained by application of DEA are represented in the table below. These data confirm that it is necessary to considerably increase the number of investigative judges in the five district courts in mun. Chişinău and in the Bălţi court. In each of the courts of Centru, Botanica, Buiucani and Rîşcani in mun. Chişinău and in the Bălţi court, besides the existing investigative judges, there should be additionally created two positions of investigative judge. In the Ciocana court the number of investigative judges should be increased with one more position.

In the courts of Cahul, Hînceşti, Ialoveni, Orhei, Soroca and Străşeni, the workload is high, and investigative judges should only examine cases attributed by the Criminal Procedure Code into the exclusive competence of investigative judges. In other courts, investigative judges may also be distributed other cases for examination, yet the number thereof should depend on the time dedicated by the investigative judge to the exercise of his/her powers stipulated in the Criminal Procedure Code.

*Table no. 7 Recommended workload for investigative judges per court*

Court	Number of IJ	Model 1: DEA workload in 2010–2013	Model 2: DEA workload in 2013	Model 3: Socio- demographic data for 2011	Average of the three models	Recommended workload for IJ	Reallocation of tasks
Botanica District	1	1,9	3,3	4,2	3,1	3,0	+ 2,0
Buiucani District	2	2	5,5	2	3,2	3,0	+ 1,0
Centru District	2	5,8	7	1	4,6	4,0	+ 2,0
Ciocana District	1	1	3,4	5,8	3,4	3,0	+ 2,0
Rîşcani District	2	3,4	5,2	5,4	4,7	4,0	+ 2,0
mun. Bălţi	1	2,8	2,6	3,6	3,0	3,0	+ 2,0
Bender	1	0,5	0,5	0,5	0,5	0,5	- 0,5
Anenii Noi	1	0,7	0,7	0,7	0,7	0,7	- 0,3
Basarabeasca	1	0,3	0,2	0,3	0,3	0,3	- 0,7
Briceni	1	0,9	0,8	0,6	0,8	0,8	- 0,2

Court	Number of IJ	Model 1: DEA workload in 2010-2013	Model 2: DEA workload in 2013	Model 3: Socio- demographic data for 2011	Average of the three models	Recommended workload for IJ	Reallocation of tasks
Cahul	1	0,9	1	0,7	0,9	1	0
Cantemir	1	0,5	0,5	0,5	0,5	0,5	- 0,5
Călărași	1	0,5	0,4	0,4	0,4	0,4	- 0,6
Căușeni	1	0,5	0,5	0,5	0,5	0,5	- 0,5
Ceadr-Lunga	1	1	1	0,5	0,8	0,8	- 0,2
Cimișlia	1	0,4	0,4	0,3	0,4	0,4	- 0,6
Comrat	1	0,7	0,7	1	0,8	0,8	- 0,2
Criuleni	1	0,5	0,6	0,7	0,6	0,6	- 0,4
Dondușeni	1	0,2	0,1	0,1	0,1	0,1	- 0,9
Drochia	1	0,5	0,4	0,6	0,5	0,5	- 0,5
Dubăsari	1	0,3	0,2	0,1	0,2	0,2	- 0,8
Edineț	1	0,5	0,6	0,5	0,5	0,5	- 0,5
Fălești	1	0,4	0,6	0,4	0,5	0,5	- 0,5
Florești	1	0,3	0,3	0,4	0,3	0,3	- 0,7
Glodeni	1	0,3	0,2	0,2	0,2	0,2	- 0,8
Hîncești	1	0,8	1,1	0,6	0,8	1	0
Ialoveni	1	1,1	1	1,4	1,2	1	0
Leova	1	0,7	0,6	0,4	0,6	0,6	- 0,4
Nisporeni	1	0,3	0,3	0,1	0,2	0,2	- 0,8
Ocnîța	1	0,3	0,2	0,2	0,2	0,2	- 0,8
Orhei	1	1,4	1,5	0,8	1,2	1	0
Rezina	1	0,6	0,4	0,8	0,6	0,6	- 0,4
Rîșcani	1	0,3	0,2	0,5	0,3	0,3	- 0,7
Singerei	1	0,3	0,3	0,4	0,3	0,3	- 0,7
Soroca	1	1,2	0,9	1,2	1,1	1	0
Strășeni	1	1,2	0,9	1,1	1,1	1	0
Șoldănești	1	0,3	0,3	0,2	0,3	0,3	- 0,7
Ștefan-Vodă	1	0,6	0,5	0,8	0,6	0,6	- 0,4
Taraclia	1	0,3	0,3	0,4	0,3	0,3	- 0,7
Telenești	1	0,4	0,4	0,4	0,4	0,4	- 0,6
Ungheni	1	0,7	0,6	0,9	0,7	0,7	- 0,3
Vulcănești	1	0,4	0,5	0,3	0,4	0,4	- 0,6

### 4.3 Options for implementing the recommendations regarding the optimal number of investigative judges

Out of the 42 courts in which there are investigative judges, six courts need to increase the number of investigative judges (the five district courts of mun. Chișinău and the Bălți court), and other six courts (Cahul, Hîncești, Ialoveni, Orhei, Soroca and Strășeni) the

workload of investigative judges is adequate. In the remaining 30 courts, the workload of investigative judges generated by the CPC is insufficient and they can be also given other categories of cases for examination.

When it comes to the five district courts in mun. Chişinău and the Bălţi court, the increase of the number of investigative judges does not necessarily mean the increase of the number of judges in those courts. The judges who are already working in the said courts could be appointed for the exercise of the powers of investigative judge. However, if the general workload of judges in these courts is too high, the SCM could increase the number of judges in the respective court. The Study on the optimization of the judicial map of the Republic of Moldova<sup>67</sup> already contains recommendations to that end.

In some of the courts in mun. Chişinău, the court presidents have lodged requests for transfer of investigative judges from other courts due to an excessive workload. Thus, the president of the Rîşcani court in mun. Chişinău has requested a temporary transfer of the investigative judge Aureliu POSTICĂ from the Orhei court. On 27 May 2014, the SCM accepted the request of the Rîşcani District court in mun. Chişinău, although the workload of the investigative judge at the Orhei court is rather high (1,2)<sup>68</sup>. On the same day, at the request of the president of the Centru district court in mun. Chişinău, the SCM prolonged for 6 months the term of temporary transfer of the investigative judge Elena CARPENCO from the Ceadăr-Lunga court for the exercise of the powers of investigative judge<sup>69</sup>. According to the Table no. 7, the workload of the investigative judge at the Ceadăr-Lunga court is 0,8. It is recommendable to carry out transfers of investigative judges on the basis of competition between the courts with low or medium workload, identified by the SCM. This would ensure transparency and fairness of the procedures and would prevent speculations regarding the transfer of certain persons who are convenient for the court presidents.

In the courts of Cahul, Hînceşti, Ialoveni, Orhei, Soroca and Străşeni, the workload of investigative judges is adequate. It is recommendable to allocate the entire workload to one judge. This would ensure a better specialization, prevent the risk of incompatibility at the examination of criminal cases<sup>70</sup> and will allow other judges to work more efficiently<sup>71</sup>.

In 30 courts, investigative judges can also be given other categories of cases. The SCM, by amendments made in 2014 to the Regulation on random distribution of cases, introduced a rule whereby each investigative judge would also receive other categories of cases in the volume of 50%. Such approach by the SCM seems to be less fortunate. In some courts,

<sup>67</sup> Available at [http://crjm.org/wp-content/uploads/2014/06/2014-Studiu-Optimiz-HartaJud-MD\\_ro-web.pdf](http://crjm.org/wp-content/uploads/2014/06/2014-Studiu-Optimiz-HartaJud-MD_ro-web.pdf).

<sup>68</sup> SCM decision no. 475/16 of 27 May 2014, available at <http://www.csm.md/files/Hotaririle/2014/16/475-16.pdf>.

<sup>69</sup> SCM decision no. 476/16 of 27 May 2014, available at <http://www.csm.md/files/Hotaririle/2014/16/476-16.pdf>.

<sup>70</sup> According to art. 33 para 2 p. 3 Criminal Procedure Code, the judge who has participated in capacity of investigative judge, cannot later try the merits of the criminal case.

<sup>71</sup> Even for extremely well prepared judges, it is difficult to deliver within limited timeframes solutions in very different case. This is especially valid regarding the materials attributed to the exclusive competence of the investigative judge, in which the decision shall be taken confidentially and in very limited time.

such as Basarabesca, Donduşeni, Dubăsari, Floreşti, Glodeni, Nisporeni or Ocnîţa, this volume could be even 70-80%. However, in other courts investigative judges should be given less than 50% of other cases. We recommend that the exact share of such other cases be determined for each court separately depending on the findings reflected in the table above. We have noted that the SCM does not always observe this rule. For example, upon the appointment of the investigative judges in the Hînceşti court, at the request of the judge, it was decided to allocate to him 25% of civil cases for examination.<sup>72</sup>

In order to ensure a better further integration of the judge who has exercised the powers of investigative judge, we recommend ceasing the practice according to which all or the largest part of contravention cases are allocated to the investigative judge. The investigative judges are appointed for a limited term and, for purposes of facilitating their multilateral professional development, it would be beneficial to allocate to these judges all categories of cases, including criminal cases in the examination of which the judge can participate. This would facilitate the exercise by the judge of the powers of common law judge after the expiry of the tenure in the capacity of investigative judge.

However, simultaneous examination by the judge of the materials specific to the competence of investigative judge and other cases implies several practical challenges. Cases attributed to the competence of investigative judges must be reviewed urgently which may lead to interruption or annulment of hearings in other cases. In this case, we find it useful to plan court hearings in other cases in a manner that would prevent scheduling thereof in the part of the day in which the judge normally examines materials or motions which according to law belong to the specific competence of investigative judge.

Implementation by the SCM of the above-mentioned recommendations does not imply legislative amendments. What is needed, is amendment of the SCM Regulation on random distribution of cases in courts and unifying court practices when it comes to scheduling court hearings.

The analysis carried out by the LRCM has established that in the last seven years, the number of cases examined by investigative judges increased by 65%. It cannot be ruled out that, due to various reasons, such fluctuations will take place from year to year. Taking into account the pace at which the workload of investigative judges is changing, the recommendations contained in this report regarding the workload of investigative judges may remain valid for several years only. We recommend the SCM to analyze the workload of investigative judges once every three years. Should the capacity of the SCM be insufficient, such analysis could be carried out by an expert contracted by the SCM. The obtained results will be used in order to increase or decrease the number of investigative judges, as well as to streamline the activity of the investigative judges who have incomplete workload.

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<sup>72</sup> The SCM Decision no. 1040/34 of 23 December 2014, available at <http://csm.md/files/Hotaririle/2014/34/1040-34.pdf>.

## Recommendations

### 5.1 Optimization of the mechanism of appointment and activity of investigative judges

1. Revision of the SCM Instruction on the procedural records documentation in courts and courts of appeal by regulating the manner of registering the materials which are to be examined by investigative judges in non-working days, as well as random distribution of such materials in non-working days if there are several investigative judges in the court;
2. Revision of the SCM Regulation on the procedure and conditions for appointment of investigative judges by annulment of transitory provisions regarding reconfirmation of investigative judges in the capacity of common law judges, after finalization of the reconfirmation of all the investigative judges holding office as of the date of enactment of the Law no. 153;
3. Introduction of a prohibition for investigative judges holding office as of the date of enactment of the Law no. 153 of 2012 (31 August 2012) to exercise the mandate of investigative judge, for the purpose of their effective integration in the body of common law judges. A three year term seems to be reasonable for such a prohibition;
4. Observance by the SCM of the requirement of three years of professional experience in the position of judge as an eligibility condition for appointment in the capacity of investigative judge. Non-observance of this eligibility condition may be accepted only as an exception, if in the respective court there are no judges with such length of professional experience;
5. The observance by court presidents of the condition of having the candidate's consent to be appointed as investigative judge;
6. Regulation of the situation when none of the eligible judges in the court consented to being appointed as investigative judge or when several judges want to exercise the powers of investigative judge. We recommend that in such situations court president decide on the candidate who will be proposed to the SCM by draw;
7. Swift regulation of situations when a position of investigative judge becomes vacant, for instance, within 30 days;
8. Appointment of all investigative judges for a fixed tenure of three years, with the prohibition of exercising the powers of investigative judge for two consecutive tenures;

9. Optimization of the procedure of appointment of investigative judges by simultaneous changing them in all the courts in the country. This will ensure a simultaneous rotation of investigative judges in the entire judiciary. This will contribute to unification and simplification of the process of proposal and appointment of investigative judges in the entire country, easing the training process by the NIJ, avoiding situations when investigative judges are appointed late in some courts, which may generate problems regarding the legality of the decisions adopted after the expiry of the mandate of the previous investigative judge;
10. Appointment of investigative judge at least three months prior to commencement of the mandate. During this period, we recommend that the common law judges be trained at the NIJ. During these three months, it is advisable that the common law judges who were appointed to exercise the powers of investigative judge are not allocated any more cases by the ICMS or their workload should be gradually reduced.

## 5.2 Optimization of the workload of investigative judges

1. Keeping at least one position of investigative judge in each court of general jurisdiction. Taking into account the specifics of the activity of investigative judge, it is not advisable to split the workload of an investigative judge between several judges. Other judges may help the investigative judge when the workload is temporarily excessive;
2. Revision until the end of 2015 of the number of investigative judges and of their workload according to the recommendations in Table no. 7;
3. Revision of p. 8<sup>1</sup> of the SCM Regulation on random distribution of cases in courts, regarding the fixed share of other categories of cases allocated to investigative judges. The exact share of such cases should be determined for each court separately depending on the real workload generated by the cases that are in the exclusive competence of investigative judge;
4. If the cases that are in exclusive competence of investigative judge ensure a complete workload for the investigative judge, as is in the case of the courts of Cahul, Hîncești, Ialoveni, Orhei, Sorooca and Strășeni, splitting of such cases between different judges and allocation of other cases to the investigative judge should be avoided;
5. Avoiding the transfer of investigative judges from the courts with high workload of investigative judge to other courts for the exercise of the same powers, at the request of court presidents with indication of concrete person. We recommend that such transfer be done on the basis of competition only between the courts identified by the SCM and in which the workload of the judge is sufficiently low not to destabilize the operation of the court;
6. Ceasing the practice according to which all or the largest number of contravention cases are allocated to the investigative judge. For purposes of facilitating their

multilateral professional development, it would be beneficial to allocate to these judges all categories of cases, including criminal cases in the examination of which the judge can participate;

7. Carrying out by the SCM, once every several years, of an analysis of the real workload of investigative judges. The obtained results should be used in order to increase or decrease the number of investigative judges, as well as to streamline the activity of the investigative judges who have incomplete workload.

# Appendices

## Appendix no. 1: Statistical data on cases examined by investigative judges in the Republic of Moldova (average for the years 2010-2013)\*

Complexity		1		2		
Court	No. of investigative judges	Appearances F1	Complaints art. 313 CPC	Motions art. 300-306 CPC	Arrest motions	Motions for prolongation of arrest
Botanica distr.	1,0	19,3	146,0	1.826,8	270,0	246,0
Buiucaeni distr.	2,0	455,8	390,8	3.620,8	263,8	222,0
Centru distr.	2,0	155,0	265,3	7.533,8	423,0	409,0
Ciocana distr.	1,0	133,5	126,0	2.580,0	152,8	109,8
Rișcani distr.	2,0	768,0	478,0	2.103,3	255,8	278,8
mun. Bălți	1,0	383,0	111,8	1.426,0	139,0	71,3
Bender	1,0	73,3	7,0	206,3	15,5	15,3
Anenii Noi	1,0	17,3	33,8	315,5	53,0	33,8
Basarabeasca	1,0	21,8	5,5	82,0	29,5	24,0
Briceni	1,0	155,8	24,3	365,0	45,0	35,8
Cahul	1,0	103,5	63,5	356,3	67,5	44,8
Cantemir	1,0	9,5	9,5	185,8	53,0	41,3
Călărași	1,0	68,5	19,0	186,3	56,3	41,8
Căușeni	1,0	0,0	25,0	172,5	47,3	30,8
Ceadir-Lunga	1,0	28,5	10,3	510,0	50,8	50,3
Cimișlia	1,0	42,0	16,0	79,0	36,0	55,0
Comrat	1,0	0,0	21,0	345,0	38,8	36,8
Criuleni	1,0	108,3	30,5	127,0	59,3	30,5
Dondușeni	1,0	11,3	11,0	24,0	12,8	11,0
Drochia	1,0	122,8	21,5	149,3	39,8	42,3
Dubăsari	1,0	8,5	15,3	86,8	17,8	10,8
Edineț	1,0	17,5	23,8	177,3	57,5	19,3
Fălești	1,0	44,3	19,8	189,3	37,8	24,8
Florești	1,0	132,8	16,3	73,3	23,3	20,3
Glodeni	1,0	0,0	9,3	99,8	27,3	23,8
Hîncești	1,0	141,3	74,0	239,8	59,3	66,3
Ialoveni	1,0	45,0	47,8	448,0	79,0	88,0
Leova	1,0	235,5	11,5	172,3	52,5	15,8
Nisporeni	1,0	17,8	13,5	43,0	28,0	31,5
Ocnîța	1,0	23,8	14,8	98,0	13,8	13,5
Orhei	1,0	313,0	37,8	488,5	119,5	72,0
Rezina	1,0	137,8	15,3	226,8	27,8	24,5
Rișcani	1,0	15,0	16,8	90,8	31,8	24,0
Sîngerei	1,0	9,3	18,0	98,3	22,8	22,3
Soroca	1,0	374,8	16,0	301,0	89,3	111,3
Strășeni	1,0	66,3	74,5	435,5	129,0	65,3
Șoldănești	1,0	3,8	10,8	96,5	23,0	8,8
Ștefan-Vodă	1,0	50,8	16,8	208,8	59,3	25,8
Taraclia	1,0	137,5	9,0	38,5	22,0	14,0
Telenești	1,0	21,8	18,0	130,8	33,0	23,3
Ungheni	1,0	29,0	51,3	266,5	72,3	28,5
Vulcănești	1,0	17,3	10,0	146,8	14,3	28,3
TOTAL	44,0	4.774,0	2.355,3	26.323,0	3.307,0	2.642,0

\* The average has been calculated based on the data from annual statistical reports submitted by courts to the Department of Judicial Administration.

## Appendix no. 2: Evaluation of former investigative judges

No.	Courts	Acting investigative judges as of the date of the adoption of the Law no.153	Date of appointments as IJ	Tenure	Date of submitting the request for reconfirmation as CIJ	Date of the SCM decision of sending the IJ to the BEPJ	Date of graduating NIJ courses Dec. SCJ no. 436/17 of 28.05.2013	Date of BEPJ decision	BEPJ mark	Score	Date of the SCM decision of reconfirmation as CIJ/IJ or dismissal	Presidential decree
1	Buiucani Chişinău mun.	Ion MOROZAN Victor RAŢOI	6/3/2010 8/1/2011	age limit 5 years	not indicated 8/1/2013	SCM decision no. 677/29 of 04.10.2013 SCM decision no. 717/35 of 13.11.2012	25.09-11.12-2013 25.09-11.12-2013	BEPJ decision no. 108/9 of 08.11.2013 BEPJ decision no. 149/10 of 18.07.2014	good very good	73 81	SCM decision no. 202/8 din 04.03.2014 SCM decision no. 709/23 din 09.09.2014	Decree no.1073-VII of 01.04.2014 Presidential decree no. 1358-VII of 30.10.2014
2	Botanica Chişinău mun.	Constantin DAMASCHIN	6/30/2010	age limit	7/24/2013	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 57/4 of 28.03.2014	very good	77	SCM decision no. 680/22 din 02.09.2014	Presidential decree no. 1359-VII of 30.10.2014
3	Centru Chişinău mun.	Borislav BABENCO	8/1/2011	5 years	7/30/2013	SCM decision no. 677/29 of 04.10.2013	25.09-11.12.2013	BEPJ decision no. 107/9 of 08.11.2013	very good	85	SCM decision no. 202/8 din 04.03.2014	Decree no.1073-VII of 01.04.2014
4	Ciocana Chişinău mun.	Iurie OBADĂ	2/27/2004	age limit	7/15/2013	SCM decision no. 677/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 112/9 of 08.11.2013	very good	82	SCM decision no. 325/12 din 08.04.2014	Decree no.1139-VII of 06.05.2014
5	Rîşcani Chişinău mun.	Anatolie GALBEN Ghenadie MOROZAN	1/29/2009 9/7/2009	age limit age limit	7/11/2013 7/12/2013	SCM decision no. 690/29 of 04.10.2013 SCM decision no. 677/29 of 04.10.2013	25.09-11.12-2013 23-27.09.2013	BEPJ decision no. 116/8 of 13.06.2014 BEPJ decision no. 129/10 of 29.11.2013	very good very good	80 76	SCM decision no. 709/23 din 09.09.2014 SCM decision no. 202/8 din 04.03.2014	President has rejected the SCM proposal for reconfirmation Decree no.1073-VII of 01.04.2014
6	Anenii Noi	Igor BRAI	1/26/2011	age limit	not indicated	SCM decision no. 677/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 113/9 of 08.11.2013	very good	84	SCM decision no. 5/1 din 14.01.2014	Decree no. 996-VII of 17.02.2014
7	Basarabetsa	Dorin MUNTEAN	7/22/2009	age limit	7/18/2013	SCM decision no. 677/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 128/10 of 29.11.2013	good	75	SCM decision no. 325/12 din 08.04.2014	Decree no. 1135-VII of 30.04.2014

no.	Courts	Acting investigative judges as of the date of the adoption of the Law no.153	Date of appointments as JJ	Tenure	Date of submitting the request for reconformation as CJJ	Date of the SCM decision of sending the JJ to the BEPJ	Date of graduating NJJ courses Dec. 28.05.2013	Date of BEPJ decision	BEPJ mark	Score	Date of the SCM decision as CLJ/J or dismissal	Presidential decree
8	Bălți	Andrei GUȚU	6/5/2006	age limit	not indicated	SCM decision no. 6777/29 of 04.10.2013	25.09-11.12.2013	BEPJ decision no. 8/1 of 21.02.2014	very good	85	SCM decision no. 325/12 of 08.04.2014	Decree no. 1139-VII of 06.05.2014
9	Bender	Pavel TODICA	4/21/2009	age limit	not indicated	SCM decision no. 139/4 of 04.02.2014	25.09-11.12.2013	BEPJ decision no. 42/3 of 21.03.2014	very good	79	SCM decision no. 325/12 of 08.04.2014	Decree no. 1139-VII of 06.05.2014
10	Briceni	Viorica CADUC	6/3/2010	age limit	7/16/2013	SCM decision no. 6777/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 105/9 of 08.11.2013	very good	86	SCM decision no. 5/1 of 14.01.2014	Decree no. 996-VII of 17.02.2014
11	Cahul	Ruslan PETROV	1/29/2009	age limit	not indicated	SCM decision no. 6777/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 123/10 of 29.11.2013	good	74	SCM decision no. 5/1 of 14.01.2014	Decree no. 996-VII of 17.02.2014
12	Cantemir	Constantin GHENCEA	12/22/2011	age limit	not indicated	SCM decision no. 6777/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 121/10 of 29.11.2013	good	68	SCM decision no. 5/1 of 14.01.2014	Decree no. 996-VII of 17.02.2014
13	Călărași	Dorina CROITOR	2/28/2011	age limit	7/17/2013	SCM decision no. 265/10 of 19.03.2013	23-27.09.2013	BEPJ decision no. 111/9 of 08.11.2013	very good	84	SCM decision no. 5/1 of 14.01.2014	Decree no. 997-VII of 17.02.2014
14	Căușeni	Dorin COVAL	8/5/2011	age limit	7/19/2013	SCM decision no. 690/29 of 04.10.2013	25.09-11.12.2013	The judge is suspended. Therefore, the evaluation of the candidate and the reconformation procedure cannot take place.				
15	Ceadr-Lunga	Elena CARPENCO	3/5/2012	5 years / transfer	not indicated	SCM decision no. 70/2 of 21.01.2014	25.09-11.12-2013	BEPJ decision no. 78/6 of 16.05.2014	good	70	SCM decision no. 473/16 din 27.05.2014	Decree no. 1230-VII of 04.07.2014
16	Cîrșișlia	Vladimir RUSNAC	1/29/2009	age limit	8/7/2013	SCM decision no. 690/29 of 04.10.2013	25.09-11.12.2013	BEPJ decision no. 124/9 of 20.06.2014	very good	85	SCM decision no. 659/21 din 05.08.2014	Decree no. 1329-VII of 11.09.2014
17	Comrat	Vitalie DEREVENCO	7/22/2009	5 years	not indicated	SCM decision no. 756/37 of 04.12.2012	25.09-11.12.2013	BEPJ decision no. 147/10 of 18.07.2014	good	663	SCM decision no. 756/37 din 04.02.2012	Decree no. 480-VII of 25.01.2013
18	Criuleni	Oleg COJOCARI	10/25/2011	age limit	not indicated	SCM decision no. 6777/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 114/9 of 08.11.2013	very good	85	SCM decision no. 5/1 din 14.01.2014	Decree no. 996-VII of 17.02.2014

No.	Courts	Acting investigative judges as of the date of the adoption of the Law no.153	Date of appointments as IJ	Tenure	Date of submitting the request for reconfirmation as CIJ	Date of the SCM decision of sending the IJ to the BEPJ	Date of graduating NIJ courses Dec. 28.05.2013	Date of BEPJ decision	BEPJ mark	Score	Date of the SCM decision of reconfirmation as CIJ/ IJ or dismissal	Presidential decree
19	Dondușeni	Iurie ȚÎMBALARI	7/22/2004	5 years	not indicated	SCM decision no. 756/37 of 04.12.2012	25.09-11.12.2013	BEPJ decision no. 194/14 of 28.11.2014	very good	78	SCM decision no. 756/37 of 04.02.2012	Decree no. 480-VII of 25.01.2013
20	Drochia	Vladimir CRAVEȚ	9/7/2009	5 years	not indicated	SCM decision no. 683/22 of 02.09.2014	not indicated	BEPJ decision no. 168/12 of 31.10.2014	very good	81	SCM decision no. 925/12 of 25.11.2014	Decree no. 1422-VII of 30.12.2014
21	Dubăsari	Alexandru MOTRICALĂ	9/30/2008	age limit	7/26/2013	SCM decision no. 488/20 of 18.06.2013	23-27.09.2013	BEPJ decision no. 54/5 of 19.07.2013	very good	90	SCM decision no. 678/29 of 04.10.2013	Decree no. 822-VII of 04.10.2013
22	Edineț	Vasile GHIEȚU	4/21/2009	age limit	10/3/2013	SCM decision no. 677/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 41/3 of 21.03.2014	fail	39	SCM decision no. 366/13 of 15.04.2014	Decree no. 1136-VII of 30.04.2014
23	Fălești	Ion GUTU	1/26/2011	age limit	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	The investigative judge Ion GUTU did not file a request for initiating the procedures of reconfirmation in the position of judge				
24	Florești	Ion PRODDAN	12/24/2010	5 years	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	The investigative judge Ion PRODDAN filed his resignation, although he has requested the initiation of procedures for reconfirmation in the position of judge.			SCM decision no. 851/37 of 26.11.2013	Decree no. 891-VII of 29.11.2013
25	Globeni	Oleg MORARU	1/29/2009	age limit	7/16/2013	SCM decision no. 690/29 of 04.10.2013 SCM decision no. 323/12 of 08.04.2014	25.09-11.12-2013	BEPJ decision no. 114/8 of 13.06.2014	very good	86	SCM decision no. 659/21 of 05.08.2014	Decree no. 1329-VII of 11.09.2014
26	Hîncești	Vitalie COTORBAI	5/13/2008	age limit	7/1/2013	SCM decision no. 736/36 of 20.11.2012,	23-27.09.2013	BEPJ decision no. 9/1 of 05.04.2013	good	76	SCM decision no. 358/14 of 23.04.2013 (subsequently amended by SCM decision no. 464/19 of 11 June 2013)	Decree no. 647-VII of 23.05.2013

No.	Courts	Acting investigative judges as of the date of the adoption of the Law no.153	Date of appointments as JJ	Tenure	Date of submitting the request for reconformation as CIJ	Date of the SCM decision of sending the JJ to the BEPJ	Date of graduating NJJ courses Dec. 28.05.2013	Date of BEPJ decision	BEPJ mark	Score	Date of the SCM decision of reconformation as CIJ/J or dismissal	Presidential decree
27	Ialoveni	Ludmila BARBOS	9/30/2008	age limit	7/23/2013	SCM decision no. 488/20 of 18.06.2013	23-27.09.2013	BEPJ decision no. 52/5 of 19.07.2013 BEPJ decision of reconformation no. 68/6 of 27.09.2013	very good	85	SCM decision no. 678/29 of 04.10.2013	Decree no. 822-VII of 04.10.2013
28	Leova	Petru VACULA	7/22/2010	age limit	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 115/8 of 13.06.2014	very good	77	SCM decision no. 659/21 of 05.08.2014	Decree no. 1329-VII of 11.09.2014
29	Nisporeni	Petru TRIBOI	11/30/2010	age limit	7/30/2013	SCM decision no. 736/36 of 20.11.2012	25.09-11.12.2013	BEPJ decision no. 154/13 of 31.01.2014	good	75	SCM decision no. 325/12 of 08.04.2014	Decree no. 1139-VII of 06.05.2014
30	Orhei	Aureliu POSTICA	8/1/2011	5 years	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 175/12 of 31.10.2014	very good	82	SCM decision no. 925/12 of 25.11.2014	Decree no. 1423-VII of 30.12.2014
31	Ocnita	Serghei BODIU	6/11/2007	5 years	not indicated	By SCM decision 420/23 of 10 July 2012 the request for repeated proposal to the President of the Republic of Moldova for appointment of the investigative judge Serghei BODIU until the Decree no. 247 of 21 August 2012, Serghei BODIU was dismissed from the position of investigative judge of Ocnita court.						
32	Rezina	Andrei BALAN	1/26/2011	age limit	7/10/2013	SCM decision no. 677/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 109/9 of 08.11.2013	good	77	SCM decision no. 5/1 of 14.01.2014	Decree no. 996-VII din 17.02.2014
33	Risnani	Sergiu GODOERGEA	4/16/2010	age limit	not indicated	SCM decision no. 139/4 of 04.02.2014	25.09-11.12-2013	BEPJ decision no. 44/3 of 21.03.2014	very good	79	SCM decision no. 420/15 of 15.05.2014	Decree no. 1209-VII of 24.06.2014
34	Straseni	Sergiu OSOIANU	9/30/2008	age limit	7/11/2013	SCM decision no. 488/20 of 18.06.2013	23-27.09.2013	BEPJ decision no. 57/5 of 19.07.2013 BEPJ decision of reconformation no. 68/6 of 27.09.2013	very good	82	SCM decision no. 678/29 of 04.10.2013	Decree no. 822-VII of 04.10.2013

No.	Courts	Acting investigative judges as of the date of the adoption of the Law no.153	Date of appointments as IJ	Tenure	Date of submitting the request for reconformation as CIJ	Date of the SCM decision of sending the IJ to the BEPJ	Date of graduating NIJ courses Dec. 28.05.2013	Date of BEPJ decision	BEPJ mark	Score	Date of the SCM decision as CIJ/ IJ or dismissal	Presidential decree
35	Singerei	Vitalie MIRONOV	1/23/2007	age limit	7/19/2013	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 152/10 of 18.07.2014	very good	78	SCM decision no. 659/21 of 05.08.2014	Decree no. 1329-VII of 11.09.2014
36	Soroca	Powers of investigative judge were exercised by Mr. Marcel SOFICIUC, common law judge										
37	Șoldănești	Vasile TABAN	6/3/2010	age limit	7/25/2013	SCM decision no. 273/10 of 18.03.2014	25.09-11.12-2013	BEPJ decision no. 77/6 of 16.05.2014	very good	83	SCM decision no. 473/16 of 27.05.2014	The president has rejected the SCM proposal of reconformation
38	Ștefan Vodă	Sergiu PLEȘCA	10/16/2009	age limit	not indicated	SCM decision no. 139/4 of 04.02.2014	25.09-11.12-2013	BEPJ decision no. 43/3 of 21.03.2014	very good	78	SCM decision no. 325/12 of 08.04.2014	Decree no. 1139-VII of 06.05.2014
39	Taraclia	Marina COINAC	2/8/2012	5 years	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	BEPJ decision no. 137/10 of 18.07.2014	good	72	SCM decision no. 659/21 of 05.08.2014	Decree no. 1328-VII of 11.09.2014
40	Telenești	Gheorghe URȘAN	10/16/2009	age limit	not indicated	SCM decision no. 690/29 of 04.10.2013	25.09-11.12-2013	Investigative judge Gheorghe PRODAN filed a resignation although he has requested initiation of proceedings of reconformation in the position of judge.			SCM decision no. 368/13 of 15.04.14	RM Presidential decree no. 1120-VII of 23.04.2014
41	Ungheni	Lilia DAȘCHEVICI	8/17/2012	5 years	7/12/2013	SCM decision no. 235/9 of 12.03.2013	23-27.09.2013	BEPJ decision no. 110/9 of 08.11.2013	very good	88	SCM decision no. 5/1 of 14.01.2014	Decree no. 997-VII din 17.02.2014
42	Vulcănești	Victor LANOVENCO	9/12/2012	age limit	not indicated	SCM decision no. 677/29 of 04.10.2013	23-27.09.2013	BEPJ decision no. 115/10 of 29.11.2013	fail	39	SCM decision no. 11/1 of 14.01.2014	Decree no. 966-VII of 16.01.2014

**Appendix no. 3: Judges appointed to exercise powers of investigative judges  
(31 August 2012 - 31 December 2014)**

No.	Court	Acting investigative judges in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
1	Buitucani mun. Chişinău	Ion MOROZAN Victor RAŢOI	SCM decision no. 179/7 of 26.02.2013	Oleg STERNIOALĂ, Victor BOICO, Mihail DIACONU	not indicated	12 years 7 years 18 years
			SCM decision no. 360/12 of 08.04.2014	Ion MOROZAN Ghenadie PAVLIUC	08.04.2014 - 08.04.2017	9 years 9 years
			SCM decision no. 730/23 of 09.09.2014	Dorin DULGHIERU	during the period of replacing judges Ion MOROZAN and Victor RAŢOI	7 years
			SCM decision no. 918/29 of 11.11.2014	Elena COJOCARI Victor RAŢOI	11.11.2014 - 10.11.2015 11.11.2014 - 11.11.2017	7 years 3 years
			SCM decision no. 1040/34 of 23.12.2014	Mihail DIACONU și Ghenadie PAVLIUC	23.12.2014 - 22.12.2017	10 years 9 years
			SCM decision no. 289/11 of 26.03.2013	Nicolae ȘOVA Vitalie STRATAN	not indicated	9 years 5 years
2	Botanica mun. Chişinău	Constantin DAMASCHIN	SCM decision no. 593/24 of 06.08.2013	Constantin DAMASCHIN	not indicated	8 years
			SCM decision no. 701/22 of 02.09.2014	Serghei DIMITRIU	3-4.09.2014	6 years
			SCM decision no. 918/29 of 11.11.2014	Constantin DAMASCHIN	07.11.2014 - 07.11.2017	6 years
			SCM decision no. 990/32 of 09.12.2014	Radu TURCANU	09.12.2014 - 09.12.2017	7 years
3	Centru mun. Chişinău	Borislav BABENCO	SCM decision no. 300/12 of 02.04.2013	Elena CARPENCO	not indicated	1 year
			SCM decision no. 316/12 of 02.04.2013	Garii BIVOL, Ștefan NIȚĂ	not indicated	9 years 17 years
			SCM decision no. 619/26 of 20.08.2013	Elena CARPENCO	09.10.2013 - 09.04.2014	1 year
			SCM decision no. 212/8 of 04.03.2014	Sergiu BULARU	2014-2015	0 years
			SCM decision no. 476/16 of 27.05.2014	Elena CARPENCO	27.05.2014 - 27.11.2014	2 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)
4	Ciocana, mun. Chişinău	Iurie OBADĂ	SCM decision no. 223/8 of 05.03.2013	not indicated	16 years 11 years 4 years
			SCM decision no. 535/18 of 17.06.2014	17.06.2014 - 17.06.2017 replacement	10 years 17 years 12 years 5 years
5	Rîşcani mun. Chişinău	Anatolie GALBEN Ghenadie MOROZAN	SCM decision no. 624/20 of 15.07.2014	replacing Igor MINĂSCURTĂ, Sergiu DAGUȚA	12 years 8 years
			SCM decision no. 360/14 of 23.04.2013	not indicated	
6	Anenii Noi	Igor BRAI	SCM decision no. 475/16 of 27.05.2014	01.06.2014 - 01.12.2014	3 years
			SCM decision no. 360/12 of 08.04.2014	08.04.2014 - 08.04.2015	10 years
7	Basarabasca	Dorin MUNTEAN	SCM decision no. 223/8 of 05.03.2013	not indicated	10 years 18 years
			SCM decision no. 187/7 of 25.02.2014	18.02.2014 - 31.12.2014	8 years
8	Bălţi	Andrei GUTU	SCM decision no. 237/9 of 12.03.2013	not indicated	10 years
			SCM decision no. 477/15 of 15.05.2014	15.05.2014 - 15.05.2015	5 years
9	Bender	Pavel TODICA	SCM decision no. 237/9 of 12.03.2013	not indicated	18 years 9 years
			SCM decision no. 394/14 of 29.04.2014	29.04.2014 - 29.04.2015	0 years 19 years 9 years
			SCM decision no. 179/7 of 26.02.2013	not indicated	2 years 4 years
			SCM decision no. 477/15 of 15.05.2014	15.05.2014 - 15.05.2017	15 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
10	Briceni	Viorica CADUC	SCM decision no. 237/9 of 12.03.2013	Ghenadie COMERZAN	n not indicated	8 years
			SCM decision no. 267/10 of 18.03.2014	Ghenadie COMERZAN	10.03.2014 - 31.12.2014	8 years
			SCM decision no. 1040/34 of 23.12.2014	Viorica CADUC	replacement	10 years
11	Cahul	Ruslan PETROV	SCM decision no. 237/9 of 12.03.2013	Ghenadrie COMERZAN	01.01.2015 - 31.12.2015	8 years
			SCM decision no. 268/10 of 18.03.2014	Viorica CADUC	replacement	10 years
			SCM decision no. 237/9 of 12.03.2013	Dimitri FUJENCO, Ion COTEĂ	replacement	18 years
12	Cantemir	Constantin GHENCEA	SCM decision no. 268/10 of 18.03.2014	Ruslan PETROV	18.03.2013 - 18.03.2017	9 years
			SCM decision no. 237/9 of 12.03.2013	Mihail BUȘULEAC, Dumitru BOSII	replacement	3 years 2 years
			SCM decision no. 212/8 of 04.03.2014	Ștefan STARCHIUC	not indicated	9 years
13	Călărași	Dorina CROITOR	SCM decision no. 212/8 of 04.03.2014	Constantin GHENCEA	for a period of three years without indicating the term	8 years
			SCM decision no. 838/40 of 26.12.2012	Dorina CROITOR	01.01.2013 - 31.12.2013	1 year
			SCM decision no. 861/37 of 26.11.2013	Petru CODREANU și Valențina CRIUCICOVA	replacement	9 years 13 years
14	Căușeni	Dorin COVAL	SCM decision no. 560/19 of 01.07.2014	Marcel JUGANARI	not indicated	5 years
			SCM decision no. 918/29 of 11.11.2014	Dorina CROITOR	21.07.2014 - 31.12.2014	3 years
			SCM decision no. 237/9 of 12.03.2013	Dorina CROITOR	01.01.2015 - 31.12.2015	3 years
14	Căușeni	Dorin COVAL	SCM decision no. 237/9 of 12.03.2013	Mihail TURCAN și Ion SANDU	not indicated	8 years 18 years
			SCM decision no. 200/7 of 25.02.2014	Tatiana AVASILIOAIE	for examining a case	3 years
			SCM decision no. 654/21 of 05.08.2014	Irina ȚONOVA	not indicated	3 years
						9 years 19 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
15	Ceadir-Lunga	Elena CARPENCO	SCM decision no. 658/45 of 13.12.2011	Elena CARPENCO	05.03.2012 - 05.03.2017	0 years
			SCM decision no. 289/11 of 26.03.2013	Alexandra PENI, Serghel PILPENCO, Nadejda LAZAREVA	not indicated	9 years 7 years 7 years
16	Cimişlia	Vladimir RUSNAC	SCM decision no. 237/9 of 12.03.2013	Zinaida ARAMĂ	not indicated	20 years
			SCM decision no. 862/28 of 28.10.2014	Vladimir RUSNAC	28.10.2014 - 28.10.2017	10 years
17	Comrat	Vitalie DEREVENCO	SCM decision no. 289/11 of 26.03.2013	Vitalie DEREVENCO	not indicated	4 years
			SCM decision no. 7/1 of 14.01.2014	Vasile HRAPCOV	not indicated	1 year
			SCM decision no. 179/7 of 26.02.2013	Grigore COLEV	replacement	7 years
18	Criuleni	Oleg COJOCARI	SCM decision no. 179/7 of 26.02.2013	Aurelia CAZACLIU	not indicated	9 years
			SCM decision no. 94/3 of 28.01.2014	Valeriu CIUNTU	not indicated	24 years
			SCM decision no. 187/7 of 25.02.2014	Oleg COJOCARI	replacement	8 years
			SCM decision no. 1009/33 of 16.12.2014	Oleg COJOCARI	18.02.2014 - 31.12.2014	8 years
19	Donușeni	Iurie ȚIMBALARI	SCM decision no. 1009/33 of 16.12.2014	Oleg COJOCARI	01.01.2015 - 01.01.2018	8 years
			SCM decision no. 136/6 of 12.02.2013	Lilia ȚURCAN Iurie ȚIMBALARI	not indicated	19 years 9 years
20	Drochia	Vladimir CRAVEȚ	SCM decision no. 237/9 of 12.03.2013	Ion RUSU Valeriu GHEDREUȚAN Nelia PODLIȘNIC	not indicated	8 years 13 years 12 years
21	Dubăsari	Alexandru MOTRICĂLĂ	SCM decision no. 289/11 of 26.03.2013	Veaceslav SUCIU	not indicated	14 years
			SCM decision no. 636/27 of 17.09.2013	Ion MALANCIUC	replacement of judge Veaceslav SUCIU	2 years
			SCM decision no. 779/33 of 29.10.2013	Alexandru MOTRICĂLĂ	not indicated	5 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
22	Edineț	Vasilie GHETU	SCM decision no. 477/15 of 15.05.2014	Ghenadie BÎRSAN	15.05.2014 - 01.01.2015	9 years
			SCM decision no. 535/18 of 17.06.2014	Maria IFTODI	not indicated	23 years
			SCM decision no. 624/20 of 15.07.2014	Ghenadie BÎRSAN	replacement	9 years
23	Fălești	Ion GUȚU	SCM decision no. 624/20 of 15.07.2014	Nina BĂNĂRESCU	July - August 2014	10 years
			SCM decision no. 962/31 of 02.12.2014	Eugeniu PȘENIȚA	01.01.2015 - 31.12.2015	11 years
			SCM decision no. 336/13 of 12.04.2013	Anatolie RUSU și Maria IFTODI	replacement	9 years 10 years
24	Florești	Ion PRODAN	SCM decision no. 336/13 of 12.04.2013	Valentin TRIȘNEVSCHI Ion PĂCALEU	not indicated	9 years 5 years
			SCM decision no. 237/9 of 12.03.2013	Aurelia TODERAȘ și Ion GONCEARUC	not indicated	7 years 13 years
			SCM decision no. 348/12 of 08.04.2014	Svetlana BUCUR	08.04.2014 - 08.04.2015	2 years
25	Glodeni	Oleg MORARU	SCM decision no. 179/7 of 26.02.2013	Ion CAZACU	not indicated	14 years
			SCM decision no. 772/25 of 23.09.2014	Oleg MORARU	23.09.2014 - 23.09.2017	10 years
26	Hîncești	Vitalie COTOROBAI	SCM decision no. 136/6 of 12.02.2013	Angela BOSTAN Angela BRAGA	replacement of the investigative judge Vitalie COTOROBAI	7 years 4 years
			SCM decision no. 572/23 of 30.07.2013	Victoria ȘIRBU	not indicated	4 years
			SCM decision no. 63/2 of 21.01.2014	Vitalie COTOROBAI	01.01.2014 - 31.12.2014	6 years
			SCM decision no. 654/21 of 05.08.2014	Nina RUSU	05.08.2014 - 29.08.2014	18 years
			SCM decision no. 1040/34 of 23.12.2014	Vitalie COTOROBAI	01.01.2015 - 31.12.2015	6 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
27	Ialoveni	Ludmila BARBOS	SCM decision no. 237/9 of 12.03.2013	Lurie SCIASTLIVÎI Alexandru SANDU	not indicated	20 years 10 years
			SCM decision no. 95/03 of 28.01.2014	Grigore LUNGU; Constantin CREȚU	for the year 2014	26 years 11 years
			SCM decision no. 447/15 of 15.05.2014	Ludmila BARBOS	replacement	6 years
			SCM decision no. 1040/34 of 23.12.2014	Alexandru SANDU Lurie SCIASTLIVÎI	01.01.2015 - 21.12.2015 replacement	11 years 20 years
28	Leova	Petru VACULA	SCM decision no. 136/6 of 12.02.2013	Ludmila URSU Ira POLJSCIUC	not indicated	7 years 22 years
			SCM decision no. 792/26 of 07.10.2014	Petru VACULA	07.10.2014-07.10.2017	9 years
29	Nisporeni	Petru TRIBOI	SCM decision no. 477/15 of 15.05.2014	Petru TRIBOI	15.05.2014 - 31.12.2014	9 years
			SCM decision no. 701/22 of 02.09.2014	Rodica COSTRU	15.09.2014 - 30.09.2014	13 years
			SCM decision no. 1008/33 of 16.12.2014	Mihail ULINICI Rodica COSTRU	01.01.2015 - 31.12.2015 replacement	11 years 13 years
			SCM decision no. 223/8 of 05.03.2013	Sergiu PROCOPCIUC Vasile NEGRUȚA	not indicated	12 years 17 years
30	Orhei	Aureliu POSTICA	SCM decision no. 535/18 of 17.06.2014	Vasile NEGRUȚA Sergiu PROCOPCIUC	for the period of temporary transfer of the IJ, Aureliu POSTICA	18 years 13 years
			SCM decision no. 312/18 of 29.05.2012	Gheorghe GRIB Eugeniu BEJENARU	not indicated	1 year 11 years
31	Ocnița	Serghei BODIU	SCM decision no. 223/8 of 05.03.2013	Vasile MACRINICI	not indicated	22 years
			SCM decision no. 636/27 of 17.09.2013	Ludmila COȚAGA și Tudor LEAHU	not indicated	23 years 10 years
32	Rezina	Andrei BALAN	SCM decision no. 212/8 of 04.03.2014	Vasile MACRINICI	for a one year period	23 years
			SCM decision no. 412/14 of 29.04.2014	Andrei Balan	29.04.2014 - 29.04.2017	9 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)	
33	Rișcani	Sergiu GODOROGEA	SCM decision no. 91/4 of 29.01.2013	Adrian CIOBANU	01.01.2013 - 31.12.2013	8 years
			SCM decision no. 65/2 of 21.01.2014	Ion RABEI	01.01.2014 - 31.12.2014	6 years
			SCM decision no. 560/19 of 01.07.2014	Sergiu GODOROGEA Andrian CIOBANU Ion RABEI	01.07.2014 - 31.12.2014 replacement	9 years 6 years 9 years 9 years
34	Strășeni	Sergiu OSOIANU	SCM decision no. 336/11 of 12.04.2013	Dumitru MÎRZENCO; Igor CHIROȘCA	not indicated	17 years 1 year
35	Singerei	Vitalie MIRONOV	SCM decision no. 808/34 of 05.11.2013	Ion DANDARA Nicolae CORCEA, Vitalie MIRONOV	not indicated replacement	13 years 1 year 11 years
			SCM decision no. 772/25 of 23.09.2014	Vitalii MIRONOV	23.09.2014 - 01.01.2015	12 years
36	Soroca	Marcel SOFICIUC	SCM decision no. 653/31 of 16.10.2012	Marcel SOFICIUC	not indicated	16 years
			SCM decision no. 289/11 of 26.03.2013	Vadim BELOUS, Ghenadie LIULCA	not indicated	13 years 7 years
			SCM decision no. 64/2 of 21.01.2014	Vadim BELOUS, Ludmila CIUHRÎI, Diomid GHERMAN, Ghenadie MÎȚU, Ghenadie LIULICA, Ghenadie PURICI	2 months each by rotation	14 years 15 years 11 years 11 years 8 years 5 years
37	Șoldănești	Vasile TABAN	SCM decision no. 237/9 of 12.03.2013	Elvira POPA, Alexandru MANDRABURCĂ	not indicated	14 years 26 years
			SCM decision no. 118/3 of 28.01.2014	Alexandru MANDRABURCĂ	replacement of judge Vasile TABAN	9 years 25 years
			SCM decision no. 237/9 of 12.03.2013	Ion NAȘCO	not indicated	15 years
38	Ștefan Vodă	Sergiu PLEȘCA	SCM decision no. 477/15 of 15.05.2014	Sergiu PLEȘCA Ion NAȘCO Iurie SILARIN	15.05.2014 - 15.05.2017 by 31.12.2014 replacement of the judge Sergiu PLEȘCA	10 years 16 years 16 years

No.	Court	Acting investigative judge in the position as of the date of the adoption of the Law no. 153	SCM decision for appointment of the judge who exercises the powers of IJ N.S. of the judge/s	Tenure of the IJ	Professional experience of the persons appointed as IJ (as of the date of the adoption of the SCM decision)
39	Taraclia	Marina COINAC	SCM decision no. 73/3 of 22.01.2013	not indicated	9 years 4 years
40	Telemești	Gheorghe URSAN	SCM decision no. 179/7 of 26.02.2013 SCM decision no. 386/13 of 15.04.2014	not indicated May - June 2014	23 years 23 years
41	Ungheni	Lilia DAȘCHEVICI	SCM decision no. 237/9 of 12.03.2013	not indicated	11 years 2 years
			SCM decision no. 168/6 of 18.02.2014	18.02.2014 - 18.04.2015 replacement	11 years 12 years 12 years
42	Vulcănești	Victor LANOVENCO	SCM decision no. 360/12 of 08.04.2014 SCM decision no. 336/13 of 12.04.2013	08.04.2014 08.04.2015 not indicated	15 years 2 years

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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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