

Independence and Accountability of Moldova's Judiciary under Threat

POLICY BRIEF

Executive summary

Justice sector reform has been on Moldova's agenda since the political changes in 2009. The Justice Sector Reform Strategy (JSRS) for 2011-2016² was adopted only in 2011 and its implementation is also a part of the Association Agreement Agenda signed with Moldova in 2014. At the same time, the level of trust of Moldovan population in judiciary is decreasing, in spite of implementing the SRSJ. According to the public opinion barometer, in November 2011 – 74.5%³ of the population did not trust the judiciary and in October 2016, already 89.6% had no or very little trust.⁴ These data are ignored by Moldovan authorities, who continue making reforms on paper and in reality the situation is worsening.

The current brief highlights three key subjects that need to be urgently addressed if Moldova is to have an independent and accountable judiciary. Firstly, the process of selection and promotion of judges raised concerns in the past three years, due to disregard of procedures, selective approaches and issues with candidates' integrity. Secondly, issues regarding the lack of transparency and deficient decision making process of the Superior Council of Magistracy (SCM) have come to the fore. Thirdly, there are worrying trends regarding the use of criminal justice against some judges and reduced transparency of courts. Unfounded criminal cases against judges are a severe means of intimidation of judges, with potential grave consequences for judicial independence in Moldova for years to come. Closed hearings in high profile cases set up a dangerous precedent and pre-conditions for selective justice and significantly reduce judiciary's accountability. Lastly, the absence of reforms in the judiciary will undermine all the other reforms, especially economic and anti-corruption reforms.

¹ Legal Resources Centre from Moldova (LRCM) is a Chisinau based non-profit non-governmental organization. LRCM is a think tank with extensive expertise in analyzing the activity and reforming the justice sector, reporting on human rights and representation before the European Court of Human Rights (ECtHR), ensuring the equality and nondiscrimination, as well as in promoting reforms for an enabling environment for civil society organizations. More information about LRCM is available at www.crjm.org. Contact person for the brief: Nadejda Hriptievschi, at nadejda.hriptievschi@crjm.org.

² Adopted by the Moldovan Parliament on 25 November 2011 (Law no. 231), in force from 6 January 2012.

³ Institute for Public Policies, Public Opinion Barometer, November 2011 : <http://www.bop.ipp.md/result?type=bar>.

⁴ Institute for Public Policies, Public Opinion Barometer, October 2016: <http://www.bop.ipp.md/result?type=bar>.

Introduction

The JSRS for 2011-2016 and its implementation is part of the Association Agreement Agenda signed with Moldova in 2014. The JSRS, adopted by the Parliament, aimed, among other, at “strengthening independence, accountability, impartiality, efficiency and transparency of judiciary”. A series of important reforms were carried out to implement the Strategy and important progress was achieved in particular on technical issues (for example, full audio-recordings of the court hearings, random assignment of cases functioning in all courts,⁵ increased number of court staff (judicial assistants per each judge), increased judges’ and court staff salaries, improvements in several laws).

However, a series of issues persist. These mostly relate to selection and promotion of judges, ungrounded persecution of some outspoken judges, reduced transparency and corporativism at the level of the Superior Council of Magistracy (SCM), increased use of closed hearings in high resonance cases and reduced transparency of courts in general, use of criminal justice to intimidate inconvenient judges. A recent criminal case brought to the public attention the alleged involvement of 16 judges in money-laundering activities⁶. These allegations indicate towards a high dysfunction of the system and the need for urgent measures, both at the level of prosecuting high-level corruption, but also within the judiciary. The SCM and its affiliated bodies shall start acting and effectively ensuring judicial accountability, while respecting judges’ independence.

Moldovans’ trust in judiciary is very low. According to the latest polls, 89.6% of the population does not trust the judiciary (no trust at all – 65.3% and not too much trust – 24.3%)⁷. This low confidence in the judiciary can be explained, in particular, by a combination of two main factors. On one hand, since 2009 the politicians have identified judiciary as one of the sectors in need of reforms and have highlighted various failures of the judiciary. This put judiciary under the spotlight and has raised public’s expectations from judiciary. On the other hand, the reforms that followed since 2011 did not achieve their intended goals. Several legislative amendments were carried out in 2012-2013, laying the ground for better functioning of the judiciary. Judges’ salary and overall court budget was significantly increased, which has again increased public’s expectations for better justice. However, improvements in practice did not follow at the same pace. In particular, several high profile cases were carried out with grave violations, judiciary was allegedly involved in schemes of laundering money originating from Russia, several judges with questionable integrity were promoted to the higher courts and a few outspoken judges have been under pressure from the system. These issues are well reported in media but ignored by the relevant authorities, which increases the feeling of distrust. The national authorities should prioritize addressing the shortcomings and increasing population’s trust in judiciary, otherwise any reforms in the country are at risk.

Main issues and policy implications

Selection and promotion of judges

Merit based and transparent procedure for selection and promotion of judges is key to judicial independence and accountability. Several international standards were developed to guide states on this matter.⁸

In Moldova, according to a recent survey,⁹ 34% of judges do not consider the mechanism for initial selection of judges as fair and based on merits

⁵ Random assignment of cases is functioning in all courts, but the system is vulnerable to manipulations. The Integrated Case Management System, through which random assignment is done, shall be adjusted to exclude the current vulnerabilities.

⁶ Around 20 billion USD have been laundered from Russia to various European states via Moldova during 2010-2014, including due to “legalization” of these operations by Moldovan courts via simplified procedures (procedure in ordinance).

⁷ Institute for Public Policies, Public Opinion Barometer, October 2016: <http://www.bop.ipp.md/result?type=bar>.

⁸ See, for example, Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, p. 44; Consultative Council of European Judges (CCJE), Opinion no. 1, 2001, para 2) p. 73; OSCE/ODIHR Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia, 2010, p. 21; European Network of Councils for the Judiciary (ENCJ) Dublin Declaration on Standards for the Recruitment and Appointment of Members of the Judiciary, 2012.

⁹ Survey on Perceptions of judges, prosecutors and lawyers on justice reform and fight against corruption, December 2015, available at http://crjm.org/wp-content/uploads/2016/01/CRJM_2016_SurveyJustice-ENG.pdf.

and 43% of judges do not think that the manner of promotion of judges is correct and based on merits. Such a high percentage of judges who do not consider that the selection and promotion of judges takes place on the basis of merit confirms that there are shortcomings in system of selection and promotion of judges.

In 2012, the Parliament passed a package of legislative amendments that have set a new legal and institutional framework for judges' selection and career. The main novelties introduced in 2012 included the following: express provision of criteria for judges' selection, transfer and promotion; establishment of the Judges' Selection and Career Board in charge of judges' selection and career, which adopts reasoned decisions on each judge candidate and establishment of a mandatory performance evaluation¹⁰ procedure for judges that seek transfer or promotion and limited discretion of the SCM on career of judges.¹¹ These novelties should have led to selection and promotion of the most competent and incorrupt candidates. The practice of 2013-2016 shows a different picture from the expected one.

Firstly, during 2013-2016 several cases were noted when **judges with integrity issues were appointed or promoted by the SCM**, including after the President's refusal to appoint some of them¹², providing no reasoning that would exclude the doubts regarding candidates' integrity. Independent mass-media have disclosed integrity problems regarding several candidates. Civil society organizations have requested adequate procedures from the SCM, however, no reasoning was ever provided by the SCM for appointing or promoting judges with integrity issues¹³.

Secondly, **the SCM disregards the points awarded by the Judges' Selection and Career Board (JSCB), in spite of the procedure provided by the Law on selection and career of judges.** Before the SCM proposes to the President a candidate judge for appointment or promotion, the candidate is evaluated by the JSCB according to a list of criteria provided by the law and bylaws adopted by the SCM. The JSCB issues a reasoned decision for each candidate, which includes the total points awarded and the reasoning for each criterion. The SCM should further propose for appointment/promotion the candidates with the highest points awarded by the JSCB, unless there is new information that justifies the SCM ignoring the JSCB decision.

During 2013-2016, SCM consistently disregards the decisions of the JSCB when deciding on selection and promotion of judges. In particular, at least six judges¹⁴ were promoted by SCM to the Courts of Appeals and at least 5 judges¹⁵ were promoted to the Supreme Court of Justice (Supreme Court), although they had lower or even lowest points awarded by the JSCB. It is particularly striking regarding the Supreme Court, since the 5 judges that were appointed with lower points were chosen within 8 contests, which means 62% of the total number of appointments. This is a very high rate. One of the latest selections raised significant public attention. The respective judge had the least experience, had not declared her full property and was promoted by the SCM and the Parliament in record time.¹⁶ Corroborating several recent cases, one may conclude that there is a selective approach on promoting judges to the highest court, both on behalf of the SCM and of the Parliament. This approach suggests that the SCM and the Parliament promotes rather loyal to the system judges than based on merits. Such an approach is very dangerous for the functioning of judiciary and the

¹⁰ The Law No. 154 provides for setting up the Judges' Performance Evaluation Board and mandatory ordinary performance evaluation to be carried out every 3 years. The results of performance evaluation are taken into account by the JSCB.

¹¹ See for a detailed analysis of the selection and promotion procedures in the Policy document „Selection and career of judges – doubling responsibilities or additional guarantees?“ Legal Resources Centre from Moldova, 2015, available at http://crjm.org/wp-content/uploads/2016/03/2015-01_DP-Selection-of-Judges_CRJM-EN1.pdf.

¹² The President of the country appoints judges of the first and second instance courts (the Parliament for the Supreme Court) at the proposal of the SCM. The President can refuse only once the appointment of a candidate judge, by reasoned decree. The SCM may propose the same candidate by a vote of two thirds of its members and the President is obliged to promote the respective candidate.

¹³ For example, in an appeal of 29 September 2014 (<http://crjm.org/ong-uri-solicita-presedintele-rrm-verifye-informatii-candidati-judecatori-si-admita-pe-cei-cu-reputatie-ireprosabila/>) several civil society groups requested the President to verify the compatibility of 5 candidate judges, about whom the press reported serious issues related to their integrity, such as unjustified or undeclared properties, conflict of interests, relations with controversial persons etc. The President appointed only one of the 5 candidates and refused the other four. Since then, the SCM has appointed two of the four candidates (Lucia Bagrin in a Chisinau court and Natalia Berbec in Hincesti court) providing no reasoning for ignoring the issues raised in mass-media and in the President's refusal (http://crjm.org/apel_hotararii_csm_bagrini/). The other two candidates are still participating in contests for appointment as a judge. On 2 June 2015, the SCM repeatedly proposed for reconfirmation the judge Anatolie Galben at a Chisinau court, after almost six months from the President's refusal, providing no reasoning regarding the alleged integrity issues by the President. On 26 January 2016, the SCM proposed for appointment as a President of Cahul Court of Appeals of judge Serghei Gubenco, who was previously refused by the President for risk factors (<http://crjm.org/wp-content/uploads/2016/02/2016-02-08-Apel-Carierajudecatori-ENG.pdf>). The SCM provided no reason for its repetitive decision.

¹⁴ Judges Ous, Colev, Simciuc, Negru, Balmus and Morozan.

¹⁵ Judges Sternioala, Guzun, Moraru, Toma, Pitic.

¹⁶ By decision no. 7/2 of 26 January 2016, the SCM proposed the Parliament to appoint Mrs. Mariana PITIC to the position of judge to the Supreme Court. Ms. Pitic did not accumulate the highest points of the JSCB evaluation, had the shortest experience as judge of all candidates, mass-media had published several materials about her property which she has not declared, as well as about the fact that she declared having procured a Porsche Cayenne with appr. 500 EURO, which is far below any probable market price for such luxurious cars. On 27 April 2016, the Parliament appointed Ms. Pitic as a judge of the Supreme Court, in spite of the fact that at that point the investigation into her income and property declarations had not been finalized by the National Integrity Commission. On the other hand, there are cases when judges were not appointed by the Parliament for several months since the SCM's proposal.

rule of law in general, as it creates a hierarchical system within judiciary gravely affecting the individual independence of judges. In a longer term, judges will put more emphasis on loyalty to the leadership of the system at the expense of respect of law and procedures. Moreover, Parliament's selective approach suggests a direct interference, at least of the majority coalition, with the judiciary. In a country with systemic corruption across all branches of power, the collusion between judiciary and parliamentary coalition is very dangerous.

Thirdly, **the SCM has a selective approach regarding key judicial positions.** This is due in particular to lack of any clarity on the duration of the competitions and prolonged vacancies of some key positions. One of the examples illustrating this issue is the case of the position of the deputy-president of the Supreme Court. This position became vacant in April 2015 after the former deputy-president resigned in the context of accusations of manipulation of the Integrated Case Management System (ICMS) presented to the anti-corruption bodies by the President of the SCM at the end of 2014¹⁷. At the end of December 2016, no further information about any criminal case brought against the former deputy-president was made public. This reinforces the suspicion that the SCM President's allegations were used to pressure her to resign from her position.

Further developments on the vacancy, also, raise several questions. In 2015, the SCM announced three contests for filling in the position. Only at the third one, on 28 April 2015, a single candidate applied, Ms. Raducanu, one of the most outspoken SCM members, raising often issues about SCM's selective approach regarding judges' career. However, she failed to get enough votes of the SCM members. The SCM decision does not provide any reasons why the only candidate to the contest announced for the third time was not appointed. Only at the end of December 2016, the position was filled by a judge not seen as a leader in the system and who was part of the judicial panels that took several controversial decisions. She is seen as an obedient judge to the current leadership.

On 9 February 2016, the SCM proposed for selection for a second term of four years the current President of the Supreme Court, Mr. Poalelungi. He was the only candidate that participated at the contest. There were several opinions expressed regarding the fact that a single candidate for the highest judicial position might be an indicator of fear from within the judiciary to compete with the current Chief Justice.

Accountability and transparency of the Superior Council of Magistracy (SCM)

The SCM is a public body in charge of judicial self-administration. The quality of SCM functioning and decisions is extremely important for the entire judicial system, given the very large competences that the SCM has. However, the procedure by which decisions are taken and the poor reasoning of SCM decisions reduce significantly from SCM's transparency. All SCM decisions are taken in closed sessions, where no one except for the SCM members participates, similar to the adoption of court decisions (the so-called procedure in "deliberation"). The SCM is the only collegial public institution where decisions are taken behind closed doors. Neither the Parliament, nor the Government has such procedures, having adversarial discussions and taking decisions in public. The Superior Council of Prosecutors (SCP) does not take decisions in deliberation either. In addition, the reasoning of the SCM decisions is generally poor or does not exist. If the SCM continues taking the majority of decisions behind closed doors and with insufficient reasoning, the public's

¹⁷ In a press interview in January 2015, the former deputy-president of the Supreme Court, Ms. Filincova, denied the allegations, claiming that they were made to pressure her to take decisions in a few civil cases in favor of the parties "protected" by those that accused her.

perception of the judiciary will continue to worsen. The SCM example is also very important for the judiciary as a whole. One cannot expect courts and individual judges to act with responsibility, transparency and offer well reasoned decisions, when the body that represents the system, ignores such basic rules.

Judges' accountability and transparency of courts

- **Judicial disciplinary mechanism:** Disciplinary procedures are one of the key mechanisms for holding judges accountable for their work. In 2015 a new Law on judges' disciplinary responsibility entered into force. The Law included several improvements. At the same time, it created a complicated system, whereby a disciplinary complaint regarding a judge can be examined by five bodies – the Judicial Inspection, the Admissibility Panel of the Disciplinary Board, the Plenary of the Disciplinary Board, the Superior Council of Magistracy and the Supreme Court of Justice – each, at one stage or another, having the power to annul the decision of the body which has previously examined the disciplinary case. As a result, statistics showed that in 2015 the rate of instituting disciplinary procedures decreased by almost 27% compared to 2014, although the circle of subjects who can file complaints has been extended. Additionally, the rate of the judges' sanctioning decreased by four times in 2015 and 72% of all complaints filed in 2015 were dismissed by the Judicial Inspection as manifestly unfounded. The risk of rejecting well-founded complaints is very high.¹⁸ At the same time, the Judicial Inspection has very limited competences and responsibilities in investigating and presenting the case before the Disciplinary Board. This leads to formalism on behalf of the Judicial Inspection. It is crucial that Judicial Inspection is reformed in order to act independently from the SCM and carry out professional and thorough investigations of disciplinary allegations regarding judges' conduct.

- **Criminal investigation of a judge for a mere interpretation of the law.** On 26 May 2016, the Interim General Prosecutor submitted a request to the SCM to approve the initiation of criminal investigation of the judge of Chisinau Court of Appeals Ms. Manole. On 31 May 2016, the SCM approved this request, in a closed meeting, ignoring the judge's request to examine it in a public hearing. Several NGOs expressed their concern regarding this request, qualifying it as an attempt to undermine judicial independence. The main problem is the dangerous precedent that such a request and approval will have on judicial independence, since the judge is being prosecuted for her interpretation of the law in a context when the Constitution contains contradictory provisions and there is no judicial precedent on this issue.¹⁹ In addition, the contested provisions being a sensitive political issue (referendum), this raises big issues regarding the political interference with judiciary. Lastly, the context and personality of the prosecuted judge raises serious concerns whether this is not a sort of personal prosecution of her for being too active and vocal against the current leadership of the judiciary and a signal for any other judge that dares to speak up.

At the end of December 2016, the criminal investigation against judge Manole has not been finalised, the case has not been even yet sent to court. At the same time, the Supreme Court requested the Constitutional Court to review the constitutionality of the article in the Criminal Code based on which judge Manole is investigated. It is not clear why the Supreme Court, dealing with the case since June 2016, decided to address the Constitutional Court on this matter only in

¹⁸ See for details Analysis of legislation and practice regarding disciplinary responsibility of judges: 2015-2016, Legal Resources Centre from Moldova, November 2016, available in Romanian and English at <http://crjm.org/category/publications/>.

¹⁹ The decision of 14 April 2016 of the judge Manole of Chisinau Court of Appeals annulled the decision of the Central Electoral Commission (CEC), by which the latter rejected the initiation of a constitutional referendum. CEC based their decision on the fact that art. 141 par. (1) of the Constitution provides that the referendum can be initiated by 200,000 citizens. The second sentence (introduced in 2000) requires that these signatures come from at least half of the administrative-territorial units and in each of them to be at least 20,000 signatures. The Constitution does not mention explicitly the number of the territorial units. When this amendment was adopted, there were 12 territorial units. The system was changed in 2002, since then there are 33 units. CEC interpreted that the group that collected signatures had to collect 20,000 signature from at least 18 territorial units, requiring in this way 360,000 signatures. The judge ruled that this is an abusive interpretation, since this number is higher than the 200,000 mentioned in the first sentence. She interpreted the Constitution in light of the law and circumstances when the constitutional amendment was adopted. The Supreme Court annulled her decision, ruling in favour of CEC. The Interim General Prosecutor based his request exclusively on the language of the Supreme Court decision. This runs against any international standards on judicial independence, since judges cannot be prosecuted for their interpretation of the law, unless malice is proven.

December 2016. Such a delay looks more like a negligent or intentional stalling of the case.

- **Public hearings – cornerstone of a due process.** The right to public hearings is provided both by Moldovan Constitution and by legislation. Recently, a tendency of closing court hearings or access to courts is noted, which is extremely worrying.

For example, the case of former prime-minister of Moldova, Vlad FILAT, charged with corruption, was entirely examined in closed hearings, both in the first instance court and in the appeals court. Moreover, on 21 June 2016, just six days before issuing the sentence in Mr. Filat case, the SCM adopted a new Regulation on publishing the court decisions, according to which decisions on the cases examined behind closed doors are not to be published on its website. The previous regulation, dated of 2008, did not provide such a limitation and all court decisions were published. The timing and the content of the amendment suggests a negative change in the judiciary's approach towards accessibility of judicial decisions. There is no legal justification in limiting the publication of the court decisions taken in closed hearings, as personal data can be easily hidden. Such a change only demonstrates the tendency towards selective and closed justice in the country.

In August 2016, a problematic legislative amendment entered into force related to the public hearing. Thus, courts must declare closed hearings when there is a risk of disclosing information related to intimate aspects of life, which violate professional reputation or other circumstances that could harm the interests of the trial participants, public order or morality. Limiting the judges' discretion when deciding on closed or public hearings could lead to a violation of the principle of publicity of court hearings.

On 29 September 2016, the SCM approved a regulation on access to court hearings and courts, which imposed severe restrictions on access to courts and court hearings. Several media and civil society organizations reacted to this unreasonable regulation.²⁰ As a result, the SCM has suspended its application as of 1 November 2016. By the end of December, no new regulation was in place. The mere adoption of such a regulation is an indicator of the SCM's very problematic understanding of the right to public hearings and access to courts.

Conclusions and policy implications

The Moldovan experience regarding selection and promotion of judges illustrates well the fact that good laws are insufficient when the will to adequately implement them is missing. The main issue regarding selection and promotion of judges is the lack of reasoning in the SCM decisions related to judges' career. Lack of reasoning in the SCM decisions related to judges' career affects negatively both the public and the judges' trust in the judiciary. Given the very low trust in the justice system, selection and promotion of the best candidates should become the main focus of the SCM. Appointment and promotion of judges with integrity issues leaves the system vulnerable for further third party inappropriate influences. A vulnerable judicial system will impede any real anti-corruption or economic reform.

As a self-administration body of the judiciary, the SCM is a public body and only rarely acts as a quasi-judicial body. In deciding on matters of judges' career, courts' budgets, training and legal opinions on draft laws, there is no justification for the SCM to take decisions in closed sittings.

²⁰ See, for example, a declaration available at: <http://www.api.md/news/view/ro-declaratie-ong-urile-de-media-si-redactiile-protesteaza-impotriva-restrictiilor-abuzive-de-acces-la-sedintele-de-judecata-1343>.

Adoption of decisions in close sittings by the SCM only reinforces the suspicion of corporativism and selective approach of the SCM. The legal requirement on the reasoning of the SCM decisions is not an abstract requirement, which can be ignored. The quality of the reasoning of the judicial decisions is the main indicator on the quality of a judicial system. The SCM should give a clear and complete example to the courts of reasoning its decisions. By reasoning decisions trust shall be built, including among judges, that the SCM decisions are legal, reasoned and justified, and not arbitrary or selective.

The Law on judges' disciplinary responsibility instituted a far too cumbersome mechanism, which drags procedures and leaves many possibilities for overlooking serious complaints. In the long term, this can lead to a lack of trust in the existing mechanism and complaints will simply not be submitted, judges being able to continue their activity in spite of disciplinary violations. The disciplinary responsibility system for judges shall be improved and it cannot become effective without an independent and professional Judicial Inspection, which is currently missing.

The recent tendencies of declaring court hearings closed in cases of high social resonance and the adoption of regulations that limit public's access to courts are very worrying and undermine any reform efforts, not only in the justice sector. Open court hearings and publication of court decisions are crucial elements for ensuring judiciary's accountability, since the public can attend the court hearings, read the court sentences and draw conclusions. When such access is closed, judiciary remains outside of any oversight, except for the improper third party influences. If these trends continue, selective justice will become the rule and not the exception. This will definitely compromise the rule of law in Moldova.

Lastly, prosecution of a judge for the mere interpretation of the constitutional provisions on referendum, in circumstances when no court precedent existed on the matter and the Constitutional Court had clearly indicated that the Parliament should amend the contested provisions, sets a dangerous precedent of using the criminal system to pressure the judiciary. Such cases are limiting internal independence of judges and make them vulnerable for external pressures.

Recommendations

Moldova's judiciary is facing a series of shortcomings, which need immediate attention if any reform is to have a positive impact. In order to address the problems highlighted above in this brief, the national authorities must take several steps, in particular the following:

The Parliament of the Republic of Moldova:

🔍 **Amend the Law on Superior Council of Magistracy by excluding the provisions regarding the adoption of decisions in closed sittings (art. 24 para. (2) of the Law no. 947 on the SCM). The SCM is to issue decisions in closed sittings only when the circumstances of the case justify examining the whole matter behind closed doors or when the SCM examines the complaint in a disciplinary case (acting as a quasi-judicial body);**

🔍 **Amend the Law no. 178 on judges' disciplinary responsibility to provide more competences to Judicial Inspection in investigating and presenting the disciplinary case and provide a direct appeal to the Supreme Court for the Disciplinary Board decisions;**

⊕ Repeal the amendments of the Law no. 122 of 2 June 2016 (in force since August 2016) that limited the judges' discretion in declaring closed hearings.

The Superior Council of Magistracy:

⊕ Develop and adopt a regulation on the organization of contests for all vacancies in the judiciary, which would provide for periodic contests 1-3 times per year. Applicants with the best evaluations should be entitled to choose the court where they want to activate with priority;

⊕ Adequately reason every decision. In particular, provide substantive reasoning for every decision on judges' career when the SCM ignores the points awarded by the Judges Selection and Career Board and/or when allegations of lack of integrity and other incompatibility issues were raised either in credible media investigations or in the President's refusal regarding a particular candidate;

⊕ Give up the practice of adopting decisions behind closed doors, except when the circumstances of the case justify;

⊕ Amend the regulation on access to courts and court hearings in line with international standards and best practices and send a clear message to the judiciary on the importance of respecting the right to a public hearing in all cases.

The Prosecution office:

⊕ Carry out a prompt and impartial investigation into the case of judge Manole, excluding any political and other third party interference.

Moldovan authorities do not show sufficient will for justice sector reform. Continuous external pressure is crucial. Therefore, the European Union shall:

⊕ Maintain Justice Sector Reform as a priority in EU-Moldova dialogue;

⊕ Include strict conditionalities aimed at ensuring rule of law in Moldova for any financial support provided;

⊕ Monitor the individual cases that expose significant dysfunctionalities of the entire system.