

NEWSLETTER

Contents

How to ensure sustainable and long-lasting justice reforms – the conclusions of the sixth edition of the Justice and Anticorruption Reforms Forum

Vetting hearings of candidates for membership in SCM and its boards, held in September

Reconfirmation in office before reaching the age limit – the circle is almost closed

The Vetting Commission in September – nearing the end in hearing SCJ candidates?

IN BRIEF

HOW TO ENSURE SUSTAINABLE AND LONG-LASTING JUSTICE REFORMS – THE CONCLUSIONS OF THE SIXTH EDITION OF THE JUSTICE AND ANTICORRUPTION REFORMS FORUM

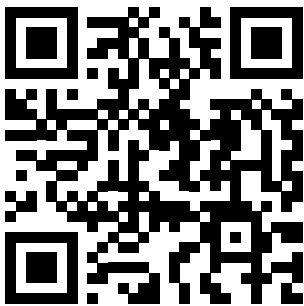
On 10-11 September 2024, the LRCM organized the sixth edition of the [Justice and Anticorruption Reforms Forum](#). The Forum brought together key actors in the justice sector, politicians, national and international experts, civil society and development partners to identify and give impetus to reforms in the field of justice and the fight against corruption and to reduce the risks related to them.

The Forum was opened by the Speaker of the Parliament of the Republic of Moldova, Igor Grosu, the Chargé d'Affaires ad interim of the US Embassy to the Republic of Moldova, Nina Maria Fite, the Ambassador of the European Union to the Republic of Moldova, Jānis Mažeiks, and the Executive Director of the LRCM, Ilie Chirtoacă. At the opening session, the authorities underlined their strong commitment to continue reforms in the justice sector. Although the initial efforts were underestimated, they reaffirmed that the direction of the reforms is irreversible, with European integration by 2028 as the main objective. In addition, the need for efficient use of available resources and a system-wide collective effort to ensure the necessary fundamental changes were emphasized. Speakers also called for a strategic approach and a methodical pace to ensure the long-term sustainability and effectiveness of reforms.

The [first day of the Forum](#) focused on two special sessions – a policy dialogue session on justice policies between the Minister of Justice of the Republic of Moldova, Veronica Mihailov-Moraru, and the Minister of Justice of the Republic of Latvia, Inese Lībiņa-Egnere, and a session on the lessons learned from the external evaluation of judges and prosecutors, the central reform currently underway. As regards the vetting process, the first stage of this reform – the pre-vetting – is 95% complete. The subsequent stages cover the assessment of judges and candidates for the Supreme Court of Justice (SCJ) and the full vetting which includes the assessment of judges and prosecutors in senior positions. Major challenges discussed at the event included the mass resignations generated by this process, as well as the slow pace of evaluations. Another challenge is the resistance to the vetting process and the lack of sufficient models of practice of the commissions



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The success of justice reforms requires a collective effort, courage, and a strategic approach – essential elements for their long-term sustainability, but also for achieving the goal of European integration by 2028.

involved, which complicates the swift and effective implementation of reform. The Forum discussed the need to amend legislation to facilitate the cooperation of authorities in the external evaluation process and to maintain the motivation of judges and prosecutors to remain in the system and to successfully promote vetting by improving working and salary conditions. Communication with the public also remains a crucial element to increase support and awareness in society of the ongoing reforms.

The second part of the first day was dedicated to the digitalization of the justice sector. In this area, Moldova has made significant progress in the integration of information and communication technologies (ICT). According to the latest [data collected](#) by the European Commission for the Efficiency of Justice (CEPEJ), it has achieved an ICT index score of 6.87, exceeding the European average and demonstrating a relatively advanced use of digital tools in the courts. The IT systems developed include the Integrated Case Management System (PIGD – abbreviation in Romanian), the Judicial e-File and videoconferencing and audio recording platforms. However, challenges related to the fragmentation of these IT systems and the lack of interconnectivity between them have also been reported. Financial and human resource constraints are other significant obstacles affecting the pace of digital transformation. Priorities for the coming period include [the creation of a dedicated agency for the digitalization of justice](#), the development of a strategic plan for 2025-2028 and the interconnection of systems to ensure a unified digital environment.

The [second day of the Forum](#) focused on the results of the fight against corruption and the experiences of anticorruption champions. Achievements in this area include the delimitation of competences between the National Anticorruption Centre (NAC) and the Anticorruption Prosecutor's Office (APO) and the increase in number of staff by more than 50 units in the APO. Also, the specialization of district court judges on corruption cases has contributed to speeding up and streamlining the examination of corruption cases. Substantial amendments to the Criminal Procedure Code provided for harsher sanctions for illegal financing of political parties, while the mechanism of conviction in absentia was introduced in the legislation, the statute of limitations for criminal offenses was extended and sanctions for corruption, money laundering and passive corruption were tightened up.

However, the authorities continue to face significant challenges. In the area of asset recovery, the Criminal Assets Recovery Agency (ARBI – abbreviation in Romanian) noted that in the last five years it has requested the seizure of approximately 5,000 assets worth over 5.6 billion MDL, and since its establishment in 2018, it has requested to seize assets worth 9.5 billion MDL. However, less than 1% of these seized assets have been recovered or valorised. The National Integrity Authority (NIA) highlighted challenges created by judicial practice, such that even if NIA obtains a court judgment on unjustified wealth, it must go through a new set of procedures to seize, while unjustified assets risk disappearing in the meantime.

Other challenges specific to the sector of Anticorruption agencies include shortages of qualified staff, insufficient technical and logistical capacity, and

constant attempts to discredit and exploit scandals or decisions that undermine anticorruption efforts. Further, it will be necessary to assess the effectiveness of the delimitation of competences of the APO and the NAC and possibly make appropriate legislative adjustments. Amending the NIA law to be able to apply sequestration upon the issuance of investigative acts is also essential to prevent the transfer or sale of illicit assets. Other priorities include strengthening the legislation on civil and criminal confiscation, seizure and recovery of criminal assets, proactive communication with society, and the development of international cooperation, in particular concerning data exchange.

At the end of the Forum, the experiences of anticorruption champions were highlighted, and successful initiatives and examples were presented. Sir William Browder KCMG, CEO Hermitage Capital Management, Head of the Global Magnitsky Justice Campaign and Author of *Red Notice* and *Freezing Order*, [presented the efforts behind the Magnitsky Act](#), which allows for the sanctioning of individuals involved in corruption and human rights violations. The Forum also brought up the recent anti-SLAPP directive, which protects journalists and whistleblowers from abusive trials. These initiatives were recognized as valuable examples of good international practice in fighting corruption and protecting fundamental rights.

The LRCM published a summary of the main recommendations from the Forum, which is available in both [Romanian](#) and [English](#).

VETTING HEARINGS OF CANDIDATES FOR MEMBERSHIP IN SCM AND ITS BOARDS, HELD IN SEPTEMBER

In September 2024, the Vetting Commission (the Commission) interviewed and issued reports on several candidates running for the Superior Council of Magistracy (SCM) membership and its specialized boards.

The Commission [found](#) that Valentina Stratulat, judge at the Ungheni District Court, running for the Disciplinary Board, and Vladislav Schibin, judge at the Bălți District Court, running for the Disciplinary Board and the Board for the Selection and Evaluation of Judges, passed the external evaluation, as both judges meet the criteria of financial and ethical integrity. Vladislav Schibin was interviewed by the Commission on 13 June 2024 (more on his hearing in [LRCM Newsletter no. 70](#)), while Valentina Stratulat chose not to attend the hearing.

At the same time, [Eugeniu Pșenița](#), a judge of Edineț District Court, withdrew from the competition for the position of member of the Disciplinary Board of the SCM. As an effect of [Law 26/2022](#), the withdrawal of a candidate from the competition is equivalent to not passing the evaluation.

On 16 September 2024, [Lilia Potînga](#), candidate in the Disciplinary Board (judge at the Ungheni District Court) was interviewed. The Commission did not have

In September, the Vetting Commission heard one candidate to the SCM and four – to specialized boards. Likewise, the Commission finalized the assessment of two candidates to the boards of the SCM, finding that they met the criteria of financial and ethical integrity.

any suspicions regarding her financial or ethical integrity. At the hearing, she confirmed that the information presented to the Commission for the purposes of the assessment was correct and valid.

Also on 16 September 2024, the candidate for the Board for the Selection and Evaluation of Judges, [Eugeniu Beșelea](#) (judge at the Chișinău Court of Appeals), was interviewed. Judge Beșelea was asked about the conditions under which he obtained an apartment at a preferential price and whether he was eligible for the programme, having purchased an apartment in the meantime. The candidate explained that after he and his wife applied for the programme in 2017, they did not receive a reply (in 2018-2019), hearing only that the programme was uncertain. Thus, they purchased another apartment. In 2021, they learnt that their application had been accepted and decided to move into the offered apartment after selling the one they bought in 2019. The candidate mentioned that they did not inform the working group about the 2019 purchase, not knowing if the programme would continue. He also stated that he received the paperwork for the programme apartment in 2023, but has not yet sold the apartment bought in 2019.

On the same day, the hearing of [Natalia Bondarenco](#), a judge at the Cahul Court of Appeals and a candidate running for the position of member of the Disciplinary Board, took place. Bondarenco was questioned about the expenses of her ex-husband's law firm, which exceeded the income by 41,000 MDL in 2021 and 66,000 MDL in 2023, as well as about the possible failing to pay taxes for the real estate lease. The candidate explained that since the firm was operating free of charge at the former husband's residence, she was not going to pay taxes, respectively. The Commission asked for details of profit transfers to the ex-husband and the purchase and sale of cars. The candidate said she found out about the sale of one vehicle by checking their bank accounts and discussed buying and selling another automobile for the same price.

On 18 September 2024, [Lucia Bagrin](#), a candidate running for the Disciplinary Board (judge at the Chișinău District Court) was interviewed. She was asked about how the candidate's mother, who worked in Italy, was able to provide her with financial support in 2009-2010, given the negative balance identified by the Commission of 9,937 MDL and 2,990 MDL respectively. Likewise, the Commission inquired about the negative difference for 2012-2013. The candidate explained that the difference in the balance for 2009-2010 and 2012-2013 was covered by the salary and financial support of the candidate's mother.

On 19 September 2024, the hearing of the candidate running for SCM membership, [Ștefan Starciuc](#) (judge of the Comrat Court of Appeals) took place. The Commission asked him about the differences between his income and expenses in 2011-2013, 2015 and 2018, which equaled to 300,000 MDL. In particular, the candidate was asked about the total amount of payments for the repayment of a loan in 2011 and how he managed to cover consumer expenses higher than his salary. He explained that he managed financially, noting that the consumption basket in the South is lower than the national average.

Constitutional changes in 2022 eliminated the original five-year appointment requirement for judges, and now almost all affected judges have been reappointed or released, with the process nearly complete.

RECONFIRMATION IN OFFICE BEFORE REACHING THE AGE LIMIT – THE CIRCLE IS ALMOST CLOSED

On 1 April 2022, [several changes to](#) the Constitution took effect, including the elimination of the five-year initial appointment requirement for judges. According to the Venice Commission, this requirement impaired the independence of judges. However, this change does not apply to judges whose initial five-year term of office expired by 1 April 2022. About 40 judges had their terms expired on 31 March 2022. They were being paid a salary but were not entitled to examine any cases, as the Judicial Performance Evaluation Board was not in place to carry out the necessary evaluations for reappointment.

On 11 September 2024, the President issued a decree to dismiss six of the 40 judges whose terms had expired. The decree is based on the decisions of the Superior Council of Magistracy (SCM) of 1 July 2024 ([Irina Păduraru](#), [Victoria Hadîrca](#), [Rodica Berdilo](#) and [Victoria Sanduța](#)), as well as on the decisions of 24 October 2023 (on [Svetlana Tizu](#) and [Eugen Popovici](#)). The SCM judgments were motivated by lack of impeccable reputation, suspicions regarding financial integrity, omissions in declarations of assets and personal interests, lack of ethical and institutional integrity, intimidation of other judges and adoption of questionable decisions.

The judges in question defended their requests for reconfirmation before the SCM, but failed to obtain the eight votes needed for reconfirmation. Consequently, they challenged the SCM's rulings before the Supreme Court of Justice.

As of 30 September 2024, of the approximately [40 judges](#) remaining in legislative limbo: 33 have been reconfirmed by Presidential decree, six have been dismissed, one case is still pending before the SCM, and two requests have not been considered due to resignation and death. Also, the requests of two judges were not examined due to illness and death. The request for reconfirmation of judge Alexei Paniș is still pending before the SCM, and after its resolution, the "circle" of 40 reconfirmations will be closed and all judges will be appointed until they reach the age limit.

THE VETTING COMMISSION IN SEPTEMBER – NEARING THE END IN HEARING SCJ CANDIDATES?

In September, the [Vetting Commission](#) (the Commission) heard the last candidates running for Supreme Court of Justice (SCJ) judgeship.

On 16 September, [Mariana Ursachi](#) (formerly [Pitic](#)), a sitting SCJ judge, was to be heard. The judge failed to appear for the fourth time. In the past, the candidate has submitted dozens of requests for recusal to the members of the Commission, which were rejected as unfounded (details in [Newsletter No. 70](#)), and until May 2024 refused to examine case materials. This time, she requested the recusal

Doubts about candidates' integrity, undeclared or questionable financial transactions, possible conflicts of interest and ethical concerns about previous rulings of the ECtHR – at the forefront of the vetting hearings in September.

of [Willem Brouwer](#), who had recently joined the Commission, and asked that the hearing be held in closed session. The Commission rejected this request.

Following the questions raised in the written assessment, the Commission's doubts as to the integrity of the candidate were not removed. The Commission therefore decided to assess her based on the information already gathered, without organizing further hearings. The judge is [known to the public](#) for having declared the purchase of a Porsche car for 11,000 MDL, and in 2022, the National Integrity Authority (NIA) found the difference between her income and expenses in the amount of 678,000 MDL.

On 17 September, [Grigore Manoli](#), a judge at the Chişinău District Court and former lawyer, was interviewed. The Commission asked him about his failure to abstain in certain cases and the way he declared revenue from his wife's companies. The first issue relates to a 2017 case where Manoli did not abstain, despite a possible conflict of interest. Previously, he worked in the same law firm as associate Sorina Arnăuț. He was not her mentor, and they had a limited collaboration, which is why he considers that abstention was not necessary as the law does not provide for such a ground. Further, in 2018, Arnăuț represented Manoli in court, and later, in another case in which she was a lawyer, Manoli did not abstain from examination.

The second situation concerns the declared revenue from companies founded by his wife in Moldova and Romania. Manoli explained that he declared the revenue from the companies, i.e. the actual amounts that came into the bank accounts, proven by documents. After tax and other payments, the net income from the companies' activity is significantly lower. He emphasized that he had not intended to exaggerate the amount of income.

On 18 September, [Vladimir Adam](#), a prosecutor in the Anticorruption Prosecutor's Office, was interviewed. The Commission identified discrepancies between his income and expenses for several years and found that certain monetary gifts received were not declared: 90,000 MDL in 2014, 20,000 MDL in 2021 and 50,000 MDL in 2022. The prosecutor explained that he got 90,000 MDL following his 50th birthday, from friends and family, and noted that the obligation to declare large cash amounts came into effect later. Regarding the amounts in 2021 and 2022, he argued that they are insignificant and do not fall under NIA laws. Regarding a loan of 400,000 MDL taken from the bank, the Commission asked about the fact that a good part of the amount was used to lend to his brother-in-law without a contract between them. Ultimately, it was the brother-in-law who repaid the loan instalments to the bank.

Prosecutor Adam was also questioned about a piece of land purchased in 2018 and sold in 2019 by his wife, without being declared to NIA. According to Adam, the land was adjacent to the house and used as a garden, being affected by the existence of sewage pipes. The sale was done through a general power of attorney by his wife, and he had not known about it, until he filled the valuation questionnaire.

In relation to a car purchased in 2020, the contract specified a price of 45,000 MDL.

Adam explained that the total value was in fact 290,000 MDL, partly covered by selling his old car directly to the dealer for 7,500 EUR and partly by a new loan.

On the same day, [Dumitru Mardari](#), former judge, now lawyer, was interviewed. The Commission expressed some doubts as to respecting ethical criteria. The Government Agent noted that Mardari had connections to 16 judgments of the European Court of Human Rights (ECtHR) in Moldovan cases. The Commission removed doubts on 12 of these, but requested clarifications [on four specific judgments](#): Cucu and others, Prodius and others, T.A. and Falun Dafa.

Regarding the first two cases, related to insufficient compensation awarded at national level and non-execution of a court judgment, Mardari explained that, although there was ECtHR case law and explanatory rulings of the SCJ plenary, at that time such a “practice” was established at the SCJ level. According to him, such problems persist and will continue as long as they are not addressed at multilateral level.

In the case concerning the [disregard of the best interests](#) of the child in the transfer of custody, Mardari argued that the SCJ had limits in its decisions as a result of lower court rulings. It was then held that the transfer of custody of the child from the grandparents to the biological father would have been in the child’s best interests. On the case concerning the banning of the symbol and [the dissolution of the Falun Dafa organization](#), Mardari pointed out that at the time of the SCJ’s decision there was no clear case law of the ECtHR on the matter, although he acknowledges that years later, he could have made a different decision or issued a separate opinion.

So far, only five out of 20 judges [have been appointed to the SCJ](#). Another six judges are serving, either by temporary transfer or pending final decisions following the vetting process. On 1 October 2024, the Superior Council of Magistracy [admitted candidates](#) Dumitru Calendari, Alexandru Negru, Iurie Chirica, Leonid Chirtoaca and Aliona Ciocan to the selection interview for temporary transfer to the SCJ.

I IN BRIEF

On **2 September 2024**, the Superior Council of Prosecutors (SCP) set up a [special pre-selection commission](#) for the position of Chief Prosecutor of the Prosecutor’s Office for the Fight against Organised Crime and Special Cases (PCCOCS – abbreviation in Romanian), composed of five members: Laura Ștefan (anticorruption expert, appointed by the President), Gabriela Scutea (EU High Level Adviser on Justice, appointed by the Ministry of Justice), Igor Dolea (former Constitutional Court judge, appointed by the SCP), Sergiu Russu (Deputy Prosecutor General, appointed by the SCP) and Marcel Dumitraș (prosecutor, appointed by the SCP). The Commission assesses the competencies and reputation of the candidates and checks whether there is any suspicion of corruption. The interviews are recorded and published after the last candidate

has been heard. Eligibility is decided by majority vote, and the SCP selects the winner.

On **4 September 2024**, the Superior Council of Magistracy (SCM) approved the budget allocations for the courts and the [SCM for 2025](#), together with [estimates for the period 2026-2027](#). The total budget for the courts for 2025 amounts to 619 million MDL, of which 520 million MDL is for personnel expenses. The budget allocated to the SCM for 2025 is 24 million MDL, of which 22 million MDL is reserved for personnel expenses, with an anticipated shortfall of approximately 8 million MDL. Similarly, 13 million MDL is foreseen for goods and services, including fees for international travel, the purchase of vehicles for the transportation of judges and inspectors, and reserves for building new SCM premises. This approval reflects a steady increase in budget allocations from 2020-2024.

On **13 September 2024**, the Pre-Vetting Commission (the Commission) [completed its](#) re-evaluation of Judge Alexei Paniș, a candidate for the Superior Council of Magistracy (SCM) membership, from among judges. According to the Commission, the candidate failed the re-assessment as he did not meet the criteria of financial and ethical integrity. During the last [re-run hearing](#) on June 10, 2024, the Commission asked the candidate to provide additional information and clarifications on the loan of 300,000 MDL he took from his father and the use of his father's card, given that at that time, he was subject to three verification procedures conducted by the National Integrity Authority. The Commission members also asked about potential conflicts of interest and damage to the public interest because his father was manager of a company while holding a public office. The Commission also could not clarify how the 300,000 MDL loan was spent, as the candidate tended to carry out cash transactions without concluding contracts. The Commission's final decision on candidate Alexei Paniș has not yet been published.

On **20 September 2024**, [the Parliament appointed the](#) last two new members of the Superior Council of Magistracy (SCM) for a six-year term. They are Sergiu Băieșu, PhD in law and university professor in the Private Law Department of the Law Faculty at the State University of Moldova, and Tatiana Tabuncic, PhD in law and university lecturer at the State University of Moldova. On **18 and 19 September 2024**, the Legal, Appointments and Immunities Committee held a competition to select new SCM members. Five persons who have also passed the pre-vetting procedures participated in this competition: Aliona Corcenco, Tatiana Tabuncic, Veaceslav Guțan, Sergiu Băieșu, and Leonid Chirtoaca. The following candidates with the highest scores were proposed to Parliament for appointment: Sergiu Băieșu – 118 points, followed by Tatiana Tabuncic – 107 points.

On **24 September 2024**, the Superior Council of Magistracy (SCM) [launched](#) competitions to fill vacant judgeship positions at the Supreme Court of Justice (SCJ), the Chișinău Court of Appeals and the Bălți Court of Appeals. The exact number of vacancies was not indicated; the SCM only referred to the number

of positions that would be vacant at the time of the interview. At the same time, seven vacancies for judges at the Bălți Court of Appeals have been announced. Likewise, the competition for filling, by temporary transfer, seven vacant positions of judge at the Chișinău Court of Appeals was announced.

On **26 September 2024**, the Superior Council of Prosecutors (SCP) approved the interim appointments ordered by the Prosecutor General for several senior positions in the prosecution system. **Aliona Bucuci**, a prosecutor in the Anti-Trafficking in Persons Section of the General Prosecutor's Office, was appointed acting chief prosecutor of this section. **Oxana Cazacu**, prosecutor in the Chișinău Municipal Prosecutor's Office, has been appointed interim deputy chief prosecutor of the Chișinău Municipal Prosecutor's Office. **Alexandru Sorocean**, prosecutor at the Căușeni District Prosecutor's Office, was appointed interim chief prosecutor of the Taraclia District Prosecutor's Office.

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