



**Justice & anticorruption
reforms forum**

DIGEST



September 2024

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FOREWORD

This Digest provides a summary of the key topics, issues, challenges, and recommendations discussed during the 6th edition of the Justice and Anticorruption Reforms Forum, which took place on 10-11 September 2024. Organized by the Legal Resources Centre from Moldova (LRCM) (www.crjm.org), a leading think tank based in Chisinau, with support from the US Embassy (INL Program), the forum served as a platform for meaningful dialogue and debate among key stakeholders in the justice sector: justice professionals, politicians, civil society experts, and development partners. The event aimed to identify practical and effective strategies for advancing justice and anticorruption reforms in Moldova.


This Digest strives to accurately reflect the key discussions. For a comprehensive view of all conversations and conclusions, we encourage you to watch the full [event online](#).


As we look ahead to future editions of the Forum, the LRCM is actively seeking partners to help fundraise for next year's event. If you are interested in supporting this important initiative, drop us an email at: ilie.chirtoaca@crjm.org.

Yours sincerely

Ilie Chirtoacă

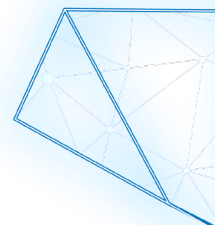
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Reformarea justiției și
combaterea corupției

POLITICAL SIGNALS

■ STRONG POLITICAL COMMITMENT FOR REFORMS, WHILE RECOGNIZING THE REQUIRED EFFORT HAS BEEN UNDERESTIMATED

The Speaker of Parliament Igor Grosu, leader of the governing party which holds the majority in the Parliament, reaffirmed the Government's strong political commitment to continuing justice sector reform. He acknowledged that the effort required had been underestimated. He emphasized that reforms in justice and anti-corruption are driven by domestic needs, not external pressure. While recognizing the significant challenges and resistance encountered, he asserted that the reform path is irreversible and that no alternative path is conceivable. Speaker Grosu set high expectations, underscoring that all reforms must align with the strategic objective of European integration by 2028.

■ START WORK WITH WHAT YOU HAVE

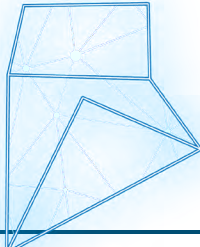
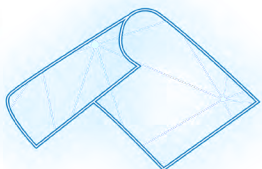
Speaker Grosu also highlighted the necessity of working effectively with available resources including the lack of adequate premises, acknowledging the limitations in human capital, infrastructure, and remuneration within the whole public sector and justice sector. He emphasized that salary increases in the justice sector will be performance-based, noting that public support for higher compensation depends on a clear, demonstrable link between investigations, recovered assets and salary adjustments. He urged for greater courage within the system in pursuing transformative changes.

■ RULE OF LAW AS THE FOUNDATION, AND SUPPORT FOR ANTICORRUPTION REFORMERS

Charge d'Affaires Nina Maria Fite (US Embassy) invited Moldova to pledge for a rule of law society, where no individual is above the law, and the law is applied consistently and impartially. She underscored the importance of ensuring Moldova's strong alignment with Europe and highlighted the necessity of a collective effort to sustain support and maximize the impact of ongoing reforms. Additionally, she called for empowering anticorruption reformers across the public sector, civil society, and media to strengthen oversight and provide effective deterrence against corruption.

■ PROCEED CAUTIOUSLY TO IMPLEMENT REFORMS CORRECTLY

HE Ambassador Jānis Mažeiks (EU Delegation) strongly recognized the advancements already made in the reform process. He advised for a "careful approach" - this methodical pace is a strategic decision to ensure the sustainability and effectiveness of the reforms. He urged that this perspective be communicated to the public, encouraging the public to see this approach not as a delay, but as a commitment to securing meaningful and lasting change in the justice sector.



RULE OF LAW

LAYING THE FOUNDATION

Key achievements

New vetted composition of SCM and SCP

**Phase 1 (pre-vetting): 95% completed
(69 candidates, 41% promotion rate)¹**

**Phase 2 (judicial vetting): 36 candidates
evaluated, 50% promotion rate²**

**Phase 3 (prosecutorial vetting): 29
candidates, 44% promotion rate³**

New law on Supreme Court of Justice

5 Vetted supreme court judges appointed

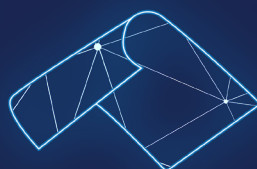
New judicial map law adopted

1 The promotion rate varies among different types of candidates (e.g., prosecutors and judge candidates vs. non-career judges or prosecutors). Of the 49 candidates for the SCM, 28 were judge candidates and 21 were non-judge candidates. Overall, 29% of all candidates passed. Specifically, the promotion rate for career judges was only 18%, while 9 out of 21 non-judge candidates (43%) passed.

For prosecutors, 45% of the candidates passed the evaluation. Out of 20 candidates (17 prosecutors and 3 non-prosecutors), 9 passed the evaluation (45%), while 11 failed. Among the career prosecutors, 7 passed (41%), and of the 3 non-prosecutors, 2 successfully passed the evaluation.

2 Promotion rate reflects the activity for the first 15 months of the Judicial Vetting Commission, based on candidates who have already passed. The rate and may change as pending evaluations are completed and new candidates enter the process.

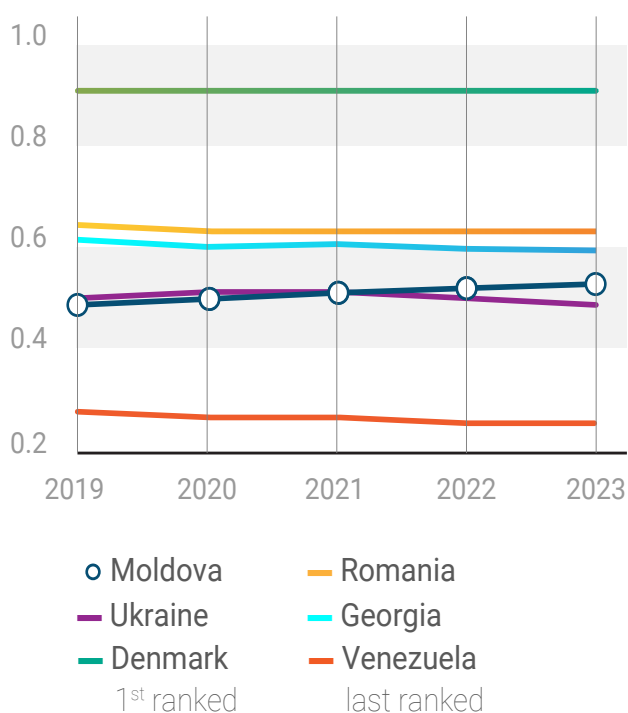
3 Similar as above. Promotion rate reflects the activity of the Prosecutorial Vetting Commission for the first 9 months of its activity.



WHAT IS HAPPENING?

After breaking free from an oligarchic regime in 2019 where nearly all state institutions were controlled by kleptocrats, Moldova embarked on a path of reforms. Following the 2021 snap elections, the authorities announced an ambitious justice sector reform, based on three main pillars: independence, efficiency, and effective administration.¹ While the reform is still in progress, with its full impact to be assessed by 2025, early signs are promising. Just in recent years, Moldova has risen 15 places in the WJP Rule of Law Index, ranking 68th out of 142 countries in 2023 (82 in 2020).²

WJP Rule of Law Index 2019-2023



A central element of the justice reform strategy is the external evaluation of judges and prosecutors, known as “vetting”.³ The vetting assesses judges’ and prosecutors’ adherence to professional ethics and financial integrity over the last 10 to 15 years. This evaluation is conducted by independent commissions, each comprising three national and three foreign experts. The Commissioners are appointed by a 3/5 vote of the Parliament, with

national experts nominated by all parliamentary factions and foreign members proposed by development partners.

The reform is being implemented in three phases:

- i. Pre-vetting, which involves evaluating candidates for the self-governing bodies of judges and prosecutors;
- ii. Vetting of the Supreme Court and;
- iii. Full vetting, which includes the evaluation of judges and prosecutors in senior positions, such as chief judges and prosecutors.

Failing the pre-vetting (phase 1) means disqualification from running for judicial office in SCM, SCP, or specialized colleges, with no other effect. Judges and prosecutors who pass the vetting continue their duties, and in 2023, the authorities decided to raise their salaries by up to 60%. Those who do not pass the vetting (phases 2 or 3) are dismissed and banned from holding judicial, prosecutorial, or other public offices for 5 to 7 years. They also cease the right to a severance package and special pension.

As of September 2024, the first phase—pre-vetting—is 95% complete, with the composition of both SCM and SCP reset and vetted, while the remaining two phases are still underway.



1 Strategy for Ensuring Independence and Integrity in the Justice Sector for the Years 2022–2025 and the Action Plan for Its Implementation: https://www.legis.md/cautare/getResults?doc_id=129241&lang=ro.

2 WJP Rule of law index: <https://worldjusticeproject.org/rule-of-law-index/country/2023/Moldova/>.

3 For a more comprehensive understanding of the vetting reform in Moldova, check the CEELI Institute Guidelines on Judicial Vetting (Moldova Chapter): <https://ceeliinstitute.org/assets/resources/ceeli-guidelines-judicial-vetting.pdf>.

WHAT IS WORKING?

The vetting process has uncovered serious issues among judges and prosecutors, including substantial discrepancies between official incomes and expenditures—sometimes reaching millions of lei. It has also exposed failures to report the true prices of purchased goods, unpaid taxes, unjustified benefits at preferential rates, unclear sources of income, and ownership of assets through intermediaries or relatives unable to justify their possession. Notably, these irregularities were never flagged by existing evaluation mechanisms, such as the judicial inspection and the selection and performance evaluation boards of the self-administration bodies (SCM or SCP).

According to the ODIHR monitoring report, the first phase (pre-vetting) was generally objective, fair, professional, and broadly in line with human rights and rule of law principles.⁴ However, several issues require attention, including transparency of the process and legal certainty for the candidates.

While causing short-term disruptions, the vetting presents an opportunity for meaningful reform to enhance the integrity, independence, and public trust in Moldova's justice system over time. Vetting could help address one of the main issues—low public trust in the judiciary⁵—but it is not enough on its own; trust must be earned. To achieve this, the process needs to be transparent, with clear communication of the results and their significance.

WHAT IS CHALLENGING?

In 2023, the Supreme Court vetting led to the automatic resignation of 90% of its sitting judges (22 out of 25). In 2024, the vetting of the Chisinau Court of Appeal resulted in the automatic resignation of 50% of its judges (20 out of 40). Managing this mass resignation with temporary appointments by SCM added up a significant administrative burden on the judicial system.

The pace of the vetting is another challenge, with each evaluation taking a minimum of six months to complete—a consistent timeframe across all three commissions. Several interrelated factors contribute to this extended duration. A primary issue is staff shortages, which persistently hinder the analysis of cases. This challenge has been exacerbated by the reassignment of the pre-vetting staff to other commissions at the start of the second phase (Judicial vetting).



⁴ OSCE/ODIHR Report on the evaluation (pre-vetting) <https://www.osce.org/files/f/documents/9/3/553987.pdf>.

⁵ Public confidence in the judiciary has remained consistently low over the last decade due to systemic issues, political interference, corruption, and a lack of transparency and accountability. Surveys and reports have shown that less than 20% of Moldovans have trusted the judicial system at various points over the past ten years, placing it among the lowest in Europe.

WHY DOES VETTING TAKE SO LONG?

- **Staff shortages:** insufficient human capital.
- **“Mountains” of information:** large volumes of data, bank transactions for 10-12 years.
- **Dependency:** unresponsiveness from external entities.
- **Uncooperative candidates:** lack of cooperation from candidates.
- **Policy changes complications:** issues like border police data retention policies.
- **Translation needs:** for international members.
- **Appeals:** resumed evaluations require additional evidence gathering.
- **Pressure:** political and vested interests.

“Vetting has the potential to become a standard practice throughout the European Union; it is what society demands. Moldova is not alone in this journey—it has embraced the lessons learned, and its legislation is quite state-of-the-art. Moldova can have faith in this process, and the commissions have the opportunity to prove its value”

Saskia de Vries,
International Member
of the Prosecutorial
Vetting Commission

The complexity of the cases further contributes to delays; the collection, examination, and analysis are inherently time-consuming. Additional delays arise from the need to translate documents for international commission members and the considerable volume of information required from subjects and third parties. Furthermore, some candidates show a lack of cooperation, slowing down the process. External dependencies, such as the need for information from prosecuting agencies and private entities, which are often unresponsive or slow, further complicate the process.

The vetting process faces resistance, including attempts to discredit the evaluation efforts⁶. Additionally, the commissions have limited experience to draw upon, and the need to comply with Supreme Court rulings has introduced further complexity, requiring additional evidence and legal scrutiny.

Given these challenges, the vetting commissions must balance the need for thoroughness and quality against the pressure for speed. With the process set to conclude in December 2025 and responsibilities transferring to the SCM and the SCP afterward, it remains uncertain whether the authorities will uphold this timeline or even if the new Government appointed in 2025 will choose to continue or alter this one-time, extraordinary exercise.

Despite these challenges, the vetting process presents a critical opportunity to strengthen integrity, independence, and public trust in Moldova’s justice system. Moldova’s experience could also set a precedent, potentially serving as a model for similar initiatives within Europe, proving that rigorous, transparent judicial reform is both necessary and achievable.

WHAT SHOULD BE DONE NEXT?

- **Finalize the pre-vetting phase** and advance the remaining two stages of the vetting reform, including the operationalization of disciplinary and performance evaluation boards from the judiciary and prosecution service.
- **Amend the vetting law** to require stronger cooperation from all relevant authorities, including both private entities and government bodies, that have been unresponsive or slow in providing necessary information.
- **Evaluate the feasibility of reinstating the previous data retention policy** of the border police, as this data is crucial for identifying potential conflicts of interest.
- **Improve clarity and transparency in the vetting process** to foster greater understanding and trust both from the subjects of evaluation and the public.
- **Establish continuous dialogue** among evaluation institutions, development partners, state authorities, and the media to promote coordinated reform efforts.
- **Maintain judges and prosecutors’ interest** in staying within the system and successfully passing the vetting process by improving salaries and working conditions, including the genuine implementation of the judicial map adopted in 2024.
- **Strengthen public communication** about the ongoing reforms to increase public awareness and support.
- **Develop a (exit) strategy** to strengthen the capacity of the Superior Council of Magistracy (SCM), the Superior Council of Prosecutors (SCP), and the National Integrity Authority (NIA) to integrate the experience and expertise gained by the Vetting Commissions once their work concludes, ensuring that valuable knowledge is retained and that these institutions effectively assume the responsibilities previously handled by the Vetting Commissions.

⁶ Anti-corruption prosecutors seek to block their vetting, even at the cost of breaking the law: <https://crjm.org/en/anti-corruption-prosecutors-seek-to-block-their-vetting-even-at-the-cost-of-breaking-the-law/20986/>.

CORRUPTION

BREAKING
THE CHAINS
& BRINGING
BACK ASSETS

Key achievements

Appointment of the new General Prosecutor through a transparent competition

Specialization of first-instance judges in corruption cases

Conviction "in absentia" legislation approved

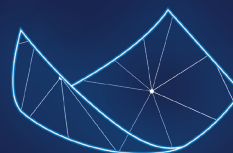
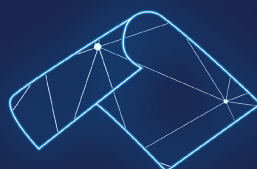
Decoupling of competencies: NAC-APO, and an increase of personnel positions by nearly 50 units

Suspension of the statute of limitations in corruption cases and increased penalties for corruption related offences

Stricter sanctions for political party financing

New legal institutions: the cooperation agreement procedure, and the public interest judicial agreement procedure

Improved legal protections for whistleblowers

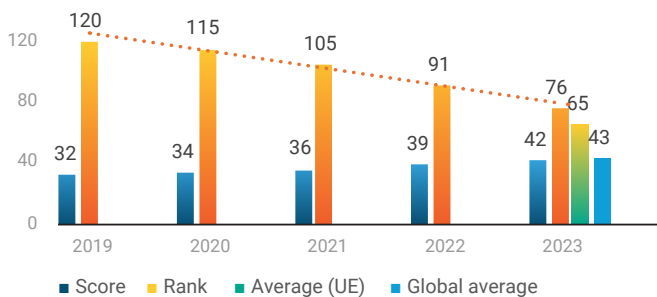


WHAT IS HAPPENING?

Corruption remains one of the top five concerns for Moldovans, alongside high prices and low wages, as highlighted by the latest Public Opinion Barometer.⁷ Internationally, some progress in this area is already registered: over the past five years, Moldova has gone up 10 positions in Transparency International's Corruption Perceptions Index, now ranking 76th out of 180 countries.⁸ While this signals a positive development, much work remains to match the standards of top-performing countries like Sweden or Denmark.

Progress in this area is crucial for Moldova's European Union (EU) integration. There appears to be political will for reform, various strategies and national programs⁹ have been launched, aligned with the overall goal to implement the action plan for legal approximation with the EU.

TI Corruption Perception Index - Moldova, (2019 - 2023)



In 2023, authorities enacted significant legislative changes, particularly regarding the separation of roles between the National Anticorruption Center (NAC) and the Anticorruption Prosecutor's Office (APO) two main institutions with preventive and investigative roles in combating corruption. At least three rounds of legislative amendments were introduced to clarify and redefine the mandates and competencies of these institutions. In November 2023, Parliament adopted a final reading amending the Criminal Procedure Code to strengthen the capacity of the APO to detect, investigate, and prosecute high-level corruption. This initiative followed an earlier law defining the competencies of the NAC and APO. The amendments came into full effect in March 2024, while other changes were added up in September 2024. The institutions have been functionally separated, and efforts are underway to provide independent offices for the APO and increase its personnel.

It remains too early to determine whether the recent separation of competencies between the NAC and the APO has laid a solid foundation for enhancing Moldova's anticorruption efforts. While there is certain need to enhance the efficiency, transparency, and most importantly, independence, the anticorruption authorities themselves admit that the line between minor and major corruption is often blurred, as investigations into systemic corruption frequently uncover high-level corruption cases. Moreover, the separation has left APO with very little to nothing internal resources and technical capacity to do effective investigations.

WHAT IS WORKING?

The Superior Council of Magistracy (SCM) has decided to specialize judges in handling anticorruption cases, partially aligning with a previously launched initiative by the Presidency¹⁰ to establish an anticorruption court system. The SCM's decision has accelerated the pace of case examination and has been positively received by prosecutors. As a result, there has been a notable improvement in the efficiency. According to state authorities¹¹, around 120 criminal cases from the Anticorruption Prosecutor's Office, at their initial stages, have been assigned to nine specialized judges at the Chişinău Court. Prosecutors report significant improvements in handling these cases, specifically: faster proceedings, more frequent court sessions, and quicker progress to the evidence examination phase. The redistribution of cases to specialized judges has enabled better organization, ensuring timely hearings and improved preparation for witnesses. It is worth noting that in the first half of the year, the prosecution announced it has submitted several high-profile cases to the courts, including the high-level corruption cases (Interpol case, the illegal financing of the Şor Party case, and parts of the bank fraud case).

Other positive developments registered are vast revisions to the Criminal Procedure Code that have strengthened the legal framework. Amendments have been made to address electoral offenses, imposing stricter sanctions for political party financing and broadening the scope of bribery offenses. Additionally, the conviction "in absentia" legislation has been approved, along with the introduction of new legal institutions, including the cooperation

7 Institute for Public Policies: Public Opinion Barometer, September 2023: <https://ipp.md/wp-content/uploads/2023/09/BOP-2023-Prezentare.pdf>.

8 Transparency International, Corruption Perceptions Index: <https://www.transparency.org/en/cpi/2023>.

9 Among others: National Integrity and Anti-Corruption Program (2024-2028), the Asset Recovery Program (2023-2027).

10 See draft law on establishing anticorruption judicial system, pending in the Parliament: <https://www.parlament.md/ProcesullLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6597/language/ro-RO/Default.aspx>.

11 Press-release from <https://procuratura.md/anticoruptie/en/comunicate/comunicate-de-presa/imbunatatirea-calitatii-si-eficientei-actului-de-justitie-urmare>

agreement procedure and the public interest judicial agreement procedure. The statute of limitations for criminal cases has been extended, with increased penalties for corruption, money laundering, and passive bribery offenses. The legal framework for whistleblower protection has been fortified by partially implementing the EU directive and adopting new laws that provide enhanced guarantees and protections, including regulations against retaliation.

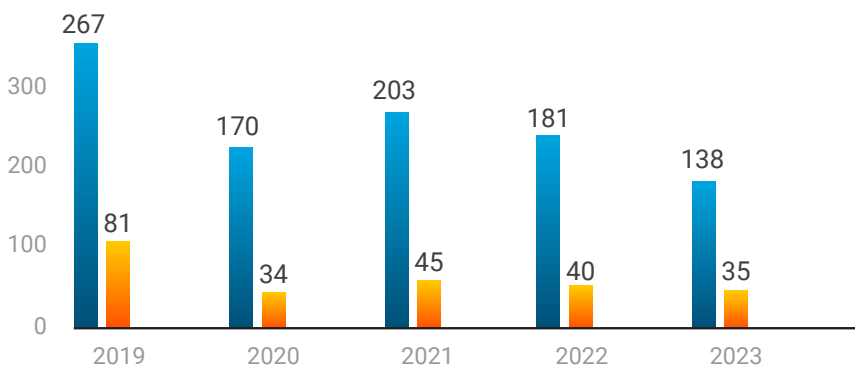
WHAT IS CHALLENGING?

Good legislation is one prerequisite for better results in the anticorruption, but not the single necessary element. If the recent separation of roles between the NAC and the APO will lead to a success remains to be seen. Recent figures, however, indicate a decline across several key indicators. According to the 2023 report from the General Prosecutor’s Office, the number of criminal investigations dropped sharply from 723 cases in 2022 to 396 in 2023. A similar trend is observed in cases sent to court, decreasing from 221 in 2022 to 173 in 2023. The only increasing indicator is the number of high-ranking officials prosecuted, rising from 13 in 2022 to 18 in 2023. Commenting on the numbers, state authorities in charge have indicated a renewed emphasis on gathering sufficient evidence, with a shift in strategy from focusing on isolated corruption cases to widening the scope of investigations, targeting the entire network of corruption and related criminal assets, instead of stopping at the first corrupt act identified. These broader investigations have become more complex since the changes in competence. Another possible explanation challenge affecting these trends is the vetting process, currently in full swing at the Anticorruption Prosecutor’s Office. This evaluation demands significant focus from prosecutors, potentially diverting their attention from ongoing cases.

“Corruption is a negative social scourge that threatens state security and poses an obstacle to European integration. Combating corruption is currently the top priority for the Republic of Moldova”

Stanislav Copetchi,
Secretary of State,
Ministry of Justice

Corruption cases sent to court, 2019 - 2023



A critical shortage of human capital is also evident in the anticorruption institutions. Although Parliament has authorized an increase in personnel at APO, there is uncertainty about where to source these qualified professionals. Many are currently employed at the NAC or in other institutions also suffering from staffing shortages, and they are unlikely to transition to the APO in absence of additional social guarantees.

In the area of asset recovery, the Agency for the Recovery of Criminal Assets (CARA) reports that it operates a national cooperation program involving several institutions. Over the past five years, CARA has seized nearly 5,000 assets valued at over 5.6 billion MDL. Since its establishment in 2018, CARA has seized assets totalling 9.5 billion MDL (about 0.5 billion USD). However, less than 1% of these seized assets have been

recovered or utilized. The National Integrity Authority (NIA) faces similar challenges in recovering assets. There are only two definitive and irrevocable court rulings, with another pathway now prescribed by law for confiscation decisions. The Supreme Court of Justice (SCJ) has previously rejected NIA's confiscation requests, stating they should be handled through separate legal proceedings, not within existing procedures initiated by officials contesting integrity inspectors' actions. Unjustified assets can still be confiscated, the process will require repeated examinations, and by the time NIA obtains a ruling, there is a risk that the assets in question may vanish or disappear.

Another challenge lies in judicial expertise — there is a severe shortage of specialists who provide scientific evidence, as no school exists for training experts. The provision of scientific assistance during the investigation process and judicial expertise is effectively stalled in certain respects due to a lack of personnel and an overwhelming number of requests and demands. This affects all the institutions involved in the chain of investigating and sanctioning corruption.

The fight against corruption is also being undermined by attempts to discredit efforts and exploit any scandal or decision to sow doubt in the anticorruption reform.

WHAT SHOULD BE DONE NEXT?

- **Continue efforts to strengthen the autonomy** of the APO by enhancing its capacity and securing a dedicated premises.
- **Assess the effectiveness of the separation of competencies** between the APO and the NAC and make adjustments if necessary.
- **Amend the NIA law to empower the authority to temporarily seize assets** when issuing fact-findings documents to prevent their transfer or sale.
- **Enhance international cooperation, particularly in data exchange**, and establish treaties with neighbouring countries like Romania and Ukraine.
- **Reform the judicial expertise center** to attract qualified personnel.
- **Strengthen legislation related to criminal and civil confiscation**, the seizure and liquidation of criminal assets, and their social reuse.
- **Implement a mechanism for recovering criminal assets** in accordance with the 2024 EU directive.
- **Implement proactive communication strategies** on corruption cases, including regular updates on anticorruption successes.
- **Build partnerships with civil society** to foster public trust in anticorruption institutions.



DIGITALIZATION

SHAPING THE
JUSTICE OF
TOMORROW

Key achievements

Integrated case management system
(ICMS)

E-file piloting (civil cases)

JUSTAT information system

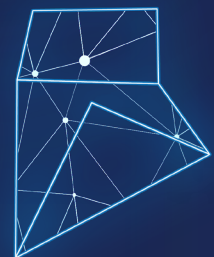
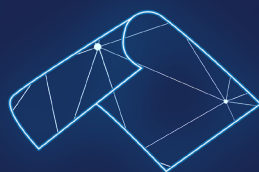
Digital authentication of court judgments

Wide use of videoconferencing

Interconnection and integration projects
(ICMS+MCONNECT)

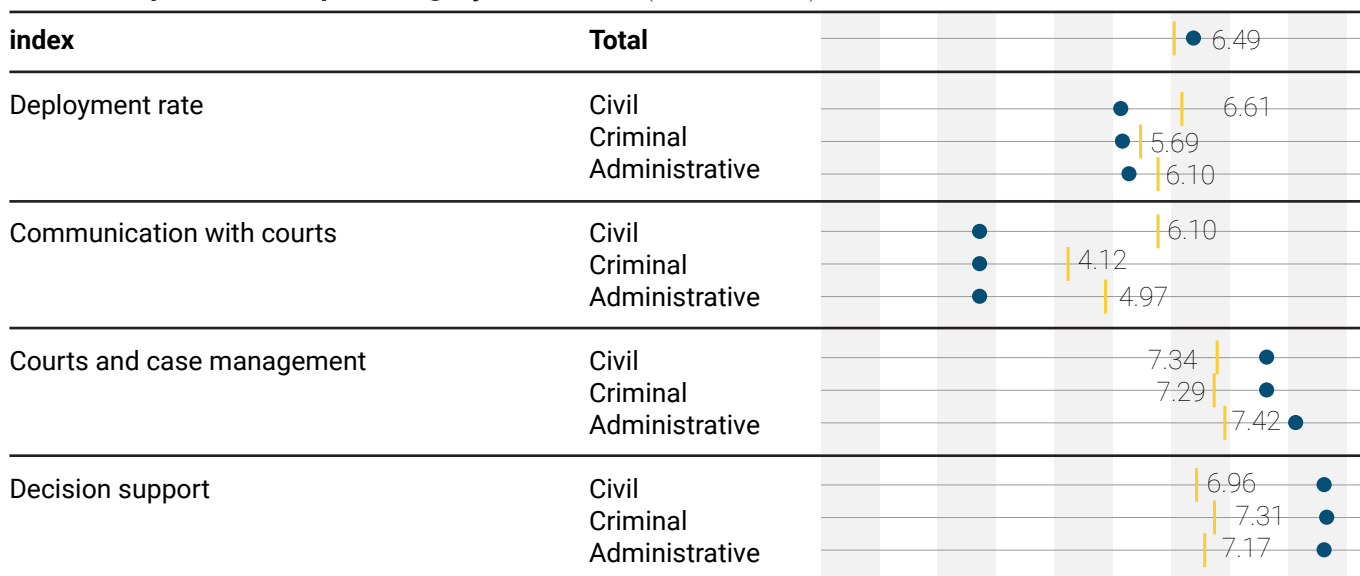
Unified portal of judgments accessible
electronically

Digitalization of apostille services



WHAT IS HAPPENING?

ICT development index per category and matter (from 0 to 10)



Moldova has made significant progress in integrating information and communication technologies (ICT) within its judicial system, as evidenced by the latest data collected by the European Commission for the Efficiency of Justice (CEPEJ). With an ICT Index score of 6.87, Moldova shows a relatively advanced use of digital tools in its courts, positioning it favourably among European countries.

Moldova has developed a comprehensive judicial information system that includes several key components: the Integrated Case Management Program, the E-File system, a video conferencing system, an audio recording system, and a unified portal for court decisions.

Overall, data from CEPEJ shows that Moldova's performance in leveraging ICT within its judiciary is commendable. It highlights a country that is embracing technological advancement while aligning it with its legislative framework and evaluation measures to create a more efficient, transparent, and accessible judicial system.

In relation to digitalization, artificial intelligence (AI) is a "buzz word", and the judiciary is no exception. Over the world, several AI tools are currently enhancing court operations by improving efficiency, accuracy, and accessibility. These include systems for the anonymization of court decisions, AI applications for dispute resolution, assist with the transcription of court recordings, and support electronic discovery and document review. Predictive analytics is used to forecast case outcomes and identify patterns to aid in decision-making, while language recognition

tools transcribe and translate proceedings to improve accessibility. Additionally, AI contributes to more effective digital file and case management, optimizing the overall functioning of the judicial system.

Moldova's readiness to integrate AI into various domains remains uncertain. Moldova recently signed the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law. Additionally, the Government has presented the White Paper on Data Governance and Artificial Intelligence, outlining a vision for creating a data governance ecosystem and adopting AI to drive sustainable growth in Moldova. An international survey assessing this readiness ranks Moldova 90th out of 193 countries in the Government AI Readiness Index and 18th out of 20 at the regional level.

AI offers opportunities for enhancing efficiency, reducing case duration, improving quality, and increasing accessibility, transparency, and convenience in judicial systems through electronic registry publicity, management dashboards, and more. At the same time, the digitalization and integration of AI in the judiciary pose significant risks, including discrimination, data protection issues, cybersecurity threats, and potential violations of the right to a fair trial. AI can exacerbate these risks through its "black box" nature, lack of transparency, reliance on statistical probabilities, and inherent biases.

WHAT IS WORKING?

Several digital tools and systems are functioning effectively in Moldova’s judiciary. The electronic summons system and audio recording tools are successfully used to improve communication and record-keeping. Video conferencing technology is also being utilized in some civil, criminal, and administrative cases, making court proceedings more flexible. The E-File system is being tested in 15 courts, and plans are in place to expand its use, which should enhance the overall management of cases. The JUSTAT Information System, which provides data on the efficiency of the judiciary, is helping national authorities improve court performance and transparency. This system generates automated statistics, reducing the reliance on paper records and providing easy access to judicial data.

The judiciary is also benefiting from digital advancements like electronic witness testimonies, which are now allowed under the Code of Procedure, reducing logistical challenges. The Ministry of Justice is developing an integrated online platform for all legal professionals, allowing them to manage their activities through a personalized account. Additionally, the digitalization of Apostille services has simplified the process, and partial use of electronic summons services has improved communication and case management within the courts.

“If I had the opportunity tomorrow to implement an E-file system and zero paperwork, I would do it easily, and I can describe each step for every court staff member on how to achieve this...”

Andrei OJOGA, District Judge, Chisinau Court

WHAT IS CHALLENGING?

The digital transformation of Moldova’s justice sector faces several key challenges that need to be addressed for a successful transition to a modernized system. One of the most significant challenges is the fragmentation of information systems. These systems were developed by various developers at different times, leading to a lack of interconnectivity and resulting in problems such as the non-functional status of the electronic criminal file system. This fragmentation makes it difficult to create a unified and efficient digital infrastructure.

Effective digitalization also requires active involvement and cooperation from all relevant institutions. However, the Agency for Court Administration, originally designed for an “offline” judicial system, has gradually had to assume additional responsibilities related to digitalization. This shift has created complexities in coordination, making it challenging to manage the transformation process effectively. Moreover, financial and human resource constraints significantly impact the pace and scope of digital transformation. Adequate funding and a skilled workforce are necessary to successfully implement and manage new technologies.

The use of artificial intelligence (AI) in the justice system raises ethical and practical concerns, including biases, lack of transparency, and over-reliance on automated decision-making. The “black box” nature of AI can obscure the reasoning behind decisions, making accountability and trust difficult. While some judges may be experimenting with AI in their courtrooms, there is a pressing need for a centralized policy to guide these efforts and ensure a consistent, responsible approach across the judiciary.

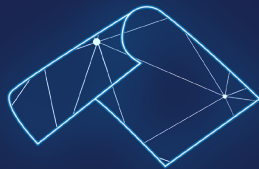
Data privacy and cybersecurity present additional challenges. Protecting sensitive information and safeguarding against cyber threats are critical for maintaining public trust. The opaque nature of some AI systems, where decision-making processes are not easily understood, further complicates these issues, posing obstacles to maintaining the integrity of the judicial process. To ensure the effective use of new digital and AI tools, there is also a need for comprehensive training for judicial personnel. Without adequate training, these technologies may not deliver their intended benefits, and their misuse could lead to further complications.



WHAT SHOULD BE DONE NEXT?

- **Enhance institutional capacity:** Strengthen the Ministry of Justice by establishing a new agency dedicated to digitalization and judicial administration, equipped with adequate resources to fulfil its mandate.
 - **Develop a strategic framework and allocate resources:** Create a comprehensive strategic plan for digital justice transformation from 2025 to 2028, focusing on system integration and alignment with European standards, and allocate resources.
 - **Prioritize system interconnection:** Focus on improving the interconnection and interoperability of existing information systems to establish a seamless digital environment across all justice institutions.
 - **Improve stakeholder collaboration:** Strengthen collaboration among all stakeholders, including the judiciary, prosecutors, and other relevant institutions, to ensure the effective implementation and use of digital tools.
 - **Ensure transparent and fair AI systems:** Establish AI systems with clear documentation, human oversight, and accountability to mitigate biases and ensure fair outcomes.
 - **Improve the unified portal of judgements:** Particularly by exploring options to clearly mark annulled decisions on the unified court portal to enhance transparency and clarity.
 - **Create a digital library for judges:** Develop an electronic library for judges, incorporating AI tools to assist in data synthesis and information retrieval.
 - **Build capacity through education and training:** Promote education and training programs to enhance the understanding and effective use of digital tools and AI within the justice sector.
 - **Implement strong data governance:** Establish robust data governance and privacy protections to secure sensitive information and maintain public trust in digital justice services.
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**STORIES OF
RESILIENCE**
MAGNITSKY
& GALIZIA



WHAT IS HAPPENING?



Did you know that Moldova was the first stop for a significant portion of the \$230 million stolen from the Russian people? This massive embezzlement was uncovered by Russian lawyer Sergei Magnitsky, who, after exposing the fraud, was imprisoned and subsequently killed in Russian police custody.

Sir William Browder, CEO of Hermitage Capital Management and leader of the Global Magnitsky Justice Campaign, explained at the Justice and Anticorruption Reforms Forum the importance of the fight for justice and accountability. Browder highlighted the Magnitsky Act, a legislative tool designed to sanction individuals responsible for corruption or acting against the interests of their own state. In 2012, Hermitage Capital traced at least \$50 million of these illicit funds, wired from Russia to Moldova, revealing a larger web of international financial crime.

Daphne Caruana Galizia, a Maltese investigative journalist and anti-corruption activist, also serves as a tragic symbol of the dangers faced by those exposing corruption. Galizia relentlessly reported on organized crime and corruption, and was brutally assassinated on 16 October 2017, while facing over 40 lawsuits aimed at silencing her. Her death sparked protests for press freedom and led to the development of the EU's Anti-SLAPP (Strategic Lawsuits Against Public Participation) Directive (also known as "Daphne's Law"), designed to protect journalists and whistleblowers from abusive legal actions aimed at stifling free speech.

Both Magnitsky and Caruana Galizia exemplify the bravery of individuals who take immense risks to expose corruption, often paying the ultimate price. Their legacies continue to inspire global reforms to protect human rights, enforce justice, and ensure accountability.

WHAT IS WORKING?

One of the key successes in combating corruption and defending human rights has been the introduction of targeted sanctions through legislative frameworks like the Magnitsky Act. This law, originally passed by the United States in 2012 and extended globally in 2016, provides governments the ability to freeze assets and impose travel bans on individuals involved in corruption and human rights abuses. The Magnitsky Act has been adopted by over 35 countries, becoming a powerful tool for promoting accountability beyond national borders.

The EU has also made strides in defending journalists and whistleblowers through the Anti-SLAPP Directive, which aims to expedite the dismissal of frivolous lawsuits and hold plaintiffs accountable for damages. These protections ensure that investigative journalists, like Daphne Caruana Galizia, have the legal support they need to continue their critical work without fear of financial or legal ruin.

Sanctioning frameworks can be to be an effective tool in targeting and sanctioning individuals involved in human rights abuses and corruption by freezing assets and imposing travel bans, while introduction of Anti-SLAPP legislation can help lead to better protection of investigative journalist against retaliation.

WHAT IS CHALLENGING?

One of the primary obstacles is the slow pace or, in some cases, the absence of investigations into high-level corruption. As Sir William Browder noted, "The \$230 million stolen from the Russian people found its first stop in Moldova, yet the investigation into these funds remains incomplete". Another challenge is the persistent threat to whistleblowers, journalists, and activists who risk their lives to expose corruption. Magnitsky was tortured and died in custody for his revelations, while Caruana Galizia faced years of legal harassment before her assassination. These cases highlight the urgent need for stronger protections and guarantees for those who speak out, ensuring that they are not left vulnerable to retaliation.

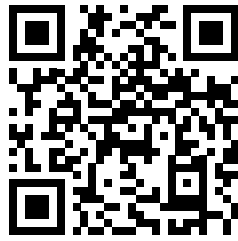
Additionally, countries like Moldova face systemic corruption that cannot be eradicated overnight. Drago Kos, a member of the Independent Anti-Corruption Advisory Committee, stressed that while Moldova's aspirations for EU accession are promising, joining the EU alone will not solve corruption. Moldova must first tackle its internal governance issues and address the influence of oligarchic structures that treat public funds as personal assets.

"I worked to achieve justice for Sergei Magnitsky, and this is what is particularly relevant to this gathering today – to see who received the money. How did the \$230 million circulate [...] much of the money, the first stop, was..Moldova"

Sir William Browder, KCMG, CEO Hermitage Capital Management


WHAT SHOULD BE DONE NEXT?


- **Strengthen protections for whistleblowers and human rights defenders.** Implementing in Moldova strong whistleblower laws and legal recourse for journalists facing SLAPPs is crucial.
- **Enhance international cooperation and sanctions enforcement:** Global corruption requires a coordinated international response through asset tracking, freezing, and prosecution. Moldova must reform its role in financial networks to avoid becoming a haven for illicit funds.
- **Accelerate investigations into corruption:** Authorities must speed up corruption investigations and ensure law enforcement has the independence and resources to act. Cooperation with investigative journalists and CSOs is key to uncovering and addressing corruption.
- **Promote greater collaboration between CSOs and governments:** CSOs are crucial partners in advancing transparency and anti-corruption reforms. Moldova should leverage its civil society and international expertise to strengthen governance.





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