

NEWSLETTER

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In Brief

THE IMPACT OF THE CONSTITUTIONAL COURT'S RULING ON THE VETTING PROCESS

On 16 January 2025, the Constitutional Court (CC) ruled on the constitutionality of several provisions from [Law 65/2023](#) and [Law 252/2023](#) (the vetting laws). The complaints were submitted by several Members of Parliament, as well as through an exception of unconstitutionality invoked in the case of former judge of the Bălți Court of Appeal, [Adrian Ciobanu](#). Given that the complaints concerned the same subject, the Court decided to examine them together.

In its ruling, the Court confirmed the constitutionality of the vetting laws but also emphasized certain conditions regarding specific provisions. The Court ruled that the regulation establishing the rule that subjects who resigned after the expiration of the 20-day period following the notification of the evaluation's initiation would be considered as having failed the assessment is constitutional and does not violate judicial independence. Regarding the challenge to the Evaluation Commission's (the Commission) role as a public authority, the Court clarified that it acts in a consultative capacity rather than as a public authority, with final decisions resting with the Superior Council of Magistracy (SCM) or the Superior Council of Prosecutors (SCP), which are subject to judicial review.

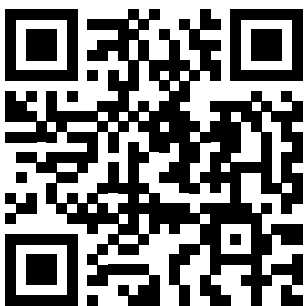
Regarding the standard of proof applied by the SCM, the CC observed that although the Commission applies the "serious doubts" standard, the legislator did not establish a distinct standard for the SCM, thus allowing the evaluation of Supreme Court judges on the same basis. The [Venice Commission](#) expressed concerns about this aspect, and the Constitutional Court emphasized that the SCM must rely on clear evidence of ethical and financial violations. In this regard, the SCM should apply a higher standard – "confirmatory evidence" – than the one used by the Commission, in order to comply with the Constitution.

The Court also ruled on the Commission's competence to consider the assets, expenses, and income of close persons to the evaluated subject. The Court found that analyzing the financial integrity of close persons is reasonable. Such information is relevant for a comprehensive assessment of a judge's or prosecutor's integrity, in line with legal principles regarding transparency and the protection of private life.

The Court concluded that the provision regarding the public nature of the Commission's hearing of the evaluated subject is constitutional, as long



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The Constitutional Court confirmed the constitutionality of the vetting laws, considering the sanctions proportionate to the objective of judicial integrity. The SCM and SCP must apply a higher standard of proof in evaluating the integrity of judges and prosecutors.

as, in cases where the evaluated subject disagrees with the Commission's decision to hold a public hearing, they have the right to challenge it before the SCM or SCP, as applicable.

Additionally, the Court ruled that publishing the reasoned decisions of the SCM and SCP on their official websites is constitutional, provided that publication occurs after the expiration of the appeal period or after the decision of the Supreme Court of Justice (SCJ) has become final following a challenge.

The Court also addressed the consequences for judges or prosecutors who fail the evaluation. It ruled that the dismissal of judges and prosecutors is a proportionate measure, as the external evaluation procedure aims to remove from the public system those lacking integrity, thereby increasing public confidence in the judiciary and prosecution services.

Furthermore, the Court clarified that depriving subjects who failed the evaluation of their right to a special pension does not lead to a loss of livelihood, as the contested provisions still allow them to receive a regular pension under the general conditions established by law.

AUDIT OF PUBLIC FUNDS IN THE JUDICIAL SYSTEM FOR THE PERIOD 2022–2023: WHAT DID THE COURT OF ACCOUNTS DISCOVER?

On 24 December 2024, the Court of Accounts examined and approved the [Audit Report](#) on the compliance of the use of public financial resources and the management of assets by the Superior Council of Magistracy (SCM) and the courts for the years 2022-2023. The audit was based on evidence collected from the SCM, the courts, the Ministry of Justice, the Ministry of Finance, the National Union of Judicial Executors, and the Agency for Court Administration (AAIJ). The draft report [was presented](#) during a meeting attended by representatives of the relevant institutions.

During the audited period, the judicial system of the Republic of Moldova included 15 district courts, 4 courts of appeal (Chişinău, Bălţi, Cahul, and Comrat), and the Supreme Court of Justice (SCJ). Its operation was fully funded from the state budget, and in 2022-2023 total expenditures amounted to approximately 1.09 billion MDL. The largest share of funds (85.4%) was allocated to salaries, while only 4.1% were allocated for investments, such as renovations and equipment purchases. In 2022, the budget reached 515.6 million MDL, with an execution rate of 98.1%, and increased to 602 million MDL in 2023, with a utilization rate of 97.4%.

The audit report highlighted multiple non-conformities and deficiencies in the management of public assets, the use of budgetary funds, and the administration of taxes and payments established by court judgements.

Regarding salary expenses, these were below the planned level, but 15 courts recorded additional expenses of 4.4 million MDL, covered internally from the

The audit highlighted multiple deficiencies in the management of public funds, with expenditures of 1.09 billion MDL in the period 2022-2023, of which 85.4% were allocated to salaries. Irregularities were identified in the granting of salaries and bonuses, poor management of public assets, delays in court building renovations, and significant errors in the collection of judicial taxes and financial reporting.

savings of six other courts (7.2 million MDL). In some courts, the audit identified significant irregularities, including fraud risks. At the Chişinău Court, cases were identified where three individuals received one-time bonuses totaling 496.6 thousand MDL, representing 47% of the total amount granted to employees of that court. Additionally, an unjustified vacation allowance for 136 days was calculated for one individual, generating illegal payments of 49,500 MDL. A service investigation is currently underway to verify the legality of salaries and bonuses granted between 2018 and 2024.

Fictitious employment in auxiliary technical staff positions was also discovered, with a financial loss of 219,000 MDL, and the documents were forwarded to the authorities for investigation. Additionally, the audit identified incorrect reporting of salary data, with incorrectly reported advance payments and irregularities in the calculation of judges' annual leave. During the audited period, SCJ and the Chişinău Court of Appeal recalculated salary entitlements amounting to 6.3 million MDL, without these expenses being planned, thus being covered from the Salary remuneration fund's savings.

Regarding performance bonuses, the audit found that these were granted at SCM and SCJ in a fixed amount of 10%, regardless of the employees' ratings. The Chişinău Court of Appeal awarded higher bonuses, of 15% for a "good" rating and over 50% for "very good." In 2022, SCJ exceeded the legal limit for granting bonuses by 674,500 MDL.

The management of public assets was also problematic. The courts owned 60 service vehicles, of which 9 were non-functional and required costly repairs. Deficiencies were also noted in fuel usage, including the lack of internal regulations, failure to approve annual mileage limits, and discrepancies between vehicle mileage readings and travel logs.

In the field of public procurement, non-compliant practices were identified, such as the division of procurements to avoid competitive procedures (2.4 million MDL), illegal contracts for security services (1.9 million MDL), and advance payments made without compliance with legal norms (7.2 million MDL).

The audit also identified non-compliance with legal regulations by SCJ and the Chişinău Court of Appeal regarding the recognition and evaluation of patrimonial assets, which led to a decrease in the reported value of land by 2.5 million MDL. SCJ did not register property rights over assets worth 10.8 million MDL. Additionally, delays were noted in the construction and renovation of court buildings, such as those in Cahul and Orhei, errors in the classification of expenses for the reconstruction of the Chişinău Court of Appeal, and unauthorized works at the Chişinău Court. Furthermore, difficulties were found in collecting judicial taxes and fines, as well as significant errors in statistical reports on state taxes and related arrears.

VOTER BRIBERY UNDER CONSTITUTIONAL SCRUTINY: SANCTIONS REMAIN IN FORCE

On 21 January 2025, the Constitutional Court (CC) [declared inadmissible](#) over 90 complaints challenging the constitutionality of Article 47¹ of the Contravention Code, which provides sanctions for passive electoral bribery. The article was introduced into the Contravention Code in August 2024. It stipulates sanctions in the form of fines ranging between 25,000 MDL and 37,500 MDL for the solicitation, acceptance, or receipt, directly or through intermediaries, by a voter of goods, services, privileges, or other undue advantages, for themselves or another person, with the purpose of influencing the exercise or non-exercise of electoral rights in elections.

The exceptions of unconstitutionality were raised by individuals sanctioned under this article following the presidential elections and the referendum at the end of 2024. The majority of the complaints were submitted by a lawyer associated with the Şor group, had identical content, and reached a record number for the same subject.

In the submitted complaints, it was argued that there was a lack of transparency in adopting the provisions, a lack of clarity in the norm, and the absence of a mechanism to verify the vote. It was also claimed that the fine was disproportionate to the severity of the offense and affected property rights, while the small difference between the sanction limits prevented individualized penalties. Additionally, the provision for exemption from contravention liability in cases of self-denunciation or contribution to uncovering the offense was contested, as it was allegedly inconsistent with other provisions of the Contravention Code.

The Court rejected all the claims, providing explanations under each argument. It emphasized that procedural rules regarding the adoption of laws can only be reviewed for constitutionality if they affect a fundamental principle, which was not demonstrated in this case. Regarding the clarity of the norm, the Court noted that these aspects pertain to the interpretation and application of the law, which fall under the jurisdiction of the courts and not within the competence of the Constitutional Court.

The Court stated that the contested norm does not require verifying whether the voter actually voted for the candidate or party that engaged in bribery, as such a mechanism would violate the secrecy of the vote. Furthermore, the Court found that the fine limits are sufficiently broad to allow for individualized penalties based on circumstances and do not violate the right to a fair trial. Additionally, it ruled that the fine is proportionate to the severity of the offense, and the exemption from liability in cases of self-denunciation or cooperation in uncovering electoral bribery does not raise constitutional issues but rather matters of legal interpretation and application.

The Constitutional Court: Maintaining strict sanctions will significantly contribute to deterring electoral corruption and ensuring a fair and transparent electoral process.

The documents are to be implemented during 2025 – 2028 and may be updated based on the evolution of negotiations with the European Union.

WHAT DO THE ROADMAPS FOR EUROPEAN INTEGRATION IN JUSTICE AND ANTI-CORRUPTION OUTLINE?

On 14 January 2025, the Ministry of Justice concluded public consultations on two roadmaps for advancing the European integration process. These strategic documents establish the benchmark criteria for the dialogue between the Republic of Moldova and the European Union.

[The roadmap for the functioning of democratic institutions](#) includes measures aimed at improving the electoral process, the functioning of Parliament, and the role of civil society. Among the priorities is the adjustment of legislation to allow Moldovan citizens to vote in European Parliament elections and EU citizens to participate in local elections in Moldova. Additionally, the proposed actions include enhancing the efficiency of mechanisms for monitoring political party financing, as well as the adoption of a Code on the Organization and Functioning of Parliament, including the creation of a Permanent Committee for European Integration. Furthermore, measures are planned for the protection of human rights defenders, ensuring the financial sustainability of non-commercial organizations, and increasing transparency in the decision-making process.

[The roadmap for strengthening the rule of law](#) includes measures for the reform of the judicial system, the fight against corruption, the protection of fundamental rights, and the combatting of organized crime. Among the priorities are the creation of selection, evaluation, and disciplinary boards for judges and prosecutors, the digitalization of the judicial system, as well as the strengthening of human rights institutions. Additionally, measures are planned to improve the national system for recovering assets derived from crimes.

LRCM has proposed supplementing the documents with measures regarding the monitoring of the implementation of the judicial map law updated in 2024, the transfer of expertise from the Evaluation Commissions to the new boards of the SCM and SCP, the ratification of Protocol No. 12 to the European Convention on Human Rights, and the improvement of the mechanism for recognizing gender identity.

The documents are to be approved by the Government and may be updated based on the evolution of negotiations with the EU and new priorities, with an implementation timeline set for 2025 – 2028.

STRENGTHENING ANTI-CORRUPTION INSTITUTIONS: EFFECTIVE MEASURES OR EXCESSIVE APPROACH?

On 29 January 2025, the Ministry of Justice [presented proposals](#) for strengthening anti-corruption institutions, in response to the recommendations of the Supreme Security Council (CSS) [from 11 November 2024](#) and [20 January 2025](#). During

The Ministry of Justice is considering merging specialized prosecution offices to strengthen the fight against political corruption and organized crime. The SCP and the Anti-Corruption Prosecutor's Office do not support the initiative.

these meetings, the CSS discussed the issue of political corruption, fuelled by organized criminal groups, in the context of the major challenges associated with the referendum and the presidential elections in autumn 2024. The Ministry of Justice was mandated to propose solutions within 10 days to mitigate this issue.

On 29 January 2025, Minister of Justice Veronica Mihailov-Moraru [presented three options](#). The first two, short-term solutions, involve either the creation of a specialized subdivision within the General Prosecutor's Office or the strengthening of the Section for Combating Corruption and Money Laundering, established in December 2024, by transferring five prosecutors from specialized prosecution offices. These structures would take over cases of political corruption and organized crime, contributing to the centralization and efficiency of investigations. Since they do not involve major structural reforms, these solutions appear feasible and acceptable to the prosecution system.

The third option, which is more complex, proposes the merger of the Anti-Corruption Prosecutor's Office (PA) and the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS). The Ministry of Justice emphasized that this model is used in European or EU-aspiring states, such as Croatia and Albania, which are comparable in size to Moldova.

Prosecutor members of the Superior Council of Prosecutors (SCP) [expressed concern](#) about the impact of the proposed reforms, especially the merger option, on the functionality and independence of prosecutors. They stressed that any changes must adhere to the principles of legality, stability, and efficiency and be aligned with international standards on prosecutorial independence. At the same time, they emphasized the importance of a transparent and inclusive decision-making process.

The Anti-Corruption Prosecutor's Office [supported the SCP's](#) position. In a [TV broadcast](#), chief anti-corruption prosecutor Veronica Dragalin stated that the merger of the prosecution offices would result in her removal from office, suggesting that certain high-ranking political figures had requested her resignation, without providing further details.

In a [public statement](#), LRCM emphasized that a mere transfer of competencies or prosecutors would not solve systemic problems. Any reform must be based on a thorough and well-grounded analysis, with the primary objective of institutional strengthening. Authorities must ensure transparency in the prosecutorial reform process, clearly presenting plans and implementation stages. The actions taken must align with existing strategies and respect commitments made in the EU accession process. Most importantly, ongoing investigations must not be affected in any way, with efficiency and continuity remaining top priorities.

The number of territorial prosecutor's offices will be reduced from 36 to 14. Prosecutors will be able to specialize in combating corruption, torture, human trafficking, cybercrimes, and other categories of offenses.

OPTIMIZATION OF THE PROSECUTORIAL STRUCTURE: FEWER PREMISES, MORE EFFICIENCY?

On 24 January 2025, the Prosecutor General, through an order, [established](#) a new structure for the Prosecutorial System. This action was planned within the Concept for the Optimization and Reorganization of the Prosecutorial System, approved by the Superior Council of Prosecutors on 2 December 2024 ([details in Newsletter No. 75](#)). In alignment with the [current judicial map](#), several prosecutor's offices will be merged.

In the northern region, the 12 existing prosecutor's offices will be reduced to four. The prosecutor's offices of Făleşti, Sîngerei, and Glodeni will merge into the Bălți Prosecutor's Office. The prosecutor's offices of Briceni and Ocnița will merge with the Edineț Prosecutor's Office, forming the Edineț Prosecutor's Office. The prosecutor's offices of Dondușeni and Rîșcani will merge with the Drochia Prosecutor's Office, forming the Drochia Prosecutor's Office. Similarly, the Florești Prosecutor's Office will merge with the Soroca Prosecutor's Office, forming the Soroca Prosecutor's Office.

In the central region, following the reorganization, seven prosecutor's offices will remain out of the existing 18. The Călărași Prosecutor's Office will merge with the Strășeni Prosecutor's Office, forming the Strășeni Prosecutor's Office. The prosecutor's offices of Anenii Noi, Ștefan Vodă, and Bender Municipality will merge with the Căușeni Prosecutor's Office, forming the Căușeni Prosecutor's Office. The Bender Office will continue its activity as long as the Bender (Varnița) branch of the Căușeni Court remains operational. The Dubăsari Prosecutor's Office will merge with the Criuleni Prosecutor's Office, forming the Criuleni Prosecutor's Office. The prosecutor's offices of Ialoveni and Leova will merge with the Hâncești Prosecutor's Office, forming the Hâncești Prosecutor's Office. The prosecutor's offices of Rezina and Telenești will merge, while the Șoldănești Prosecutor's Office will be absorbed into the Orhei Prosecutor's Office, all forming the Orhei Prosecutor's Office. The Nisporeni Prosecutor's Office will merge with the Ungheni Prosecutor's Office, forming the Ungheni Prosecutor's Office. The structure of the Chișinău Prosecutor's Office will remain unchanged.

In the southern region, the six existing prosecutor's offices will be reduced to three. The Cantemir and Taraclia Prosecutor's Offices will merge with the Cahul Prosecutor's Office, forming the Cahul Prosecutor's Office. The Basarabeasca Prosecutor's Office will merge with the Cimișlia Prosecutor's Office, forming the Cimișlia Prosecutor's Office. The Comrat, Ceadr-Lunga, and Vulcănești Offices will merge with the central office of the UTA Găgăuzia Prosecutor's Office, forming the UTA Găgăuzia Prosecutor's Office.

The Basarabeasca, Șoldănești, Comrat, Ceadr-Lunga, and Vulcănești Offices, as well as the central office of the UTA Găgăuzia Prosecutor's Office, which will be absorbed, will cease their activities. Meanwhile, the other merged prosecutor's offices will become secondary branches of the newly formed prosecutor's offices. As a result, the number of territorial prosecutor's offices will be reduced from 36 to 14.

Prosecutors in territorial offices will be able to specialize in combating corruption, torture, human trafficking, cybercrimes, and other categories of offenses. This specialization aims to balance the workload and the complexity of cases.

Additionally, within the General Prosecutor's Office, **three new subdivisions** will be established: the Anti-Corruption and Money Laundering Section, the Environmental Crimes Section, and the Representation in the Supreme Court of Justice Section. The creation of the first section was necessary because the Anti-Corruption Prosecutor's Office no longer leads criminal investigations in cases managed by the National Anti-Corruption Center, as these have been transferred to territorial prosecution offices.

According to the General Prosecutor's Office, the new structure will address crime trends, improve investigations across various fields, ensure the efficient use of public funds and optimize costs for maintaining territorial prosecutor's offices, enhance the functional capacity of the system, standardize practices and workload, and improve the quality of justice administration. The Prosecutor General's order will take effect on 1 April 2025.

THE FIRST STRATEGIC PLAN OF THE SCM AND THE OBJECTIVES SET FOR 2025-2029

On 28 January 2025, the Superior Council of Magistracy (SCM) **approved** its first Strategic Plan for the period 2025-2029. Through this document, the SCM aims to strengthen and modernize the judicial system in the Republic of Moldova, promoting coherence, efficiency, and integrity in its functioning.

The plan includes seven objectives, covering over **20 specific actions**. These focus on ensuring the functionality of the Selection and Evaluation Board, the Disciplinary Board, and the Judicial Inspection. The implementation of digital technologies, such as the electronic judge profile (e-Career), is another distinct objective aimed at increasing the efficiency of judicial processes. Additionally, the SCM aims to select competent and integrity-driven candidates through transparent and timely competitions.

Regarding the Selection and Evaluation Board, the plan foresees the approval of regulations for regular judicial evaluations, the development of legislative amendments allowing SCM access to all necessary data on evaluated judges, and the definition of criteria for scheduling judges in the evaluation process. These criteria will also apply to the evaluation of first-instance judges and judicial inspectors.

For the Disciplinary Board and the Judicial Inspection, the plan proposes assessing the functionality of the judicial disciplinary system, digitizing the entire disciplinary process, and developing a new Regulation on the Judicial Inspection. Additionally, it includes legislative measures for evaluating and sanctioning judicial inspectors.

The SCM plan provides for the organization of efficient competitions to attract competent and integrity-driven judges, ensuring transparency and speed in the procedures.

Another key objective is to improve decision-making transparency and institutional communication. This includes maintaining constant contact with judges, enhancing relations with other legal professions, civil society, and the media, and fostering cooperation with similar institutions in EU member states and international organizations. The development and approval of a public communication strategy for the SCM is also planned.

The plan was developed by the SCM, with contributions from judges and experts from the Council of Europe.

I IN BRIEF

On 2 January 2025, the Prosecutors' Evaluation Commission [announced](#) the completion of the evaluation of all candidates for the specialized boards under the SCP, in accordance with [Law No. 26/2022](#). The SCP proposed 32 candidates for external evaluation, of whom 22 were aspiring for positions as members of the Selection and Evaluation Board for Prosecutors, while 11 others applied for positions in the Disciplinary and Ethics Board. One candidate applied for both boards. In the end, 15 candidates passed the evaluation, with a pass rate of 47%. At the same time, 17 candidates (53%) failed the evaluation as they did not meet the ethical and financial integrity criteria.

On 10 January 2025, the Ministry of Justice appointed Sergiu Beșliu as the [winner of the competition](#) for selecting the civil society representative as a member of the Integrity Council. Among [the six competitors](#), Sergiu Beșliu obtained the highest score. [Previously](#) he was a lawyer, has worked within the Information and Security Service, and is a graduate of the National Institute of Justice, as well as a candidate for a judge position.

On [14 January 2025](#), the SCP acknowledged the withdrawal of two candidates from the Selection and Evaluation Board competition. [Constantin Șușu](#) opted for the Disciplinary and Ethics Board, while [Tatiana Gulea](#) decided to continue her role as head prosecutor of a section within the General Prosecutor's Office. At the same time, the SCP [launched](#) a competition for selecting three civil society members in the Disciplinary and Ethics Board, with a deadline of 14 February 2025 for submitting applications.

On 14 January 2025, the LRCM published recommendations on the draft amendments to normative acts for combating electoral corruption. The key recommendations include removing the precondition requiring opinions from the Constitutional Court, the Security and Intelligence Service, and the Ministry of Justice for the registration of political parties, eliminating fixed deadlines for the prosecution of electoral corruption offenses, and expanding liability for engaging in extremist activities to a broader range of organizations. The legal opinion [was submitted](#) to the Legal, Appointments, and Immunities Commission.

On [16 January 2025](#), the SCM accepted the voluntary resignation request

submitted by Judge Vasile Şchiopu. He was elected as a member of the SCM at the General Assembly of Judges on 28 April 2023 for a six-year term. His resignation as a judge also resulted in the termination of his mandate as an SCM member. His mandate as a judge of the Ungheni Court and as a member of the Council ended on 31 January 2025. He will be replaced in the SCM by alternate member Livia Mitrofan, interim president of the Chişinău Court, starting 12 February 2025.

On 16 January 2025, the SCM announced a competition for the positions of presidents of the courts in Bălţi, Cahul, Căuşeni, Chişinău, Cimişlia, Criuleni, Drochia, Edineţ, Hînceşti, Orhei, Soroca, Străşeni, and Ungheni, as well as vice presidents of the courts in Bălţi, Cahul, Căuşeni, Chişinău (5 positions), Cimişlia, Comrat, Criuleni, Drochia, Edineţ, Hînceşti, Orhei, Soroca, Străşeni, and Ungheni. Judges can submit applications to the SCM within 30 calendar days from the publication of the announcement in the Official Gazette of the Republic of Moldova.

On 16 January 2025, the SCM announced a competition for judge positions at the Supreme Court of Justice, based on the number of vacant judge positions at the time of the interview stage. Applications must be submitted within 30 days from the publication of the announcement in the Official Gazette of the Republic of Moldova, either at the SCM headquarters or via email at secretariat@SCM.md.

On 21 January 2025, the SCP concluded the competition for selecting prosecutors' inspectors, which began in September 2024. Although five inspector positions were available, only one of the three candidates was appointed, as the others failed to obtain the minimum required score. Consequently, lawyer Iurie Caraman, a former prosecutor with 14 years of experience, was appointed to the Prosecutors' Inspection. Currently, the Inspection is staffed with **five out of the nine** necessary members. On 28 January 2025, the SCP announced a new competition for the remaining four vacant positions, setting 28 February 2025 as the application deadline.

On 28 January 2025, the SCM **approved** the Regular Evaluation Plan for Judicial Performance for 2025, which will be implemented by the Judges' Selection and Evaluation Board. The plan includes the list and order of evaluation for over 200 judges, starting with those temporarily assigned to the Supreme Court of Justice, followed by judges from courts of appeal. Subsequently, the evaluation will extend to first-instance judges, prioritized based on seniority, with preference given to more experienced judges.

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