



“A reform involving profoundly corrupt judges and prosecutors is a mere illusion”,

Stanislav Pavlovschi,
former judge at the European
Court for Human Rights

THE REFORM IN A NUTSHELL

Experts recommend the elimination of the Military Court

There are two judges working at the Military Court of Chisinau. In 2013, they examined an average of 5 cases monthly. Nadejda Hriptievshi, expert at the Legal Resource Centre of Moldova says the small number of cases examined by the magistrates of the Military Court compared to that examined by other judges calls into question the fairness of labor remuneration; she recommends liquidating the military courts as criminal cases with the involvement of militaries could be examined by any court. Serghei Ciobanu, president of the Military Court, however, does not agree with this proposal, motivating that the Military Court is a specialized court and it is necessary for the judicial system. “The Military Court has to deal with the life and activity of the army forces. The lack of professional knowledge and military background of the judges at other courts would lead to errors during case examination”, Mr. Ciobanu states.

Petitions to SCM Should Be Filed to the New Address



The New building of SCM on Eminescu street in Chisinau. Source: www.zn.md

Since April 17, 2014, the Superior Council of Magistracy (SCM) carries out its activity in a new building situated in Chisinau, on 5 Mihai Eminescu street. Thus, citizens who are discontented with the improper activity or conduct of judges may file their petitions to SCM by sending them to the new address. According to the Law on petitioning, petitions should be signed by the author, indicating his/her full name and address and describing those aspects of the court's or the judge's activity, which the petitioner considers illegal.

During 2013,

1587 petitions

were filed to the Human Rights Centre of Moldova. Most of the petitions (365) related to the alleged violation of the right of free access to justice.

Judicial Specialization Could Increase the Quality of Justice Delivered

Last year, the magistrates at the Riscani and Centru Courts of Chisinau and those of Anenii Noi and Cimislia courts examined the biggest number of cases, with an average monthly load of 80 cases per judge. Experts say too big caseloads for judges have a negative impact on the quality of the justice delivered; a solution to this would be judicial specialization.

The three magistrates at Cimislia Court examined 3,155 cases last year, every judge having to examine on average 87 cases a month. The president of the Cimislia Court, Vladimir Rusnac, says magistrates have a hard time managing their workloads. “Last year we had three judges working at our court: one investigative judge and two ordinary judges and we were working very hard. Now, only two judges remained – one investigative judge and one ordinary judge, who investigates both civil and criminal cases, and we are wondering how we will cope with this”, the magistrate explains.

In order for the courts to be able to manage their big caseloads, experts of the Legal Resource Centre (LRC) recommend the specialization of judges. Vlad Gribincea, executive director of LRC says there are several specialization options that could be applied. “We recommend the specialization of

Courts that examined the biggest number of cases in 2013			
Court	Total number of cases examined	Number of judges	Average monthly caseload per judge
Centru Court, Chisinau mun.	21724	18	100,6
Riscani Court, Chisinau mun.	17403	17	85,3
Cimislia Court	3155	3	87,6
Anenii Noi Court	3940	4	82,1

Courts that examined the biggest number of cases in 2013			
Court	Total number of cases examined	Number of judges	Average monthly caseload per judge
Commercial district Court	301	7	3,6
Military Court	119	2	5
Bender Court	967	5	16,1
Dubasari Court	891	4	18,6

judges at least by civil law and criminal law, which would narrow the scope of judges' daily activity and increase the quality of court decisions”, Vlad Gribincea asserts. The expert also proposes the specialization on narrower areas, such as family relations, commercial cases, labor disputes, and criminal cases involving juveniles. At the same time, during the specialization process, the caseload and the number of magistrates at the court should be taken into account. Thus, if a judge specialized in a certain area does not have sufficient cases for examination he should be able to examine other types of cases as well. “Judges should attend continuous training that teaches both civil and criminal law sub-

jects. As a result, they would consolidate their general knowledge and skills required for the examination of all types of cases”, Vlad Gribincea adds.

Specialization would only be possible after the optimization of courts

Sabina Cerbu, Deputy Minister of Justice, explains that specialization depends on the number of magistrates working in specific courts. “Judicial specialization is a complex issue and it should be tackled in the context of optimization of the courts location map. Of course, specialization on narrower areas would be ideal, however, we cannot allow ourselves this luxury. This solution would only

be possible in the courts with a bigger number of judges, while in the courts where there are 3 to 5 judges it may not be applied. Therefore, we would be able to ensure the specialization of judges only after the consolidation of courts”, the Deputy Minister of Justice added.

Last year, the position of judicial assistant was introduced in order to reduce the caseloads of magistrates. Now each judge in Moldova is helped by a judicial assistant. On a long term, this amendment is expected to accelerate the settlement of court cases, improve the quality of court decisions, and create a reserve of professional staff that could eventually supplement the pool of judges.

The New Law of the National Institute of Justice is Late in Coming

The National Institute of Justice (NIJ) is lagging behind in terms of implementation of the Action Plan of the Judiciary Reform Strategy for 2011-2016. MIJ's administration justifies this delay in the implementation of reforms by the fact that the regulatory framework on NIJ's activity has not been amended.



Presentation of the Report on the implementation of the Judiciary Reform Strategy in 2013, April 2014. Source: Ministry of Justice



To enhance NIJ's operation, the Strategy sets out 26 actions, including the development of a more efficient system for initial and continuous training of judges and the development of some draft laws on NIJ operation. By the end of 2013, only 17 of the 26 actions were achieved, four activities were ongoing, while other 5 actions were still due. These data are included in the Report on the implementation of the Judiciary Reform Strategy in 2013, which was recently presented by the Ministry of Justice (the paper may be found on the website www.justice.gov.md).

Anastasia Pascari, executive director of the National Institute of Justice, explains that the unimplemented actions are dependent on the development of a draft law that is supposed to regulate the activity of NIJ. “We have developed new curricula for the trainers and made renovations in another wing of the building to

make the training process more efficient... The actions we have not managed to do are dependent on the draft law that should ensure better operation of NIJ”, Anastasia Pascari says. In his turn, Minister of Justice, Oleg Efrim, explains that the development of the new law on NIJ has been extended because there have been some divided opinions regarding the law provisions.

The National Institute of Justice is a public institution, which operates based on a law and on its own statute approved by the Council of the Institute. NIJ provides training to the candidates to the positions of judge and prosecutor, to active judges and prosecutors, as well as to other people who contribute to justice delivery. NIJ is not part of the national education system and therefore is not subject to the existing legal provisions regarding the accreditation and licensing of educational institutions.

