



“Corruption, poor judiciary and lack of transparency in the financial sector are the main challenges faced by Moldova”

Pirkka Tapiola,
Ambassador, Head of EU
Delegation to
the Republic of Moldova

THE REFORM IN A NUTSHELL

New rules at the European Court for Human Rights

Since January 1st, 2014, the conditions for lodging an application to the European Court for Human Rights are stricter. The first change concerns the information and documents supplied to the Court to enable it to examine applications and hence perform its mission as effectively as possible. Any form sent to the Court must be completed in full and accompanied by copies of the relevant documents. All incomplete applications will be rejected by the Court. The second change concerns the interruption of the period within which an application must be made to the Court, that is, within six months from the final decision of the highest domestic court. Incomplete files will no longer be taken into consideration for the purpose of interrupting the running of the six-month period. At the same time, the Court has developed a new application form, which is available on www.echr.coe.int.

An Un-Promulgated Law Causes Discontentment

On December 23, 2013, the Parliament has adopted the Law on People's Advocate, which has engendered discontentment among some nongovernmental organizations for human rights. The NGOs have asked the President of Moldova to not promulgate the law, and the parliament – to amend it by upholding the former condition for designation of the People's Advocate, namely – the candidate must have a notorious experience of at least five years in human rights protection or promotion. During the voting of the draft law in second reading, the MPs proposed that the People's Advocate has minimum 20 years of experience, a requirement which is considered discriminatory and ungrounded by NGOs.

In their petition, the nongovernmental organizations explained that the draft law developed by the Ministry of Justice was subjected to public consultations, where the civil society representatives made proposals for improvement of the document. Consequently, the draft proposed to the Parliament represented a consensus of different participants in the decision-making process. The eligibility requirement of minimum 20 years of experience for the candidates to the position of People's Advocate was introduced in the second reading in the Parliament plenum, without any public consultation or reasonable justification. “This requirement is unjustified, because the position of People's Advocate does not imply any activities that could not be fulfilled by a person under the age of 40 or with less than 20 years of experience,” the Petition regarding the Law on People's Advocate writes.

In the first half of 2013,
13 people were sentenced to imprisonment for **more than 15 years**, or **23** people less than in the same period of 2012.

Source: www.csm.md

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Reporter – Lilia Zaharia

With Money in the Budget but Still Without a Palace of Justice in Chisinau

In 2010, during the inauguration of the Palace of Justice in Basarabesca, the authorities promised that a similar building would be erected in Chisinau by the end of 2015, which would address the issue of the lack of space in the courts of the capital. Although there is money assigned in the budget for the construction of the building, so far, the Palace of Justice has not even been designed.

Last year, Minister of Justice, Oleg Efrim stated that a Palace of Justice would soon be built in Chisinau and would include all courts in the capital, counting around one hundred judges.

Six hectares of land for the Palace

In early 2014, no works were started and not even a design made for the Palace of Justice. Minister Oleg Efrim says the design of the building is stagnating because the Mayors' Office of Chisinau has not identified the land for the construction yet. “Unfortunately no land has been allotted for this construction, this is why, although the money has been budgeted, we are unable to start the project in absence of the land. We have repeatedly called the Chisinau Mayor's

Office but received no answer,” Oleg Efrim explains. On the other hand, the municipal authorities say the Ministry of Justice has asked for a too big area of land, which is not available. “We have explained the Ministry representatives that the municipal fund has no such big area of land of about six hectares (one hectare for the building itself, and five hectares – for the infrastructure, including the parking area”, Ion Carpov, Head of the General Architecture, Urbanism and Land Relations Directorate of the Chisinau Mayor's Office. The architect adds that there are bigger areas of land in the municipality of Chisinau but those are owned by the government, therefore, the Ministry of Justice may identify such a plot and request it from the Government. The Minister of Justice has yet another solution for this problem, which cannot be applied in the next years though. “They could consider the plot under the Penitentiary No. 13 of Chisinau which is going to be relocated, as you know. However, this will only be possible after 2018, when the construction of the new penitentiary ends”, Oleg Efrim says.

Around 10 million lei have been assigned in the national budget for the design and starting works for

the construction of the Palace of Justice in Chisinau.

It took 24 years to build the Palace of Justice in Basarabesca

While the central and local public authorities in the capital are unable to find a plot of land for the Palace of Justice, in Basarabesca raion such an institution has been operating for over three years. Employees here are very satisfied with the working conditions. “Before, magistrates used to work in an old building with only one improvised courtroom. Now we have sufficient and comfortable rooms to ensure the delivery of justice,” Alina Untila,

Head of the Basarabesca Court Secretariat says.

The Palace of Justice in Basarabesca was inaugurated in July 2010, after a long construction period (the works started back in 1986, then they stagnated for many years and were finalized after 24 years, in December 2009, when the last installment of money was allotted for capital works).

The objective of strengthening the institutional capacities of courts, including by building a common facility for all courts in the Chisinau municipality, as well as building and renovating courthouses in the entire country, is stipulated in the Action Plan of the Judiciary Reform Strategy for 2011-2016.



Palace of Justice in Basarabesca. Source: www.jbs.justice.md

The Third Failure of the General Meeting of Judges. What's Next?

In the General Meeting of Judges (GMJ) of January 17, 2014 again not all the members of the Superior Council of Magistracy (SCM) were elected. For the three vacant positions, only one magistrate was selected – Victor Micu from the court of Riscani district in Chisinau, who was voted by 281 judges of those attending the GMJ. The other two positions of SCM members representing the judges remained vacant because the other candidates to these positions failed to gather the necessary number of votes.

Initially, 14 judges applied for the positions of SCM members but before the voting procedure, four of them have given up. “I want to withdraw my candidacy in order to unblock the situation created”, Sergiu Furdui, judge at Chisinau Court of Appeal explains. However, the deadlock still remains because GMJ, which was convened three times in the past three months, was still unable to elect all SCM members. Because not all SCM members representing judges have been elected, it was proposed to amend GMJ's Regulation; however, the majority of judges have rejected this proposal, justifying this by the fact that the procedure for election of the SCM



Judge Sergiu Furdui announces his withdrawal from the contest for election of SCM members



of the wording. “By organizing the General Meeting of Judges endlessly, the delivery of justice is disrupted. Lately, three meetings were organized; consequently, no court hearing was organized on those three days in the country. If judges were unwilling to elect their representatives to the SCM and unable to amend the GMJ's Regulation, the only solution is for the Minister of Justice to propose an initiative to amend the law in order to exclude this kind of situations,” the expert states.

The Disciplinary College has three new members

Although the magistrates have failed to elect all SCM members, the General Meeting of Judges has still managed to elect three members of the Disciplinary College. Thus, Victor Boico, magistrate at the Buiucani district court in Chisinau was elected to represent the first instance courts, and judges Eugenia Conoval and Domnica Manole – to represent the Chisinau Court of Appeal. SCM's Disciplinary College examines cases regarding the disciplinary liability of judges and addresses requests for cancellation, before expiry term, of the disciplinary punishments applied to magistrates.

members should be the same for all candidates. Ioana Chironet, head of the SCM Executive Office, says another Meeting of Judges must be organized – the forth – in order to elect the other two members of SCM: one representing the courts of appeal and the other representing the first instance courts.

Endless meetings ...

Ion Guzun, lawyer at the Centre for Legal Resources of Moldova (CLRM), says SCM has proposed amending the GMJ's Regulation without having any specific idea