



“Our country has also implemented reforms in a number of areas. It is crucial to eliminate corruption; however, this will not happen straight away, several years will be needed, because a reform is a lengthy process”



Mikheil Saakashvili,
President of Georgia

THE REFORM IN A NUTSHELL

SCM Has Developed a Regulation on Public Information and Media Relations

The representatives of the media will be able to video and audio record public court hearings only with permission from the court president, while for closed hearings recording will be forbidden. These proposals are included in the draft *Regulation on Public Information and Media Relations Service*, developed by the Superior Council of Magistracy (SCM). The document is published on SCM's website and will be open for discussions until August 2013. Proposals, suggestions and objections regarding the content of this document may be sent by fax to: 022223840 or by email to: aparatul@csm.md.

How Should You Report a Corruption Case?



If citizens learn about corruption acts or if they are bribed, they may file a complaint to the National Anti-corruption Centre (NAC). The complaint should include the full name, address, description of the act and the perpetrator, if known, and be signed by the author of the complaint. The complaint must be sent to the following address: *MD 2004, Chisinau municipality, 198 Stefan cel Mare Ave.* (by mail, to the officer on duty or to the mail boxes located within NAC's precincts). The complaints may also be filed electronically to: secretariat@cccec.md or through the website www.cna.md, in the section “How should your report a corruption case?”.

Number of Inmates Exceeds Capacity in Five Penitentiaries of the Country

In the penitentiaries of Leova, Cahul, Balti, Chisinau, and Crivcova, the number of detainees exceeds by far the capacity of these institutions. While authorities plan to build annexes or additional buildings to the existing penitentiaries, experts say our country should use more often methods alternative to detention and pretrial arrest, stipulated by the existing legislation.

According to Ana Dabija, interim director of the Penitentiary Institutions Department (PID), the overall number of inmates in prisons now is 6,655, while the total detention ceiling for the current year is 7,843 detainees. Based on the data recorded by April 1, 2013, five out of the 16 penitentiaries in the country are overcrowded. The maximal capacity of the Remand Centre No. 13 of Chisinau, for instance, is 710 detainees, while the actual number of detainees here is 1,003. The situation at the Remand Centre No. 11 of Balti is similar – the capacity is 250 while the actual number of detainees is 509. PID's administration explains that the number of detainees exceeding the capacity has resulted from the legal amendments,

which require that, following the expiry of the 72-hours term of preventive arrest, all arrested people be transferred from the custody of the police bodies to the Remand Centers of penitentiaries. To reduce congestion in penitentiaries, the authorities have planned to renovate some of the buildings and improve the detention conditions. “At Balti Penitentiary, it is planned to build a Remand Centre with a capacity of 650 places, where people in preventive arrest and those serving their term in initial regime will be put. At Penitentiary No. 3 of Leova, it is planned to renovate a three-storeyed building for the initial regime and redesign the building for a cell detention system”, Ana Dabija, Interim Director of PID says.

It should be noted that the minimal threshold allowed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is 4 square meters for every detainee in the cell.

Alternative Detention Methods are overlooked

Lawyer Victor Pantaru believes that, rather than investing huge amounts of money to build or ren-

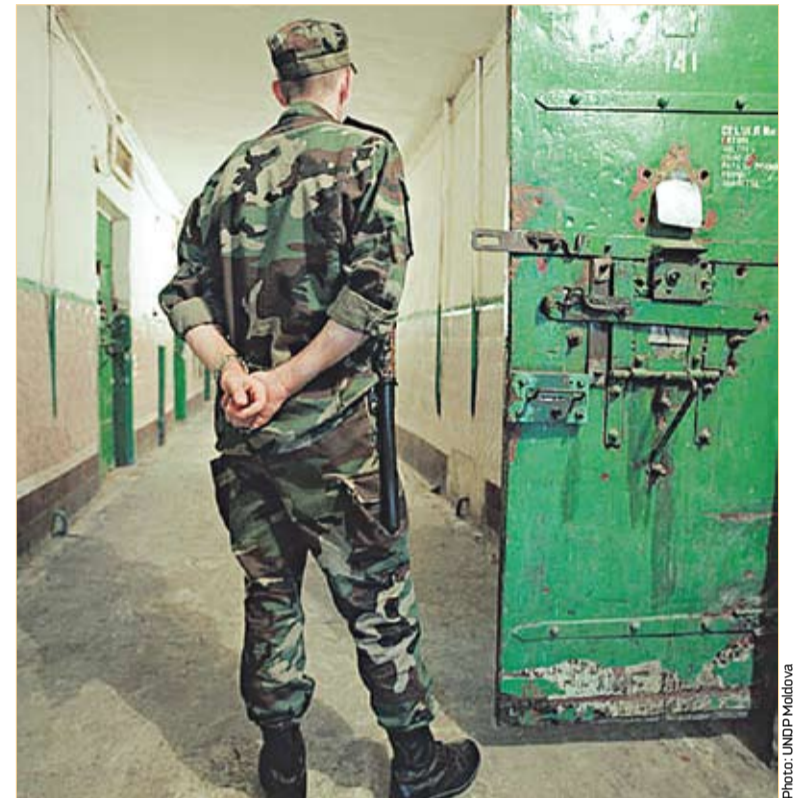


Photo: UNDP Moldova

ovate penitentiaries, the authorities should implement in a more efficient and responsible way the system of alternative punishments, which could replace detention. “Our legislation provides for such alternative methods as probation, conditional release or release on bail. Unfortunately, these are not used in practice. For instance, the release on bail implies trial without imprisonment of the accused, upon payment of a certain amount of money as a bail and having to observe some restrictions. If the defendant fails to meet these obligations or if he/she commits other crimes before trial, the money is transferred to the national budget”, the lawyer says. Recently,

experts of the Council of Europe have submitted a Report on the Conditions of Imprisonment in Moldova to the Ministry of Justice. According to the document, the implementation of measures alternative to detention, such as electronic supervision and unpaid community work would reduce the number of inmates. The report also recommends Moldovan authorities to introduce provisions on the transfer of the convicted “in initial regime” to prisons and make thorough evaluation of the risks and needs set by the prison's authorities when deciding on detention “in initial regime”, as well as make such detention as short as possible.

The Reform of Public Prosecution Service Implies Structural and Mentality Changes

On July 11, 2013, the Prosecutor General of Moldova, Mr. Corneliu Gurin and the Minister of Justice, Oleg Efrim, signed the Joint Order on the establishment of the Working Group for Development of Draft Laws to promote the reform of Public Prosecution Service.

The working group will be composed of 16 people, including 3 representatives of the Prosecution Service, three representatives of the Ministry of Justice, three university professors, two representatives of non-governmental organizations, one member of the National Institute of Justice, one representative of the Customs Authority, one member from the Ministry of Internal Affairs, and one expert from the United Nations Development Program (UNDP). Vlad Gribincea, the director of the Legal Resources Centre (LRC), who chairs the working group, says the reform of the prosecution service is stipulated in the *Judiciary Reform Strategy for 2012-2016*. The group will develop



Corneliu Gurin and Oleg Efrim speak before the press about the legal amendments related to the reform of public prosecution service.

the concept of the reform proposals and will ensure public debate thereof. In addition, a number of legal amendments will be developed, including to the Constitution of Moldova and the Law on Public Prosecution Service. Based on these amendments, the procedure for appointment and dismissal of Prosecutor General will be revised; clearer, more transparent, and merit-based criteria will be established for the selection, appointment and promotion of prosecutors; the independence of the Superior Council of Prosecutors will be ensured; the Prosecution Service will be demilitarized and prosecutors will get the

status of magistrates. The provisions on prosecutors' liability, particularly disciplinary liability, will be revised to eliminate prosecutors' general immunity.

The reform of public prosecution service – on the agenda of every government

Valeriu Gurbulea, former prosecutor general of Moldova in 2007-2009, when reform of the prosecution service was also planned, says the initiatives of the current government to reorganize the institution will not be successful. “What will they reform? They will only

replace prosecutors' uniforms by magistrates' robes. These reforms are done for the sake of appearance, to please foreigners in order to attract foreign funds”, former prosecutor general asserts. On the other hand, Vlad Gribincea explains that every new government makes statements about their desire to reform the prosecution service; however, there is not always enough political will to achieve these objectives. “I think, until now, none was really willing to implement the reform, because politicians wanted to have control over public prosecution service. I hope the current government has given up the older approaches. If the necessary amendments are made, the procedures within the prosecution service will become clearer and the quality of services will increase, and citizens will notice this. However, these amendments relate to the legal framework, while the bigger issue lies with prosecutors' mindset, which is impossible to change overnight”, LRC Director adds.

The cost of the Prosecution Service reform will be

124 million Euro.

The money will be allotted from the state budget, as well as from EU funds.



This page has been edited by the Association of Independent Press (API). Reporter – Lilia Zaharia