



“The biggest risk Moldova could face on its European path is for the judiciary to be under political control..., and if the judiciary is controlled, the government cannot function correctly”.

Traian Băsescu,
President of Romania



THE REFORM IN A NUTSHELL

Fifteen courts instead of 44



Presentation of the Study.
Source: www.justice.gov.md

“Courts should be optimized in order to ensure an efficient judiciary and proper delivery of justice”. This is a recommendation of the authors of the Opportunity Study on Optimization of the Court Location Map, conducted by the Legal Resource Centre of Moldova (LRC). According to Vlad Gribincea, head of LRC, reducing the number of courts would help improve the quality of justice delivered and make better use of public funds in this sector. The study has concluded that bigger courts create better working environment; the only argument against the liquidation of small courts is their proximity to the local communities, which allows quicker access of citizens to justice. The Study also mentions that the 44 courts currently existing in the country could be reorganized into 15 courts. The Deputy-Minister of Justice, Nicolae Esanu, said the authorities would analyze the study recommendations but would not hurry the process in order to avoid hindering the reforms started.

Capital Investments worth Over 44 Million MDL

Over 44 million Moldovan lei have been allotted in the national budget for 2014 for the construction and reconstruction of three courts in the country. Thus, according to Annex No. 3 of the National Budget Law for 2014, over ten million lei are planned for the construction of the Ungheni Courthouse, three million lei – for the reconstruction of the Botanica district court in Chisinau, and 31 million lei for the extension of the building of Chisinau Court of Appeal.

In 2013, the Disciplinary College of the Superior Council of Magistracy (SCM) opened and examined 58 disciplinary proceedings against several judges in the country.

În anul 2013, Colegiul Disciplinar din cadrul Consiliului Superior al Magistraturii (CSM) a intentat și examinat

58 de proceduri disciplinare

pe numele mai multor judecători din țară.

Citizens with Minimal Incomes May Request State Guaranteed Legal Assistance

Citizens with minimal incomes may request assistance from a lawyer of the Regional Office of the National Council for State Guaranteed Legal Assistance closest to the town/village where they live. In 2013, in Moldova there were 490 lawyers paid from the budget to provide free legal assistance to citizens.

Victoria Palencu provides state guaranteed legal assistance in Cahul raion. From her experience, the biggest number of requests for assistance relate to criminal cases examined by the Court of Appeal, followed by the civil and administrative cases. “Citizens, who cannot afford paying for the services of an attorney, may benefit from free legal assistance, which covers lawyer’s services but not the state taxes for documents. I’ve witnessed situations when the beneficiaries did not want to pay the state tax for the certificate of divorce, saying that they had been told legal services would be provided for free”, the lawyer explains.

Who may benefit from free lawyer’s assistance?

Nadejda Hriptievski, lawyer at the Legal Resource Centre of Moldova says this type of services is much needed, especially by people with low incomes. “We are all equal before the law and we all have the right to a fair trial, regardless of our living standards. Therefore, all citizens should benefit from qualitative legal assistance”, she says.

Petru Hodorocea, coordinator at the Cahul Regional Office of the National Council for State Guaranteed Legal Assistance (NCSGLA) explains that qualified legal assistance includes providing consulting or defender services



Training for lawyers who provide state guaranteed legal assistance, September 2013. Source: www.inj.md

before the criminal investigation bodies and the courts, in criminal, civil or administrative cases before the public administration authorities. “Qualified legal assistance is provided to citizens who have an average monthly salary lower than the subsistence minimum per capita. To benefit from state guaranteed legal assistance, a person should file a request to the Regional Office of NCSGLA, complete an income declaration, attach the certificate of family membership, the certificate from his/her workplace about the incomes received in the last six months and the certificate from the National House for Social Insurance about the social allowances received”, Petru Hodorocea explains. If the applicant’s income is slightly higher than the minimal income per economy, he/she will pay personally for a part of the legal assistance expenses.

Emergency legal aid

There are cases when citizens may benefit from legal assistance

regardless of their revenue, if the request for such assistance is made by the criminal investigation body or the court. Thus, the criminal investigation officer, the prosecutor, the judge or the person who conducted the apprehension, may ask

the Regional Offices of NCSGLA to appoint a lawyer to provide legal assistance to a certain person. The request is based on the legal provision that requires the mandatory participation of a defender in criminal or civil trials.

Regional Offices of NCSGLA	Jurisdiction
Chisinau Regional Office Chisinau mun., 1 Alecu Russo str., A1, offices 35, 36	Chisinau municipality, Basarabesca, Calarasi, Cimislia, Criuleni, Dubasari, Ialoveni, Hancesti, Nisporeni, Orhei, Straseni, and Rezina raions
Balti Regional Office Balti mun., 2 Mihai Sadoveanu str.	Balti municipality, Briceni, Donduseni, Drochia, Edinet, Falesti, Floresti, Glodeni, Ocnita, Riscani, Singerei, Soroca, Soldanesti, Telenesti and Ungheni raions
Comrat Regional Office Comrat town, 42 Tretiacov str.	The settlements in the Autonomous Territorial Unit of Gagauzia
Oficiul Teritorial Bender (Căușeni) or: Căușeni, str. Alexei Mateevici nr. 9, bir. 41.	Raioanele Anenii Noi, Bender, Căușeni și Ștefan Vodă
Cahul Regional office Cahul town, 6 Independentei str. .	Cahul, Cantemir, Leova, and Taraclia raions

Every Third Candidate Rejected

During last year, 40 candidates to the position of judge submitted their applications to the College for Selection and Career of Judges within the Superior Council of Magistracy (SCM). Thirteen of them were rejected.

Vasile Hrapacov has worked for several months as a judge at the Comrat court. He was one of the candidates who passed the contest before the College for Selection and Career of Judges. Earlier I was a prosecutor, so it was not hard for me to get used to the new working conditions. If you do your job professionally, it doesn’t matter where you work”, the judge says.

In 2013, 40 people applied to the position of judge but only

27 of them were selected. Oleg Balan, Deputy Director of the Academy for Public Administration and member of the College for Selection and Career of Judges says the main reasons for the rejection of one third of the can-

didates to the positions of judge is that they come to the contest poorly prepared. “If the candidates have worked as prosecutors, lawyers, or have attended the courses of the National Institute for Justice (NIJ), they have

sound knowledge in the area. If they come from other fields and do not make efforts to study, then of course they fail in the competition”, Oleg Balan asserts.

According to the Regulation on the Criteria for Selection, Promotion and Transfer of Judges, successful candidates to the position of judge should meet the following requirements: have the citizenship of Moldova, be legally competent, have a Bachelor in law or equivalent, have no criminal record, know the state language, be medically fit to perform this position, and should have attended NIJ’s trainings.

In order to be accepted to the position of judge, candidates should receive a score of at least 75.

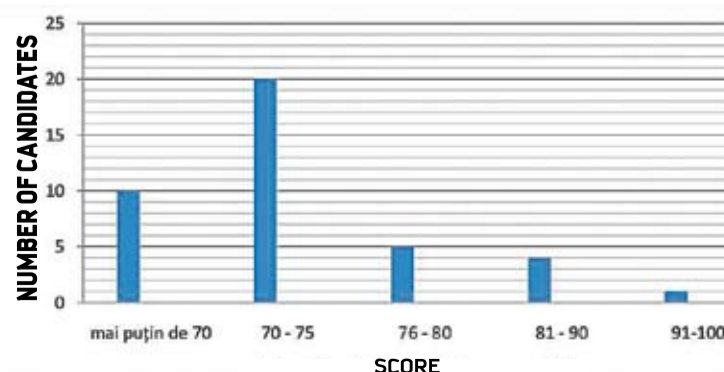


Chart: Score received by the 40 candidates to the position of judge in 2013