

# **PUBLIC APPEAL on the Initiatives to reform the judiciary and imitation the fight against corruption**



Several representatives of the civil society call on Moldovan decision-makers to take real and effective measures to fight against corruption and ensure an

## **independent and accountable judiciary**

Representatives of the civil society are concerned with the lack of transparency and the possibility of adoption in a hurry of several legislative initiatives that include radical changes to the judiciary and the civil procedure code, as well as setting up specialized courts for corruption cases. The NGOs launched a public appeal calling the decision-makers, especially the Government and the Parliament, to adhere to the previously assumed commitments and to refrain from adopting in a rush the initiatives that could turn dangerous in the Moldovan context. Decision-makers were also called to continue the implementation of the Justice Sector Reform Strategy for the period 2011-2016 and promptly implement the activities provided by the strategy.

In particular, the signatories of the public appeal are concerned with the proposals regarding the reorganization of the Supreme Court of Justice (SCJ); selection of the majority

of judicial inspectors from the civil society; entitlement of the SCM with the right to check the judges' assets and to dismiss them if they cannot prove the legality of acquiring such assets; payment of the court fees after the case is finished instead of the moment of submission of the court claim; setting up deadlines for examining cases in courts to the detriment of the quality of justice and creation of specialized courts for corruption cases.

The signatories are concerned with the fact that the decision-makers are protracting the implementation of the law on prosecution service and the related legislation, the fact that the three draft laws regarding the national integrity system are not being promoted, taking into account the fact that the respective draft laws were subject to inclusive public consultations with the decision makers, civil society, national and international experts and were rejected by the Government on 16 June 2015. These normative acts set up the institutional framework and real instruments to prevent and fight corruption. Civil society representatives maintain that protracting the adoption of the respective draft laws can mean only one thing – that the Moldovan authorities are not interested in creating real and effective tools to fight corruption, but are imitating the process of fighting corruption.

**The signatories call on the Government and the Parliament to,** among others, urgently adopt the draft law on prosecution service and related laws, as proposed by the working group; reassign prosecutors, support staff and criminal specialists and investigators in the prosecution system and the National Anticorruption Center to strengthen the Anticorruption Prosecutor's office according to the model of the National Anticorruption Directorate from Romania; adopt the draft law on the National Integrity Center, the draft law on personal assets and interests and the draft law amending and supplementing certain normative acts, in the version proposed

by the Ministry of Justice to the Government in June 2015; appoint in key positions persons according to their professionalism and integrity, and not according to political criteria and continue the implementation of the Justice Sector Reform Strategy for the period 2011-2016 and promptly implement the activities provided by the strategy.

**The signatories call on the judiciary, in particular the Superior Council of Magistracy and affiliated bodies and the Ministry of Justice,**to, among other, thorough monitor, detect and sanction any violations in the random distribution of cases in courts, ensure audio recording of all court hearings, strengthen judges' disciplinary accountability mechanism and promote at the SCJ of only judges with impeccable reputation and of the highest professional standards.

The full text of the public appeal is available here in [Romanian](#) and in [English](#).