

A P P E A L regarding the revision of certain acts adopted by the Parliament of the Republic of Moldova on 3 May 2013, which compromise the efforts to reform the justice sector

Chisinau, 7 May 2013

In the attention of:

*Mr. Nicolae Timofti, President of the Republic of Moldova
Members of Parliamentary Factions and unaffiliated Members of Parliament*

The undersigned organizations express their concern and strongly condemn the unjustified speed and lack of transparency, in absence of consultations with the society, with which the Parliament passed decisions and laws that have a negative impact on the rule of law and undermine the Justice Sector Reform effort launched by the Strategy approved by Parliament by Law no. 231 of 25 November 2011.

Lately, civil society organizations responded with numerous calls and statements of concern to some negative trends that risk undermining democratic institutions and reforms in the justice sector. Unfortunately, civil society concerns were ignored and the signatory organizations were not consulted before the adoption of the package of legislative documents of 3 May 2013, which was passed in disregard of basic principles of transparency in the process of adopting legislation. The above-mentioned actions do not comply and directly contradict

the commitments in the 2011-2014 Government Program.

The signatories of the present Appeal call attention to the fact that the Statute of the National Anti-Corruption Center (CNA) has been revised in compliance with pt. 2.1.2, "Revision of the Statute of the Centre for Combating Economic Crimes and Corruption" of the Strategy, following a lengthy process, which was accompanied by numerous public debates, resulted from a series of comprehensive studies and analyzes conducted during the years 2010-12, and was concluded with the adoption of a CNA consolidation strategy, amendments of the CNA Law and CNA capacity building activities. Contrary to these efforts, legislative amendments operated on 3 May 2013 provide major changes to the CNA Statute that diminish the independence of the Center.

At the same time, we note that, according to strategic direction 2.2, "Enhancing the professionalism and independence of the Prosecutor's Office" of the Strategy, a series of actions were planned to depoliticize, promote institutional autonomy and independence, and enhance the efficiency and transparency in the work of the Prosecutor's Office. We find that holding a public competition for a candidate for Prosecutor General, the subsequent selection of a candidate who was not presented to Parliament, the nomination and appointment of another candidate, and, finally, the "revision" of the vote and repeal of the decision to appoint the Prosecutor General when the person had already been sworn in and officially assumed office is a clear indication of the dependence of the institution of the Prosecutor on Parliament and its implicit dependence on the existent political situation in the state.

In the same context, according to strategic direction 6.1, "Strengthening the role of the Constitutional Court", a comprehensive reform of the Constitutional Court was planned for the years 2013-2016. At the end of the period, changes were to be made in the Constitution and national legislation

to strengthen the role of this institution. Hence we believe that passing amendments by which the mandate of a Constitutional Court judge may be revoked by Parliament without a rational justification is openly unconstitutional. Moreover, this severely affects the principle of separation of powers, to which the Constitutional Court acts as a guarantor.

In light of the above, the undersigned appeal to the President to:

- Not promulgate the legislative acts passed by Parliament on 3 May 2013, in particular the amendments pertaining to the National Anti-Corruption Center;
- Urgently convene a special meeting of the National Council for Law Enforcement Bodies Reform to submit for public debate the functioning of the CNA, the Prosecutor General Office and the Constitutional Court, and to develop suggestions aimed at improving the amendments voted on 3 May 2013 with respect to the mentioned law enforcement institutions.

At the same time, the signatories call on all the Members of the Moldovan Parliament to:

- Publish (on the Parliament's website) the text of bills voted on 3 May 2013 in order to get acquainted with these projects. We find it unacceptable to be able to access the text of the respective norms only after they are published in the Official Gazette, as they must be made available in advance on Parliament's website;
- Reject, in the second reading, all legislation aimed at reforming bodies of law, in this case the Constitutional Court;
- Operate amendments to normative acts in strict compliance with the principle of transparency in decision making (public discussion of all important bills, especially those related to the justice sector reform);

- Operate amendments to laws related to the justice sector reform only after respective amendments are made to Law no. 231 of 25 November 2011 on the adoption of the Justice Sector Reform Strategy.

Signatories:

1. **Pavel Postica**, Promo-LEX
2. **Olesea Stamate**, AGER
3. **Valeriu Prohnițchi**, Expert-Grup
4. **Ludmila Popovici**, RCTV Memoria
5. **Nadia Hriptievschi**, Center for Legal Resources
6. **Eduard Mihalăș**, CNTM
7. **Serghei Ostaf**, CReDO
8. **Veaceslav Țurcan**,
9. **Lela Metreveli**, Human Rights Embassy
10. **Vitalie Zamă**, Lawyers for Human Rights
11. **Igor Botan**, Association for Participatory Democracy
12. **Leonid Litra**, Independent expert
13. **Roman Ceban**, Ius Moldova

The Appeal is open for signing by other organizations.

For more details, please contact Iulia Munteanu: (022) 450024