



“Moldova will have the chance to reduce the power of the oligarchs if it accedes to a big market such as that of the European Union. However, in order to get in the EU Moldova has to fight corruption and implement a viable reform of the judiciary”.



**Wicher Slagter,**  
Head of the Political and  
Economic Section, EU  
Delegation to Moldova

## THE REFORM IN A NUTSHELL

200 computers,  
200 printers  
and 30 scanners



The equipment donated by the US Government is being tested at the Botanica COURT. Photo by Lilia Zaharia

– this set of technical equipment was offered to the courts in Moldova by the US Government to support the judiciary reforms. William H. Moser, Ambassador of the US, stated that this donation worth over 327 thousand dollars is meant to improve the delivery of justice. “This aid has been granted not to the officials but to the Moldovan people, as by having the necessary equipment in the courts, the public would see a transparent activity of the courts and this would contribute to improving citizens’ perception about the judiciary,” the ambassador mentioned.

It should be noted that the Judiciary Reform Strategy provides for the development of a e-justice system through efficient use of the random case assignment system featured in the Integrated Case Management System (ICMS), as well as the Femida court audio recording system.

## SCM’s Reporting

On March 14, 2013, the Superior Council of Magistracy will organize the General Meeting of Judges (GMJ). The SCM Report on the Administration and Operation of the Judiciary in 2013 will be presented within the meeting. The agenda of the event also includes the election of two permanent SCM members representing the judges of the courts of appeal and the ordinary courts of law. We should note that, within the GMJ of January 2014 only one permanent member was elected – Victor Mincu, a magistrate at the Riscani district court of Chisinau, therefore, the SCM membership is incomplete.

According to the 2013 Activity Report of the European Court for Human Rights (ECtHR), the share of applications against the Republic of Moldova accepted for examination by the ECtHR has reduced considerably, representing **0,6%**. In 2010–2012, **28,3% of the applications** lodged against Moldova were accepted for examination.

# What do Court Visitors Demand?

“The court staff should be more courteous and more considerate towards citizens; a one-stop-shop should be installed at the courthouses for lodging complaints and requests”, these are just a few of the demands of the people who have visited the courts in Moldova. The data are included in the “Study on Moldova Court Visitors’ Satisfaction” presented recently by the Ministry of Justice.

The Study has been prepared based on the interviews with 604 visitors who have been interviewed at the exit from 17 courthouses. The questions related only to respondents’ current visit, having a 4% margin of error.

## Sufficient number of comfortable toilets... but not for everyone

71% of the interviewed people mentioned that there are sufficient tables and chairs within the courthouse and these are in good condition. At the same time, about half of the respondents said they visited the restrooms in the courts and rated them as sufficiently clean and comfortable. However, there are courthouses where the interior toilets are locked, access being allowed only for the court staff, while visitors have to use the toilets outside the courthouse.

Most of the respondents did not think that participants in the trial were discriminated by the judge. At the same time, it was established



Notice on the courtroom door informing visitors that hearings are audio recorded. Photo by Lilia Zaharia

that most of court visitors did not know about the availability of the Integrated Case Management System and only 67% of the respondents were familiar with the court audio recording procedure.

## It is impossible to install a one-stop-shop

Court visitors have also made some suggestions. They said the court staff should be more courteous, more considerate and responsive and should observe their work schedule and provide heating in the courtrooms. Also, there should be a working copier in the courts, since visitors are not allowed to take the case file out of the courthouses. At the same time, respondents suggested displaying samples of official documents in visible places and creating an information center next to the entrance or a one-stop-shop for lodg-



Notice board at Botanica court, Chisinau. Photo by Lilia Zaharia

ing complaints and requests.

Constantin Bragoi, Head of the Judicial Administration Department (JAD) says court visitors think of the one-stop-shop as being a place where they can solve all their trial-related issues. However, the courts cannot have a one-stop-shop as the requests are lodged at the court’s chancellery. “Some of the renovated courts have a separate room where visitors can get archived papers, copies of documents, and documents that are not directly related to justice delivery”, the head of JAD says. Mihai Poalelungi, president of the Supreme Court of Justice (SCJ) also asserted that it is not possible to install one-stop-shops in the courts.

“Citizens want the courts to have one-stop-shops as the cadastral authority does, but this impossible to do. In the courts, there should be a special room for lodging requests, which would instantly be assigned depending on their type: for examination or for suspension. If we had a one-stop-shop, there would be a total mess in the court,” the SCJ president said.

The 17 courts where the survey was conducted were selected randomly, from all regions of the country: four from the Chisinau municipality, two courts from each of the cities of Balti, Comrat and Cahul, three – from the northern region and three from the central region.

# Controversy about Corruption and the Corrupt in the Judiciary



Dumitru Visternicean. Photo: unimedia.info



Oleg Efrim. Photo: Jurnal.md

**The acting president of the Superior Council of Magistracy (SCM) Dumitru Visternicean has stated in an interview delivered to the portal [www.moldova-curata.md](http://www.moldova-curata.md) that the lack of cases of conviction of judges for corruption acts is indicative of the fact that there are no corrupt magistrates, while the law providing for the confiscation of the property illegally acquired by the magistrates is unconstitutional. Minister of Justice, Oleg Efrim, replies that currently a number of cases have been initiated against some judges suspected of the commission of corruption acts and if they are found guilty, they must be put behind bars.**

“Speaking about corruption as a social phenomenon is one thing, while speaking about specific corrupt people is a totally different thing. We say there is corruption in general, but when we say a person is corrupt, we need to prove it. If this is not proven, it means there are no such judges” – this is a statement of the acting SCM president Dumitru Visternicean. He asserts people may not accuse judges of corruption, as long as law enforcement bodies prove the contrary. “Yes, the media alleges these judges have been involved in various actions. These facts have been investigated by the prosecution service and it has been proven that they have been faked”, Visternicean argues. In response,

the Minister of Justice, Oleg Efrim says there are several cases initiated against some judges suspected of corruption, after their immunity was withdrawn. “It is only now that corruption cases started to be investigated, including through catching judges red-handed. The lack of practice in this regard complicates things, but I am tempted to see the glass half full. I’m not happy that there are corrupt judges and in flagrante actions, but I am firmly convinced that any judge who dares to do such things must be put behind bars,” Minister of Justice stated.

## Controversy about the property

The opinions of the acting

SCM president and the Minister of Justice on the package of anticorruption laws voted by the Parliament at the end of last year are also divided. Thus, Dumitru Visternicean is skeptical that these laws will be functional, including the one providing for the confiscation of the property illegally acquired by magistrates. He hinted that the legal document would be appealed to the Constitutional Court. Minister Oleg Efrim assures the law is constitutional: “Citizens are inquiring about judges’ properties, as it is obvious that civil servants wouldn’t be able to secure the living standards they have, with their salaries. It is hard to investigate corruption cases committed earlier, but at least we should not admit them to happen in the future. This is why we have increased the sanctions for corruption acts: we have introduced the confiscation of the property and the criminal liability for illegal enrichment.”

Vlad Turcanu, PR adviser to the president mentioned that the anticorruption package of laws was promulgated by the president of Moldova and will soon be published in the Official Gazette.