



“A decision issued by a court should be based solely upon the letter and the spirit of law”



Kent Larson,  
Director of USAID Moldova

## THE REFORM IN A NUTSHELL

### Lawyers Are Trained to Provide Legal Aid in Cases Involving Juveniles

In October inst., a team of 21 lawyers who provide state-guaranteed legal aid have participated in the training “Providing State Guaranteed Legal Aid in Cases Involving Children”. Participants have discussed and analyzed the international standards and fundamental principles of justice for children, the peculiarities of the diversion mechanism in criminal cases with the involvement of children, as well as aspects of ECtHR case law involving children. The training was designed primarily to improve lawyers’ capacities and skills regarding the techniques of hearing juvenile suspects, accused, and defendants, as well as juvenile victims or witnesses. The seminar was organized by the Institute for Penal Reforms of Moldova.

### Special Rooms for Juvenile Hearing to be Set Up in 7 Towns

By the end of this year, regional offices of the Prosecution Service in Aneii Noi, Cahul, Leova, Ocnita, Orhei, Soroca, and Calarasi raions will have special rooms set up for hearing juvenile victims or witnesses of crimes. According to the Press Centre of the General Prosecution Service (GPS), the necessary number of transportation units will be secured to facilitate the movement of the children and the people accompanying them, thus creating the necessary conditions for hearing the participants in pre-trial proceedings who need proper protection, in a short term and in optimal conditions, with no additional expenses incurred the latter. According to the criminal procedural law, these special conditions will be used for hearing juveniles of up to 14 years old who are victims or witnesses in cases related to sex, juvenile trafficking, and domestic violence, as well as in other criminal cases. Data of the GPS reveal that, since the beginning of the current year, crimes have been committed with relation to 453 children, including victims of sex crimes - 79 children and domestic violence - 50 children.

## Three Criteria for Evaluation of Magistrates: Efficiency, Quality, and Integrity



National Conference “Judges Performance Evaluation System”

**By the end of 2014, the performance of all judges in the country will have been evaluated. Magistrates will be subjected to evaluation based on several criteria: the efficiency and the quality of their activity, and their professional integrity. Judges will be considered to have passed the evaluation if they get a score between 40 and 100 points. By the end of September inst., 62 judges from different courts in the country were evaluated, all of them having earned over 40 points.**

Within the National Conference “Judges’ Performance Evaluation System” of April 2013, Nicolae Gordila, judge at the Supreme Court of Justice (SCJ) and member of the College for Evaluation of Judges’ Performance within the Superior Council of Magistracy (SCM) stated that 62 judges have been evaluated since April 2013 when the College started its activity. “The others will be evaluated by the end of 2014. The evaluation based on the criteria of efficiency and quality of activities and professional integrity will help establishing

the strengths and weaknesses of each judge and each court”, Nicolae Gordila explained. He added that all magistrates subjected to the evaluation until September inst., have successfully passed the test, getting between 40 and 100 scores; two judges got the value “excellent”, 47 - “very good”, 11 - “good”, and two judges got a “sufficient” value.

### How is the efficiency of judges’ activity evaluated?

According to the Regulation on the Criteria, Indicators, and Procedure of Judges Perform-

ance Evaluation, the evaluation considers the level of usage by the judge of the Integrated Case Management System (ICMS) and the Femida court audio-recording system, as well as his/her knowledge of Microsoft Word, Excel and Email. Another criterion for evaluation is the observance of deadlines in preparing the decisions and publishing them on the court’s website; for this purpose, three decisions issued by the judge for every year subject to evaluation are verified randomly.

At the same time, there is an assessment of whether the judge observes the reasonable term for case examination. This shall be evaluated based on the ICMS data, judges’ explanations, as well as based on any court decisions establishing the violation by the judge of the reasonable term within the delivery of justice.

Judges are also evaluated based on the number of cases actually examined versus the number of cases assigned for examination. Anastasia Pascari, director of the National Institute of Justice explains that this criterion may not be generalized as the number of cases

examined by a judge differs from one court to another. On the other hand, Victor Zaharia, director of the Institute for Penal Reforms (IRP) says the case settlement ratio may be calculated based on the average national case settlement ratio divided by the number of cases settled in the court where the judge works; the data could be taken from the ICMS.

### Judges who fail the repeated evaluation will be dismissed

The Regulation stipulates that judges performance evaluation shall be carried out every three years or in extraordinary cases (in case of appointment to the judge position before reaching the age ceiling; promotion to a higher court; appointment to the position of president or deputy-president of the court; transfer to a court of the same level or a lower-level court, and in case he/she gets the score level “poor” for the first evaluation). The maximal score they can get after the evaluation is 100 points for the magistrates of ordinary courts and courts of appeal, and 90 points - for the magistrates of the Supreme Court of Justice.

If a judge is assigned the score level “poor” by the Evaluation College, that is, if he/she gets less than 40 points, he/she must undergo a repeated evaluation in maximum 12 months from the first evaluation. If in the repeated evaluation the magistrate gets less than 40 points, it means he/she has failed the evaluation and the College shall notify the Superior Council of Magistracy to start the procedure of dismissal of the respective person from the position of judge.

### Score levels for the evaluation of judges’ performance

Score	Level
Less than 40 points	Poor
40-70 points	Sufficient
71-80 points	Good
81-90 points	Very good
91-100 points	Excellent

## On November 22, Three More Members of SCM Will Be Elected

**Only three out of the six permanent members of the Superior Council of Magistracy (SCM) representing the judges were elected within the General Meeting of Judges on October 18 inst. Some magistrates believe that all candidates should have presented their activity programs publicly.**

Thirteen candidates have participated in the contest for the permanent member position in SCM. The judges attending the General Meeting have cast their secret votes, after which it was announced that only Judges Dumitru Visternicean and Tatiana Raducan from the Supreme Court of Justice and Anatolie Turcanu from the Chisinau Court of Appeal have been elected to the member positions in SCM. The other candidates have not gathered the necessary number of votes.

Domnica Manole, judge at the Chisinau Court of Appeal says the voting results could

have been different if the candidates had presented their activity programs before the General Meeting. “They should have presented to us what they intended to achieve in this position. This would have helped the voting magistrates to better understand them,” the judge explains. On the other hand, Anatolie Turcanu, elected as a permanent SCM member says candidates’ activity programs have been displayed on the website of the institution and anyone interested could have read it. “Actually, I don’t mind the programs being presented publicly, but this would have caused the General Meeting to last forever, all the more that the presentations could have generated debates,” Anatolie Turcanu says.

Nichifor Corochii, SCM president says a new General Meeting of the Judges will take place on November 22 in order to elect three more permanent members and 2 interim members of



Photo: Zdc

SCM. It should be noted that, according to the Law No. 947 on the Superior Council of Magistracy, candidates who have received more than half of the votes of the magistrates attending the General Meeting shall be considered elected, in the decreasing order of the votes obtained.

366 of the 421 active judges participated in the General Meeting of Judges held on October 18, 2013.

According to SCM, in the first quarter of 2013, **5252** criminal cases involving individuals and **12** cases involving legal entities were examined in the domestic courts.



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