

## **The judiciary reform and fight against corruption in the Republic of Moldova**

### ***Moldovan Prosecutor General's Office slams amendment to prosecution law***

The Prosecutor General's Office (PG) has said that the draft law on the amendment of the law on prosecution runs counter to the norms of the national and international law. The draft law was registered last week at the parliament's secretariat by a group of Liberal Democrat MPs. According to the draft law, Article 66 from the above law is to be completed with additional conditions under which the prosecutor general could be dismissed from his office. The PG's statement on the matter said that "the circumstances for the dismissal of the prosecutor general stipulated by the authors of the project, bear a general and ambiguous character and can be applied unconditionally to all the prosecutors, in case they are adopted, and in particular, to those who are holding high posts. No European state has similar conditions to those envisaged in the draft". At the same time, the Prosecutor General's Office said that the draft law in question "runs counter to the norms of the national and international law, which provide for the institutional independence of the PG and of each prosecutor, while fulfilling their working duties, and establish different intervention procedures and terms for prosecutors". The draft law on the amendment of the law on prosecution was examined today within the parliamentary juridical commission for rules and immunities, which consented that the draft law can be submitted to the parliament.

*Moldpres, 26 October 2011*

### ***EU expects justice reform strategy passed by mid-November***

The European Union expects that the strategy for reforming the justice sector will be adopted by the middle of November. If it is not passed by that time with the head of state not being elected and with new early parliamentary elections on the way, financing in the given area may be stopped, the Head of the EU Delegation to Moldova Dirk Schuebels said in a meeting of the Chisinau Press Club. "We have long awaited that the Moldovan colleagues work out and approve the strategy for reforming the justice sector," said Dirk Schuebel. He reiterated that the EU will provide €50 million to Moldova in budgetary support for implementing this important reform. He said that he personally and other ambassadors were invited to a number of meetings of the commission for reforming the legal system, which is headed by Speaker and Acting President Marian Lupu. "Mister Lupu himself assumed responsibility for coordinating this process. I must say that the discussions were interesting. But after the recent debates in Parliament, I got the impression that no consensus was reached. It is yet only several weeks left until the middle of November," said Schuebel. According to the European official, not the EU Delegation will assess the way the reform strategy is implemented. European experts will come to Moldova on appraisal missions and the assessment criteria will be the same as those used in countries that joined or want to join the EU. "There will be applied the same 'more for more' principle about which I repeatedly spoke. Those areas of justice that implement the reforms defined in the strategy better and achieve better results will benefit from a larger volume of financing. We have a conclusive example. The European Commission provides budgetary support for implementing a water supply program in a number of settlements. As some of the steps agreed with the Moldovan authorities weren't taken on time, the first tranche of the planned financing wasn't transferred to the budget. The situation was then remedied and the second tranche will be disbursed," he said. Referring again to the justice reform strategy, Dirk Schuebel stated it should be passed by the middle of November. "I'm afraid that if it is not adopted in time and the head of state is not elected and there will be called early legislative elections, we will have to suspend financing. The discussions will have to be resumed after the elections and the process will last longer then," said the Ambassador.

*IPN, 22 October 2011*

### ***Civil society recommends depoliticizing law enforcement bodies***

A number of civil society organizations of Moldova launched a public call to the lawmakers, asking that they depoliticize and democratize the law enforcement bodies, Info-Prim Neo reports. "We are concerned about the fact that no institutional reform is implemented at the

Security and Information Service and that the institutional reforms at the Ministry of the Interior, the Prosecutor General's Office and the Center for Combating Corruption and Economic Crime are implemented at a very slow pace," the director of the Resource Center for Human Rights (CReDO) Sergiu Ostaf said in a news conference on Thursday. According to him, the recent public discussions that centered on the law enforcement bodies revealed that the political class focuses mainly on hirings and firings rather than on systemic changes and institutional reforms. Sergiu Ostaf said the depoliticization of the law enforcement bodies and of the procedure for naming their administration and the ministerial depoliticization can be ensured by rationalizing the entire decision-making process in a transparent and substantiated way. "The institutional depoliticization can be guaranteed by regulating the activity of the law enforcement bodies exclusively by the laws adopted by Parliament, avoiding secondary normative regulations, while the political independence of the hiring process can be ensured by introducing standards for assessing the individual performance, by paying decent salaries and implementing modern technology," said Sergiu Ostaf. The director of the Public Policy Institute Arcadie Barbarosie said the Alliance for European Integration maintained the existing system, when the parties tend to name their representatives as managers of law enforcement bodies. "Politicization means protecting the interests of the players who support the party. The law enforcement institutions, as in the period of the Communist government, are used to denigrate the political opponents. The slogan "The change until the end" remained a simple slogan. There is no political will to bring the initiated reforms to an end. How long should the voters wait? If we are unable to carry out our own reforms, we can copy those who did it," said Arcadie Barbarosie. He stressed that only society can make the politicians implement the recommendations as regards the depoliticization and democratization of the law enforcement bodies by the given votes as this is the mechanism whereby the people express their wishes in a democracy. The call to the lawmakers was launched by the Resource Center for Human Rights, the Public Policy Institute, the Moldova Institute for Human Rights, and the Human Rights Information Center. *IPN, 20 October 2011*

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