

REPORT TO PARLIAMENT

2023/2024

www.vettingmd.org

+373 61 29 44 99

office@vettingmd.org

180 Ștefan cel Mare blvd, 12th floor, MD-2004, Chisinau

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MESSAGE FROM THE CHAIRMAN



The Prosecutor Vetting Commission is pleased to submit this first report to Parliament, pursuant to the relevant provisions of Law No. 252/2023 “on the external evaluation of judges and prosecutors and amendments to some regulatory acts.” The Commission is tasked under the law to conduct a thorough evaluation of the financial and ethical integrity of senior and specialized prosecutors as part of the justice sector reforms necessary to assist in Moldova’s accession to membership in the European Union.

The Commission looks forward to partnering with prosecutors of Moldova, as well as with other state institutions, civil society, mass media and the public in implementing its mission. The success of these efforts is crucial for restoring the public trust in the prosecution system and contributing to a transparent and fair justice sector that serves the public interest.

Christopher Lehmann

Chairman of the Commission

ABOUT COMMISSION



The Prosecutor Vetting Commission has been established under No. Law 252/2023, with the stated purpose of undertaking a one-time evaluation of the ethical and financial integrity of Moldova's senior and specialized prosecutors.

The Prosecutor Vetting Commission is also responsible for completing evaluation of candidates for the self-administration bodies of prosecutors, namely the Superior Council of Prosecutors and its boards, under Law No. 26/2022.

OVERVIEW

This report is prepared and submitted to Parliament by the Prosecutor Vetting Commission (hereinafter “the Commission”), as required under art. 5 para. (3) of Law No. 252/2023 on the external evaluation of judges and prosecutors and amendments to some regulatory acts (herein “Law No. 252/2023”). Art. 5 para. (3) of that law requires that the Evaluation Commissions shall submit yearly to the Parliament by 31 March a report on their work in the previous year, which shall be published on the official website of the Evaluation commission. Accordingly, in accordance with art. 5 para. (3) of Law No. 252/2023, this report also has been published on the website of the Commission.

Nominal Composition of the Commission

The nominal composition of the Commission was approved by Parliament pursuant to art. 6 para. (1) of Law No. 252/2023, which provides that there will be six members of the Commission appointed by the vote of 3/5 of the elected Members of the Parliament; three Commission members to be citizens of Moldova proposed by the parliamentary factions, and three Commission members proposed by the development partners. On 26 October 2023, the Parliament approved three international members of the Commission: Christopher Lehmann, Irmantas Mikelionis, and Saskia de Vries. Two national members - Cornel Lebedinschi and Tatiana Raducanu - were approved on 24 November 2023.

Initial Meeting of the Commission with Ministry of Justice

As required under art. 22 para. (5) lit. a) of Law No. 252/2023, the first meeting of the Commission was organized and held with the Ministry of Justice on 1 December 2023. The Minister of Justice, Veronica Mihailov-Moraru, and the Prime Minister, Dorin Recean were present for the meeting, as were representatives of the international development partners.

Election of the Chairperson and Creation of Panels

The Commission convened its first meeting on 2 December 2023, in Chisinau, within the ten-day time period required under art. 22 para. (6) lit a) of mentioned Law. All five members of the Commission (as then confirmed by Parliament) were present and attending. At that time, their remained one vacancy on the Commission as the sixth member, designated for a Moldovan national, had not yet been confirmed by Parliament.

In accordance with art. 8 para. (1) of Law No. 252/2023, international member Christopher Lehmann was unanimously elected as Chairperson of the Commission by secret vote.

At the same time, in accordance with mentioned above art. 8 para. (1), the Chairperson designated Tatiana Raducanu as Vice-Chairperson with the right to exercise duties of the Chairperson in the case of his absence. The members of the Commission unanimously supported the decision to designate Tatiana Raducanu as the Vice-Chairperson.

At the meeting of the Commission on 2 December 2023, the Commission also designated the members of its Panels, as required by art. 15 para. (1) of Law No. 252/2023. The Commission unanimously selected Cornel Lebedinschi, Christopher Lehmann and Saskia de Vries as members of Panel A, and Irmantas Mikelionis, Tatiana Raducanu and Saskia de Vries as members of Panel B. In the absence of the sixth member of the Commission, member Saskia de Vries was selected to both panels.

Approval of Rules of Procedure for evaluation of candidates for positions in the self-administration bodies of prosecutors (pre-vetting) under Law No. 26/2022 on measures related to the selection of candidates for the positions of members in the self-administration bodies of judges and prosecutors

On 5 December 2023, the Commission approved its rules of procedure for evaluations of subjects referred to under Law No. 26/2022 (see art. 22 para. (12) and (13) of Law No. 252/2023). Under art. 22 para. (13) of Law No. 252/2023, and as per art. 6 lit. a) of Law No. 26/2022 the Commission is required to “evaluate the subjects according to the procedure and criteria regulated by Law No. 26/2022”. Accordingly, in the interest of consistency with the practices and procedures of the Pre-Vetting Commission, the Commission approved both (1) the “Rules of Procedure of the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors, pursuant to Law No. 26/2022” and (2) the “Evaluation Rules of the Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors, pursuant to Law No. 26/2022”, as amended in both cases by the Pre-Vetting Commission on 6 September 2023, and as published on their website.

The Commission made only one amendment to the Pre-Vetting Commission’s rules, namely, it replaced art. 16 para. (7) lit. a) of the Rules of Procedure under Law No. 26/2022 (“The Secretariat shall ensure that the evaluation materials are produced in hard copy, watermarked with the name of the Commission: ‘Pre-Vetting Commission’ and the name of the candidate ‘candidate First Name, Surname’”) with language that would allow the Commission to provide the materials in digital rather than hard copy form (“The Secretariat will provide copies of materials in a read-only digital format.”).

On 5 December 2023, the Commission also approved (for evaluations under art. 22 para. (12) and (13) of Law No. 252/2023, and as per art. 9 para. (2) of Law No. 26/2022) the declaration forms and ethics questionnaire as approved and used by the Pre-Vetting Commission.

Rules of Procedure and Forms Approved for Evaluation of Candidates under Law No. 252/2023

Art. 5 para. (4) of Law No. 252/2023 requires the Commission to draw up and approve its own Rules of Procedure. Art. 22 para. (6) lit. b) of Law No. 252/2023 reiterates that requirement and further requires the Commission to approve its Rules of Procedure within 20 working days of the confirmation of the nominal composition of the members. Accordingly, the Commission unanimously approved its Rules of Procedure on 18 December 2023.



Additionally, on that date the Commission unanimously approved templates to be submitted by the subjects of the evaluation, namely (1) a declaration of wealth and personal interests (the “Five Year Declaration”) that includes the list of close persons in the judiciary, prosecution and public service, and (2) an ethics questionnaire. See art. 12, paras. (3)-(5) of Law No. 252/2023.

Receipt of Lists of Candidates from Superior Council of Prosecutors and Initiation of the Evaluation Procedure

On 15 December 2023, the Commission received from the Superior Council of Prosecutors (hereinafter “SCP”) a list of 33 candidates for positions on the SCP Selection and Evaluation Board and the SCP Discipline and Ethics Board. On that same date the Commission sent correspondence to the candidates advising them that the Commission would initiate the formal evaluation procedure under art. 9 of Law No. 26/2022 in the coming week. On 22 December 2023 the Commission initiated the evaluation procedure for 29 of the candidates, sending them formal request for completion of the Five-Year Declaration (5YD) and the Ethics Questionnaire. The deadline for submission of the declaration and questionnaire was on 29 December 2023, as per art. 9 para. (2) of Law No. 26/2022. Twenty-five of the candidates submitted their responses by this deadline; four did not.

Establishment of the Commission’s Secretariat

The Secretariat staff formally began its operations on 2 January 2024, and immediately began the process of beginning background checks on the candidates who had submitted declarations on or before 29 December 2023. This includes the drafting and sending of requests for information to national authorities and commercial entities.

Working with the development partners, the Commission has continued its efforts to recruit and fully staff the Secretariat. That process has been challenging. The process necessarily incorporates background checks of all applicants by the authorities. The authorities have limited capacity to expedite their review process, meaning that during the first quarter of 2024 the Commission has operated with only a skeleton staff on its Secretariat, slowing the process of investigating and evaluating candidates. The process of background checks of applicants is ongoing.

The development partners have provided access to training for the Commission staff, as well as the Commissioners themselves.

Launch of the Commission’s Website

The Commission’s website went live on 23 December 2023, and is regularly updated by the Secretariat. The website is an integral part of the Commission’s efforts at promoting transparency of its work and is a key tool for communicating directly with both the public and the candidates for evaluation.

As part of its outreach efforts, the Commission also created official pages on Facebook, LinkedIn, and YouTube platforms. These additional communications channels will help convey Commission's messages to a broader audience in order to raise awareness, understanding and support for the justice sector reform.

Commission Issues its First Four Decisions

On 25 January 2024, the Commission issued its first decisions, finding that it was required under the statute to fail three candidates due to withdrawal from the competition. One decision was posted to the Commission's website. The other two decisions were not due to objections from the candidates.

On 7 February 2024, the Commission issued a decision failing a candidate due to his stated refusal to comply with the deadline for submitting a 5YD as required under art. 9 para. (2) of Law No. 26/2022. The candidate objected to publication of the decision.

Appointment of Sixth Member of the Commission and Redesignation of Panels

On 1 February 2024, Parliament approved the appointment of the sixth member of the Commission, national member Nadejda Hriptievschi. Accordingly, on 6 February 2024, the Commission (voting unanimously) redesignated the membership of its Panels, selecting Nadejda Hriptievschi, Christopher Lehmann, and Saskia de Vries as members of "Panel A" and Cornel Lebedinschi, Irmantas Mikelsonis, and Tatiana Raducanu as members of "Panel B".

Amendments to the Rules of Procedure

On 20 February 2024, the Commission amended its Rules of Procedure. Specifically, it amended art. 25 para. (3) of the Rules as follows: "The Commission will set a deadline for the submission of the declarations and questionnaire of 20 days after its email". The amendment deleted the word "working" from the sentence, in front of "20 days" thereby shortening the period for submission by the candidates of the 5YD. The Commission also amended art. 12 of the Rules to provide additional time for the preparation and signing of the Commission's internal minutes (changing the time period for three to seven days).

Also, on 20 February 2024, the Commission approved revisions to its 5YD, that includes the list of close persons in the judiciary, prosecution, and public service, to include year 2023 into the evaluation time period. We note that as originally passed in 2023, the declaration form only asked for information up to 2022.

First Public Hearings

The Commission held its first four public hearings on 26-27 March 2024, for candidates Tatiana Rotaru, Aliona Chisari-Rurak, Elena Demian, and Sergiu Besliu.



COMMISSION ACTIVITY TIMELINE



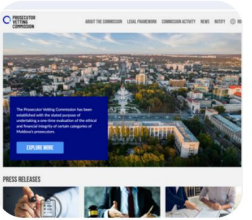
1 December 2023
The Commission attended the first meeting organized by the Ministry of Justice, as required by Law No. 252/2023



5 December 2023
Commission adopted its Rules of Procedure for evaluation of candidates for positions in the self-administration bodies of prosecutors under Law No. 26/2022



18 December 2023
Commission adopted its Rules of Procedure and Forms for evaluation of candidates and other subjects of evaluation under Law No. 252/2023



26 October and 24 November 2023
Moldovan Parliament approved the nominal composition of the Commission, appointing five members out of six



2 December 2023
Commission members elected the Chairperson and designated the members of the two Evaluation Panels



15 December 2023
Commission received from the SCP a list of 33 candidates for positions in the SCP's Selection and Evaluation Board and the Discipline and Ethics Board



23 December 2023
Commission launched its official website and social media pages



COMMISSION ACTIVITY TIMELINE



25 January 2024
 Commission issued its first decisions on three candidates who withdrew from the competition



6 February 2024
 Commission redesignated the membership of its Evaluation Panels



20 February 2024
 Commission approved amendments to its Rules of Procedure and 5-Year Declaration



2 January 2024
 Commission's Secretariat staff formally began its operations



1 February 2024
 Parliament approved the appointment of the sixth member of the Commission



7 February 2024
 Commission issued a decision on another candidate due to non-submission of required declarations



26-27 March 2024
 Commission held its first hearings for four candidates to SCP's Selection and Evaluation Board



Prosecutor Vetting Commission

BY THE NUMBERS



10 meetings of the Commission held



3 meetings of the Commission with the SCP members



32 evaluations initiated



4 decisions issued



4 hearings conducted



12 Secretariat's employees hired



14 Secretariat's employees to be hired

**INDEPENDENCE
INTEGRITY
TRANSPARENCY**

MORE ABOUT COMMISSION'S WORK

The Commission's work can be followed on its official website and social media pages. Any inquiries can be communicated online or via traditional means. Contact details are available below.



Phone

+373 61 29 44 99



Email

office@vettingmd.org



Website

www.vettingmd.org



Office Address

180 Ștefan cel Mare blvd, 12th floor, Chisinau

Find us on:

