

# **REPORT**

## **of the Prosecutor Vetting Commission to the Parliament of the Republic of Moldova**

*31 March 2025*

## **TABLE OF CONTENTS**

<b>1. Introduction.....</b>	<b>3</b>
<b>2. Composition of the Commission and changes that occurred during the reporting period.....</b>	<b>4</b>
<b>3. Completion of the “pre-vetting” evaluations under Law No. 26/2022 .....</b>	<b>5</b>
<b>4. Appeals of filed candidates .....</b>	<b>6</b>
<b>5. Amendments to the Commission’s Rules of Procedure governing evaluations under Law No. 252/2023 .....</b>	<b>6</b>
<b>6. Initiation of evaluations for 67 prosecutors within the Anticorruption Prosecutor’s Office under Law No. 252/2023 .....</b>	<b>7</b>
<b>7. First results of the evaluations of prosecutors within the Anticorruption Prosecutor’s Office under Law No. 252/2023 .....</b>	<b>8</b>
<b>8. Initiation of the evaluation of the Deputy Prosecutor General .....</b>	<b>9</b>
<b>9. Challenges in filling positions within the Secretariat .....</b>	<b>9</b>
<b>10. January 2025: Suspension of the Commission's activity due to the funding halt by the development partner .....</b>	<b>10</b>

## **Report to Parliament of the Prosecutor Vetting Commission**

This report is prepared and submitted to Parliament by the Prosecutor Vetting Commission (“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 (“Law No. 252/2023”). Art. 5 para. (3) of that law requires that the Evaluation Commissions shall submit yearly to 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.

### **Introduction**

Despite significant external challenges, the Commission has pursued its mission over the course of the past year with diligence and care. The Commission has completed its evaluations of all candidates for the positions of members in the self-administration bodies of the prosecutors, as required under Law No. 26/2022 on measures related to the selection of candidates for the positions of members in the self-administration bodies of the prosecutors (“Law No. 26/2022”). The Commission also initiated its evaluations of all prosecutors in the Anticorruption Prosecution Office (“APO”) and has made significant progress in evaluating those subjects.

These accomplishments were achieved in the face of great obstacles. Throughout its existence, the Commission has had to function with only a skeleton staff on its Secretariat; numerous vacancies have remained unfilled. Furthermore, and most seriously, in January 2025, the ability of the Commission to conduct the evaluation process was effectively shut down due to the abrupt cessation of all support from the U.S. implementing partner - resulting, in turn, from the complete cessation of all foreign assistance to the Republic of Moldova by the U.S. government. Among other things, this involved the termination of all Secretariat staff and the cancellation of contracts and other support for international members. While the European Union (“EU”) has now very recently stepped in to provide support for the Commission, these actions by the U.S. implementer have set the Commission’s work back by several months, and indeed, have meant that the Commission was only in effective operation for nine of the past twelve months. Nevertheless, the Commissioners are deeply committed to the completion of our statutory responsibilities. We can only hope that brighter days lie ahead.

### **Composition of the Commission, and Changes to Membership**

The nominal composition of the Commission was approved by Parliament on 24 November 2023, 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.

Parliament initially approved five members of the Commission on 24 November 2023, three international, and two citizens of the Republic of Moldova. The three international members approved at that date are: Christopher Lehmann,

Irmantas Mikelionis, and Saskia de Vries, and all continue as current members of the Commission. The two Moldovan members of the Commission approved on 24 November 2023 were Cornel Lebedinschi and Tatiana Raducanu. Parliament subsequently approved the appointment of a third national member, Nadejda Hriptievschi, on 1 February 2024. Judge Raducanu then resigned from the Commission on 15 May 2024; Virginia Moraru was subsequently appointed as a national member on 30 May 2024.

Mr. Lehmann serves as Chairperson of the Commission, and Ms. Moraru serves as the Vice-Chairperson of the Commission.

### **Completion of “Pre-Vetting” Evaluations Under Law No. 26/2022**

Art. 22 para. (13) of Law No. 252/2023 provides that this Commission will assess candidates for the Superior Council of Prosecutors (“SCP”) Selection and Evaluation Board and Discipline and Ethics Board according to the procedure and criteria regulated by Law No. 26/2022 (a process commonly referred to as “pre-vetting”). The Commission concluded its evaluation, under Law No. 26/2022, of all candidates for the SCP Boards on 27 December 2024. The SCP had presented the Commission with a total of 32 candidates for evaluation. Of these, 22 were candidates for the SCP’s Selection and Evaluation Board membership and 11 were candidates for the SCP’s Discipline and Ethics Board (note that the total number of candidates reflects the fact that one of the candidates competed for both Boards).

These candidates were assessed, under Law No. 26/2022, for financial and ethical integrity. Fifteen of the candidates passed the evaluation, meaning an overall passing rate of 47%. Seventeen of the candidates failed the evaluation; representing 53% of the candidates. The decision to fail the evaluation leads to

candidate's exclusion from the competition. Among most common reasons for failing the evaluation were (1) the non-submission of the required five-year declaration and ethics questionnaire, (2) the violation of the legal regime requiring declaration of assets and personal interests, (3) violations of the Prosecutor's Code of Ethics or the European Convention of Human Rights, (4) doubts concerning discrepancies between expenses and declared income, and (5) doubts concerning the veracity of the declared purchase price for various goods, including real property and automobiles.

The list of all evaluated candidates, along with the evaluation outcome for each candidate is available on the Commission's website. Also, the video recordings of the hearings, as well as the adopted decisions are available on the Commission's website. Under the law, the decisions can be published only with the candidate's consent, so in a number of cases, the Commission's decision has not been made public, at the candidate's request.

### **Appeals of failed candidates**

Eleven of the candidates failed by the Commission under Law No. 26/2022 have appealed the Commission's decisions to the Supreme Court of Justice ("SCJ"), as is their right under art. 14 of Law No. 26/2022. All of those appeals remain pending at the SCJ (one is pending a hearing and ten have been heard but are awaiting the Court's decision). The Commission has been represented counsel at the SCJ.

### **Amendments to the Commission's Rules of Procedure governing evaluations under Law No. 252/2023**

The Commission amended its Rules of Procedures governing evaluations under Law No. 252/2023 only once during the past year, on 20 June 2024; the amendments concerned time limits set out in art. 28 paras. (3), (4) and (6) of the Rules, dealing with Public Hearings. The amendments were intended to expedite the Commission's hearing process. The Commission's Rules of Procedure are available on the Commission's website.

### **Initiation of Evaluations of 67 Prosecutors in the Anti-Corruption Prosecutors Office ("APO") Under Law No. 252**

Law No. 252/2023 requires that APO prosecutors are evaluated as a matter of priority. Accordingly, on 17 May 2024, the Commission submitted its request, pursuant to art. 12 para. (1) of Law No. 252/2023, to the SCP to forward to the Commission a list of prosecutors from the Anti-Corruption Prosecutor's Office ("APO") and their contact details. After receiving the names of 67 APO prosecutors from the SCP, the Commission then initiated evaluation of those subjects under Law No. 252/2023 on 24 May 2024. The Commission, on that date, instructed the APO prosecutors to complete and submit within 20 days their "five-years" declaration of assets and personal interests, including a list of close persons in the judiciary, prosecution, and public service, as well as an ethics questionnaire.

Following the receipt of the declarations and questionnaires, the Commission began the process of gathering further information by accessing relevant government systems, and by issuing additional requests to the subjects of the evaluation. The Commission then began analysis of the gathered data. These processes are ongoing.

## **First results of the evaluations of APO prosecutors under Law No. 252/2023**

All but two of the APO prosecutors whose names were provided by the SCP submitted their required declarations and ethics questionnaires within the required time period. One prosecutor was and remains a fugitive from justice, meaning that the Commission could never properly effect notification to that subject of the initiation of the evaluation, and of the requirement to submit the declaration and ethics questionnaire. The matter remains pending. In the case of another of the 67 prosecutors, despite extensive efforts by the Commission to communicate with the prosecutor, that subject did not submit the required declarations and ethics questionnaire. Accordingly, and consistent with art. 12 para. (4) of Law No. 252/2023 and art. 25 para. (4) of the Commission's Rules of Procedure, the Commission found that the failure of the subject to provide a reasonable justification for the refusal to submit the declarations and the questionnaire in due time constituted grounds for the Commission to establish that the subject had failed the evaluation. The Commission's Evaluation Report was adopted on 7 July 2024, and sent to the SCP, as required under art. 17 paras. (5) and (6) of Law No. 252/2023. The Commission's Evaluation Report was accepted by the SCP on 1 August 2024. Thereafter, the subject appealed the SCP's decision to the SCJ. The CSJ delivered the operative part of the decision on 13 February 2025, maintaining the SCP decision, but the reasoned decision awaits publication.

Ten of the remaining 65 APO prosecutors resigned within the 20 days of receiving the Commission's notifications; thus, in accordance with the provisions of art. 3 para. (2) lit. c) of Law No. 252/2023, they are not subject of evaluation. Of the remaining 55 APO prosecutors, two others had already passed the evaluation according to Law No. 26/2022 which means they were



not subject to further vetting under Law No. 252/2023 (art. 3 para. (2) lit. a) of Law No. 252/2023). There remain 52 APO prosecutors to be vetted.

### **Initiation of Evaluation of the Deputy Prosecutor General**

On 9 July 2024, the Commission initiated the evaluation under Law No. 252/2023 for Sergiu Russu, who was selected for the position of Deputy Prosecutor General. Mr. Russu was notified on that date about the initiation of his evaluation and was asked to submit the five-year declaration of assets and personal interests and the ethics questionnaire. The Commission is continuing that evaluation.

### **Ongoing Challenges to Fully Staffing the Commission's Secretariat**

The Commission's Secretariat is composed of financial and legal analysts, and is essential and instrumental to the process of conducting the ethical and financial investigations that the Commission is charged with undertaking. These investigations often involve the review and analysis of thousands of pages of documents, including bank statements, financial records, property records and records from past and ongoing legal proceedings.

Unfortunately, the Commission's Secretariat has never been fully staffed and many key vacancies continue to this day. While the Commission's Secretariat staff formally began operations on 1 December 2023, the Secretariat initially had only a skeleton staff, thereby greatly slowing the process of investigating and evaluating candidates. Since then, working with the American development partner, the Commission continued its efforts to recruit and fully staff the Secretariat. That process was challenging. Among other things, the process

necessarily incorporated review of all applicants (as selected by the implementing partner) by the National Anticorruption Center (“NAC”). The NAC has limited capacity to expedite its review process, and it normally takes several months for the NAC to complete review of an applicant. Further, it should also be noted that in a majority of cases, there were integrity concerns presented about the applicants by the NAC reports sufficient to negate their further consideration, thus creating a further obstacle to fully staffing the Secretariat.

Beginning in May 2024, the NAC ended its theretofore ongoing process of sharing its reports directly with the U.S. implementing partner, which served as the contractual party for Secretarial staff under art. 9 para. (2) of Law No. 252/2023. The U.S. implementing partner took the position that it could not conduct further hiring without seeing the NAC reports. The implementing partner’s insistence on seeing the relevant NAC reports effectively paused any further hiring for vacant Secretariat positions in May 2024. The Commission undertook repeated efforts to resolve the impasse, but was unable to reach a solution acceptable to the U.S. development partner. As noted, the result has been severe understaffing of the Commission’s Secretariat, which has continued since the Commission’s inception. This has greatly impacted the ability of the Commission to expedite its work. We hope that with this situation will now be remedied through the efforts of the new development partner

### **January 2025: Suspension of Funding for the Commission by the Development Partner, Suspension of Staff, and the Corresponding Interruption of the Work of the Commission**

Since the formation of the Commission, it has been fully supported in its operations by its “development partner” as defined under art. 6 para. (6) of Law No. 252/2023: “For purposes of this law, development partners shall mean

international donors (international organizations, diplomatic missions and their representative offices in the Republic of Moldova) that have been active in the field of reforming justice and fighting corruption for the last 2 years.” The original development partner for the Commission, since its inception, has been the U.S. government, represented by the U.S. Embassy in the Republic of Moldova, and its implementing partners, GSV Consortium, composed of Dexis International and Zemitek, and the International Development Law Organization (IDLO).

On 24 January 2025, the Commissioners were abruptly notified by representatives of the U.S. development partner and its implementing entities of the immediate cessation and suspension of all financial and other support for the Commission by the U.S. government. Among other things, this meant that the Secretariat staff were directed by the U.S. implementers to immediately cease all work on behalf of the Commission’s mission. Shortly afterward all but three Secretariat staff were formally suspended. All logistical support for the Commission was ended, and all travel and compensation for international commissioners was cancelled. All direct communications with the U.S. Embassy and any official representatives of the U.S. government also ceased by 27 January 2025.

These actions effectively stopped all work of the Commission, except for emergency issues which could be handled directly by the Commissioners themselves.

As referenced above, in late February 2025, it was agreed between the Government of the Republic of Moldova and the EU that the EU would take on the role of development partner for the Commission. The new implementing partner is the Dutch organization, the Center for International Legal

Cooperation (“CILC”), which is also the development partner supporting the Judicial Vetting Commission. At the time of this report, the Commissioners are working closely with CILC to reconstitute the Secretariat staff, hire new staff, and assure a smooth transition of the Commissions hardware and software. Unfortunately, at the time of this report, and despite the efforts of CILC, the Moldovan government, and the Commission itself, the US government has failed to facilitate key issues of the transition, and aspects of the transition are therefore stalled. As a result, much time has been lost, and the Commission’s work has been greatly set back and delayed by the actions of the U.S. government.

**Virginia MORARU**

**Vice-Chairperson of the Prosecutor Vetting Commission**