

**Evaluation Report No. 16 of 18 December 2025
on Elena CAZACOV, prosecutor in the Anti-Corruption Prosecutor's Office,
subject of evaluation under Law No. 252/2023**

Evaluation Panel A (“the Panel”) of the Prosecutor Vetting Commission (“the Commission”) established by Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (“Law No. 252/2023”), discharging the powers under the same Law, deliberated in private on 7 November 2025 and approved this report on 18 December 2025.

The members participating in the approval of the evaluation report were:

*Christopher LEHMANN – Panel’s Chair
Nadejda HRIPTIEVSCHI
Saskia de VRIES*

Based on its work in collecting and reviewing the information, and subsequent deliberations, Panel A prepared the following evaluation report.

I. Introduction

1. This report concerns the subject of evaluation Elena CAZACOV, prosecutor in the Anti-Corruption Prosecutor's Office (“APO”).
2. The Panel evaluated the subject of evaluation (“the subject”) according to the procedure and criteria regulated by Law No. 252/2023, and according to the Rules of Procedure of the Prosecutor Vetting Commission (“the Commission Rules”) approved by the Commission pursuant to art. 5 para. (4) of Law No. 252/2023.
3. The Panel unanimously concluded that Elena CAZACOV meets the ethical and financial integrity criteria identified in Law No. 252/2023.

II. Subject of the Evaluation

4. On 18 April 2005, Elena CAZACOV (“the subject”) began her career as a trainee prosecutor in the Prosecutor's Office. On 20 June 2005, she was appointed interim prosecutor in the Straseni District Prosecutor's Office, and on 27 March 2006 she became a prosecutor in the Anenii Noi District Prosecutor's Office. On 21 September 2007, the subject was transferred to the Buiucani Prosecutor's Office, Chisinau Municipality. On 9 July 2008, she joined the Division for Preventing and Combating Human Trafficking of the General Prosecutor's Office. On 9 January 2018, she was transferred to the APO. On 15 October 2021, the subject was appointed Interim Chief of the APO, serving until 31 July

2022, after which she briefly held the position of Interim Deputy Chief of the APO until 5 August 2022. Since 13 June 2024, she has been serving as Interim Deputy Chief of the Chisinau Municipality Prosecutor's Office, responsible for the Office for representing the prosecution in court.

III. Evaluation Criteria

5. Under art. 11 para. (1) of Law No. 252/2023, the Commission evaluates the subject's ethical and financial integrity.
6. Art. 11 para. (2) of Law No. 252/2023 provides that a subject is deemed not to meet the requirements of ethical integrity if the Commission has determined that:
 - a) over the last 5 years, the subject has seriously violated the rules of ethics and professional conduct of judges or, as the case may be, of prosecutors, as well as if the subject acted arbitrarily or issued arbitrary acts, over the last 10 years, contrary to the imperative rules of law, and the European Court of Human Rights has established, before the adoption of the act, that a similar decision was contrary to the European Convention on Human Rights.
 - b) over the last 10 years, the subject has admitted in his/her activity incompatibilities and conflicts of interest that affect the position held.
7. Art. 11 para. (3) of Law No. 252/2023 provides that the subject shall be deemed not to meet the criterion of financial integrity if the Commission has serious doubts determined by the fact that:
 - a) the difference between assets, expenses, and income, for the last 12 years, exceeds 20 average salaries per economy, in the amount as set by the Government for the year 2023.
 - b) over the last 10 years, the subject admitted tax irregularities as a result of which the amount of unpaid tax exceeded, in total, 5 average salaries per economy, in the amount as set by the Government for the year 2023.
8. The average salary per economy for 2023 was 11,700 MDL¹. Thus, the threshold of 20 average salaries is 234,000 MDL, and the threshold of five average salaries is 58,500 MDL.
9. Art. 11 para. (4) of Law No. 252/2023 allows the Commission to verify various things in evaluating the subject's financial integrity, including payment of taxes, compliance with the legal regime for declaring assets and personal interests, the sources of funds of the subject's wealth.

¹ Government decision No. 936/2022 on the approval of the amount of the average monthly salary per economy, forecast for 2023.

10. Art. 11 para. (5) of Law No. 252/2023 provides that in evaluating compliance with the criteria set out in para. (3) of this article, the Commission shall also take into account the wealth, expenses, and income of close persons, as defined in Law No. 133/2016 on the declaration of assets and personal interests, as well as of the persons referred to in art. 33 para. (4) and (5) of Law No 132/2016 on the National Integrity Authority.
11. Art. 11 para. (6) of Law No. 252/2023 provides that in assessing compliance with the criteria set out in art. 11 paras (2) and (3), the legal provisions in force when the relevant acts occurred are applied. The documents or findings of other entities with competence in the areas concerned shall have no predetermined value for the Commission. Findings in final judgments shall be taken into account by the Commission, except for judgments that the Commission considers to be arbitrary or manifestly unreasonable. The Commission may rule only on breaches of the rules of ethics and professional conduct, without ruling on the legality of the decisions in question.
12. In applying art. 11 para. (3) of Law No. 252/2023, the Commission cannot apply the term “serious doubts” without considering the accompanying phrase “determined by the fact that”. This phrase suggests that the Commission must identify as a “fact” that the specified conduct has occurred.
13. Regarding the standard of “serious doubts” in the context of the vetting exercise, the Constitutional Court noted with reference to its previous decisions that the definition of standards of proof inevitably involves using flexible texts. The Court also said that the Superior Council of Prosecutors can only decide not to promote a subject if the report examined contains “confirming evidence” regarding the non-compliance with the integrity criteria. The word “confirms” suggests a certainty that the subject does not meet the legal criteria. Thus, comparing the wording “serious doubts” with the text “confirming evidence”, the Court considered that the former implies a high probability, without rising to the level of certainty (Constitutional Court Judgment No. 2 of 16 January 2025, §§ 99, 101).
14. The Commission notes that the Venice Commission underlined that in “a system of prior integrity checks, the decision not to recruit a subject can be justified in case of mere doubt, on the basis of a risk assessment. However, the decision to negatively assess a current post holder should be linked to an indication of impropriety, for instance unjustified wealth, even if it cannot be proven beyond doubt that this wealth does come from illegal sources” (Opinion No. 1064/2021 of 20 June 2022, CDL-AD (2022)011-e, para. 10; Joint Opinion of 14 March 2023, CDL-AD(2023)005, para. 69).
15. Shifting the burden of proof to the subject, once the evaluating body has identified integrity issues, has been found permissible by the European Court of Human Rights (“ECtHR”), even in the vetting of sitting judges who may lose their positions or otherwise be sanctioned as a consequence of the evaluation. In *Xhoxhaj v. Albania*, no. 15227/19, 31 May 2021, § 352, the Court stated that “it is not per se arbitrary, for the purposes of the ‘civil’ limb of Article 6 § 1 of the Convention, that the burden of proof shifted onto the applicant in the vetting proceedings after the IQC [Independent Qualification Commission] had made

available the preliminary findings resulting from the conclusion of the investigation and had given access to the evidence in the case file" (confirmed for the vetting of prosecutors in *Sevdari v. Albania*, no. 40662/19, 13 December 2022, § 130).

16. Once the Commission establishes substantiated doubts based on particular facts that could lead to failure of evaluation, the subject will be afforded the opportunity to oppose those findings and to submit arguments in defense, as provided by art. 16 para. (1) of Law No. 252/2023. After weighing all the evidence and information gathered during the proceedings, the Commission makes its determination.

IV. Evaluation Procedure

17. Elena CAZACOV was on the list of subjects submitted by the Superior Council of Prosecutors ("SCP") to the Commission on 23 May 2024 for evaluation, pursuant to art. 12 para. (1) of Law No. 252/2023.
18. The subject was evaluated based on provisions of art. 3 para. (1) lit. e) of Law No. 252/2023.
19. On 24 May 2024, the Commission notified the subject of its initiation of evaluation and requested that she completes and returns the declaration of assets and personal interests for the last five years ("five-year declaration"), which includes the list of close persons in the judiciary, prosecution and public service, and an ethics questionnaire within 20 days, as provided in art. 25 para. (3) of the Commission Rules, consistent with art. 12 para. (4) of Law No. 252/2023. The subject returned the completed five-year declaration and ethics questionnaire within the deadline, on 13 June 2024.
20. Pursuant to art. 15 para. (2) of Law No. 252/2023 and art. 17 of the Commission Rules, the file in this matter was randomly assigned to Panel A.
21. On 16 August 2024, the Commission notified by email the subject that her evaluation file had been randomly assigned to Panel A, composed of Nadejda HRIPTIEVSCHI, Christopher LEHMANN (Panel's Chair) and Saskia de VRIES. The subject was informed that she may request, in writing and at the earliest possible time, the recusal of members from their evaluation.
22. Because the law sets different evaluation periods for the ethical and financial integrity criteria cited above, the Panel evaluated compliance with these criteria over the past 5, 10 and 12 years, respectively. Due to the end-of-the-year availability of the tax declarations and declarations on assets and personal interests, the financial criteria evaluation included 2012 - 2023 (*unjustified wealth*) and 2014 - 2023 (*tax irregularities*). The evaluation period for the ethical criterion includes the past 5 or 10 years calculated as per art. 24 para. (3) lit. b) of the Commission Rules.
23. During the last 12 years of the evaluation period, the subject was required to file declarations, both under Law No. 133/2016 on the declaration of assets and personal

interests (“Law No. 133/2016”), and under the previous Law No. 1264/2002 on the declaration and control of income and property of persons with public dignity positions, judges, prosecutors, civil servants and some persons with managing positions (“Law No. 1264/2002”).

24. As part of the evaluation of the ethical and financial integrity of the subject, the Commission obtained information from numerous sources. The sources generally included the GPO, specialized Prosecutor’s Offices, Superior Council of Prosecutors (“SCP”), National Integrity Authority (“NIA”), National Anti-Corruption Center (“NAC”), Office for Prevention and Fight Against Money Laundering (“AML”), Ministry of Internal Affairs (“MIA”), Customs Service, State Tax Service (“STS”), General Inspectorate of Border Police, the National Office of Social Insurance (“CNAS”), Public Services Agency (“PSA”), Governmental Agent within the Ministry of Justice, banks, financial institutions etc. Information was also sought, and where applicable obtained, from other public and private entities, as well as open sources, such as social media and investigative journalism reports. One complaint was received from a member of civil society. All information received was carefully screened for accuracy and relevance.
25. To the extent that issues were raised from the subject’s five-year declaration, and ethics questionnaire and collected information, those issues were raised in written questions with the subject.
26. On 25 April 2025, the Panel asked the subject to provide additional information by 12 May 2025 to clarify certain matters (“first round of questions”). The subject provided answers and documents within the set deadline – on 11 May 2025. On 25 July 2025, the Panel asked the subject to provide additional information by 6 August 2025 to clarify certain matters (“second round of questions”). The subject provided answers within the deadline – 6 August 2025. On 11 September 2025, the Panel asked the subject to provide additional information by 19 September 2025 to clarify certain matters (“third round of questions”). The subject provided answers within the deadline – 18 September 2025.
27. On 27 October 2025, the Panel notified the subject that it had identified two areas of doubt about her compliance with the integrity criteria and invited the subject to attend a public hearing on 7 November 2025 pursuant to art. 16 para. (2) of Law No. 252/2023. The Panel informed the subject that, in view of the pending court proceedings, the second issue would be considered in closed session. The subject was also informed about her rights under art. 16 para. (5) of Law No. 252/2023 and that she could request access to the evaluation materials.
28. Following the subject’s request, on 29 October 2025, the subject was granted access to the evaluation materials according to art. 16 para. (5) lit. c) of Law No. 252/2023.
29. On 29 October 2025, the subject submitted a request to hold the hearing in closed session. In relation to the first issue, the subject contended that it pertained to her private life, encompassing aspects involving her parents and other family members, which she had a legitimate expectation to be protected.

30. On 30 October 2025, the Panel decided that the examination of the first issue would be conducted partly in open session – with regard to the circumstances relating to the source of funds for the donation, and partly in closed session, insofar as it concerns the circumstances surrounding the transmission of the donation.
31. The subject sent additional information and documents on her own initiative on 5 and 6 November 2025.
32. On 7 November 2025, the subject took part in a public hearing of the Panel.
33. At the hearing, the subject reaffirmed the accuracy of her answers in the five-year declaration and ethics questionnaire and stated that she did not have any corrections or additions to the answers she had previously provided to the Panel's requests for information.

V. Analysis

34. This section discusses the relevant facts and reasons for the Panel's conclusion.
35. Based on the information it collected, the Panel analyzed and, where necessary, sought further clarifications from the subject on the following matters:
 - The sources of funds for the 15,000 EUR donation declared by the subject in 2017 as originating from her father.
 - Handling of the criminal case concerning corruption and other charges against Svetlana Tizu, Victoria Hadirea, Vitalii Furtuna, Liubovi Brînza, Ludmila Ouş, Galina Moscalciuc, Nadejda Agatii, Vera Chiranda, Elena Gandrabura, and Mihail Gandrabura.
36. These issues were discussed at the hearing.

Issues that raised certain doubts during the evaluation but were either mitigated or do not lead to failure under the thresholds set by Law No. 252/2023:

Issue 1. The sources of funds for the 15,000 EUR donation declared by the subject in 2017 as originating from her father.

37. According to the information available to the Panel, the subject declared in her 2017 annual declaration of assets and personal interests, submitted to the NIA on 27 March 2018 and rectified on 21 April 2018, that she had received a donation of 15,000 EUR from her father. The central question for the Panel is whether the subject's father could realistically have accumulated this amount during his lifetime. This assessment requires examining his income, savings habits, lifestyle, typical expenditures, and the broader context in which the donation was made.

38. In two rounds of written questions (R1-Q4, R2-Q10) and during the hearing, the subject provided a consistent account of how the donation took place. She stated that her father, diagnosed with [REDACTED] in February 2017, wished to give her the money [REDACTED]. According to her, this occurred in late July 2017, at a time [REDACTED].

39. She described a short conversation in which her father told her that he wanted to give his savings to her. At his request, her mother retrieved the money from a household safe, after which the father handed the amount to the subject personally. The subject presented this sequence of events as the basis for the donation, which she declared in her 2017 annual declaration.

40. The subject's statements were supported by written declarations from her mother and brother. Both confirmed the father's [REDACTED], the use of the household safe, and the family dynamics around the time of the donation.

41. When asked why the donation was not formalized, the subject explained that this was not possible in the circumstances, given the [REDACTED] and the nature of the moment. She referred to art. 1200 para. (2) of the Civil Code, which provides that a donation lacking authentic form remains valid if the property has been handed over. She argued that this condition was clearly met.

42. The subject also indicated that her parents habitually kept their savings in cash at home. Both her mother and brother corroborated this explanation in written statements submitted to the Panel. [REDACTED].

43. The subject explained that her father wished to support both children fairly. She received the monetary donation, while her brother was intended to inherit the family's one-room apartment in Chișinău and the father's the weapons collection. This distribution was confirmed by both relatives in writing.

44. The subject submitted documents, including the father's work record book and tax data, showing that he worked in the security services sector until 2016. STS records show reported salaries amounting to 159,074 MDL between 1998 and 2011. Although income levels varied, some years reflected comparatively higher earnings, for example 2008 (44,129 MDL) and 2010 (37,026 MDL).

45. The subject stressed that the father's actual income before 2012 was significantly higher than the recorded amounts because of the common practice of cash-in-envelope payments in the security field. She estimated that he earned around 500 EUR per month (in addition to his reported income) between 2000-2007, and around 200-300 EUR per month between 2007-2016. These amounts are not reflected in official records.

46. Based on data obtained from the STS and the banking institutions, the father received, during 2012–2017, salary income amounting to 97,927 MDL and pension and [REDACTED]

benefits totaling 164,163 MDL. His cumulative income for this period was therefore 262,090 MDL (approximately 12,578 EUR, calculated at the average exchange rate for 2017).

47. The father received a special pension due to his service at the MIA and [REDACTED] [REDACTED] Exact figures for earlier years (2007-2011) could not be established because institutional records were incomplete or contradictory. However, it is undisputed that he consistently received pension income throughout the relevant years.
48. The mother, who lived in the same household with the father and the brother, earned 164,669 MDL in salaries and 76,636 MDL in pensions for the period 2012-2017 (approximately 13,300 EUR).
49. The combined household income for 2012-2017 thus amounted to 503,395 MDL (approximately 25,878 EUR).
50. The Panel calculated the household Consumption Expenditure for Population (CEP) for the subject's parents in the period 2012-2017 at 236,290 MDL. When compared with the official income for the same period (of 503,395 MDL), this suggests a surplus. However, the surplus alone does not seem to suffice to explain the accumulation of 15,000 EUR.
51. The Panel, therefore, notes that sole reliance on the father's official income does not provide a realistic basis for accumulating 15,000 EUR (312,459 MDL, calculated at the average exchange rate for 2017). His documented earnings would have required approximately six and a half years of saving without any expenses, a scenario that is unrealistic. In this context, the subject's explanation that her father supplemented his salary with undeclared cash income from long-standing work in the security sector merits consideration. Although such income cannot be verified, the practice of informal remuneration was widespread in the relevant period and consistent with the nature of his employment. The subject's account has been coherent and aligned with broader socio-economic realities.
52. However, the Panel notes that, although the existence of certain undeclared income appears plausible, such income remains unsubstantiated and cannot be quantified with any degree of certainty. As a matter of principle, the Panel cannot rely on informal or unverifiable earnings to fully justify the origin of the donated amount. Therefore, while the father's undeclared income may reasonably be viewed as a contributing factor, it cannot be considered a reliable or sufficient source to cover the full value of the donation.
53. At the same time, the Panel cannot entirely discount the plausibility of the donation of 15,000 EUR. The circumstances of the donation, including that the father made a similar donation (in kind, consisting of the apartment with the market value of est. 19,000 EUR and weapons collection) to the subject's brother around the same time, suggest that the father may have saved some money over time. Taken together, these elements support the conclusion that the donation is at least partially plausible.

54. The Panel further notes that the subject did not rely on this donation to justify any major assets or acquisitions, which reduces the likelihood that it served as a cover for unjustified wealth gained by the subject.
55. Moreover, even if the donation in the equivalent amount of 312,459 MDL were fully excluded, the subject's household would show a negative balance of only 87,460 MDL, which does not exceed the threshold established by Law No. 252/2023. Therefore, the donation does not have a decisive impact on the financial assessment of the subject's household.
56. In light of the above, the Panel must conclude that in relation to this issue, the subject meets the criterion of financial integrity under art. 11 para. (3) lit. a) of Law No. 252/2023.

Issue 2. Handling of the criminal case concerning corruption and other charges against Svetlana Tizu, Victoria Hadîrcă, Vitalii Furtuna, Liubovi Brînza, Ludmila Ouş, Galina Moscalciuc, Nadejda Agatii, Vera Chiranda, Elena Gandrabura, and Mihail Gandrabura.

57. The Panel examined the subject's role in the complex criminal case No. 12-1-18502-01042019, a proceeding that consolidated three distinct sets of allegations (Sections A, B, and C), each involving several defendants, different legal qualifications, and a substantial evidentiary record.
58. In Section A of the case, the prosecution presented the following accusations.
59. Mihail Gandrabura had been convicted of embezzlement by a district court and was serving a custodial sentence. His appeal was to be examined by a panel composed of Judges Ludmila Ouş, Liubovi Brînza, and Galina Moscalciuc. Between May and August 2018, Elena Gandrabura, acting on behalf of her husband Mihail Gandrabura, allegedly approached attorney Nadejda Agatii with the intention of offering a bribe to the three judges to secure a favorable appellate outcome.
60. According to the indictment, Nadejda Agatii contacted prosecutor Vera Chiranda, described as a friend of Judge Brînza, to facilitate this arrangement. On 22 August 2018, one day before the appellate hearing, Vera Chiranda reportedly met Judge Brînza to discuss the details of the bribery scheme. On 23 August 2018, Judge Brînza allegedly spoke to Judges Ouş and Moscalciuc, indicating that each would receive 1,000 EUR for ruling in favor of Mihail Gandrabura.
61. On that same day, the appellate panel issued a decision favorable to Mihail Gandrabura. Later, Elena Gandrabura transferred 3,000 EUR to Nadejda Agatii, who passed the money to Vera Chiranda. Vera Chiranda then delivered the 3,000 EUR to Judge Brînza, who subsequently transmitted 1,000 EUR each to Judges Ouş and Moscalciuc on 24 August 2018.
62. Mihail Gandrabura, Elena Gandrabura, Nadejda Agatii, and Vera Chiranda were indicted for aggravated active bribery. Judges Ludmila Ouş, Liubovi Brînza, and Galina Moscalciuc were indicted for aggravated passive bribery.

63. At the end of the trial, the subject requested the acquittal of all defendants in Section A, and the court granted this request.
64. In **Section B**, the prosecution presented the following accusations.
 65. Criminal proceedings were initiated against Doctor Vadim Scarlat, accused of medical negligence. He sought to annul a prosecutorial order concerning a medical expertise. In July 2018, Dr. Scarlat challenged this order before a district court, and the case was assigned to Judge Svetlana Tizu.
 66. Dr. Scarlat approached Vitalii Furtuna, judicial assistant to Judge Brînza, for assistance. Vitalii Furtuna then contacted Judge Victoria Hadîrca, with whom he had a close relationship. Judge Hadîrca, in turn, approached Judge Tizu and allegedly requested 3,000 EUR from Furtuna to secure a favorable ruling.
 67. On 4 September 2018, Vitalii Furtuna allegedly informed Judge Brînza that she would receive 2,000 EUR if she could influence Judge Tizu to rule in Dr. Scarlat's favor. Judge Brînza purportedly spoke to Judge Tizu that same day.
 68. On 7 September 2018, Dr. Scarlat delivered 2,000 EUR to Furtuna. The following day, Furtuna gave the money to Judge Brînza, who then conveyed it to Judge Tizu. On 10 September 2018, Judge Tizu allowed the appeal lodged by Dr. Scarlat.
 69. According to available information, in a separate criminal case, the Chișinău District Court found Dr. Scarlat guilty of aggravated influence peddling on 11 March 2019. This conviction was upheld by the higher courts.
 70. Vitalii Furtuna was indicted for aggravated influence peddling and willful rendering of an illegal judicial decision. Judge Victoria Hadîrca was indicted for aggravated influence peddling. Judge Liubovi Brînza was indicted for aggravated active bribery and willful rendering of an illegal judicial decision. Judge Svetlana Tizu was indicted for aggravated passive bribery and willful rendering of an illegal judicial decision.
 71. At the end of the trial, the subject requested termination of the charge of aggravated active bribery against Judge Brînza and the acquittal of Judge Tizu of aggravated passive bribery. The court accepted both requests. Also, the subject requested the conviction of Judge Victoria Hadîrca, but the court acquitted her.
72. In **Section C**, the prosecution presented the following accusations.
 73. In July 2018, Judge Brînza was assigned a criminal case concerning the execution of a sentence. According to the indictment, her husband, Professor Sergiu Brînza, acting on behalf of his colleague Elena Belei, requested her intervention to secure a favorable decision for a person close to Belei. In September 2018, Judge Brînza allegedly discussed

the desired outcome with Judge Ouş, with Judge Moscalciuc being the third member of the panel. On 27 September 2018, the panel issued the decision in question.

74. Judge Brînza was indicted for aggravated interference with the administration of justice and willful rendering of an illegal judicial decision. Judges Ouş and Moscalciuc were indicted for willful rendering of an illegal judicial decision.
75. At the end of the trial, the subject requested in court the conviction of all defendants. The court, however, acquitted all of them.
76. The case files show that the subject was not involved in the investigative stage of this criminal case. All actions at that stage (opening the case, authorizing covert measures, and drafting the indictment) were carried out by other APO prosecutors. The subject joined only for the trial phase, after her appointment on 5 April 2019 as trial prosecutor. Her mandate was therefore limited to the courtroom proceedings.
77. Even so, her later position at trial required closer scrutiny. Requesting acquittals in two of the three sections, after a long investigation supported by intrusive investigative measures, appeared at first glance to depart significantly from the position outlined in the indictment. This discrepancy justified a deeper examination.
78. Certain concerns emerged during the trial. Questions were raised about the lawfulness of covert measures taken in 2018, particularly those targeting Judge Brînza. These concerns were serious enough to generate a lengthy dissenting opinion in the first instance judgment of 17 March 2021. The dissent agreed with the acquittals but argued that several investigative acts lacked a sufficient factual basis at the time of authorization. In that judge's view, reasonable suspicion did not exist when the most intrusive measures were approved.
79. A defense witness also testified that, in May 2018, she had been detained and pressured by two APO prosecutors to provide incriminating statements against Judges Ouş and Brînza. She stated she refused. Although the allegation does not concern the subject, it contributed to a broader picture that merited attention.
80. The extensive dissent, the allegations of undue pressure, and the subject's trial stance created a context that could not be overlooked by the Panel. It also raised a question as to whether the subject should have addressed the alleged illegality of certain investigative acts in her closing arguments, rather than relying solely on evidentiary inconsistencies. This choice, at first sight, might appear as an attempt to sidestep the alleged irregularities.
81. A more detailed review, however, places these concerns in perspective. The subject had no role in the investigative phase and could not have challenged the lawfulness of actions taken before she joined the case. Her function was to litigate the case in court. Moreover, the Panel is not in a position to re-try the case. It is not tasked with reassessing guilt or deciding whether the acquittals were correct. The Panel must determine only whether the subject's conduct shows signs of arbitrariness or a departure from professional ethics. In this context,

it is sufficient to verify whether her actions fall within a plausible and lawful margin of prosecutorial discretion.

82. In her written response (R3-Q2) and during the hearing, the subject explained why she adopted the position reflected in her closing arguments. She stated that, after the evidence was heard in court, she no longer believed that the prosecution's case met the standard of proof beyond a reasonable doubt with regard to Sections A and B. Her explanation was coherent, though at times somewhat brief, and focused mainly on the weaknesses she saw in the evidentiary record.
83. She pointed to several shortcomings revealed during the trial, including the lack of corroboration for key allegations. In her view, these gaps undermined the reliability of the evidence. She argued that, taken together, the weaknesses created reasonable doubt and prevented the level of certainty required for convictions on all counts. While her conduct may raise questions of due diligence in performance, these do not appear to reach the level of arbitrariness or grave ethical violation as required by Law No. 252/2023.
84. Her approach generally aligns with art. 320 para. (5) of the Criminal Procedure Code. A prosecutor may reassess the case after hearing the evidence in court and request acquittal if the evidentiary standard is not met. Although aspects of her reasoning could have been more developed and coherent, her decision appears grounded in this statutory obligation. There are no indications that she acted under external pressure or that her judgment was influenced by irrelevant considerations.
85. The concerns expressed in the dissenting opinion were not adopted by the majority of the court. No evidence was annulled, and no investigative acts were established to be illegal. The dissent reflects an individual judicial view, not a definitive finding of illegality. The case is still pending before the Supreme Court of Justice, and the issues raised remain unresolved. In these circumstances, the subject's decision not to rely on unconfirmed allegations of investigative irregularities may be justified.
86. The subject also gave a credible account of the coordination meeting of 28 October 2020 with senior GPO and APO officials. Several charges were discussed, and her contemporaneous notes support her version of events. Such coordination is routine in complex cases and permitted under GPO Order No. 2 of 2 January 2018. There is no indication that she was instructed to take an improper stance. According to the subject all participants to the meeting, including the prosecutor who had investigated the case at the criminal investigation stage, accepted her point of view and agreed with the proposal on how to handle the case in court.
87. The defense witness's testimony about alleged pressure by APO prosecutors raises concerns about the broader investigative environment but has no connection to the subject. Although the Panel considers that, as part of the subject's due diligence, she should have at least informed the APO management (if not initiated preliminary verification of the allegations), her failure to do so does not, in the Panel's view, attain the threshold of arbitrariness or grave ethical violation required by Law No. 252/2023.

88. In light of the above, the Panel concludes that the initial concerns about the subject's conduct are largely resolved. While parts of her reasoning could have been presented more thoroughly and a more active role could have been expected when the legality of the evidence became an issue, she acted within the limits of her role, relied on the evidence heard in court, and adopted a position that was legally defensible. Accordingly, the Panel concludes that the subject's conduct does not amount to a grave ethical violation under art. 11 para. (2) lit. a) of Law No. 252/2023.

VI. Conclusion

89. Based on the information it obtained and that was presented by the subject, the Panel proposes that Elena CAZACOV passes the external evaluation made according to the criteria set in art. 11 of Law No. 252/2023.

VII. Further Action and Publication

90. According to art. 17 para. (5) of Law No. 252/2023, this evaluation report shall be sent by e-mail to the subject and the SCP within three days of its approval, and on the same day the Commission will publish on its official website the information on the result of the evaluation.

91. Under art. 17 para. (6) of Law No. 252/2023, the Commission will submit to the SCP, within three days of approval of the evaluation report, a hard copy of that evaluation report, along with an electronic copy of the evaluation file of the subject.

92. Under art. 17 para. (8) of Law No. 252/2023 the evaluation report, in full, will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other people, within three days from the expiry of the deadline for appealing the SCP's decision (pursuant to art. 18 para. (3) lit. a) and c) of Law No. 252/2023) or from the date of issuance of the Supreme Court of Justice's decision (pursuant to art. 19 para. (5) point 1) and point 2) lit. c) of Law No. 252/2023).

93. Pursuant to art. 17 para (2) of Law No. 252/2023, this evaluation report was approved unanimously by the evaluation panel on 18 December 2025 and signed by a Panel member.

94. Done in English and Romanian.

Signature:



Nadejda HRIPTIEVSCHI

Panel member designated on 18 December 2025 by the Chairperson of the Prosecutor Vetting Commission, by email, to sign the evaluation report in accordance with art. 29 para. (6) of the Commission Rules