

Moldova's anti-graft reform proposals could undermine judicial independence - Venice Commission

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CHISINAU (Moldova), October 15 (SeeNews) - The Council of Europe's Venice Commission said on Tuesday that some provisions in Moldova's anti-graft **reform** could actually undermine judicial independence.

Legal experts of the Venice Commission appreciate efforts by the new government in Moldova to fight corruption in government with judicial **reform**, but stressed that the **proposals** must respect the constitution in force, the Venice Commission, an advisory body of the Council of Europe, said in a press release.

The **reform proposals** followed the establishment of the new government and parliamentary coalition in Moldova in June this year, and a parliamentary declaration that oligarchs have been responsible for the 'control' of the prosecutor general's office and the justice system in general, the Venice Commission said.

Prime Minister Maia Sandu has furthermore declared that her mandate is to curb the power of oligarchs and as a result, the **proposed reform** aims to establish an extra judiciary mechanism that would re-evaluate all key persons in the judiciary and the prosecutor's offices.

A major concern for the Venice Commission is that the draft law combines such a vetting process with the **reform** of the Supreme Court, aimed at replacing the existing Supreme Court by a new court having a different jurisdiction and fewer judges. The combination between two different purposes obstructs the justification for subjecting all sitting Supreme Court judges to extraordinary re-evaluation and for the interference with the principle of "irremovability" of judges, according to the opinion of the Venice Commission.

Thus, the commission recommended that the draft law needs to be compliant with the constitution, therefore all decisions concerning the transfer, promotion and removal from office of judges should be taken by the Superior Council of Magistracy. Also, the draft law should not provide for an appeal against the evaluation report from one board of the Evaluation Committee to the other board; instead the draft law should provide for an appeal before a judicial body against the decisions of the Superior Council of Magistracy based on such report.

Moreover, the judge who has failed the integrity evaluation should not be offered any judicial office, even in lower courts but should be subjected to a disciplinary sanction proportional to the gravity of the wrongdoing, the Venice Commission recommended.

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