LCRM – Legal Resources Centre from Moldova

Societatea civil? cere CSM investigarea modului de distribuire a dosarelor în sistemul judec?toresc

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The Legal Resources Centre from Moldova, together with 15 NGOs` addressed an appeal to the Superior Council of Magistracy to ask to investigate the case assignment procedures.

The signatories of the appeal underline that the court case assignment is an important step toward increasing the public trust and confidence in the judicial system, ensuring a genuine justice and combatting corruption. Since 2012, the case distribution by means of an automated case management system is mandatory.

On December 11, 2014, the National Anti-corruption Center and Anti-corruption Prosecution Office arrested and interrogated eight employees from Riscani Court, Chisinau, who were suspected of interfering with the automated case management system during the period of 2012 through 2014 to arrange that certain cases reach the desired judge. Recently, a judge from the Supreme Court of Justice was accused of manipulating ICMS and it seems that such deviations existed in the past, too. In autumn 2007, by its decision, the SCM established that Chisinau Court of Appeals did not apply random case assignment. Then, in 2008, the SCM found that Ceadir-Lunga Court did not distribute cases randomly, too. And in 2010, a commission of judges found that the Supreme Court of Justice had issues with consecutive registration and distribution of civil and economic cases.

The civil society organizations are concerned about the allegations regarding random case assignment frauds. The circumstances revealed by mass media suggest that these actions could not have been done by one person only and that they are easy to detect. The failure of the Supreme Court of Justice to ensure random case assignment is outrageous and seriously undermines public trust and confidence. We noticed that in the recent case the SCM was unable to take a decision on the situation at the Supreme Court of Justice. On the other hand, rumor has it that other courts are also engaged in case assignment manipulation and that this is rather easy to do.

In this context, underline that now the SCM has the opportunity to prove that they really want to increase public trust and confidence and to ensure a fair examination of each case. Given all these facts, the signatories call the Superior Council of Magistracy:

a) To carry out urgent inspections of case assignment procedures in all Moldovan courts.

b) To identify and remove loopholes in the case assignment system.

c) To examine the reasons and causes for which certain cases were distributed by manipulating the random case assignment system and the decisions issued on those cases.

d) To apply tough penalties to all those who were involved in the manipulation of the case assignment system and who concealed this fact.

e) To publish the inspection results on the Web page of the SCM as soon as possible.

The full text of the appeal can be downloaded here.

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