LCRM – Legal Resources Centre from Moldova

Civil society organizations call on the Parliament not to infringe the law and to vote as soon as possible on the appointment of Mrs.Viorica PUICA as a judge at the Supreme Court of Justice

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The signatory organizations call on the Parliament of the Republic of Moldova to adopt as soon as possible a decision regarding the appointment of Mrs. Viorica PUICA as a judge at the SCJ.

On 9 June 2020, the Superior Council of Magistracy (SCM) proposed the appointment of Judge Viorica PUICA to the Supreme Court of Justice (SCJ). Judge Puica was declared the winner in the contest for this position after competing with five other candidates. The SCM took this decision after evaluating the candidates' professional performance, previous experience in the position of judge and their performance at the interview with the SCM members. Mrs. Puica's candidature was supported by the majority of SCM members. None of the SCM members expressed a separate opinion against this proposal.

On 15 July 2020, the Parliament's Committee on Legal Affairs, Appointments and Immunities (Committee on Legal Affairs) did not support the appointment of Judge Puica as a judge at the SCJ. The Report of the Committee on Legal Affairs fails to provide any explanation, but merely mentions the lack of sufficient number of votes of the Committee members. The Committee on Legal Affairs did not interview the judge, as previously the Committee used to in similar instances, nor did they discuss Mrs. Puica's professional qualities. In a comment for Ziarul de Gard?, the member of the Committee on Legal Affairs Grigore NOVAC stated that "he cannot support a candidate he does not know well from a professional point of view". The acceptance of such an approach would mean that the members of the Committee on Legal Affairs could only support the judges they know. Such an approach is unfortunate and dangerous. Moreover, the approach of the Committee on Legal Affairs is not in line with the law, which allows the rejection of the candidate proposed by the SCM only if he/she is incompatible with the position of judge of the SCJ or if the procedure for his/her promotion was breached. The refusal of the Committee on Legal Affairs is not based on any of these reasons.

On 16 July 2020, the draft decision on the appointment of Mrs. Puica to the SCJ was included on the agenda of the Plenary Session of the Parliament. As proposed by the Speaker of the Parliament, this item was excluded from the agenda to be reviewed at the next session of the Parliament. At the next session of the Parliament held on 20 July 2020, the draft decision on appointment of Judge Puica was not on the agenda. A new session of the Parliament was scheduled for 23 July 2020, but

it was cancelled shortly afterwards the Parliament decided to end the 2020 Parliament annual session. Over the last 10 years, the Parliament has ignored only one proposal of the SCM regarding the appointment of SCJ judges.

Judge Viorica PUICA has an impeccable reputation in the judiciary and is known as a person with unquestionable integrity and utmost professionalism. For 11 years, she taught the civil procedure law at the Faculty of Law of the State University of Moldova. In 2007, Mrs. Puica was nominated by the SCM as the best judge in Moldova. In 2018, during the last ordinary professional evaluation, her professional performance was rated "excellent". Rejection of such a candidate would send a warning signal to honest Moldovan judges and further undermine confidence in the existence of a genuine desire and will to reform the justice system.

The full version of the appeal is **available here.**

NOTE: Lately, judges from the Chisinau district Court (Centru Office), the Association of Judges of the Republic of Moldova "Voice of Justice" and the Association of Judges from Moldova joined the above appeal.

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