



Rule of Law Institutional
Strengthening Program (ROLISP)



Consiliul Superior
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al Republicii Moldova

COMPARATIVE SUMMARY

ASSESSMENT REPORT OF THE COURTS OF LAW IN THE REPUBLIC OF MOLDOVA

SEPTEMBER 2012

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Comparative Summary

Over the last several years, the judiciary of the Republic of Moldova has faced problems of deficient infrastructure, the need for enhanced security, the need to do more court work electronically, and a substantial increase in the workloads of judges and court staff.

This summary of information developed during visits to each court highlights the specific features and the strengths and weaknesses of each court in Moldova in terms of infrastructure, automation, workload, human resource management, services for the public and budgeting and procurement. This information will allow readers to identify and prioritize the problems courts face and will help the government plan actions to eliminate deficiencies. This summary will also be useful for drafting and approving uniform design standards for courthouses, for drafting security policies for court buildings and staff, for completing the automation of the judiciary, for analyzing the need for additional judges and for assessing the allocation and efficient use of court budgets.

I. INFRASTRUCTURE

The importance of court infrastructure should not be underestimated as architecture and design promote respect for justice and in certain cases may affect the solemnity, transparency and correctness of dispensing it. The design of a courthouse can either contribute to the goals and objectives of the court or can hinder their achievement. For instance, a courtroom may be designed and located in such a way that the judge has difficulty maintaining order during a trial or hearing witnesses. Unsecured hallways reduce the safety of all employees, and case material that is lost or damaged may affect the enforcement of court judgments. The free access of citizens to judges' offices facilitates improper communication between them, and the poor condition of courthouse interiors demeans the image of justice.

The courthouses in the Republic of Moldova generally fall into two categories: old buildings built according to soviet design standards from the 1970's and buildings that were not designed as courthouses that were later converted for that use. Currently, the infrastructure of many courthouses is in poor condition. In many cases the design does not allow separating spaces intended for the public from that for court staff and for detainees, and frequently there is an insufficient number of courtrooms, so cases are examined in judges' offices. Under such circumstances, the staff working environment, the work of the courts and the whole process of dispensing justice are negatively affected.

Detailed information about the condition of the infrastructure of court buildings is presented in Table 1 including the exterior; water supply; electrical, sewerage and heating systems; interior and roof. The condition of each is rated on a scale from 1 to 4 (1 means very good condition, while 4 - unsatisfactory condition).

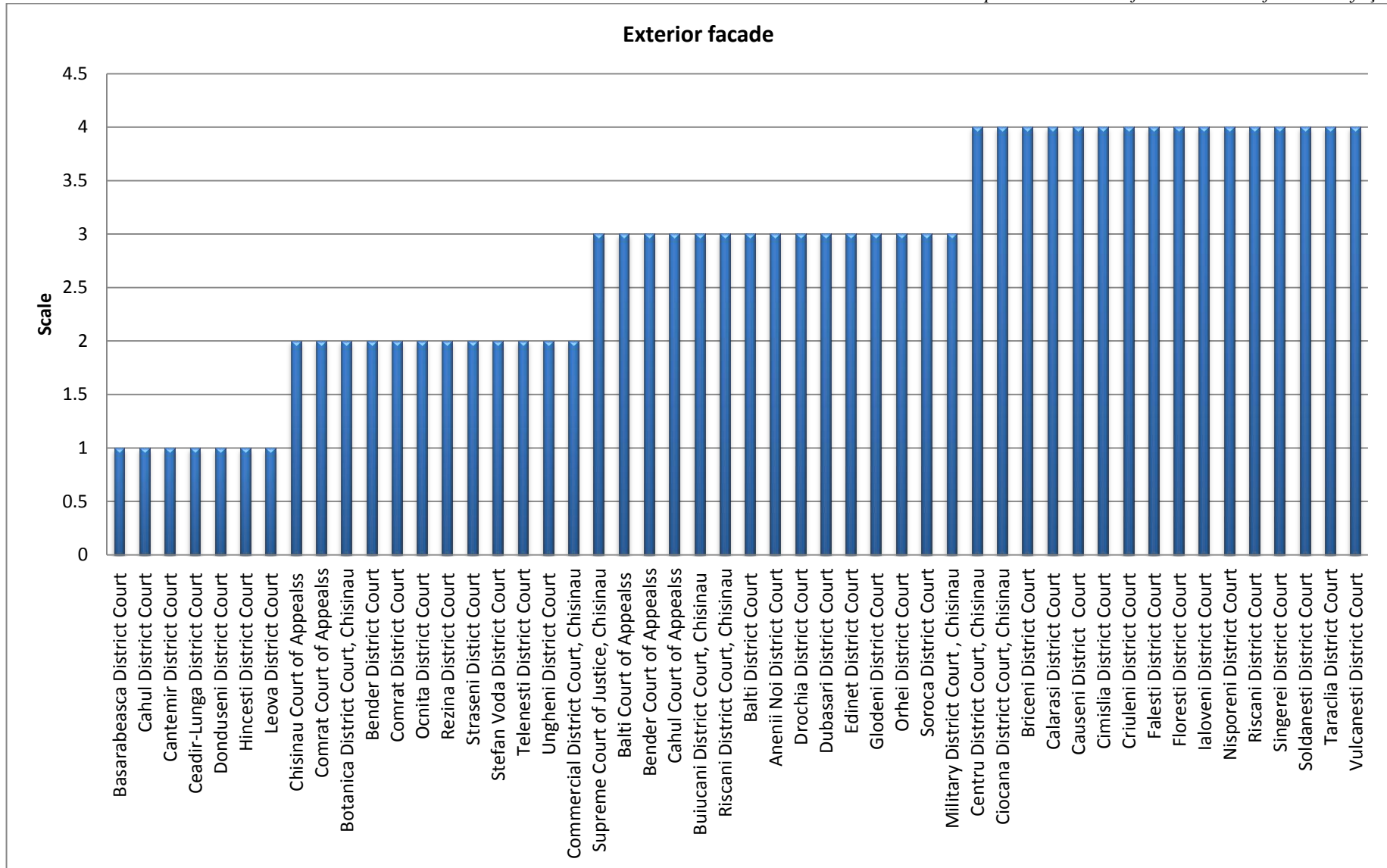
Table 1. Assessment of courthouse infrastructure¹

No.	Court name	Façade	Water supply	Electrical system	Sewerage	Heating system	Roof	Interiors
1	Supreme Court of Justice, Chisinau	3	2	3	3	2	3	3
2	Chisinau Court of Appeals	2	3	3	3	2	3	3
3	Balti Court of Appeals	3	2	3	2	2	1	3
4	Bender Court of Appeals	3	3	4	4	4	2	1
5	Cahul Court of Appeals	3	2	3	2	2	2	3
6	Comrat Court of Appeals	2	3	1	2	1	1	1
7	Botanica District Court, Chisinau	2	4	1	4	4	--	3
8	Buiuani District Court, Chisinau	3	4	4	4	2	3	3
9	Centru District Court, Chisinau	4	4	2	4	4	4	3
10	Ciocana District Court, Chisinau	4	4	4	4	3	4	4
11	Riscani District Court, Chisinau	3	2	1	2	2	2	2
12	Balti District Court	3	2	3	2	1	3	3
13	Bender District Court	2	1	2	1	2	2	1
14	Anenii Noi District Court	3	2	4	2	2	2	3
15	Basarabasca District Court	1	2	1	2	1	2	1
16	Briceni District Court	4	2	1	1	1	3	4
17	Cahul District Court	1	2	2	2	1	2	2
18	Cantemir District Court	1	1	1	1	1	1	1
19	Calarasi District Court	4	1	1	1	2	1	--
20	Causeni District Court	4	4	4	4	4	4	3
21	Ceadir-Lunga District Court	1	1	1	1	1	1	1
22	Cimislia District Court	4	4	4	4	3	4	4
23	Comrat District Court	2	2	2	2	2	2	2
24	Criuleni District Court	4	1	3	4	4	3	3
25	Donduseni District Court	1	1	3	4	1	3	1
26	Drochia District Court	3	2	4	4	1	3	4
27	Dubasari District Court	3	--	2	--	2	3	3
28	Edinet District Court	3	3	4	3	3	3	2
29	Falesti District Court	4	3	3	1	2	4	4
30	Floresti District Court	4	2	4	2	1	2	4
31	Glodeni District Court	3	1	2	1	2	2	3
32	Hincesti District Court	1	1	3	1	3	1	3
33	Ialoveni District Court	4	2	4	2	4	2	3
34	Leova District Court	1	1	2	1	2	4	1
35	Nisporeni District Court	4	2	2	2	2	4	1
36	Ocnita District Court	2	2	3	2	3	2	3
37	Orhei District Court	3	1	4	4	1	4	4
38	Rezina District Court	2	2	1	2	2	1	1
39	Riscani District Court	4	2	2	2	2	4	2
40	Singerei District Court	4	2	2	2	2	3	2
41	Soroca District Court	3	2	1	4	3	1	2
42	Straseni District Court	2	2	2	3	4	2	1
43	Soldanesti District Court	4	4	4	--	1	3	4
44	Stefan Voda District Court	2	3	3	3	1	2	4
45	Taraclia District Court	4	4	4	4	4	4	4
46	Telenesti District Court	2	2	1	1	1	2	1
47	Ungheni District Court	2	2	2	2	2	2	2
48	Vulcanesti District Court	4	3	3	3	1	1	3
49	Military Court, Chisinau.	3	2	3	2	3	3	4
50	Commercial District Court, Chisinau	2	3	4	3	4	--	4

¹ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 1 shows the condition of the courthouse exteriors on a scale from 1 to 4. The facades of 7 buildings are in very good condition while those of 12 are in good condition. In 15, the facade is satisfactory, but those of the remaining 16 are in unsatisfactory condition.

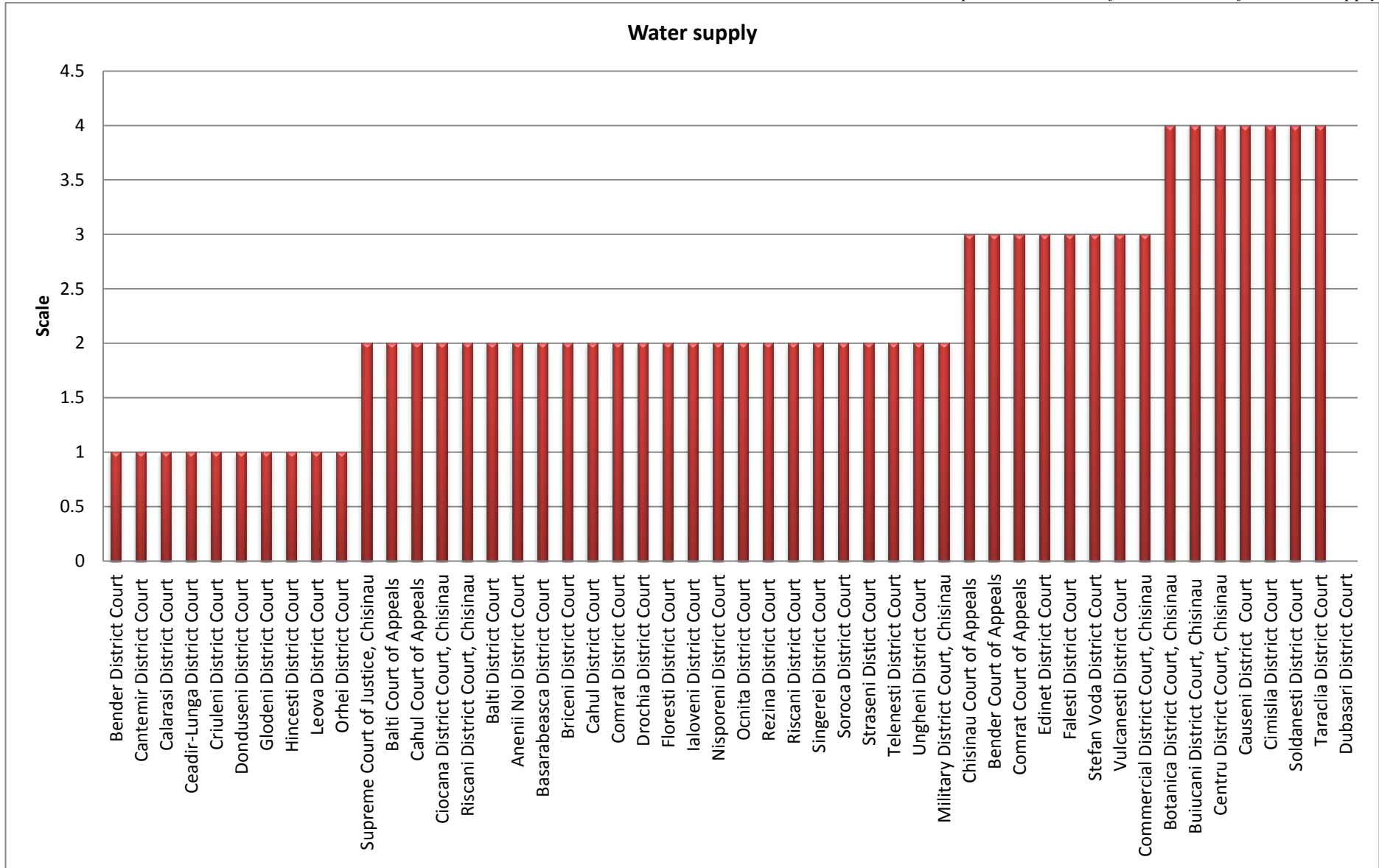
Graph 1. Assessment of the condition of the court façades²



² 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 2 shows the condition of the water supply in the court buildings. In 10 courts the system is very good, in 23 it is good and in 8 it is satisfactory. The water supply is unsatisfactory in 8 while the Dubasari District Court building is not on a central system.

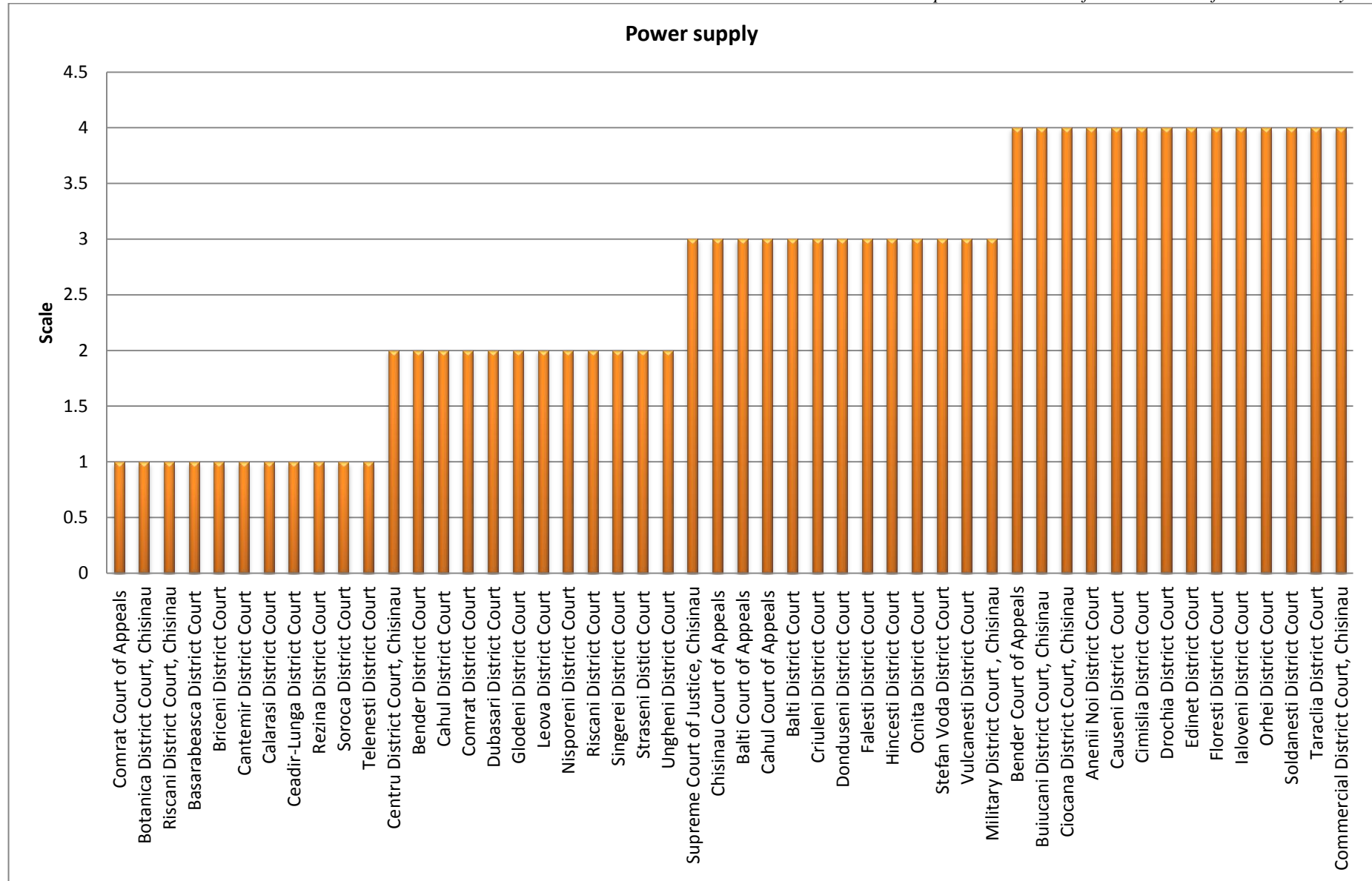
Graph 2. Assessment of the condition of the water supply³



³ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 3 illustrates the condition of the electrical system in the court buildings. In 11 it is very good, in 12 it is good, in 13 it is satisfactory but in 14 it is unsatisfactory.

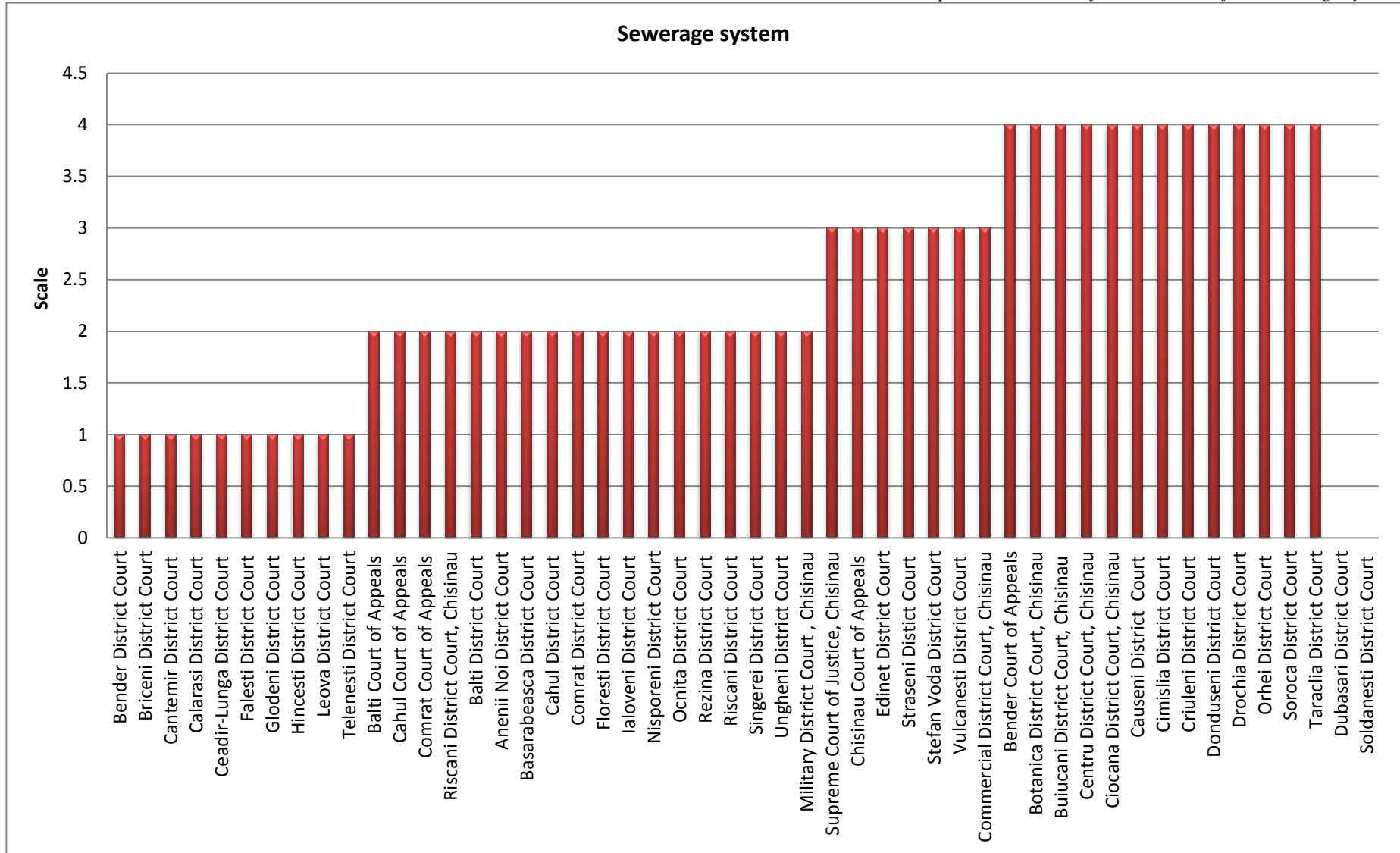
Graph 3. Assessment of the condition of the electrical systems⁴



⁴ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 4 presents the assessment of the condition of the sewerage systems in the court buildings. In 10 it is very good, in 18 it is good, in 7 it is satisfactory while in 13 it is unsatisfactory. Soldanesti and Dubasari district courts do not have sewerage systems.

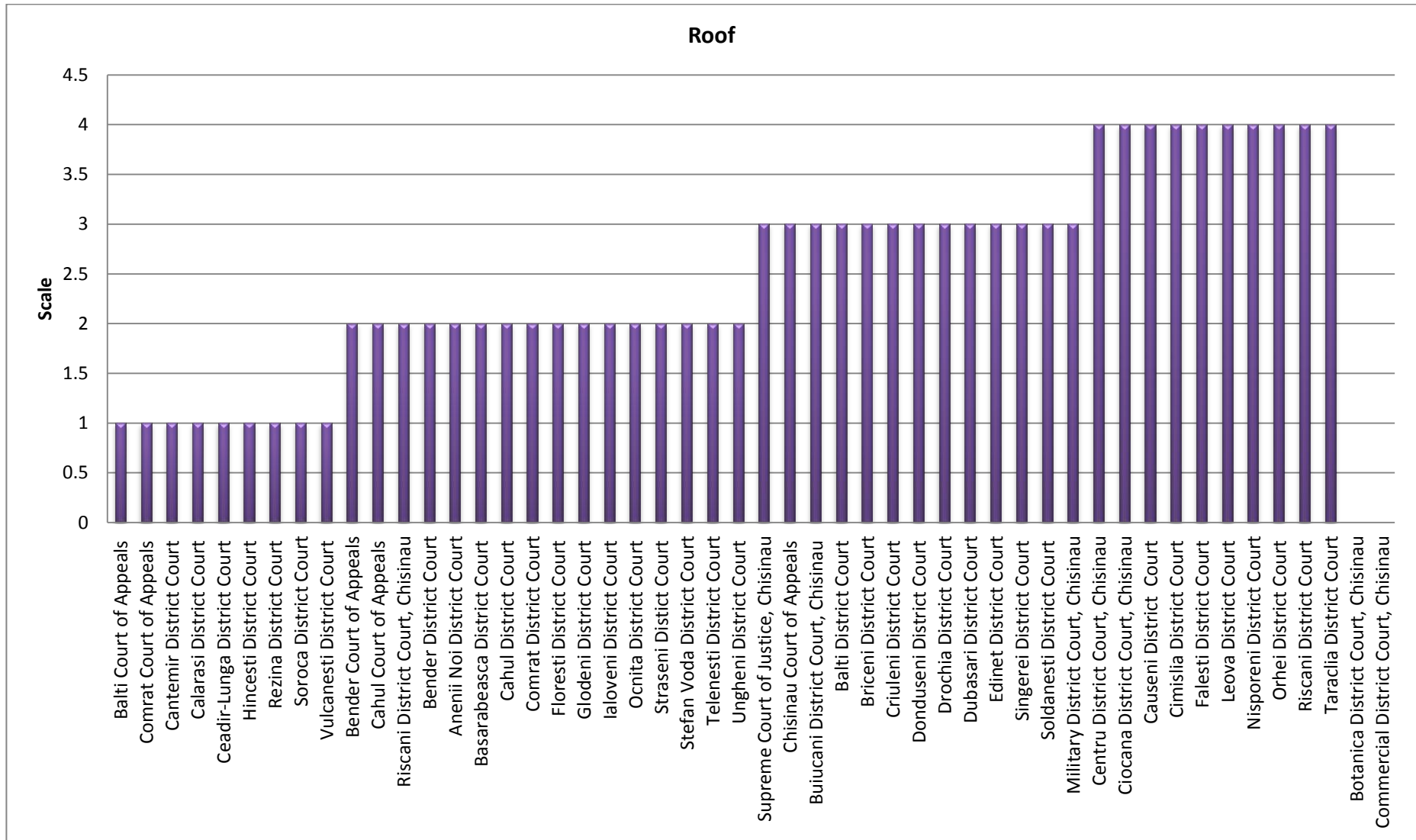
Graph 4. Assessment of the condition of the sewerage systems⁵



⁵ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 6 shows that in 9 court buildings the condition of the roof is very good, in 16 it is good, in 13 it is satisfactory and in 10 it is unsatisfactory. The roof could not be assessed in Botanica District Court as the top floor was under construction. The Commercial District Court is located on the second floor of a three-story building so does not have a roof.

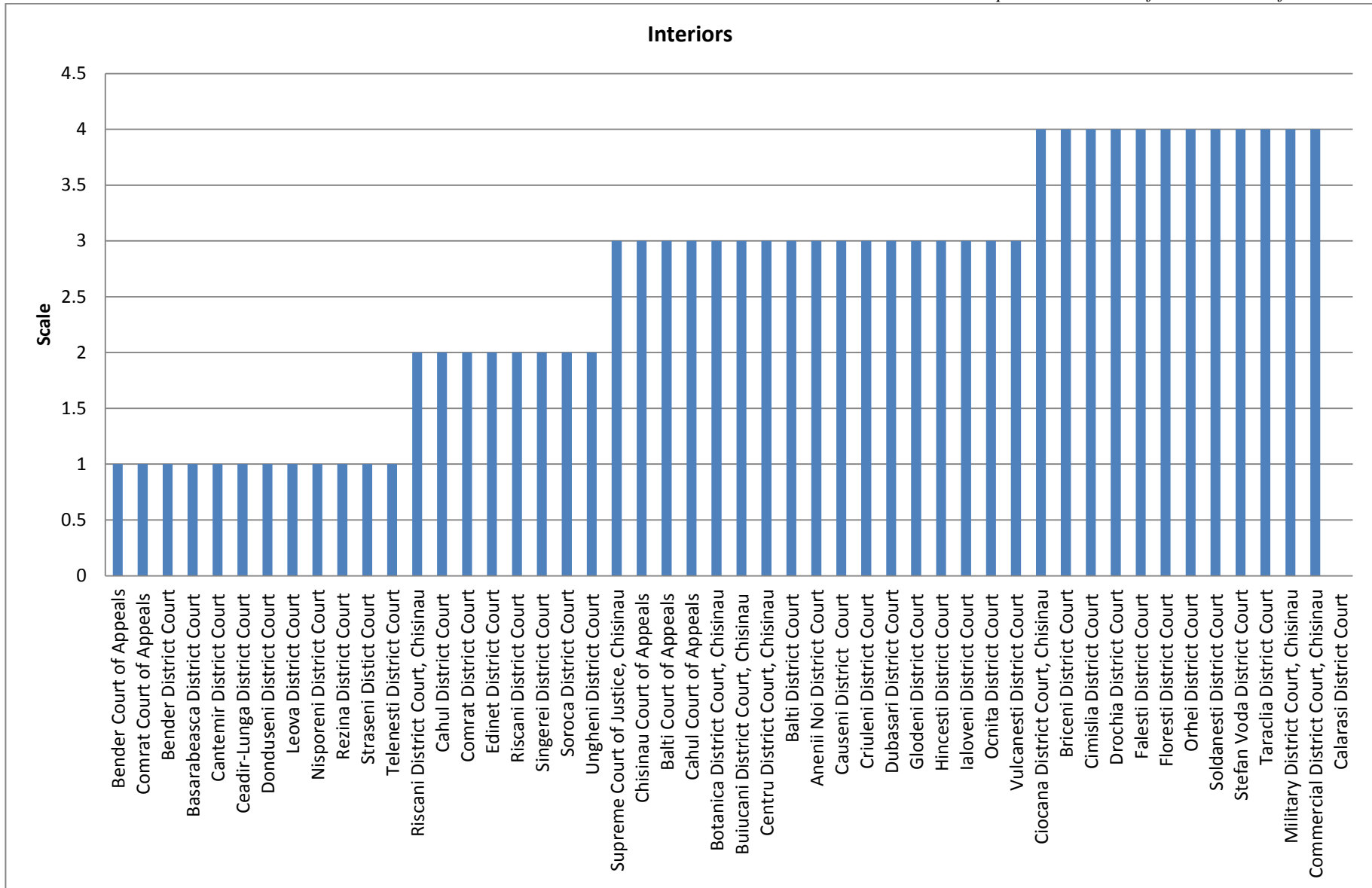
Graph 6. Assessment of the condition of the roof⁷



⁷ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Graph 7 shows that the condition of the interiors of 12 buildings is very good, in 8 it is good, in 17 it is satisfactory and in 12 it is unsatisfactory. The team did not assess the interior in Calarasi District Courthouse because renovations were in progress.

Graph 7. Assessment of the condition of the interiors⁸



⁸ 1 – Very good, 2 – Good, 3 – Satisfactory, 4 – Unsatisfactory

Table 2 shows the total area of court buildings and the total number of court staff in descending order by space per staff member. Singerei District Court and Military Court did not provide the documentation team with information about the total area of the court buildings.

Table 2. Available area of court buildings and the total number of court staff

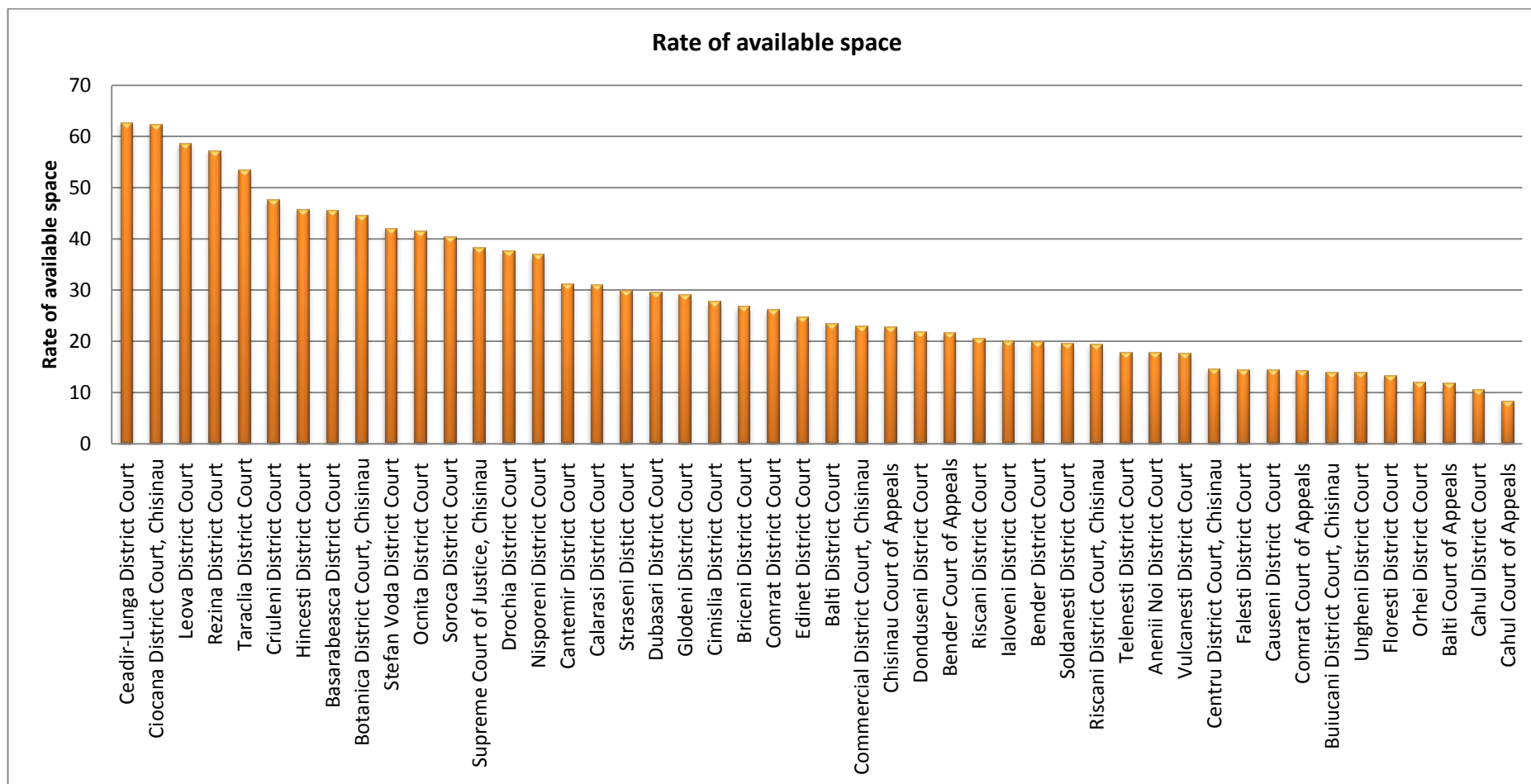
No.	Court name	General building size (sq. meters)	Number of Judges	Other staff	Total
1.	Ceadir-Lunga District Court	1600.00	5	20.5	25.5
2.	Ciocana District Court, Chisinau	3624.00	13	45	58
3.	Leova District Court	1439.80	4	20.5	24.5
4.	Rezina District Court	1317.00	5	18	23
5.	Taraclia District Court	1390.50	5	21	26
6.	Criuleni District Court	1453.00	6	24.5	30.5
7.	Hincesti District Court	1443.20	9	22.5	31.5
8.	Basarabasca District Court	979.60	4	17.5	21.5
9.	Botanica District Court, Chisinau	3265.00	18	55	73
10.	Stefan Voda District Court	990.40	4	19.5	23.5
11.	Ocnita District Court	894.00	4	17.5	21.5
12.	Soroca District Court	1721.40	10	32.5	42.5
13.	Supreme Court of Justice, Chisinau	8383.66	49	170	219
14.	Drochia District Court	1150.00	6	24.5	30.5
15.	Nisporeni District Court	962.00	5	21	26
16.	Cantemir District Court	719.46	4	19	23
17.	Calarasi District Court	948.03	6	24.5	30.5
18.	Straseni District Court	1036.00	8	26.5	34.5
19.	Dubasari District Court	755.28	5	20.5	25.5
20.	Glodeni District Court	861.50	5	24.5	29.5
21.	Cimislia District Court	765.00	4	23.5	27.5
22.	Briceni District Court	805.76	6	24	30
23.	Comrat District Court	773.20	6	23.5	29.5
24.	Edinet District Court	805.76	7	25.5	32.5
25.	Balti District Court	1639.50	18	52	70
26.	Commercial District Court, Chisinau	783.40	12	22	34
27.	Chisinau Court of Appeals	3148.60	41	96.5	137.5
28.	Donduseni District Court	570.68	5	21	26
29.	Bender Court of Appeals	1030.00	10	37.5	47.5
30.	Riscani District Court	536.00	5	21	26
31.	Ialoveni District Court	644.00	6	26	32
32.	Bender District Court	568.30	7	21.5	28.5
33.	Soldanesti District Court	410.30	4	17	21
34.	Riscani District Court, Chisinau	1373.00	19	51.5	70.5
35.	Telenesti District Court	475.30	6	20.5	26.5
36.	Anenii Noi District Court	500.30	6	22	28
37.	Vulcanesti District Court	408.00	3	20	23

38.	Centru District Court, Chisinau	999.10	17	51	68
39.	Falesti District Court	450.00	6	25	31
40.	Causeni District Court	448.40	7	24	31
41.	Comrat Court of Appeals	583.30	7	34	41
42.	Buiucani District Court, Chisinau	982.70	19	51	70
43.	Ungheni District Court	460.30	8	25	33
44.	Floresti District Court	476.70	8	27.5	35.5
45.	Orhei District Court	424.20	8	27	35
46.	Balti Court of Appeals	1089.40	22	70	92
47.	Cahul District Court	430.00	9	31.5	40.5
48.	Cahul Court of Appeals	304.50	6	30.5	36.5
49.	Singerei District Court	-	6	22	28
50.	Military District Court, Chisinau	-	3	7	10
TOTAL		56819.53	466	1595	2061

Table 2 highlights the lack of uniformity and logical rationale for allocating court space. As a rule, space should vary according to the number of staff, i.e., the greater the number of staff, the larger the space should be. This is not true in Moldova. One of the reasons for this inequity is the lack of financial resources to construct new buildings or to remodel older ones to ensure adequate working conditions.

Graph 8 shows the space available per staff member in Moldovan courts Ceadir-Lunga, Ciocana, Chisinau, Leova, Rezina and Taraclia have the most while Cahul Court of Appeals has the least as 36.5 staff members work in only 304.5 sq. meters (8.3 meters each).

Graph 8. Space available per staff member



During the documentation visits, the space needs of each court were assessed. The assessment is based on information provided by the court staff. Data presented below reveals that the offices and the courtrooms have less space than the other functional areas.

Table 3. Space needs in Moldovan courts

No.	Court name	Office space	Court rooms	Space for detainees	Space for juvenile detainees	Space for juvenile trial participants	WC for staff	WC for court visitors	Separate space for anonymous witnesses	Server room	Archive room	Space for attorneys and prosecutors
1	Supreme Court of Justice, Chisinau				1	1			1			
2	Chisinau Court of Appeals	30	7	7	1	1		2	1	1		

47	Ungheni District Court	6	5	1		1			1			
48	Vulcanesti District Court				1			1	1			
49	Military Court, Chisinau											
50	Commercial District Court, Chisinau		5									
TOTAL		155	142	41	34	28	20	22	20	13	6	4

Conclusions

- A large number of district courts and courts of appeals in Moldova are located in buildings inappropriate for the efficient functioning of a modern court.
- The exteriors of 32,0% of court buildings are unsatisfactory, 30,0% are satisfactory, 24,0% are good and 14,0% are very good.
- In all, 14,3% of the court buildings are connected to water supply systems that are in unsatisfactory condition, 16,3% are in satisfactory condition, 49,0% - in good condition, and 20,4% are in very good condition. One of the courts, Dubasari District Court, is not on a central water supply system.
- The electrical system is unsatisfactory in 28,0% of the buildings, it is satisfactory in 26,0%, good in 24,0% and very good in 22,0%.
- The condition of the sewerage system is unsatisfactory in 27,1% of the buildings, satisfactory in 14,6%, good in 37,5% and very good in 20,8%. Two court buildings, Soldanesti and Dubasari District Courts, are not connected to a centralized sewerage system.
- In 18% of the courthouses the condition of the heating systems is unsatisfactory, in 14,0% it is satisfactory, in 38,0% it is good and in 30,0% it is very good.
- The condition of the roof is unsatisfactory in 20,8% of the buildings, satisfactory in 27,1%, good in 33,3%, and very good in 18,8%.
- The interiors are unsatisfactory in 24,5% of the courts, satisfactory in 34,7%, good in 16,3% and very good in 24,5%.
- The size of the court buildings is often not sufficient for the number of court staff and the workload. For instance, Soroca District Court is located in a building with a total area of 1721.40 sq. meters for 42.5 staff members and registered 5231 cases in 2011. On the other hand, Cahul District Court, with 40.5 staff members and 5219 cases registered in 2011 is located in a building with an area of 430 sq. meters.
- Most courts need additional offices (155 more) and additional courtrooms (142 more).

Recommendations

- Adopt the practice of determining the number of staff and size of the court premises according to the number of cases registered and the number of citizens served.
- Implement an infrastructure improvement program to increase the number of court buildings that meet the minimum standards for design, security, hygiene and comfort.
- Develop security policies for buildings and court staff and define the minimum standards for court security systems.
- Develop uniform design standards to improve the operations of the courts. The following recommendations could be considered.
 - The general design of a courthouse must promote respect for the process of dispensing justice. The architectural structure must be a source of pride and should fit with the existing architecture in the community. The typical exterior elements must include national symbols and the flag.

- Security measures are extremely important. The basic ones are secure entrances, secure entrances to courtrooms and judges' offices, trained staff and metal detectors in the entrance halls.
- Three separate zones should be provided: public, restricted and secured. The public circulation zone begins at the entrance to the courthouse and is limited to the areas that have not been declared restricted or secured zones. Restricted circulation zones are interior spaces with a controlled entry point that limits access to judges and court personnel. The secured circulation zone includes the parking area used by judges, the cells where prisoners are held pending their appearance in court, the immediate area around these cells and any corridors.

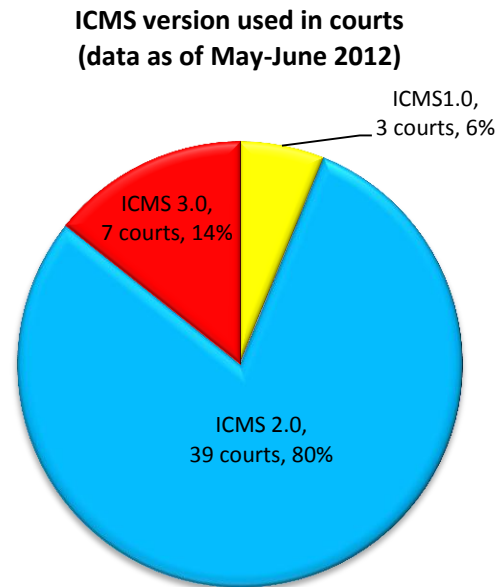
II. COURT AUTOMATION

2.1. Integrated Case Management System (ICMS)

Automation of the judiciary is a priority for the Republic of Moldova. It is an indispensable element of a smooth administration of justice when the caseload is continuously growing. Working electronically will help both judges and court visitors, contributing to the independence of the judiciary, making court work transparent and improving the quality of judicial actions.

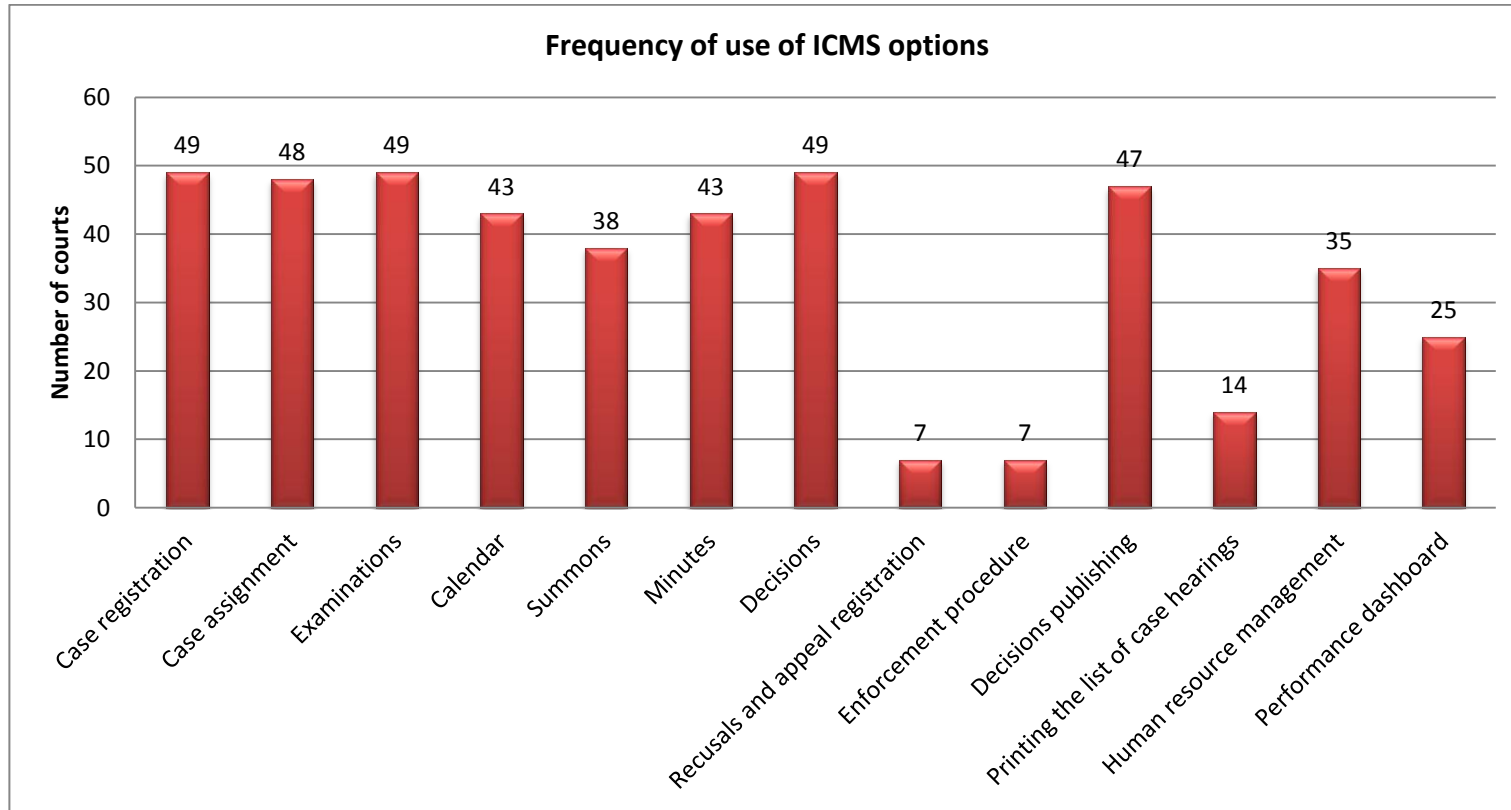
The documentation visits revealed that all the courts in the Republic of Moldova except the Military Court use ICMS. In October 2011, Version 3 was finalized and had been installed in 7 courts as of the date of the visit; 39 courts continue to use Version 2, and 3 still use Version 1 (Graph 9).

Graph 9. ICMS version used in courts



It was also established that not all ICMS options are fully used by court staff. Some menus, e.g., case registration, case assignment and publishing decisions are frequently used while enforcement procedures, registration of appeal requests, printing the list of hearings and the performance module are rarely used (Graph 10).

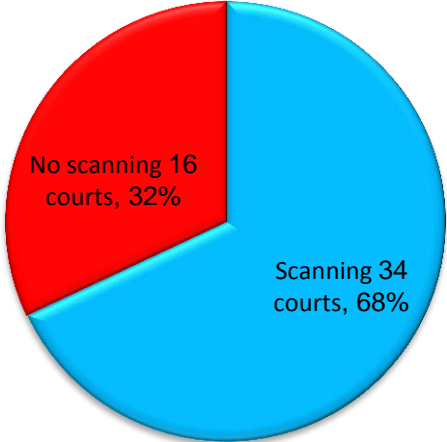
Graph 10. Frequency of use of ICMS options



ICMS allows users to create electronic case files by scanning hard copies. The documentation teams found that not all the courts scan case files and that courts that do scan do not scan the entire file (Graph 11).

Graph 11. Case documents scanned

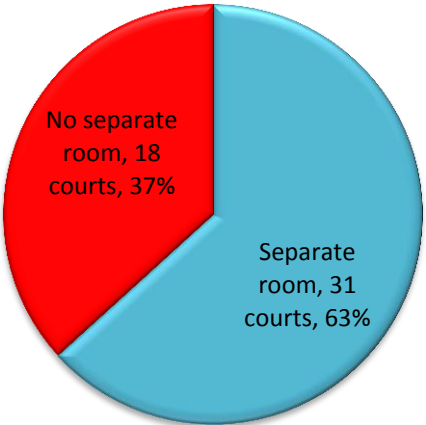
Case documents scanned



The proper operation of ICMS and other software depends on the proper operation of the server, and that depends to a great extent on the conditions of the room in which the server is located. One of the main prerequisites is that the server is installed in a separate, clean and secure room. Graph 12 shows the number of courts in which the server is installed in a separate room.

Graph 12. Courts that provided or did not provide a separate room for the server

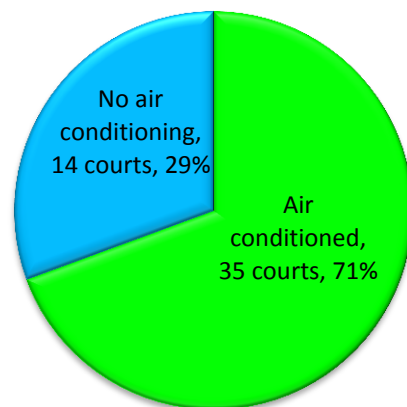
Separate server room



The second prerequisite for the proper operation of the server is the proper temperature of the room. Server rooms need to be equipped with air conditioning. Graph 13 shows the number of courts that have air conditioned server rooms.

Graph 13. Number of courts with or without air conditioned server rooms

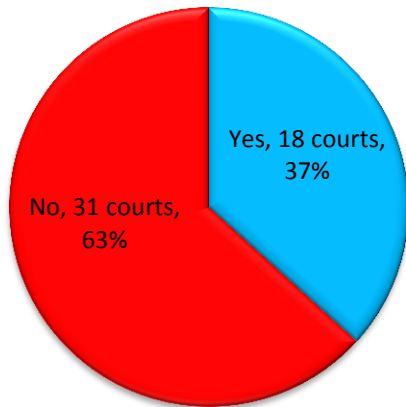
Air conditioning in court server rooms



All hardware and software need to be properly maintained to ensure their smooth operation. The Moldovan judiciary does not have an IT specialist position on the staff rosters of the courts except for the Supreme Court of Justice (SCJ). Therefore, most of the technical problems faced by the courts are resolved by the staff of Center for Special Telecommunications (CTS), an institution contracted by the MoJ to secure the maintenance and further development of ICMS. However, there are several courts that hired IT specialists based on service agreements (*Graph 14*).

Graph 14. Number of courts contracting IT services

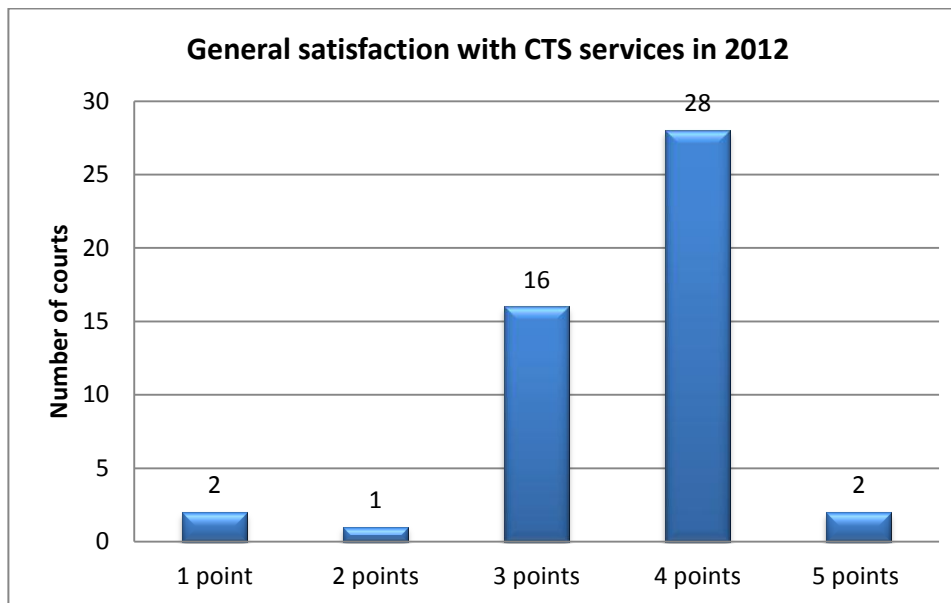
IT Specialists contracted by courts



CTS is officially responsible for solving the technical problems faced by court staff in using ICMS and electronic hardware. The interviews with court staff revealed their degree of overall satisfaction with the maintenance services provided by CTS in 2012 (Graph 15).

Graph 15. Degree of overall satisfaction with CTS services in 2012⁹

⁹ 1 – Very low quality, 2 – Low quality, 3 – Medium quality, 4 – High quality, 5 – Very high quality



2.2. Audio recording court hearings

The documentation teams found that the staff in 25 courts does not audio record hearings while in 19 courts the system is sometimes used and in 6 it is always used (Graph 16). The courts that always record hearings are Balti Court of Appeals, Cahul Court of Appeals, Comrat Court of Appeals, Comrat District Court, Criuleni District Court and Drochia District Court (Table 4).

Graph 16. Use of audio recording equipment during hearings

Use of audio recording equipment during hearings

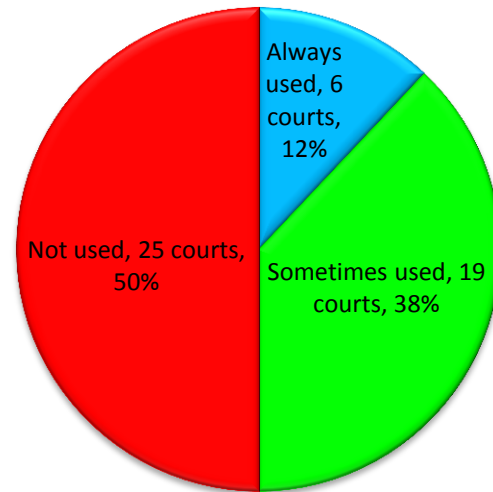


Table 4. Use of audio recording equipment¹⁰

No.	Court name	Code
1	Balti Court of Appeals	1
2	Cahul Court of Appeals	1
3	Comrat Court of Appeals	1
4	Comrat District Court	1
5	Criuleni District Court	1
6	Drochia District Court	1
7	Chisinau Court of Appeals	2
8	Bender Court of Appeal	2
9	Bender District Court	2
10	Briceni District Court	2
11	Causeni District Court	2
12	Ceadir-Lunga District Court	2
13	Cimislia District Court	2
14	Donduseni District Court	2
15	Dubasari District Court	2
16	Edinet District Court	2
17	Falesti District Court	2

¹⁰ 1 – Always used, 2 – Sometimes used, 3 –Not used.

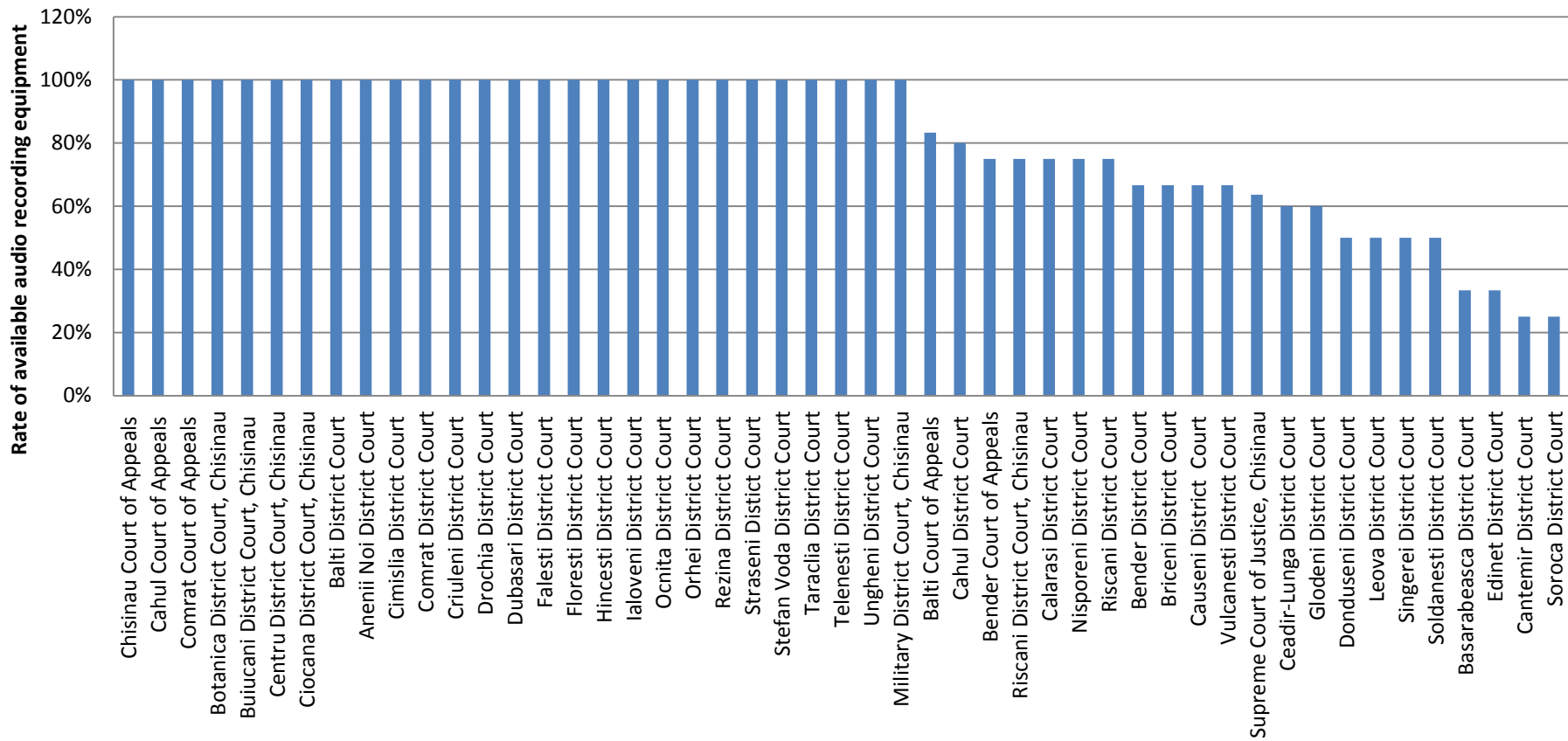
18	Floresti District Court	2
19	Glodeni District Court	2
20	Hincesti District Court	2
21	Nisporeni District Court	2
22	Orhei District Court	2
23	Rezina District Court	2
24	Telenesti District Court	2
25	Vulcanesti District Court	2
26	Supreme Court of Justice, Chisinau	3
27	Botanica District Court, Chisinau	3
28	Buiucani District Court, Chisinau	3
29	Centru District Court, Chisinau	3
30	Ciocana District Court, Chisinau	3
31	Riscani District Court, Chisinau	3
32	Balti District Court	3
33	Anenii Noi District Court	3
34	Basarabasca District Court	3
35	Cahul District Court	3
36	Cantemir District Court	3
37	Calarasi District Court	3
38	Ialoveni District Court	3
39	Leova District Court	3
40	Ocnita District Court	3
41	Riscani District Court	3
42	Singerei District Court	3
43	Soroca District Court	3
44	Straseni District Court	3
45	Soldanesti District Court	3
46	Stefan Voda District Court	3
47	Taraclia District Court	3
48	Ungheni District Court	3
49	Military District Court , Chisinau	3
50	Commercial District Court, Chisinau	3

One of the problems faced by the judiciary in recording court hearings is lack of equipment as only 27 courts of the 50 visited had enough, i.e., a set for every courtroom¹¹. Graph 17 shows which courts have enough equipment and which courts need equipment and how much they need calculated by dividing the total number of courtrooms by the number of sets available. The higher the rate, the lower the needs for audio recording equipment sets are. And vice versa, the lower the rate, the greater the higher the needs for the audio recording equipment are (*Graph 17*).

Graph 17. Percentage of audio recording sets per courtrooms

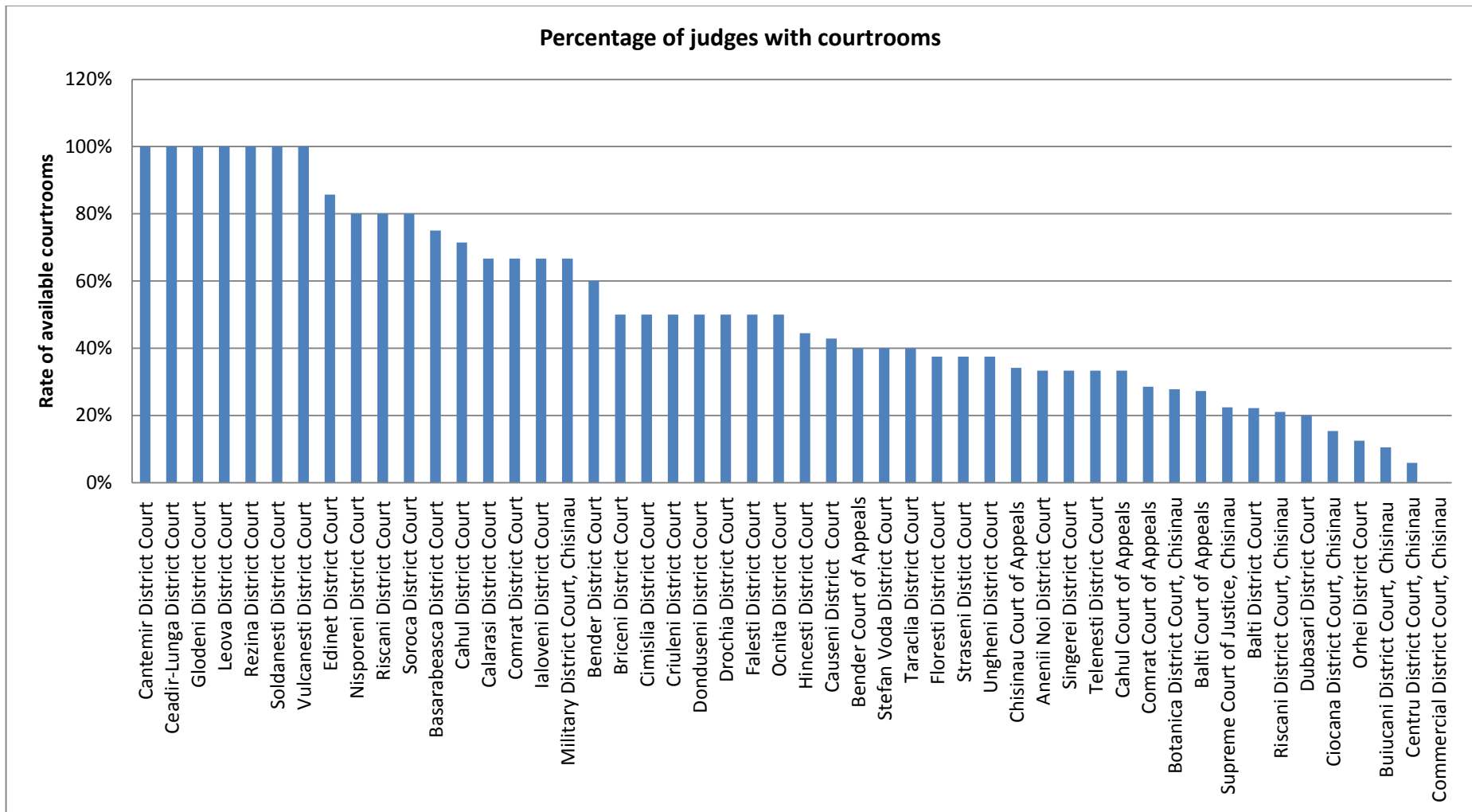
¹¹ In 2009, the Moldova Governance Threshold Country Program funded by the Millennium Challenge Corporation provided all courtrooms in all courts with the audio recording equipment. Since then new courtrooms were created in the judiciary where no audio recording equipment is installed.

Percentage of audio recording sets per courtrooms



A more serious problem in recording hearings is the shortage of courtrooms as that requires judges to conduct hearings in their offices. Graph 18 calculates the percentage of judges with courtrooms by dividing the total number of courtrooms in a courthouse by the total number of judges working there. Only seven courthouses have one courtroom for each judge. The higher the rate, the lower the need for additional courtrooms is. And vice versa, the lower the rate, the higher the number of the needed additional courtrooms is.

Graph 18. Percentage of judges with courtrooms

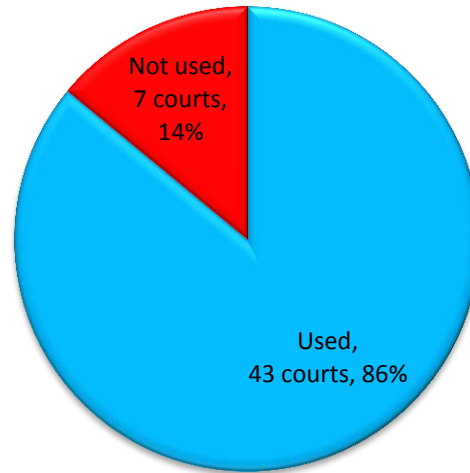


2.3 Court webpages

The documentation teams found that the webpage content management software is used in most of the courts (Graph 19), but that fonts and colors were not always uniform. In addition, the menus do not always match their contents and some do not have any information. The software is not used in seven courts, i.e. the webpages are not updated (Centru District Court of Chisinau Municipality, Anenii Noi District Court, Causeni District Court, Ialoveni District Court, Orhei District Court, Military Court and Commercial Circumscription Court).

Graph 19. Use of the webpage content management system

Use of the webpage content management system



2.4 Equipment needs

Currently the courts have enough equipment to function properly, but all of them expressed the need for more (Table 5).

Table 5. Equipment needed by the courts

No.	Court name	Computers	Printers	UPS	Scanners	Notebooks	Copy machines	SRS Femida equipment sets	Telephones	Faxes	Air-conditioners	Refrigerators	Franking machines	Power supply stabilizer	Electric monitor	TV / Video Set
1	Supreme Court of Justice, Chisinau	75	61		20	10					60	20			1	
2	Chisinau Court of Appeals	56	53	62	25		2	15		5	14					
3	Balti Court of Appeals							2								
4	Bender Court of Appeals	17	15	19	2		2	1		4	4					
5	Cahul Court of Appeals	21	14	21	2			1					1	1		
6	Comrat Court of Appeals	32		30	3			5							1	
7	Botanica District Court, Chisinau	22	20	30	20			15		5						
8	Buiucani District Court, Chisinau	27	20													
9	Centru District Court, Chisinau	19	5	19	5			19		18						
10	Ciocana District Court, Chisinau	18	18	18	13			11		5						
11	Riscani District Court, Chisinau	25	20	30	2			3		5			1			
12	Balti District Court	5	3	8	9			5		7	15					

13	Bender District Court	10	10		2		2	1								
14	Anenii Noi District Court	3	2	8				1		1						
15	Basarabeasca District Court	4	1					2					1			
16	Briceni District Court	38	20	38	6		4	3		3	15			2	1	
17	Cahul District Court	30	30	32	15			5			5		1	1	1	
18	Cantemir District Court	8	8	18	2		5	3		2						
19	Calarasi District Court	10	10	27	2			2		1						
20	Causeni District Court	5			7		3	3			17					
21	Ceadir-Lunga District Court	18	5	28	3			2		2				1	1	
22	Cimislia District Court	3	3	4	1			1								
23	Comrat District Court	8	8		2											
24	Criuleni District Court	2	12		6		1									
25	Donduseni District Court	4	3	2	1		2	1			3					
26	Drochia District Court	6	6		2			1			8			1		
27	Dubasari District Court	10	5		5			2								
28	Edinet District Court	15	15	25	1			5			5					
29	Falesti District Court	3	5	10	1			3		1	5					
30	Floresti District Court	19	15		8			5			5		1			
31	Glodeni District Court	5	5	8	1			2		1				1		
32	Hincesti District Court	2	8		1			1		1						
33	Ialoveni District Court	25	10	9	2			6								
34	Leova District Court	3	3	13	1			2								
35	Nisporeni District Court	5	5		2			1								
36	Ocnita District Court	9	14	13	5			3		1			1			
37	Orhei District Court	2	5	5	8			1		1						
38	Rezina District Court		5								3					
39	Riscani District Court	15	15	10	3		2	1		2	7					
40	Singerei District Court		3		2		1	1		1	2		1			
41	Soroca District Court	20	20	20	10		5	8							1	5
42	Straseni District Court	4		10			2			1						1
43	Soldanesti District Court	2	2	2	1			2								
44	Stefan Voda District Court	10	10	2	2			3							1	
45	Taraclia District Court	23	23	23	12		3	3			15		1			3
46	Telenesti District Court		1		1			3					1			
47	Ungheni District Court	16	16		8		4			2						
48	Vulcanesti District Court	15		15			2	1		3	15		1			
49	Military District Court , Chisinau	10	13	13				1	10	1	7					
50	Commercial District Court, Chisinau		1		8			9	8	3	23	5				
	TOTAL	679	546	572	232	10	40	165	18	76	228	25	10	7	7	9

Conclusions

- ICMS is used by all courts except for the Military Court which does not have a server.
- Version 3 of ICMS is used in 14%, Version 2 is used in 80% and Version 1 is used in 6% of the courts visited.
- Most ICMS options are used. The unused or more rarely used modules are registering summons, human resource management, performance dashboard, printing the list of hearings, registering appeal requests and enforcement procedures.

- In all, 68% of the courts scan cases to create electronic files, though most do not scan the entire files (as a rule, civil cases are completely scanned, criminal cases – only the indictment, and contraventional cases – integrally). The other 32% do not scan. The courts that do not scan are Chisinau Court of Appeals; Buiucani District Court, Chisinau; Centru District Court, Chisinau; Ciocana District Court, Chisinau; Balti District Court; Basarabeasca District Court; Briceni District Court; Cantemir District Court; Falesti District Court; Ialoveni District Court; Rezina District Court; Singerei District Court; Straseni District Court; Telenesti District Court; Military Court, Chisinau and Commercial District Court, Chisinau.
- A total of 61% of court presidents and court staff assessed the quality of services provided by CTS in 2012 as very good or good, while the other 39% rated CTS at 1 to 3, i.e. very low, low or medium quality.
- The audio recording sets are not used in 50% of the courts. In 38% they are used only sometimes often because there aren't enough courtrooms or sets. The equipment is always used in 12% of the courts, i.e. all court hearings are audio recorded.
- In all, 54% of the courts have sufficient audio recording equipment, 28% need one additional set and the other 16% need two or more sets.
- The number of courtrooms is equal to the number of judges working at the court in 14% of courthouses nationwide. The number of judges exceeds the number of courtrooms by one in 10% of the courts, in 38% the number of judges exceeds the number of courtrooms by 3–6, while 11–38 additional courtrooms are required in the remaining 20% (SCJ needs 38; Chisinau Court of Appeals needs 27; Balti Court of Appeals requires 16; Botanica District Court, Chisinau needs 13; Riscani District Court, Chisinau lacks 15; Ciocana District Court, Chisinau is 11 short; Buiucani District Court, Chisinau lacks 17; Centru District Court, Chisinau needs 16; Commercial District Court, Chisinau requires 12 and Balti District Court is 14 short).

Recommendations

- Hire an IT specialist for every court.
- Develop and implement a training program for using ICMS, the audio recording software and equipment, the webpage content management system and maintaining computer networks.
- Install Version 3 of ICMS in all courts.
- Institutionalize training for all court staff in using Version 3 including the statistical reporting module.
- Provide the Military Court with a server and whatever else is necessary for using ICMS.
- Provide all courts with enough scanners to create electronic case files.
- Install all servers in separate rooms and equip the rooms with air conditioners.
- Complete all webpages with information of public interest and ensure the uniformity of design, colors and fonts.
- Require SCM inform court presidents about problems and lack of information.
- Issue regulations that require all court to maximize audio record hearings.
- Institutionalize training for court secretaries in the use of the audio recording software and equipment.
- Provide every court with portable devices to record hearings both in courtrooms and in other premises used as courtrooms.
- Amend the current legislation to eliminate handwritten transcripts of hearings and to make the audio recording the primary document.
- Amend criminal legislation to replace signed handwritten statements of defendants, injured parties, civil parties and civilly liable parties, and the need to sign the statements, with audio recordings.
- Develop statistical criteria for assessing the need for courtrooms. The focus should be on the total number of judges and their caseloads.

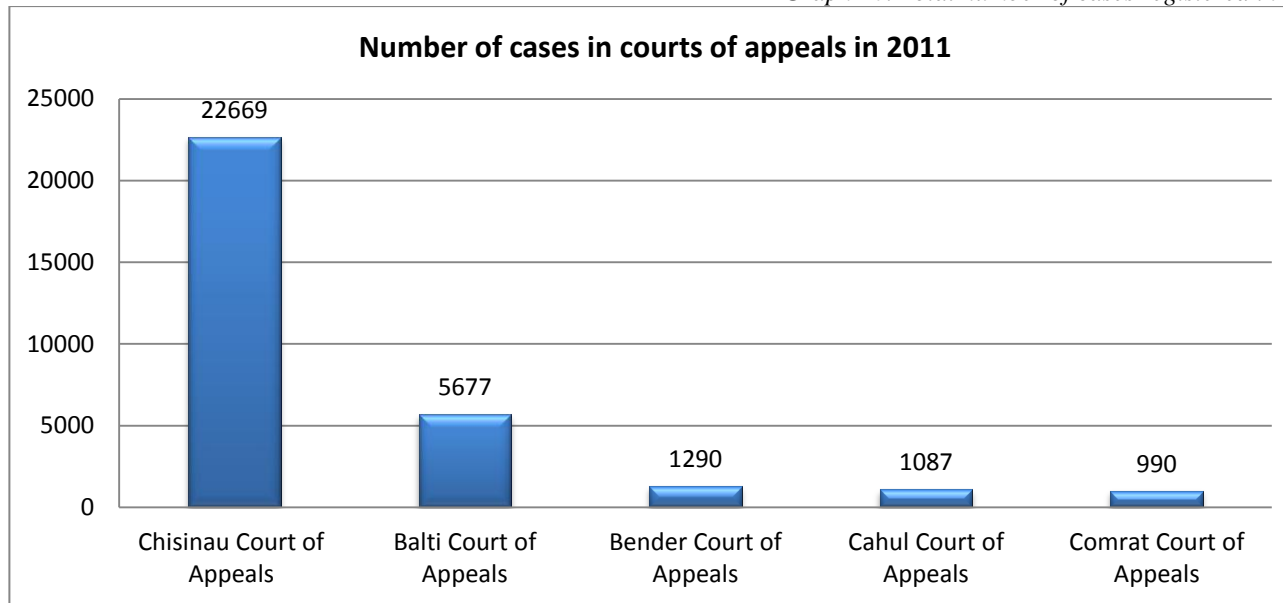
III. ACTIVITY OF THE COURTS

3.1. Workloads of the courts

The work of the SCJ is not included in this summary as its functions are unique.

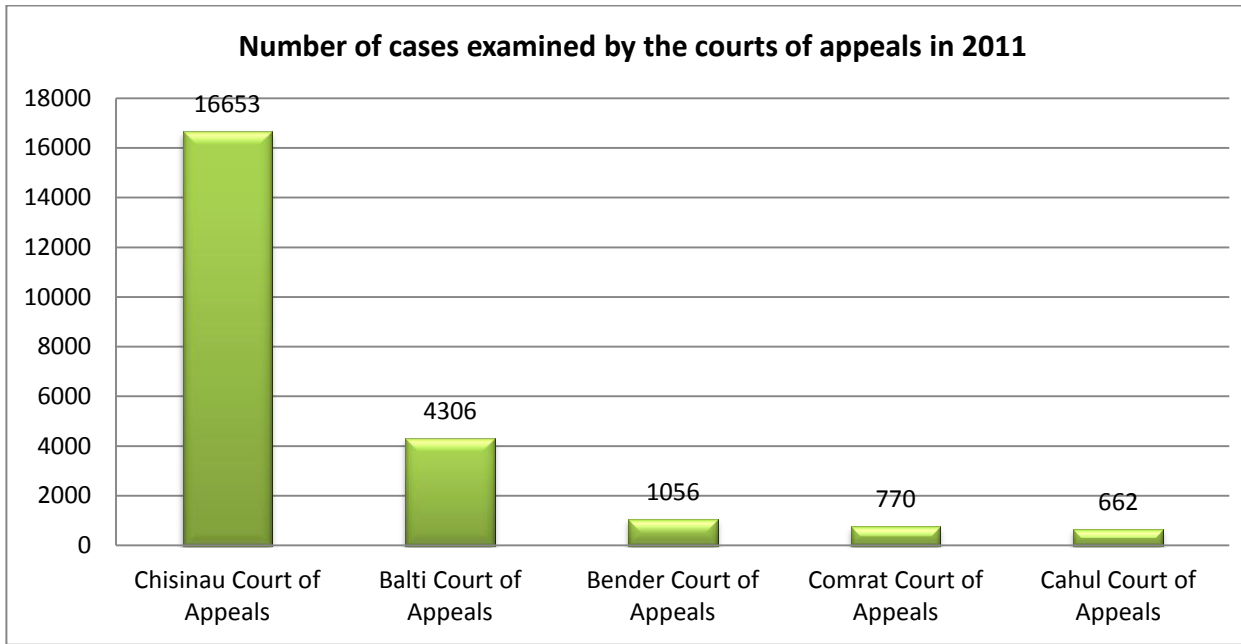
The workloads of courts of appeals and district courts were analyzed by comparing the total number of registered cases in each in 2011, the total number of cases examined that year and the case clearance rates¹² (Graphs 20–25).

Graph 20. Total number of cases registered in the courts of appeals in 2011

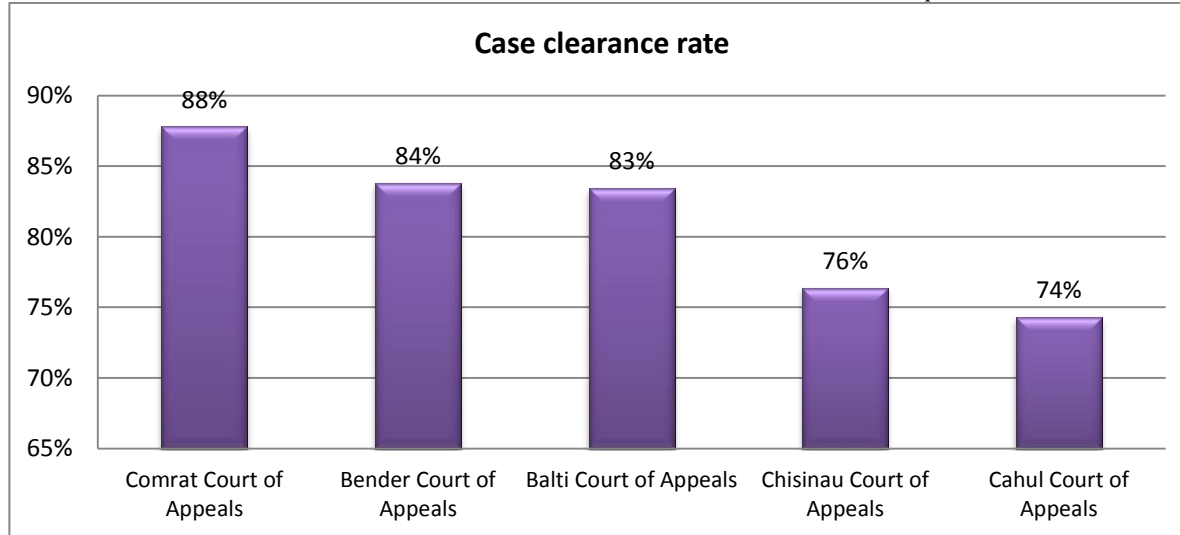


Graph 21. Total number of cases examined by the courts of appeals in 2011

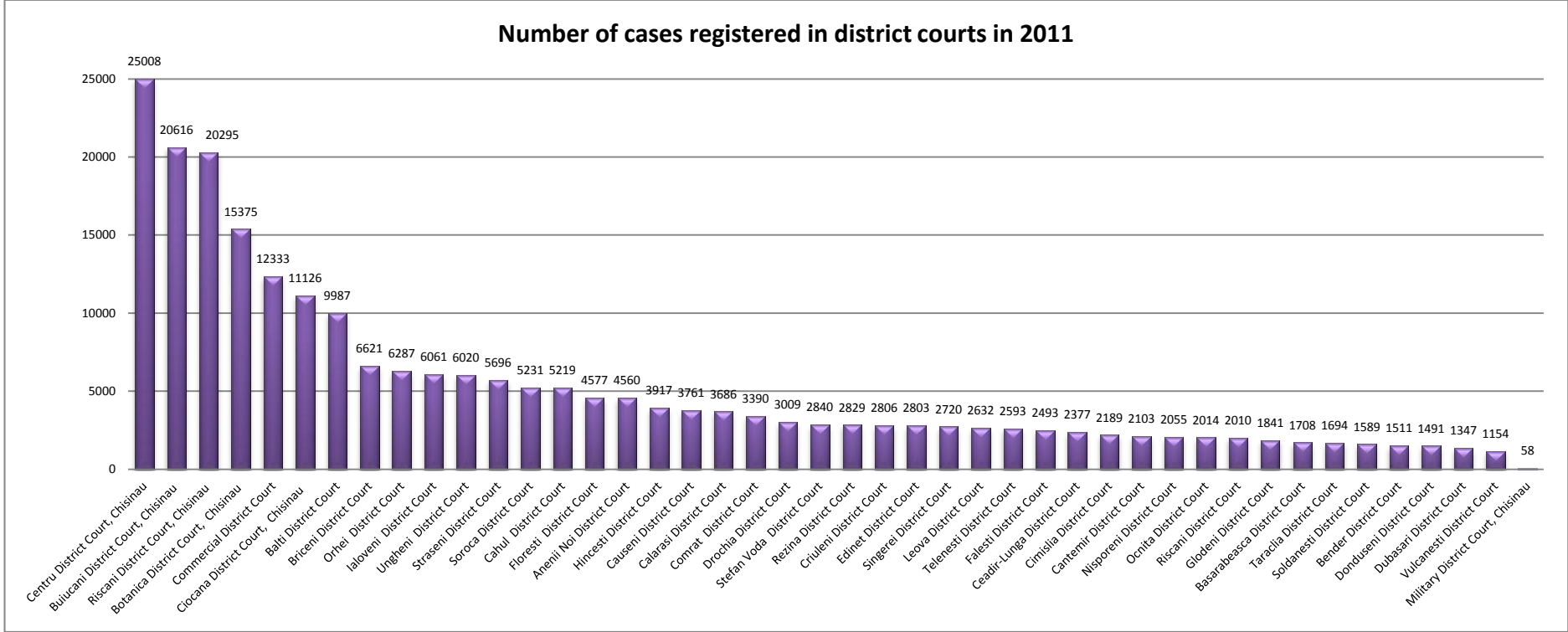
¹² Case clearance rate is the total number of examined cases divided by the total number of received cases which includes the case backlog at the beginning of the year.



Graph 22. Case clearance rates for courts of appeals in 2011

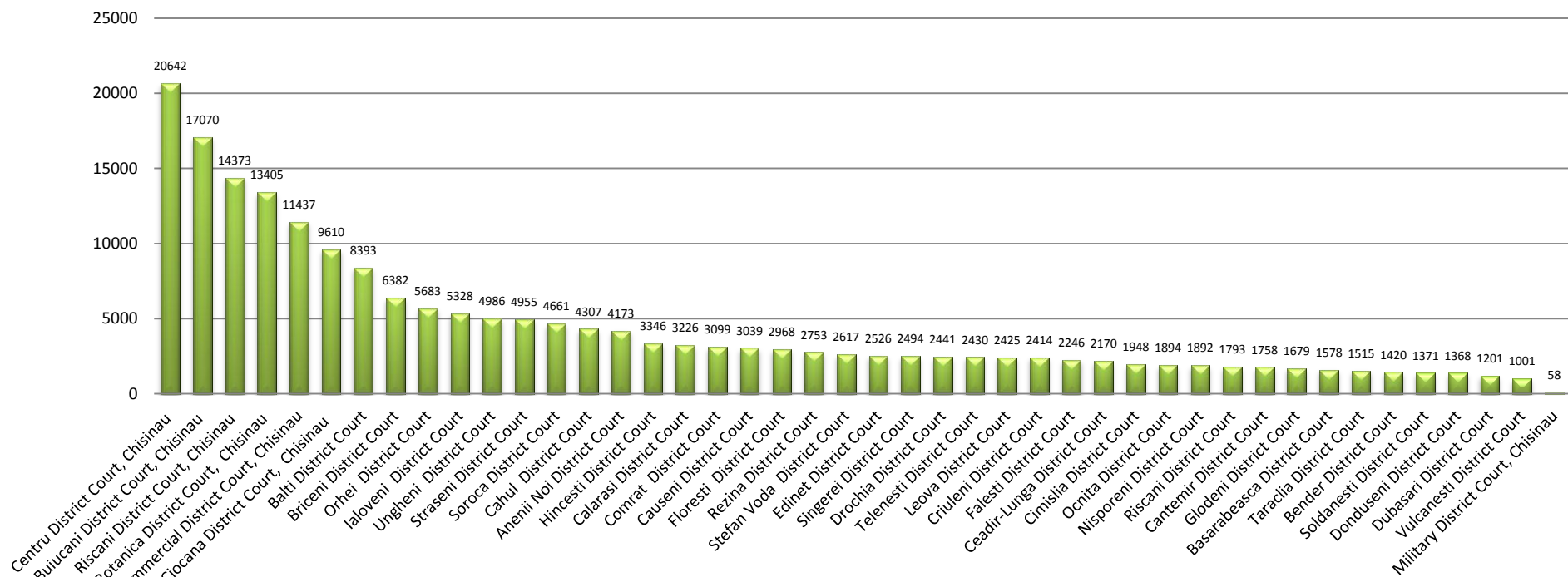


Graph 23. Total number of cases registered by district courts in 2011

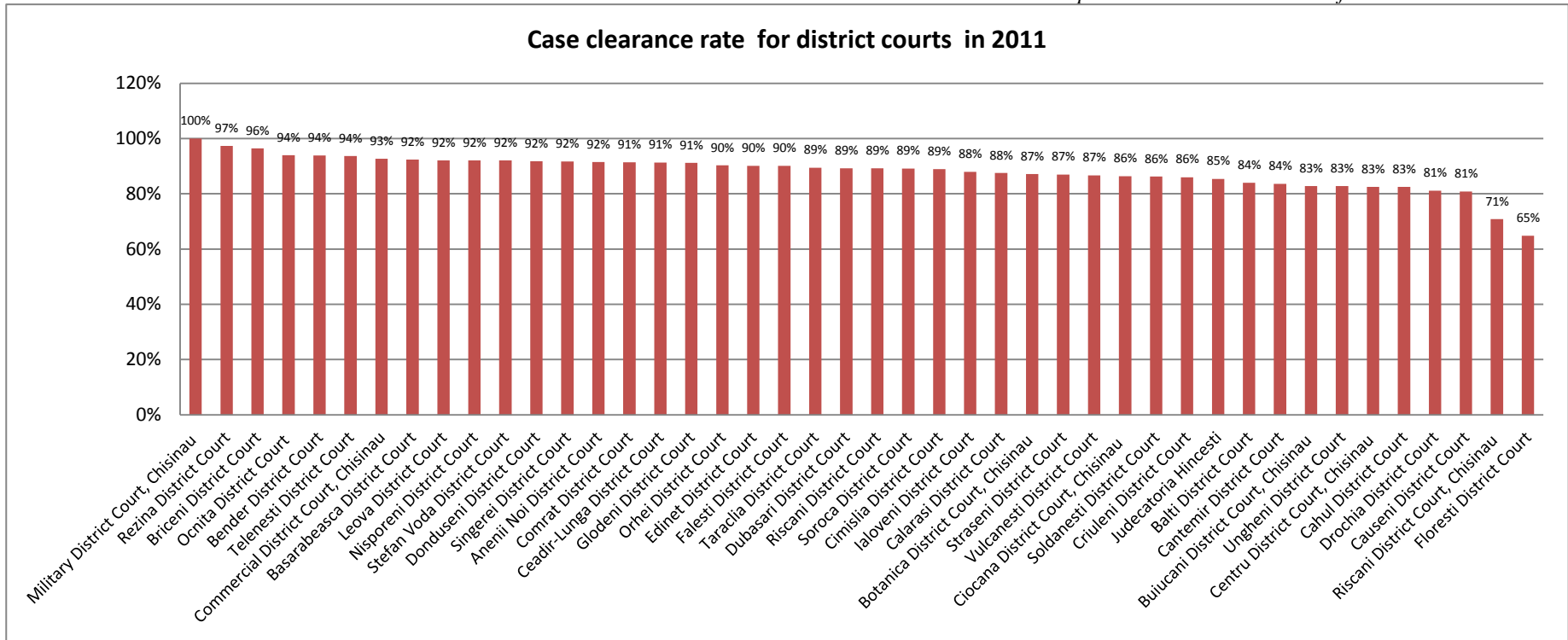


Graph 24. Total number of cases examined by district courts in 2011

Number of cases examined by district courts in 2011



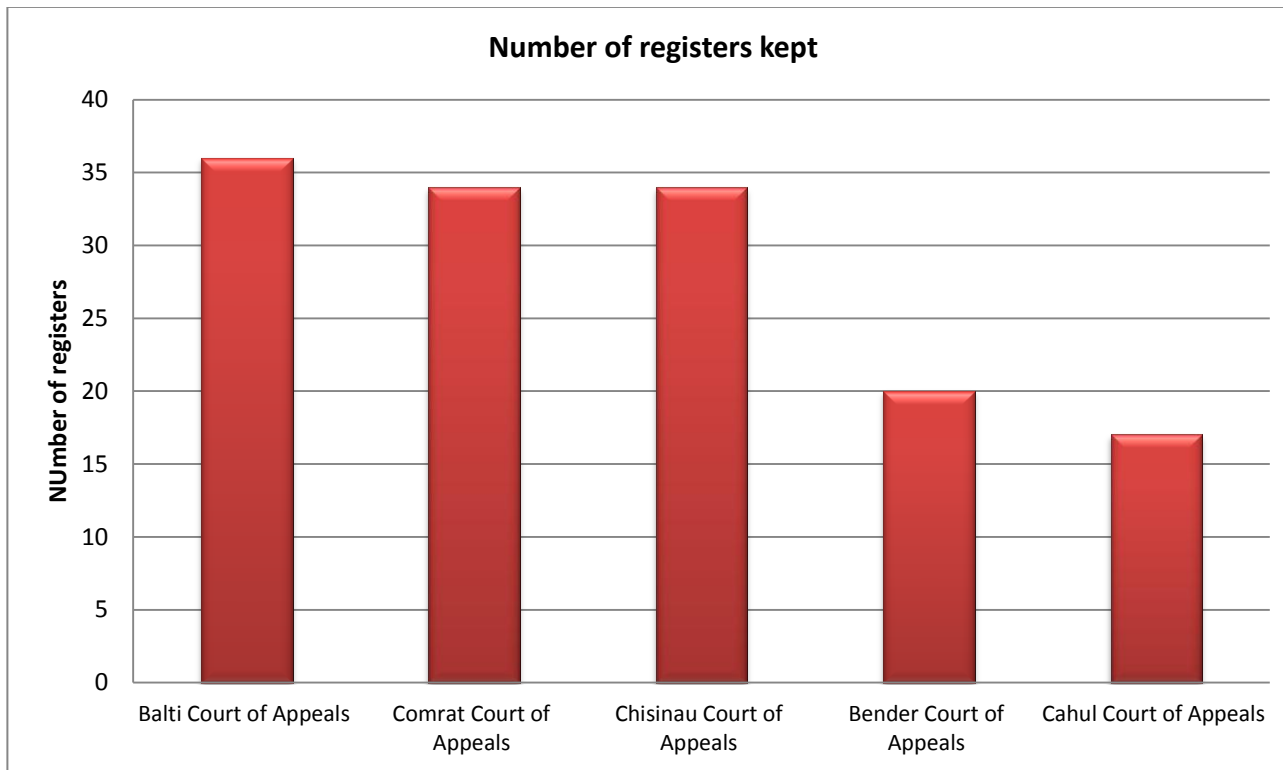
Graph 25. Case clearance rates for district courts in 2011



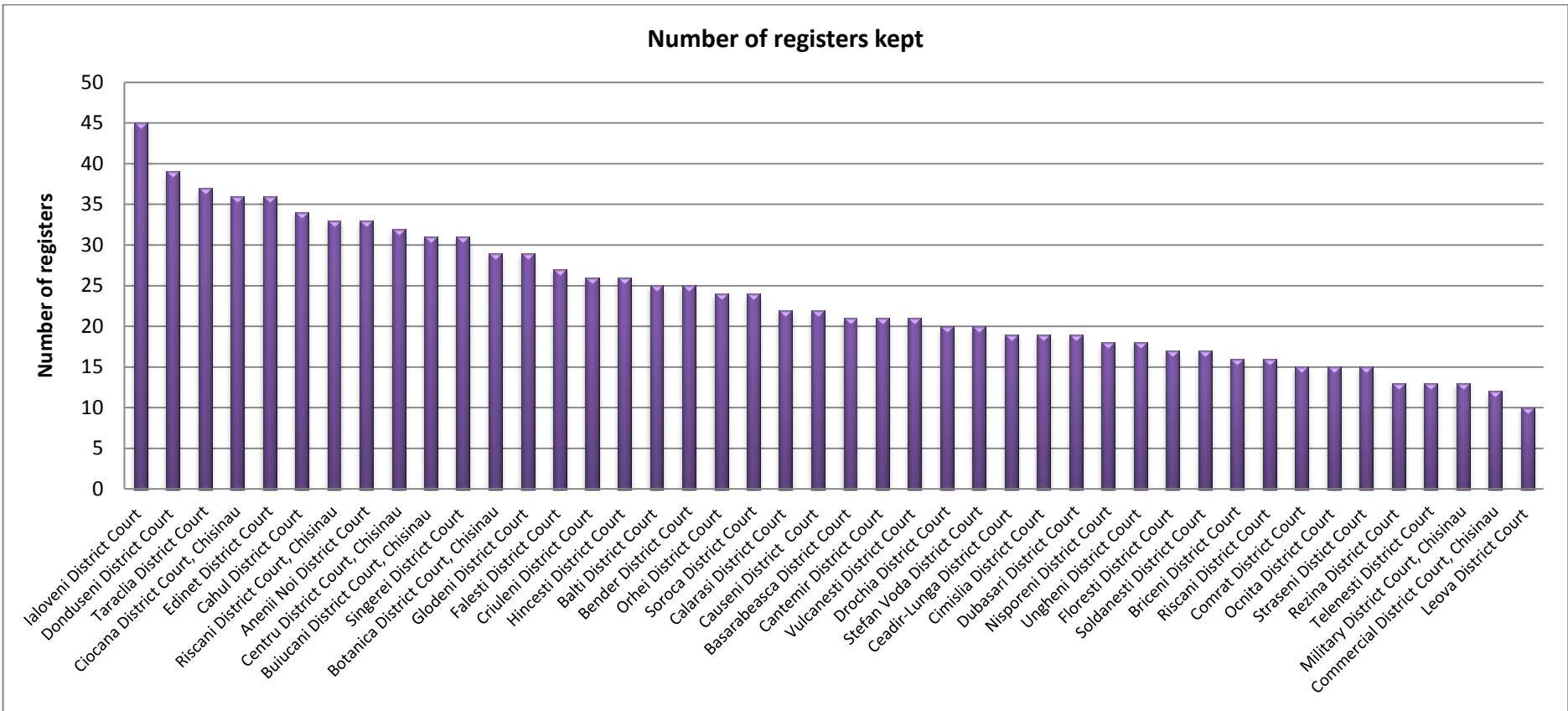
3.2. Organization of activities

The number of registers kept by the chancellery staff varies from one court to another. Most courts were not following the amendments to the 2011 Guidelines that reduced the total number of registers to 15 for courts of appeals and to 14 for district courts. In addition to limiting the number of registers, the Guidelines provide for a new register, i.e., actions cards. The degree to which the courts comply with the new provisions is presented in Graphs 26 and 27.

Graph 26. Total number of registers presented by the chancellery staff in courts of appeals



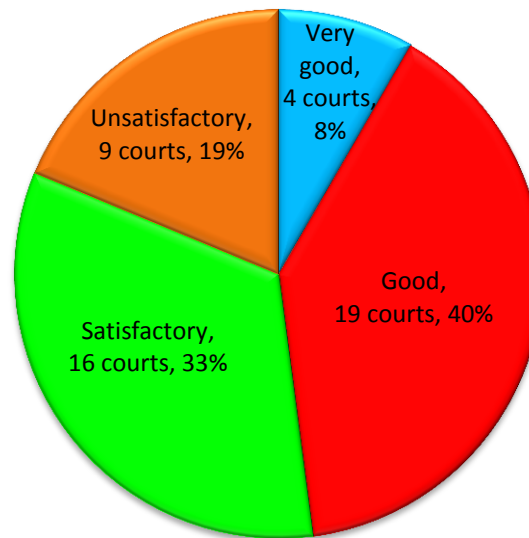
Graph 27. Total number of registers presented by chancellery staff of district courts



The archives of the courts are another area of interest given the importance of closed-case storage. Conditions vary significantly from very good in 4 courts to unsatisfactory in 9 while in 35 it is either satisfactory or good/very good (Graph 28).

Graph 28. Assessment of the conditions of the archives

Condition of the archives



Conclusions

- In all, 31,713 cases were registered in 2011 in the 5 courts of appeal.
- In the same year, the courts of appeals examined a total of 23,447 cases with an overall case clearance rate of 73.9%.
- The level of productivity of the courts of appeals' judges is as follows: Chisinau Court of Appeals – 406 cases per judge, Balti Court of Appeals – 196 cases per judge, Bender Court of Appeals– 106 cases per judge, Comrat Court of Appeals – 110 cases per judge, Cahul Court of Appeals – 110 cases per judge.
- The total backlog at the end of the year in all courts of appeals was 6,544 cases, of which 5,149 cases were pending at the Chisinau Court of Appeals.
- The 44 district courts registered a total of 229,632 cases in 2011.
- In 2011, district courts examined 196,075 cases with an overall case clearance rate of 85.3%.
- The most cases registered in 2011 were in the Chisinau district courts. The total ranged from 25,008 (Centru District Court) to 11,126 (Ciocana District Court).
- The procedures for organizing the work of the chancellery are not uniform as case management and storage vary significantly. The number of registers kept by the chancellery staff of the five courts of appeals ranges from 36 to 17 while the number of registers in district courts chancelleries ranges from 45 to 10.
- Of the courts of appeal, the Comrat chancellery staff keeps the most registers.
- Of the district courts, the Ialoveni District Court chancellery staff keeps the most registers.

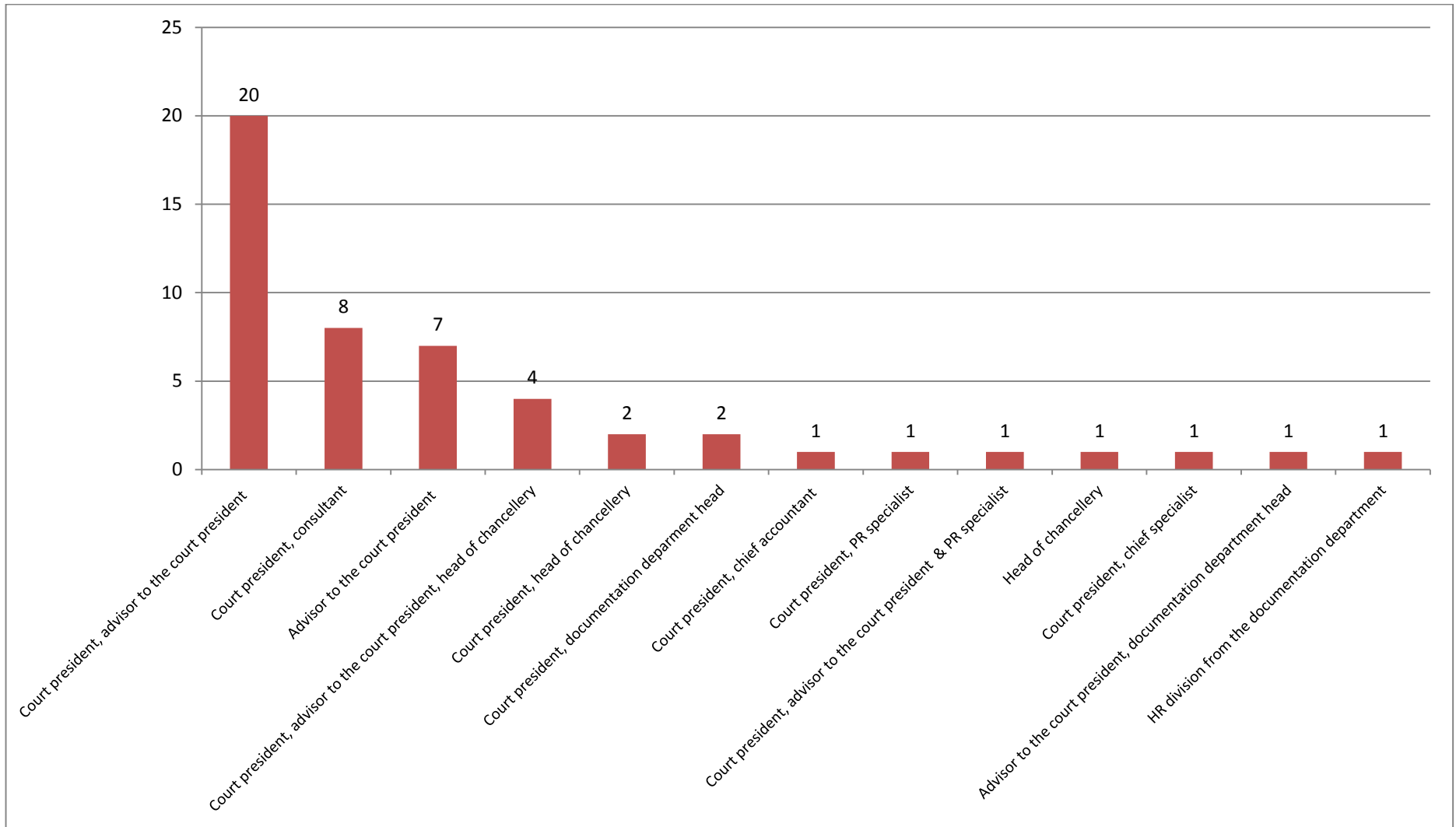
Recommendation

- Develop and approve national standards for deciding number of judges necessary for a court.
- Review the current number of judges in the judiciary and mathematically determine the number necessary in each court using criteria like the number of cases registered, case backlog, number of cases examined, time required to resolve a case and population served.
- Establish a national procedure for SCM to test and implement the electronic module for statistical reporting and gradually eliminate duplicate registers of cases electronically and on paper.
- SCM should monitor the process of eliminating the paper registers.
- Ensure that court clerks follow the same procedures in processing case file documents.
- Develop and implement the electronic module for statistical reporting for the SCJ and amend the SCJ guidelines to include the changes in case management and records.

IV. HUMAN RESOURCES AND SERVICES FOR THE PUBLIC

This section focuses on problems identified in the ways human resources are managed and services for the public are organized. None of the courts except the SCJ has a human resource specialist on the official staff roster approved in 2011 although each court has assigned a person to perform those duties. Graph 29 shows the frequency which various staff members manage human resources.

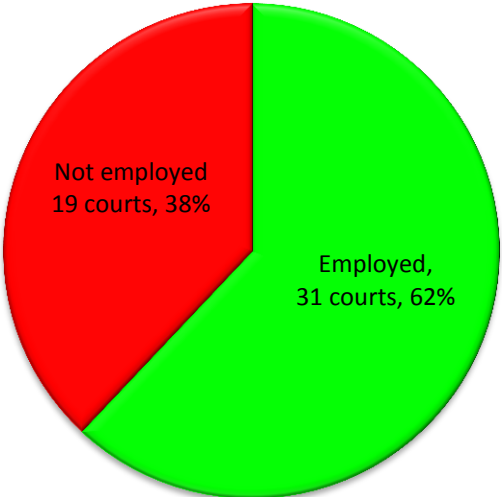
Graph 29. Staff performing the duties of the human resource specialist



Effective 1 January 2009, the position of public relations specialist was introduced to act as the official representative of the courts in media relations and relations with the public both inside and outside the court to ensure court work is transparent and complies with the law. The documentation teams found that not all courts employ a public relations specialist and that those duties are performed by other staff (Graphs 30 and 31).

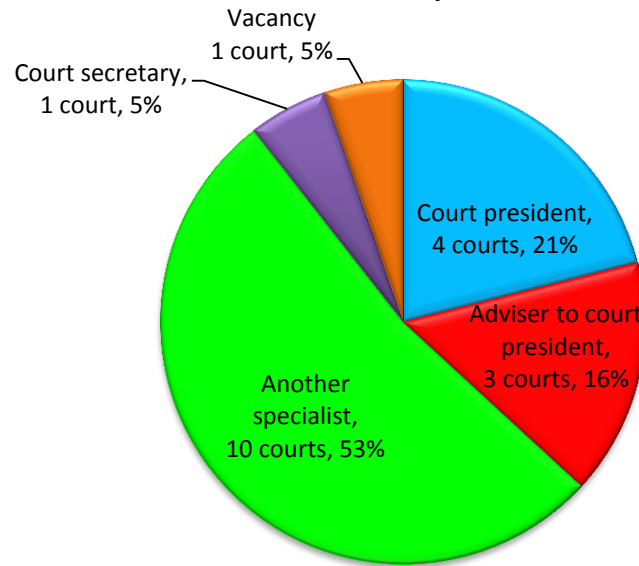
Graph 30. Share of public relations specialists in courts

Public relations specialist employed by courts



Graph 31. Court staff performing the duties of the public relations specialist

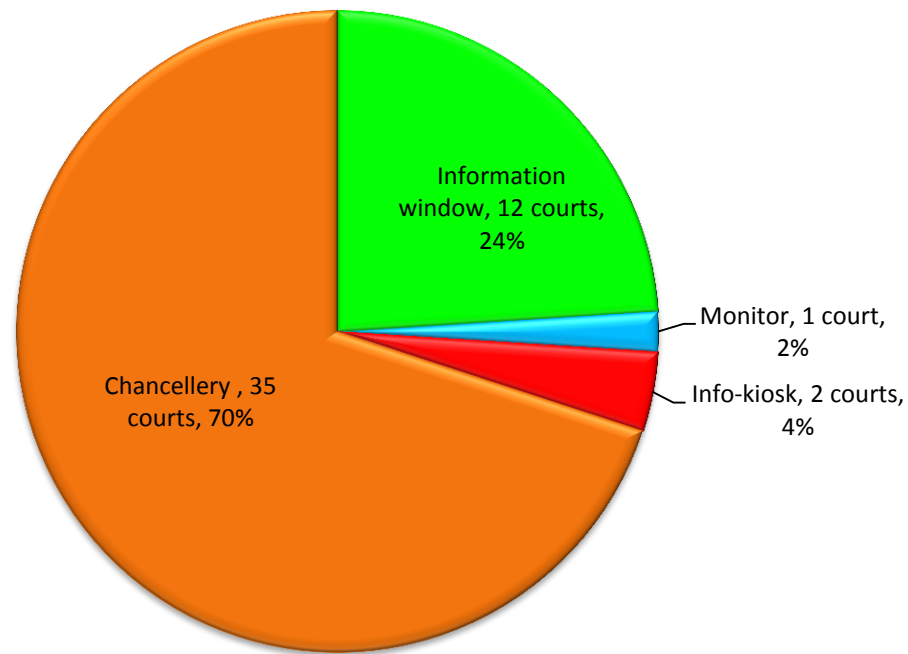
Staff person assigned to perform the duties of the public relations specialist



As for services for the public, the means for providing information to the public differs from court to court. Some have information windows at the entrance while in others the chancellery office is the contact point. A few courts have info-kiosks or monitors that provide the schedule of hearings (Graph 32).

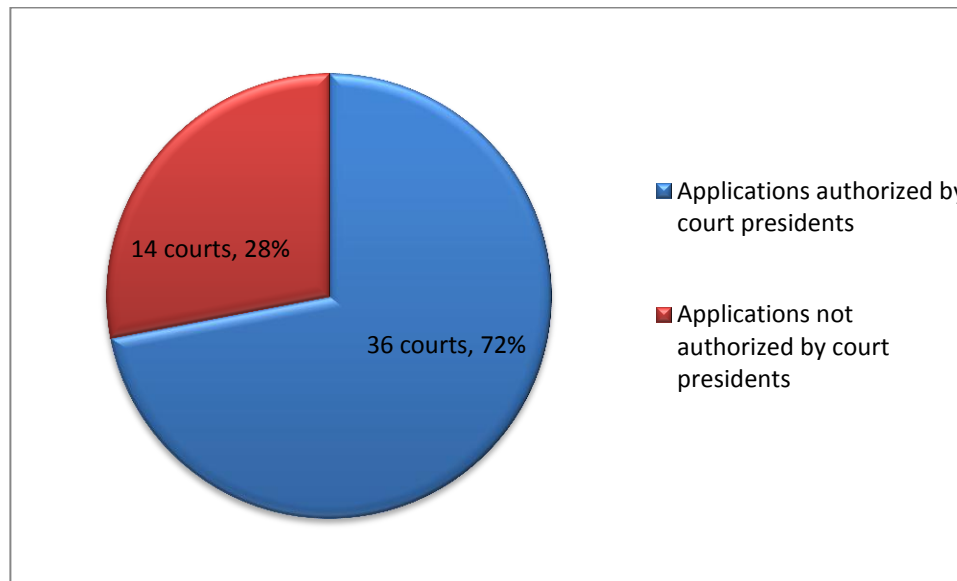
Graph 32. Means of providing public access to information

Access to information in courts



The documentation teams found that there was no uniformity among courts in the procedure for issuing copies of case documents and judgments. The time for issuing a copy varied from the same day to ten days, and in some courts applications for copies must be approved by the court presidents while in others the president's approval is not required (Graph 33).

Graph 33. Approval of applications for copies



Conclusions

- Except for the SCJ, human resource specialists are not included on the official staff rosters of the courts.
- The functions of the human resource specialist are performed by persons appointed by the court president.
- In all, 62% of the courts have public relations specialists while in the rest those functions are performed by a person assigned by the court president in addition to his/her regular duties.
- The chancellery is the information source for the public in 70% of the courts, there is an information window at the entrance in 24% of the courts, 4% of the courts have info-kiosks and 2% of the courts have monitors with the schedule for hearings.
- The procedure for issuing copies of the case documents and judgments is not uniform. Applications for copies must be approved by the court president in 72% of the courts.

Recommendations

- Add the position of human resource specialist to the official staff roster.
- Hire a public relations specialist in the 32% of courts in which those duties are performed by court secretaries, chancellery staff or the advisor to court president.
- Provide an information window at the entrance to each courthouse or install info-kiosks in all courts.
- Adopt a uniform procedure and timeframe for issuing copies of case documents.

V. BUDGET AND PROCUREMENTS

6.1 FINANCING OF THE JUDICIARY

The face value of allocations from the state budget (main component) for the judiciary (except for the Economic Court of Appeals¹³) from 2009 (executed) to 2012 (approved) in **nominal values** was continuously increased. In 2009, MDL 100 million were allocated while in 2012 MDL 146.5 million have been approved (Table 6).

Table 6. Face values of financing for the judiciary from 2009 (executed) to 2012 (approved) in nominal value million MDL

Years	District courts		Courts of appeals		SCJ		Total	
	Amount	% increase	Amount	% increase	Amount	% increase	Amount	% increase
2009	62.8	-	18.1	-	19.1	-	100.0	-
2010	81.0	28.9%	20.9	16.0%	18.5	-3.3%	120.4	20.4%
2011	95.7	18.2%	21.8	4.4%	18.0	-2.8%	135.5	12.5%
2012	102.7	7.3%	23.7	8.3%	20.1	11.8%	146.5	8.1%

Source: BOOST, Ministry of Finance, forms No. 1 and 2 submitted by courts

Although the amount of funding has increased annually, the growth rate has actually decreased. In 2010, the face value of funding for the judiciary was 20.4% greater than in 2009, but in 2012 it was only 8.1% more than in 2011.

Table 7 shows the **real values** of allocations for the judiciary taking the inflation rate into consideration.

Table 7. Real values of funding for the judiciary from 2009 (executed) to 2012 (approved) million MDL

Years	Inflation rate	District courts		Courts of appeals		SCJ		Total	
	%	Amount	% increase	Amount	% increase	Amount	% increase	Amount	% increase
2009	-	62.8	-	18.1	-	19.1	-	100.0	-
2010	7.4%	75.4	20.0%	19.5	8.0%	17.2	-10.0%	112.1	12.1%
2011	7.6%	88.9	9.8%	20.3	-3.0%	16.7	-9.7%	125.9	4.6%
2012	7.7%	95.3	-0.4%	21.9	0.6%	18.7	3.9%	135.9	0.3%

Note: The inflation rate for 2010 and 2011 is from the BNS data base and that for 2012 was forecast when the state budget was drafted by the Ministry of Finance

Graph 34 shows the trends in financing the judiciary and in the growth rates from 2010 to 2012 in both face and real values.

Graph 34: Trends in financing the judiciary from 2010 to 2012

¹³ In 2012 the Economic Court of Appeals was liquidated; to ensure comparability it was excluded from the analysis.

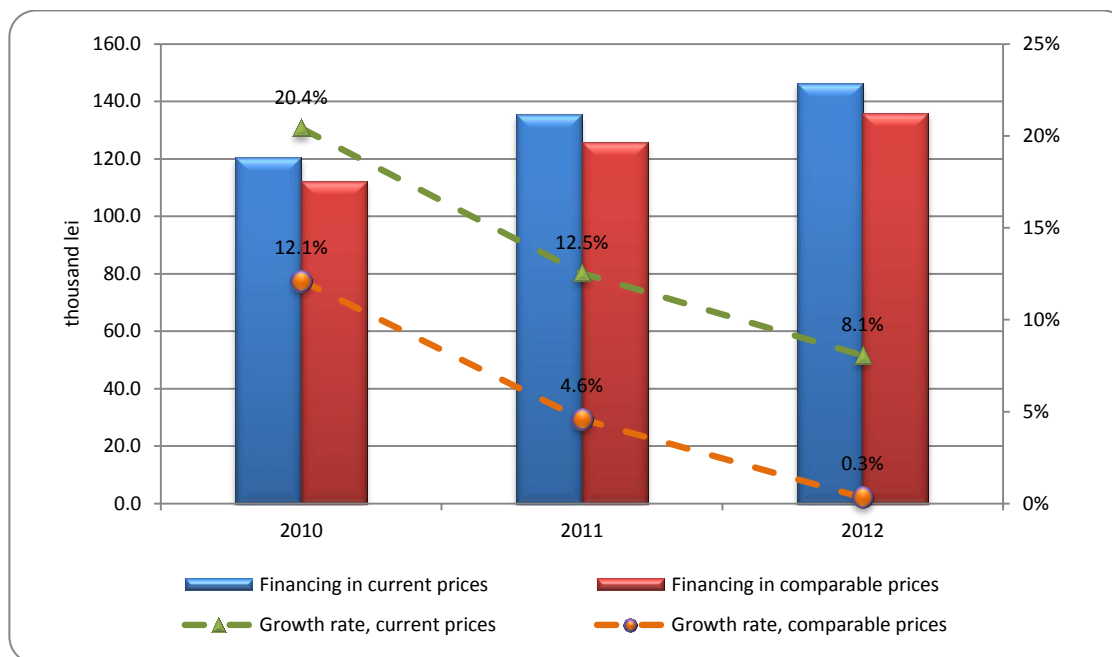


Table 8 shows the share of judiciary funding from the state budget.

Table 8. Percentage of the state budget allocated to the judiciary

Indicators	2009	2010	2011	2012
Total from state budget in millions of MDL	13,568	17,168	18,639	21,033
Volume of judiciary financing	100.0	120.4	135.5	146.5
Percentage of the state budget allocated to the judiciary	0.7%	0.7%	0.7%	0.7%

Source: Reports on the state budget of the Ministry of Finance

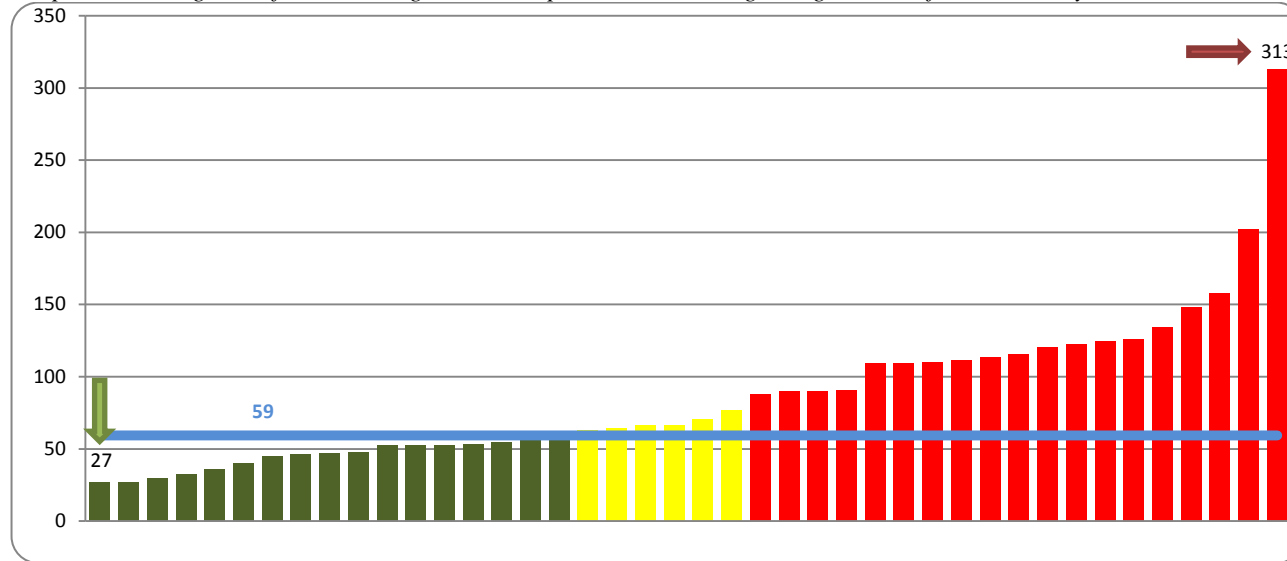
Allocations for the judiciary from the total state budget from 2009 to 2012 have been a consistent 7% which leads to the following conclusions:

- The growth rate of financing in nominal and real terms has decreased annually.
- Although planning for the judiciary budget considers the rate of inflation, the methodology used does not always cover it.
- When compared to the State Budget income, the financing of the judiciary is maintained at a constant level at least in 2009 – 2012.

In addition, the methodology currently used for budgeting (at least for district courts) does not ensure an equitable distribution of financial resources because performance is not taken into account. An analysis of budgeting for district courts is presented in Graph 35 using the performance indicator “average cost for examining a case.” This indicator is calculated by dividing the operating costs of the court by the number of cases examined. Operating costs include office supplies, periodicals and books, telecommunication and mail services, transport services, furniture and equipment, maintenance of equipment, professional training, publishing services, interdepartmental guard services, information

technology and computation services, goods and services that do not fall into other budget categories and travel within the country. The calculations are based on statistical data presented by DJA. For purposes of comparison, the average weighted cost for examining a case for the country as a whole was calculated as MDL 59.

Graph 35: Average cost for examining a case compared to the average weighted cost for the country as a whole in 2011

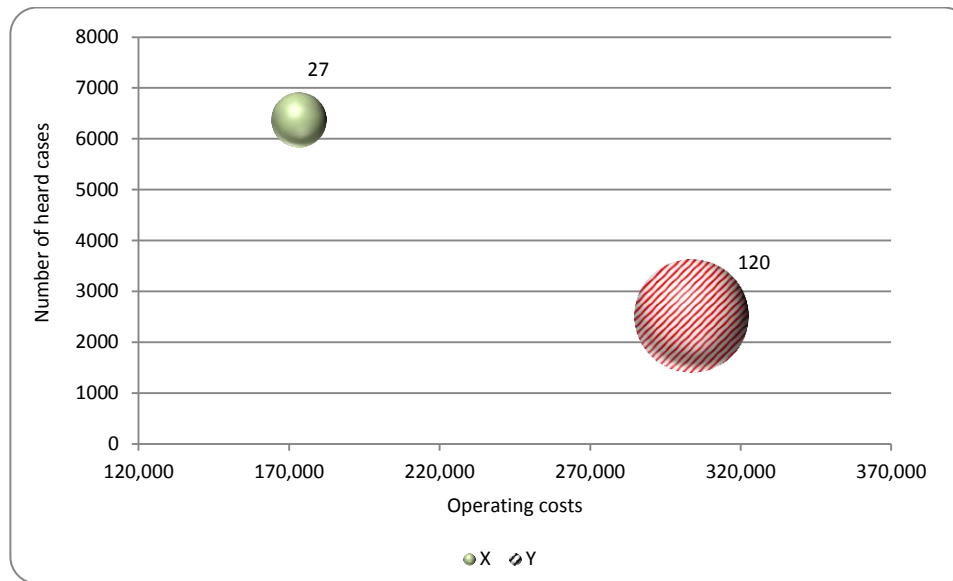


As shown above, there is a significant discrepancy between:

- the minimum and maximum average cost per case ranges from MDL 27 to MDL 313;
- average weighted cost for the country (accounting for MDL 59) and maximum value of the average cost per case examined.

Another method for highlighting the lack of equity in court financing is to compare the volume of financing of two identical courts in terms of operating expenditures and number of judges. Graph 36 presents the average cost for examining a case for two such courts. To avoid any comments, the names of the courts were replaced by court X and court Y.

Graph 36: Comparison of the average cost for examining a case in 2011 in two courts with the same operating costs and number of judges



Note: The figure above the ball refers to the average cost for examining a case

Based on these results, the current financing system does not consider performance as in 2011 it cost MDL 27 to examine a case in court X while it cost MDL 120 in court Y with the same allocation for operating expenses and the same number of judges. **It is important to highlight that this graph does not show that court Y should have received lower financing in 2011 or court X a higher financing level. The graph only shows the current degree of equity in courts financing.**

Special attention needs to be paid to expenditures for mail (stamps and envelopes) as they account for around 80% of telecommunication and postal expenses. These high costs are the result not only of increased costs for postal services but also of the failure to use state-of-the-art technology. Currently, the stamps in all district courts are purchased and applied manually. Considering the very high volume of correspondence, this procedure is cumbersome and time consuming. In addition to direct costs, the current procedure has indirect costs such as time and travel to the post office. There is a need to use available state-of-the-art technology which is expensive, but the savings in manual labor will offset the cost. First, however, a cost-effect study on the potential use of modern technology needs to be conducted.

6.2 AUTOMATION OF THE ACCOUNTING SYSTEM

The IT market offers many programs for accounting, so it is strange that 21 of the district courts still do their accounting manually. In addition, one court uses unlicensed software while in two other courts accounting is partially electronic. The breakdown of manual, electronic and partially electronic systems by court is shown in Table 9.

Table 9. Automation of accounting

No.	Courts	Manual	Automated	Partial
1	Basarabeasca	Yes		
2	Bender	Yes		
3	Calarasi	Yes		
4	Cantemir	Yes		
5	Cimislia	Yes		
6	Comrat	Yes		
7	Donduseni	Yes		
8	Dubasari	Yes		
9	Edinet	Yes		
10	Falesti	Yes		
11	Floresti	Yes		
12	Ialoveni	Yes		
13	Leova	Yes		
14	Ocnita	Yes		
15	Rezina	Yes		
16	Singerei	Yes		
17	Soldanesti	Yes		
18	Stefan Voda	Yes		
19	Telenesti	Yes		
20	Ungheni	Yes		
21	Vulcanesti	Yes		
22	Anenii Noi		Yes	
23	Balti		Yes	
24	Briceni		Yes	
25	Cahul		Yes	
26	Causeni		Yes	
27	Ceadir-Lunga		Yes	
28	Comerciala		Yes	
29	Criuleni		Yes	
30	Drochia		Yes	
31	Glodeni		Yes	
32	Orhei		Yes	
33	Riscani		Yes	
34	Botanica District Court, Chisinau		Yes	
35	Buiucani District Court, Chisinau		Yes	
36	Centru District Court, Chisinau		Yes	
37	Ciocana District Court, Chisinau		Yes	
38	Riscani District Court, Chisinau		Yes	
39	Soroca		Yes	
40	Straseni		Yes	
41	Taraclia		Yes	
42	Chisinau Court of Appeals		Yes	

43	CA Balti		Yes	
44	CA Bender		Yes	
45	CA Cahul		Yes	
46	CA Comrat		Yes	
47	CSJ		Yes	
48	Hincesti		Yes	Yes
49	Nisporeni		Yes	Yes
Total		21	26	2

Source: Information collected during documentation visits

6.3 PROCUREMENTS

Procurements are made in line with the current legislation. Usually the advisor to the court president and/or the accountant is responsible for the technical aspects of public procurements, although, according to the job description, the counselor to the court president is charged with the procurements.

Currently there are no specialists dealing in a centralized manner with public procurements. Therefore, the court staff is involved in all public procurements performed by the court. In some cases, responsible persons need to travel hundreds of kilometers to Chisinau to submit the documents required for public procurements. If correct, the documents are registered with the Public Procurement Agency (Agency). However, in many cases they are incomplete and the court staff needs to return, slowing down the procurement procedure. In one of the courts visited, the documents were prepared in line with a sample presented by the MOJ that Agency has not seen. As a result, the documents had to be rewritten according to the requirements of the latter.

The fact that procurements are not centralized results in failures to obtain volume discounts. The purchase in 2011 and 2012 of vehicles for some courts serves as an example. In 2011, 15 courts individually purchased vehicles totaling MDL 3.1 million. Had the purchase been centralized, a volume discount might have been offered by the dealer. A discount of 5% could have saved MDL 155,000 each year. A similar situation occurred in 2012 when a saving similar to the previous year could have been made. Thus, given that the procurement of cars was separate for each court, eventually the judiciary missed a chance for a saving of Lei 300,000.

Another reason why centralized procurements would be beneficial is savings in travel of court staff to Chisinau to submit or register the documents required.

Ongoing training is needed because procurement legislation is continuously revised. Their organization also requires travel expenses burdening the court budget and limiting the use of financial resources for other purposes.

Conclusions

- The current planning of the court budgets does not always cover inflation.
- The current method of planning court budgets is not based on performance. This leads to an inefficient distribution of financial resources.

- In all, 50% of all district courts have manual accounting systems.
- The lack of centralized procurement leads to the failure to take advantage of volume discounts.
- The staff involved in public procurement needs ongoing training.
- Manually purchasing and applying stamps increases direct and indirect expenses for postal services.

Recommendations

- Explore the possibility of modifying the procedure for planning the court budgets. In particular, identify performance indicators to use in budget planning in order to ensure the efficient use of financial resources.
- Purchase accounting software and provide training in its use.
- Analyze the possibility of creating a unit to deal with public procurements in a centralized manner. Such a unit could be a division in DJA.
- Explore the possibility of purchasing franking machines but not before a cost efficiency study is conducted on all possible options. Procuring the machines should be centralized.
- Considering that public procurement legislation is frequently revised and court staff change, it is appropriate for NIJ to organize training for court staff every six months in the techniques and documents used in public procurement.