

PUBLIC APPEAL
on the candidacy for the position of judge at the Moldovan Constitutional Court

To
Pavel FILIP, Prime-minister of the
Republic of Moldova
Members of the Cabinet of Ministers
State Chancellery

Chişinău, 29 March 2016

Signatory organisations are concerned about the lack of response of the Government to the decision of the Commission for selection of the candidates for the function of judge at the Constitutional Court of 27 November 2015, which nominated Veaceslav ZAPOROJAN for the function of judge to the Constitutional Court. We consider that such a delay is unjustified and gives reason to believe that it is done on purpose.

From 30 October 2014, one function of judge to the Constitutional Court appointed by the Government is vacant. On 23 October 2015, the Government adopted a [Regulation](#) on the organisation of the contest for the position of judge at the Constitutional Court appointed by the Government (hereinafter “Regulation”) and appointed a Commission to select the candidacies for the function of judge (hereinafter “Commission”). The Regulation established rules for the organization of the contest, requirements from the candidates, mode of operation and powers of the Commission. According to the Regulation, the candidates had to pass through three stages of competition: submission and selection of the candidates according to the personal files; written test and public interview. The Commission had to select the candidates according to their score and to propose the shortlist to the Government that would have to appoint the selected candidate.

The Commission organized the contest to select the candidacies for the function of judge at the Constitutional Court according to the above-mentioned Regulation. The announcement of the contest was made public on 27 October 2015. Seven persons submitted their personal files and all of them were admitted to the written test. The written test was conducted according to a Regulation adopted by the Commission. As a result of the [written test](#), only one candidate - Veaceslav ZAPOROJAN – cumulated the necessary score (54 out of minimum 45) to be promoted to the next stage of the contest. As a result of the [public interview](#), on 27 November 2015, the Commission found that Mr. Zaporojan had successfully passed the contest and proposed his candidacy to the Government for appointment as a judge to the Constitutional Court.

Such a procedure of selecting a Constitutional Court judge holds for the first time in the history of Moldova. The selection took place according to transparent and public rules and criterion. Both the written test and the public interview were transmitted online. So far, candidates for the position of judge at the Constitutional Court were appointed in Government meetings without establishing selection criteria and without a transparent selection procedure. The same procedure was followed constantly by Parliament and the Superior Council of Magistracy for the appointment of candidates for Constitutional Court judges.

All the information on the rules and stages of the contest were placed on the website of the State Chancellery and maintained a short time after the completion of the contest. Later, after renovation of the website of the State Chancellery, the information was deleted and is not publicly available anymore.

The signatories to the present appeal request to:

1. The Prime-minister and members of the Cabinet of Ministers – to adopt a decision on the candidacy of Mr. Veaceslav ZAPOROJAN for the position of judge at the Constitutional Court proposed on 27 November 2015 by the Commission of selection of candidates for the function of judge – either his appointment, or a reasoned refusal to appoint;
2. The Prime-minister and State Chancellery – to ensure the transparency of the process of selection of the candidacy for the position of judge at the Constitutional Court by uploading on the web page of the State Chancellery of all documents adopted by the Commission of selection of candidates for the function of judge.

Signatory Organisations:

1. Amnesty International Moldova
2. Association for Efficient and Responsible Governance (AGER)
3. Association for Participatory Democracy (ADEPT)
4. Association of Independent Press (API)
5. Centre for Analysis and Prevention of Corruption (CAPC)
6. Human Rights Embassy
7. Institute for Public Policy (IPP)
8. Legal Resources Centre from Moldova (LRCM)
9. „Promo-LEX” Association
10. Transparency International Moldova (TI-Moldova)