

DECLARATION

We disapprove the manner of appointing the General Prosecutor

9 December 2016

The signatories of this declaration disapprove the manner in which the candidate for General Prosecutor has been appointed. The appointment of the candidate for the position of General Prosecutor in such a hurry seriously affects confidence and nurtures suspicion that it was made with a hidden agenda. We call the President of the Republic of Moldova to make public the information about the integrity checking of the public office holder, provided by the Intelligence and Security Service. We ask the General Prosecutor to present public explanations to exclude any doubt about the legality of the origin of his wealth and actions related to the tragic events of April 2009 in which he was involved. We ask the National Integrity Authority, immediately after becoming functional, to carry out the control of the property of the General Prosecutor.

On [22 September 2016, the Superior Council of Prosecutors \(SCP\)](#) announced a contest to select the candidate for General Prosecutor. On 7 December 2016, at around 14:30, the SCP adopted the decision to propose the President of the Republic of Moldova to appoint the General Prosecutor Mr. Eduard Harunjen. On the same day, at around 16:30, the materials were sent by the SCP to the President of the country. Mr. Eduard Harunjen was appointed by decree of the President of the Republic of Moldova to the position of General Prosecutor on 8 December, at around 12:00, in less than 24 hours after his nomination by the SCP. This rush fuels suspicion that the whole process of appointment of the candidate for General Prosecutor was orchestrated. We regret the repeated manner in which public dignity persons are appointed in such circumstances. We recall that in January 2016, [the civil society condemned](#) the undemocratic manner in which the government FILIP was sworn in by President Timofti. Also, given the fact that presidential elections were held recently, although this is not expressly provided by law, it was logical and natural to expect that the appointment of the new General Prosecutor be made by the new President.

We have reasonable doubts that the Information and Security Service, the SCP and the President of the country checked closely enough the integrity of Mr. Harunjen under the relevant legislation for the office of public dignity, and that they have sufficiently examined the circumstances of destruction of a criminal file in a case of death which took place in April 2009. All this information is public for some time. During the candidate's interviews of 7 December 2016, the SCP superficially examined the question of the case file of April 2009 and did not ask any questions on the wealth of the candidate, even if the press released materials confirming that Mr. Harunjen has an impressive house, which could not have been build on a salary of a prosecutor.

Mr. Harunjen's name appeared in the sight of the SCP and the media related to the tragic events of April 2009. A disciplinary proceeding was instituted against the prosecutor Eduard HARUNJEN for the destruction of a criminal case file concerning a death. The Disciplinary Board of the SCP found that Mr. Harunjen and two other prosecutors had committed a disciplinary violation. The Disciplinary Board has sanctioned Mr. Harunjen with a "warning". By [decision of 21 September 2010](#), the SCP annulled the decision of the Disciplinary Board with termination of disciplinary proceedings. SCP found no disciplinary violation simply because the actions were coordinated with Mr. Harunjen's superiors. Moreover, in the interview held before the SCP on 7 December 2016, Mr. Harunjen (see [video](#) at 2:28:00 to 2:33:00) just said that he has not had any role at that stage in that case, and that the destruction of the file was not true. No further discussions followed on the subject.

The April 2009 events have exposed systemic problems in the justice system in the Republic of Moldova. The Report of the Special Parliamentary Commission and numerous reports of national and international independent experts contain sufficient evidence that reveals the then failures of the Ministry of Internal Affairs and the Prosecutor's Office. Decision makers to this day have not been held accountable for the then actions. In such a context, it is particularly discouraging that the members of the SCP have not examined in more detail the involvement of Mr. Harunjen in destroying a criminal case file initiated in connection with the events of April 2009 and ignored these important issues. The General Prosecutor must inspire confidence to the society that he will work independently and will not accept political involvement in the prosecution's activity.

In 2013 and 2016, more information raising suspicions regarding the integrity and irreproachable reputation of the candidate for the position of General Prosecutor appeared in the media.¹ The information relates to wealth not corresponding to the revenue. It is very strange and discouraging that members of the SCP have not addressed any questions on this subject.

According to public opinion polls, public confidence in justice is steadily decreasing, from 75% in November 2011 to 89% in October 2016. The appointment of a General Prosecutor over which there are doubts about the integrity, with such a rush, will only increase the society's distrust in the prosecution.

Given the above:

- 1. We disapprove the manner of appointment of the General Prosecutor;**
- 2. Call the President of the Republic of Moldova to make public the information about integrity checking of the holder of public dignity office, provided by the Intelligence and Security Service;**
- 3. Ask the General Prosecutor to come up with public explanations to exclude any doubt about the legality of the origin of his wealth and actions related to the tragic events of April 2009 in which he was involved;**
- 4. Call on the National Integrity Authority, immediately after becoming functional, to carry out the control of the property of the General Prosecutor.**

SIGNATORIES ORGANISATIONS:

- Amnesty International Moldova,
- „PROMO-LEX” Association,
- Association for Participatory Democracy (ADEPT),
- Association for Efficient and Responsible Governance (AGER),
- Association of Independent Press (API),
- Centre for Analysis and Preventing Corruption (CAPC),
- Women Law Centre (CDF),
- Information Centre in Human Rights (CIDO),
- Resoruces Centre DIALOG-Pro,
- Legal Resources Centre from Moldova (CRJM),
- National Youth Council of Moldova (CNTM),
- Institute for European Politics and Reforms (IPRE),
- Transparency International Moldova.

¹ Ziarul de Gardă, „Casa de milioane a unui procuror, apărată de un câine de rasă și de vecinul său – un avocat agresiv”, 22 August 2013, available at <http://www.zdg.md/editia-print/investigatii/casa-de-milioane-a-unui-procuror-aparata-de-un-caine-de-rasa-si-de-vecinul-sau-un-avocat-agresiv>; Ziarul de Gardă, „Cine devine procuror general? CV-urile, averea și controversesele celor șase candidați”, 7 December 2016, available at: <http://www.zdg.md/stiri/stiri-justitie/cine-devine-procuror-general-cv-urile-averea-si-controversele-celor-sase-candidati>.