

## DECLARATION

### **The President's decree on the dismissal of Judge Domnica MANOLE confirms once again the phenomenon of selective justice and undermines the independence of the judiciary**

1 august 2017

**The undersigned civil society organizations express their concern about the decree of the President of the Republic of Moldova on the dismissal of Judge Domnica MANOLE. Ms. Manole contested the decision of the Superior Council of Magistrates (SCM) on dismissal at the Supreme Court of Justice (SCJ). It was logical for the President to decide on the SCM proposal on dismissal only after the case has been finalized by the SCJ. Taking into account the recent signals of the President of the Republic sent to the judges, premature issuing of the decree to dismiss judge Manole confirms the pressure that he exerts on the judiciary. We are witnessing another serious signal of attack on the independence of judiciary in the Republic of Moldova.**

On 4 July 2017, the Superior Council of Magistracy (SCM) declared Judge Manole incompatible with judge's office and proposed to the President of the Republic of Moldova her dismissal. Judge Manole appealed against the SCM decision to the Supreme Court of Justice (SCJ) and requested the suspension of the SCM decision until the case was examined. The SCJ repeatedly rejected the applications for suspension of the SCM decision, although without this suspension the judge shall be dismissed within 30 days. The appeal to the SCJ is the only judicial remedy to verify the legality of the SCM decision. The first hearing to examine the appeal against the SCM decision was set for 4 August 2017, at 10 AM. Judge Manole informed the Presidency about its complaint, expressly asking the President not to issue a decree until SCJ solution. However, on 21 July 2017, the President issued the decree to dismiss Ms. Manole from the post of judge, a decree which was published on 28 July 2017.

We are concerned about the haste with which the President issued the decree to dismiss judge Manole. It was logical for him to await the outcome of the case before the SCJ, especially since there are serious doubts about the legality of the SCM proposal to dismiss judge Manole. Previously, in similar situations, the President waited for the SCJ's decision. Moreover, [on 5 July 2017 several civil society organizations](#) expressed their deep concern about the SCM's decision of 4 July 2017 on declaring the judge Domnica MANOLE as being incompatible with the position of a judge and asked of the President of the Republic of Moldova not to promulgate the decree on her dismissal. Since the appointment, President Dodon frequently used the right to refuse the first proposal of the SCM. The haste with which he has issued the decree this time indicates towards at least a disregard of the judicial remedies available for judges' career issues and sends an intimidating message to the judiciary.

We recall on this occasion that on 27 June 2017, in a press club at Holercani, the country's president, Igor Dodon, while commenting on the judicial case on the appeal of the decree withdrawing the Moldova citizenship of Traian Băsescu, pending before the Chişinău District Court, has made several statements that can be interpreted as threats to the judiciary and denotes the influence of the President at least on some judges. Mr. Dodon said that "we are currently holding the defense in the courts", managing to "block" the case in the judiciary. Dodon explained how the Băsescu case is blocked in courts, noting that "many judges very well understand that the appointment of one or another judge is the prerogative of the President". He also mentioned, in a mocking tone, that "we do not put pressure on them [judges], but

they understand that they must try to respect the law ... yet not everyone understands, but step by step they will understand". [His statements can be viewed here](#), at minutes. 22:30-23:30.

Such statements are unacceptable in a democratic state. The President has practically indicated to the judges how to decide in a particular cause and reminded the judges that the President appoints them, thus sending a clear threat that if judges would allow themselves to make other decisions than to his liking, they could risk refusals on appointment, reappointment or promotion. Regretfully, neither SCM nor the Association of Judges of the Republic of Moldova reacted in any way.

**We call upon all national authorities to respect the independence of judiciary, which is a pillar of rule of law and democracy.**

**We call on international organizations, in particularly the Council of Europe, European Union and United Nations, to monitor the state of justice and to intervene by means appropriate to each organization to stop the deterioration of the state of justice in the Republic of Moldova.**

**The signatory organizations:**

1. Alliance INFONET
2. ARD Habitat Association
3. Association of Women Lawyers of the Republic of Moldova
4. Human Rights Embassy
5. Amnesty International Moldova
6. Association of the Entrepreneurs with Disabilities in Moldova "European Abilities Without Limits"
7. Association for Efficient and Responsible Governance (AGER)
8. Independent Analytical Center Expert-Grup
9. Journalistic Investigation Centre (CIJ)
10. The Child Rights Information Center (CIDDC)
11. CPR Moldova
12. Legal Resources Centre from Moldova (CRJM)
13. Center Partnership for Development (CPD)
14. "WatchDog.MD" Community
15. Eco-TIRAS
16. RCTV Memoria
17. Terra-1530
18. Transparency International Moldova

***The list of signatories remains open***