

Republic of Moldova / République de Moldova

What are the general official measures taken for reacting to and implementing the decisions of international courts and treaty monitoring bodies?

In accordance with the provisions of Articles 4 and 8 of the Constitution, the Republic of Moldova is committed to comply with the Charter of the United Nations and the Treaties to which it is a party, to base its relations with other States on the unanimously recognized principles and norms of international law. If there are any inconsistencies between the agreements and treaties on fundamental human rights to which the Republic of Moldova is a party and its internal laws, priority have international regulations.

Law No. 151 of 30.07.2015 on Governmental agent regulates the procedure of representation before the European Court of Human Rights and the enforcement/monitoring of the judgments and decisions of the Court.

The Governmental agent is appointed and dismissed by the Government, at the proposal of the Minister of Justice, being subordinate to the Prime Minister and the Minister of Justice.

The Governmental agent shall also supervise the correctness of the measures taken to enforce the judgments and decisions of the European Court and shall propose to the competent authorities for adoption measures of a general nature with a view to avoiding other infringements of the convention in the future.

The implementation of the judgements of other international courts or recommendations of other monitoring bodies of the treaty to ratified by the Republic of Moldova, is under the jurisdiction of the individual institutions under the jurisdiction of the function, or by the designation of the said authorities, within the framework of the (the act) for the ratification of, or by delegation of such powers by the Government, through the Ministry of Foreign Affairs and European Integration responsible at the national level for the monitoring of the implementation of the international treaty.

Based on your answer to the 1st question, what are the measures taken particularly for the practical independence of the prosecution services and individual prosecutors? Can you give examples?

According to Article 124 of the Constitution, the Law on the Public Prosecution Service No. 3 of 2016, the prosecution service is an autonomous institution which forms part of the judicial authority. It is independent from the legislative, executive and judicial powers, any political party or social-political organisation, including any other institutions, organisations or entities. Any interference in Prosecution Service work is prohibited and the prosecutor may independently and personally take decisions on the cases s/he manages (Article 3, Law on the Public Prosecution Service).

The Law on the Public Prosecution Service entered into force on August 1st 2016 aimed at increasing the procedural autonomy of individual prosecutors by establishing in art. 12 the administrative hierarchy and the procedural hierarchy (art. 13). Initially, the art. 13 provided for that a prosecutor from a higher hierarchical level may give binding written instructions to a subordinate prosecutor as well as orders on procedural actions to be carried out which, however, cannot refer to the solution of the case. The subordinate prosecutor may refuse to execute an illegal indication and has to challenge it to the superior of the prosecutor who issued it. On July 20, 2017, the Parliament adopted the Law no. 168 (in force from August 18, 2017) on amending art. 13 of the Law on the Public Prosecution Service (hereinafter PPS) no. 3 of February 25, 2016 (in force from August 1st 2016) with following content: "The procedural hierarchy of prosecutors and the competences of hierarchical superior prosecutors are set up in Criminal Procedure Code". In this regard, the Criminal Procedure Code was amended as to define clear rules of hierarchical interventions of hierarchic

superior prosecutors in the framework of criminal investigations, including safeguards of undue or abusive influence as well as the possibility of subordinate prosecutors to challenge the indications of hierarchic superior prosecutor to the Prosecutor General or his/her deputies. Therefore, the Prosecutor General or his/her deputies shall decide upon the appeal within the timeframe of 15 days (art. 51 para 31). According to paragraph 3 of the art.51 Criminal Procedure Code (3) "In exercising his duties in criminal proceedings, the prosecutor will be independent and he/she will obey only the law. He/she will also execute written orders given by a hierarchic superior prosecutor".

A new article was introduced in Criminal Procedure Code (i.e. art. 531 Hierarchic Superior Prosecutor) which contains the tiers of hierarchy of Prosecutors and their interventions in criminal cases, as this set-up is rather appropriate to the scope of criminal procedure than to have a separate regulation in Law on the Public Prosecution Service as it was before the amendments. The Criminal Procedure Code establishes clearly in the art. 6 p. 371) who are the hierarchic superior prosecutors, i.e. the chief prosecutors of territorial prosecutor's offices and his/ her deputies, chief prosecutors of specialized prosecutor's offices and his/her deputies, chief prosecutors of General Prosecutor's Office units/departments, Deputies of the Prosecutor General and the Prosecutor General.

On October 1, 2019, the Prosecutor General issued a written notification (no 11-3d/19-3357) for all prosecutors that verbal instructions given to hierarchically subordinated prosecutors are not binding, unless they are confirmed in writing. All prosecutors signed the notification and are aware of its binding character. Up to date, there aren't any registered individual cases or complaints coming from hierarchical subordinated prosecutors against allegedly illegal or verbal hierarchical instructions or interventions within pending criminal procedures.

Are these measures reflected in the law or in the prosecution policy or debate?

These measures were fully implemented by adopting the following laws:

Law no. 3 of 25.02.2016 on the Law on the Public Prosecution Service;

Law no. 159 of 07.07.2016 on specialized prosecutor's offices.

The Regulation of the Prosecutor's Office approved by the Order of the Prosecutor General no. 24/28 of 24.09.2016, with subsequent amendments and completions. Law No. 256 of November 25, 2016 on amending art. 125 of Constitution (published in the Official Gazette No. 451 of November 11, 2016), on the procedure of appointment of the Prosecutor General. The Prosecutor General is appointed by the President of the Republic, upon proposal of the Superior Council of Prosecutors for one non-renewable seven-year term of office (the Law on Public Prosecutor's Office contains similar provisions too).

On September 16, 2019 the Parliament adopted the Law No. 128 on amending Law on the Public Prosecution Service (LPPS), entered in force on September 21st, 2019, after publication in the Official Gazette no 295/420, reversing inter alia the procedure for appointment and dismissal of Prosecutor General and composition of Superior Council of Prosecutors.

Accordingly, the composition of Superior Council of Prosecutors was increased with 3 new members, by adding two another ex-officio member, i.e. The Ombudsman and President of Moldovan Bar Association to the existing four ex-officio members, (i.e. Prosecutor General, Head Prosecutor of Autonomous Region of Gagauzia, Minister of Justice and President of the Superior Council of Magistracy and by including a non-prosecutor member, appointed by the Government). Now the SCP includes 15 members. The number of SCP members elected among prosecutors by their peers remains at 5 and by adding the two ex-officio members prosecutors (i.e. Prosecutor General and Head Prosecutor of Autonomous Region of Gagauzia) results a number of 7 prosecutors against 8 non-prosecutors members of SCP. (the Moldovan Constitution foresees inter alia that the prosecutors represent an important part within Superior Council of Prosecutors – art. 125/1 para. 2). In its Joint opinion CDL-AD(2015)005 on the draft Law on the Public Prosecution Service of the Republic of Moldova (para.131-133), the Venice Commission expressed its misgivings about the ex-officio participation within the Superior Council of Prosecutors of the Minister of Justice and

President of the Superior Council of Magistracy as well as the election of the lay members by the Parliament, given to a certain risk of politicization.

On December 9th, 2019 the Venice Commission Amicus Curiae Brief no 972/2019 CDL-AD (2019)034 on the amendments to the Law on Prosecutor's Office of the Republic of Moldova (i.e. new procedure of election/appointment/dismissal of Prosecutor General and composition of Superior Council of Prosecutors) was published. The Venice Commission considers that the balance of representation/power in the Superior Council of Prosecutors pursuant to Law no 128/2019 on amending the Law on the Public Prosecution Service are in line with previous Venice Commission recommendations and the presence of Minister of Justice in the Superior Council of Prosecutors would not seem objectionable (see para 35, 36 of aforementioned opinion).

If yes, then were there any changes in the prosecution system as a consequence of such measures?

By adopting the aforementioned laws, the following objectives were achieved: a precise determination of the place of the Public Prosecution Service in the system of law enforcement bodies and the main responsibilities of the prosecutors; establishing the role of the Superior Council of Prosecutors in the system of Public Prosecution Service bodies; the conceptual foundation of the mechanism for appointing the Prosecutor General and the hierarchically inferior prosecutors.

Are there also national decisions of the Supreme or Constitutional Courts, or any other highest judicial body at national level, dealing with the question of independence of prosecutors?

Currently, the complaint No. 168a/2019 regarding the control of the constitutionality of some provisions of the Law on the Public Prosecution Service is pending before the Constitutional Court. On the 23.10.2019 the Superior Council of Prosecutors submitted to the Constitutional Court its opinion on the subject. On December 9th, 2019 the Venice Commission published its Amicus Curiae Brief no 972/2019 CDL-AD (2019)034 on the amendments to the Law on Prosecutor's Office of the Republic of Moldova (i.e. new procedure of election/appointment/dismissal of Prosecutor General and composition of Superior Council of Prosecutors).

Does the prosecution system in your country belong to the judiciary?

According to Article 124 of the Constitution, the Prosecution Service is an autonomous institution which forms part of the judicial authority, that contributes, through criminal proceedings and other procedures provided by the law, to the administration of justice and to the defence of the rights, freedoms and legitimate interests of the individual, of the society and of the state. It is independent from the legislative, executive and judicial powers and any interference in its work is prohibited (Article 3, new LP). The Prosecution Service is organised in a hierarchical manner, each prosecutor's office being headed by a chief prosecutor who manages and supervises the work of the office.

Are there any parallels between the independence of judges and independence of prosecutors, or the latter is considered separately, if considered at all?

In regard to the independence of judges, we would like to mention that judges are independent, impartial and irremovable and are subject only to the law. Judges make decisions independently and impartially and act without any restrictions, influences, pressures, threats or interventions, direct or indirect, from any authority, including the judiciary. The hierarchical organization of jurisdictions cannot affect the individual independence of the judge.

Regarding the independence of prosecutors, we note that the prosecutor operates on the principles of legality, impartiality, reasonableness, integrity and procedural independence, which gives him the opportunity to make independent and unipersonal decisions in the cases he manages. (art. 3 of Law No.3/2016 on the Public Prosecution Service).

The procedural independence of the prosecutor is ensured by guarantees that exclude any political, financial, administrative or other influence on the prosecutor related to the exercise of his duties (art. 5 of Law No.3/2016 on the Public Prosecution Service).

According to art. 13 of Law No.3/2016 on the Public Prosecution Service and the Criminal Procedure Code, the activity of the prosecutor may be subject to control by the hierarchically superior prosecutor and the court. Art.13 of the mentioned Law regulates the procedural hierarchy of prosecutors and establishes that the procedural hierarchy of prosecutors and the attributions of the hierarchically superior prosecutor are established by the provisions of the Criminal Procedure Code.

Are prosecutors and prosecution services independent or autonomous from the executive and legislative branches of state power?

The Public Prosecution Service is independent of the legislative, executive and judicial powers, any political party or social-political organization, as well as any other institutions, organizations or persons. Any interference in the work of the Public Prosecution Service is prohibited. The Public Prosecution Service cooperates with other authorities to carry out the functions indicated in the law (Law No. 3 of 25.02.2016 on the Public Prosecution Service).

Is the interaction of prosecutor offices with courts, police, investigation authorities and other actors in criminal procedure based on the principle of prosecutorial independence and how?

During criminal investigation, the prosecutor is also independent of the criminal prosecution body, within the limits of his material and territorial competence, to exercise the duties provided in art.52 of the Criminal Procedure Code, namely, he initiates the criminal investigation; directly conducts the investigation; personally conducts the criminal investigation and verifies the lawfulness of the procedures undertaken by the criminal investigative body; controls the procedures for receiving and registering notifications of crimes; requests from the criminal investigative body for purposes of control criminal case files, documents, procedural actions, materials and other data related to the crime committed and the persons identified in a criminal case; verifies the quality of the evidence collected and ensures that any crime is solved and that every criminal is made liable and that no one is prosecuted without clear indication that he/she committed a crime, etc.

During the hearing of a criminal case in court, the prosecutor is independent of the court, within the limits of art. 53 of the Criminal Procedure Code, i.e., he represents the prosecution in the name of the state and submit in the hearing the respective evidence in a case in which he/she managed or personally conducted the criminal investigation; participate in the examination of the evidence submitted by the defense; presents new evidence necessary to support the prosecution; makes motions and expresses his/her opinion on issues that arise in the course of the judicial arguments; requests that the court bring more severe charges against the defendant and admit new evidence provided that following the judicial inquiry it was ascertained that the defendant had allegedly committed other crimes and that existing evidence is insufficient; changes the legal qualification of the crime committed by the defendant provided that a judicial inquiry confirms that the defendant committed this crime; if the criminal investigation was incomplete, makes a motion to interrupt the hearing of the criminal case for the period provided hereunder so that new evidence can be submitted supporting the charges brought against the defendant, etc.

Is there a Council of Prosecutors or a similar equivalent body which can be considered as a mechanism to monitor and ensure prosecutorial independence, including in the way in which the prosecution services operate?

Article 1251. Superior Council of Prosecutors

(1) The Superior Council of Prosecutors is the safeguard for the independence and impartiality of individual prosecutors.

(2) The Superior Council of Prosecutors is composed, according to the law, of the prosecutors elected from prosecutor's offices of all levels, and of the representatives of other authorities, public institutions or civil society. The prosecutors shall hold a substantial part within the Superior Council of Prosecutors.

(3) The Superior Council of Prosecutors ensures the appointment, transfer, promotion to a higher position and disciplinary actions in relation to individual prosecutors.

(4) The organization and functioning of the Superior Council of Prosecutors is established by the law.

Pursuant to Law on the Public Prosecution Service (art. 68), the Superior Council of Prosecutors is an independent body with status of legal personality, established in order to participate in establishing, operation and ensuring the self-administration of the prosecution system. Superior Council of Prosecutors is the safeguard for independence and impartiality of prosecutors.

On September 16, 2019 the Parliament adopted the Law no 128 on amending Law on the Public Prosecution Service (LPPS), entered in force on September 21st, 2019, after publication in the Official Gazette no 295/420, reversing inter alia the procedure for appointment and dismissal of Prosecutor General and composition of Superior Council of Prosecutors. Accordingly, the composition of Superior Council of Prosecutors was increased with 3 new members, by adding two another ex-officio member, i.e. The Ombudsman and President of Moldovan Bar Association to the existing four ex-officio members, (i.e. Prosecutor General, Head Prosecutor of Autonomous Region of Gagauzia, Minister of Justice and President of the Superior Council of Magistracy and by including a non-prosecutor member, appointed by the Government). Now the SCP includes 15 members against 12 as it was before the amendments operated by aforementioned Law. The number of SCP members elected among prosecutors by their peers remains at 5 and by adding the two ex-officio members prosecutors (i.e. Prosecutor General and Head Prosecutor of Autonomous Region of Gagauzia) results a number of 7 prosecutors against 8 non-prosecutors members of SCP (the Moldovan Constitution foresees inter alia that the prosecutors represent an important part within Superior Council of Prosecutors – art. 125/1 para. 2). In its Joint opinion CDL-AD(2015)005 on the draft Law on the Public Prosecution Service of the Republic of Moldova (para.131-133), the Venice Commission expressed its misgivings about the ex-officio participation within the Superior Council of Prosecutors of the Minister of Justice and President of the Superior Council of Magistracy as well as the election of the lay members by the Parliament, given to a certain risk of politicization.

On December 9th, 2019, the Venice Commission published its Amicus Curiae Brief no 972/2019 CDL-AD(2019)034 on the amendments to the Law on Prosecutor's Office of the Republic of Moldova (i.e. new procedure of election/appointment/dismissal of Prosecutor General and composition of Superior Council of Prosecutors. The Venice Commission considers that the balance of representation/power in the Superior Council of Prosecutors pursuant to Law no 128/2019 on amending the Law on Public Prosecutor's Office are in line with previous Venice Commission recommendations and the presence of Minister of Justice in the Superior Council of Prosecutors would not seem objectionable (see para 35, 36 of aforementioned opinion).

How many of its members are elected by their peers, and does the prosecution policy or the debate within the judiciary produce any impact on the election of the members of the Council of Prosecutors?

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appointment and dismissal of Prosecutor General and composition of Superior Council of Prosecutors. Accordingly, the composition of Superior Council of Prosecutors was increased with 3 new members, by adding two another ex-officio member, i.e. Now the SCP includes 15 members against 12 as it was before the amendments operated by aforementioned Law. The number of SCP members elected among prosecutors by their peers remains at 5 and by adding the two ex-officio members prosecutors (i.e. Prosecutor General and Head Prosecutor of Autonomous Region of Gagauzia) results a number of 7 prosecutors against 8 non-prosecutors members of SCP.

Who has the initiative of disciplinary proceedings?

According to the provisions of art.43 para. (l) of Law no.3/2016 on the Public Prosecution Service, the notification regarding the deed that may constitute a disciplinary offense committed by the prosecutor can be submitted by:

- a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) The Prosecutors' performance evaluation Board, according to the art. 3l para. (5) of Law no. 3/2016;
- d) the Prosecutors' inspection, following the checks carried out.

Are prosecutors appointed for life or do they have to fulfil successive terms? Of how many years?

In accordance with the provisions of art.25 of Law No.3/2016 on the Public Prosecution Service, the mandate of chief-prosecutor of a Prosecutor's Office, that of deputy chief-prosecutor of the Prosecutor's Office, that of chief-prosecutor of the subdivision of the General Prosecutor's Office or deputy chief-prosecutor of the General Prosecutor's Office unit/department is 5 years. Holding the same position cannot exceed 2 consecutive terms. At the end of the term, the person is proposed to be appointed, without contest, to one of the vacant positions of prosecutor, except for the one of chief-prosecutor.

The Prosecutor General is appointed for a term of 7 years, without the right to be reappointed. After the expiration of the mandate, the Prosecutor General may continue his activity in any vacant position of prosecutor, chosen by him, being appointed without contest.

Are the rules regarding appointment, transfer, promotion and discipline of prosecutors similar to those of judges?

In accordance with the provisions of art. l25/1 para. (3) of the Constitution, the Superior Council of Prosecutors, through its bodies, ensures the appointment, transfer, promotion to office and application of disciplinary measures towards prosecutors.

The Board for the selection and career of prosecutors is one of the self-administration bodies within the Public Prosecution Service, under the Superior Council of Prosecutors. The board operates under the provisions of Law No.3 of 25.02.2016 on the Public Prosecution Service and the regulation on the Board for the selection and career of prosecutors and the procedure for the selection and career of prosecutors, approved by Council's Decision No.12-14/17 of 23.02.2017.

The Board for evaluating the prosecutors' performances is conducted in accordance with art. 88 of Law No.3 of 25.02.2016 on PPS and the regulation on the organization and functioning of the Board for evaluating the prosecutors' performances and the procedure of evaluation the performances of prosecutors, approved by the decision of the Superior Council of Prosecutors no.12-256/16 of 22.12.2016.

According to art. 89 of Law No.3 of 25.02.2016 on the PPS The Disciplinary and ethics Board, examine disciplinary cases initiated against prosecutors, received from the inspection of prosecutors, and when it's appropriate, apply, disciplinary sanctions, adopt

recommendations on the prevention of disciplinary misconduct within the Prosecution Service and respect of the ethics norms.

Similar competences are established for the Superior Council of Magistracy in regards of judges, by art. 123 para. (1) of the Constitution, to ensure appointment transfer, secondment, promotion to office and the application of disciplinary measures to judges.

In accordance with the provisions of art.10 of Law No. 544/20.07.95 on the status of the judge, the selection process of candidates for the position of judge is carried out according to objective criteria based on merit, taking into account the professional training, integrity, capacity and efficiency of the candidates. Candidates for the position of judge are selected by the Board for the selection and career of judges under this law.

According to art.11 of Law No. 544/20.07.95 on the status of the judge, judges of the first instance courts and judges of the courts of Appeal shall be appointed by the president of the Republic of Moldova from the number of candidates selected by competition, at the proposal of the Superior Council of Magistracy. The selected candidates shall be appointed as the initial judge for a term of 5 years. After the expiry of the 5-year period, judges are appointed until the age limit of 65 is reached.

May the government instruct the prosecution services, for instance, to prosecute or not to prosecute? Are instructions general or specific in nature? Are they given in writing? Can the prosecution challenge them?

The Public Prosecution Service is independent of the legislative, executive and judicial powers, any political party or social-political organization, as well as any other institutions, organizations or persons. Any interference in the work of the Public Prosecution Service is prohibited. The procedural independence of the prosecutor is ensured by guarantees excluding any political, financial, administrative or any other influence over the prosecutor in connection with the performance of his/her duties.

Are the instructions of superior prosecutors given in writing to those under their supervision? Can these instructions be challenged or refused?

The Criminal Procedure Code was amended as to define clear rules of hierarchical interventions of hierarchic superior prosecutors in the framework of criminal investigations, including safeguards of undue or abusive influence as well as the possibility of subordinate prosecutors to challenge the indications of hierarchic superior prosecutor to the Prosecutor General or his/her deputies. Therefore, the Prosecutor General or his/her deputies shall decide upon the appeal within the timeframe of 15 days (art. 51 para 31). According to paragraph 3 of the art.51 Criminal Procedure Code (3) "In exercising his duties in criminal proceedings, the prosecutor will be independent and he/she will obey only the law. He/she will also execute written orders given by a hierarchic superior prosecutor". (please see the explanations to p.2)

A new article was introduced in the Criminal Procedure Code (i.e. art. 531 Hierarchic Superior Prosecutor) which contains the tiers of hierarchy of Prosecutors and their interventions in criminal cases, as this set-up is rather appropriate to the scope of criminal procedure than to have a separate regulation in Law on the Public Prosecution Service as it was before the amendments. The Criminal Procedure Code establishes clearly in the art. 6 p. 371) who are the hierarchic superior prosecutors, i.e. the chief prosecutors of territorial prosecutor's offices and his/ her deputies, chief prosecutors of specialized prosecutor's offices and his/her deputies, chief prosecutors of General Prosecutor's Office units/departments, Deputies of the Prosecutor General and the Prosecutor General.

On October 1, 2019, the Prosecutor General issued a written notification (no 11-3d/19-3357) for all prosecutors that verbal instructions given to hierarchically subordinated prosecutors are not binding, unless they are confirmed in writing (the translation is attached). All prosecutors signed the notification and are aware of its binding character. Up to date, there

aren't any registered individual cases or complaints coming from hierarchical subordinated prosecutors against allegedly illegal or verbal hierarchical instructions or interventions within pending criminal procedures.

The General Prosecutor's Office is finalizing the procedure of drafting the amendments to the "Instruction on the role and duties of heads of General Prosecutor's Office units/departments and chief territorial and specialized prosecutors in carrying out and leading criminal prosecutions" – which is in the phase of coordination with all prosecutor's territorial and specialized offices – which will comprise inter alia the procedure of documentation in practice of all hierarchical interventions in individual cases. Moreover, the Code of Ethics of Prosecutors foresees inter alia in section 6.2.7. that prosecutor must not execute instructions or requests coming from politicians, public servants and representatives of law agencies, if these are contrary to the legislation, other normative acts or principles of the present Code, except written instructions of the hierarchically superior prosecutor, given strictly according to the Law. In the event that he/she receives such instructions or requests, he/ shall immediately inform the superior hierarchical prosecutor, and in case if such instruction or request contains the elements of a crime, he shall react (self-report) accordingly.

What is the system of allocation, re-allocation and management of cases and is it based on objective and transparent criteria respecting the independence of prosecutors?

The head of the Prosecutor's Office assigns prosecutors to the case materials and criminal cases on the basis of the following criteria: specialized training, skills, experience, number of cases, appeals, petitions, level of complexity, and the specificity of each case in particular, situations of incompatibility and conflict of interests, to the extent known, by carrying out individual and the collective evaluation of the performances of the prosecutors. For details, please see the p. 160-161 of GRECO 4th Evaluation round on Republic of Moldova (<https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/168075bb45>).

Which are, if any, the main initiatives in terms of training to strengthen the awareness about the de facto dimension of the prosecutorial independence?

Professional training is one of the most important guarantees of the prosecutor's independence and impartiality in the exercise of his duties, that's why it continues to be on the yearly agenda, and the responsibility for that lies on the National Institute of Justice, the chief-prosecutors of the General Prosecutor's Office units/departments, the territorial and specialized prosecutors' offices, as well as each individual prosecutor (art. 32 of Law No. 3 of 25.02.2016 on PPS and art. 30, 31 of Law No. 152 of 08.06.2006 on the National Institute of Justice).

The continuous professional training of the prosecutor essentially represents the deepening the knowledge on the domestic legislation, the international acts to which the Republic of Moldova is a party, the jurisprudence of the national and international courts and is carried out through the National Institute of Justice.

The National Institute of Justice (NIJ) was inaugurated on 9 November 2007. According to the law on the National Institute of Justice, adopted by the Parliament of the Republic of Moldova on June 8, 2006, NIJ is a public institution with its own heritage, administrative, scientific and educational autonomy.

Is the concept of prosecutorial independence reflected in the code of ethics and professional conduct of prosecutors? If such code exists in your country, could you please inform how it was prepared and adopted, and provide its copy in English or French if available.

The Code of Ethics of the prosecutors was adopted by the General Assembly of Prosecutors on May 27, 2016. Code of Ethics of the prosecutors is a public document, which establishes

the principles and standards of professional ethics mandatory for prosecutors. It contains rules of conduct of the prosecutor in the exercise of his duties and in private life.

One of the main principles stated of the Code is that of the prosecutor's independence, according to which the prosecutor must:

- be independent in decision-making and in the performance of his duties;
- to exercise the duties, impartially, honestly, irreproachable, showing high moral conduct and maximum fairness and to contribute to the effective implementation of the act of justice;
- make decisions based on impartial and objective evaluation of evidence etc.

Independence is not a privilege or prerogative conferred on prosecutors in the personal interest, but a guarantee of a fair, impartial and effective justice that protects the public and private interest in society.

By Decision no. 1-16/19 of February 14, 2019 the Superior Council of Prosecutors proposed for approval to the General Assembly of Prosecutors draft amendments to the Code of ethics of prosecutors, adopted by the General Assembly of Prosecutors on May 27, 2016(hereinafter - Code), having the following purposes: inclusion in the Code of additional values for prosecutors to adhere to; a detailed description of principles and rules of conduct for prosecutors, taking into account the European Guidelines on Prosecutor's Ethics and Conduct ("Budapest Guidelines", adopted at the Conference of Prosecutors General in Europe on May 31, 2005); defining transparency as a rule and a factor capable of increasing the confidence of the Prosecutor's Office in the spirit of Recommendation Rec (2003) 13 of the Committee of Ministers to the Member States on the provision of information through the media in relation to criminal proceedings; development of the institute of confidential counselling.

On February 22, 2019 the General Assembly of the Prosecutors with the majority of votes of the present prosecutors voted the changes submitted by the SCP. The amendments made include those related to point 11 of the Code, so that its wording is as follows: "11. The Disciplinary and Ethics Board will develop additional written guidance on interpreting ethical rules that prosecutors will face, including coming up with practical examples of violating the provisions of this Code. The granting of confidential counselling in certain specific cases, at the request of the interested prosecutor, will be provided by persons appointed by the SCP as Ethics Advisers, who are to be selected among former members of the self-governing bodies of Prosecution Service. The selection shall take into account the prosecutor's reputation and his/her communication skills. The SCP will make public the list with the identity of the advisers, the contact details and will determine the conditions for conducting discussions and keeping confidentiality".

(http://csp.md/sites/default/files/inline-files/CODUL%20de%20Etica%20Redactat%2015.07.2019_0.pdf)

During the SCP meeting of January 23, 2020, were discussed the priorities for the year 2020, one of which is pertaining to finalization, expertise and publication of the Guide of good practices on matters of prosecutors' ethics.

National Institute of Justice (hereinafter NIJ) – responsible for initial and in-service training of judges and prosecutors has organised throughout the year 2019, on regular basis, trainings of a practice-oriented nature related to Ethics, Deontology – which are included in the annual training curricula. For example, on April 5 and on October 29, NIJ organized two modules of training courses on Management of Ethical and Professional Conduct and solving conflicts for a total number of 60 prosecutors

To what extent the media cover the decisions of international courts and treaty bodies as regards the practical independence of prosecutors?

The General Prosecutor's Office has an official website - www.procuratura.md, where the information that reflects the work of the institution, is published systematically, as well as the normative acts, decisions and international recommendations on the work of prosecutors. Also, the Superior Council of Prosecutors recently launched its own website www.csp.md.

To what extent the prosecutor offices interact with the broad public as regards the decisions of international courts and treaty bodies related to the practical independence of prosecutors?

Superior Council of Prosecutors in 2019 launched its website www.csp.md, which facilitated the dialogue with society. This online platform plays an important role in strengthening decision-making transparency, but also in ensuring institutional identity and publicity. The decisions of the Superior Council of Prosecutors and its subordinated boards shall be published, within 10 working days from the date of issue, on the official website of the Superior Council of Prosecutors (art.77 para.(7) and art.85 para.(1) of Law No.3/2016).

We would also like to mention that both the meetings of the Superior Council of Prosecutors and those of the subordinated boards are recorded (video/audio), which are annexed to the transcripts of the meetings. After drafting and signing the transcripts, they are placed on the website of the Superior Council of Prosecutors, in the appropriate directory (art.77 para. (8) and art.84 para.(6) of Law No.3/2016).

This way, by reflecting all the work carried out by the Superior Council of Prosecutors, the principle of transparency and accessibility in the decision-making process of this public authority is respected.

Similarly, the General Prosecutor's Office has an official website - www.procuratura.md, where the information that reflects the work of the institution, is placed systematically.