



Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors

Comisia independentă de evaluare a integrității candidaților la funcția de membru în organele de autoadministrare ale judecătorilor și procurorilor

Decision No. 1 of 11 July 2022 on the candidacy of Judge Mihail COJOCARU to the Superior Council of Magistracy and Disciplinary Board

The Independent Evaluation Commission for assessing the integrity of candidates for the position of member in the self-administration bodies of judges and prosecutors (“the Commission”) deliberated in private on 11 July 2022. The members participating were:

1. Herman von HEBEL
2. Victoria HENLEY
3. Nadejda HRIPTIEVSCHI
4. Vitalie MIRON
5. Tatiana RADUCANU
6. Nona TSOTSORIA

The Commission delivers the following decision which was adopted on that date:

The facts

Judge Mihail COJOCARU, district Court Bălți, central office, was on the list of candidates submitted by the Superior Council of Magistracy to the Commission on 6 April 2022 for evaluation for the positions of member of the Superior Council of Magistracy and of member of the Disciplinary Board of the Superior Council of Magistracy. By letter dated 8 June 2022 and addressed to the Commission, Judge Mihail COJOCARU withdrew from the competition as candidate for the positions of member of the Superior Council of Magistracy and of member of the Disciplinary Board of the Superior Council of Magistracy.

The law

Article 13 para.1 of Law No. 26/2022 “on certain measures relating to the selection of candidates for the position of member in the self-administration bodies of judges and prosecutors” (“Law No. 26/2022”) provides that a candidate’s withdrawal from the competition after the institution in charge of organizing the elections or the competition submits the list of candidates to the Commission shall be the equivalent to failing the evaluation by the concerned candidate, irrespective of the reason given by the candidate.

Decision

Based on Article 13 para. 1 of Law No. 26/2022, the Commission concludes that the withdrawal of Judge Mihail COJOCARU from the competition is equivalent to failing the evaluation.

Appeal and publication of the decision

Article 14 para.1 of Law No. 26/2022 provides that the candidate is entitled to appeal a decision of the Commission within 5 days from receiving the decision.

Article 13 para.7 of Law No. 26/2022 provides that this decision is sent by email simultaneously to the candidate and to the institution responsible for organizing the election or competition, which in the present case is the Superior Council of Magistracy. If within 48 hours of sending the decision, the candidate does not notify the Commission of his or her refusal to publish the decision, the decision shall be published on the website of the Superior Council of Magistracy in a depersonalized form, except for the surname and first name of the candidate that remain public. The Commission will also publish the decision on its website if the candidate does not object to publication.

This decision was adopted unanimously by all members of the Commission.

Done in English and translated into Romanian.

Signature:



Herman von HEBEL
Chair of the Commission