



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 28 December 2023 on the candidacy of Valentin CAISÎN,
Candidate for the Superior Council of Magistracy***

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 28 December 2023. The members participating were:

1. Herman von HEBEL
2. Victoria HENLEY
3. Nadejda HRIPTIEVSCHI
4. Nona TSOTSORIA

Tatiana RĂDUCANU was recused from this case and did not participate.

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

The facts

Valentin CAISÎN, currently working as a lawyer at the Lawyer’s Office “Valentin CAISÎN” (hereinafter “the candidate”), was on the list of candidates submitted by the Parliament to the Commission on 9 June 2022 for evaluation for the position of member of the Superior Council of Magistracy. By decision No. 28 of 21 March 2023, the Commission decided that the candidate failed the evaluation. By decision of 1 August 2023, the Supreme Court of Justice annulled the Commission’s decision and ordered the re-evaluation of the candidate. On 8 September 2023, the Commission notified the candidate that the resumed evaluation process had commenced. By letter dated 26 December 2023 addressed to the Parliament of the Republic of Moldova and the Commission, the candidate withdrew from the competition organized by the Parliament for the position of member of the Superior Council of Magistracy and asked the Commission to terminate the evaluation procedure, that was resumed following the decision of the Supreme Court of Justice of 1 August 2023.

The law

According to art. 14 para. (10) 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” (hereinafter “Law No. 26/2022”) if the Commission resumes the evaluation of a candidate in accordance with para. 8 lit. b) of Law No. 26/2022, the provisions of Law No. 26/2022 on the integrity evaluation procedure shall apply accordingly.

Art. 13 para. (1) of 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 art. 13 para. (1) of Law No. 26/2022, the Commission concludes that the withdrawal of Valentin CAISÎN from the competition is equivalent to failing the evaluation.

Appeal and publication of the decision

Art. 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.

Art. 13 para. (7) of Law No. 26/2022 provides that this decision is sent by email to the candidate and to the institution responsible for organizing the election or competition, which in the present case is the Parliament. 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 Parliament 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 participating members of the Commission.

Done in English and Romanian.

Signature



Herman von HEBEL,
Chairman of the Commission