



**INDEPENDENT EVALUATION COMMISSION
FOR ASSESSING THE INTEGRITY OF CANDIDATES
FOR THE POSITION OF MEMBER IN THE SELF-ADMINISTRATION
BODIES OF JUDGES AND PROSECUTORS**

END-OF-MANDATE REPORT

November 2025

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EXECUTIVE SUMMARY

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 Pre-Vetting Commission" or "the Commission"), established by law in March 2022, completed its mandate in November 2025, when the Supreme Court of Justice ("SCJ") finalized all appeals of the Commission's decisions.

The Commission's mandate was to evaluate judges, prosecutors and other professionals to determine their eligibility as candidates for leadership positions in the judicial system. The Commission evaluated candidates for positions of members in the self-administration bodies of judges and prosecutors, namely the Superior Council of Magistracy ("SCM") and the Superior Council of Prosecutors ("SCP"). During its tenure, the Commission conducted evaluations of a total of 69 candidates ("initial evaluation"), as well as resumed evaluations of 22 candidates and a second resumed evaluation of one candidate. The Commission defended 46 appeals of its initial evaluation and resumed evaluation decisions before the SCJ special panel for examining appeals of the decisions of the Commission ("SCJ special panel") and three additional appeals in revision procedures. The Commission also defended six other court proceedings or legal challenges related to its work.

In summary, of the 69 candidates that participated in the pre-vetting evaluation by the Commission, 26 candidates passed the evaluation (38 percent). Twenty-three candidates passed during the initial evaluation, one during the resumed evaluation, one during the second resumed evaluation and one was passed by the SCJ special panel on appeal from a resumed evaluation decision. In total, 17 candidates for the SCM (35 percent of 49 candidates evaluated for membership in the SCM) and nine candidates for the SCP (45 percent of 20 candidates evaluated for membership in the SCP) passed the evaluation. Of the 69 total candidates, 43 candidates failed or otherwise did not pass the evaluation (62 percent). The Commission failed 46 candidates in the initial evaluation; 28 candidates appealed and the

SCJ special panel upheld six of the Commission's initial evaluation fail decisions on appeal (21 percent). Twenty candidates did not pass the resumed evaluation, and one candidate's resumed evaluation was closed because the candidate was no longer a judge. Of the 18 appeals of the Commission's resumed evaluation decisions, the SCJ special panel upheld 15 of the fail decisions on resumed evaluation on substantive grounds. The SCJ special panel also upheld the decision to close the resumed evaluation of the candidate who was no longer a judge. In total, 16 out of 18 of resumed evaluation decisions were upheld on appeal (89 percent). Of the 43 candidates who failed the evaluation, 32 were candidates for the SCM (65 percent of 49 candidates evaluated for membership in the SCM) and 11 were candidates for the SCP (55 percent of 20 candidates evaluated for membership in the SCP).

The Pre-Vetting Commission commenced its work in April 2022. By September 2023, after 17 months, the Commission had finalized the initial evaluation of 67 candidates; two additional initial evaluations of candidates that were submitted to the Commission in August 2023 had been completed by the end of December of 2023. The Commission conducted 22 resumed evaluations between September 2023 and November 2024, and one second resumed evaluation between September 2024 and February 2025. On 7 November 2025, the SCJ special panel issued its decision on the last resumed evaluation Commission decision, which marked the official end of Commission's mandate.

During its mandate, the Pre-Vetting Commission faced numerous challenges that are detailed in this report. These included chronic staffing shortages, issues related to the complexity of cases and data collection, difficulties arising from an undue restraint on data collection at the beginning of the process, issues related to candidate cooperation and the high volume of legal challenges to the Commission's work, issues related to donor support, obstacles within the system especially delays in resolving appeals, the difficulty of conducting resumed evaluations, the challenges presented by the political environment and those inherent in public communication.

The Pre-Vetting Commission learned numerous lessons during its work that are also detailed in this report. These included, notably,

the imperative of a pre-vetting process – its criteria and its consequences – being clearly established in law and fully explained from the outset to both candidates and the public. Other lessons learned included the need for deadlines for the commission's work that are appropriate and for an enforcement mechanism for third parties who do not comply with commission requests for information, the need for reconsideration of the requirement that commission decisions are not published unless the candidate consents and the importance of a well-tailored review mechanism for commission decisions.

Although it is too early to fully assess the results and impact of pre-vetting in Moldova, newly composed SCM and SCPs with vetted members have been established and are operational, the primary objective of the pre-vetting process. There appears to be genuine political support in Moldova for the pre-vetting and vetting processes, which was taken into account by the European Union when granting candidate status to Moldova. Vetting in Moldova has continued to receive the support of the European Union. The groundwork laid by the Pre-Vetting Commission undoubtedly benefitted the subsequent vetting commissions for judges and prosecutors and thus, the advancement of judicial reform. Importantly, the public is now more aware of judicial and prosecutorial ethics and financial integrity issues and what they should expect from officials in the judiciary.

1. INTRODUCTION AND RELEVANT BACKGROUND

The Pre-Vetting Commission submits this end-of-mandate report concerning its activities from the establishment of the Pre-Vetting Commission in April 2022 to the conclusion of its mandate in November 2025 upon the finalization by the SCJ of all appeals of the Pre-Vetting Commission's decisions. This report provides an overview of the results of the Pre-Vetting Commission's work, identifies both favorable and unfavorable circumstances that impacted the Commission's work and summarizes lessons learned and recommendations of the Commission members for improvements to the process.

The Pre-Vetting Commission was established by Law No. 26 on certain measures relating to the selection of candidates for position as a member of the self-administration bodies of the judges and prosecutors, adopted by the Parliament of Moldova in March 2022 ("Law No. 26/2022"). Prior to its adoption, the draft law was reviewed by the European Commission for Democracy through Law (the Venice Commission).¹ The law was adopted to address the widely recognized problem of the malfunctioning of the Moldovan system of verification of the integrity of judges and prosecutors and the failure of the disciplinary system and other systems to redress corruption and other integrity issues in the judicial system. The Pre-Vetting Commission's work consisted of evaluating judges and prosecutors and other professionals to determine their eligibility as candidates for leadership positions in the judicial system, informally called "pre-vetting." The vetting of sitting judges and prosecutors in Moldova was introduced through two separate laws in 2023.²

¹ Venice Commission, Opinion No. 1069/2021, 13 December 2021, available at [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2021\)046-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2021)046-e).

² Law No. 65/2023 on the external evaluation of judges and candidates for the position of judge of the Supreme Court of Justice. Law No. 252/2023 on

1. INTRODUCTION AND RELEVANT BACKGROUND

With both pre-vetting and vetting processes, there are a number of generally recognized preconditions that need to be fulfilled to justify the process, which were present in Moldova:

- Proven dire situation in the country with respect to the integrity of the judicial system, including ineffectiveness of disciplinary and other integrity systems for justice officials, as recognized by the government of Moldova and international bodies, such as the Venice Commission, the EU Directorate-General for Justice and Consumers (DG JUST), Group of States against Corruption (GRECO), Organization for Economic Cooperation and Development (OECD) and Moldovan civil society organizations (CSOs)
- Genuine political will and broad political consensus supporting reform
- Countenanced by the Venice Commission and DG JUST
- Commitment to the process as a measure of last resort and a one-time exercise
- Involvement of an independent commission (including international members)
- Clear evaluation criteria established
- Fair and transparent process established, in conformity with European Court of Human Rights (ECtHR) standards
- Right to appeal provided

Under Law No. 26/2022, the pre-vetting process consisted of verifying candidates' financial and ethical integrity. The criteria for financial integrity were that the candidate's assets had been declared in the manner prescribed by law and the wealth acquired by the candidate in the prior fifteen years corresponded to the candidate's declared revenues. Determining financial integrity also required verifying numerous aspects of the candidate's financial activities such as payment of taxes, ownership of real estate and use of loans. The evaluation of the candidate's financial integrity could extend to a verification of the assets of persons close to the candidate. The criteria for ethical integrity were that the candidate had not committed a serious violation of the applicable rules of ethics or professional conduct, that there were no reasonable suspicions that the candidate had committed any corrupt acts and that the candidate had not violated the legal regime of declaring assets and personal interests, conflicts of inter-

est, incompatibilities, restrictions or limitations. Once the Pre-Vetting Commission identified an ethical or financial integrity issue, the burden of proof shifted to the candidate. A candidate was deemed not to meet the integrity criteria if serious doubts were found as to the candidate's compliance with the financial and ethical integrity criteria of art. 8 of Law No. 26/2022, which had not been mitigated by the candidate.

In April 2022, the Pre-Vetting Commission was officially established. Three national members and three international members were appointed and efforts to hire a Head of Secretariat and secretariat staff began. Within the deadline set by law, the members developed and adopted rules of procedure and evaluation rules for the pre-vetting process. The Commission also undertook training of its members and secretariat staff, which was intensive because the investigation of ethical and financial integrity issues in the context of pre-vetting was new for both Commission members and secretariat staff, and also new to Moldova.

The law governing pre-vetting provided multiple stages for the process. The first phase, the initial evaluation, consisted of the collection of information from the candidate and others, the Commission's analysis of that information, a hearing to address any issues with the candidate, followed by the issuance of the Commission's decision (Law No. 26/2022, Articles 9-10, 12-13). Thereafter, a candidate who failed the evaluation had a right to appeal to the SCJ. In examining the appeal, the special judicial panel of the SCJ could either reject the appeal or accept the appeal and order the re-evaluation of the candidate (Law No. 26/2022, Article 14). If a re-evaluation was ordered by the SCJ, the Commission conducted a resumed evaluation of the candidate (the second evaluation phase). The resumed evaluation was governed by the same legal provisions as the initial evaluation. The Commission recommenced gathering information and conducted a further hearing, if appropriate, and issued a decision. Candidates who failed the resumed evaluation had a right to appeal to the SCJ. The law initially provided that on appeal from a resumed evaluation, the SCJ was limited to rejecting the appeal or allowing the appeal and ordering a further re-evaluation of the candidate. In

1. INTRODUCTION AND RELEVANT BACKGROUND

September 2024, Law No.26/2022 was amended³ to provide that the SCJ could return a matter to the Commission for re-evaluation only once. In the event of a subsequent appeal of a resumed evaluation decision, the SCJ could pass or fail the candidate (Law No. 26/2022, Article 14, para. (8)).

According to the Commission's Rules of Procedure, the information collected by the Commission about candidates during the integrity evaluation process was to be retained by the Commission throughout the period of the application of Law No. 26/2022. After the SCJ decided the last appeal of the Commission's decisions, the Commission commenced the process of wrapping up the Commission's activities. Under the provisions of Article 10 para. (11) of Law No. 26/2022, this included sending the information collected about candidates to the SCM (the candidates designated in art. 2 para. (1) lit. a) - d)) and to the SCP (the candidates designated in art. 2 para. (1) lit. e) - h)), along with information related to the administration of the Commission's work. After this information is sent, the Commission's records are being destroyed/ deleted in accordance with the Instruction on the deletion and destruction of information collected by the Commission (available on the Commission's website). These processes were underway at the time of this report.

The Commission also determined that when the Commission's mandate concluded, the Commission's website (www.vetting.md/prevetting) and its related YouTube channel (which hosts and ensures the availability all public hearings and other video materials embedded on the website) would be maintained by the development partner supporting the Commission, which is the Center for International Legal Cooperation (CILC). The Commission's social media account on Facebook is to be discontinued three months after this report is published.

³ By Law No. 239 of 13 September 2024.

2. THE PRE-VETTING PROCESS

The first phase of the pre-vetting process, the initial evaluation, commenced in June and July 2022. The Pre-Vetting Commission distributed to candidates the 5-year declaration it had devised for the disclosure of candidates' financial assets and personal interests and candidates' close persons, as required by Law No. 26/2022. The Commission also distributed a voluntary ethics questionnaire to candidates. Both documents were submitted early to candidates to allow them to provide feedback to the Commission and to give them additional time to familiarize themselves with the requirements in light of the short deadline provided by law for completion of the 5-year declaration. The Commission also began collecting information about candidates from multiple sources, including public and private organizations such as banks. The Commission also consulted open sources such as social media and investigative journalism reports as well as information from members of civil society.

After the collection of data and the candidates' submission of the 5-year declaration and the ethics questionnaire, in order to clarify the issues, the Commission submitted written questions to the candidates, which often included requests for documents. In many instances, the Commission submitted multiple rounds of questions to candidates. The process of sending written questions and answers allowed the Commission to narrow for hearing the integrity issues that involved a possible serious doubt. The question-and-answer process also provided a measure of fairness to candidates, because the Commission typically did not raise issues at a hearing that had not previously been raised with the candidate in written questions unless, for example, an issue arose just before or during a hearing.

Once the written question and answer process appeared complete, the Commission scheduled a hearing for each candidate. The law provided that the hearings were to be conducted in a public session

and audio-video recorded. The Commission could decide to conduct a hearing or a part of a hearing in a closed session if the interests of public order, privacy or morality were undermined. If the Commission denied a candidate's request to conduct a hearing or a part of a hearing in closed session, the Commission issued a reasoned decision and the candidate could withdraw from the competition (Law No. 26/2022, Article 12, para. (2)). The Commission received eight requests to close all or portions of hearings and the Commission itself initiated three proposals to close portions of hearings. The Commission granted two requests for closed hearings and denied six requests. No hearings were closed entirely. The Commission conducted closed portions of hearings regarding five candidates. No candidate withdrew from the process based on the Commission's denial of a request for closed hearing.

Under the law governing the Commission, each candidate was entitled, upon request, to obtain the evaluation materials related to their evaluation prior to the hearing. Initially only relevant materials, specifically those related to the integrity doubts raised by the Commission, were provided to the candidates. This approach tracked Venice Commission recommendations⁴ and was not contrary to the national legislation. However, the SCJ decisions of 1 August 2023 obliged the Pre-Vetting Commission to provide all materials collected in the evaluation process; thereafter, the Commission complied with the SCJ determination and provided all materials prior to the hearing to each candidate that requested them.⁵ To further assist candidates, at the hearing, each candidate received a description in writing of each integrity issue to be addressed at the hearing. Initially, the law gave candidates the right to present new information whenever a candidate deemed it necessary to remove suspicions about his or her integrity. This was later amended to permit a candidate to provide new information if it could not have been presented earlier. Af-

⁴ "The candidate's right to become acquainted with the 'evaluation materials' should encompass all the materials gathered by the committee and taken into account in its decision.", Venice Commission opinion No. 1069/2021 (CDL-AD(2021)046) of 13 December 2021, para. 32.

⁵ See the Pre-Vetting Commission press statement of September 2024 related to access to evaluation materials at <https://vetting.md/prevetting/en/clarifications-regarding-the-candidates-evaluation-materials/>.

ter the hearing, if new information had arisen during the hearing or any information required clarification, the Commission requested further documentation or generated additional written questions as needed for clarification. While the rules permitted the Commission to convene a further hearing if necessary, the Commission's submission of further questions and requests for information post hearing obviated the need for further hearings. After any post hearing follow up, the Commission issued its decision passing or failing the candidate.

In order to manage workflow, when the Pre-Vetting Commission started the initial evaluations it divided candidates for the SCM and the SCP into five subgroups and staggered the timing of each group's evaluations. The first group's evaluations started on 15 July 2022, with subsequent groups starting on 27 December 2022, 23 January 2023, 18 May 2023 and 12 September 2023. The first evaluation decision was issued on 25 October 2022 and the last decision was issued on 28 December 2023. The average duration of an initial evaluation was three to five months, with some evaluations lasting two and a half months and others, in exceptional circumstances, lasting six and a half months.

After the Pre-Vetting Commission issued a decision on an initial evaluation, the candidate had five days to appeal the decision to the SCJ. The law specified that the SCJ's special panel examining appeals of Commission's decisions was to decide the appeals within ten days. The SCJ special panel decisions were routinely delayed beyond that deadline. The first two appeals were decided within two months and in both cases the SCJ special panel upheld the Commission's decisions.⁶ No other appeals were decided until 1 August 2023, after the composition of the SCJ special panel had changed several times, for reasons including resignations.⁷ The SCJ special

⁶ One decision issued on 6 February 2023 and the other one on 28 February 2023.

⁷ On 16 February 2023, the Superior Council of Magistracy accepted the resignations of 16 judges of the SCJ. As a result of these resignations, the SCJ was left with 8 judges (5 judges in the Civil, Commercial and Administrative Panel and 3 judges in the Criminal Panel). Several days before these resignations, a draft law on vetting of judges and candidates for positions of judges in the SCJ was presented by the Ministry of Justice to the judiciary.

panel issued 21 decisions on 1 August 2023, upholding the appeals and ordering resumed evaluations. Fourteen of these SCJ decisions – a full two-thirds – involved appeals filed six or more months earlier. Two of the three justices on the SCJ special panel resigned from office within days of issuing the 21 decisions. A new SCJ special panel had to be reconstituted and there were still multiple vacancies on the SCJ which likely affected the pace of examining appeals of the Commission decisions. Some of the candidates that appealed the Commission's decisions submitted multiple requests, including constitutional challenges and requesting recusal of SCJ special panel members, which likely also contributed to the lengthy examination of some of these appeals.

The resumed evaluation phase of the pre-vetting process commenced when the SCJ special panel ordered the Commission to conduct a re-evaluation of a candidate. The resumed evaluations of 21 candidates ordered by the SCJ special panel on 1 August 2023 commenced on 8 September 2023. One additional resumed evaluation was ordered by the SCJ special panel on 29 January 2024 and conducted by the Commission thereafter. During the resumed evaluation phase, the Commission collected additional information about candidates, submitted additional written questions to each candidate and conducted a further hearing, as needed. The last of the resumed evaluations were completed by November of 2024.

During the resumed evaluation of candidates, the Commission addressed allegations of unequal treatment that a number of candidates had raised on appeal, specifically that the Commission was not treating candidates similarly regarding certain integrity issues. To support these claims, candidates typically provided selective references to other evaluations, often with an incomplete description of the circumstances in those matters. The SCJ special panel that ordered resumed evaluations in 21 decisions on 1 August 2023 had concurred at times with a candidate's unequal treatment claims, often without identifying the factual support for its conclusion. Consequently, if a claim of unequal treatment had been made about an issue – such as violation of the legal regime of declaration of assets – that remained

(For details on this topic, see the media article of 17 February 2023, available at <https://www.zdg.md/investigatii/dosar/de-ce-au-demisionat-16-judecatori-de-la-csj/>.)

after further factual investigation and analysis during the resumed evaluation, the Commission's decision on resumed evaluation included not only a discussion of the new factual information but also a detailed explanation of how the Commission had handled that issue in other evaluations.⁸

All of the candidates that failed the resumed evaluation on substantive grounds appealed the Commission's decision. The SCJ special panel accepted one appeal by a judge candidate for the SCM and ordered a second resumed evaluation. The Commission conducted the second resumed evaluation between September 2024 and February 2025. The Commission's decision on the second resumed evaluation, passing the candidate, was issued in March 2025. The SCJ special panel decided the remaining appeals of the Commission's decisions on resumed evaluation by 7 November 2025. The longest examination of an appeal of a resumed evaluation decision was 13.5 months. The last five of the appeals had been pending before the SCJ for nine months or more when they were decided. The SCJ accepted one appeal and passed the candidate and upheld 17 of the Commission's decisions on resumed evaluation.

In accordance with the law, candidates that passed the evaluation, either during the initial evaluation or during a resumed evaluation, had mitigated the Commission's concerns about any ethical or financial integrity issues raised in the evaluation process based on the evaluation criteria provided by Law No. 26/2022. Candidates who failed the evaluation had not mitigated the Commission's doubts about one or more integrity issues. The following are examples of integrity issues that were the basis for candidates failing the evaluation:

- "Unjustified wealth", namely when a candidate's provable expenses exceed the candidate's provable income, suggesting that the candidate might be receiving illegal or otherwise improper income, especially when the difference between expenses and income is large and when it occurs in multiple years.
- Lack of funds and the candidate's inability to explain the sources of funds for the candidate's purchase of assets such as real estate or automobiles or purchases of such property by a close relative who

⁸ See, for example, Commission Decision No. 11 of 11 April 2024 on the Resumed Evaluation of Aurel POSTICA, candidate for the Superior Council of Magistracy, pp. 21

lacks funds and cannot establish the source of funds for the purchases and who subsequently gave or allowed the candidate to use or benefit from the property.

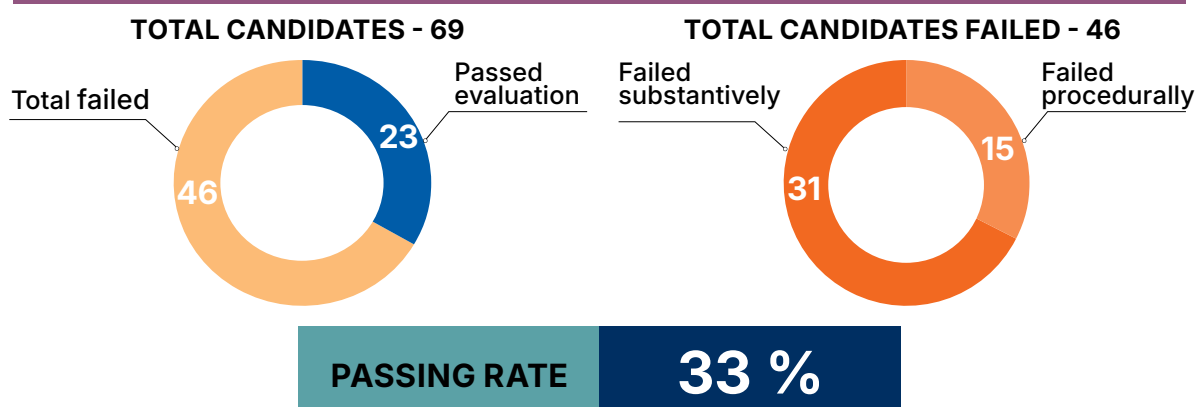
- Failure to pay capital increase taxes on the sale of real estate or other property, especially when sales-purchase contracts that misrepresented the price of the property were used to avoid taxes.
- Failure to pay income taxes without justification on income from professional activities such as a law practice.
- Failure to explain the source of funds for several large bank transfers in the candidate's account or in the accounts of close persons that provided financial support to the candidate and/or his family.
- Receiving real estate benefits available to public employees and officials contrary to the law or eligibility requirements applicable to the programs through which these properties were awarded. This included apartments at preferential prices obtained by judges and prosecutors contrary to eligibility requirements; apartments obtained contrary to legal provisions that allowed only service accommodation, and which were later privatized contrary to law that prohibited privatization. This also included land plots obtained for the construction of houses, contrary to legal provisions that provided only for apartments or payment of rental fees; in some instances, the properties were never developed and were sold for profit.
- Failure by judges to declare conflicts of interest when the law required them to do so, such as when there were close relationships evidenced by routine vacation travel with lawyers/prosecutors or business relations with lawyers appearing before them.
- Issuing decisions that are contrary to well-established European Court of Human Rights case law, such as failing to exercise judicial duties in a reasonable time resulting in negative consequences to detained prisoners, unjustified refusal to open a criminal investigation when clearly required by the facts to do so; prolongation of pre-trial detention without sufficient justification.

3. STATISTICAL RESULTS OF PRE-VETTING

A total of 69 judges, prosecutors, lawyers and representatives of civil society and academia participated in the pre-vetting process.⁹ The following statistical data reflects the results of this process for all candidates and provides a breakdown for SCM candidates (judges and non-judge candidates) and for SCP candidates (prosecutors and non-prosecutor candidates).

TOTAL CANDIDATES INITIAL EVALUATION: 69

	Total	Passed evaluation	Failed evaluation			Passing rate
			Total failed	Failed procedurally	Failed substantively	
	SCM					
JUDGES	28	5	23	5	18	18%
NON-JUDGES	21	9	12	5	7	43%
TOTAL	49	14	35	10	25	29%
SCP						
PROSECUTORS	17	7	10	4	6	41%
NON-PROSECUTORS	3	2	1	1	0	67%
TOTAL	20	9	11	5	6	45%
COMBINED SCM/SCP TOTALS						

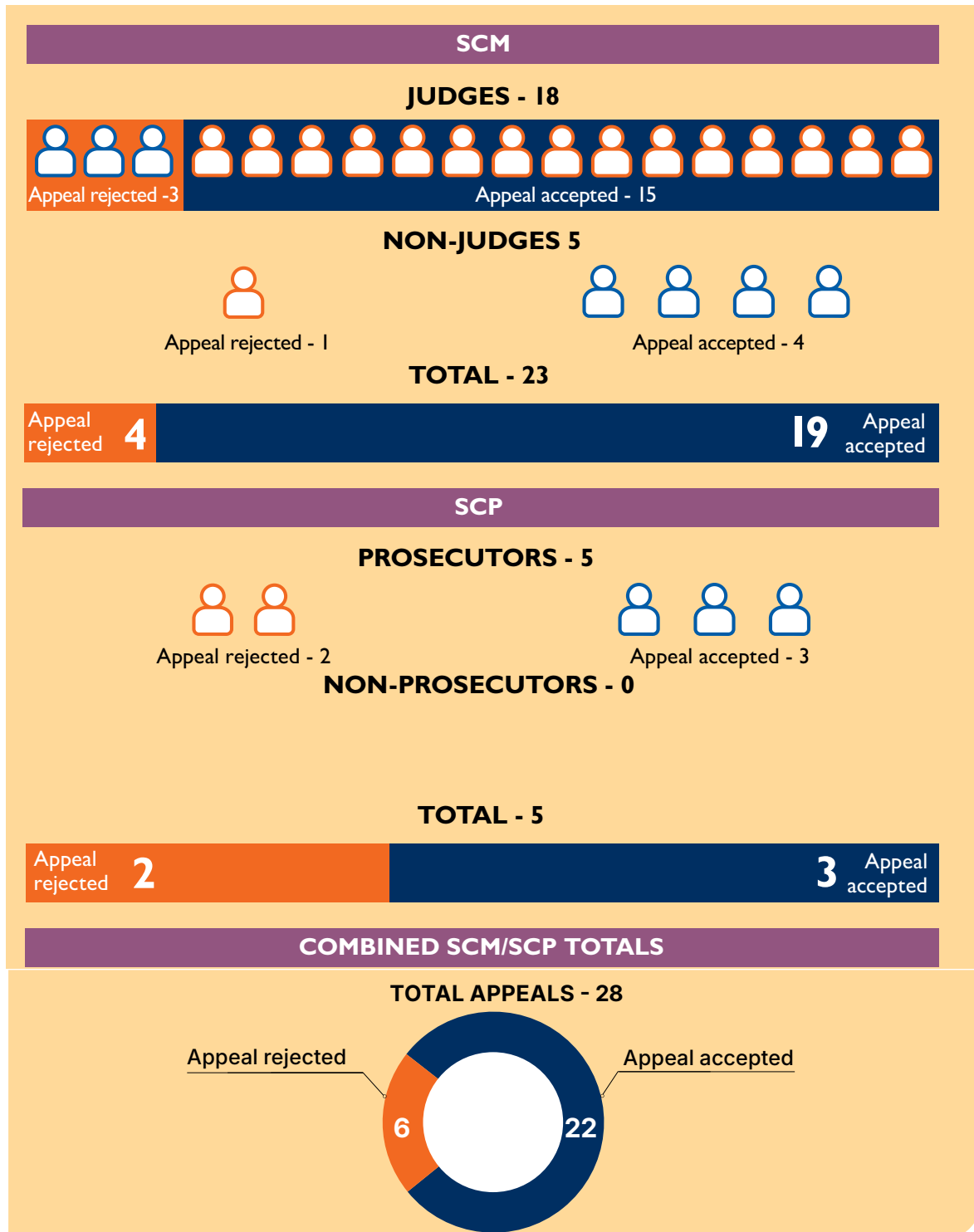


⁹ Initially 101 candidates were to be evaluated by the Pre-Vetting Commission. When the vetting commissions for judges and prosecutors were established in 2023, Law No. 252/2023 transferred candidates for board positions with either SCM or SCP to those commissions for pre-vetting.

3. STATISTICAL RESULTS OF PRE-VETTING

During the initial evaluation, the Commission issued decisions failing 46 candidates, 15 of whom had withdrawn or not submitted required documentation (failed on procedure) and 31 candidates that the Commission determined did not pass the evaluation for financial and ethical integrity (failed evaluation substantively).

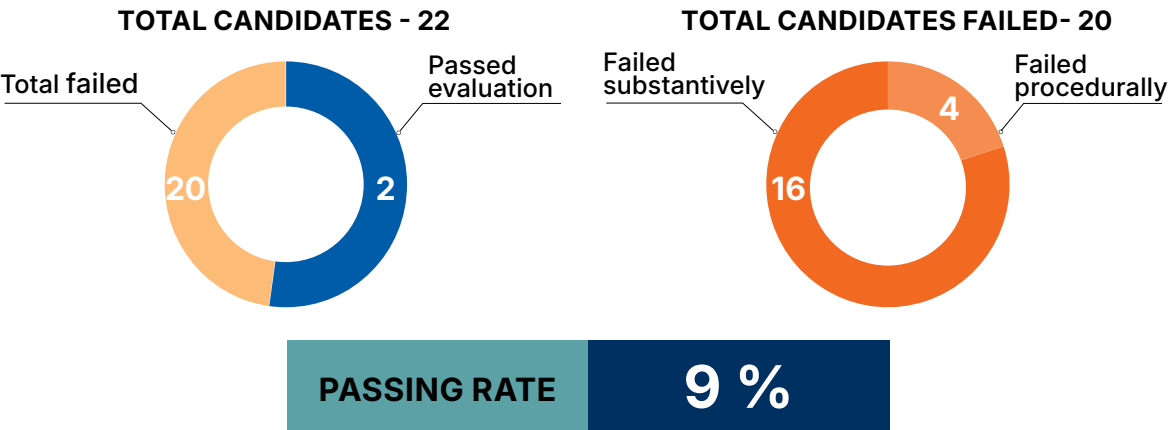
TOTAL CANDIDATES APPEALING INITIAL EVALUATION DECISION: 28



Twenty-eight candidates appealed the Commission’s initial evaluation decisions to the SCJ. The SCJ rejected six of the appeals and accepted 22, ordering the re-evaluation of those candidates. The first two appeals of initial evaluation decisions, decided by the SCJ special panel in February 2023, upheld the Commission’s decisions. Later, in 2024, both decisions were appealed again, in revision procedures. The SCJ special panel rejected both requests (in December 2024 and June 2025 respectively). An additional appeal, in revision procedures, of an initial evaluation decision was filed by a candidate in November 2024 and rejected by the SCJ in August 2025. The revision proceedings are not included in the above statistics.

TOTAL CANDIDATES — RESUMED
AND SECOND RESUMED EVALUATIONS: 22

	Total	Passed	Failed evaluation		Passing rate
			Failed procedurally	Failed substantively	
	SCM				
JUDGES	15	2 ¹⁰	2 ¹¹	11	13%
NON-JUDGES	4	0	2	2	0
TOTAL	19	2	4	13	11%
SCP					
PROSECUTORS	3	0	0	3	0
NON-PROSECUTORS	0	0	0	0	0
TOTAL	3	0	0	3	0
COMBINED SCM/SCP TOTALS					



¹⁰ This includes one candidate who passed the resumed evaluation and one candidate who passed the second resumed evaluation.

¹¹ One of these was an evaluation terminated, without passing or failing the candidate, because the candidate was no longer a judge.

3. STATISTICAL RESULTS OF PRE-VETTING

Of the 22 resumed evaluations ordered by the SCJ, one candidate passed the resumed evaluation. Of the 21 candidates that did not pass, three failed after withdrawing from the process. Eighteen candidates appealed the Commission's resumed evaluation decisions, including 17 candidates that had failed the resumed evaluation on substantive grounds and one candidate whose evaluation was terminated because he had resigned as a judge and therefore, was not eligible to be a candidate for the SCM. The SCJ special panel accepted one appeal by a judge candidate for the SCM and ordered a second resumed evaluation. During the second resumed evaluation, that candidate passed the evaluation. The SCJ special panel also upheld the Commission's decision to close the resumed evaluation regarding the candidate that was no longer a judge. Of the remaining 16 appeals of the Commission's decisions on substantive grounds, the SCJ upheld 15 of the Commission's decisions and passed one candidate.

In summary, of the 69 candidates that participated in the pre-vetting evaluation by the Commission, 26 candidates passed the evaluation (38 percent). Twenty-three candidates passed during the initial evaluation, one during the resumed evaluation, one during the second resumed evaluation and one was passed by the SCJ special panel on appeal from a resumed evaluation decision. In total, 17 candidates for the SCM (35 percent of 49 candidates evaluated for membership in the SCM) and nine candidates for the SCP (45 percent of 20 candidates evaluated for membership in the SCP) passed the evaluation. Of the 69 total candidates, 43 candidates failed or otherwise did not pass the evaluation (62 percent). The Commission failed 46 candidates in the initial evaluation; 28 candidates appealed and the SCJ special panel upheld six of the Commission's initial evaluation fail decisions on appeal (21 percent). Twenty candidates did not pass the resumed evaluation, and one candidate's resumed evaluation was closed because the candidate was no longer a judge. Of the 18 appeals of the Commission's resumed evaluation decisions, the SCJ special panel upheld 15 of the fail decisions on resumed evaluations on substantive grounds. The SCJ special panel also upheld the decision to close the resumed evaluations of the candidate who was no longer a judge. In total, 16 out of 18 of resumed evaluation decisions were upheld on appeal (89 percent).

END-OF-MANDATE REPORT

Of the 43 candidates who failed the evaluation, 32 were candidates for the SCM (65 percent of 49 candidates evaluated for membership in the SCM) and 11 were candidates for the SCP (55 percent of 20 candidates evaluated for membership in the SCP).

4. LESSONS LEARNED FROM PRE-VETTING

1. CHALLENGES

Throughout the evaluation process the Pre-Vetting Commission was confronted with challenges that impacted its work.

Staffing shortages

Staffing issues greatly delayed the Pre-Vetting Commission's work. From the outset, recruitment procedures used by the implementing partner supporting the Commission caused persistent difficulty hiring qualified staff. The evaluations began with fewer staff than was planned and staff recruitments, hiring and training continued throughout the initial evaluations. Even when qualified staff were hired, they needed training and start-up time as the process was new for everyone. At no time did the Commission have more than about half of the complement of staff considered necessary. Working with reduced levels of staff, the number of evaluations assigned to each staff member was higher than planned, thereby slowing the pace of investigations. Despite the demanding workload, the secretariat staff demonstrated commitment and dedication in their work. Understaffing also required Commission members to undertake some work typically done by analytic staff such as drafting rounds of questions for candidates, preparing hearing documents and drafting decisions. As of 2023, most of the Commission's staff had accepted other employment. From January 2024, the Pre-Vetting Commission had no analytical staff, thereby slowing the pace of the remaining resumed evaluations.

In addition to staffing shortages, the Pre-Vetting Commission lacked a full complement of members for much of its mandate. One member resigned in October of 2023 and another in May of 2024. Because at least one member was assigned to each initial evaluation and each resumed evaluation, the resignation of members necessitated the re-

distribution of assignments thereby increasing the workload of the remaining members, which further delayed the completion of the Commission's work. From May 2024 until the end of its mandate, the Commission functioned with a bare quorum of four members.

Beginning in December 2022, the Commission was greatly benefited by the exceptional assistance of outside legal counsel, which was especially critical in light of the high rate of appeals of Commission decisions and other legal challenges to its work. There were 46 appeals of initial and resumed evaluation decisions of the Pre-Vetting Commission and three additional appeals in revision procedures. In addition, the Commission's Rules of Procedure and Evaluation Rules were challenged in three court proceedings. Two of the Commission's responses to requests for access to information were challenged in court, and the Commission was involved as third party in a proceeding related to data protection. Many of these proceedings were initiated almost in parallel with one another. Given the demands of these legal challenges and the very short deadlines provided by law for the appeals of Commission decisions, the availability of a team of highly qualified outside legal counsel with significant litigation experience was of critical importance for the Commission.

Case complexity and data collection

Another significant challenge faced by the Pre-Vetting Commission involved the complexity of cases and challenges in the collection of data related to candidates and their close persons. These circumstances were heightened by the understaffing of the Commission and contributed to delays in the evaluations. To evaluate the financial and ethical integrity issues prescribed by the legislation, the Commission sought information from as many as 28 public and private organizations, including the National Integrity Authority ("NIA"), State Tax Service, General Inspectorate of Border Police and financial institutions (banks). The Commission also considered social media, investigative journalism reports and reports from civil society organizations and analyzed the complaints it received from the public. The evaluation files of candidates could contain thousands of pages of information. While the analysis of the extensive information collected by the Commission was time-consuming, it was extremely important in ensuring the fairness and comprehensiveness of the evaluation process.

Undue restraint on data collection

During the first months of its work, Law No. 26/2022 allowed the Pre-Vetting Commission to collect information only during the first 30 days of the evaluation (with a possible extension to 45 days). This regulation severely hampered the Commission's ability to check the accuracy of information provided by candidates in response to written questions from the Commission or at hearings, especially because the law initially allowed a candidate to submit additional information whenever the candidate deemed it necessary to remove suspicions about his or her integrity. The time limit on the Commission's collection of information affected the Commission's ability to collect information about the first group of candidates (28 judge-candidates for the SCM), whose evaluations started when the time limit was included in the law. Although the law was changed before the first group of 28 evaluations was completed, the Commission adhered to the deadline for the entire group. This was done to prevent any possible unfairness to candidates from rules changing while their evaluations were ongoing and to ensure that similarly situated candidates were not treated differently. The law was amended in December 2022 and this restriction was eliminated.

Candidate cooperation

The varying degrees of cooperation of candidates was an additional challenge for the Commission and also contributed to delays in its work, sometimes considerably. Several candidates were very diligent and provided detailed and documented answers in a timely fashion to written requests for information from the Commission. Other candidates were less diligent and submitted information that was late and/or was incomplete.

Translation services

Another challenge was the need for translation of documents for the Commission's international members, because the documentation collected was almost always in Romanian. Since the Commission worked in both English and Romanian, the drafting, translation and proofreading of documents produced by the Commission took longer than if a single language was used. As with other staff support, it was not always possible to have translation services available on short

notice or if extended time was needed, which necessarily resulted in delays in the Commission's work.

Donor support

The Pre-Vetting Commission received substantial support from donors and their implementers but also faced a few issues in connection with donor support for its operations. Some of these issues arose from the circumstances of multiple donors providing support with different and, at times, changing implementers. Law No. 26/2022, Article 3 para. (5) provided that the staff of the Evaluation Commission's Secretariat was to be contracted by development partners. However, the law also provided that the *modus operandi* and staffing of the Secretariat was to be approved by the Commission and that in their work, neither the Head nor the staff of the Secretariat would be subordinated to development partners, being independent in decision-making and reporting exclusively to the Pre-Vetting Commission and its chairperson. The implementer for the Commission's administrative operations excluded the Commission from considering or approving the staffing of the Secretariat and remained involved to a degree in the management of staff, which led to divisions in working relationships among the Head of Secretariat, Senior Coordinator, staff of the Secretariat and the members of the Commission. This unfortunate circumstance affected office morale and contributed to delays.

Obstacles within the system

Although Law No. 26/2022 contemplated that appeals would be decided upon within 10 days, the SCJ special panel examinations took much longer. All but two of the decisions on appeals of initial evaluation decisions were issued on 1 August 2023 or later; fourteen of these SCJ panel decisions – a full two-thirds – involved appeals filed six or more months earlier. All of the Commission's decisions on resumed evaluations had been issued by November 2024; however, the SCJ special panel's decisions on the last five appeals were issued nine or more months later and one resumed evaluation decision appeal was not decided for thirteen and a half months.

The SCJ special panel that annulled most of Commission's initial evaluation decisions on 1 August 2023, often relied upon evidence that had

not been submitted to the Commission during the evaluation. Allowing candidates to submit information for the first time on appeal without requiring a showing of good cause inevitably protracted the process.

Resumed evaluations

In many respects, the resumed evaluation process was more complex than the initial evaluations. Because the SCJ special panels ordered resumed evaluations of 22 candidates, those evaluations took up a substantial portion of the Commission's mandate, more than a year and a half. Typically, resumed evaluations required the Commission to collect new or additional information, some of which had not been readily available during the initial evaluations. For each resumed evaluation, the Commission conducted hearings, if appropriate, and prepared decisions elaborating on factual and legal reasoning that was inevitably quite different from the initial evaluation. Some issues had been conclusively resolved by the SCJ special panel in the appeal from the initial evaluation decision and the Commission was bound to respect those decisions by *res judicata*, although in closing those matters, the Commission sometimes noted the basis of its disagreement with the SCJ decision.

Political environment

Moldova's application for European Union candidate status was granted in June 2022, two months after the establishment of the Commission. Judicial reform has been a significant criterion for Moldova to satisfy in its EU accession. The Moldovan government provided a strong legal framework for the Commission and throughout its work made a number of legal adjustments necessary for the effective functioning of the Commission. However, at times, these legal amendments were adopted after considerable delays, thereby impeding the Commission's efficient organization of its work. For example, although the Commission informed the Minister of Justice in February 2023 that it could complete the evaluations for SCM and SCP board members by the end of 2023, it took decision-makers six months to decide to reassign those evaluations to the vetting commissions for judges and prosecutors instead. In addition, the Commission was saddled with unrealistic

expectations about the completion date for its work; most notably, in the law adopted in March 2022, the end of 2022 was included as the completion date, a mere eight months after the Commission was to be established.¹² It was essential for the Commission to find a balance between speed and ensuring the quality of the pre-vetting process in order to fulfill its mandate as quickly as possible.

Public communication

Institutional reform, especially in the justice sector, generates anxiety and unrest as well as resistance from those with vested interests who are opposed to change. Unfortunately, although the pre-vetting and vetting processes were key components of the Moldovan Government's judicial reform process, there was insufficient public information about the need and rationale for vetting processes and the criteria for each, especially in the first year of Commission's activity. There was also a fairly persistent smear campaign against the work of the Commission and individual commission members. Neither civil society organizations nor other independent actors provided sufficient ongoing monitoring of the process. Regrettably, because of these circumstances and because pre-vetting was new to Moldova, the public had little information about the process and it was easy for misinformation to spread.

It was extremely difficult for the Commission to counter misinformation about its work because of constraints upon the Commission's

¹²The following are the various completion dates for the Commission's work provided by law: Article 15 para. (1) of Law No. 26/2022 provided initially that the law applied until 31 December 2022. By Law No. 354/22 of 22 December 2022, the deadline for the law was changed to 30 June 2023. In addition, Article 3 para. (8) of Law No. 26/2022 provided that the Commission ended its activity when the evaluation of the last candidate ended. By Law No. 147/2023 of 9 June 2023, Article 3 para. (8) of Law No. 26/2022 was abrogated and Article 15 para. (1) was amended to provide that Law No. 26/2022 applied until the last appeal of the Commission's decision was examined by the SCJ (this text was abrogated by Law No. 241/25 of 10 July 2025). By Law No. 252/2023 of 17 August 2023, Article 22 para. (12), the mandate of the Pre-Vetting Commission was narrowed to the evaluation of candidates for SCM and SCP that had submitted their applications prior to 1 September 2023 and para. (11) provided that the Commission continued its activity until the examination of appeals of its decisions were finalized.

ability to comment or provide information about its decisions. The law regulating the pre-vetting process took the approach not to publish a Commission decision unless the candidate consented, as a protection against possible practical consequences to the candidate, particularly with respect to failure decisions, notwithstanding that Law No. 26/2022 already prohibited any consequence for the candidate's career.¹³ This approach essentially allowed candidates to block publication of decisions, and a number of the most vocal critical candidates never allowed their own decisions to be available to the public. In fact, of the 31 candidates who failed the initial evaluation substantively, only 16, slightly more than half, consented to the publication of their decisions. Of the 16 substantive fail decisions and one termination decision issued by the Commission on resumed evaluations,¹⁴ only eight – slightly less than half – were public. With only half of the fail decisions issued in the pre-vetting process being public, the legal community and the public were deprived of a full and accurate understanding of why candidates did not pass pre-vetting, which also undermined confidence in the Commission. The Commission was further restrained during the evaluation and pending appeals from commenting publicly about pending proceedings, restraint not always accorded by candidates. The Commission itself could have made greater efforts at public communication from the outset. Regrettably, the perpetual shortage of staff, time pressures and unclarity about the scope of the Commission's mandate and the completion date for its work were not helpful in this regard.

¹³ See, on this issue, the Venice Commission opinion of 2021, para. 39.

¹⁴ This includes the decision concerning a candidate who failed the resumed evaluation but subsequently passed the second resumed evaluation.

2. RESULTS

Has the pre-vetting process in Moldova been a success? In many respects, it is too early to assess the long-term impact.

So far, however, a number of points can be made about the impact of pre-vetting. In April 2022, the Pre-Vetting Commission started from scratch to establish a process entirely new to Moldova. The working methods established by the Commission and the comprehensive set of templates that were developed for communication with candidates and for Commission decisions greatly benefitted both the Pre-Vetting Commission and the two subsequent vetting commissions. The duration of the initial evaluations ranged from two and a half months to six and a half months, in exceptional circumstances; significantly, the duration of evaluations decreased over time, notwithstanding staffing shortages, as members and staff increased their proficiency.

The Pre-Vetting Commission and its staff functioned effectively and efficiently. Fairness was built into the process; the Commission consistently undertook to implement an approach that would withstand scrutiny both by Moldovan courts and by the ECtHR. The combination of three international and three national members was a successful formulation and the need for four votes to approve any decision or take any other official action ensured that neither group could dominate the decision-making.

Some impacts of pre-vetting on the judiciary and the justice system are already apparent. First and foremost, a newly composed SCM and an SCP with vetted members have been established and are operational, the primary objective of the pre-vetting process. There appears to be genuine political support in Moldova for the pre-vetting and vetting processes and from the European Union, notwithstanding different views on the desired speed of the processes, which was taken into account by the EU when granting candidate status to Moldova. During the evaluations, a number of candidates indicated that the process heightened their awareness of the need to observe financial reporting obligations. Importantly, the public is now more aware of judicial and prosecutorial ethics and financial integrity issues and what they should expect from officials in the judiciary. Hopefully, the analysis and the reasoning in the decisions of the Pre-Vetting Com-

4. LESSONS LEARNED FROM PRE-VETTING

mission might serve as guidance for the national courts and for the NIA in their work, as well as the SCM and SCP and particularly their boards on performance evaluation and discipline of judges and prosecutors.

According to the law governing the Commission's activity, the Commission was to make referrals to appropriate authorities¹⁵ of possible violations of law for assessment and consideration of sanctions. This requirement protects the public by ensuring that integrity issues uncovered during pre-vetting were fully and completely resolved by all responsible bodies, a result that might have otherwise been frustrated by the extent of confidentiality accorded to the proceedings. Accordingly, unless the matter had already been considered by the appropriate authority or the time limitation for any potential sanctions had expired, the Commission made referrals of issues such as those listed above in section II for further consideration by an appropriate authority. The Commission made a total of 16 referrals to authorities.

¹⁵ Pursuant to Article 10 para. (10) of Law No. 26/2022 (if information provided by the candidate or other individuals or legal entities does not correspond to reality, notification of competent authorities with a view to determine the respective facts and possibly apply sanctions) and Article 13 para. (6) of Law No. 26/2022 (the Commission's decision on non-promotion of the evaluation shall be submitted to legally competent bodies to investigate detected violations).

3. LESSONS LEARNED

- ☑ Without political commitment, the reforms of pre-vetting and vetting simply are not undertaken. This is not to suggest that there is or should be political interference in the process, only that the support and responsiveness of a robust legal environment is essential for a strong legal framework for the evaluation commissions and their work.
- ☑ The scope of either a vetting or pre-vetting process must be clearly established in the law and must also be clearly communicated to the legal profession and to the larger society, particularly the potential negative consequences of a vetting or pre-vetting decision.
- ☑ The criteria for evaluation set by law, hopefully through inclusive and participatory efforts, are a crucial element of the evaluation process. These criteria also need to be shared with and fully understood by candidates, the legal profession and society. It also needs to be made clear that the outcomes of the vetting process are directly dependent on the criteria for evaluation. Pre-vetting and vetting evaluations are typically limited to ethical and financial criteria; they do not include criteria such as professional competence and leadership ability. This must be made clear to the public so that unrealistic expectations do not develop. Also, the broader the evaluation criteria are and the more strictly they are applied, the higher the risk that fewer candidates will pass the evaluation. While strict criteria may certainly be appropriate, the risks need to be clearly understood and strategies developed to mitigate those risks, for example, in situations where the passing rate is very low and there are insufficient candidates to fill positions. Because of the risk of low passage rates in pre-vetting, an informational campaign promoting the participation of qualified candidates for leadership positions and explaining the criteria for evaluation would be beneficial and should be commenced well ahead of any application deadlines.
- ☑ An effective pre-vetting process requires time and resources, especially human resources. The process is demanding of candidates but also requires the allocation of time and resources by public and private institutions to provide information that is crucial for the evaluation process. A shared understanding of the needs and the importance of the cooperation of public and private institutions is imperative. Explanatory letters and in-person meetings with institutions, including financial institutions, at the outset of the process help facilitate cooperation. Banking infor-

4. LESSONS LEARNED FROM PRE-VETTING

mation, in particular, was extremely significant but repeated inquiries were sometimes needed to obtain complete information or to clarify information. Similarly, information regarding border crossings was highly useful in consideration of conflict-of-interest issues. The Commission was able to receive border crossing information for the past 15 years during the initial evaluation phase. Due to legal amendments, during the resumed evaluation the Commission was able to obtain such information only for the past five years, which prevented the Commission from fully analyzing certain doubts.

- ☑ Strict deadlines in the legislation for the Commission's completion of various phases in the vetting process are unhelpful. In light of the variety of participants involved in providing information and the range of issues to be investigated and that might unfold throughout the evaluation, there needs to be flexibility with respect to timing. This is especially true when candidates are allowed to introduce information throughout the process. The Commission must have the ability to follow up on that information whenever it is introduced.
- ☑ While the pre-vetting law set deadlines for third parties to submit information requested by the Commission, there was no enforcement mechanism. This should be remedied to prevent individuals and institutions from refusing to comply with requests for information, especially when they do so repeatedly.
- ☑ The composition of the membership of a vetting commission is integral to the quality of the process. While the participation of international members might prolong the process due to translation needs, the benefits of their participation outweigh efficiency considerations. International members, not as consultative members but as decision-making members along with national members, enhance a vetting commission's work because they expand the range of experience and views that inform the members' decisions. International members generally lack conflicts of interest and are distanced from individual candidates and local context and thus, strengthen independence and objectivity.
- ☑ The appointment of members with integrity, good reputations and competence is critical to the success of the process. Resilience and strength are equally important due to pressures that are not foreign to such undertakings, including public disinformation and unfair criticism about the Commission's work, its members or its decisions.

- ☑ The Secretariat is a vitally important part of the process. The role of the Secretariat and the expectations for its members and their integrity are critical. The number and quality of staff members largely determine the speed of the evaluation process. The hiring of the Commission's Secretariat staff was a lengthy process, primarily due to problematic approaches taken by the implementer, as well as the shortage of qualified applicants, as is customary in both the public and private sectors, largely a result of high emigration of professionals. When setting up a Commission, hiring challenges should be taken into account. The National Anticorruption Center did background checks of the applicants for Secretariat staff positions. This resulted in some delay in hiring decisions but proved to be an important safeguard in the selection of not just competent staff, but persons without integrity issues.
- ☑ Public hearings of candidates and the publication of decisions (with due regard for data protection limitations) are very important for the credibility of the process and also serve as protection against manipulation and misinterpretation of the Commission's work. While the approach of requiring a candidate's consent to publication of the Commission's decision is understandable to some extent, it might be worth reconsidering in view of the need for full public understanding of the nature of the integrity problems existing among judicial officials and the risk of distortion of the Commission's work when decisions are not available.
- ☑ The appeal mechanism for the vetting commission's decisions is very important. If the judiciary is resistant and populated with judges that are opposed to any integrity scrutiny, both the body and the process for review and approval or confirmation of the vetting decisions need to be chosen very carefully. For example, until September 2024, the SCJ's authority with respect to pre-vetting decisions was only to uphold them or order them back to the Commission for unlimited resumed evaluations. As noted, resumed evaluations took approximately a year and a half to complete. Ideally, there is a body that can be trusted to review the Commission's decisions fairly and with integrity. If not, the delays created by a more elaborate process must be accepted and understood.
- ☑ The importance of effective communication prior to the start of any vetting process and throughout its implementation cannot be overstated. The clearer the rules and the more transparent the processes

are, the fewer chances for misinterpretation and diminished confidence in the process. Government authorities should communicate from the outset about the goals and scope of the process, without creating unrealistic expectations. The Commission itself should have been more active throughout in communicating information to both the public and candidates about the process and its outcomes. The Commission should also have been more active in responding to criticism, especially from failed candidates to the extent permissible in light of constraints on public comment on pending cases. Hiring staff to assist in this regard was essential, especially in providing timely responses to criticism. In light of the constraints on the Commission's ability to comment publicly on pending proceedings, active monitoring of public proceedings by independent organizations would have been helpful, particularly the proceedings before the SCJ special panels. Support from donors and civil society is also helpful.

- ☑ During the evaluations of candidates, the Commission became aware of a variety of issues that might not have constituted a basis for failing an individual candidate but suggest a need for increased education of judicial system officials or other action. These included the handling of conflicts of interest and recusals, ethical issues related to business activities of judicial officials and family members of judicial officials and compliance with international human rights obligations such as the role of judges in upholding the rights of defendants. The Commission encourages the SCM and the SCP and the National Institute of Justice, as well as civil society, to include such topics in periodic evaluations of judges and prosecutors, as well as in their initial and continuing training. The programs providing real estate benefits to judges or prosecutors often lacked transparency and clear eligibility requirements. The Commission encourages the SCM and the SCP to review these programs and ensure consistency and transparency in the award of such benefits.
- ☑ Vetting is an important reform, but not a panacea for all issues. Vetting takes time and results are often not apparent in the short term. It is important to emphasize that the success of pre-vetting is dependent in no small part upon the success of other judicial reform efforts including improving disciplinary and other oversight mechanisms for justice sector professionals, strengthening standards for the selection and retention of judges and prosecutors and enhancing training

for the justice sector, especially concerning ethics and financial integrity. Of particular importance is strengthening the mechanism for declaring assets and personal interests and improving the quality and effectiveness of verifications conducted by the National Integrity Authority. Pre-vetting in Moldova was designed as an extraordinary and one-time reform effort. No matter how successful, a pre-vetting process alone cannot reform an entire justice system and guarantee the integrity of that system.

The members of the Pre-Vetting Commission take this opportunity to express their gratitude for the opportunity and the honor of serving the people of Moldova in this important and innovative effort. We are grateful for the support afforded us by the donors, the government, the public and private institutions that cooperated during the process and the media and civil society that followed our work. We were exceedingly fortunate to enjoy outstanding cooperation among our members, which was essential in facing the myriad of challenges. Last, but by no means least, we are very grateful to our staff, our translators and interpreters, our technical support and our outside counsel for their dedication and hard work. We wish success to Moldova in further justice reform and remain available to provide further information as appropriate.

Herman von HEBEL
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Victoria HENLEY
International Member

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National Member

Nona TSOTSORIA
International Member



**INDEPENDENT EVALUATION COMMISSION
FOR ASSESSING THE INTEGRITY OF CANDIDATES
FOR THE POSITION OF MEMBER IN THE SELF-ADMINISTRATION
BODIES OF JUDGES AND PROSECUTORS**