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RE-EVALUATION REPORT

approved according to Article 41

of the Rules of Organization and Functioning

ANGELA BRAGA

judge of the Central Court of Appeal

subject of evaluation under Article 3 para. (1) Law No. 252/2023

25 November 2025

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Evaluation Panel A of the Commission (hereinafter the „Commission") established by Law No. 65/2023 on the External Evaluation of Judges and Candidates for Judges of the Supreme Court of Justice and discharging the powers under Law No. 252/2023 on the external evaluation of judges and prosecutors and amending some normative acts (hereinafter "Law No. 252/2023") deliberated on the matter on 5 November 2025 and approved the following re-evaluation report on 25 November 2025. The members participating in the approval of the report were:

1. Andrei BIVOL
2. Lavly PERLING
3. Lilian ENCIU

The Commission prepared this re-evaluation report, which is confined to the matters referred to by the Superior Council of Magistracy and shall be examined only in conjunction with the initial evaluation report.

I. Introduction

1. On 12 March 2025, the Commission approved the report concerning Mrs. Angela Braga (hereinafter the "subject") under Law No. 252/2023 and proposed that the subject promotes the external evaluation made according to the criteria set in Article 11 of Law No. 252/2023 (hereinafter the "initial evaluation report").

2. On 16 April 2025, the Superior Council of Magistracy (hereinafter the „SCM"), by decision No. 181/15, rejected the report and ordered the Commission to resume the evaluation procedure (hereinafter the "SCM's decision").

3. The Commission conducted its resumed evaluation pursuant to Law No. 252/2023 and the Commission's Rules of Organization and Functioning (hereinafter "Rules").

4. Following the re-evaluation, the Commission concluded that the subject meets the criteria identified in Law No. 252/2023 for ethical integrity as no serious doubts determined by facts have been found as to the subject's compliance with this criterion.

II. Grounds for the resumed evaluation

5. Under Article 18 para. (3) lit. b) of Law No. 252/2023:

> (2) By a reasoned decision adopted no later than 30 days after receipt of the documents referred to in Article 17 para. (6), the Superior Council of Magistracy shall: […] reject the evaluation report and decide, once only, that

> the evaluation procedure of the judge be reopened if it finds factual circumstances or procedural errors which could have led to the passing or, as the case may be, the failure to pass the evaluation.

6. Under Article 20 of Law No. 252/2023:

> (2) When resuming the evaluation procedure, the Evaluation Commission shall examine the aspects indicated by the respective Council or, as the case may be, by the Supreme Court of Justice, as well as any additional information which, for objective reasons, could not be submitted previously. If the subject of the evaluation agrees, the Commission shall organize repeated hearings. The subject's agreement or, as the case may be, refusal, shall be communicated to the Evaluation Commission within 3 working days from the date of the Commission's request.
>
> (3) The report on the re-evaluation of the subject shall be adopted by the Evaluation Commission in accordance with the rules set forth in Article 17.

7. The initial evaluation report identified three matters that, upon initial review, raised doubts as to compliance with both ethical and financial criteria established by law.

8. The SCM did not express an opinion regarding the Commission's determination on the three matters. It, however, identified that there are factual circumstances that could have led to the non-promotion of the evaluation. These concerned the Prosecutor General's request for SCM's permission to carry out searches, enforce compulsory attendance, and detain or arrest the subject in connection with an ongoing criminal case.

III. Resumed evaluation procedure

9. On 16 April 2025, the Commission received the SCM's decision. The SCM also sent decision No. 139/11 of 19 March 2025 on the request of the Prosecutor General to get the SCM's permission for criminal prosecution actions against the subject.

10. On 17 July 2025, the Commission asked the subject to provide additional information by 24 July 2025 to clarify certain matters (hereinafter the "first round of questions"). The subject provided answers and documents within the deadline.

11. On 22 July 2025, the Commission asked the subject to provide additional information by 28 July 2025 to clarify certain matters (hereinafter the "second round of questions"). On 23 July 2025, the subject requested an extension of the deadline, which the Commission granted until 8 August 2025. The subject provided answers and documents within the extended deadline.

12. On 10 September 2025, the Commission asked the subject to provide additional information by 16 September 2025 to clarify certain matters (hereinafter the "third round of questions"). The subject provided answers and documents within the deadline.

13. On 24 October 2025, the Commission notified the subject that, based on the information collected and reviewed during the resumed evaluation, it intends to discuss the matters referred to in the SCM's decision about the subject's compliance with the ethical criteria and invited her to attend a public hearing on 5 November 2025.

14. As provided in Article 41 para. (4) of the Rules, the subject sought and was provided access to all the materials in her re-evaluation and initial evaluation file on 29 October 2025.

15. On 24 October 2025, the subject submitted a request to the Commission to hold the hearing in a closed session. The subject argued that the circumstances to be discussed involve sensitive information — specifically, details from a criminal case that is still under investigation, as well as information regarding the health condition of a close relative. The Commission granted the request and determined to conduct a part of the hearing in a closed session.

16. On 3 November 2025, the subject submitted additional information. The Commission included it in the evaluation file and considered it in its analysis.

17. On 5 November 2025, the Commission held a public hearing. At the hearing, the subject stated that she had no corrections or additions to the answers previously provided to the Commission's requests for information.

18. After the hearing, on 6 November 2025, the subject submitted additional documents. The Commission included them in the re-evaluation file and considered them in its analysis.

IV. Analysis in the resumed evaluation

19. The Commission analyzed and, where necessary, requested further clarification regarding potential ethical breaches related to the subject's actions in relation to an ongoing criminal case. This was the only issue examined in the resumed evaluation.

A. Potential ethical breaches related to the subject's actions

SCM findings (SCM's decision, § 3.6)

20. SCM established that, on 17 March 2025, the General Prosecutor initiated a criminal case against the subject based on reasonable suspicion of committing offences under Articles 326 para. (1) and 326 para. (1[1]) of the Criminal Code (influence peddling).

21. According to SCM's decision (§ 3.6.), the investigation materials indicate that lawyer V.M. provided 3,500 EUR to judge T.M., who allegedly accepted the money as an intermediary to influence officials of the Central Court of Appeal to adopt a favorable decision in a contravention case *(cauză contravențională),* on the appeal filed by the offender Ș.G.

22. Subsequently, the materials suggest that judge T.M. allegedly promised and provided 2,000 EUR, while the subject purportedly acted as an intermediary and received the money, also for the purpose of influencing officials of the Central Court of Appeal to secure a favorable decision in the same contravention case.

23. By decision No. 139/11 of 19 March 2025, the SCM partially allowed the submission of the General Prosecutor and granted consent to carry out searches, enforce compulsory attendance, and detain the subject (hereinafter „criminal prosecution actions against the subject").

24. According to SCM, these circumstances can be qualified as information that meets the minimum standard established by Article 18, para. (1) lit. b) of Law No. 252/2023 for the resumption of the evaluation. SCM noted that the alleged actions fall within the time period in which the evaluation took place and are to be examined further by the Commission.

Relevant evaluation period

25. The subject contends that the alleged actions described in the SCM's decision occurred after the notification of the initiation of the evaluation. Consequently, she argues that these actions fall outside the evaluation period and that their consideration by the Commission during the resumed evaluation infringes her rights.

26. In support of this position, the subject refers to § 21 of the initial evaluation report, which provides that the evaluation period for the ethical criterion includes the past five or ten years, calculated backward from the date of notification of the evaluation's initiation.

27. The Commission notes that this period of five or ten years, calculated backward from the date of the notification, was set for functioning and

procedural consistency. Its primary purpose was to provide a clear reference period to assess compliance with ethical criteria.

28. Thus, the timeframe was chosen for procedural considerations, not as a substantive limitation of the Commission's power to evaluate ethical breaches.

29. The objective of evaluating the subjects is to ensure they meet the criteria for financial and ethical integrity. The purpose of the evaluation, which can be inferred from the preamble of Law No. 252/2023, is to protect the integrity of the judiciary and to maintain public confidence in the administration of justice. Excluding potential misconduct from evaluation solely because it occurred after the notification of the initiation of the evaluation would contradict this fundamental demand.

30. The Commission has a duty to ensure that its conclusions accurately reflect a subject's integrity. Therefore, the period of five or ten years calculated backward from the date of the notification was not intended to prevent the Commission from considering potential breaches that occurred after the notification. Any such potential behavior undertaken during the evaluation and even more so by the date of approval of the report, if excluded from the assessment, may deem the evaluation a moot and formal exercise.

31. Based on the above, during the re-evaluation procedure, the Commission examined the circumstances described in the SCM's decision.

Requests made within the re-evaluation procedure

32. On 23 June 2025, the Commission requested from the General Prosecutor's Office (hereinafter "GPO") copies of the materials submitted by the General Prosecutor to the SCM, which formed the basis of the submission regarding the granting of consent for the conduct of certain criminal prosecution actions against the subject. This request remained unanswered. Several days later, the representatives of the GPO informed the Commission by phone that the request would be satisfied by the Chișinău Municipality Prosecutor's Office (hereinafter Municipal Prosecution), conducting the criminal investigation against the subject.

33. On 23 June 2025, the Commission requested from the Municipal Prosecution copies of the criminal investigation materials relating to the subject, or copies of the records of the results of the special investigative measures carried out in respect of the subject, or relevant excerpts thereof, from which would result the reasonable suspicion that she committed the alleged acts. On 8 July 2025, the Municipal Prosecution provided the Order on the initiation of the

criminal investigation and the Order for bringing charges. As for the rest, the request was rejected on the grounds that the criminal investigation in respect of the subject has not been completed, which makes it impossible to provide the requested materials.

34. The materials presented reflect only the conclusions of the prosecutors or the criminal investigation body that the subject allegedly received from another judge the amount of 2,000 EUR (equivalent to 38,420 MDL) to influence other judges within the Central Court of Appeal, to obtain a favorable decision in a contravention case.

35. Subsequently, on 21 July 2025, the Commission requested again, but in a more specific manner, a copy of the record or records concerning the criminal investigation actions or special investigative measures relating to the phone conversation between the subject and judge T.M. of 20 January 2025. On 5 August 2025, this request was rejected for the same reason.

36. On the same date, the Municipal Prosecution presented instead the Order on the connection of criminal cases, the Search Warrants, and the official records concerning the searches. These documents likewise contained only general information, with no references to direct evidence.

37. On 23 June 2025, The Commission also requested from the SCM copies of the materials submitted by the General Prosecutor, which formed the basis for the partial admission of the submission regarding the granting of consent for the conduct of certain criminal prosecution actions against the subject.

38. On 4 July 2025, the SCM replied that the materials submitted by the General Prosecutor concern other people and that, in order not to prejudice the conduct of the criminal investigation, they are unable to comply with the Commission's request.

39. Separately, the Commission established that the decision issued in the relevant contravention case was unfavorable to the contravener. At the same time, the three judges who were part of the panel that issued this decision (O.R., V.S. and O.C.) denied any undue influence on the part of the subject.

40. According to Article 17 para. (3) lit. (c) of the Integrity Law No. 82/2017, judges and other public agents must submit a written report within three working days to the designated responsible person within their public entity if they cannot explicitly reject improper influence and if it affects their professional activity.

41. Additionally, Article 18 para. (4) letters c) and d) oblige public agents to immediately inform the head of their entity about attempts to involve them in corruption-related actions or to promptly inform the National Anti-Corruption Center about attempts to involve them in corruption acts that constitute criminal or administrative offenses.

42. Similarly, the Guide to the integrity of judges, approved by the Superior Council of Magistracy on 3 July 2018, reiterates the provisions of Integrity Law No. 82/2017 and set out in point 10.1:

> "When he is the target of a manifestation of corruption (act of corruption or act related to corruption) on behalf of a third party, **the judge is obliged by law:**
>
> a) to expressly refuse the attempt to involve him in manifestations of corruption and to warn, as far as possible, the person about the illegality of this attempt;
>
> b) to provide witnesses, including from among co-workers, as far as possible;
>
> c) to inform the National Anticorruption Centre without delay about the attempts to involve it in corruption manifestations, if they meet the elements of a crime or administrative offence;
>
> d) to inform the Superior Council of Magistracy without delay about the attempts to involve it in corruption manifestations if they represent other types of violations than criminal or contravention;
>
> e) to carry out his professional activity in an appropriate manner, in particular that for which his involvement in the manifestation of corruption has been established."

43. When inquired by the Commission, both the CSM and the Central Court of Appeal informed that neither the subject nor the judges on the panel who issued the decision in the contravention case reported any attempts of undue influence or attempts to involve them in corrupt practices.

44. Based on these circumstances, on 19 August 2025, the Commission requested again from the GPO and the SCM the materials submitted by the Prosecutor General in support of the submission regarding the granting of consent for the conduct of certain criminal prosecution actions against the subject. The repeated requests noted that the previously invoked privacy concerns may be addressed with depersonalization or redaction measures.

45. On 26 August 2025, the GPO forwarded the request to the Municipal Prosecution, which informed the Commission on 17 September 2025 about

the impossibility of presenting the requested materials, on the grounds cited before – that the criminal investigation has not yet been completed.

46. In response to the repeated request, on 2 September 2025, the SCM reiterated the impossibility of presenting these materials but made available to the Commission the administrative file concerning the criminal prosecution actions consent referred to at § 23 above. The SCM also provided the Judicial Inspection's report of 3 July 2025 regarding the actions of several judges, including the subject.

47. According to the Judicial Inspection's report, the inspector-judge requested to examine the materials submitted by the Prosecutor General under conditions of confidentiality, in the presence of a SCM representative. The report shows that the inspector-judge reviewed audio and video recordings taken in the offices of several judges of the Hîncești Court.

48. The report includes a summary of discussions between judge T.M., along with her son who is a lawyer (V.M.), and the subject. The summary suggests that judge T.M. contacted the subject. The conversations included figurative language, described in terms of a medical treatment metaphor, to refer to the handling of the case. The interlocutors allegedly referred to a patient who wished to undergo *a final surgery* at the Court of Appeal. The inspector-judge understood this reference to mean the definitive examination of the case at that court, without it being sent for re-trial in the court of first instance.

49. From the inspector-judge's findings, it was concluded that the subject committed the disciplinary offenses set out in Article 4 paragraph (1), lit. d), m[1]), and p) of the Law on Disciplinary Liability of Judges:

> „d) interference in the administration of justice by another judge;
>
> m[1]) failure to comply with the provisions of Article 7 para. (2) of Law no. 325/2013 on the assessment of institutional integrity;
>
> p) other acts that affect the honor or professional probity or the prestige of justice to such an extent that trust in justice is affected, committed in the exercise of official duties or outside them, which, according to their seriousness, cannot be qualified only as violations of the Code of Ethics and Professional Conduct of Judges".

Subject's explanations in the resumed evaluation

50. The Commission informed the subject both in the first round of questions and during the hearing that, according to Article 16 para. (5) lit. (f) of Law No. 252/2023 and Article 39 para. (9) of the Rules, the subject has the right

not to incriminate herself in the commission of a criminal or administrative offense. The subject confirmed that she understood the content of this right and the consequences of the statements she made.

51. In the first round of questions, the subject stated that she did not commit the incriminated acts and was in no way involved in the events that led to the initiation of criminal proceedings. The subject stated that she never discussed with the judges of the Central Court of Appeal about the specifics of the examination of the respective contravention case, or a possible solution in this or any other case.

52. According to the subject, from the procedural documents that she was presented with, it appears that the suspicion is based on a phone conversation with judge T.M. that took place on 20 January 2025. The subject clarified that they have not discussed a concrete case, but personal matters and general legal issues.

53. In the second round of questions, the subject was asked to describe the personal matters and general legal issues that were discussed with judge T.M. during that phone conversation.

54. The subject explained that she has known judge T.M. since the period she worked at Hîncești Court. In January 2025, she discussed with T.M. several matters, including the subject's mother's health, who was recently (December 2024) diagnosed with an infectious disease and was hospitalized in Chișinău municipality, and was then referred to the Hîncești District Hospital to receive antiviral treatment for the disease.

55. As far as the subject recalls, during the conversation, judge T.M. asked some questions regarding the application of the Contravention Code (*Cod Contravențional*) to an appeal against a decision imposing a sanction. The subject stated that she merely interpreted the provisions of the Contravention Code, assuming that T.M. had such a case under examination and needed an opinion.

56. She declared that she had never discussed with the reporting judge in the contravention case the termination of the examination of the case with the return of seized items.

57. In the third round of questions, the subject was asked to present all documents in her possession proving that her mother was hospitalized in Chișinău and Hîncești.

58. The subject submitted nine documents, including the referral-extract issued by the IMSP Clinical Hospital of the Ministry of Health, confirming hospitalization at this medical institution during the period 5 December 2024 – 14 December 2024. Upon the Commission's request, the medical institution confirmed that the subject's mother was hospitalized during the specified period.

59. The subject clarified that her mother was not hospitalized in Hîncești. She went there several times in January 2025 to consult a specialist.

60. Also, in the third round of questions, the subject was asked whether a phone conversation took place between her, Judge T.M., and lawyer V.M., as described in the Judicial Inspection Report, and to clarify which "patient" and which "surgery" were referred to in that conversation.

61. The subject stated that, as she does not have access to the criminal case file, providing any explanations without knowing all the circumstances could lead to self-incrimination. Moreover, she noted that she had already related what she recalls from the conversation she had with judge T.M. in January 2025. The subject said that she had never spoken with lawyer V.M., neither by telephone nor in person.

62. Regarding the alleged "patient" and the "surgery" that was to take place at the Court of Appeal, the subject stated that she did not discuss with T.M. anything about surgeries at the Court of Appeal, and the interpretations given in the Judicial Inspection Report are absurd.

63. She further stated that she was deeply affected by her mother's diagnosis, and the only discussion about treatment and medication was in that context.

64. During the closed-session hearing, the subject provided details regarding certain circumstances that undermine the plausibility of the allegations made by the criminal investigation body. She stated that after her promotion to the Chișinău Court of Appeal, she visited Hîncești several times but never entered the Hîncești Court, a fact that could be confirmed by the court staff. This, in her view, demonstrates the absence of a close relationship with judge T.M.

65. The subject also emphasized that she would not have risked her entire career for an alleged bribe amounting to 1.5 months' salary. However, when asked why judge T.M. sought the subject's consultation on a matter of contravention law, despite the fact that she specializes in civil law, the subject stated that she did not know, leaving this circumstance uncertain.

Commission's assessment in the resumed evaluation

66. From the outset, the Commission emphasizes that the evaluation procedure is not designed to make any determination regarding the subject's criminal guilt.

67. In this regard, the Commission is guided by the principle of the presumption of innocence. It acknowledges that a separate investigation is being conducted under the framework of the Criminal Code and the Code of Criminal Procedure. The prosecutorial authorities and the courts will apply different legal provisions and operate under a distinct standard of proof.

68. The Commission's analysis is strictly limited to the criteria set forth by Law No. 252/2023. The materials obtained during the re-evaluation procedure were analyzed solely from the perspective of undue influence and interference with the administration of justice by other judges.

69. In regulating the standard of proof for determining non-compliance with the ethical integrity criteria, the legislator used the wording "the subject shall be deemed not to meet ethical integrity requirements if the evaluation Commission **has determined** that: [the criteria are subsequently listed]."

70. The Commission must "determine", through its own findings, any potential non-compliance with the ethical integrity criteria. In this respect, it submitted two requests to the GPO, two to the Municipal Prosecution, and two to the SCM to obtain the primary documents or evidence that could substantiate a reasonable suspicion that the subject had exercised influence over the decisions of other judges. All the Commission's requests were, in essence, denied by all three institutions.

71. Accordingly, all information received by the Commission is of secondary nature, deriving from the findings of the criminal investigation body and the Judicial Inspection. The Commission did not have access to direct evidence or firsthand information concerning the new circumstances cited in the SCM's decision ordering the reevaluation of the subject.

72. According to Article 11 para. (6) of Law No. 252/2023, "the acts or findings of other entities shall not have a predetermined value for the Commission".

73. Based on the circumstances described above, during the re-evaluation procedure, the Commission did not identify facts indicating that the subject has seriously violated the rules of ethics and professional conduct of judges, as specified in Article 11 para. (2) lit. (a) of Law No. 252/2023.

V. Conclusion of the resumed evaluation

74. Based on the information it has obtained and that presented by the subject, the Commission proposes that the subject promote the external evaluation conducted in accordance with the criteria set out in Article 11 of Law No. 252/2023.

VI. Further action and publication

75. As provided in Article 40 para. (4) of the Rules, this re-evaluation report will be sent by e-mail to the subject and the Superior Council of Magistracy. The Commission will publish the re-evaluation's result on its official website on the same day.

76. No later than three days after the approval, a printed paper copy of the report, electronically signed will be submitted to the Superior Council of Magistracy, along with the original electronic copy of the re-evaluation file containing all the evaluation materials gathered by the Commission.

77. This report will be published on the Commission's official website, with appropriate precautions to protect the privacy of the subject and other persons, within three days after the expiry of the appeal period against the decision of the Superior Council of Magistracy or after the Supreme Court of Justice issues its decision rejecting the appeal or ordering the promotion or non-promotion of the evaluation.

78. This re-evaluation report was approved by unanimous vote of the members of the panel on 25 November 2025 and signed pursuant to Article 33 para. (2) and Article 40 para. (5) of the Rules.

79. Done in English and Romanian.

Andrei Bivol

Chairperson

Chair of Panel A