

Rolul și locul Procuraturii într-o societate democratică

Actuala lege cu privire la Procuratură, adoptată la 14.03.2003 întrunește toate angajamentele asumate de Republica Moldova la momentul aderării la Consiliul Europei.

Acest fapt a fost constatat în cadrul monitoring-ului compatibilității acesteia efectuat de către experții internaționali.

Potrivit concluziilor acestora, Moldova a respectat Recomandarea Consiliului Europei nr. 19 din 06.10.2000 în ce privește structura, rolul, locul, atribuțiile și relațiile Procuraturii cu puterile de stat și organele de drept.

Consiliului Europei prin recomandările sale a propus 2 variante despre locul Procuraturii în cadrul puterilor de stat:

- *Procuratura face parte sau este subordonată Guvernului,*
- *Procuratura independentă de Guvern.*

În cazul Republicii Moldova Procuratura este independentă în relațiile cu alte autorități publice, fiind reglementate prin lege caracterul și continuitatea acestei independențe.

Principalul argument al acestei poziții este că prin funcțiile și atribuțiile sale, Procuratura face parte din puterea judecătorească, putere care include toate funcțiile relevante pentru împărțirea dreptății, însă nu limitează accesul la actul de justiție propriu zis.

Aceasta impune identificarea rolului Procuraturii în cadrul sistemului judiciar conform normelor comunitare, ce însă nu presupune automat subordonarea Procuraturii Ministerului Justiției.

Mai mult, Procuratura nu poate fi subordonată Ministerului Justiției, care face parte din puterea

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