The Impact of the Law on Freedom of Expression

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1. Introduction

Law Number 64 of 23 April 2010 on Freedom of Expression (Law 64) came into force on 9 October 2010, three months after its publication on 9 July 2010 in the *Official Monitor of the Republic of Moldova*. This legislation includes provisions that aim at striking a balance between the guarantee of freedom of expression and the protection of honor, dignity, professional reputation and the private and family life of a person.

Law 64 incorporates the principals enshrined in Article 10 of the European Convention of Human Rights as well as in the case law of the European Court of Human Rights (ECHR) pertaining to freedom of expression and protection of private life. The Independent Journalism Center published “Comments on Law on freedom of expression” to facilitate understanding and uniform application. The Comments contains detailed explanations of the basic notions in the law as well as references to the ECHR jurisprudence which offers guidance in how to interpret and apply new legal provisions. The Comments is addressed to journalists and judges to whom it was offered free of charge. It can be downloaded from the website of the Independent Journalism Center.

Law 64 embodies 34 articles that stipulate in a concise and clear manner the criteria and procedures to be used in disputes regarding the protection of the right to freedom of expression on one hand and private life on the other. Although the law tackles notions that are uncommon in domestic caselaw, the legislator and civil society who endorsed the draft law have high expectations as to its enforcement having in mind the great efforts made to train Moldovan judges in the European Convention of Human Rights as well as the Interpretative Decision of the Supreme Court of Justice Plenum no. 8 of 9 October 2006 On the Application of the Legislation regarding the Protection of Honor, Dignity and Professional Reputation of Natural and Legal Persons and the Comments on Law 64.

The Supreme Court of Justice put the draft interpretative decision on Law 64 forward for debate in early May 2012 to ensure uniform judicial practice and to offer explanations as to its application. Most of the draft interpretative decision refers to the Comments on Law 64 thus ensuring its unique and efficient implementation.

Almost two years after the adoption of Law 64, the Independent Journalism Center was curious about its impact and if it had succeeded in changing national judicial practice. Since judicial resolution of conflicts between the rights referred to in the law is only one means of resolving such disputes, the aim of the present research is not only to analyse judicial practice in this area but also to assess the social impact of Law 64 and of the Comments on the law on the media. Since the interpretative decision of the Supreme Court of Justice is yet to be adopted, the present research does not consider the impact of the

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1 [http://www ijc.md/index.php?option=content&task=view&id=51&Itemid=76]
decision, although the authors deem it a very efficient instrument for promoting the law within the legal community.

Therefore, this study focuses on the impact of Law 64 and of the comments on the journalistic community as well as on the extrajudicial procedures for resolving disputes on the freedom of expression and on judicial practice regarding defamation.
2. Extrajudicial dispute resolution and its impact

a. The impact of the Law on Moldovan periodicals

This section includes an analysis of the manner in which the media has perceived the provisions of Law 64 starting from the date it came into force through 30 June 2012. Media perceptions were assessed by analysing their websites and through interviews with a number of media representatives.

Based on a representative sample, the authors interviewed representatives of national and regional newspapers with circulations of more than 1000 copies with priority given to investigative newspapers. Twelve periodicals and TV stations were selected; seven agreed to fill in the questionnaire on their perception of the law and its application.

In all, 14.28% of respondents stated that they had read the law, 57.14% had almost no experience with the law and 28.57% had not read it (Chart 1).

**Chart 1. Knowledge of the Law**

A thorough reading of articles published in the print press revealed that journalists either ignored or erroneously interpreted the legal provisions. Although they argued that they were acquainted with the meaning of the terms used in their articles such as defamation, dissemination of information, information, fact, censorship, information about private and family life, they found it hard to explain the differences among them. Thus, they could not explain the difference between correction which is on one’s own initiative or on demand to rectify inaccurate/misrepresented statements and retraction which refers to refuting statements that do not correspond to reality.

They were similarly confused regarding the terms reply which is the response of a defamed person to the opinions disseminated in media, and apology which is a statement expressing regret for disseminating false information. The notions of public figure and person who holds public office were also confusing to the respondents.

There were a number of cases in which the idle curiosity of journalists
was elevated to the status of news of public concern. This indicates that most journalists and newsrooms are not interested in the legal aspects of the terms they use. This conclusion was upheld by the results of the survey which indicated that the majority of media were not familiar with the Comments on Law 64.

As to whether the respondents had a copy of the Comments, 28.57% replied positively, 14.28% had opted for an online copy while 57.14% replied that they did not need a copy or that they had never read the comments (Chart 2). These percentages explain the confusion of the respondents about the main terms in Law 64.

**Chart 2. Do You have the Comments on the Law?**

![Chart showing the distribution of responses to having a copy of the Comments on the Law](chart)

According to Law 64, the media has the task of informing the public about matters of public concern and for making journalistic investigations on matters of public concern.

Everyone has the freedom to receive information of public concern through mass media. The protection of honor, dignity and professional reputation cannot not prevail over the public’s freedom to receive information in its interest. Everyone also has the right to the protect honor, dignity and professional reputation that can be injured by the dissemination of untrue facts or value judgments without any factual basis.

Nevertheless, the media does not provide any clear information on the solutions Law 64 provides to consumers if their rights are violated or when they believe they have the right to demand publication of a correction, a refutation or a reply. Although Law 64 does not expressly bind the media to do so, the authors consider that these aspects are important as they pertain to the extrajudicial resolution of disputes originating with the publication of articles and information in the media. Thus, according to Article 15, a person who considers that he/she has been defamed shall require the author of the information and/or the legal entity which has disseminated the information to correct or retract the defamatory information, to grant to the person concerned the right of reply or an apology and compensation for any damage caused.

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2 Stimulate the critical thinking of the journalists, Ethical dilemmas and case studies. IJC, Chișinău, 2011.
As to the preliminary requests prescribed by the Law, 42.85% of respondents indicated that they had received requests demanding the correction or retraction of defamatory information, 42.85% had not received such requests, while 14.28% had no statistics.

The number of requests for grating the right to reply was higher than the number of requests for correcting information as 57.14% of the periodicals participating in the survey had received at least one request for the right to reply, 28.57% had not received such requests and 14.28% had no statistics.

Over 28% of the respondents had received requests for apologies and compensation for damages caused by defamation, 57.14% had not received such requests while 14.28% had no statistics (charts 3, 4 and 5).

**Chart 3. Media outlets that received preliminary requests**

**Chart 4. Media outlets that did not receive preliminary requests**

**Chart 5. Media outlets without statistics**
According to Article 16 of Law 64, the preliminary request shall be examined by the author of the information or by the legal person who disseminated the information within five days. If the disputed information is false or without any factual basis, the legal person who disseminated the information or the author must grant the preliminary request and make the correction or the retraction or, as appropriate, grant the right of reply or an apology and compensation on demand.

Law 64 provides that a correction, a retraction, granting the right to reply or an apology shall be made within 15 days of the date of examination of the preliminary request. When asked when they had replied to the requests, the respondents stated that their responses had been delivered in due time (Chart 6).

**Chart 6. The time in which media delivered the replied to requests**

<table>
<thead>
<tr>
<th></th>
<th>No. of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>In due time</td>
<td>7</td>
<td>100,00%</td>
</tr>
<tr>
<td>Belatedly</td>
<td>0</td>
<td>0,00%</td>
</tr>
</tbody>
</table>

In all, 57.14 % of respondents dismissed the requests and 42.85% granted the right of reply to the petitioner (Chart 7).

**Chart 7. The results of examining preliminary requests**

<table>
<thead>
<tr>
<th></th>
<th>No. of respondents</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>The requests were granted</td>
<td>3</td>
<td>42,85%</td>
</tr>
<tr>
<td>The requests were dismissed</td>
<td>4</td>
<td>57,14%</td>
</tr>
</tbody>
</table>

If a preliminary request is outright or partially dismissed, the injured person may file a lawsuit. At the time of the survey, 28.57% of the media outlets stated that no lawsuits had been filed against them, 42.85% stated that they were a party in 1–10 lawsuits, while 28.57% had been in more than 10 court disputes (Chart 8).
In all, 28.57% of respondents said preliminary injunctions had been delivered against them while 71.42% said they had not been (Chart 9).

As for compensation for damages caused by defamation, all respondents who had been sued confirmed that the injured parties had claimed compensation. In 60% of the cases the compensation was up to one million lei (approximately 642,673 euros) while in 40% of cases the amount claimed in compensation exceeded 1 million lei (Chart 10).

The authors also inquired about the judges’ attitudes toward the respondents; 42.85% replied that they had no impression about the judge’s attitude, 28.57% were not satisfied with the attitude of the judge trying their
cases while 28.57% thought the attitude of the judge was unbiased (Chart 11).

**Chart 11. The attitude of the judge toward the respondents**

![Chart 11](chart11.png)

Law 64 guarantees the editorial independence of media outlets. Censorship is prohibited. Any interference in the editorial operations of mass media is prohibited unless so prescribed by law. Furthermore, the law does not oblige mass media outlets to disclose their sources. Almost all respondents stated that they would not disclose their sources under pressure and that they had not been censored, but one had been forced to disclose sources in the past.

**Chart 12. Would you disclose your sources under pressure?**

![Chart 12](chart12.png)

As to their satisfaction with the law, 42.85% said that they were not satisfied with the guarantees it provides, 28.57% were satisfied and 28.57% had no opinion (Chart 13).
The Press Council and conflict mediation

Although the law does not expressly so stipulate, disputes regarding the protection of honor and dignity may be mediated. The legal framework regulating mediation is the Law on Mediation of 01 July 2008 that introduced the procedure for resolving conflicts amicably out of court. According to the law, any conflict that can result in a lawsuit may be mediated.

Traditional in-court resolution of conflicts and the classical outcome that one party wins and the other party loses has proved not always to be the best approach to resolving economical and social issues. The alternative of mediation could actually enhance justice by creating customs and procedures that could be applied in a variety of situations. It would certainly contribute to a significant decrease in the number of trials pending in courts. Costs would also decrease, and conflicts could be resolve more rapidly. Often lengthy court cases result in amicable settlements between parties when the same outcome could have been achieved through mediation at the outset of the dispute.

Although it does not formally meet the requirements of a mediator as prescribed by law, the Press Council, founded on 01 October 2009 as an independent body, helps to amicably resolve conflicts between print media and its readers and thus promotes accountability of media outlets and the observance of journalistic ethics by publications, news agencies and news websites.

The main task of the Press Council (www.consiliuldepresa.md) is to mediate in the short term and urge a friendly resolution of conflicts between mass media outlets and media consumers. Furthermore, when the Press Council considers that journalistic ethics have been violated, it may review the case on its own initiative (ex officio) thus guaranteeing qualitative reporting to the public and proving that journalists are accountable and that the media does not need to be regulated by the state. International best practice has proved that ethics councils have succeeded in protecting media from state regulation and in enhancing its credibility. The Press Council also issues recommendations for consolidating professional standards in Moldovan media, proposes public policies on mass media and carries out advocacy campaigns to promote accountable journalism.
Following the adoption in 2010 of Law 64, the Press Council examined four complaints about ethics violations by the media. In three of them, mediation resulted in a compromise between the outlet and the consumer, thus avoiding judicial resolution of the dispute. In the fourth case, the editorial office of the media outlet did not accept mediation by the Press Council.

According to its statistics thus far for 2012, the Press Council has provided consultations in 30 conflicts. From 2011 to mid 2012, the Press Council examined 36 complaints from media consumers, including cases it considered on its own initiative, and an additional 25 requests for consultations. The majority of them were submitted by citizens though in some cases it was journalists who complained to the Council alleging news piracy. The high number of ethics violations identified by the Press Council shows that the complaints were well founded and that the ex officio examinations were justified.

Accordingly, the authors draw two conclusions:

- The Press Council has become a credible and necessary mechanism for mediating conflicts between the media and consumers.
- The applicants to the Press Council have become more familiar with the code of ethics and the relevant legislation.

Although mediation does not provide the possibility to claim just satisfaction, the authors acknowledge the importance of the Council`s findings which in most cases satisfy consumers and persuade them not to go to court.

Alternative mechanisms for resolving disputes are not, however, available in other situations mentioned in the Law 64, in particular in conflicts between private persons. Special attention should be drawn to police use of Article 70 of the Contravention Code which provides sanctions for, “…knowingly disseminating defamatory, untrue information accompanied by accusations of committing an extremely serious crime or an exceptionally serious crime or a crime that resulted in serious consequences.”

The authors consider that invoking Article 70 may raise some issues. There is a risk that the police who are permitted de jure to find a person guilty of committing a misdemeanour and imposing a fine do not have sufficient knowledge and skills to perceive the differences between calumny and value judgement. Unfortunately, neither the National Bureau of Statistics nor the Ministry of Internal Affairs has published any statistics on invoking Article 70 in 2010 and 2011. On the other hand, even though the investigative media have reported on a number of persons engaged in illegal activities or have made allegations of criminal actions, the persons concerned in the articles preferred to use the classical method of conflict resolution by filing a lawsuit instead of filing a contravention complaint.
3. Application of the Law by Moldovan courts

To assess the impact of the Law 64 from the perspective of judicial procedures, the authors analysed both the experience of plaintiffs and defendants and the responses to our request of information generously offered by 44 courts. According to the data they provided, Law 64 has been the subject of 356 court cases to date.

Nine of the 44 courts replied that they had not examined any cases on freedom of expression since 9 October 2010, while 34 regional district courts had handled an average of three lawsuits on freedom of expression. The Chişinău district courts heard an average of 49.4 cases: 4 cases had been filed at the Ciocana District Court and 118 with Centru District Court.

According to the courts, almost half the cases (116) had resulted in judgements on their merits (the court had allowed or had dismissed the action), one third ended in interlocutory decisions while nearly one fifth were still pending.\(^3\)

The authors analysed decisions on cases regarding the protection of honor, dignity and professional reputation available on the websites of the courts including 32 judgements in the first instance, 13 interlocutory decisions and 17 decisions on appeal. Most judgements were delivered by district courts; the legality of these decisions was subject to examination by a higher court. The authors analysed 12 decisions by courts of appeal and five decisions of the Supreme Court of Justice.

Although the numbers are too small for an in-depth analysis, the data clearly indicate the legal situation after 9 October 2010. Fewer than one fifth of the 62 judgements and interlocutory decisions refer to Law 64.

\(a.\) The preliminary procedure and the statute of limitations

The statistics reveal an important indicator of the impact of Law 64 which establishes an obligatory preliminary procedure in conflicts on freedom of expression. The relatively high number of cases that could not be judged on their merits due to the failure to respect that preliminary procedure (18% were struck off the list or rejected) shows that the plaintiffs had little knowledge of the provisions in the law. The authors consider that the number would have been even greater had the courts been better informed about the new legal provisions.

Law 64 established new statutes of limitations that are shorter than the general three-year statute for legal actions on patrimony though other actions are not limited by statutes. An example worth mentioning is a judgement on March 2012 in which the court provided a curious analysis of the preliminary procedure prescribed in Law 64. The court found that the plaintiff had filed two claims: one for publishing a retraction and the other for non-pecuniary compensation for

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\(^3\) There is a certain margin for error in respect of the information provided by the courts as not all of them specified the type of interlocutory decisions delivered in those cases.
damage. The defendant published the retraction during proceedings, so the plaintiff abandoned that claim, but the court decided to continue the examination of the claim for compensation. Referring to the Civil Code (Article 1424), the court found that the claim was overdue although the plaintiff had respected the three-year statute of limitations prescribed by the Civil Code. Accordingly, the defendant’s allegation that the plaintiff had failed to respect the statute of limitations was groundless.

Another court examined an action for seven months during which none of the parties claimed the failure of the other to respect the preliminary procedure. In the final stage of the examination, the court raised the question about the observance of the preliminary procedure and found that the plaintiff had not been aware of the provisions of Law 64. In November 2011, the court made an interlocutory decision striking the case off its list after which the plaintiff followed the preliminary procedure and turned back to the court to reinstate the case. The plaintiff argued that the failure to respect the statute of limitations had been caused by court’s delay in examining the initial complaint of over six months. The plaintiff alleged that he would have had enough time to follow the preliminary procedure had the court rejected his claim immediately. The court dismissed the plaintiff’s arguments and dismissed the action in March 2012 as overdue.

Although the authors learned about several cases in which plaintiffs’ claims were struck off the list or rejected on the grounds of failure to respect the preliminary procedure or due to tardy filing, it was impossible to obtain all those case files to analyse them in detail. Of the cases at the authors’ disposal, there are several that are worth mentioning. For instance, a judgement in February 2012 clearly explained to the plaintiff that the period within which the preliminary request had to be submitted had started long before it had been actually submitted, so reinstating the case was impossible. An interlocutory decision of January 2012 explained to the plaintiff that the court could not accept a copy of the preliminary request as proof since there was no confirmation in the file that it had been received.

Another judgement in February 2012 granted the plaintiff’s complaint of 3 November 2010 about the dissemination of defamatory information in June 2009 in the defendant’s absence. The judgements made no reference to Law 64 and to the preliminary procedure.

The authors conclude that in most cases when the defendant contended that the preliminary procedure had not been respected by the plaintiff, the court struck the case off its list.

b. Court fees

According to Law 64, when a pecuniary claim for compensation is filed in cases of defamation or violation of private and family life, the state tax shall be calculated according to general rules applicable to patrimony actions at 3% of
the amount claimed for compensation. In the absence of statistical data, it was not possible to assess to what extent the failure to pay state fees had led to the rejection of claims. It was possible, however, to note from available documents that on 23 December 2011 the Disciplinary College of the Supreme Council of Magistrates warned a judge that he had not delivered a preliminary decision regarding the payment of fees before initiating proceedings. It is curious that even after such a decision was adopted in another case in which the court granted the plaintiff a deadline for paying the state fee, the Court of Appeals granted the plaintiff’s appeal on 15 March 2012. The Court of Appeals found that the case concerned a non patrimonial claim n spite of the fact that the plaintiff claimed pecuniary damages. More curious is that a district court ordered the plaintiff in its judgement on the merits to pay the court fees in the amount prescribed by Law 64. That case is pending before the Court of Appeals.

The authors have also analysed several judgements in which the courts made references to Law 64 but failed to order the payment of court fees by the plaintiff. In almost all cases in which the court handled claims for huge amounts of compensation, the court did not order the plaintiff to pay the state tax. One conclusion of the authors is that neither the plaintiffs nor the defendants had knowledge of Law 64 and of its provisions regarding court fees.

On the other hand, an interlocutory decision adopted in June 2012 cited as grounds for rejection the failure to pay court fees and the lack of evidence to justify paying in instalments. Other interlocutory decisions appeared to reject the action on the grounds of the failure to pay court fees in the amount prescribed in Law 64 though it was not expressly stated as the reason.

It is obvious from the cases analysed that in many cases the plaintiff withdrew the action as soon as the court raised *ex officio* or demanded payment of state fees.

c. Judging on the merits

In many judgements, the court examined the case exclusively with respect to Article 16 of the Civil Code without mentioning or making reference to the new provisions of Law 64. For instance, the judgement delivered in May 2012 regarding actions in 2009 did not make any reference to Law 64, although it confirmed the observance of the preliminary procedure.

Other examples are judgements delivered in February 2011, March 2011, February 2012 and May 2011 based on Article 16 of the Civil Code and Article 10 of the European Convention of Human Rights. In the February 2012 judgement, the court dismissed the action as unfounded. Neither the court nor the parties referred to Law 64 (the information in question had been disseminated on 21 October while the lawsuit was filed on 4 November).

Another example is the judgement of July 2011 in which the court dismissed the action based on the legal principles of the European Convention without mentioning Law 64 which enshrines those principles. The direct
application of the European Convention of Human Rights in this case is to be appreciated, but in most cases the court did not invoke Law 64 although it is relevant for establishing immunity in defamation cases.4

On the other hand, a judgement in March 2012 cited both Law 64 and Article 10 of the European Convention of Human Rights. In that case, the court held that journalists were obliged to act in good faith and that they were exempt from liability for information disseminated in press releases by public authorities. In another example, however, the court partially granted the action brought by the plaintiff in 2011 for alleged dissemination in 2008 of information in a criminal complaint to the regional prosecutor. In this case, the court ignored the statute of limitations in Law 64 and the immunity from defamation originating in complaints to public authorities. The Court of Appeals quashed the lower court’s decision and ordered a rehearing of the case on the grounds that the relevant public authorities with whom the defendant filed the complaint that in plaintiff’s opinion was defamatory did not participate in the litigation.

In conclusion, national courts judge cases based on the principles enshrined in Article 10 of the European Convention of Human Rights and prefer to ground their decisions on the provisions of the Civil Code. In addition, over half the judgements and decisions cited the Interpretative Decision of the Supreme Court of Justice Plenum no. 8 of 9 October 2006 on the Application of the Legislation regarding the Protection of Honor, Dignity and Professional Reputation of Both Natural and Legal Persons.

It is interesting to mention that neither the level of the court nor the location is relevant to the situation described above. Out of 12 decisions delivered by courts of appeal, only three cited Law 64 while the Supreme Court of Justice gave only one decision grounded in the new provisions.

Another observation is that judges working in the same court issued divergent judgements: some were based on Law 64 while others were based on Article 16 of the Civil Code. Whenever the defendants relied on Law 64, the court gave a judgement on the merits based on the law. Accordingly, the authors conclude that the non-application of Law 64 was due to the lack of knowledge of the law of both judges and litigants in spite of the fact that it has been in operation for almost two years and not to the bad faith of judges.

Assessing the impact of Law 64 was difficult due to the reasons cited above. Hopefully the situations described will be remedied by the Interpretative Decision of the Supreme Court of Justice that has recently been put up for debate in civil society and communicated to the authorities. The draft Interpretative Decision offers a series of explanations based both on the jurisprudence of the European Court of Human Rights and the Comments on Law 64. Furthermore, the draft details a series of situations prescribed by the Law not covered in the comments including the binding character of the

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4 Article 8 of the Law 64 provides expressly that no lawsuits regarding defamation may be filed for statements made by parties within the framework of court cases of any kind and during criminal proceedings or for the information contained in complaints to public authorities concerning the violation of legitimate rights and interests.
preliminary procedure, the one-year statute of limitations, explanations for calculating the state tax, the new provisions pertaining to the burden of proof and provisions regarding effects of retraction on the later handling of the case.

Hopefully the Interpretative Decision will consolidate judicial practice in cases regarding the freedom of expression. Also, in view of the great number of judgements and decisions under review that contained references to the Interpretative Decision, the authors consider that its adoption will ensure the needed knowledge of Law 64.
4. Conclusions and recommendations

One conclusion of this study is that the majority of media outlets did not have a copy of the Comments on Law 64 and did not have knowledge of the law. This leads to an erroneous interpretation of the fundamental principles regulating journalism. Most journalists and media staff had no knowledge of the correct definitions of the terms correction, retraction, reply and apology which is in fact an obstacle to the efficient handling of preliminary requests.

The authors recommend that mass media outlets offer the public brief explanations of their rights and encourage both other media and media consumers to mediate conflicts and resolve disputes out of court.

The Press Council has become more active lately in mediating conflicts between readers and publishers. Those who consider that their rights have been violated by the media should be encouraged to turn to the Press Council and the media should be encouraged to accept the mediation.

Law 64 has had little impact on legal proceedings due to a lack of knowledge among judges and litigants. Whenever both the court and the litigants relied on the law, the outcome of the lawsuits was substantially different from the court cases that were rejected or struck off the court’s list on the grounds of failure to engage in the preliminary procedure or to pay the state fees.

Regarding judgements on the merits under review, the authors conclude that Law 64 has had little impact on judicial practice as the courts have relied on Article 10 of the European Convention on Human Rights which is actually incorporated into the new law. If applied, the new provisions on immunity in defamation cases, exemption from liability and burden of proof and the effect of retractions can change judicial practice.

The authors conclude in the end that the adoption of the Interpretative Decision of the Supreme Court of Justice will enhance the impact of Law 64 by conveying additional information and clarifying its provisions to judges, lawyers and the public at large.
References

Annex 1:

1. Draft Interpretative Decision of the Supreme Court of Justice Plenum on the Application by the Courts of the Law on Freedom of Expression
2. Decision no. 62/16 of 23 December 2011 of the Disciplinary College of the Superior Council of Magistrates
4. Interlocutory Decision of the Râşcani District Court of 14 March 2012, casefile no. 2-6070/11.
5. Decision of the Chişinău Court of Appeal of 15 March 2012, casefile no. 2r-332/12.
6. Decision of the Străşeni District Court of 3 July 2012, casefile no. 2-1563/11.
7. Decision of the Ciocana District Court of 11 May 2012, casefile no. 2-434/12.
8. Decision of the Ciocana District Court of 29 February 2012, casefile no. 2-571/2012.
13. Decision of the Orhei District Court of 14 March 2011, casefile no. 2-146/11.
15. Interlocutory Decision of the Stefan-Vodă District Court of 18 January 2011, casefile no. 2-1075/09.
16. Interlocutory Decision of the Stefan-Vodă District Court of 7 February 2012, casefile no. 2-54.
17. Interlocutory Decision of the Ungheni District Court of 17 May 2011, casefile no. 2-977/11.
18. Decision of the Ungheni District Court of 13 June 2011, casefile no. 2-1088/11.
20. Decision of the Supreme Court of Justice of 15 February 2012, casefile no. 2ara-577/12.
21. Interlocutory Decision of the Botanica District Court of 14 November 2011, casefile no. 2-1480/11.
22. Decision of the Botanica District Court of 5 March 2012, casefile no. 2-4944/11.
23. Decision of the Botanica District Court of 9 November 2011, casefile no. 2-1918/11.
25. Decision of the Botanica District Court of 21 April 2011, casefile no. 2-4111/10.
27. Decision of the Buiucani District Court of 27 February 2012, casefile no. 2-792.
28. Interlocutory Decision of the Buiucani District Court of 13 January 2012, casefile no. 2-1684/12.
29. Interlocutory Decision of the Buiucani District Court of 18 June 2012, casefile no. 2-3974/12.
30. Interlocutory Decision of the Buiucani District Court of 22 May 2012, casefile no. 2-3669/12.
31. Interlocutory Decision of the Buiucani District Court of 4 April 2012, casefile no. 2-2983/12.
32. Interlocutory Decision of the Buiucani District Court of 13 February 2012, casefile no. 2-2175/12.
33. Interlocutory Decision of the Buiucani District Court of 13 June 2012, casefile no. 2-3227/12.
34. Decision of the Buiucani District Court of 2 April 2012, casefile no. 2-565/2012.
35. Decision of the Buiucani District Court of 2 February 2012, casefile no. 2-890/12.
37. Decision of the Centru District Court of 20 March 2012, casefile no. 2-3875/11.
38. Decision of the Centru District Court of 3 November 2011, casefile no. 2-2558/11.
39. Decision of the Ciocana District Court of 2 June 2011, casefile no. 2-1359/11.
40. Decision of the Rîşcani District Court of 10 January 2011, casefile no. 228/11.
41. Interlocutory Decision of the Briceni District Court of 20 April 2012, casefile no. 2-163.
43. Decision of the Gălădeni District Court of 22 August 2011, casefile no. 2-311/11.
44. Decision of the Soroca District Court of 20 April 2012, casefile no. 2-60/12.
45. Decision of the Teleneşti District Court of 25 May 2011, casefile no. 2-418/11.
49. Decision of the Comrat District Court of 2 February 2012, casefile no. 2-622/11.
50. Decision of the Comrat District Court of 5 October 2011, casefile no. 2-427/11.
51. Decision of the Chișinău Court of Appeal of 7 February 2012, casefile no. 2a-6205/11.
52. Decision of the Chișinău Court of Appeal of 6 December 2011, casefile no. 2a-5182/11.
53. Decision of the Chișinău Court of Appeal of 20 June 2012, casefile no. 2r-671/12.
54. Decision of the Chișinău Court of Appeal of 15 February 2012, casefile no. 2a-4982/11.
55. Decision of the Chișinău Court of Appeal of 12 April 2011, casefile no. 2a-1390/11.
56. Decision of the Chișinău Court of Appeal of 18 January 2011, casefile no. 2a-383/11.
57. Decision of the Chișinău Court of Appeal of 13 December 2011, casefile no. 2a-3535/11.
59. Decision of the Bălți Court of Appeal of 5 April 2011, casefile no. 2a-747/11.
60. Decision of the Bender Court of Appeal of 12 May 2011, casefile no. 2a-93/2011.
61. Decision of the Supreme Court of Justice of 22 February 2012, casefile no. 2ra-160/12.
62. Decision of the Supreme Court of Justice of 11 July 2012, casefile no. 2ra-1126/12.
63. Decision of the Supreme Court of Justice of 23 February 2012, casefile no. 2ra-661/12.
64. Decision of the Supreme Court of Justice of 4 April 2012, casefile no. 2ra-317/2012.
## Annex 2:
### Analysis of the responses provided to the IJC

<table>
<thead>
<tr>
<th>The Court</th>
<th>Notes (responses from district courts)</th>
<th>No. of lawsuits brought to the court</th>
<th>No. of pending lawsuits</th>
<th>Decided upon on the merits</th>
<th>Interlocutory decisions by which the action was</th>
<th>Dismissed as overdue</th>
<th>TOTAL</th>
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