

**LAW OF THE REPUBLIC OF MOLDOVA ON THE ORGANIZATION OF  
JUDICIARY**

**No. 514-XIII from 07.16.1995**

Parliament adopts this law.

**TITLE I  
GENERAL PROVISIONS**

**Article 1. The Judicial Power**

- (1) The judicial power is independent, separated from the legislative and executive powers, has its own attributions, exercised by the courts, under the principles and provisions of the Constitution and other laws.
- (2) Justice shall be administrated in the name of law.

**Article 2. The Legal Basis for the Organization of Judiciary**

The organization of judiciary shall be regulated by the Constitution, this law and other normative acts.

**Article 3. Formation of Courts**

Courts shall be formed under the principle of appointing judges.

**Article 4. The Tasks of Courts**

- (1) The courts shall administer justice in order to protect and exercise the rights and fundamental freedoms of citizens and their associations, of enterprises, institutions and organizations.
- (2) The courts judge shall hear all the cases regarding civil, administrative and criminal relations, as well as any other cases for which law does not provide a different competency.
- (3) While administering justice, the courts shall protect the state and constitutional order of the Republic of Moldova from any infringements.

**Article 5. Administering Justice Strictly under Law**

- (1) Justice shall be administrated strictly under law.
- (2) Laws of other states shall be applied only in manner provided for by the legislation of the Republic of Moldova.

**Article 6. Free access to Justice**

- (1) Any person shall be entitled to effective protection by competent courts against actions that violate his/her legitimate rights, freedoms and interests.

- (2) The associations of citizens, enterprises, institutions and organizations shall be entitled, in the manner provided for by law, to file lawsuits with courts in order to protect their legitimate rights and interests, which were violated.

**Article 7. Presumption of Innocence**

Any person charged with an offence shall be presumed innocent until found guilty on legal grounds, by courts' final decision.

**Article 8. The Equality before the Law**

All citizens of the Republic of Moldova are equal before the law and judicial authority, irrelevant of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, property or social origin, as well as of other circumstances.

**Article 9. The Language of the Proceedings and Right to Interpreter**

- (1) Judicial proceedings shall be held in Moldovan language.
- (2) The individuals who do not understand or speak Moldovan language shall be entitled to take knowledge of all acts file, to speak before the court by interpreter.
- (3) The judicial proceedings may be held in a language that is acceptable for majority of the persons participating in trial.
- (4) In case the judicial proceedings are held in a different language, the judicial procedural documents shall be obligatorily developed including in Moldovan language.

**Article 10. The Public Character of Judicial Hearings and Principle of the Adversarial System**

- (1) The courts' sessions shall be public. Trials held in closed sessions shall be accepted only in cases specified by law, under the procedure.
- (2) The decisions of the courts shall be read out publicly.
- (3) Trials shall be conducted only under the principle of the adversarial system.

**Article 11. Providing Legal Assistance within the Process of Administering Justice**

- (1) During the entire trial the parties shall be entitled to being represented or, as the case may be, assisted by a defense attorney.
- (2) Any interference in the activity of the persons conducting the defense within provided limits shall be punished under law.
- (3) International legal assistance shall be asked for or granted under conditions provided for by law and international conventions which the Republic of Moldova is part to.

**Article 12. Prosecutor's Participation in Trials**

- (1) Prosecutor participates in civil trials in cases when the lawsuit was filed at his/her request, under law.
- (2) At criminal trials, prosecutor presents the charges on behalf of the state.

**Article 13. The Inadmissibility of Interference in the Administration of Justice process**

- (1) The interference in the administration of justice shall be prohibited.
- (2) Exercising pressure on judges in order to impede the complete and objective consideration of the case or to influence the issuing of the judicial decision shall be subject to administrative or criminal liability, under law.
- (3) Assemblies, demonstrations or other actions conducted at a distance of less than 25 meters from the premises where justice is administered, if they are conducted with the purpose of exercising pressure on judges, they shall be qualified as interference in judges' activity.

**Article 14. The Use of Technical Means**

- (1) To make records of the courts' sessions, evidence and examine it, the courts shall make use of any technical means.
- (2) In order to exercise their procedural functions, the parties at administrative or criminal trials shall be allowed to make an audio recording of the courts' session.
- (3) Other persons shall be prohibited from filming, taking pictures, making audio or video records of the courts' sessions
- (4) The violation of the provisions of this article shall be punished under law.

**TITLE II  
JUDICIAL SYSTEM**

**Chapter 1  
MAIN PROVISIONS**

**Article 15. The Courts**

- (1) The courts shall be the following:
  - a) Municipal and sector courts;  
*(Letter a) was amended by Law no. 762-XIV from 12.24.99)*
  - b) Tribunals;
  - c) Appellate Court;
  - d) The Supreme Court of Justice.
- (2) Specialized courts (economic, military, etc.) shall function, under law, to deal with certain categories of cases.
- (3) The creation of extraordinary courts is prohibited.

- (4) The courts shall be legal entities, have a stamp representing the image of the Coat of Arms of the state and their name.

**Article 16. Presidents and Vice-Presidents of the Courts**

- (1) The courts shall be run by a president, who, apart from his/her responsibilities of judge, shall exercise administrative duties.
- (2) The presidents of the courts, tribunals and the president of the Appellate Court shall be assisted by vice-presidents.
- (3) The presidents and vice-presidents of the courts, tribunals and of the Court of Appeals shall be appointed to the position by the President of the Republic of Moldova, at the proposal of the Superior Council of Magistracy, for a 4-year term.

*(Paragraph 3, art. 16, was amended by Law no. 486-XV from 09.28.2001)*

**Article 17. The Trials**

- (1) Civil, criminal and other kinds of cases shall be considered in first instance by a judge or a panel of 3 judges.
- (2) Appeals and recourses shall be considered by a panel of 3 judges.

**Article 18. Formation of the Panel of Judges**

- (1) The panel of judges shall be formed by the president (vice-president) of the court.
- (2) As the case may be, specialized panels may be created to consider cases connected to certain matters or categories of people.

**Article 19. The President of the Court's Session**

The courts' sessions shall be chaired by the president or the vice-president of the court, or by the judge appointed by them.

**Article 20. The Courts' Decisions**

- (1) The court's judgment shall be rendered in the name of law by a judge or, as the case may be, by the vote of majority of the judges on the panel.
- (2) The courts' judgments may be appealed by the interested parties and the competent state bodies, under law.
- (3) The decisions of a court of law are mandatory and the failure to execute them brings about liability in accordance with the law.

**Article 21. Organizational Issues**

The residence place, circuit and number of courts, as well as the number of judges in the courts, tribunals and the

Appellate Court, shall be approved by Parliament, at the proposal by the Superior Council of Magistracy.

**Article 22. Expenses for the Administration of Justice**

- (1) The financial means necessary for the good functioning of the courts shall be approved by Parliament, at the proposal of the Superior Council of Magistracy, and included in the state budget.
- (2) The judicial expenses shall be regulated by law.

**Article 23. Providing Organizational, Material and Financial Support to the Courts**

- (1) The organizational, material, and financial support shall be provided to courts, tribunals and Appellate Court by the Ministry of Justice, under the strict principle of the independency of judiciary and their subordination only to law.
- (2) The courts shall be provided material and financial support by the Ministry of Justice on the basis of state budget.
- (3) The Government shall provide courts with premises, means of transportation and other facilities through the authorities of the local public administration.
- (4) The premises and facilities distributed by local public administration authorities shall not be withdrawn without the consent of the Ministry of Justice.  
*(Paragraph 4, art. 23, was introduced by Law no. 84-XV from 04.20.2001)*

**Article 24. The Judicial Self-Administration**

- (1) The judicial self-administration shall be performed through the Superior Council of Magistracy.
- (2) The Superior Council of Magistracy is an independent body created in order to create and ensure the proper functioning of the judicial system and represent the guarantee of the independence of judiciary.
- (3) The Qualification Board and Disciplinary board shall function within the Superior Council of Magistrates.
- (4) The organization and competency of the Superior Council of Magistrates, Qualification Board and Disciplinary Board, as well as the manner, in which they function, shall be established by law.

**Chapter 2  
THE COURTS**

**Article 25. The courts**

- (1) The courts shall function in circuits established by Parliament at the proposal by the Superior Council of Magistracy.  
*(Art. 25 was amended by Law no. 373-XV from 07.19.2001)*  
*(Art. 25 was amended by Law no. 762-XIV from 12.24.99)*

**Article 26. The Competence of the Courts**

The courts consider all the cases and requests, except for those, which are under law assigned to the competence of other courts.

**Article 27. The President of the Court**

- (1) The president of the court shall:
- a) Consider cases and chair the court sessions, assign civil, administrative, criminal and other cases to judges to be solved;
  - b) Organize the activity of the court to ensure the examination of cases within reasonable period of time, form panels of judges and assign other tasks to judges;
  - c) Administer the activity of the generalization of judicial practice and of keeping judicial statistics;
  - d) Appoint and remove the employees of the court's personnel from position, except for judicial executors;
  - e) Ensure the activity of the personnel of the court;
  - f) Provide judicial training to judges and employees of the court's personnel;
  - g) Create, as the case may be, panels to consider some cases that are related to certain matters or categories of people;
  - h) Exercise control over the work of the judicial executors and chancellery;
  - i) Exercise other responsibilities, under law.
- (2) The responsibilities of the president of the court shall be exercised, in his/her absence, by the vice-president, or, as the case may be, by one of the judges.
- (Art. 27 was amended by Law no. 373-XV from 07.19.2001)*

**Article 28. The Vice-President of the Court**

The vice-president of the court shall:

- a) Consider cases and chair the court sessions;
- b) In the absence of the president of the court exercise his/her responsibilities;
- c) Performs other tasks, under law.

**Chapter 3  
THE TRIBUNALS**

**Article 29. The Tribunals**

- (1) Each tribunal shall exercise its jurisdiction in a circuit that includes several courts.
- (2) The tribunals, the courts in the tribunals' circuit, their place of residence, shall be provided for in the Annex 2, constitutive part of this Law.
- (Paragraph 2, art. 29, was amended by Law no. 762-XIV from 12.24.99)*

**Article 30. The Competence of the Tribunals**

The Tribunals shall:

- a) Consider in the first instance the cases and requests that are related to their competence under law;
- b) Consider the appeals filed against the decisions rendered in the first instance by courts;
- c) Consider the appeals filed against the decisions rendered by courts that under conditions of law can not be appealed;
- d) Solve cases appealed in extraordinary manners that are related to their competence under law;
- e) Solve conflicts of competence between the courts in their circuit;
- f) Generalize the judicial practice;
- g) Exercise other responsibilities, under law.

**Article 31. The Composition of the Tribunals**

- (1) The tribunals may be formed of several boards, according to the nature of the cases, or of a single board that shall be mixed.
- (2) The boards shall be made up of judges of the tribunal. The composition of the boards shall be approved by the president of the tribunal. He/she shall have the right to have, as the case may be, judges from one board consider cases within another board.
- (3) The boards shall be administrated by the vice-presidents of the tribunal.

**Article 32. The Competence of the Boards of the Tribunal**

The boards of the tribunal shall:

- a) Consider, within the limits of their competence, cases in the first instance, as appeals, recourses, or cases that are subject to extraordinary ways of appealing;
- b) Generalize the judicial practice and analyze the judicial statistics;
- c) Exercise other responsibilities, under law.

**Article 33. The President of the Tribunal**

- (1) The president of the tribunal shall:
  - a) Considers cases and chair the court sessions of the boards;
  - b) Administrate the activity of the boards and tribunal's personnel;
  - c) Establish the responsibilities of the vice-presidents;
  - d) Appoint and remove the employees of the tribunal's personnel from position;
  - e) Ensure the organizational activity of the tribunal, as well as the professional improvement of judges and civil servants from the tribunal's personnel;
  - f) Administrate the activity of generalization of the judicial practice and of assessing judicial statistics;
  - g) Exercise other responsibilities, under law.
- (2) The responsibilities of the president of the tribunal shall be exercised, in his/her absence, by one of the vice-presidents, appointed by him/her.

*(Art. 33 was amended by Law no. 373-XV from 07.19.2001)*

(Art. 33 was amended by Law no. 1263-XIII from 10.29.97)

**Article 34. The Vice-President of the Tribunal**

The vice-president of the tribunal shall simultaneously be the president of the board of the tribunal and exercise the following responsibilities:

- a) Consider cases and chair the court sessions of the board he/she is in charge of, or appoint a judge of the tribunal in this respect;
- b) Form the panels of judges to consider cases;
- c) Administrate, under his/her official responsibilities, the activity of the board and of personnel of the tribunal, organize the activity of the board to ensure considering cases within reasonable period of time;
- d) Request file records from judges to generalize the judicial practice;
- e) Exercises the responsibilities of the president of the tribunal in his/her absence;
- f) Exercises other responsibilities, under law.

(Art. 34 was completed by Law no. 373-XV from 07.19.2001)

**Chapter 4  
THE APPELLATE COURT**

**Article 35. The Appellate Court**

- (1) The place of residence of the Appellate Court of shall be Chisinau municipality.
- (2) The circuit of the Appellate Court shall include the tribunals, under Annex 2, constitutive part of this Law, as well as specialized courts of the state.

(Paragraph 2, Art. 35, was amended by Law no. 762-XIV from 12.24.99)

**Article 36. The Competence of the Appellate Court**

The Appellate Court shall:

- a) Consider cases in the first instance that fall into the limits of its competence under law;
- b) Consider the appeals filed against the decisions rendered in the first instance by the tribunals and specialized courts;
- c) Consider the appeals filed against the decisions rendered by the tribunals on the cases appealed, as well as other cases provided for by law;
- d) Consider, within limits of its competence, cases that are appealed in extraordinary ways;
- e) Generalize the judicial practice;
- f) Solve conflicts of competence arisen between the tribunals;
- g) Exercise other responsibilities, under law.

**Article 37. The Composition of the Appellate Court**

- (1) The Appellate Court shall include:
  - a) Criminal board;
  - b) Civil board;

(Letter c) was repealed by Law no. 970-XIII from 07.24.96)

- (2) Other boards may be created, as the case may be, according to the subject of matter.
- (3) The boards shall be made up of judges of the Appellate Court. The composition of the boards shall be approved by the president of the Court. He/she shall have the right to have, as the case may be, judges from one board to consider cases within another board.
- (4) The boards shall be administrated by the vice-presidents of the Appellate Court.

**Article 38. The Competence of the Boards of the Appellate Court**

The boards of the Appellate Court shall:

- a) Consider, within the limits of their jurisdiction, cases in the first instance, in regime of appeal, recourse, or subject to extraordinary ways of appeal;
- b) Generalize the judicial practice and analyze the judiciary statistics;
- c) Exercise other responsibilities, under law.

**Article 39. The President of the Appellate Court**

- (1) The President of the Appellate Court shall:
  - a) Consider cases and chair the court sessions of the boards;
  - b) Administrate the activity of the Appellate Court and its personnel, organize the activity of the Court to ensure considering cases within reasonable period of time, assign other tasks to judges;
  - c) Establish the responsibilities of the vice-presidents;
  - d) Appoint and remove the employees of the Court's personnel from position;
  - e) Ensure the organizational activity of the Appellate Court, as well as the professional improvement of the judges and civil servants from the Court's personnel;
  - f) Administrate the activity of generalization of the judicial practice and of analyzing the judicial statistics;
  - g) Exercises other responsibilities, under law.
- (2) The responsibilities of the President of the Appellate Court shall be exercised in his/her absence by one of the vice-presidents appointed by him/her.

**Article 40. The Vice-President of the Appellate Court**

The vice-president of the Appellate Court shall simultaneously be the president of the board of the Court and exercise the following duties:

- a) Consider cases and chair the court sessions of the board he/she is in charge of, or appoint a judge of the Appellate Court in this respect;
- b) Form panels of judges to consider cases;
- c) Administrate under his/her responsibilities the activity of the board and Court's personnel;
- d) Request file records from tribunals to generalize the judicial practice;

e) Exercise other responsibilities, under law.  
(Art. 40 was completed by Law no. 373-XV from 07.19.2001)

## **Chapter 5 THE SPECIALIZED COURTS**

### **Article 41. The Specialized Courts**

- (1) The specialized courts are constitutive part of the judicial system.
- (2) The specialized courts are similar in their organization and activity to the tribunals, except for some legislative provisions on the specialized courts.

### **Article 42. The Competence of the Specialized Courts**

The specialized courts shall consider in the first instance the cases that fall into the limits of their competence under law.

## **Chapter 6**

### **THE SUPREME COURT OF JUSTICE**

### **Article 43. The Supreme Court of Justice**

- (1) The Supreme Court of Justice is the supreme court of law that ensures the correct and unitary implementation of laws by all courts of law.
- (2) The organization and functioning of the Supreme Court of Justice shall be regulated by law.

### **Article 44. The Competence of the Supreme Court of Justice**

The Supreme Court of Justice shall:

- a) Consider in the first instance the cases that fall under the limits of its competence under law, as well as the cases appealed by recourse or extraordinary ways of appealing;
- b) Solves conflicts of competence arisen between the courts;
- c) Exercise other responsibilities, under law.

## **TITLE III OTHER ASPECTS OF THE ORGANIZATION OF THE COURTS OF LAW**

### **Chapter 7 THE PERSONNEL OF THE COURTS OF LAW**

### **Article 45. The Structure of the Personnel of a Court of Law**

- (1) Every court shall have a chancellery, archives, service of documentation and administrative service.
- (2) The courts shall be entitled to forces of police, which shall be at their discretion.

- (3) The structure and list of positions of the personnel of a court of law shall be established by the Ministry of Justice.
- (4) The personnel, except for the judicial executors and employees of police, shall be appointed and removed from position by the president of the court.

**Article 46. The Chancellery and Archives**

The chancellery and archives shall ensure the secretariate-related work in the administration of justice, in generalizing the judicial practice, in analyzing the judicial statistics, as well as in other types of work that are necessary to ensure the proper activity of the court.

**Article 47. The Service of Documentation**

- (1) The documentation service shall keep track of the legislation, jurisprudence and administer the library.
- (2) The assistance of documentation shall be exercised by consultants.

**Article 48. The Clerk**

The civil and criminal cases, as well as the administrative cases provided for by law, shall be considered with the participation of the clerk whose rights and obligations shall be established by law.

**Article 49. The Administrative Service**

The administrative service shall be responsible for administering the premises and ensuring proper facilities and conditions that are necessary to enable courts to work, as well as for administering goods.

**Article 50. The Judicial Police**

- (1) The judicial police provided to the discretion authority of the courts by the Ministry of Justice, shall ensure protection of the premises and other goods of the courts, security of judges, of other participants at trial, public order in the headquarters of the court and court sessions; bring them on a compulsory basis to the court; check the people at the entry and exit of the court's headquarters, including the bodily control, under law; provide assistance to the judicial executors; perform other tasks related to the administration of justice .
- (2) Necessary police personnel, the means to keep it up and regulation, shall be approved by the Government, at the proposal of the Ministry of Justice.
- (3) The employees of the judicial police who are subject to the discretion authority of the courts shall be subordinated to the presidents of these courts.

*(Art. 50 was amended by Law no. 474-XIV from 06.25.99)*

**Chapter 8**  
**THE JUDICIAL EXECUTOR**

**Article 51. The judicial executor**

- (1) The judicial executor is the person authorized to execute the judicial decisions, as well as other decisions provided for by law.
- (2) The judicial executors shall work within the Department for the Execution of Judicial Decisions.
- (3) The judicial executors shall be appointed and removed from position by the director of the Department for the Execution of Judicial Decisions under Ministry of Justice.
- (4) Within field subdivisions of the Department for the Execution of Judicial Decisions under Ministry of Justice there shall be created sections and directions administrated by chiefs. .
- (5) In the field subdivision of the Department for the Execution of Judicial Decisions under Ministry of Justice where only one judicial executor works, he/she shall exercise the position of the chief of field subdivision.
- (6) The manner in which the activity is performed, rights and obligations of the judicial executor shall be established by the legislation.

**Article 52. The Mandatory Character of the Judicial Executor's Requests**

The judicial executor' requests regarding the implementation of the judicial decisions, as well as of other decisions provided for by law, shall be mandatory and the failure to execute them shall be held liable, under law.

**Article 53. Position-Related Guarantees**

- (1) Active judicial executor shall be provided with police-related assistance, as the case may be.
- (2) The judicial executor shall be provided with uniform, as specified by law.

**Chapter 9**  
**GENERAL PROVISIONS**

**Article 54. Statistic Information**

The courts shall provide the Ministry of Justice with statistic information on civil, administrative and criminal cases, under the condition specified by the Ministry of Justice.

**Article 55. The Supervision**

- (1) The Ministry of Justice shall supervise judges, tribunals and the Appellate Court as for organizational and financial

issues, as well as the area related to the execution of judicial decisions.

- (2) The supervision over the collection of state taxes shall be performed by the fiscal bodies of the state.
- (3) The exercise of pressure, by the means of supervision, over judges in the justice-administration process, or the limitation of the independence of judges and courts through other methods shall be prohibited.
- (4) The violations discovered are to be eliminated under established manner.

**Article 56. The relations with Foreign Similar Institutions**

The courts shall maintain relations with similar institutions from other states under established manner.

**TITLE IV  
FINAL AND TRANSITORY PROVISIONS**

**Article I**

This law shall go into effect on the date it was published, except for Article 15 and Chapters 3, 4, 5 and 6, which shall go into effect on the 1<sup>st</sup> of January 1996.

**Article II**

The laws and other normative acts shall stay in effect as long as they do not contradict this Law.

**Article III**

The Government shall:

- Conform all its normative acts to this law;
- Submit to Parliament for examination, within 3-month term, the draft laws on: the Superior Council of Magistracy; the Qualification Board; the Disciplinary Board; the Supreme Court of Justice; the judicial authority; some amendments to the Civil Procedure Code, Criminal Procedure Code and to the Code of Administrative Offences; the catalogue of laws and the decisions that are to be repealed;
- Make sure the draft budget for 1996 provide financial resources, taking into account the implementation of this Law;
- at the proposal of the Ministry of Justice, ensure financial support for the Appellate Court, tribunals and courts, as well as provide them with premises, furniture, equipment, transportation and other facilities.

**Article IV**

The courts that exist at the moment this law goes into effect keep functioning until the creation of the new courts of law.

**Article V**

The Supreme Court and the Ministry of Justice shall ensure the continuity of the courts' activity during the judicial reform, and from 1996 - the functioning of all the courts under this Law.

THE CHAIRMAN OF PARLIAMENT

Petru LUCINSCHI