

***Statistical data on complaints, applications and petitions addressed to the Supreme Court of Justice during the 2006 year.***

The examination of the complaints, applications and petitions addressed to the Supreme Court of Justice has been carried out in accordance with the provisions of the Law no. 190-XIII from July 19, 1994 on petitioning; Law no. 789-XIII from 26 March 7, 1996 on The Supreme Court of Justice; Law no. 225-XV from May 30, 2003 on the Civil Procedural Code; Law no. 122-XV from March 14, 2003 on Criminal Procedural Code; Administrative Offences Code from March 29, 1985; The Regulation on organization and functioning of the Supreme Court of Justice, adopted through the Decision no. 34 from October 24, 2003 by the Supreme Court of Justice Plenum.

The registration and the examination of the petitions is carried out according to the provisions of the Instruction on secretarial duties in the Supreme Court of Justice, adopted through the Decision no. 36 from December 22, 2003 by the Supreme Court of Justice Plenum.

During 2006 there have been addressed to the Supreme Court of Justice **3082** complaints, applications, petitions: including – **499** from the central public bodies.

Comparing with the previous year, in 2006 it has been certified a significant increase of the complaints, applications and petitions addressed to the Supreme Court of Justice by 31,7% more (in **2005** there came **2105**).

After the examination of the complaints, applications and petitions according to the content it has been identified that 2639 refer to certain cases:

- **1334** – criminal cases;
- **1201** – civil cases and administrative disputed claims;
- **127** – economic cases;
- **15** – administrative cases.

The rest of them – **443** could be recognized as petitions in accordance with the provisions of the art. 4 of the law on petitioning, among them:

- **25** – on interpreting the legislation application, which are not in the competence of the Supreme Court of Justice (*art. 43 par. (2) of the Law no. 780-XV from December 27, 2001 on legislative acts*);
- **66** – on the date of examining the case;
- **95** – on the results of the examining the appeal;
- **69** – on the informing about the appeal registration;
- **33** – on the date the file came;
- **21** – on the speedy sending of the case to the court;
- **39** – on the requested information which is not related to definite cases;
- **30** – relates to the previous petitions;

- **9** – on giving an audience, **56** – of the petitions contents are not clear.

From **2639** complaints, applications and petitions relating to definite cases:

- **873** complaints, applications and petitions (or 28,32%) – relate to the problem concerning the **appeal against the court decisions**. In this category there enter the petitions, in which the plaintiffs approach different problems, whose examinations are in the competence of other legal bodies, for instance, petitions on the sentence enforcement or (according to the art. 469 of the CPC) petitions which are in the competence of the investigating judge. In some cases by a petition there are appeals against 2 or more court decisions, or from the complaint it is not clear what legal body has examined the case and what decision is being appealed against. There are certain complaints on cases being in the process of examination, in appeal in the Supreme Court of Justice;
- **267** contain explanations on the cases, which at that moment they were in the process of examination in the court of instances or have been already pronounced irrevocable decisions;
- **122** of plaintiffs have addressed with applications concerning the speedy examination of the case. In the majority of these cases the petitions are recognized as groundless, as the plaintiffs make references to the provisions of art. 8 of the Law on petitioning, while they relate to proceeding terms.
- in **18** of them, the problem consists in the fact that the plaintiffs are being **violated their rights** set out by law, while their petitions are being examined;
- **19** complaints, applications and petitions relate to the interpretation of the law on **state tax**. Some plaintiffs make applications not to pay the state tax for making the appeal, which is nit set out in the art. 437 par. (2) of the CPC or to be reimbursed the state tax, because their appeal was not admitted and the case was not examined by the large Board;
- **137** complaints, applications, petitions relate to the examination of matters set out by art. 469 CPC on the sentence enforcement and which is in the competence of the investigating judges within the activity of the body or institution which enforce the sanction;
- **24** – are directly related to certain **cases change**, but they were not lodged in the judicial court which is competent for it examination;
- **836** are applications on **striking** or the **speedy striking the minors** off the judicial acts;
- on the translation of the court decisions;
- in **16** it is requested the presenting of documents or information on rehabilitation;
- in **41** the problem consists in **the fail of enforcing the court decisions**. 11 of them have been readdressed for examination, according to the Enforcement Department;

- **9** relate to **the unsatisfactory work of the court of instances employees;**
- **37** – there have been made objectives against the judge (who are in the competence of the Superior Council of Magistracy), or solicit the judges. 11 from this category have been sent to the Superior Council of Magistracy.

### *The examination of complaints, applications and petitions*

Considering that the majority of complaints, applications and petitions relate to definite cases, they cannot be examined keeping strictly to the Law on petitioning. For this purport, the replies represent to a great extent explanations of the legislative provisions and the way of addressing applications to a competent instance in order to be examined, according to the proceeding and material legislation.

In certain cases the plaintiffs have been delivered the requested information, there have been undertaken measures for a speedy examination of the cases, and the files sent from one court of instance to another consequently, as well as measures to issue the documents concerned.

As for the observance of the **examination terms** it should be mentioned that **2984** (or 96,8%) of complaints, applications and petitions have been examined in terms set out by art. 8 par. (1) of the Law on petitioning.

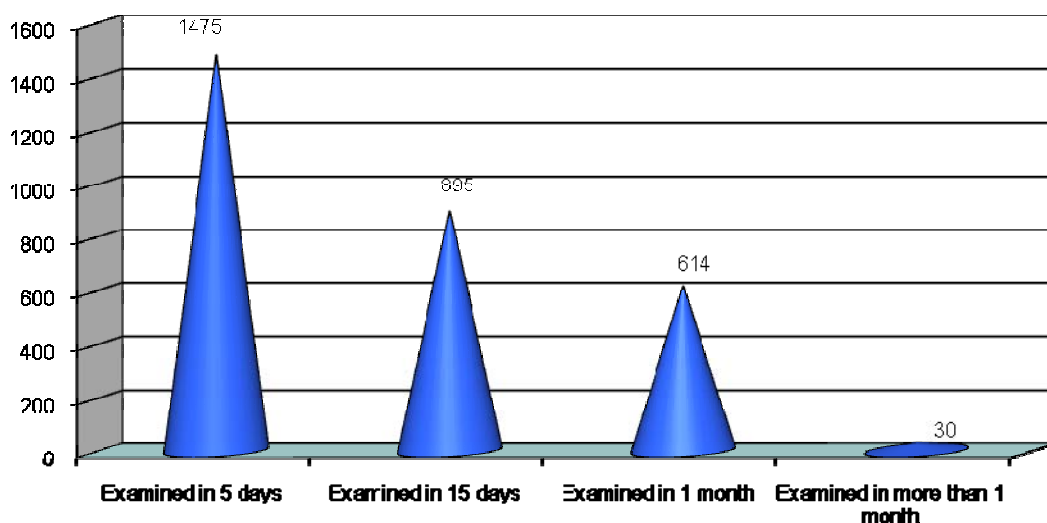
Thus, there have been examined complaints, applications and petitions:

- **614** (or 19,9%) per month;
- **895** (or 29%) in 15 days;
- **1475** (or 47,85%) in 5 days.

There haven't been examined in term only **30** petitions (or 0,97%) from the whole number. It related especially to the applications on provision or translation of the court decisions, that is the ones which are not in the competence of the Law on petitioning.

In the early 2007 – 68 complaints, applications and petitions are being examined and the term has not expired yet.

The observance of the examination term could be described as follows:



The increase of the complaints, applications and petitions on civil cases and administrative disputed claims is due to the fact that it has increased significantly the number of applications on striking the minors off the judicial acts, which is in the competence of the court of instance. In the first half-year of 2006 there have been registered 80 applications of this kind, and in the second half-year – 424 applications.

The increase in number of this category of applications is due to the fact that some plaintiffs put applications in repeatedly. For instance, Mr. Arseni V. with 7 cases of administrative disputed claims having been in the process of examination, put 89 applications in the Supreme Court of Justice on informing the date of the case examination, on providing different documents from the files, on presenting decisions etc.

The greater number of the complaints, applications and petitions on criminal cases relate to the right of convicts to make ordinary and extraordinary appeal in the Supreme Court of Justice, in accordance with the Decision no. 16 from 19.07.2005 of the Constitutional Court on the control of the constitutionality of certain provisions of art. 421, par. (1) art. 433 and par. (3) art. 455 of the Criminal Procedural Code. In the second semester of the year the number of petitions has increased due to the adoption of the Law no. 184 from 29.06.2006 on completions and amendments of the Criminal Code and the Law no. 264-XVI from 28.07.2006 on completions and amendments of the Criminal Procedural Code, stipulating that the parties can make repeal for the benefit of the convict against irrevocable decisions, even if there haven't been applied the ordinary appeal, if the favorable condition of the convict has appeared after the fail of repealing against the decision.