



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF ROȘCA v. THE REPUBLIC OF MOLDOVA

(Application no. 60943/15)

JUDGMENT

Art 8 • Private life • Dismissal of defamation action brought by a former judge against the then President of the Superior Council of Magistrates for public accusations of professional misconduct made in the presence of the press and outside official proceedings • Statements overstepped the limit of acceptable comments • Reasons advanced by the domestic courts not sufficient

Prepared by the Registry. Does not bind the Court.

STRASBOURG

11 December 2025

FINAL

11/03/2026

*This judgment has become final under Article 44 § 2 of the Convention.
It may be subject to editorial revision.*

In the case of Roșca v. the Republic of Moldova,

The European Court of Human Rights (Fifth Section), sitting as a Chamber composed of:

Kateřina Šimáčková, *President*,

Georgios A. Serghides,

Gilberto Felici,

Andreas Zünd,

Diana Sârcu,

Vahe Grigoryan,

Sébastien Biancheri, *judges*,

and Victor Soloveytschik, *Section Registrar*,

Having regard to:

the application (no. 60943/15) against the Republic of Moldova lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Moldovan national, Ms Aliona Roșca (“the applicant”), on 2 December 2015;

the decision to give notice to the Moldovan Government (“the Government”) of the complaint under Article 8 of the Convention and to declare the remainder of the application inadmissible;

the parties’ observations;

Having deliberated in private on 18 November 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present case concerns the protection of the applicant’s reputation as a former judge against public accusations of professional misconduct made by the President at the time of the Superior Council of Magistrates. The applicant relied on Article 8 of the Convention.

THE FACTS

2. The applicant was born in 1977 and lives in Chișinău.
3. The Government were represented by their Agent, Mr D. Obadă.
4. The facts of the case may be summarised as follows.

I. BACKGROUND OF THE CASE

5. After general elections in July 2009, the new government sought to reform the specialised courts. On 22 July 2011 Parliament passed Law no. 163 dismantling the existing economic and military courts. All cases pending before those courts were to be referred to common law courts unless their examination had reached a particular procedural stage. The judges from those courts were to be transferred to other courts.

6. On 9 February 2012 the Constitutional Court declared Law no. 163 unconstitutional, finding that “the dissolution of the specialised courts [had been] disproportionate” and that there had been “no solid institutional reasons” for it.

7. As a result, on 6 March 2012 Parliament repealed Law no. 163 of 22 July 2011 and passed a new law which dismantled the Economic Court of Appeal, renamed the Economic District Court to the Commercial District Court and reduced its jurisdiction to four categories of cases.

8. According to the applicant, of the judges who had worked in the economic courts, only one was transferred to another court, while the others either resigned or were dismissed. Two judges brought their cases before the Court and the Government reopened the domestic proceedings after they had been communicated to the parties (see cases nos. 43482/13 and 57590/14).

II. FACTS CONCERNING THE APPLICANT’S CAREER AS A JUDGE

9. On 22 July 2009 the applicant was appointed as a judge in the Economic District Court.

10. The applicant started her work on 14 September 2009 and six months later she was subjected to her first ordinary assessment (*atestare*) – a procedure for the assessment of judges’ qualifications.

A. First assessment

11. On 26 March 2010 the Qualification Board of the Superior Council of Magistrates (“the Qualification Board”) carried out the assessment procedure, which consisted in the applicant drawing a question card and replying to the questions on it. According to the minutes of the Qualification Board’s meeting, the applicant provided incomplete answers to four questions and no answer to one question. The minutes reflected the questions but not the provided answers. The Qualification Board decided that the applicant had failed her assessment and set a three-month time-limit for a repeated assessment. On 20 April 2010 the Superior Council of Magistrates (“the Council”) validated the decision of the Qualification Board, finding that the applicant had failed the assessment.

12. On 24 September 2010 the Qualification Board heard the applicant again and thereafter approved her passing of the assessment and granted her the requisite qualification grade. On 28 September 2010 the Council validated the decision of the Qualification Board, finding that the applicant had passed the assessment.

B. Control of the applicant's activities as a judge

13. On 4 January 2012 N.C., in his capacity as member of the Council, ordered an early assessment of the applicant. The relevant part of the order (*dispoziție*) read as follows:

“Council member N.C. refers to the Informative Notes of the Judicial Inspection [Board] (*Inspekția Judiciară*) concerning [the following issues].

- [T]he examination results of petition no. 2055 ... concluded that [the applicant] took nine months to deliver a full judgment in case no. ... [The applicant] explained that the delay had been due to the overburdening of the court.

- [T]he examination results of petition no. 2062 ... concluded that [the applicant] took three months to deliver the full text of the decisions in case no. ... [The applicant] explained that the delay had been due to the overburdening of the court and because the judge and the registrar had been on annual leave.

Examining the circumstances described in the petitions and the explanations provided by [the applicant] and verifying the work agenda of [the applicant], I have found that the judge does not schedule hearings on Mondays and Fridays.

[The applicant] was on leave in June 2011 and after her leave she scheduled hearings from 4 July to 12 August 2011. No hearings were scheduled from 12 August to 4 October 2011, which cannot be explained by the overburdening of the court. At the same time, it should be mentioned that in May 2011 [the applicant] adjourned hearings until March 2012.

Although over nine months [the applicant] examined and delivered judgments in 235 cases, which is an average of 25 cases per month, she has not completed the drafting of the full texts in many of the cases taking nine months to do so, in breach of the 15-day time-limit provided [for by law].

In respect of [the second petition, the applicant examined a case before ruling on the payment of court fees].

On the basis of these findings and [the relevant provisions], it is necessary to subject [the applicant] to an early assessment because she does not respect the legal provisions concerning the administration of justice and does not fulfil her professional duties in a satisfactory manner.

[The applicant], also lacking organisational skills in her work, schedules, on certain days, 10 to 15 cases 5 to 20 minutes apart; on Mondays and on Fridays she does not schedule any hearings.

On the basis of the above ... I order:

1. that the judge of the Economic District Court [the applicant] be subjected to an early assessment because she does not fulfil her professional duties in a satisfactory manner, in defiance of legal provisions concerning the administration of justice and in absence of organisational skills in her work; [and]

2. that this proposal be examined by adopting a decision to downgrade/demote [the applicant] ...”

14. On 10 January 2012 the Council examined an Informative Note of the Judicial Inspection Board concerning the implementation of Law no. 163 of

22 July 2011 and adopted decision no. 8/1, the relevant parts of which read as follows:

“Examining the information provided by the Judicial Inspection [Board] on the results of the control carried out at the Economic Court of Appeal and at the Economic District Court ... the Council finds [as follows].

I. [Findings concerning the Economic Court of Appeal]

... It has been found that judges of the Economic Court of Appeal have incorrectly referred certain civil cases to other courts as a result of an incorrect interpretation of [a procedural stage].

II. [At the Economic District Court] the inspecting judges have been presented the files of 681 pending cases for verification, [this number of cases] not corresponding to the information in the court’s chancellery concerning pending cases. This means that there is a lack of clear monitoring by the court’s chancellery of pending and completed cases. ... In such circumstances, the Superior Council of Magistrates assesses as unsatisfactory the activity of the Economic District Court chancellery. ...

Certain deviations from the provisions of Law no. 163 of 22 July 2011 have been identified relating to the divergent interpretation of [a procedural stage] by the judges of the [Economic District Court] and of the Economic Court of Appeal; some judges of the Economic District Court have retained for examination certain civil cases, although the Judicial Inspection [Board] is of the opinion that they should have been referred to other courts.

Irregularities in how the case files were organised in pending cases were also found; for example, in several cases pending before [the applicant] the case files were not properly bound or numbered, the records of the proceedings did not correspond to the requirements set out in the Code of Civil Procedure and there was no table of contents; in other cases pending before [another judge] the files were not prepared after the case had been examined and they were not sent within the statutory time-limit to the appellate court for examination.

The Superior Council of Magistrates ... decides:

1. to take note of the Informative Note of the Judicial Inspection [Board] concerning the results of the control carried out at the Economic Court of Appeal and at the Economic District Court;
2. to consider satisfactory the activity of the Economic Court of Appeal concerning the implementation of Law no. 163 of 22 July 2011;
3. to consider unsatisfactory the activity of the Economic District Court concerning the implementation of Law no. 163 of 22 July 2011;
4. to oblige V.O., President of the Economic District Court, to eliminate the identified deficiencies by 20 February 2012;
5. that the Judicial Inspection [Board] shall be responsible for the enforcement of the present decision; and
6. that the present decision is to be sent for information to all courts.”

C. Disciplinary proceedings in respect of the applicant

15. On the basis of the information reported in the Council meeting of 10 January 2012, a member of the Council, A.A., initiated disciplinary proceedings against the applicant on 23 January 2012.

16. Ruling on this matter, on 24 February 2012 the Disciplinary Board of the Council adopted decision no. 2/2 rejecting the proposal to impose a disciplinary sanction. The relevant parts of the decision read as follows:

“... the Disciplinary Board does not find [the applicant’s] actions to be improper. Examining the submitted materials, the Disciplinary Board finds as follows.

... On 21 and 23 December 2011 [the Judicial Inspection Board] carried out a general control at the Economic District Court to determine how the provisions of Law no. 163 of 22 July 2011 were being implemented, in particular how the cases brought after 12 September 2011 were being referred to competent courts.

In its report issued after the verification of the files attributed to [the applicant], the Judicial Inspection [Board] noted that the files of 120 cases were in disorder (*stare inadmisibilă*), had not been properly bound or numbered and lacked proper records of the proceedings, making it impossible to determine what actions had been undertaken on the relevant cases. It is precisely on these findings that the order to initiate disciplinary proceedings relied.

Hearing [the applicant] and the inspecting judge, the Disciplinary Board could not identify which of the presented files had been in disorder, had not been properly bound, lacked records of the proceedings or had other deficiencies. There are evident contradictions between [the applicant’s version of the events] and that of the inspecting judge [and the applicant] rejected the accusations brought against her ...

There is nothing in the disciplinary file to substantiate the violations reported by the inspecting judges. The Disciplinary Board has not identified in the actions of [the applicant] anything contrary to the [relevant internal instructions]. The Disciplinary Board could not identify the legal norm allegedly breached by [the applicant] which could amount to disciplinary misconduct [under the law].”

17. On 10 April 2012 the Council rejected as time-barred an appeal against the Disciplinary Board’s decision and on 24 April 2012 the Council validated the decision of the Disciplinary Board.

D. Second assessment and the applicant’s resignation

18. The applicant was subjected to an early assessment as requested by N.C. (see paragraph 13 above). On 24 February 2012 the Qualification Board decided that the applicant had failed her assessment and set a four-month time-limit for a repeated assessment. On 13 March 2012 the Council validated the decision of the Qualification Board, finding that the applicant had failed the assessment.

19. On 7 December 2012 the Qualification Board held a meeting to carry out the assessment of the applicant. According to the minutes of the meeting, the applicant took the floor, without being invited to do so, to respond to the

accusations against her but was asked to follow the assessment procedure by drawing a question card. She asked for flexibility and to be allowed to present a report on her activities, arguing that her competence as a judge could not be assessed only on the basis of her reply to the five questions on the card. The members of the Council insisted that she draw a question card and a heated exchange ensued. When a Council member suggested that they take a break before pursuing the procedure, the applicant submitted her resignation “on grounds of pressure” and left the room. The Council took note of her refusal to undergo the assessment procedure.

20. On the same day the applicant submitted a formal resignation request, stating that she had done so “as a result of applied pressure.”

21. On 18 December 2012 the Council took note of the applicant’s resignation letter and accepted it, proposing that the President of the Republic of Moldova issue a decree for her dismissal. According to the minutes of the meeting, the applicant had complained that her assessment file before the Qualification Board had incorrectly shown a significantly lower number of cases on her list of cases to be adjudicated; all her requests to correct the numbers had been ignored by N.C., the Council member who had drawn up a report on her activities. As the Qualification Board had not allowed her to present any information in her defence at its meeting, the applicant concluded that there had been a deliberate action to remove her from serving in the judicial system. A presidential decree for the applicant’s dismissal from her position as judge, issued on the basis of her resignation request, was published in the Official Journal of the Republic of Moldova on 11 January 2013.

III. RELEVANT STATEMENTS

22. After her resignation, the applicant sought a review of the Council’s decisions of 20 April 2010 and 13 March 2012 which had validated the Qualification Board’s decisions concerning her failure to pass the assessment of 26 March 2010 and 24 February 2012 respectively, the annulment of the Qualification Board’s decisions and the fresh examination of her qualifications.

23. On 29 January 2013 the Council examined her request in a meeting which was open to the press. During that meeting, the applicant sought the recusal of the Council president, N.C., noting that he had initiated the assessment in 2012, had asked for her dismissal and had accused her unfairly in the past. According to the minutes of the meeting, the following exchange ensued:

“[The applicant]: ... [I] refer to contradictions in the Council’s decision whose review I am seeking. During my time as judge, I have been overburdened with cases. I was assigned 1,200 cases, virtually the highest number of cases assigned to any judge.

N.C.: Ms Roșca, [your reference to] thousands of cases is misleading to all those present.

N.C. left the room. The Council went into deliberation.”

24. On the same day the media reported on the incident as follows:

“After resigning, a judge is asking for a review of the decisions of the Qualification Board concerning the downgrading [of her position]. A judge from the Commercial District Court is accusing her superiors of putting pressure on her and has had a verbal dispute with the president of the Council.

At the end of last year, the judge resigned, citing pressure from her superiors. This is after her repeated failure to pass an assessment carried out by the Qualification Board. She accused the president of the Council, N.C., of putting pressure on her and today sought his recusal from the examination of her request. She tried to convince the Council that the decisions of the Qualification Board had been erroneous.

Aliona Roșca – judge at the District Comercial Court: ‘During my time as judge, I have been overburdened with cases. I was assigned 1,200 cases, virtually the highest number of cases assigned to any judge.’

N.C., president of the Council: ‘Esteemed madam, please – regarding the thousands of cases: you are not saying [anything] about those 400 cases which you tossed (*futbolit*) to other courts [but claim to have] examined and completed. You have made a recusal request, so let us follow the procedure. I need to leave the room. Please.’

The caustic comments continued between the two outside the door.

[The applicant]: ‘Mr C. sought the downgrading of my position, which in my situation effectively means my dismissal. I was a beginner judge.’

[N.C.]: ‘Ms Roșca, have you been a beginner for five years?’

[The applicant]: ‘Since 2009.’

[N.C.]: ‘For four years you have been a beginner and you need another 30 to remain a beginner, correct?’

[The applicant]: ‘You told me to draft my judgments in 15 minutes. Is that normal for a judge to draft a judgment in 15 minutes? You are accusing me of lying.’

[N.C.]: ‘You are simply talking nonsense (*aiuriți*), pure nonsense. So, Ms Roșca was not coming to work on Mondays and Fridays.’

[The applicant]: ‘Was not coming to work! And I am the one talking nonsense? Mr C., honestly, I will seek a disciplinary investigation into your conduct because you are accusing me of being absent from work.’

The judge’s request was rejected and the decisions of the Qualification Board remained unchanged.”

25. Several media outlets broadcast the exchange between N.C. and the applicant as described in the previous paragraph during their evening news bulletins. Similar information was published on the media websites.

IV. COURT PROCEEDINGS FOR DEFAMATION

26. On 12 February 2013 the applicant filed a preliminary petition against the Council and N.C. in respect of defamation. She referred to N.C.’s statements (see paragraph 24 above), stating that he had insinuated that she

had been untruthful about the number of cases for which she was responsible, that she had behaved unprofessionally when she had allegedly “tossed 400 cases to other courts” and that she had failed to come to work on Mondays and Fridays. The applicant noted that those were statements of fact which did not correspond to reality or were value judgments without any factual basis. She also found it inadequate and unacceptable that language such as “talking nonsense” should be used by a president of the Council in addressing a former judge. The applicant asserted that the statements had denigrated her in front of her former colleagues and in the public opinion in general. She sought their retraction by N.C. and a public apology from him.

27. On 12 March 2013 N.C. replied to the applicant’s preliminary petition. He noted that the statement concerning the 400 cases had been based on the conclusions of the Judicial Inspection Board from December 2011, upheld by the Council’s Decision of 10 January 2012 (see paragraph 14 above). He also referred to the Qualification Board’s decision of 24 February 2012 which had allegedly upheld the conclusion that on Mondays and Fridays and from 12 August to 4 October 2011 the applicant had not scheduled court hearings and had not examined cases but instead scheduled hearings for March 2012. He submitted that “talking nonsense” meant that he disagreed with her statements. He made reference to unrelated circumstances, such as the quashing by the higher court of 102 other decisions issued by the applicant and various discrepancies in the statistical information submitted by the Economic District Court, which allegedly confirmed the applicant’s lack of professionalism.

28. On 15 March 2013 the applicant brought a civil action for defamation against the Council and N.C. in respect of the same statements as in her preliminary petition (see paragraphs 24 and 26 above). She referred to statistical data concerning the number of cases under her responsibility from 2009 to 2011, which ranged from 800 to 1,200 cases per year, and submitted that N.C.’s accusation that she had been untruthful about the numbers had been defamatory. She submitted that N.C.’s statements to the effect that she had been “talking pure nonsense” had been disrespectful to her as a former judge. The statements concerning her absence from work had been baseless and she submitted a work certificate confirming her presence at the workplace.

29. The applicant submitted that neither the Qualification Board nor the Council had ever found that she had irregularly referred cases to common law courts. N.C.’s and the Judicial Inspection Board’s doubts as to the veracity of the economic court’s statistics or as to her work discipline lacked factual basis and remained declaratory. She provided the court with the records of court hearings which she had chaired on Mondays and Fridays and explained that even on the days without scheduled hearings she had been at work, either reading case material or drafting judicial acts. The applicant submitted that the words chosen by N.C. to convey his disagreement with her statements

(that is, “talking nonsense” – *a aiuri*) had been irreverent and derogatory, as that phrase also meant to ramble incoherently, implying that she had been delirious and not thinking clearly.

30. She further submitted that N.C. had depicted her as incompetent allegedly because she had failed her assessment, had been untruthful and unprofessional when she had spoken about her workload and undisciplined when she had allegedly failed to come to work. The applicant concluded that N.C.’s statements had been demeaning.

31. She sought a public statement that she had indeed had the highest number of cases under her responsibility, that she had referred cases to other courts in compliance with legal provisions and that she had not had any unauthorised absences from work. She claimed 163,800 Moldovan lei (equivalent to 10,035 euros) in compensation for non-pecuniary damage.

32. In court, N.C. submitted that his statements had been truthful and had not contained any defamatory elements. He argued that the applicant had been responsible for a similar number of cases as other judges and that she had not proved that she had completed a higher number of cases than her colleagues. He referred to an Informative Note of the Judicial Inspection Board according to which the statistical data at the Economic District Court was allegedly deficient, as several thousand cases remained unaccounted for. He relied on the same Note and in general to the Council’s decisions to support his allegations concerning the improper referral to other courts of cases which should have been retained by the economic court and not referred to common law courts. The statement concerning the applicant’s absence from work was based on N.C.’s personal knowledge, acquired after he had visited that court and the applicant had been absent. N.C. argued that he had seen the applicant’s working agenda, which had not had any hearings scheduled for Mondays and Fridays and that new, incoming cases in June 2011 had been scheduled for March 2012. It was for this reason that he had sought the early assessment of the applicant.

33. On 17 December 2013 the Buiucani District Court rejected the applicant’s claims as ill-founded. The court found as follows:

“On the basis of the evidence presented, the court concludes that the statements made by N.C. in respect of [the applicant] did not denigrate her honour, dignity or professional reputation.

The court finds that, according to the Informative Note of the Judicial Inspection [Board] and to decision no. 8/1 of 10 January 2012 of the Council concerning the assessment of [the applicant], it had been stated that the files presented for control had not been properly bound or numbered and lacked records of hearings. The files had been in disorder, making it impossible to verify which actions had been taken by the judge in the cases on the judge’s roll.

On 4 January 2012 the order for the early assessment of [the applicant] concluded that [the applicant] had not scheduled cases for examination on Mondays and Fridays. It also concluded that the judge had not drafted a judgment within the statutory time-limit

and that from 12 August to 4 October 2011 she had not scheduled and had not examined any cases.

According to statistics submitted to the court, from 2010 to 2011 [the applicant] had examined some 1,260 cases, of which 400 had been referred to competent courts under Law no. 163 of 2011.

Taking into account the fact that the disseminated information had been expressed by the respondent after examining the Council's decision no. 8/1 of 10 January 2012 on the Informative Note concerning the implementation of Law no. 163 of 22 July 2011 and after [the respondent], following the control he had carried out, had issued the order for the early assessment of [the applicant] of 4 January 2012, [the statements made] did not breach the honour, dignity or professional reputation of the applicant.

The court concludes that N.C. did not make the statements in bad faith, but rather relied on documents available to him. At the same time, the court finds that N.C.'s statements were in fact a critique of the applicant in respect of her [work as a judge].

The court finds that statements such as 'you are simply talking nonsense, pure nonsense' cannot be characterised as defamatory because, according to the Romanian explicative dictionary, the phrase used (*a aiuri*) means to talk nonsense, to say absurd things or to spout absurd things. The court considers that [by using it] the respondent passed judgment on the applicant's statements in the hall of the Council."

34. The applicant lodged an appeal against that judgment, submitting that it had failed to clarify whether the impugned statements constituted statements of fact or value judgments and that the documents cited as evidence had failed to corroborate the three factual statements made by N.C. (concerning the number of files under her responsibility, the referral of cases in breach of legal provisions and her absence at work on Mondays and Fridays). The criticism expressed in the Informative Note and in the Council's decision no. 8/1 of 10 January 2012 had been refuted by the subsequent decision of the Disciplinary Board refusing to impose any disciplinary proceedings in respect of the applicant on account of the absence of disciplinary misconduct and by the Council's decisions upholding those findings (see paragraphs 15 and 17 above). The order of 4 January 2012 referring her for early assessment was not relevant as evidence because it had been drafted by N.C. himself and represented his opinion only, without further probative value. Moreover, its content did not support N.C.'s statements either, as it referred to the absence of court hearings on Mondays and Fridays but not to the applicant's absence from work on those days and stated nothing pertinent in respect of the other two points (see paragraph 13 above). The applicant also noted that the statistics used by the first-instance court did not support N.C.'s allegations in any way, as they did not disprove the number of cases for which the applicant had been responsible or prove that the referral of over 400 cases to other jurisdictions had been contrary to the law, as insinuated by N.C. She emphasised that all that the evidence showed was that N.C. had disseminated defamatory information against her, while being well aware that his statements lacked any factual support.

35. On 22 January 2015 the Bălți Court of Appeal rejected the applicant's appeal and upheld the first-instance court's judgment. The court gave reasons identical to those of the first-instance court (see paragraph 33 above).

36. On 10 March 2015 the applicant lodged an appeal on points of law against the appellate judgment. She submitted that the impugned statements had been made by the Council, its president and its Qualification Board in a context of harassment. The language used by N.C. had been insulting and inappropriate given his position as president of the Council. His statements amounted to a personal attack and not value judgments; in any event they lacked a proper factual basis. The dissemination by the president of the Council of public accusations of misconduct in respect of a judge, when those accusations had never been properly discussed and confirmed by the competent authorities, amounted to defamation. She noted that the appellate court had repeated word for word the first-instance judgment, which had not provided a satisfactory reply as to a factual basis for N.C.'s statements.

37. On 3 June 2015 the Supreme Court of Justice rejected the applicant's appeal on points of law. The court upheld the previous judgments, concluding that they had provided a correct assessment of facts and of law. That judgment was final.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

38. The applicant complained that the domestic courts had failed to provide sufficient reasons and to strike a fair balance when they dismissed her claim for the protection of her reputation as part of her right to respect for her private life, provided in Article 8 of the Convention, which reads as follows:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

39. The Court notes that the application is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

A. The parties' submissions

1. *The applicant*

40. The applicant submitted that N.C.'s statements had had no factual basis and that the domestic courts had failed to protect her reputation from his defamatory statements. In particular, she noted that N.C.'s statements amounted to her public denigration by directly or indirectly alleging that she had lacked professionalism, discipline and honesty as a judge. She noted that their effect could still be seen at present in the Government's position in the case and in the opinions expressed by the judges and the Superior Council of Magistrates in the documents supplied by the Government.

41. The applicant further submitted that the statements had not been made by the press or a random person, but by N.C., who at the time had held the position of president of the Superior Council of Magistrates. They could not be seen as acceptable criticism or fair comment on the applicant's professional career as a judge. For this reason, the case was not about balancing the protection under Article 10 of the Convention with the interests of the freedom of the press or of open discussion of matters of public concern, but rather against N.C.'s arguable right to report alleged irregularities in her conduct as a judge.

42. The domestic courts had accepted N.C.'s arguments that the statements had allegedly been based on the applicant's own negligent and unprofessional conduct, as arguably revealed by three items of evidence. The applicant submitted that none of those three documents could have reasonably constituted a valid factual basis for N.C.'s statements. In particular, the information allegedly contained in the Informative Note and the Council's decision no. 8/1 of 10 January 2012 had been found to be unsubstantiated in subsequent disciplinary proceedings before the Council's Disciplinary Board (see paragraph 16 above). The decisions of 2010 and 2012 that she had failed the assessments had not contained any information relevant to the case, had provided no reasons and had not reflected the applicant's performance as a judge, but had merely assessed her answer to the questions on the card she had drawn. The order to subject the applicant to an early assessment could not serve as proper factual basis because the document had been issued by N.C. himself and its contents had never been confirmed objectively. Moreover, none of these documents had contained any information concerning the applicant's alleged absence from work on certain workdays or her allegedly irregular referral of over 400 cases to other jurisdictions.

43. The applicant argued that she had provided evidence to contradict N.C.'s allegations which had not been taken into consideration by the domestic courts. In particular, she submitted statistical reports which reflected her workload and confirmed the low number of cases in which her judicial decisions had been amended or overturned by hierarchically superior courts, especially compared to other judges in the same court (three cases

amended or overruled in 2010 and five cases in 2011). She provided extensive evidence of her presence in court on all workdays and of hearings scheduled on Mondays and Fridays, contrary to N.C.'s allegations.

44. The applicant emphasised the context in which the statements had been made. In particular, she referred to the ongoing reform of specialised courts and to the public and political discourse against such courts and the judges who worked there (see paragraphs 5-7 above). She argued that between 2012 and 2016 there had been a systemic problem concerning the violation of fundamental rights and guarantees of a fair trial in relation to judges from economic courts via decisions delivered by the Council (see paragraph 8 above). The statements in respect of her had been made one month after her resignation "on account of pressure exerted on her" (see paragraphs 19-21 above). She emphasised that public statements of that kind against an acting or former judge made by a Council member or president had been unprecedented in Moldova.

2. The Government

45. The Government contended that the domestic courts' conclusions had not been arbitrary. The courts had found that N.C.'s statements had been an expression of opinion based on documents (the order to subject the applicant to an early assessment, the Council's decision no. 8/1 of 10 January 2012 and the decisions of the Qualification Board of 26 March 2010 and 24 February 2012). N.C. had not made the statements in bad faith and his criticism had generally relied on documents available to him which had proved the applicant's misconduct. The Government reiterated the reasons provided by the domestic courts (see paragraphs 33, 35 and 37 above).

46. In their view, the applicant's arguments exceeded the scope of Article 8 of the Convention and were only revelatory of her personal conflict with N.C.

47. The Government argued that the domestic courts had provided a detailed assessment and had managed to carry out a proper balancing exercise between N.C.'s freedom of expression and the applicant's reputation. While the applicant might have suffered non-pecuniary damage as a result of those statements, it had only been the result of her own "disproportionate deeds". They submitted that the incident had not had an impact on the applicant's legal career, as she had worked subsequently as a lawyer.

B. The Court's assessment

1. General principles

48. The Court reiterates that the right to respect for one's reputation is protected by Article 8 of the Convention as part of the right to respect for private life. In order for Article 8 to come into play, however, an attack on a

person's reputation must attain a certain level of seriousness and in a manner causing prejudice to personal enjoyment of the right to respect for private life (see *Axel Springer AG v. Germany* [GC], no. 39954/08, § 83, 7 February 2012, and *A. v. Norway*, no. 28070/06, § 64, 9 April 2009). On the other hand, Article 8 cannot be relied on in order to complain of a loss of reputation which is the foreseeable consequence of one's own actions, such as, for example, the commission of a criminal offence (see *Axel Springer AG*, cited above, § 83; *Sidabras and Džiautas v. Lithuania*, nos. 55480/00 and 59330/00, § 49, ECHR 2004-VIII; and *Medžlis Islamske Zajednice Brčko and Others*, ([GC], no. 17224/11, § 76, 27 June 2017) or other misconduct entailing a measure of legal responsibility with foreseeable negative effects on "private life" (see *Denisov v. Ukraine* [GC], no. 76639/11, § 98, 25 September 2018).

49. When balancing freedom of expression protected by Article 10 and the right to respect for private life enshrined in Article 8, the Court has applied several criteria. They include the contribution to a debate of general interest; how well known the person concerned is and the subject of the statements; his or her prior conduct; the method of obtaining the information and its veracity; the content, form and consequences of the statements; and the severity of the sanction imposed (see *Axel Springer AG*, cited above, §§ 89-95, and *Perinçek v. Switzerland* [GC], no. 27510/08, §§ 198-99, ECHR 2015 (extracts)). These criteria are not exhaustive and have been transposed and adapted by the Court in the light of the particular circumstances of the cases (see, for example, *Jishkariani v. Georgia*, no. 18925/09, § 46, 20 September 2018, and *Mesić v. Croatia*, no. 19362/18, § 86, 5 May 2022).

50. Where such a balancing exercise has been undertaken, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Delfi AS v. Estonia* [GC], no. 64569/09, §§ 138-39, ECHR 2015, with further references).

2. *Application of the above principles to the present case*

(a) **Subject of the impugned statements and their impact**

51. The Court notes that N.C., in his capacity as president of the Council, made statements in the presence of the press and outside official proceedings which either directly or indirectly implied that the applicant had been untruthful about the workload she had had as a judge and that, while in her position as a judge, she had unlawfully referred numerous cases to other courts and had on a regular basis failed to come to work on Mondays and Fridays (see paragraphs 23, 24 and 32 above). These clear insinuations were serious, were publicly voiced and were widely distributed by various media outlets (see paragraph 25 above). They gave the impression that she had been an unprofessional, unqualified and undisciplined judge. The criticism affected the wider ethical aspect of the applicant's personality and character, as it implied breaches of official duties in the administration of justice and

accusations of intentional misconduct. The applicant's moral values were called into question. The statements, therefore, must have affected her reputation as a legal professional and as a former judge, being capable of causing her prejudice in her subsequent professional and social environment. Accordingly, the accusations attained a requisite level of seriousness, as they could harm the applicant's reputation under Article 8 of the Convention (contrast *Denisov*, cited above, § 129).

52. To assess the balancing exercise carried out by the domestic courts of the competing interests involved in the present case, the Court finds it appropriate to consider the following applicable criteria: the particular context of the statements; how well-known the applicant was and the nature of her prior conduct; the status of the author and of the applicant; the content, form and consequences of the statements; and the method of obtaining the information and its veracity.

(b) Particular context of the statements

53. It appears from the text of the domestic courts' decisions (see paragraphs 33 and 35 above) that those courts did not examine whether the impugned statements concerned a matter of public interest, nor did they take into account the context in which they had been made.

54. The Court notes that the judicial reform which was ongoing at the time of the events prompted a discussion about the performance of the reformed economic courts and, particularly, whether those courts and the judges affiliated with them operated properly. The respect for the rule of law and the professionalism of judges generally constitute matters which affect the public to such an extent that it may legitimately take an interest in them and those issues may attract wide media coverage (see, among other authorities, *mutatis mutandis*, *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, § 103, ECHR 2015 (extracts)).

55. In the circumstances of the present case, the statements were aimed at casting doubt on the applicant's performance, truthfulness and discipline in her performance of her duties as a judge in the economic courts.

56. The Court also notes that the statements were made in a personally tense context for the applicant. She had just resigned from her position as a judge, citing long-term pressure and conflict with the Council (see paragraphs 18-21 above), manifested by a failed assessment procedure (see paragraphs 11-12 above) and accusations of misconduct by N.C. as president of the Council, which were followed up by disciplinary proceedings against the applicant (see paragraphs 15-17 above). On 29 January 2013 the applicant appeared before the Council, requesting a review of the decisions concerning her failed assessment, in essence seeking to redeem her reputation. In those proceedings she voiced her distrust of N.C. and requested his recusal. It is at this point that N.C. interrupted the applicant and questioned the truthfulness of her statements concerning her workload and, leaving the Council room for

his colleagues to deliberate on the question of his recusal, N.C. continued making his statements in front of the press (see paragraphs 23-24 above).

(c) How well-known the applicant was and the applicant's conduct prior to the dissemination of the impugned statements

57. The Court considers that the applicant had not been a public figure before N.C.'s comments made in respect of her in front of the press on 29 January 2013. The Government did not argue to the contrary and the Court finds no reason to conclude that the applicant had in any way knowingly entered the public sphere.

58. The Court also notes that N.C.'s comments concerned the professional activity of a judge, who may as such be subject to personal criticism within the permissible limits, and not only in a theoretical and general manner, and may be subject to wider limits of acceptable criticism than ordinary citizens when acting in his or her official capacity (see *Morice v. France* [GC], no. 29369/10, § 131, ECHR 2015, and *Panioglu v. Romania*, no. 33794/14, § 113, 8 December 2020).

(d) The status of the author and of the applicant

59. The statements were made by N.C., who at the time of the events was acting president of the Council, the highest State authority responsible for the self-governance of judges, their career, including their appointment, dismissal and disciplinary proceedings, and the guarantor of judicial independence. His statements concerning the applicant's career as a judge were clearly capable of causing greater harm to her reputation as a former judge by making her career the object of derision and damaging her credibility (see *Mesić*, cited above, §§ 84, 102 and 109).

60. The Court has emphasised in the past the importance of freedom of expression for high-ranking officials, but it has also recognised that their words carry more weight (*ibid.*, §§ 103-10). The Convention cannot be interpreted to require individuals to tolerate being publicly accused of misconduct by government officials, who are expected by the public to possess verifiable information concerning those accusations, without such statements being supported by facts (see, *mutatis mutandis*, *Jishkariani*, cited above, §§ 59-62).

61. The debate and the impugned statements did not concern the applicant's private life, but rather her professional activities during the time when she was a judge. The Court has on many occasions emphasised the special role in society of the judiciary, which, as the guarantor of justice, a fundamental value in a law-governed State, must enjoy public confidence if it is to be successful in carrying out its duties (see, *mutatis mutandis*, *Prager and Oberschlick v. Austria*, 26 April 1995, § 34, Series A no. 313).

62. Bearing in mind N.C.'s position as a judge, the Court reiterates that it can be expected of public officials serving in the judiciary that they should

show restraint in exercising their freedom of expression in all cases where the authority and impartiality of the judiciary are likely to be called in question (see *Baka v. Hungary* [GC], no. 20261/12, § 164, 23 June 2016). The judicial authorities are required to exercise maximum discretion and that discretion should dissuade them from making use of the press, even when provoked. It is the higher demands of justice and the elevated nature of judicial office which impose that duty (see *Panioglu*, cited above, § 114).

(e) The content, form and consequences of the statements

63. The Court observes that N.C.'s statements contained serious allegations of misconduct on the part of the applicant during her career as a judge (see paragraph 23 above). In this regard, the Court reiterates that there is a distinction to be made between statements of fact and value judgments. The existence of facts can be demonstrated, whereas the truth of value judgments is not susceptible of proof (see *Jerusalem v. Austria*, no. 26958/95, §§ 42-43, ECHR 2001-II, and *Radio Broadcasting Company B92 AD v. Serbia*, no. 67369/16, § 83, 5 September 2023).

64. The domestic civil courts concluded that the impugned statements had constituted N.C.'s "critique of the applicant for her [work as a judge]" and "judgment on the applicant's statements in the hall of the Council" and that they had arguably had a valid factual basis in a list of cited documents to which N.C. had had access and, therefore, they had not been defamatory (see paragraph 33 above).

65. However, the Court finds that N.C. not only expressed his opinion about the applicant's work and statements but went further by attempting to discredit the applicant as a person to be trusted by denying the truthfulness of her description of her workload, by making factual statements about her allegedly irregular judicial decisions on hundreds of cases and about her allegedly unauthorised absence from work. The veracity of these statements of fact and the existence of a factual basis for N.C.'s value judgment on the applicant's professionalism will be analysed below (see paragraphs 68-73 below).

66. As regards the form of the statements, the Court notes that N.C. used belittling and disrespectful terms (*a aiuri*, *a futboli*). The domestic courts referred to the definition provided by the Romanian explicative dictionary to the phrase *a aiuri* (see paragraph 33 above) but never assessed its connotations of disrespect. There is nothing to suggest that N.C. could not have expressed his views against the applicant without using the impugned language. By personally insulting the applicant, N.C. made no contribution to a debate on a matter of public interest and went beyond the limits of acceptable criticism. The Court reiterates that N.C. made the statements in question in public Council proceedings in which the applicant attempted to redeem her reputation and then directly to the press, being widely distributed by various media outlets (see paragraphs 23-25 above).

67. As to the consequences of the allegations above being passed on to the public, the Court considers that there can be little doubt that when considered cumulatively and against the background of the specific context in which they were made (see paragraphs 54-56 above), the allegations cast the applicant in a very negative light and were liable to portray her as a person who was disrespectful of the rule of law, untruthful and unprofessional.

(f) The method of obtaining the information and its veracity

68. The domestic courts concluded that the factual basis of the statements was found in four documents: the Council's decisions of 2010 and 2012 concerning the applicant's failure to pass her assessment (see paragraphs 11 and 18 above), the order issued by N.C. on 4 January 2012 to subject the applicant to an early assessment (see paragraph 13 above), and the Council's decision of 10 January 2012 (see paragraph 14 above).

69. While all four documents refer to a certain extent to the applicant's judicial career and performance, the issue is to what extent they corroborated N.C.'s statements made on 29 January 2013.

70. In that regard, the Court notes that the Council's decisions concerning the applicant's failure to pass the assessment could constitute a factual basis for an opinion on the applicant's performance in general. However, those decisions do not contain any description of facts or reasons corroborating any of the very precise allegations made by N.C. in respect of the applicant concerning her workload, irregular judicial decisions or absence from work. The Court notes that shortly after the applicant's second assessment, a new assessment procedure was introduced on 14 December 2012 (Law no. 157), which required that decisions concerning the assessment provide reasons and a detailed factual description of the judge's performance and deficiencies.

71. Furthermore, in respect of the order for the early assessment of the applicant, the Court observes that its only element remotely relevant to the impugned statements concerned the applicant's work schedule. Even so, the order did not mention the applicant's absence from work but merely referred to the fact that she did not schedule hearings on certain workdays. At the same time the Court emphasises that the source of that document was N.C. himself and neither the domestic courts nor the Government provided any information as to whether the findings in that document had ever been verified and confirmed.

72. Lastly, in respect of the Council's decision of 10 January 2012, the Court likewise finds that its text did not concern nor corroborate any of the accusations made by N.C. Moreover, the findings which related to the applicant (the condition of the case files) had been subjected to the review of the Council's Disciplinary Board, which found that it lacked a factual basis (see paragraphs 16-17 above).

73. Against this background and bearing in mind the principles established by the Court when balancing rights and freedoms under Articles 8

and 10 of the Convention, the Court cannot accept the finding of the domestic courts that N.C. had shown due diligence in attempting to verify the veracity of the claims he had made. While N.C. made various accusations in respect of the applicant, none of those were ever found to have any valid factual basis or confirmed in proper proceedings by competent authorities. Nor was he in possession of other verified information against the applicant. Therefore, accusing the applicant of misconduct, unprofessionalism and untruthfulness without any valid factual basis cannot be considered to be an effort living up to the standard of due diligence.

(g) Conclusion

74. Accordingly, while the professionalism of judges in the context of judicial reform is a matter of general interest and the courts are not immune from criticism, a member of the judiciary, such as N.C., should show restraint in exercising freedom of expression in all cases where the authority of the judiciary is called into question. By implying that the applicant had been absent from work, had been untruthful about her workload and had unlawfully disposed of hundreds of cases as though these were established facts, when they were, rather, mere speculation on the part of N.C., the statements overstepped the limit of acceptable comments. Furthermore, by using disrespectful language towards the applicant personally, N.C. made no contribution to a debate on a matter of public interest and went beyond the limits of acceptable criticism.

75. In the light of the findings above and taking into account the nature of the allegations in the present case, the Court finds that the reasons advanced by the domestic courts to protect N.C.'s right to freedom of expression were not sufficient to outweigh the applicant's right to respect for her reputation.

There has accordingly been a violation of Article 8 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

76. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

77. The applicant claimed 100,000 euros (EUR) in respect of non-pecuniary damage. In respect of pecuniary damage she claimed 15,018 Moldovan lei ((MDL) equivalent to EUR 775) and EUR 45 to cover domestic court fees, postal expenses and translation fees. The applicant submitted invoices and receipts for all sustained costs and expenses.

78. The Government submitted that the applicant had failed to properly substantiate her claims in respect of pecuniary damage and for costs and expenses. They considered her claims in respect of non-pecuniary damage

excessive in the light of awards usually made by the Court in similar cases. The Government contended that “the applicant’s misconduct and the damage to the authority of justice” justified the Court in concluding that the mere finding of a violation was sufficient just satisfaction.

79. The Court awards the applicant EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

80. According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum. In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award the sum of EUR 820 covering costs under all heads, plus any tax that may be chargeable to the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* there has been a violation of Article 8 of the Convention;
3. *Holds*
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into Moldovan lei at the rate applicable at the date of settlement:
 - (i) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 820 (eight hundred and twenty euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 11 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Victor Soloveytchik
Registrar

Kateřina Šimáčková
President