



# Republic of Moldova

## Ratified the European Convention on Human Rights in 1997

### National Judge: Valeriu Gritco

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judges: Tudor Pantîru (1996-2001), Stanislav Pavlovschi (2001-2008), Mihai Poalelungi (2008-2012)

[List of judges of the Court since 1959](#)

The Court dealt with 902 applications concerning the Republic of Moldova in 2018, of which 858 were declared inadmissible or struck out. It delivered 33 judgments (concerning 44 applications), 27 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2017	2018	2019*
Applications allocated to a judicial formation	755	813	366
Communicated to the Government	67	55	89
Applications decided:	650	902	476
- Declared inadmissible or struck out (Single Judge)	618	821	354
- Declared inadmissible or struck out (Committee)	14	32	94
- Declared inadmissible or struck out (Chamber)	1	5	1
- Decided by judgment	17	44	27

\* January to July 2019

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2019	
Total pending applications*	1156
Applications pending before a judicial formation:	1076
Single Judge	64
Committee (3 Judges)	399
Chamber (7 Judges)	613
Grand Chamber (17 Judges)	0

\*including applications for which completed application forms have not yet been received

## Republic of Moldova and ...

### The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **643** Registry staff members.

## Noteworthy cases, judgments delivered

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### Grand Chamber

#### Cases on inhuman or degrading treatment (Article 3)

##### [Mozer v. the Republic of Moldova and Russia](#)

23.02.2016

The case concerned the detention of a man suspected of fraud, as ordered by the courts of the self-proclaimed "Moldavian Republic of Transdnistria" (the "MRT").

No violation of Article 3 by the Republic of Moldova, and violation of Article 3 by Russia

No violation of Article 5 § 1 (right to liberty and security) by the Republic of Moldova, and violation of Article 5 § 1 by Russia

No violation of Article 8 (right to respect for private and family life) by the Republic of Moldova and violation of Article 8 by Russia

No violation of Article 9 (freedom of thought, conscience and religion) by the Republic of Moldova and violation of Article 9 by Russia

No violation of Article 13 (right to an effective remedy) in conjunction with Articles 3, 8 and 9 by the Republic of Moldova and violation of Article 13 in conjunction with Articles 3, 8 and 9 by Russia

The Court further held that the facts complained of fell within the jurisdiction of both the Republic of Moldova and of Russia.

##### [Paladi v. Republic of Moldova](#)

10.03.2009

Extended pre-trial detention of Ion Paladi, former Deputy Mayor of Chişinău, and the failure to provide him with the medical treatment required by his serious health condition.

Violation of Article 3

Violation of Article 5 § 1 (right to liberty and security)

Violation of Article 34 (right of individual petition)

##### [Ilaşcu and Others v. Republic of Moldova and Russia](#)

08.07.2004

Convicted of a number of terrorist-related offences in 1993, the applicants, among them Ilie Ilaşcu, the local leader of the Moldovan Popular Front opposition party, were detained for several years in the unrecognised entity known as "Moldovan Republic of Transdnistria", where they were subjected to ill-treatment.

Several violations of Article 3 by Moldova and Russia

Violations of Article 5 (right to liberty and security) by Moldova and Russia

## Other noteworthy cases, judgments

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##### [Buzadji v. the Republic of Moldova](#)

05.07.2016

The case concerned a businessman's detention pending trial for ten months. In July 2006 a criminal investigation was initiated against Mr Buzadji, the director of a State company supplying liquefied gas, concerning an alleged unsuccessful attempt to defraud the company. He was arrested in May 2007 and placed in detention pending trial. His detention on remand was extended on a number of occasions, until July 2007 when the courts accepted Mr Buzadji's request to be placed under house arrest. He remained under house arrest until March 2008 when he was released on bail and was eventually acquitted of all the charges for which he had been detained.

Violation of Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial)

##### [Catan and Others v. Republic of Moldova and Russia \(nos. 43370/04, 8252/05 and 18454/06\)](#)

19.10.2012

Complaint by children and parents from the Moldovan community in Transdnistria about the effects of a language policy adopted in 1992 and 1994 by the separatist regime forbidding the use of the Latin alphabet in schools and the subsequent measures taken to enforce the policy.

Those measures included the forcible eviction of pupils and teachers from Moldovan/Romanian-language schools as well as forcing the schools to close down and reopen in different premises.

[No violation of Article 2 of Protocol No. 1 to the Convention \(right to education\) in respect of the Republic of Moldova](#)

[Violation of Article 2 of Protocol No. 1 in respect of Russia](#)

### **Tănase v. Republic of Moldova**

27.04.2010

Mr Tănase is a Moldovan politician who took up the office of Justice Minister in September 2009. Holding also Romanian citizenship, his case concerned the introduction in 2008 of a law prohibiting Moldovan nationals who held other nationalities and had not started a procedure to renounce those nationalities to take their seats as members of Parliament following their election.

[Violation of Article 3 of Protocol No. 1 \(right to free elections\)](#)

### **Guja v. Republic of Moldova**

12.02.2008

Mr Guja was dismissed from the Prosecutor General's Office for providing the press with two documents which disclosed interference by a high-ranking politician in pending criminal proceedings. The Court considered in particular that the public interest in being informed about undue pressure outweighed the interest in maintaining public confidence in the Prosecutor General's Office.

[Violation of Article 10 \(freedom of expression\)](#)

## Noteworthy cases, judgments delivered

### Chamber

#### **Cases dealing with the right to life (Article 2)**

### **Pisari v. the Republic of Moldova and Russia**

21.04.2015

Question of State responsibility for the actions of a Russian soldier at a peacekeeping checkpoint in Moldova which

resulted in the death of a young man, Vadim Pisari.

The checkpoint in question was situated in the security zone put in place following an agreement to end the military conflict in the Transdnestrian region of Moldova in 1992 and was under the command of Russian soldiers. The case also concerned the manner in which the subsequent investigation into his death was run.

[Violation of Article 2](#)

### **Iorga v. Moldova**

23.03.2010

Ineffectiveness of the investigation into the death of the applicant's son whose body was found hanging from a tree near the military unit where he had been performing his military service.

[Violation of Article 2 – investigation](#)

#### **Cases concerning prohibition of inhuman or degrading treatment (Article 3)**

### **Pocasovschi and Mihaila v. the Republic of Moldova and Russia**

29.05.2018

The case concerned the applicants' complaint about being held in poor conditions in a Moldovan prison whose electricity and water had been cut off by the separatist "Moldavian Republic of Transdnestria" (the "MRT").

[Violation of Article 3](#)

[Violation of Article 13 \(right to an effective remedy\) in respect of the first of the two applicants by Moldova](#)

[The case was declared inadmissible as concerned Russia.](#)

### **Valentin Baştovoi v. the Republic of Moldova**

28.11.2017

The case concerned the conditions of Mr Baştovoi's detention in Chişinău Prison no. 13 and the lack of an effective remedy in domestic law in respect of inhuman or degrading conditions of detention.

[Violation of Article 3](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

**Eremia and Others v. the Republic of Moldova**

28.05.2013

Complaints by a mother and her two daughters about the Moldovan authorities' failure to protect them from the violent and abusive behaviour of their husband and father, a police officer.

Violation of Article 3 (prohibition of inhuman and degrading treatment) in respect of Ms Lilia Eremia

Violation of Article 8 (right to respect for private and family life) in respect of her two daughters

Violation of Article 14 (prohibition of discrimination) read in conjunction with Article 3 in respect of Ms Lilia Eremia

**I.G. v. Republic of Moldova**  
**(no. 53519/07)**

15.05.2012

Alleging that in 2004, at the age of fourteen, she was raped by an acquaintance, the applicant complained that the authorities had not investigated her allegations effectively and that the requirement of corroborative evidence of resistance had been discriminatory against her.

Violation of Article 3 (investigation)

**Cases concerning ill-treatment inflicted by State officials and/or detention conditions**

**Gavriliță v. the Republic of Moldova**

22.04.2014

Police violence and unlawful detention, as complained of by the two applicants.

Violation of Article 3 for both applicants

Violation of Article 5 § 1 (right to liberty and security) in respect of Victor Gavriliță

**Mitrofan v. Republic of Moldova**

15.01.2013

Applicant's complaint of the detention conditions in a prison in Chișinău where he was held for more than seven months, in particular overcrowding and poor hygienic conditions.

Violation of Article 3 (conditions of detention)

Violation of Article 6 § 1

Violation of Article 13

**Eduard Popa v. Republic of Moldova**

12.02.2013

Concerned a detainee who complained that ill-treatment inflicted on him by police officers had endangered his life and left him with a severe disability.

Violation of Article 2 (right to life/lack of effective investigation)

Violation of Article 3 (prohibition of torture/lack of effective investigation)

**Sochichiu v. Republic of Moldova**

15.05.2012

Arrested on suspicion of fraud in January 2007 and subsequently placed under house arrest for 150 days without having been convicted, the applicant complained that he had been ill-treated by the police during his arrest and that the authorities had failed to effectively investigate his allegations.

Violation of Article 3 (treatment and investigation)

**Plotnicova v. Republic of Moldova**

15.05.2012

Convicted of fraud and sentenced to ten years' imprisonment in July 2005, the applicant complained about the conditions of her pre-trial detention, in particular that she had not been provided with sufficient medical assistance and that the food was inedible.

Violation of Article 3 (treatment)

Violation of Article 6 § 3

**Culev v. Republic of Moldova**

17.04.2012

Serving a prison sentence in Chișinău, the applicant, complained about the inhuman conditions of his detention, in particular on account of overcrowding.

Violation of Article 3 (prohibition of inhuman or degrading treatment)

**Arseniev v. Republic of Moldova**

20.03.2012

The applicant complained about the inhuman conditions of his detention since 2003, notably on account of severe overcrowding, quantity and quality of food and hygiene. He alleged in particular that, detained in those conditions for up to 23 hours per day, his psychiatric health had suffered.

Violation of Article 3

### **Buzilo v. Republic of Moldova**

21.02.2012

M. Buzilo complained that, in November 2006, the police had beaten him severely in a police station to which he had been taken on suspicion of theft, and that there had been no effective investigation into his related complaints.

[Violation of Article 3 \(investigation\)](#)

### **Ciorap v. Republic of Moldova (no. 2)**

20.07.2010

The case concerned Mr Ciorap's complaints that the police tortured him in detention and left him for days on end in appalling custody conditions and without urgent medical help.

[Violation of Article 3 \(prohibition of inhuman and degrading treatment\)](#)

### **Pădureț v. Republic of Moldova**

05.01.2010

Taken to a police station in March 2000 for questioning in connection with a robbery, Mr Pădureț was subjected to torture while in police custody; the authorities failed to carry out an effective investigation into his ill-treatment, thus allowing the perpetrators to escape responsibility.

[Violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

### **Cases concerning Article 5 (right to liberty and security)**

#### **Ozdil and Others v. the Republic of Moldova**

11.06.2019

The case concerned the disguised extradition of five Turkish nationals sought by the Turkish authorities for alleged ties with the Fethullah Gülen movement.

[Violation of Article 5 § 1](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

The Court further declared the complaint under Article 6 § 1 (right to a fair trial) inadmissible.

### **Cases concerning Article 6**

#### **Right to a fair trial**

#### **Topal v. the Republic of Moldova**

03.07.2018

The case concerned judicial proceedings relating to the pension entitlement of Mr Topal, a former President of the Gagauz Republic. During the proceedings, the People's Assembly of Gagauzia set aside the local law (no. 36-XIX/II) on which Mr Topal was basing his claims. The applicant's case was dismissed by the domestic courts on the grounds that there was no longer any basis for it.

[Violation of Article 6 § 1](#)

#### **Lebedinschi v. the Republic of Moldova**

16.06.2015

The case concerned a lack of reasoning in court decisions.

[Violation of Article 6 § 1](#)

#### **Right of access to court**

#### **Urechean and Pavlicenco v. the Republic of Moldova**

02.12.2014

The two applicants, politicians of opposition parties at the time of the facts, complained that they could not bring libel actions against the then president of their country on account of his immunity.

[Violation of Article 6 § 1](#)

### **Cases concerning the right to private and family life (Article 8)**

#### **Otgon v. the Republic of Moldova**

25.10.2016

The case concerned Ms Otgon's complaint about the amount of damages awarded to her by the courts after she drank infested tap water. As a result, she had spent two weeks in hospital with dysentery.

[Violation of Article 8](#)

#### **Radu v. the Republic of Moldova**

15.04.2014

Complaint by Ms Radu about a State-owned hospital's disclosure of sensitive information about her health to her employer.

[Violation of Article 8](#)

### **Ciubotaru v. Republic of Moldova**

27.04.2010

Wishing to have his ethnicity changed in his identity card from "Moldovan" to "Romanian" as he did not consider himself an ethnic Moldovan, Mr Ciubotaru's request was refused by the authorities since his parents had not been recorded as ethnic Romanians in their birth and marriage certificates.

[Violation of Article 8](#)

#### **Inadmissibility decision**

### **Calancea and Others v. the Republic of Moldova**

01.03.2018

The case concerned the presence of a high-voltage power line crossing the land of Mr and Mrs Calancea and their neighbour, Mr Cocieru.

[Application declared inadmissible](#)

#### **Freedom of thought, conscience and religion (Article 9)**

### **Metropolitan Church of Bessarabia and Others v. Republic of Moldova**

13.12.2001

The Metropolitan Church of Bessarabia, an Orthodox Christian church, was refused recognition by the authorities on the ground that it had split up from the Metropolitan Church of Moldova, which was recognised by the State. The Metropolitan Church of Bessarabia and a number of individuals holding positions in that Church complained of that refusal, claiming that without recognition a religious denomination could not be active on Moldovan territory.

[Violation of Article 9 \(freedom of religion\)](#)

[Violation of Article 13 \(right to an effective remedy\)](#)

#### **Cases on freedom of expression (Article 10)**

### **Mătăsar v. the Republic of Moldova**

15.01.2019

The case concerned the applicant's conviction for demonstrating in front of the Prosecutor General's Office with obscene sculptures. His sculptures likening public officials to genitals were intended to draw

attention to corruption and political control over the Prosecutor's Office. The courts found that his actions had been "immoral" and offensive for the senior prosecutors and politicians he had targeted. He was given a two-year suspended prison sentence.

[Violation of Article 10](#)

### **Guja v. the Republic of Moldova (no. 2)**

27.02.2018

The case concerned the applicant's allegation of a continuing violation of his right to freedom of expression after an incident of whistle-blowing, despite a previous Grand Chamber judgment in his favour (*Guja v. Moldova*).

[Violation of Article 10](#)

### **Manole and Others v. Republic of Moldova**

17.09.2009

The applicants complained about the censorship of the television and radio station, Teleradio-Moldova.

[Violation of Article 10](#)

#### **Freedom of assembly and association cases (Article 11)**

### **Genderdoc-M v. Republic of Moldova**

12.06.2012

Banning of a demonstration that Genderdoc-M, a non-governmental organisation, had planned to hold to encourage laws for the protection of sexual minorities from discrimination.

[Violation of Article 11](#)

[Violation of Article 13 \(right to an effective remedy\) in conjunction with Article 11](#)

[Violation of Article 14 \(prohibition of discrimination\) in conjunction with Article 11](#)

### **Brega and others v. Republic of Moldova**

24.01.2012

The applicants, members of a Chişinău-based non-governmental organisation which lobbies for freedom of expression and the right to free assembly, complained about their arrests during a number of protests in Chişinău between March 2008 and February 2009.

[Violation of Article 5 § 1 \(right to liberty and security\)](#)

## Violation of Article 11

### Pilot judgments<sup>1</sup>

#### [Olaru and Others v. the Republic of Moldova](#)

28.07.2009

The applicants complained that court decisions awarding them social housing had not been enforced.

Structural problem: Moldovan social housing legislation bestowed privileges on a very wide category of persons. However, because of chronic lack of funds available to local governments, final judgments awarding social housing were rarely enforced.

The Court, deciding to adjourn all similar cases, held that, within six months from the date on which the judgment became final, the Moldovan State had to set up an effective domestic remedy for non-enforcement or delayed enforcement of final domestic judgments concerning social housing and, within one year from the date on which the judgment became final, grant redress to all victims of non-enforcement in cases lodged with the Court before the delivery of the present judgment.

Following this pilot judgment, the Moldovan Government reformed its legislation by introducing a new domestic remedy in July 2011 against non-enforcement of final domestic judgments and unreasonable length of proceedings.

Follow up decision on the admissibility

#### [Balan v. the Republic of Moldova](#)

24.01.2012

New domestic remedy introduced in Moldova against non-enforcement of final domestic judgments and unreasonable length of proceedings, following the Court's

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<sup>1</sup> The pilot judgment procedure was developed as a technique of identifying structural problems underlying repetitive cases against many countries and imposing an obligation on member States to address those problems. Where the Court receives several applications that share a root cause, it can select one or more for priority treatment under the pilot procedure. In a pilot judgment, the Court's task is not only to decide whether a violation of the Convention occurred in the specific case but also to identify the systemic problem and to give the Government clear indications of the type of remedial measures needed to resolve it.

pilot judgment in the above-mentioned case *Olaru and Others v. Moldova*.

The Court concluded that Mr Balan had not instituted the new domestic remedy in Moldova, as he had been required, and therefore rejected his application for non-exhaustion of domestic remedies.

### Cases concerning property rights (Article 1 of Protocol No. 1)

#### [Sandu and Others v. the Republic of Moldova and Russia](#)

17.07.2018

The case concerned complaints by 1,646 individual Moldovan applicants and three companies that they had not been able to access land in the separatist region of the "Moldovan Transdniestrian Republic" ("the MRT") or had suffered other restrictions.

Violation of Article 1 of Protocol No. 1 by Russia

Violation of Article 13 (right to a remedy) by Russia

It found no violation of either Article by the Republic of Moldova.

#### [Dacia v. Republic of Moldova](#)

18.3.2008

The applicant company, a four-star hotel, the "Dacia", in Chişinău, complained about the annulment of its privatisation and the unfairness of the ensuing legal proceedings.

Violation of Article 1 of Protocol No. 1  
Violation of Article 6 § 1 (right to a fair hearing)

### Right to education cases (Article 2 of Protocol No. 1)

#### [Iovcev and Others v. the Republic of Moldova and Russia](#)

17.09.2019

The case concerned complaints about pressure that had been brought to bear in 2013-14 by the authorities of the self-proclaimed "Moldavian Republic of Transdniestria" (the "MRT"), on four Romanian/Moldovan-speaking schools in that Region which used the Latin alphabet. The applicants were five pupils, three parents and 10 members of staff of those schools.

Violation by Russia of Article 2 of Protocol No. 1 in respect of 8 applicants (5 pupils

and 3 parents of pupils in the schools concerned)

Violation by Russia of Article 8 (right to respect for private life) in respect of 10 applicants (staff members of the schools concerned) on account of harassment by the "MRT" authorities

Violation by Russia of Article 5 § 1 (right to liberty and security) in respect of 3 applicants (staff members of one of the schools concerned)

Violation by Russia of Article 8 (right to respect for private and family life) on account of searches imposed on 3 applicants (staff members of one of the schools concerned) and the seizure of their property by the "MRT" authorities

No violation by the Republic of Moldova of Article 2 of Protocol No. 1 (right to education) to the Convention in respect of 8 applicants (5 pupils and 3 parents of pupils in the schools concerned)

No violation by the Republic of Moldova of Article 8 (right to respect for private life) in respect of 10 applicants (staff members of the schools concerned) on account of alleged harassment by the "MRT" authorities

No violation by the Republic of Moldova of Article 5 § 1 (right to liberty and security)

in respect of 3 applicants, staff members in one of those schools

No violation by the Republic of Moldova of Article 8 (right to respect for private and family life) on account of searches imposed on 3 applicants (staff members of one of the schools concerned) and the seizure of their property by the "MRT" authorities

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## Noteworthy pending case

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### **Ialtexgal Aurica S.A. v. Republic of Moldova (no. 16000/10)**

Case [communicated](#) to the Government in September 2015

The applicants complain about the allegedly unreasonable length of domestic proceedings or the failure of the Moldovan authorities to execute final judgments within a reasonable time. They also complain about the ineffectiveness of the new domestic remedy introduced following the pilot judgment *Olaru and Others v. Republic of Moldova* of 28 July 2009.

They further rely on Articles 6 (right to a fair hearing) and 13 (right to an effective remedy) of the Convention, as well as Article 1 of Protocol No. 1 (protection of property) to the Convention.

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