

**ANALYTICAL
NOTE**

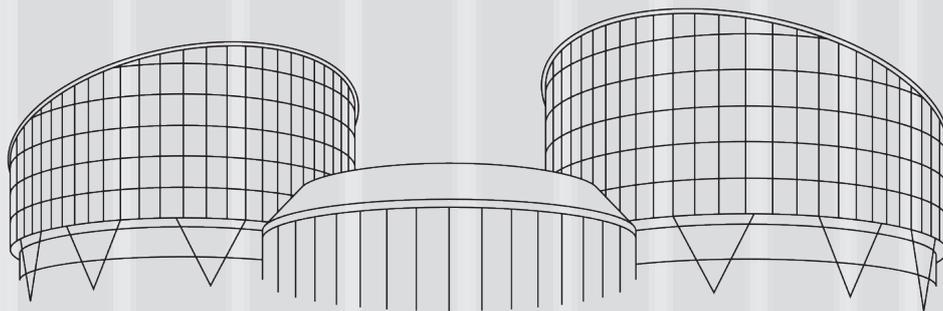
JANUARY 25

2019

REPUBLIC OF MOLDOVA AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2018

Vladislav GRIBINCEA

Daniel GOINIC



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

LRCM

LEGAL
RESOURCES CENTRE
FROM MOLDOVA

SUMMARY

To raise the public awareness on the work of the European Court of Human Rights (ECtHR), the Legal Resources Centre from Moldova (LRCM) analysed the activity of the ECtHR carried out in 2018. The review is based on the ECtHR's Annual Report for 2018 and the analysis of the ECtHR's case-law on Moldovan cases.

The main findings are as follows:

- In 2018, the ECtHR registered 32% fewer applications than in 2017. This decrease seems to be caused mainly by the reduction in the number of applications submitted against Turkey, Russia, and Hungary. It also appears that the popularity of the ECtHR decreases after it dismissed over 300 000 applications, without explicit reasoning in the years 2011–2018. This had a discouraging effect on lawyers;
- Despite the reduction in 2018, relative to the country's population, the number of applications filed with the ECtHR against Moldova is very high. In 2018, Moldovans complained to the ECtHR 2,5 times more than the European average;
- As of 31 December 2018, 1 204 of Moldovan applications were still pending before the Court. 93 % of them have high chances of success. This is more than the all applications on which Moldova has been convicted in the last 21 years;
- By 31 December 2018, the ECtHR delivered 387 judgments on Moldovan cases, of which 33 – in 2018. In this respect, Moldova is far ahead of Germany, Spain or the Netherlands– the countries that joined the European Convention on Human Rights (ECHR) long before Moldova and have much larger population than Moldova;
- Only in six judgments (18%) of those delivered in 2018, the ECtHR found that the Republic of Moldova had not violated the ECHR. The majority of them refer to the Transnistrian region, where the Russian Federation was convicted;
- The most frequent types of violations found in Moldovan cases by the ECtHR concern non-enforcement of judgments (old judgments); ill-treatment, improper investigation of ill-treatment and death; poor detention conditions; illegal detention; and irregular annulment of final judicial decisions;
- Based on all judgments and decisions delivered by 31 December 2018, the Republic of Moldova was obliged to pay over EUR 16,651,000 (EUR 234,050 in 2018).

In addition to the analysis of statistical data regarding the Republic of Moldova, this document contains the synthesis of judgments and decisions of the ECtHR delivered in 2018 with respect to the Republic of Moldova. This document also contains an analysis of the statistics on the ECtHR's activity as regards all states.

Previously, LRCM performed similar analyses for [2010](#), [2011](#), [2012](#), [2013](#), [2014](#), [2015](#), [2016](#) and [2017](#) and a [summary of all violations](#) found by the ECtHR in respect to the Republic of Moldova for 20 years.



This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID). The contents are the responsibility of LRCM and do not necessarily reflect the views of USAID or the United States Government.

The activity of the European Court of Human Rights on Moldovan cases in 2018

According to the latest [Activity Report of the European Court of Human Rights](#) (ECtHR), ECtHR registered 814 applications against Moldova in 2018, 7.4 % more than in 2017. Considering the level of trust in justice and the human rights monitoring reports, there is no evidence of a considerable growth of the observance of human rights at the national level during 2018. The lack of improvements as regards the observance of human rights explains the high rate of Moldovan applications per capita. In relation to the country's population, the number of applications filed with the ECtHR against Moldova is very high. In this respect, in 2018, Moldova ranked 5th out of 47 member countries of the Council of Europe. In 2018, Moldovans complained to the ECtHR 2, 5 times more often than the European average. The high number of applications filed with ECtHR reveals low confidence in the national legal system.

From 1998 to 2018, the ECtHR registered over 14 200 applications against Moldova (for more details, see Table 1 below). As of 31 December 2018, 1204 applications (8.5%) were still pending before the Court. As regards the number of pending applications, Moldova ranks 11th out of 47 member countries of the ECHR.

Only 7% (84 applications) out of 1 204 pending Moldovan applications were assigned for examination to a single judge, i.e. were considered *prima facie* manifestly inadmissible. 62% of pending applications (740 applications) were assigned to three or seven judge formations, and other 270 applications are submitted to the Government. All of these applications have high chances of success (for more details, see Chart no. 1). The number of pending applications with chances of success is double in comparison to the total number of applications based on which Moldova has been convicted since 1997.

By 31 December 2018, the ECtHR delivered 387 judgments on Moldovan cases, of which 33 – in 2018. As regards the total number of judgments, Moldova is far ahead of Germany, Spain or the Netherlands, the countries that have joined the ECHR long before Moldova and have a much larger population than that of Moldova.

The ECtHR established that the Republic of Moldova had not violated the ECHR only in 15 judgments (4.1%) out of those 361 final on the merits (the other judgments mainly concern just satisfaction). Among the most common violations that could be found in judgments that refer to the Republic of Moldova are: non-enforcement of national judicial decisions (older judgments); improper investigation of ill-treatment and death; poor detention conditions; illegal detention; irregular annulment of irrevocable judicial decision; ill-treatment or use of excessive force by state agents (for more details see Chart no. 2 below).

In those 33 judgments delivered in 2018, ECtHR found 46 violations of the ECHR. 27 of them (59%) relate to two articles of ECHR – art. 3 (the prohibition of torture) and art. 5 (the right to liberty and security). Among the most legally important judgments delivered in 2018 are [Guja no. 2](#), [Goriunov](#); and [O.R. and L.R.](#) The case [Guja no. 2](#) concerns repeated dismissal of the applicant for the dissemination of information regarding the infringements committed by the employer. The case of [Goriunov](#) concerns the applicant's handcuffing outside the cell for more than five months, when this measure was neither

absolutely necessary nor permitted by law, but the *O.R. and L.R.* case refers to improper investigation of maltreatment from April 2009 and too mild sanctioning for ill-treatment. For more details on the 2018 judgments, see Tables no. 3 and no. 4 below.

According to the judgments and decisions delivered by 31 December 2018, the Government of the Republic of Moldova was obliged to pay EUR 16,643,172. Of this amount, EUR 14,366, 837 (EUR 234,050 only in 2018) were based on judgments- and EUR 2,287,335 (EUR 87,970 only in 2018)- on friendly settlements or unilateral declarations made by the Government. The amount provided by the ECtHR on Moldovan cases as of 31 December 2018, is larger than the entire budget of the courts for the year 2015 (which was approximately EUR 15,715,000).

Table no. 1. *Statistics on the applications to the European Court of Human Rights against the Republic of Moldova (2007-2018)*

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	+/- 2017	1.11.98-31.12.18
Applications assigned to a judicial formation	887	1.147	1.322	945	1.025	938	1.354	1.105	1.011	834	758	814	+7.4%	14.228
Applications declared as inadmissible or stricken out	201	477	386	434	550	1.905	3.143	1.341	926	750	633	858	+35.5%	12.790
Applications communicated to the respondent government	73	126	216	135	118	56	85	73	121	41	67	54	-19.4%	
Delivered judgments	60	33	30	28	31	27	19	24	19	23	16	33	+106%	387
	31.12. 2007	31.12. 2008	31.12. 2009	31.12. 2010	31.12. 2011	31.12. 2012	31.12. 2013	31.12. 2014	31.12. 2015	31.12. 2016	31.12. 2017	31.12. 2018		
Applications pending before a judicial formation	1.830	2.442	3.349	3.826	4.261	3.256	1.442	1.159	1223	1.283	1.348	1.204	-10.7%	

Chart no. 1

MOLDOVAN APPLICATIONS PENDING before the European Court of Human Rights

31 December 2018

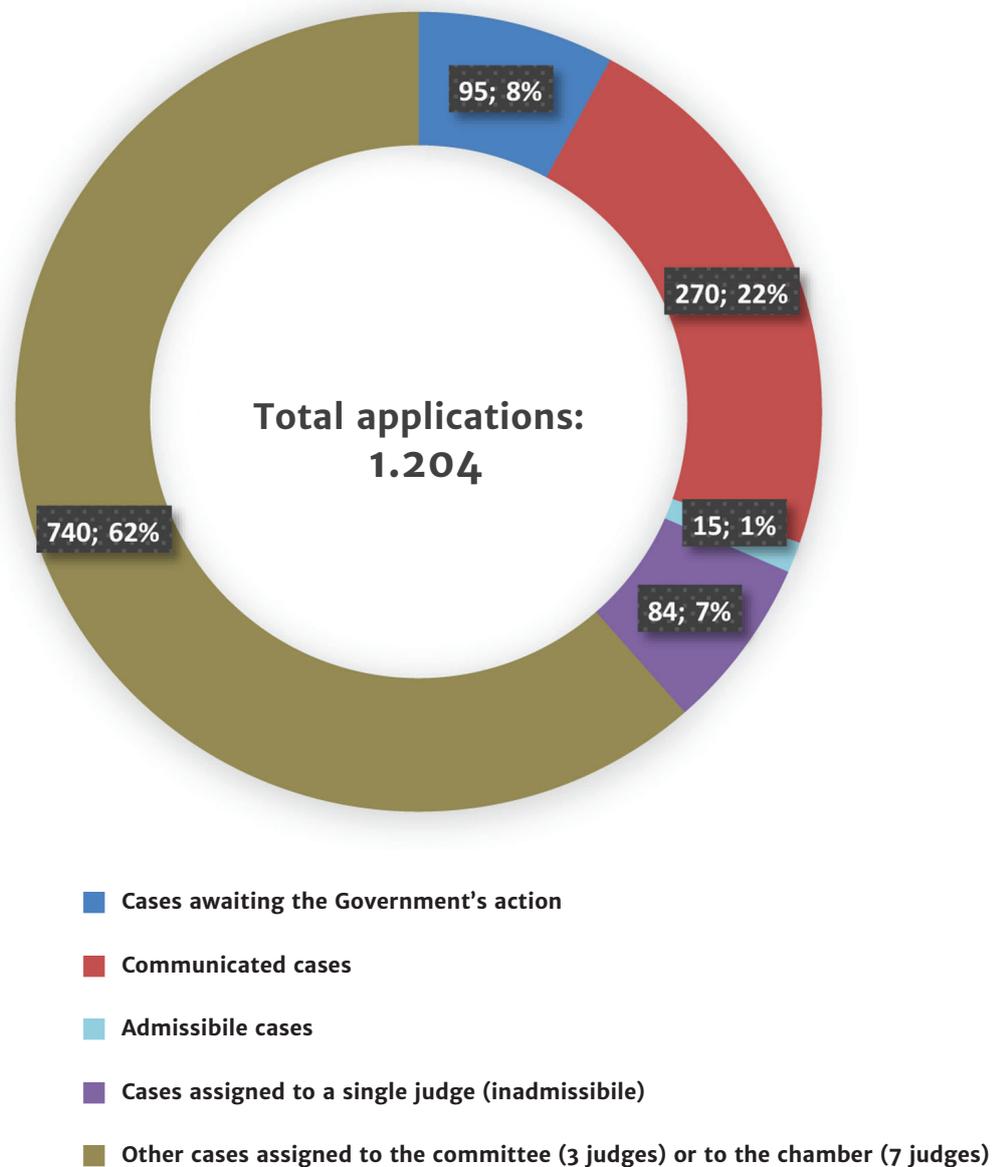
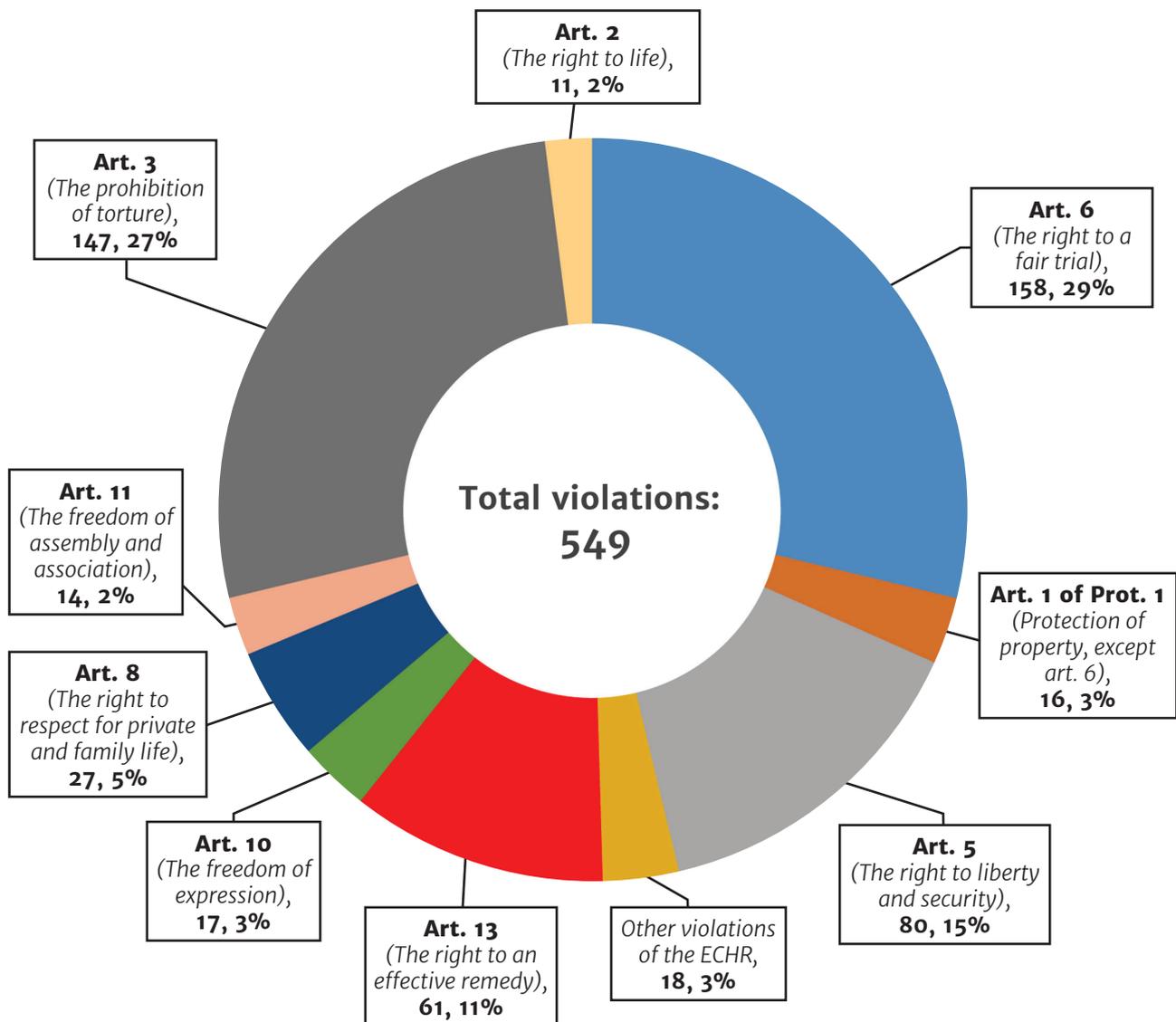


Chart no. 2

VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS in judgments referring to the Republic of Moldova 1997-2018



The Activity of the European Court of Human Rights in 2018 (concerning all states)

According to [2018 Activity Report of the European Court of Human Rights](#) (ECtHR), published on 24 January 2019, the ECtHR registered 43,100 applications, which is 32% less than in the previous year. It appears that the decrease is mainly due to the low number of applications filed against Turkey (the attempt to overthrow the Government in 2016), as well as the applications regarding the conflicts in Crimea and Donbas or Hungary.

In 2018, the percentage of countries against which almost half of all applications were submitted (44%) is the Russian Federation and Turkey. Concerning 29 member countries of the Convention, the number of applications lodged has decreased. In addition to 43,100 applications registered in 2018, the ECtHR received other 19,550 applications that were prepared improperly. The latter applications have not even been registered and the applicants have been encouraged to submit a new application drafted in accordance with the requirements of the ECtHR.

In 2018, ECtHR examined 42,761 applications – 49.7% less than in 2017. This year, the ECtHR declared 40,023 applications as inadmissible or stricken out, that represents 93% of the total number of examined applications.

As of 31 December 2018, 56,350 of applications were pending before the Strasbourg Court (for more details see Table no. 2 and the [press conference of the ECtHR's President](#)).

Although the ECtHR can receive applications against 47 countries, as of 31 December 2018, nearly two-thirds of pending applications were against five states. Thus, 20.9% of the applications pending before the Court were against the Russian Federation; 15.1% – Romania; 12.9% – Ukraine; 12.6% – Turkey and 7.2% – Italy. In this regard, the Republic of Moldova ranks 11th, accounting for 2.1% (1,204 applications) out of the pending applications.

In 2018, the ECtHR delivered 1,014 judgments, 5% less than in the previous year. Thirty-three of them concerned the Republic of Moldova. Most of the judgments were delivered against the Russian Federation – 248 (24.5%), Turkey – 146 (14.4%) and Ukraine – 91 (9.2%). There was not issued any conviction judgments against Finland, Denmark or Iceland.

Table no. 2. Statistics on the applications submitted to the European Court of Human Rights 2009–2018 (concerning all states)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	+/-2017
Applications allocated to a judicial formation (registered applications)	57,100	61,300	64,400	65,162	65,900	56,200	40,550	53,400	63,350	43,100	-32%
Applications communicated to responding governments	6,197	6,675	5,360	5,236	7,931	7,895	15,964	9,533	7,225	7,644	+6%
Applications declared as inadmissible or stricken out	33,065	38,576	50,677	86,201	89,737	83,675	43,133	36,579	70,356	40,023	-43%
Delivered judgments	1,625	1,499	1,157	1,093	916	891	823	993	1,068	1,014	-5%

	31.12.09	31.12.10	31.12.11	31.12.12	31.12.13	31.12.14	31.12.15	31.12.16	31.12.17	31.12.18	
Applications pending before a judicial formation	119,300	139,650	151,600	128,100	99,900	69,900	64,850	79,750	56,250	56,350	+0.2%
Applications disposed of administratively (those that do not comply with the rules regarding form)						25,100	32,400	20,950	22,650	19,550	-14%

Table no. 3

**SYNTHESIS OF THE VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS
in Moldovan cases¹ in 2018**

ECHR Article	Total no. of violations	ECHR violation type	No. of violations	ECtHR's judgment
Article 3 of the ECHR (the prohibition of degrading treatment, inhuman treatment, and torture)	13	Poor detention conditions	6	Pocasovschi and Mihailă ; Goremîchin, Botnari, Miron, Cotet, Secieru
		Improper investigation of ill-treatment	3	Mereuță, Dornean, O.R. and L.R.
		Too mild sanctioning for ill-treatment	1	O.R. and L.R.
		Unlawful and unjustified handcuffing of the applicant outside the cell	1	Goriunov
		Failure to provide proper medical assistance to detainees	2	Botnari, Ceaicovschi
Article 5 of the ECHR (the right to liberty and security)	14	Article 5 § 1 – detention contrary to the national legislation	3	Pașa, Goremîchin, Miron
		Article 5 § 1 – arbitrary detention in Clinical Psychiatric Hospital	1	Dogotar
		Article 5 § 1 lack of a legal predictable ground to arrest for maintaining an erotic video chat	1	Litschauer
		Article 5 § 1– unlawful detention and failure to offer sufficient compensation for unlawful detention	2	Mătășaru and Savițchi, Cucu and others
		Article 5 § 3– insufficient reasoning of the arrest	3	Ceaicovschi, Cotet, Secieru
		Article 5 § 4– not giving access to the materials presented by the prosecutor for justifying the arrest	2	Pașa, Iurcovschi and others
		Article 5 § 4 – excessively long terms of the examination of application for revocation of the arrest	1	Cotet
		Article 5 § 5 – lack of compensating remedy efficient for the violation of the art. 5	1	Cotet
Article 6 of the ECHR (the right to a fair trial)	5	Article 6 § 1– the admission of a late remedy	1	Goremîchin
		Article 6 § 1 – the retroactive application of a substantive law without any convincing justification of this fact	1	Topal
		Article 6 § 1– the refusal, by mistake, of the Supreme Court of Justice to examine the applicant's remedy	1	Sultan
		Article 6 § 1 of the ECHR in conjunction with Article 1, Protocol 1 to the ECHR– non-enforcement of the judgment within a reasonable time	2	Pavlovici, Ciolacu

¹ By the Republic of Moldova

ECHR Article	Total no. of violations	ECHR violation type	No. of violations	ECtHR's judgment
Article 7 of the ECHR (no punishment without law)	1	Applying fines and tax penalties for violating an unclear law	1	Prigală
Article 8 of the ECHR (the right to respect for private and family life)	2	Failure to state reasons for authorization of search warrant	1	Lisoaia
		Police has illegally sealed the office of the applicant, who is a lawyer.	1	Sobieski-Camerzan
Article 10 of the ECHR (the freedom of expression)	1	Repeated dismissal of the applicant for the dissemination of information regarding the infringements committed by the employer	1	Guja no. 2
Article 11 of the ECHR (the freedom of assembly and association)	1	Unlawful prevention of peaceful protests and granting insufficient compensation for them.	1	Mătăsar and Savitchi
Article 13 of the ECHR (the right to an effective remedy)	6	Lack of an effective remedy for improving the detention conditions (Article 3 of the ECHR)	4	Pocasovschi and Mihailă , Goremichin , Botnari , Miron
		Lack of an effective remedy for the violation of art. 8 of the ECHR.	2	Lisoaia , Sobieski-Camerzan
Article 1, Protocol 1 of the ECHR	3	Impossibility to recover the goods that were sealed by the police	1	Sobieski-Camerzan
		De facto expropriation by the state without providing compensations	1	Mocanu and others
		Unjustified withdrawal of the licence regarding the economic activity	1	Tiramavia S.R.L. and others
The total number of violations	46			

Table no. 4

JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS
on Moldovan cases in 2018
(in chronological order)

No.	Case	Judgment date	Established violations	The period of the violations	Just satisfaction
1.	Lisovaia v. Moldova (16908/09)	16/01/2018	Article 8 of the ECHR – not giving a reason of ending the authorisation of the search warrant; Article 13 of the ECHR – lack of an effective remedy at national level for violation of the Article. 8 of the ECHR;	2008 – 2009	Total damages: EUR 5,500 Moral damages – EUR 5,000 Costs and expenses – EUR 500
2.	Pavlovici v. Moldova (5711/03)	30/01/2018	Article 6 § 1 of the ECHR and Article 1 Protocol 1 to the ECHR – non-execution of the judicial decision in reasonable time, regarding the restitution of property	2004 – 2018	<u>Granting just satisfaction was reserved for a separate judgment.</u>
3.	Prigală v. Moldova (36763/06)	13/02/2018	Article 7 of the ECHR – applying fines and tax penalties for a not correct calculation of social contributions imposed under an unclear law.	2005 – 2006	Total damages: EUR 5,700 Moral damages – EUR 4,500 Costs and expenses – EUR 1,200
4.	Sobieski-Camerzan v. Moldova (3792/05)	13/02/2018	Article 8 of the ECHR – Police has illegally sealed the office of the applicant, who is a lawyer Article 13 of the ECHR in conjunction with Article 8 of the ECHR – the lack of an effective remedy at national level to defend the right.; Article 1 Protocol 1 of the ECHR – the impossibility to recover the goods that were sealed by the police.	2004 – 2006	Total damages: EUR 9,000 Moral and material damages – EUR 7,000 Costs and expenses – EUR 2,000
5.	Guja no. 2 v. Moldova (1085/10)	27/02/2018	Article 10 of the ECHR – the repeated dismissal of the applicant for the dissemination of information regarding the infringements committed by the employer	2008 – 2009	Total damages: EUR 11,500 Moral and material damages – EUR 10,000 Costs and expenses – EUR 1,500
6.	Paşa v. Moldova (50473/11)	15/05/2018	Articles 5 § 1 and 4 of the ECHR – the arrest contrary to law for 11 days; not giving access to the materials presented by the prosecutor for justifying the arrest	2011	Total damages: EUR 5,500 Moral damages – EUR 5,000 Costs and expenses – EUR 500
7.	Mereuță v. Moldova (64401/11)	15/05/2018	Article 3 of the ECHR – poor investigation of ill-treatment by a private person (initiation of criminal proceedings on the grounds that the period of detention as a suspect has expired)	2009 – 2011	Total damages: EUR 7,500 Moral damages – EUR 7,500
8.	Goriunov v. Moldova (14466/12)	29/05/2018	Article 3 of the ECHR – the applicant's handcuffing for more than five months, when this measure was neither absolutely necessary nor permitted by law.	2011 – 2012	Total damages: EUR 5,150 Moral damages – EUR 4,500 Costs and expenses – EUR 650

No.	Case	Judgment date	Established violations	The period of the violations	Just satisfaction
9.	Dornean v. Moldova (27810/07)	29/05/2018	Article 3 of the ECHR – improper investigation of applicant's ill-treatment by children and ex-wife.	2005 – 2011	Total damages: EUR 5,900 Moral damages – EUR 5,000 Costs and expenses – MDL 17,529 (EUR 900)
10.	Pocasovschi and Mihailă v. Moldova and the Russian Federation (1089/09)	29/05/2018	Concerning the Russian Federation , the ECtHR found no violations Concerning the Republic of Moldova: Article 3 of the ECHR – applicants' detention in poor conditions in Penitentiary from Tighina; Article 13 of the ECHR – referring to the first applicant only, the lack of an effective remedy for the improvement of detention conditions.	2002 –2005	Total damages: EUR 6,300 Moral damages – EUR 3,000 to the first applicant and EUR 1,800 to the second applicant Costs and expenses – EUR 1,500
11.	Goremîchin v. Moldova (30921/10)	05/06/2018	Article 3 of the ECHR – applicant's detention in poor conditions in Penitentiaries 11 and 13 for several years; Article 5 § 1 of the ECHR – detention for more than 12 months that is contrary to art. 25 of the Constitution; Article 6 § 1 of the ECHR – the admission of a late remedy; Article 13 of the ECHR – the lack of an effective remedy for the improvement of the detention conditions.	2007 – 2015	Total damages: EUR 16,500 Moral damages – EUR 15,000 Costs and expenses – EUR 1,500
12.	Botnari v. Moldova (74441/14)	05/06/2018	Article 3 of the ECHR – detention in poor conditions and failure to offer proper medical assistance in detention (cancer) for 4,5 years; Article 13 of the ECHR in conjunction with Article 3 of the ECHR – the lack of an effective remedy for the improvement of the detention conditions	2010 –2015	Total damages: EUR 11,500 Moral damages – EUR 10,000 Costs and expenses – EUR 1,500
13.	Ceaicovschi v. Moldova (37725/15)	05/06/2018	Article 3 of the ECHR – failure to provide the proper medical assistance in detention (carrying out two medical interventions); Article 5 § 3 of the ECHR – insufficient reasoning of the preventive and home arrest for almost seven months	2015	Total damages: EUR 14,000 Moral damages – EUR 10,000 Costs and expenses – EUR 4,000
14.	Sultan v. Moldova (17047/07)	05/06/2018	Article 6 § 1 of the ECHR – the refusal, by mistake, of the Supreme Court of Justice to examine the applicant's remedy	2006	Total damages: EUR 2,500 Moral damages – EUR 1,500 Costs and expenses – EUR 1,000
15.	Mocanu and others v. Moldova (8141/07)	26/06/2018	Article 1 of Protocol 1 to the ECHR – De facto expropriation of the applicants by the state (agricultural land), without providing compensation, which is contrary to law	2005 – 2013	<u>Granting just satisfaction was reserved for a separate judgment.</u>

No.	Case	Judgment date	Established violations	The period of the violations	Just satisfaction
16.	Topal v. Moldova (12257/06)	03/07/2018	Article 6 § 1 of the ECHR – the retroactive application of a law that was affecting the applicant's pension without convincingly justifying that fact	2001 – 2005	Total damages: <u>EUR 3,000</u> Moral damages – EUR 3,000
17.	Iurcovschi and others v. Moldova (13150/11)	10/07/2018	Article 5 § 4 of the ECHR – failure to provide access to the materials presented by the prosecutor for the arrest justification; long terms of the examination (2 months) of application for revocation of the arrest (<i>habeas corpus</i>)	2011 – 2013	Total damages: <u>EUR 5,700</u> Moral damages – EUR 4,500 Costs and expenses – EUR 1,200
18.	Mătășaru and Savîțchi v. Moldova (43038/13)	10/07/2018	Article 5 § 1 of the ECHR – the illegal contraventional detention of the applicants; Article 11 of the ECHR – preventing peaceful protests; not giving sufficient compensation for the violation of these rights	2010 – 2013	Total damages: <u>EUR 12,000</u> Moral damages – EUR 8,000 Costs and expenses – EUR 4,000
19.	Cucu and others v. Moldova (7753/13, 75188/13 and 76511/14)	10/07/2018	Article 5 § 1 of the ECHR – illegal arrest and offering insufficient compensation for it.	2004–2005 2009 2013 – 2014	Total damages: <u>EUR 16,500</u> Moral damages – EUR 12,000 Costs and expenses – EUR 4,500
20.	Mangîr and others v. Moldova and the Russian Federation (50157/06)	17/07/2018	Regarding the Russian Federation: Article 3 of the ECHR – concerning the applicant Mangîr– ill-treatment; concerning all applicants– detention in poor conditions; Article 5 § 1 of the ECHR –the arrest and detention of the applicants by the “MRT authorities”; Article 13 of the ECHR – the lack of an effective remedy for the defence of rights. Regarding the Republic of Moldova – no violations of the ECHR were found	2006	The payment of <u>EUR 93,000</u> was made only from the Russian Federation's account. Moral damages – EUR 90,000 Costs and expenses – EUR 3,000
21.	Sandu and others v. Moldova and the Russian Federation (21034/05 41569/04 41573/04 ...)	17/07/2018	Regarding the Russian Federation: Article 1 of Protocol 1 to the ECHR – requiring the applicants to conclude lease agreements with the “MRT” authorities for their land and blocking access to land; Article 13 in conjunction with Article 1 of Protocol 1 of the ECHR – the lack of an effective remedy at national level for the defence of rights. Regarding the Republic of Moldova – the ECtHR found no violations	1998 – 2013	The payment of <u>EUR 2,749,800</u> was made only from the Russian Federation's account. Material damages – EUR 245,800 Moral damages – EUR 2,484,000 Costs and expenses – EUR 20,000

No.	Case	Judgment date	Established violations	The period of the violations	Just satisfaction
22.	Miron v. Moldova (74497/13)	04/09/ 2018	Article 3 of the ECHR – detention in poor conditions in Penitentiary no. 13; Article 5 § 1 of the ECHR – detention for more than 12 months that is contrary to the art. 25 of the Constitution; Article 13 of the ECHR – the lack of an effective remedy for the improvement of the detention conditions.	2011 – 2014	Total damages: <u>EUR 11,000</u> Moral damages – EUR 10,000 Costs and expenses – EUR 1,000
23.	Dogotar v. Moldova (12653/15)	04/09/ 2018	Article 5 § 1 of the ECHR – arbitrary detention in the Clinical Psychiatric Hospital for 7 days	2014	Total damages: <u>EUR 7,680</u> Moral damages – EUR 6,000 Costs and expenses – EUR 1,680
24.	Ciolacu v. Moldova (22400/13)	04/09/ 2018	Article 6 § 1 of the ECHR and Article 1 of Protocol 1 to the ECHR – the late enforcement of a judicial decision in respect of some private persons and the refusal to collect the penalty interest from them.	2004 – 2014	Total damages: <u>EUR 18,120</u> Material damages – EUR 16,370 Moral damages – EUR 1,330 Costs and expenses – EUR 420
25.	Tiramavia L.L.C. and others v. Moldova (54115/09, 55707/09 and 55770/09)	04/09/ 2018	Article 1 of Protocol 1 to the ECHR – unjustified withdrawal of the licence on the economic activity	2007 – 2009	Total damages: <u>EUR 16,500</u> Moral damages – EUR 9,000 Costs and expenses – EUR 7,500
26.	Stomatii v. Moldova and the Russian Federation (69528/10)	18/09/ 2018	Regarding the Russian Federation: Article 2 of the ECHR (from procedural limb) – the improper investigation by the “MRT” authorities of the son’s death in the army; Article 2 of the ECHR (from substantive limb) – the lack of procedures meant to effectively protect the persons enrolled in the “MRT” military structures; Regarding the Republic of Moldova , the ECtHR found no violations	2009 – 2011	The payment of <u>EUR 53,000</u> was imposed only from the <u>Russian Federation's account</u> . Moral damages – EUR 50,000 Costs and expenses – EUR 3,000
27.	Kolobychko v. Moldova, the Russian Federation and Ukraine (no. 36724/10)	18/09/ 2018	Regarding the Russian Federation: Article 2 of the ECHR (from procedural limb) – the improper investigation by the “MRT” authorities of the applicant son’s death in the army; Regarding Ukraine – the application was declared as inadmissible. Regarding the Republic of Moldova , the ECtHR found no violations	2007 – 2009	The payment of <u>EUR 24,000</u> was imposed only from the <u>Russian Federation's account</u> . Moral damages – EUR 20,000 Costs and expenses – EUR 4,000

No.	Case	Judgment date	Established violations	The period of the violations	Just satisfaction
28.	Cotet v. Moldova (72238/14)	23/10/2018	Article 3 of the ECHR - detention in poor conditions in Penitentiary no. 13; Article 5 § 3 of the ECHR - insufficient reasoning of the arrest; Article 5 § 4 of the ECHR - excessive term of examination (22 days) of the removal arrest application (<i>habeas corpus</i>); Article 5 § 5 of the ECHR - the lack of a compensatory remedy for the violation of art.5.	2014 - 2017	Total damages: <u>EUR 6,000</u> Moral damages – EUR 4,000 Costs and expenses – EUR 2,000
29.	Secieru v. Moldova (20546/16)	23/10/2018	Article 3 of the ECHR - detention in poor conditions in Penitentiary no.13; Article 5 § 3 of the ECHR - the insufficient reasoning of the arrest	2012 - 2017	Total damages: <u>EUR 4,500</u> Moral damages – EUR 3,000 Costs and expenses – EUR 1,500
30.	Bobeico and others v. Moldova and the Russian Federation (30003/04)	23/10/2018	Regarding the Russian Federation: Article 2 of Protocol 1 to the ECHR - blocking of the boarding school from Tighina by the “MRT” authorities; Regarding the Republic of Moldova , the ECtHR found no violations	2004	<u>The payment of EUR 64,000 was imposed only from the Russian Federation's account.</u> Moral damages – EUR 60,000 Costs and expenses – EUR 4,000
31.	Lady L.L.C. v. Moldova (39804/06)	23/10/2018	The violation of the Article 6 of the ECHR was not found - the alleged re-judgment of the case in a previous dispute to which the applicant was not involved	2004 - 2009	
32.	O.R. and L.R. v. Moldova (24129/11)	30/10/2018	Article 3 of the ECHR - the improper investigation of ill-treatment from April 2009; too mild sanctioning for ill-treatment	2009 - 2010	Total damages: <u>EUR 16,500</u> Moral damages – EUR 15,000 Costs and expenses – EUR 1,500
33.	Litschauer v. Moldova (25092/15)	13/11/2018	Article 5 § 1 of the ECHR - the lack of a predictable legal ground to arrest for maintaining an erotic video chat	2015 - 2016	Total damages: <u>EUR 10,000</u> Moral damages – EUR 8,000 Costs and expenses – EUR 2,000
					Total: EUR 234,050

Tabel no. 5

**DECISIONS OF THE EUROPEAN COURT OF HUMAN RIGHTS
adopted on Moldovan cases in 2018**

(in chronological order)

No.	Case	Decision date	Invoked violation	Type of decision	Just satisfaction
1.	Europa-Trust S.A. v. Moldova (42044/05)	09/01/2018	Article 6 of the ECHR and Article 1 of Protocol 1 to the ECHR- by the Law no. 55/2005, the applicant as legal entity was subject to some excessive and burdensome tasks.	Inadmissible (manifestly unfounded application)	
2.	Cîșlaru and others v. Moldova (40799/09)	23/01/2018	Article 5 of the ECHR, Article 18 of the ECHR and Article 1 of Protocol 1 to the ECHR- the criminal proceedings and the arrest would have pursued the purpose of expropriating the applicant	Inadmissible (non-exhaustion of domestic remedies after acquittal - Law 1545)	
3.	Casap v. Moldova (50891/08)	06/02/2018	Article 8 of the ECHR- the release of the applicant from the military service for disciplinary reasons, for infringement that has not been committed	Striking out of the application (unwillingness to keep the application on the docket)	
4.	Mătășaru v. Moldova (3168/10)	06/02/2018	Article 5 § 1 of the ECHR and Article 3 of the ECHR- unlawful and in poor conditions detention	Striking out of the application (unwillingness to keep the application on the docket)	
5.	Neicovcen and Moscovlo v. Moldova (55364/09)	06/02/2018	Article 5 § 1 of the ECHR- unlawful detention	Striking out of the application (friendly settlement)	<u>Total damages:</u> EUR 12,000 EUR 6,000 for each applicant
6.	Martîniuc v. Moldova (52040/16)	06/02/2018	Article 5 § 1 of the ECHR and Article 3 of the ECHR- excessive duration of the preventive arrest and detention in poor conditions in Penitentiary no. 13;	Striking out of the application (friendly settlement)	<u>Total damages:</u> EUR 4,000
7.	Abu Aziz v. Moldova (13951/15)	06/02/2018	Article 5 § 1 of the ECHR and Article 3 of the ECHR- excessive duration of the preventive arrest and detention in poor conditions in Penitentiary no.13;	Striking out of the application (friendly settlement)	<u>Total damages:</u> EUR 6,000
8.	Calancea and others v. Moldova (23225/05)	06/02/2018	Article 6 of the ECHR, Article 8 of the ECHR and Article 1 of Protocol 1 to the ECHR- the installation of high-voltage line near living houses poses risks to the applicants' health	Inadmissible (manifestly unfounded application)	
9.	Colesnic v. Moldova (76240/12)	20/02/2018	Article 6 § 1 of the ECHR- unlawful revision of the final and irrevocable judgment	Striking out of the application (unwillingness to keep the application on the docket)	

No.	Case	Decision date	Invoked violation	Type of decision	Just satisfaction
10.	Hodorogea v. Moldova (59527/15)	20/02/2018	Article 5 § 1 of the ECHR and Article 3 of the ECHR - deprivation of liberty contrary to the national law and detention in poor conditions in Penitentiary no. 13	Striking out of the application (friendly settlement)	Total damages: <u>EUR 9,000</u>
11.	Godniuc v. Moldova (16997/15)	20/02/2018	Article 5 § 1 of the ECHR - deprivation of liberty contrary to the national legislation	Striking out of the application (friendly settlement)	Total damages: <u>EUR 4,000</u>
12.	Morozan v. Moldova (67626/13)	20/02/2018	Article 5 § 1 of the ECHR - deprivation of liberty contrary to the national legislation	Striking out of the application (friendly settlement)	Total damages: <u>EUR 6,000</u>
13.	Red Union Fenosa S.A. v. Moldova (40738/10)	20/02/2018	Article 6 of the ECHR and Article 1 of Protocol 1 to the ECHR - non-reasoning the admission of some new measures of ensuring the action and dismissal of the remedy	Inadmissible (abusive application- the applicant has hidden from the Court crucial information for the case)	
14.	Societatea Scriitorilor Români din Moldova (Romanian Writers Society from Moldova) and others v. Moldova (4470/08)	20/02/2018	Article 11 of the ECHR - the freedom of assembly and association	Striking out of the application (unwillingness to keep the application on the docket)	
15.	Munteanu v. Moldova (63067/12)	13/03/2018	Article 2 of the ECHR - improper investigation of ill-treatment by unknown private persons	Inadmissible (manifestly unfounded application)	
16.	Le Bridge Corporation LTD S.R.L. v. Moldova (48027/10)	27/03/2018	Article 6 § 1 of the ECHR - the lack of competences of the economic courts to solve the dispute, the lack of judge's impartiality and the observance of the principle of equality of arms; Article 1 of Protocol 1 to the ECHR - the property damage as a result of the unfair civil process	Inadmissible (application subject to another International Court (international arbitration) and that doesn't contain new facts)	
17.	Petrov v. Moldova (5570/07)	15/05/2018	Articles 6 § 1 and 3 (d) of the ECHR	Striking out of the application (unwillingness to keep the application on the docket)	
18.	Miron v. Moldova (24804/14)	15/05/2018	Article 2 of the ECHR - the inefficient investigation of the applicant's electrocution while he was minor	Striking out of the application (friendly settlement)	Total damages: <u>EUR 12,500</u>
19.	Ciornea v. Moldova (3077/10)	15/05/2018	Articles 5 § 3 and 4 of the ECHR - giving insufficient compensations at national level for the preventive arrest.	Striking out of the application (unilateral declaration)	Total damages: <u>EUR 3,000</u>

No.	Case	Decision date	Invoked violation	Type of decision	Just satisfaction
20.	Dub v. Moldova (39374/09)	05/06/ 2018	Article 2 of the ECHR and Article 3 of the ECHR - the alleged ill-treatment of the applicant's brother during the arrest by the police, which resulted in his death, as well as the ineffectiveness of the death investigation	Inadmissible (manifestly unfounded application)	
21.	Veretca v. Moldova (70671/12)	19/06/ 2018	Article 2 of the ECHR - the ineffectiveness of the investigation regarding the death of the applicant's husband	Inadmissible (manifestly unfounded application)	
22.	Buzu v. Moldova (51107/12)	19/06/ 2018	Article 5 of the ECHR and Article 11 of the ECHR - offering insufficient compensations at national level for the preventive arrest.	Striking out of the application (unilateral declaration)	<u>Total damages:</u> <u>EUR 470</u>
23.	Navroțki v. Moldova (2122/16)	03/07/ 2018	Articles 5 § 1, 3 and 4 of the ECHR - the preventive arrest for more than 12 months.	Striking out of the application (unilateral declaration)	<u>Total damages:</u> <u>EUR 6,000</u>
24.	Pînzari v. Moldova (46663/14)	04/09/ 2018	Article 5 § 1 of the ECHR - the preventive arrest for more than 12 months.	Striking out of the application (friendly settlement)	<u>Total damages:</u> <u>EUR 5,000</u>
25.	Bandalac v. Moldova (17709/14)	18/09/ 2018	Article 3 of the ECHR - too mild sanctioning for rape	Striking out of the application (friendly settlement)	<u>Total damages:</u> <u>EUR 7,500</u>
26.	Cinchiyschi v. Moldova (35102/12)	18/09/ 2018	Article of the ECHR - the application of ill-treatment during the preventive arrest	Striking out of the application (unwillingness to keep the application on the docket)	
27.	Versilov v. Moldova and the Russian Federation (28750/11)	18/09/ 2018	Articles 5 §§ 1 and 5 of the ECHR - unlawful detention by "MRT" authorities and the lack of an efficient remedy as a result of this detention	Regarding the Republic of Moldova Inadmissible (manifestly unfounded application) Regarding the Russian Federation Inadmissible (late application)	
28.	Bondarenco v. Moldova (58144/09)	18/09/ 2018	Article 5 § 1 of the ECHR - unlawful detention by the "MRT" authorities	Inadmissible (ratione materiae)	
29.	Business-Investiții pentru Toți S.A. (Business-Investment for all JSC) and Boris Yampolskiy v. Moldova (45682/07)	02/10/ 2018	The first applicant- Article 6 § 1 of the ECHR - the imputed act did not represent an offence at the moment of signing the contract; the duration of criminal proceedings; The second applicant- Article 6 § 1 of the ECHR - insufficient reasoning of the judicial decision; Both applicants- Article 1 of Protocol 1 to the ECHR - the long-lasting seizure of their money during criminal prosecution	Inadmissible (ratione materiae) Inadmissible (manifestly unfounded application) Inadmissible (ratione personae)	

No.	Case	Decision date	Invoked violation	Type of decision	Just satisfaction
30.	Lungu v. Moldova (53695/12)	06/11/ 2018	Article 6 of the ECHR and Article 1 of Protocol 1 to the ECHR - the annulment of the irrevocable judicial decision through the irregular application of the revision	Striking out of the application (unilateral declaration)	<u>Total damages:</u> <u>EUR 1,500</u>
31.	Jovmir v. Moldova (22917/09)	06/11/ 2018	Article 6 of the ECHR and Article 1 of Protocol 1 of the ECHR - the annulment of the irrevocable judicial decision through the irregular application of the revision	Inadmissible (no longer a victim)	
32.	Popova v. Moldova (29162/14)	20/11/ 2018	Article 2 of the ECHR and Article 6 § 1 of the ECHR - improper investigation of the murder of the applicant's daughter	Striking out of the application (friendly settlement)	<u>Total damages:</u> <u>EUR 6,000</u>
33.	E.D. v. Moldova (25280/16)	20/11/ 2018	Articles 6 § 1 of the ECHR and Article 13 of the ECHR - giving insufficient compensations at national level for rape and domestic violence	Striking out of the application (friendly settlement)	<u>Total damages:</u> <u>EUR 5,000</u>
					Total: EUR 87,970

Legal Resources Center from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.

Legal Resources Centre from Moldova

 A.Șciusev street 33,
MD-2001, Chișinău,
Republic of Moldova

 +373 22 843 601

 +373 22 843 602

 contact@crjm.org

 www.crjm.org

 [CRJM.org](https://www.facebook.com/CRJM.org)

 [CRJMoldova](https://twitter.com/CRJMoldova)

 [CRJM](https://www.youtube.com/CRJM)

