

**ANALYTICAL
NOTE**

31 JANUARY

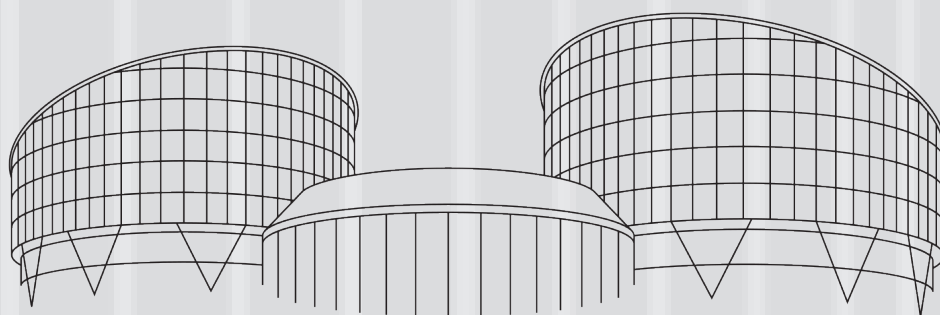
2020

REPUBLIC OF MOLDOVA AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2019

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

LRCM

LEGAL
RESOURCES CENTRE
FROM MOLDOVA

SUMMARY

To raise the public awareness about the work of the European Court of Human Rights (ECtHR), the Legal Resources Centre from Moldova (LRCM) has analyzed the Court's work carried out in 2019. The document is based on the [ECtHR's annual report](#) for 2019 and the analysis of the ECtHR's case-law regarding Moldova.

The main findings are as follows:

- In 2019, the ECtHR registered 3% more applications than in 2018, but fewer than in 2016 and 2017. It seems that the main cause of this decrease was a decline in the number of applications lodged against Turkey, Russia, and Hungary. It also appears that the ECtHR is losing its popularity after it has dismissed approximately 340,000 applications without explicit reasoning in the years 2011 – 2019. This had a chilling effect on lawyers.
- In 2019, the ECtHR received the smallest number of applications against Moldova in the last 12 years. However, per capita, the number of applications against Moldova was very high. In 2019, Moldovans complained to the ECtHR 3.4 times more often than the European average.
- As of 31 December 2019, 1,056 Moldovan applications were still pending before the court. More than 95% of them have high chances of success. This is more than all the applications in the cases lost by Moldova in the 22 years since people got the right to sue Moldova to the ECtHR.
- By 31 December 2019, the ECtHR had delivered 441 judgments on Moldovan cases, of which 54 in 2019. In this respect, Moldova is far ahead of Germany, Spain, or the Netherlands—the countries that have joined the European Convention on Human Rights (ECHR) long before Moldova and have a much larger population each than Moldova. By the number of judgments delivered in 2019, Moldova ranked fifth out of the 47 member states of the Council of Europe.
- The most frequent types of violations found by the ECtHR in Moldovan cases included failure to enforce judgments (old judgments), ill-treatment, improper investigation of ill treatment and death, detention in poor conditions, illegal detention, and irregular annulment of final judgments.
- Under all the ECtHR judgments and decisions issued by 31 December 2019, Moldova was obliged to pay over EUR 17.1 million (EUR 537,000 in 2019 only).

In addition to the analysis of the statistical data regarding the Republic of Moldova, this document contains a summary of the ECtHR's judgments and decisions concerning the Republic of Moldova delivered in 2019. The document also analyzes the statistics on the ECtHR's activity concerning all states.

Previously, LRCM has performed similar analyses for the years [2010](#), [2011](#), [2012](#), [2013](#), [2014](#), [2015](#), [2016](#), [2017](#), and [2018](#), and a [summary of all the violations](#) found by the ECtHR in Moldovan cases until 2017.

The activity of the European Court of Human Rights on Moldovan cases in 2019

According to the latest [Activity Report of the European Court of Human Rights](#) (ECtHR), in 2019, the Court registered 635 applications against Moldova, 22% fewer than in 2018. This is the smallest number of Moldovan applications registered by the ECtHR in the last 12 years. As confidence in justice has not changed significantly in 2019 compared to 2018, this decrease seems to be mainly influenced by the decline of the popularity of the ECtHR. Still, in relation to the country's population, the number of applications against Moldova at the ECtHR remained very high. In this respect, in 2019, Moldova ranked sixth out of the 47 member states of the Council of Europe. In 2019, Moldovans complained to the ECtHR 3.4 times more often than the European average.

Between 1998 and 2019, the ECtHR registered over 14,800 applications against Moldova (see Table 1 below for details). As of 31 December 2019, 1,056 (8%) of them were still pending before the court. As regards the number of pending applications, Moldova ranks 11th out of the 47 states that are bound by the European Convention on Human Rights (ECHR).

Only 4% (44 applications) out of 1,056 pending Moldovan applications were assigned for examination to a single judge, that is, were considered at first sight to have no chances of success. 65% of pending applications (687 applications) were assigned to three or seven-judge formations, while other 270 were communicated to the Government (see Chart 1 below for details). All of these applications have high chances of success. The number of pending applications with high chances of success exceeds the total number of applications lost by Moldova in the 22 years since people got the right to sue Moldova to the ECtHR.

By 31 December 2019, the ECtHR delivered 441 judgments on Moldovan cases, of which 54, in 2019. The number of judgments issued on Moldovan cases in 2019 was 64% higher than in 2018. In this respect, 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 each than Moldova. By the number of judgments against it, Moldova ranked 12th out of the 47 member states of the Council of Europe.

In over 90% of the 441 judgments on Moldovan cases, the ECtHR has found at least one violation of the ECHR. Most violations found in the judgments concerning the Republic of Moldova referred to: failure to enforce domestic judgments (older judgments), an improper investigation of ill treatment and death, poor detention conditions, illegal detention, the irregular annulment of final judgments, ill-treatment or use of excessive force by state agents (see Chart 2 for details).

In the 54 judgments delivered in 2019, the ECtHR found 59 violations of the ECHR. Most violations found in 2019 concerned judges' work. 29 of the 59 ECHR violations (50%) concerned one single article of the ECHR: Article 6 (the right to a fair trial). 11 of those violations were related to the improper annulment of final judgments. From the legal angle, the most important judgments issued in 2019 are [Ozdil and Others](#) (the extradition of Turkish teachers); [Matasaru](#) (imprisonment for the organization of a protest); [Bittoun](#) and [Pisica](#) (failure to ensure the parent-child ties); and [Roman](#) (failure to prevent noise pollution). More details about the 2019 judgments are presented in the tables that follow.

Under the judgments and decisions delivered by 31 December 2019, the Government of the Republic of Moldova was obliged to pay EUR 17,161,118. Of this amount, EUR 14,837,053 was based on judgments (EUR 500,216 in 2019) and EUR 2,324,065 was based on friendly settlements or unilateral declarations made by the Government (EUR 36,730 in 2019).

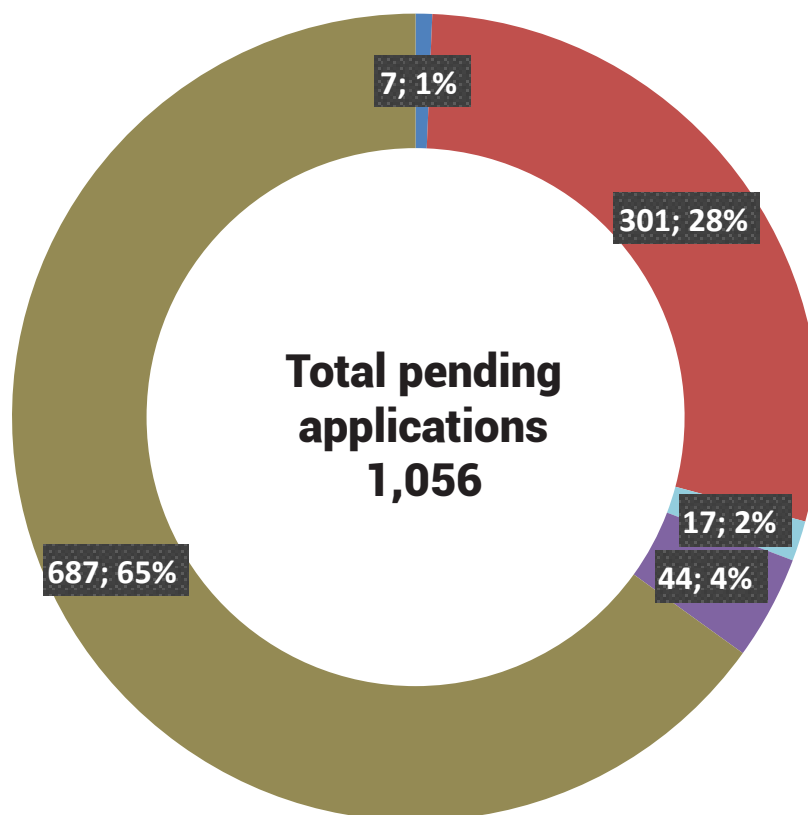
Table 1. Statistics on the applications to the European Court of Human Rights against the Republic of Moldova 2007 – 2019

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	+/- 2018	1.11.98- 31.12.19
Registered applications	1,322	945	1,025	938	1,354	1,105	1,011	834	758	814	635	-22%	14,863
Applications declared inadmissible or struck out	386	434	550	1,905	3,143	923	926	750	633	858	697	-19%	13,487
Applications communicated to the government	216	135	118	56	85	121	121	41	67	54	119	+221%	
Delivered judgments	30	28	31	27	19	19	19	23	16	33	54	+64%	441
	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	31.12. 2019		
Pending applications	3,349	3,826	4,261	3,256	1,442	1,159	1,223	1,283	1,348	1,204	1,056	-	

Chart 1

MOLDOVAN APPLICATIONS PENDING before the European Court of Human Rights

31 December 2019

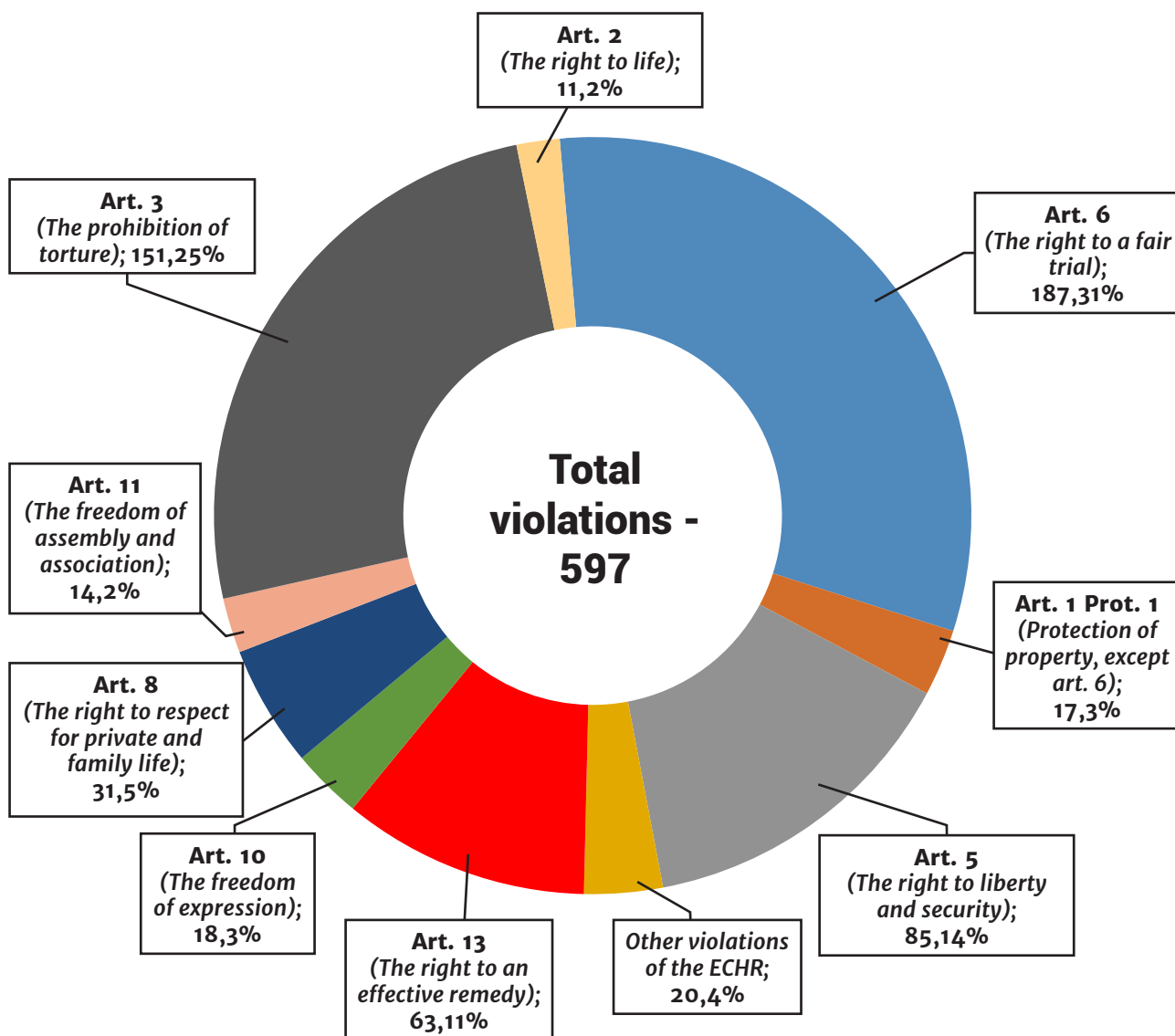


- Cases awaiting the Government's action
- Communicated cases
- Admissible cases
- Cases assigned to a single judge (at first sight, inadmissible)
- Other cases assigned to 3 or 7 judges for examination (at first sight, cases with high chances of success)

Chart 2

VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS in respect of the Republic of Moldova

1997-2019



The activity of the European Court of Human Rights in 2019 (concerning all states)

According to the 2019 [Activity Report of the European Court of Human Rights](#) (ECtHR), published on 29 January 2020, the ECtHR registered 44,500 applications, 3% more than in 2018. 45% of all applications lodged in 2019 concerned two countries: the Russian Federation and Turkey.

In addition to the 44,500 applications registered in 2019, the ECtHR received other 8,800 applications that were prepared improperly. These applications were not even registered, and the applicants were encouraged to submit a new application drafted in accordance with the requirements of the ECtHR. It is noteworthy, that the number of improperly prepared applications in 2019 halved from the previous year.

In 2019, the ECtHR examined 40,667 applications, 5% fewer than in 2018. The ECtHR declared inadmissible or struck out 38,480 applications, which is 95% of all applications examined in 2019.

As of 31 December 2019, 59,800 applications were pending before the Strasbourg Court. Although the ECtHR accepts applications against 47 states, over two thirds of the pending applications concerned four states. 25% concerned the Russian Federation; 15%, Turkey; 15%, Ukraine; and 13%, Romania. Moldova was 11th in this ranking, with 2% (1,056) of the pending applications.

In 2019, the ECtHR delivered 884 judgments, 13% fewer than in 2018. Most judgments were against the Russian Federation —198 applications (23%); Turkey —113 applications (14%); and Ukraine —109 applications (13%). In this respect, Moldova ranked fifth out of the 47 member states of the Council of Europe, with 54 judgments

Table 2. STATISTICS ON THE APPLICATIONS TO THE EUROPEAN COURT OF HUMAN RIGHTS. 2009 – 2019. (concerning all states)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	+/- 2018
Registered applications	57,100	61,300	64,400	65,162	65,900	56,200	40,550	53,400	63,350	43,100	44,500	+3%
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	6,442	-16%
Applications declared inadmissible or struck out	33,065	38,576	50,677	86,201	89,737	83,675	43,133	36,579	70,356	40,022	38,480	-4%
Delivered judgments	1,625	1,499	1,157	1,093	916	891	823	993	1,068	1,014	884	-13%

	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	31.12.19	+/- 2018
Pending applications	119,300	139,650	151,600	128,100	99,900	69,900	64,850	79,750	56,250	56,350	59,800	+6%
Incomplete applications (considered invalid)						25,100	32,400	20,950	22,650	19,550	8,800	-223%

Table 3

**THE SUMMARY OF THE VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS
in Moldovan cases¹ in 2019**

ECHR Article	Total number of violations	ECHR violation type	Number of violations	ECtHR judgment
Article 3, ECHR (the prohibition of degrading and inhuman treatment and torture)	4	detention in poor conditions	1	Botnari
		failure to provide proper medical assistance in detention	1	Botnari
		ill treatment in detention	1	Prepeleța
		Improper investigation of ill-treatment	1	Prepeleța
Article 5, ECHR (the right to liberty and security)	5	§ 1 – arbitrary arrest and detention of applicants with the purpose of extradition	1	Ozdil și alții
		§ 1 – insufficient compensation for illegal detention	1	Gorea
		§ 3 – insufficient reasoning for an arrest	3	Sirencu, Cașu, Moscalciuc
Article 6 (1), ECHR (the right to a fair trial)	29	failure to examine an appeal in cassation in a civil case due to failure to pay a court fee that was not provided by law	1	Graciova
		the abusive dismissal of an action on the compensation of damage, invoking the principle of <i>res judicata</i>	1	Cocu and Calentiev
		the dismissal of a claim in administrative court due to the non-exhaustion of pre-trial remedies, even though these have been exhausted	1	Negură and Others
		the dismissal of the applicant's appeal in cassation due to the applicant's failure to file an appeal, even though the applicant agreed with the first court judgment, which was quashed in appeal	1	Gheorghită
		judge's lack of impartiality	1	Deli
		failure to properly summon in cassation	1	Deli
		insufficiently reasoned judgment	1	Romanenco
		criminal conviction based on provocation to commit the crime	1	Dmitrieva
		conviction based on the transcribed testimony of a witness located abroad	1	Mititelu and Antonovici

¹ By the Republic of Moldova

ECHR Article	Total number of violations	ECHR violation type	Number of violations	ECtHR judgment
Article 6 (1), ECHR (the right to a fair trial) (continuation)	29	conviction in appeal or in cassation without direct hearing of witnesses	3	Dmitrieva, Belcencov, Ciobanu
		failure to enforce a judgment in a reasonable time	2	Cristea, Ichim
		the admission of time-barred appeals or appeals in cassation	5	Carpov, Construct, Confort S.R.L, Bodi, Virprod-Lux S.R.L, Fabrica de zahăr din Ghindești S.A
		the admission of a time-barred action	4	Melnic, Muhina, Consocivil S.A., Snegur
		the quashing of a judgment though the improper application of revision	5	Ichim, Colesnic, Electronservice-Nord S.A, Mitropolia Basarabiei și Parohia Nașterea Maicii Domnului din Mihalasa, Consocivil S.A. și Zelinschi
		the quashing of a judgment in a criminal case through the improper application of appeal in annulment	1	Vieru
Article 8, ECHR (the right to respect for private and family life)	4	the arbitrary expulsion of the applicants from the country and judges' refusal, for formal reasons, to examine the legality of expulsion	1	Ozdil and Others
		state's failure to ensure the applicant's ties with their children	2	Bittoun, Pisciă
		failure to satisfy the positive obligation of preventing noise pollution	1	Roman
Article 10, ECHR (the freedom of expression)	1	imprisonment penalty applied for an extravagant protest	1	Mătășaru
Article 13, ECHR (the right to an effective remedy)	2	the lack of an effective domestic remedy for failure to enforce a judgment	1	Cristea
		the lack of an effective remedy for improving detention conditions	1	Botnari

ECHR Article	Total number of violations	ECHR violation type	Number of violations	ECtHR judgment
Article 1, Protocol 1, ECHR	12	the cancellation of an air operator certificate through arbitrary procedures	1	Pecotox – AIR S.R.L
		failure to enforce a final judgment	1	Cristea
		deprivation of property through admission of time-barred actions, appeals, or appeals in cassation, or by an improper application of revision	10	Carpov, Colesnic, Construct Confort S.R.L, Consociul CS și Zelinschi, Bodi, Virprod-Lux S.R.L, Energoservice-Nord SA, Mitropolia Basarabiei și Parohia Nașterea Maicii Domnului din Mihalasa, Fabrica de zahăr din Ghindești S.A, Snegur
Positive obligations related to the region of Transnistria	2	failure to satisfy the obligation to prevent the applicant's arrest by the representatives of the "MRT" authorities on the territory controlled by the authorities of the Republic of Moldova	2	Filin, Negruta
The total number of violations	59			

Table 4

JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS
issued on Moldovan cases in 2019
(in chronological order)

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
1.	Pecotox-AIR S.R.L v. Moldova (45506/09)	15/01/2019	Article 1, Protocol 1, ECHR – the cancellation of an air operator certificate through arbitrary procedures	2007 – 2009	Total amount: EUR 5,500 Moral damages: EUR 3,000 Costs and expenses: EUR 2,500
2.	Sirencu v. Moldova (52053/15)	15/01/2019	Article 5 § 3, ECHR – insufficient reasoning for a pretrial arrest and a house arrest	2015	Total amount: EUR 0 (was not requested)
3.	Graciova v. Moldova (43404/08)	15/01/2019	Article 6§ 1, ECHR – failure to examine an appeal in cassation in a civil case due to failure to pay a court fee that was not required by law	2007 – 2008	Total amount: EUR 2,500 Moral damages: EUR 1,500 Costs and expenses: EUR 1,000
4.	Matasaru v. Moldova (69714/16 and 71685/16)	15/01/2019	Article 10, ECHR – imprisonment penalty applied for an extravagant protest	2015 – 2016	Total amount: EUR 2,000 Moral damages: EUR 0 Costs and expenses: EUR 2,000
5.	Gorea v. Moldova (63507/11)	22/01/2019	Article 5 § 1, ECHR – insufficient compensation for illegal detention	2008 – 2009	Total amount: EUR 4,000 Moral damages: EUR 4,000
6.	Carpov v. Moldova (6338/11)	12/02/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a judgment on the collection of a sum by the admission of a time-barred appeal	2010 – 2011	Total amount: EUR 5,980 Material damages: EUR 2,500 Moral damages: EUR 2,000 Costs and expenses: EUR 1,480
7.	Cristea v. Moldova (35098/12)	12/02/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – insufficient moral compensation for failure to enforce a judgment on the provision of a dwelling in a reasonable time; Article 13, ECHR, corroborated by Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – impossibility to have a judgment enforced	2007 – 2015	Total amount: EUR 5,900 Material damages: EUR 3,400 Moral damages: EUR 2,500
8.	Negura and Others v. Moldova (16602/06)	05/03/2019	Article 6 § 1, ECHR – the dismissal of a claim in administrative court due to the non-exhaustion of pretrial remedies even though these have been exhausted	2005	Total amount: EUR 9,450 Moral damages: EUR 8,700 Costs and expenses: EUR 15,000

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
9.	Ichim v. Moldova (50886/08)	05/03/ 2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – failure to enforce a judgment concerning the boundaries of a land plot in a reasonable time, and the subsequent quashing of an final judgment though the improper application of revision	2008 – 2012	Total amount: EUR <u>2,070</u> Moral damages: EUR 2,000 Costs and expenses: EUR 70
10.	Bittoun v. Moldova (51051/15)	05/03/ 2019	Article 8, ECHR – state's failure to ensure that the applicant can meet their daughter; late examination of the legal action on the access to the child	2014 – 2017	Total amount: EUR <u>9,500</u> Moral damages: EUR 7,500 Costs and expenses: EUR 2,000
11.	Colesnic v. Moldova (18081/07)	05/03/ 2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of an final judgment concerning real estate though the improper application of revision	2002 – 2006	Total amount: EUR <u>2,630</u> Moral damages: EUR 2,000 Costs and expenses: EUR 630
12.	Dmitrieva v. Moldova (28347/08)	26/03/ 2019	Article 6 § 1, ECHR – criminal conviction based on provocation to commit the crime failure to hear an undercover agent in judicial proceedings without good reasons; the annulment of acquittal, and conviction in appeal without hearing witnesses directly	2005 – 2007	Total amount: EUR <u>5,600</u> Moral damages: EUR 3,600 Costs and expenses: EUR 2,000
13.	Cocu and Calentiev v. Moldova (20919/05)	09/04/ 2019	Article 6 § 1, ECHR – the abusive dismissal of an action on the compensation of damage, invoking the principle of res judicata	2004	Total amount: EUR <u>7,260</u> Moral damages: EUR 6,000 Costs and expenses: EUR 1,260
14.	Romanenco v. Moldova (59252/13)	09/04/ 2019	Article 6 § 1, ECHR – expropriation through an insufficiently reasoned judgment	2013	Total amount: EUR <u>4,915</u> Moral damages: EUR 3,600 Costs and expenses: EUR 1,315 Encouragement to re-open domestic procedures
15.	Construct Confort S.R.L. v. Moldova (16974/15)	28/05/ 2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a judgment annulling a tax fine by the admission of a time-barred appeal	2012 – 2015	Total amount: EUR <u>18,031.66</u> Material damages: EUR 15,544.66 Moral damages: EUR 2,000 Costs and expenses: EUR 487

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
16.	Consocivil S.A. and Zelinski v. Moldova (27773/05 and 5314/06)	28/05/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a final judgment on compensations though the improper application of revision	2004 – 2009	Total amount: EUR <u>144,600</u> Material damages: EUR 142,000 Moral damages: EUR 1,500 Costs and expenses: EUR 1,100 Encouragement to re-open domestic procedures
17.	Ozdil and Others v. Moldova (42305/18)	11/06/2019	Article 5 § 1, ECHR – arbitrary arrest and detention of the applicants; Article 8, ECHR – the arbitrary expulsion of the applicants from the country, and judges' refusal, for formal reasons, to examine the legality of expulsion	2018	Total amount: EUR <u>125,000</u> Moral damages: EUR 125,000
18.	Vieru v. Moldova (25763/10)	18/06/2019	Article 6 § 1, ECHR – the quashing of a final judgment in a criminal case through the improper application of appeal in annulment	2010	Total amount: EUR <u>3,787.5</u> Moral damages: EUR 2,000 Costs and expenses: EUR 1,787.5
19.	Canter and Magaleas v. Moldova and the Russian Federation (7529/10)	18/08/2019	Regarding the Russian Federation: Article 6 § 1, ECHR – conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law” Regarding the Republic of Moldova, no ECHR violations were found	2009	Total amount: EUR <u>16,080, imposed on the Russian Federation</u> Moral damages: EUR 12,000 Costs and expenses: EUR 4,080
20.	Bodiu v. Moldovei (7516/10)	18/08/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a judgment concerning the acknowledgment of property right by the admission of time-barred appeal in cassation	2009	Total amount: EUR <u>2,500</u> Moral damages: EUR 2,000 Costs and expenses: EUR 500
21.	Virprod-Lux S.R.L. v. Moldova (5067/08)	18/08/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a judgment concerning real estate by the admission of time-barred appeal	2007 – 2008	Total amount: EUR <u>38,702.21</u> Material damages: EUR 35,092.21 Moral damages: EUR 2,000 Costs and expenses: EUR 1,610
22.	Cotofan v. Moldova and the Russian Federation (5659/07)	18/08/2019	Regarding the Russian Federation: Article 1, Protocol 1, ECHR – the confiscation of a car by the “customs authorities” from the region of Transnistria; Article 13, ECHR, corroborated by Article 1, Protocol 1, ECHR – the lack of an effective remedy for the protection of ownership Regarding the Republic of Moldova, no ECHR violations were found	2006	Total amount: EUR <u>5,044, imposed on the Russian Federation</u> Material damages: EUR 44 Moral damages: EUR 3,000 Costs and expenses: EUR 2,000

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
23.	Sobco and Ghent v. Moldova and the Russian Federation (3060/07 and 45533/09)	18/08/2019	Regarding the Russian Federation: Article 6 § 1, ECHR – the dismissal of a reinstatement action by the courts from the region of Transnistria, which do not represent “tribunals established by law” Regarding the Republic of Moldova, no ECHR violations were found	2006 – 2009	Total amount: EUR <u>8,400, imposed on the Russian Federation</u> Moral damages: EUR 6,000 Costs and expenses: EUR 2,400
24.	Belcencov v. Moldova (4457/09)	18/08/2019	Article 6 § 1, ECHR – the quashing of an acquittal decision by the Supreme Court of Justice, and the conviction of the applicant without hearing the applicant and the witnesses whose testimony the conviction was based on	2008 – 2010	Total amount: EUR <u>5,000</u> Moral damages: EUR 5,000
25.	Electronservice-Nord S.A v. Moldova (12918/12)	02/07/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of an final judgment concerning the acknowledgment of property right though the improper application of revision	2010 – 2011 pendinte	Total amount: EUR <u>2,800</u> Material damages: to be established in a separate judgment Moral damages: EUR 2,000 Costs and expenses: EUR 800
26.	Melnic v. Moldova (46351/08)	02/07/2019	Article 6 § 1, ECHR – the expropriation of the applicant by the admission of a time-barred action	2007 – 2008	Total amount: EUR <u>2,500</u> Moral damages: EUR 1,500 Costs and expenses: EUR 1,000
27.	Besleaga v. Moldova and the Russian Federation (48108/07)	02/07/2019	Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Articles 5 § 1 and 6 § 1, ECHR – imprisonment and administrative conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 10, ECHR – administrative conviction for the distribution of election materials; Article 13, ECHR – the lack of an effective remedy for the protection of rights Regarding the Republic of Moldova, no ECHR violations were found	2007	Total amount: EUR <u>11,250, imposed on the Russian Federation</u> Moral damages: EUR 9,750 Costs and expenses: EUR 1,500
28.	Mititelu and Antonovici v. v. Moldova (15989/11)	02/07/2019	Article 6 § 1, ECHR – the conviction of the applicants based on the transcribed testimony of a person located in Germany	2010 – 2011	Total amount: EUR <u>7,500</u> Moral damages: EUR 6,000 Costs and expenses: EUR 1,500

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
29.	Antonov and Others v. Moldova and the Russian Federation (315/10, 1153/10 and 1158/10)	02/07/2019	Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions, ill treatment, and failure to offer medical assistance in detention in the region of Transnistria; Article 5 § 1, ECHR – imprisonment based on a judgment of the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 8, ECHR – impossibility of the applicants’ meetings with family members during detention; Article 13, ECHR – the lack of an effective remedy for the protection of rights Regarding the Republic of Moldova, no ECHR violations were found	2009 – pendinte 2004 – 2009	Total amount: EUR 60,000, imposed on the Russian Federation Moral damages: EUR 58,500 Costs and expenses: EUR 1,500
30.	Panteleiciuc v. Moldova and the Russian Federation (57468/08)	02/07/2019	Regarding the Russian Federation: Articles 6 § 1 and 3, ECHR – unfair administrative conviction by the courts from the region of Transnistria Regarding the Republic of Moldova, no ECHR violations were found	2008	Total amount: EUR 9,300, imposed on the Russian Federation Moral damages: EUR 7,800 Costs and expenses: EUR 1,500
31.	Gheorghita v. Moldova (5334/06)	02/07/2019	Article 6 § 1, ECHR – the dismissal of the applicant’s appeal in cassation due to the applicant’s failure to file an appeal, even though the applicant agreed with the first court judgment, which was quashed in appeal	2005	Total amount: EUR 2,000 Moral damages: EUR 1,500 Costs and expenses: EUR 500
32.	Muhina v. Moldova (342/09)	03/09/2019	Article 6 § 1, ECHR – the admission of an time-barred action against the applicant and based on obviously inapplicable provision	2007 – 2008	Total amount: EUR 1,500 Moral damages: EUR 1,500
33.	Dobrovitskaya and Others v. Moldova and the Russian Federation (41660/10 and 5 other)	03/09/2019	Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria, and failure to provide proper medical assistance in detention; Articles 5 § 1 and 6 § 1, ECHR – conviction and detention based on judgments of the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 2, Protocol 4, ECHR – the prohibition to leave the region of Transnistria was illegal because the issuing “authorities” were not “legitimate”; Article 13, ECHR – the lack of an effective remedy for the protection of rights Regarding the Republic of Moldova, no ECHR violations were found	2005 – 2013	Total amount: EUR 130,550, imposed on the Russian Federation Moral damages: EUR 121,550 Costs and expenses: EUR 9,000

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
34.	Matcenco v. Moldova and the Russian Federation (10094/10)	17/09/2019	<p>Regarding the Russian Federation: Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”.</p> <p>Regarding the Republic of Moldova, no ECHR violations were found</p>	2009 – 2010	<p>Total amount: EUR <u>21,500, imposed on the Russian Federation</u></p> <p>Moral damages: EUR 20,000</p> <p>Costs and expenses: EUR 1,500</p>
35.	Berzan v. Moldova and the Russian Federation (56618/08)	17/09/2019	<p>Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 13, ECHR, corroborated by Article 3, ECHR – the lack of an effective remedy for the protection of rights.</p> <p>Regarding the Republic of Moldova, no ECHR violations were found</p>	2008 – 2015	<p>Total amount: EUR <u>248,900, imposed on the Russian Federation</u></p> <p>Material damages: EUR 1,600</p> <p>Moral damages: EUR 232,000</p> <p>Costs and expenses: EUR 15,300</p>
36.	Istratii v. Moldova and the Russian Federation (15956/11)	17/09/2019	<p>Regarding the Russian Federation: Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”</p> <p>Regarding the Republic of Moldova, no ECHR violations were found</p>	2008 – 2010	<p>Total amount: EUR <u>20,000, imposed on the Russian Federation</u></p> <p>Moral damages: EUR 20,000</p>
37.	Filin v. Moldova and the Russian Federation (48841/11)	17/09/2019	<p>Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 13, ECHR, corroborated by Article 3, ECHR – the lack of an effective remedy for the protection of rights</p> <p>Regarding the Republic of Moldova: Articles 3, 5 § 1, and 13, ECHR – failure to satisfy the positive obligation to prevent the applicant’s arrest by the representatives of the “MRT” authorities on the territory controlled by the authorities of the Republic of Moldova</p>	2009 – 2015	<p>Total amount: EUR <u>22,000 Russian Federation</u></p> <p>Moral damages: EUR 12,000</p> <p>Costs and expenses: EUR 1,200</p> <p>Republic of Moldova</p> <p>Moral damages: EUR 8,000</p> <p>Costs and expenses: EUR 800</p>

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
38.	Negruta v. Moldova and the Russian Federation (3445/13)	17/09/2019	<p>Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 1, Protocol 1, ECHR – the confiscation of the applicant’s car by the judgment of the courts from the region of Transnistria</p> <p>Regarding the Republic of Moldova: Articles 3, 5 § 1, and 1, Protocol 1, ECHR – failure to satisfy the positive obligation to prevent the applicant’s arrest by the representatives of the “MRT” authorities on the territory controlled by the authorities of the Republic of Moldova</p>	2011 – 2014	<p>Total amount: EUR 16,900</p> <p>Russian Federation Moral damages: EUR 9,400 Costs and expenses: EUR 1,200</p> <p>Republic of Moldova Moral damages: EUR 5,600 Costs and expenses: EUR 700</p>
39.	Untilov v. Moldova and the Russian Federation (80882/13)	17/09/2019	<p>Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Article 13, ECHR, corroborated by Article 3, ECHR – the lack of an effective remedy for the protection of rights</p> <p>Regarding the Republic of Moldova, no ECHR violations were found</p>	2009 – 2019	<p>Total amount: EUR 21,500, imposed on the Russian Federation</p> <p>Moral damages: EUR 20,000 Costs and expenses: EUR 1,500</p>
40.	Iovcev and Others v. Moldova and the Russian Federation (40942/14)	17/09/2019	<p>Regarding the Russian Federation: Article 5 § 1, ECHR – the arrest of 3 applicants for several hours by the “MRT” authorities; Article 8, ECHR – harassment of the applicants on account of their choice to study in the schools that use Latin script in the region of Transnistria; applicants’ body search; and the confiscation of the applicants’ personal belongings;</p> <p>Article 2, Protocol 1, ECHR – actions of harassment, searches, and confiscations carried out by the “MRT” authorities aimed to discourage students and their parents from attending three high schools that use Latin script in the region of Transnistria</p> <p>Regarding the Republic of Moldova, no ECHR violations were found</p>	2013 – 2014	<p>Total amount: EUR 131,000, imposed on the Russian Federation</p> <p>Moral damages: EUR 126,000 Costs and expenses: EUR 5,000</p>

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
41.	Babchin v. Moldova and the Russian Federation (55698/14)	17/09/2019	Regarding the Russian Federation: Article 3, ECHR – detention in poor conditions in the region of Transnistria; Article 5 § 1, ECHR – detention based on criminal conviction by the courts from the region of Transnistria, which do not represent “tribunals established by law”; Article 1, Protocol 1, ECHR – the unlawful confiscation of the applicant’s property; Article 13, ECHR, corroborated by Article 3, ECHR, and Article 1, Protocol 1, ECHR – the lack of an effective remedy for the protection of rights Regarding the Republic of Moldova, no ECHR violations were found	2012 – 2017	<u>Just satisfaction to be established in a separate judgment</u>
42.	Botnari v. Moldova (74441/14)	01/10/2019	Revision of the judgment of 05/06/2018 Article 3, ECHR – detention in poor conditions, failure to provide proper medical assistance during 3.5 years of detention; Article 13, ECHR, corroborated by Article 3, ECHR – the lack of an effective remedy to improve detention conditions	2013 – 2016	Total amount: EUR 9,000 Moral damages: EUR 7,500 Costs and expenses: EUR 1,500
43.	Casu v. Moldova (75524/13)	01/10/2019	Article 5 § 3, ECHR – insufficient reasoning for an arrest (that lasted 20 months)	2012 – 2013	Total amount: EUR 3,000 Moral damages: EUR 3,000
44.	Mitropolia Basarabiei and Parohia Nasterea Maicii Domnului din Mihalasa v. Moldova (65637/10)	01/10/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of an final judgment concerning the acknowledgment of property right though the improper application of revision	2010	Total amount: EUR 3,760 Moral damages: EUR 2,000 Costs and expenses: EUR 1,760
45.	Moscalciuc v. Moldova (42921/10)	01/10/2019	Article 5 § 3, ECHR – insufficient reasoning for an arrest (that lasted more than two years)	2010 – 2012	<u>The applicant did not request damages</u>
46.	Grama and Dirul v. Moldova and the Russian Federation (28432/06 și 5665/07)	15/10/2019	Regarding the Russian Federation: Article 1, Protocol 1, ECHR – the confiscation of the applicants’ cars by the “customs authorities” from the region of Transnistria, and the imposition of “fines” for their recovery; Article 13, ECHR – the lack of an effective remedy for the protection of ownership Regarding the Republic of Moldova, no ECHR violations were found	2005 – 2006	Total amount: EUR 9,613, imposed on the Russian Federation Material damages: EUR 13 Moral damages: EUR 6,000 Costs and expenses: EUR 3,600

No.	Case	Judgment issue date	Identified violations	The period of violation	Just satisfaction
47.	Deli v. Moldova (42010/06)	22/10/2019	Article 6 § 1, ECHR – judge’s lack of impartiality, failure to properly summon in cassation	2006	Total amount: EUR 1,517 Moral damages: EUR 1,500 Costs and expenses: EUR 17
48.	Pisica v. Moldova (23641/17)	29/10/2019	Article 8, ECHR – failure to take reasonable actions to prevent the estrangement of children from the applicant	2012 – 2015	Total amount: EUR 14,000 Moral damages: EUR 12,000 Costs and expenses: EUR 2,000
49.	Fabrica de zahar din Ghindesti S.A v. Moldova (54813/08)	03/12/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of a judgment in favor of the applicant by the admission of a time-barred appeal in cassation	2008	Total amount: EUR 3,400 Material damages: to be established in a separate judgment Moral damages: EUR 2,000 Costs and expenses: EUR 1,400
50.	Ciobanu v. Moldova (44896/11)	03/12/2019	Article 6 § 1, ECHR – conviction in appellate court without directly hearing witnesses	2010	Total amount: EUR 2,810 Moral damages: EUR 2,000 Costs and expenses: EUR 810
51.	Prepelita v. Moldova (50799/14)	03/12/2019	Article 3, ECHR – ill treatment in detention, improper investigation of ill treatment	2012 – 2014	Total amount: EUR 12,018 Material damages: EUR 18 Moral damages: EUR 12,000
52.	Consocivil S.A. v. Moldova (25795/07)	03/12/2019	Article 6 § 1, ECHR – admission of an action against the applicant by failing to rebut the time-barred argument	2007 – 2008	Total amount: EUR 3,700 Moral damages: EUR 2,000 Costs and expenses: EUR 1,700 Encouragement to re-open domestic procedures
53.	Roman v. Moldova (13274/07)	03/12/2019	Article 8, ECHR – failure to satisfy the obligation of preventing noise pollution caused by the air conditioners of a nearby restaurant and the restaurant itself at night	2003 – 2006	Total amount: EUR 6,185 Moral damages: EUR 4,500 Costs and expenses: EUR 1,685
54.	Snegur v. Moldova (22775/07)	03/12/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the admission of a time-barred action against the applicant	2003 – 2006	Total amount: EUR 4,500 Material damages: to be established in a separate judgment Moral damages: EUR 3,000 Costs and expenses: EUR 1,500
					Total: EUR 500,216.37

Table 5

JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS
issued on Moldovan cases in 2019
(in chronological order)

No.	Case	Judgment issue date	Invoked violation	Type of judgment	Just satisfaction
1.	Nastase v. Moldova (74444/11)	04/12/ 2018	Article 6, ECHR – trial in absentia	Inadmissible (manifestly unfounded application)	
2.	Beloziorov and Molodtova v. Moldova and the Russian Federation (3368/12)	17/01/ 2019	Articles 3 and 5, ECHR – unlawful detention in the region of Transnistria	Striking out of the application (the death of one of the applicants, and the unwillingness of the other one to keep the application on the docket)	
3.	Bektas v. Moldova (1015/13)	22/01/ 2019	Article 8, ECHR – authorities' failure to decide on the applicant's request to have their daughter returned in Turkey	Striking out of the application (unilateral declaration)	<u>Total amount:</u> <u>EUR: 8,000</u>
4.	Luncasu v. Moldova (38202/10)	05/02/ 2019	Article 3, ECHR – ill treatment in detention, and failure to investigate ill treatment; Article 6 (1) and (3), ECHR – judge's lack of impartiality ; failure to grant the defense sufficient time for preparation; failure to translate documents in the applicant's language	Inadmissible (Article 3 – the non-exhaustion of domestic remedies) (Article 6 – manifestly unfounded application)	
5.	Foresta-Fort S.R.L. v. Moldova (36673/11)	05/02/ 2019	Articles 6 § 1 and 13, ECHR, and Article 1, Protocol 1, ECHR – the imposition of a judgment filed for enforcement belatedly on the applicant	Inadmissible (abusive application – the applicant's failure to offer important information for case examination)	
6.	Draniceru v. Moldova (31975/15)	12/02/ 2019	Article 3, ECHR – detention in poor conditions; failure to provide proper medical assistance in detention; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
7.	Housing Construction Cooperative No. 223 v. Moldova (15898/15)	14/02/ 2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the irregular quashing of an final judgment	Striking out of the application (unwillingness to keep the application on the docket)	
8.	Soitu v. Moldova (18835/08)	14/02/ 2019	Article 6 § 1, ECHR – access to justice	Striking out of the application (friendly settlement)	<u>Total amount:</u> <u>EUR: 5,300</u>
9.	V.B. v. Moldova (59958/10)	05/03/ 2019	Article 8, ECHR – failure to protect medical data	Striking out of the application (friendly settlement)	<u>Total amount:</u> <u>EUR: 4,330</u>
10.	Cobilceanu and Others v. Moldova (72239/16)	19/03/ 2019	Article 3, ECHR – detention in poor conditions; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	


No.	Case	Judgment issue date	Invoked violation	Type of judgment	Just satisfaction
11.	Grigoras and Others v. Moldova (25435/18)	19/03/2019	Article 3, ECHR – detention in poor conditions; failure to provide proper medical assistance in detention; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
12.	Filat and Others v. Moldova (11657/16)	19/03/2019	Article 3 of the ECHR – detention in poor conditions; failure to provide proper medical assistance in detention	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
13.	Bulgacov and Others v. Moldova (54187/15)	19/03/2019	Article 3, ECHR – detention in poor conditions; failure to provide proper medical assistance in detention; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
14.	Baban and Others v. Moldova (3282/12)	19/03/2019	Article 3, ECHR – detention in poor conditions; failure to provide proper medical assistance in detention; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
15.	Talambuta and Others v. Moldova (23151/09)	19/03/2019	Article 3, ECHR – detention in poor conditions; failure to provide proper medical assistance in detention; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
16.	Codreanu and Others v. Moldova (22927/09)	19/03/2019	Article 3, ECHR – detention in poor conditions; Article 13, ECHR – the lack of an effective remedy	Inadmissible (the non-exhaustion of the compensatory remedy established by Law No. 163 of 20 July 2017)	
17.	Kommersant Moldovy v. Moldova (10661/08)	19/03/2019	Articles 6 § 1, 10 and 46, ECHR – the SCJ's refusal to restart judicial proceedings following the ECtHR's finding of the violation of freedom of expression	Inadmissible (the lack of jurisdiction <i>ratione materiae</i>)	
18.	Andriuta v. Moldova (55289/13)	19/03/2019	Article 2, ECHR – deficient investigation of death of the applicant's son	Striking out of the application (the applicant's death, and the successor's unwillingness to continue the procedure)	
19.	Ipate v. Moldova (46114/11)	19/03/2019	Article 3, ECHR – detention in poor conditions; the failure to provide proper medical assistance; Article 13, ECHR – the lack of an effective remedy	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 4,600</u>
20.	Terentiev v. Moldova (28973/06)	02/04/2019	Article 6 § 1, ECHR, Article 1, Protocol 1, ECHR – court's failure to order a valuation of ex-wife's interest in a limited liability company	Inadmissible (manifestly unfounded application)	
21.	Olisevschi v. Moldova (25561/10)	30/04/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the admission of time-barred appeal in cassation	Inadmissible (the non-exhaustion of domestic remedies)	


No.	Case	Judgment issue date	Invoked violation	Type of judgment	Just satisfaction
22.	F.P.C. Stefsotra S.R.L v. Moldova (25676/12)	30/04/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the admission of a time-barred action against the applicant	Striking out of the application (unwillingness to keep the application on the docket)	
23.	Ciobanu v. Moldova (4720/11)	16/05/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the quashing of an final judgment	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 1,500</u>
24.	Veronica-P S.R.L. v. Moldova (50211/09)	16/05/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the admission of a time-barred action against the applicant	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 1,500</u>
25.	Stratan and Tcaci v. Moldova (12744/15)	06/06/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the admission of time-barred appeal in cassation	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 2,000</u> Moral and material damages: EUR 1,500 Costs and expenses: EUR 500
26.	Levinte v. Moldova (12591/15)	06/06/2019	Article 3, ECHR – ill treatment; insufficient compensation for ill treatment; detention in poor conditions	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 8,000</u>
27.	Efros v. Moldova (62380/11)	06/06/2019	Article 5 § 1 and § 3, ECHR – arrest without reasonable allegations, and failure to substantiate the arrest Article 8, ECHR – illegal search, and disrespect for the attorney-client privilege	Striking out of the application (unilateral declaration)	Total amount: <u>EUR: 1,500</u>
28.	Malancea v. Moldova (46372/10)	06/06/2019	Article 5§ 1, ECHR – unlawful detention for 3 hours	Striking out of the application (unwillingness to keep the application on the docket)	
29.	Neagu v. Moldova (26632/11)	11/06/2019	Article 6 § 1 and § 3, ECHR – impossibility to challenge a decision on the resumption of prosecution against the applicant; failure to summon the applicant to a court hearing; the unlawful resumption of prosecution	Inadmissible (the non-exhaustion of national remedies)	
30.	Reselian v. Moldova (14896/07)	10/09/2019	Article 6 § 1, ECHR, and Article 1, Protocol 1, ECHR – the insufficient reasoning of a judgment concerning the partition of real estate	Inadmissible (manifestly unfounded application)	
31.	Stratan v. Moldova (44085/08)	10/09/2019	Article 6 § 3, ECHR – the replacement of a lawyer with a public defender	Inadmissible (the application lodged by a representative without power of attorney)	
32.	Rosca v. Moldova (36712/10)	22/10/2019	Article 10, ECHR – the imposition of civil liability for defamation	Inadmissible (manifestly unfounded application)	
					Total: EUR 36,730

The Legal Resources Centre 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.

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