

Promo-LEX: ECtHR Judgement in the Case of Stomatii Entered Into Force, and the Russian Federation is Obligated to Execute it

The European Court of Human Rights (ECtHR) announced that it rejected the request submitted by the Government of the Russian Federation, requesting to refer the case [No 69528/10 – Stomatii v. the Republic of Moldova and the Russian Federation](#), to the Grand Chamber after the ECtHR issued a judgement on 18 September 2018.

The Russian Government requested the re-examination of the ECtHR judgement stipulating that the former violated the right to life in the Transnistrian region and obliging it to pay reparations worth EUR 53,000 to the mother of Alexandru Stomatii – a young man who was forcibly enrolled and murdered in an illegal paramilitary unit from the Transnistrian region.

The appeal of the Russian Government was examined by a panel of five judges of the Grand Chamber of ECtHR who decided to reject the request for the case to be referred to the Grand Chamber. The ECHR reiterates that, in line with Article 44(2) of the European Convention on Human Rights (ECHR), the judgment of 18 September 2018 became final on 4 February 2019.

Alexandru Postica, Director of the Human Rights Program of Promo-LEX Association, said that ‘the judgment of a Chamber shall become final when the panel of five judges of the Grand Chamber of the ECtHR rejects the request for the case to be referred to the Grand Chamber, made by the participants, under the Article 43. In other words, the Russian Federation is

obliged to execute unconditionally ECtHR judgment of 18 September 2018’.

The Penal Code of the Republic of Moldova criminalizes the organization or participation in an illegal paramilitary formation. Over the past 10 years, Promo-LEX has identified several cases of death in the ‘Transnistrian army’. According to the [Promo-LEX Report](#), the young men, who avoid enlisting in the so-called ‘Transnistrian army’ are imposed fines of up to EUR 1,700 or face imprisonment of up to two years. In the history of Moldova, there is not a single conviction for forced conscription of young people in the Transnistrian region.

In 2009, Alexandru Stomatii was forcibly conscripted in the illegal paramilitary structures of the Transnistrian region, and in 2010 he was killed. The Russian authorities did not respond to his mother’s requests, while the Moldovan authorities suspended the proceedings on the grounds that no one, who could be accused of murder, was identified. (the press release is available [here](#))

For more information, please contact: Natalia Munteanu, Promo-LEX Communication Officer

GSM: 069 43 70 40; E-mail: natalia.munteanu@promolex.md