

# Moldova and Russia condemned in two Transnistrian cases following the transmission of people to the criminal investigation bodies of the Transnistrian region



On September 17, 2019, the European Court of Human Rights issued two rulings recognizing the Republic of Moldova and the Russian Federation guilty of violating the right not to be subjected to torture and inhuman treatment, as well as the right

to freedom and security.

These cases raise the issue of collaboration between the law enforcement bodies under the constitutional authorities of the RM and representatives of the secessionist bodies, who have no right to examine cases and impose criminal penalties. Earlier, the Court found this issue in *Braga v. Moldova and the Russian Federation*, no. 76957/01. Recently the constitutional authorities have assisted with the arrest of an official from the Transnistrian region, who was subsequently transmitted to the secessionist administration.

In the case of *Negruta v. Moldova and Russia*, no. 3445/13, the applicant was detained on June 14, 2011 in Rezina by the Center for Combating Economic Crimes and Corruption (CCECC) and subsequently transmitted to the representatives of Transnistrian militia in a criminal case initiated by them.

The applicant was charged and convicted by the so-called criminal prosecution bodies of the Transnistrian region. The applicant was transferred to prison no. 1 from Hlinaia, where he was held in inhuman and degrading conditions. He was released from detention on 27.10.2014. The Court concluded that the Moldovan authorities, who had to control the situation at the time of the applicant's arrest, did not prevent his detention by the so-called "PMR" authorities, who subsequently convicted and placed him in inhuman and degrading conditions. The Court found the violation of art. 3, 5 par. 1, 13 of the Convention by both states – the Republic of Moldova and the Russian Federation. At the same time, it found the violation of art. 1 of Additional Protocol to the Convention, in the "confiscation" of the means of transport belonging to the applicant by the so-called courts. The Court ordered the collection of 15,000 Euros as moral damages, of which 5,600 from the Republic of Moldova and 9,400 from the Russian Federation, as well as the amount of 1,900 Euros as representation costs, of which 700 Euros from the Republic of Moldova and 1,200 Euros from the account of the Russian Federation.

In *Filin v. Moldova and Russia*, no. 48841/11, the applicant was detained in his apartment in Chisinau, where he lived on 25.03.2009. According to the applicant, the detention was carried out by officers who claimed to belong to the Ciocana Police Inspectorate, but they did not present any confirmatory document in this regard. Half an hour after his arrest, the applicant called his wife and informed her that he was in the custody of the militia of Dubasari, controlled by the secessionist administration. On 21.10.2009, the applicant was convicted to 8 years of imprisonment by "the court of Dubasari District", he was released on 17.03.2015. The applicant was detained in the prison of Hlinaia in inhuman and degrading conditions. In the case of *Filin*, the Court considered that it cannot be fully ascertained that the applicant was arrested by the police officers, but it is beyond any doubt that the

applicant was in the custody of the so-called Transnistrian militia. The Court noted that the Moldovan Government did not provide a unequivocal explanation with regard to how Transnistrian militia officers were able to cross several control posts. Consequently, the Court found that the Government did not make sufficient efforts to prevent the applicant's transfer to the detention facilities in the Transnistrian region. The Court found the violation of art. art. 3, 5 par. 1, 13 of the Convention by both states – the Republic of Moldova and the Russian Federation. The Court ordered the collection of the sum of 20,000 Euros as moral damages, of which 8,000 is to be paid by the Republic of Moldova and 12,000 by the Russian Federation, as well as of the amounts of 2,000 as representation costs of which 800 Euros from the account of the Republic of Moldova and 1,200 Euros from the account of the Russian Federation.

The applicants were represented by lawyers and legal experts of the Promo-LEX Association.

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