

Promo-LEX: ECHR Continues to Communicate New Cases of the Victims of April 7, 2009

Ion Nedelcu is another victim of police officers who was detained and ill-treated during the events of April 2009. After a series of lawsuits in national courts, where he tried and failed to find justice, on 14 June 2010, he submitted an application to the European Court of Human Rights.

Recently, the high Court informed the Moldovan Government about the case *Nedelcu v. Moldova*, file no. 35149/10.

On 7 April 2009, at 19.00, Ion Nedelcu, along with a group of about 17 people from Cahul, took a minibus to Chisinau to participate in peaceful protests against the fraudulent election results. The van was stopped by the police in virtually every district center on its way to the capital city. Upon arrival, the group decided to go to the center of the capital city, where the protesters were already dispersing. There, they heard sudden gunshots and the applicant, together with a colleague, decided to return back to the van, but was directly ordered to stop by people wearing police uniforms and head masks. The applicant complied with the order and stopped, while his colleague managed to flee. The applicant was brutally placed in a police car that was already filled with other young people, and was transported to the headquarters of the General Police Commissariat of Chisinau (CGP). At the CGP, the applicant was ill-treated by police officers and others in civilian clothes, including forced to pass through the "corridor of death" and take off all his clothes, was detained in 12 sqm cell with other 16 people, and so on.

The protocol of Ion Nedelcu's detention was prepared only the

next day, and the whole procedure took no more than 10 minutes and without presenting any evidence. The applicant was de facto detained on 8 April 2009, at about 00.40 hours. The arrest protocol was prepared only at 19.00 hours, on 8 April 2009. Therefore, the applicant was held in arbitrary detention for more than 18 hours, during which time he was ill-treated.

On 9 April 2009, a criminal case was opened in Ion Nedelcu's name, and he was charged with the offense of mass disorder. At the request of the prosecutor, the applicant was placed in preventive detention for 30 days. On 17 April 2009, he was released from detention. On 6 October 2009, the criminal charges against the applicant were dropped.

From the moment of his arrest and during the entire period of detention, Ion Nedelcu was ill-treated by the police – a fact that was communicated to the Military Prosecution, which refused to start a criminal investigation.

The applicant complained to the ECtHR on the violation of Article 3 of the European Convention on Human Rights, which amounts to ill-treatment by the police, inhuman and degrading prison conditions, lack of medical care while in detention, and the inability to effectively investigate his complaints of ill-treatment. The applicant also alleges a violation of Article 13 of the Convention, in that he had an effective remedy against the ill-treatment to which he was subjected. The applicant also filed for the violation of Art.5.1 on the grounds that he was illegally detained for more than 18 hours, and Art.5.5 on the impossibility of claiming damage.

The applicant is represented before the high Court by Promo-LEX attorneys and lawyers.

More details on the statement of facts are available [here](#).

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