

# **Ineffective justice in Moldova responsible for another case lost at the ECHR**

On 15 May 2012 the European Court of Human Rights has pronounced its judgment in the case of I.G. v. Moldova (application no.53519/07).

The applicant, I.G., is a young woman who at the time of the events was 14 years old. In August 2004, during a party at a club she was forced to drink alcohol by her 23-year old companion, who then raped her on their way home. Immediately after learning about what happened, the victim's mother lodged a complaint with the police, with criminal proceedings under statutory rape charges being initiated two days later.

The investigation process saw a host of delays and obstacles: after a series of medical examinations that confirmed the victim's account and an entire range of investigative measures, including witness and face-to-face interviews, in December 2004 the prosecutor supervising the case cleared the suspect of all charges.

Proceedings were re-initiated a month later and subsequently the perpetrator was sentenced to 3 years' probation. The sentence was unsuccessfully challenged by the plaintiff and the prosecution. The Balti Court of Appeals rejected the appeal and terminated the criminal proceedings against the accused. The Prosecutor General's Office failed to react despite a request submitted by the victim's lawyer to appeal the decision to the Supreme Court of Justice..

Exhausting all judicial remedies before the domestic courts, the victim's lawyer lodged an application with the European Court of Human Rights, complaining in particular that the national authorities had failed to effectively investigate the

alleged rape, which violated the State's positive obligations to protect one's physical integrity and private life and provide effective remedies in this respect.

In its judgment, the Court unanimously held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, and awarded the applicant €10,000 in respect of non-pecuniary damages and €2,000 for costs and expenses. The Court decided that it was not necessary to examine separately the violation of Arts. 8, 13 and 14 of the Convention.

The applicant was represented before the European Court of Human Rights by Alexandu Postica and Doina Ioana Străisteanu, lawyers practicing in Chisinau.

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