

The Moldovan Government will pay for restricting the freedom of assembly

On January 24, 2012 the European Court of Human Rights pronounced the judgment in the case of Brega and Others v. Moldova (Application No 61485/08).

The applicants, Ghenadie Brega, Anatolie Hristea-Stan, Gheorghe Lupușoru and Vasile Costiuc are members of a non-governmental organization from Moldova.

Between April 22, 2008 and February 3, 2009 the applicants organized and participated on several public meetings in Chisinau. While exercising their legal right to assembly, they have been repeatedly detained by police officers on charges of organizing unauthorized demonstrations, resisting arrest and assault on police officers. Later the applicants were acquitted on all counts of charges, due to lack of evidence. Even if applicants have filed a criminal complaint against the police officers who detained them, apparently no action was taken by the prosecution on the complaint in question.

Thus, in the complaint to the High Court, on December 16, 2008 the applicants complained of violation of Art.5 § 1 (Right to liberty and security), Art.10 (Freedom of expression) and Article.11 (Freedom of assembly and association) of the Convention.

The Court unanimously found violation of Art.5 § 1 ECHR, considering that applicants' detention on all demonstrations, except for the second applicant's detention from December 18, 2008 is subject to Art.5 § 1 (c) of the Convention. Also the Court unanimously found violation of Art. 11 ECHR considering that applicants' arrest was an „interference by public authority” in the right to freedom of assembly. Given the

findings in the Art.11 the Court considered it unnecessary to examine separately the alleged violation of Art. 10.

Based on the requests made by the applicants, the Court decided that the respondent State will pay the first applicant 10,000 euros as moral damages, 5,000 euros as damages for each of the other applicants, and 1,600 euros for costs and expenses.

Before the Court applicants were represented by Lawyer, Alexander Postica.

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