



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 18 December 2014

THIRD SECTION

Application no. 3445/13
Ghenadie NEGRUTA
against the Republic of Moldova and Russia
lodged on 7 December 2012

STATEMENT OF FACTS

The applicant, Mr Ghennadi Negruta, is a Moldovan national, who was born in 1982 and lives in Grigoriopol, the Transdniestrian region of Moldova. He is represented before the Court by Mr A. Postică, P. Postică, N. Hriplivii and A. Zubco, lawyers practising in Chişinău.

The facts of the case, as submitted by the applicant, may be summarised as follows.

On 14 June 2011 the applicant was arrested by several police officers from the Transdniestrian region of Moldova. The arrest took place in Rezina, a town under the jurisdiction of the constitutional authorities of the Republic of Moldova, and several officers from the National Anti-Corruption Centre of Moldova assisted the Transdniestrian officers during the arrest. The applicant was then transported by the Transdniestrian officers to the Transdniestrian region and one of the officers took his car to Transdniestria.

The applicant was charged with acts of corruption and remanded in custody until 8 June 2012, when he was finally convicted and sentenced to imprisonment of 4 years and 6 months. The Transdniestrian courts also confiscated two of the applicant's cars.

Pending trial the applicant was detained in the Hlinaia prison in a room with thirty-five detainees. Some of the applicant's cell-mates suffered from such diseases as HIV, hepatitis and tuberculosis. The roof of the prison was in a bad condition and it was raining inside the cell. There was no ventilation in the room and the air was very damp and smelled of mold. The cell was infested with rats and the detainees had no access to clean water.

COMPLAINTS

1. The applicant complains under Article 5 § 1 of the Convention that his detention by the “Transnistrian authorities” was unlawful and ordered by an authority which did not qualify as a court for the purposes of Article 5. He also complains that the Moldovan authorities assisted the Transnistrian police to abduct him from the territory controlled by the constitutional authorities of the Republic of Moldova.
2. The applicant also complains under Article 3 of the Convention about the poor conditions of detention in the Hlinaia prison.
3. The applicant finally complains under Article 1 of Protocol No. 1 of the Convention about the seizure of his cars.

QUESTIONS TO THE PARTIES

1. Did the applicant come within the jurisdiction of the Republic of Moldova and/or the Russian Federation within the meaning of Article 1 of the Convention as interpreted by the Court, inter alia, in the cases of *Ilașcu and Others v. Moldova and Russia* [GC], (No. 48787/99, ECHR 2004-VII) and *Catan and Others v. Moldova and Russia* [GC] (nos. 43370/04, 8252/05 and 18454/06, §§ 102-123, 19 October 2012) on account of the circumstances of the present case?
2. Did the conditions in the Hlinaia prison amount to inhuman or degrading treatment in breach of Article 3 of the Convention?
3. Was the applicant deprived of his liberty in breach of Article 5 § 1 of the Convention?
4. Do the facts of the case disclose a violation of Article 1 of Protocol No. 1 to the Convention?