



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

FOURTH SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Applications nos. 43370/04, 8252/05 and 18454/06
Alexei CATAN against Moldova and Russia
and other applications
(see list appended)

The European Court of Human Rights (Fourth Section), sitting on 15 June 2010 as a Chamber composed of:

Nicolas Bratza, *President*,
Lech Garlicki,
Anatoly Kovler,
Ljiljana Mijović,
David Thór Björgvinsson,
Ján Šikuta,
Mihai Poalelungi, *judges*,

and Lawrence Early, *Section Registrar*,

Having regard to the above applications lodged on 25 October 2004,

Having regard to the observations submitted by the respondent Governments and the observations in reply submitted by the applicants,

Having regard to the parties' oral submissions at the hearing on 9 June 2009,

Having deliberated, decides as follows:

THE FACTS

1. The applicants are Moldovan nationals (see Annex). They are represented before the Court by Mr I. Manole, Mr A. Postică and Mr V. Țurcan, lawyers practising in Chișinău, and Mr A. Unger, professor of law at London South Bank University. The Moldovan Government are represented by their Agent, Mr V. Grosu and the Russian Government are represented by their Agent, Mr G. Matyushkin.

2. At the oral hearing on 9 June 2009 the applicants were represented by Mr Manole and Mr Postica, assisted by Ms D.I. Straisteanu. The Moldovan Government were represented by Mr Grosu, assisted by Ms I. Rusu and the Russian Government were represented by Mr Matyushkin, assisted by Ms O. Sirotkina, Ms O. Yurchenko, Ms I. Koganova, Mr N. Fomin, Ms T. Kleymenova and Mr Makhnev.

A. The historical background

3. The country which subsequently became the Republic of Moldova was created as the Moldavian Soviet Socialist Republic on 2 August 1940 from a part of Bessarabia and a strip of land on the eastern bank of the Dniester (see further *Tănase v. Moldova* [GC], no. 7/08, §§ 11-17, ECHR 2010-...). This eastern region, now known as Transdniestria, had since 1924, together with a number of territories which are now part of Ukraine, been part of the Moldavian Autonomous Soviet Socialist Republic. The population of Transdniestria was originally composed principally of Ukrainians and Romanians/Moldovans, but from the 1920s onwards it was subject to significant immigration by industrial workers from elsewhere in the Soviet Union, particularly Russians and Ukrainians. It was assessed in 1989 to be composed ethnically and linguistically of 40% Moldovan, 28% Ukrainian, 24% Russian and 8% others.

4. According to the 1978 Constitution of the Moldavian Soviet Socialist Republic, there were two official languages: Russian and “Moldavian” (Romanian/Moldovan written with the Cyrillic script).

5. In August and September 1989 the Latin alphabet was reintroduced in Moldova for written Romanian/Moldovan, which became the first official language.

6. On 23 June 1990 Moldova proclaimed its sovereignty; on 23 May 1991 it changed its name to the Republic of Moldova; and on 27 August 1991 the Moldovan parliament adopted the Declaration of Independence of the Republic of Moldova, whose territory included Transdniestria.

B. Summary of the facts found in *Ilaşcu and Others v. Moldova and Russia*

1. The Transdniestrian conflict

7. The facts concerning the armed conflict of 1991-1992 and the period up to late 2003 are set out in *Ilaşcu and Others v. Moldova and Russia* [GC], no. 48787/99, §§ 28-183, ECHR 2004-VII and only a summary of the key events is provided here for ease of reference.

8. From 1989 onwards, a movement of resistance to Moldovan independence had been forming in Transdniestria. On 2 September 1990 Transdniestrian separatists announced the creation of the “Moldavian Republic of Transdniestria” (the “MRT”). On 25 August 1991 the “Supreme Council of the MRT” adopted the “declaration of independence” of the “MRT”. On 1 December 1991 a “presidential election”, declared illegal by the Moldovan authorities, was organised in the Transdniestrian provinces and Mr Igor Smirnov claimed to have been elected “President of the MRT”. To date, the “MRT” has not been recognised by the international community.

9. At the time of Moldova’s declaration of independence, it did not have its own army. The USSR’s 14th Army, whose headquarters had been in Chişinău since 1956, remained on Moldovan territory, although from 1990 onwards equipment and personnel began to be withdrawn. In 1991 the 14th Army in Moldova was composed of several thousand soldiers, infantry units, artillery (notably an anti-aircraft missile system), armoured vehicles and aircraft (including planes and strike helicopters). It had a number of ammunition stores, including one of the largest in Europe at Colbasna in Transdniestria.

10. By Decree no. 234 of 14 November 1991 the President of Moldova declared that ammunition, weapons, military transport, military bases and other property belonging to the military units of the Soviet armed forces stationed in Moldovan territory were the property of the Republic of Moldova.

11. By a decree dated 5 December 1991, Mr Smirnov decided to place the military units of the 14th Army deployed in Transdniestria under the command of “the National Defence and Security Department of the Moldavian Republic of Transdniestria”. Mr Smirnov appointed the Commander of the 14th Army, Lieutenant-General Iakovlev, as head of the “TRM” “National Defence and Security Department”. In December 1991 Lieutenant-General Iakovlev was arrested by the Moldovan authorities, who accused him of helping the Transdniestrian separatists to arm themselves by using the weapon stocks of the 14th Army. However, he was subsequently released following the intercession of the Government of the Russian Federation.

12. At the end of 1991 and the beginning of 1992 violent clashes broke out between the Transdniestrian separatist forces and the Moldovan security forces, claiming the lives of several hundred people.

13. On 6 December 1991, in an appeal to the international community and the United Nations Security Council, the Moldovan Government protested against the occupation, on 3 December 1991, of the Moldovan towns of Grigoriopol, Dubăsari, Slobozia, Tiraspol and Ribnița, situated on the left bank of the Dniester, by the 14th Army under the command of Lieutenant-General Iakovlev. They accused the authorities of the USSR, particularly the Ministry of Defence, of having prompted these acts. The soldiers of the 14th Army were accused of distributing military equipment to the Transdniestrian separatists and organising the separatists into military detachments which were terrorising the civilian population.

14. In 1991-92 a number of 14th Army military units joined the Transdniestrian separatists. In the *Ilascu* judgment (paragraphs 57 and 380), the Court found it established beyond reasonable doubt that Transdniestrian separatists were able, with the assistance of 14th Army personnel, to arm themselves with weapons taken from the stores of the 14th Army stationed in Transdniestria. In addition, large numbers of Russian nationals from outside the region, particularly Cossacks, went to Transdniestria to fight with the separatists against the Moldovan forces. Given the support provided to the separatists by the troops of the 14th Army and the massive transfer to them of arms and ammunition from the 14th Army's stores, the Moldovan army was in a position of inferiority that prevented it from regaining control of Transdniestria. On 2 April 1992 General Netkachev, the new Commander of the 14th Army (which on 1 April 1992 had become the "Russian Operational Group in the Transdniestrian region of Moldova" or "ROG"), ordered the Moldovan forces which had encircled the town of Tighina (Bender), held by the separatists, to withdraw immediately, failing which the Russian army would take counter-measures.

2. The ceasefire agreement, the Joint Control Commission and the peace-keeping force

15. On 21 July 1992 the President of the Republic of Moldova, Mr Snegur, and the President of the Russian Federation, Mr Yeltsin, signed an agreement on the principles for the friendly settlement of the armed conflict in the Transdniestrian region of the Republic of Moldova ("the ceasefire agreement").

16. The agreement introduced the principle of a security zone to be created by the withdrawal of the armies of the "parties to the conflict" (Article 1 § 2). Under Article 2 of the agreement, a Joint Control Commission ("the JCC") was set up, composed of representatives of Moldova, the Russian Federation and Transdniestria, with its headquarters in Tighina. The agreement also provided for a peacekeeping force charged

with ensuring observance of the ceasefire and security arrangements, composed of five Russian battalions, three Moldovan battalions and two Transdnistrian battalions under the orders of a joint military command structure which was itself subordinate to the JCC. Under Article 3 of the agreement, the town of Tighina was declared a region subject to a security regime and its administration was put in the hands of “local organs of self-government, if necessary acting together with the control commission”. The JCC was given the task of maintaining order in Tighina, together with the police. Article 4 required the 14th Army of the Russian Federation, stationed in the territory of the Republic of Moldova, to remain strictly neutral. Article 5 prohibited sanctions or blockades and laid down the objective of removing all obstacles to the free movement of goods, services and persons. The measures provided for in the agreement were defined as “a very important part of the settlement of the conflict by political means” (Article 7).

17. On a number of occasions from 1995 onwards the Moldovan authorities complained that ROG/14th Army personnel and the Russian contingent of the JCC’s peace-keeping force had infringed the principle of neutrality set out in the ceasefire agreement and that, *inter alia*, Transdnistrians had been able to acquire further military equipment and assistance from the ROG/14th Army. These allegations were firmly denied by the Russian authorities. In addition, the Moldovan delegation to the JCC alleged that the Transdnistrians had created new military posts and customs checkpoints within the security zone, in breach of the ceasefire agreement. In the *Ilascu* judgment (paragraph 100) the Court found it established, by the evidence contained in the JCC’s official documents, that in various areas of Transdnistria under the control of the Russian peacekeeping forces, such as Tighina, the Transdnistrian separatist forces were breaching the ceasefire agreement.

18. The Convention was signed by Moldova on 13 July 1995 and was ratified on 12 September 1997. It was signed by Russia on 28 February 1996 and was ratified on 5 May 1998.

19. In March 2003 the Russian peacekeeping forces in Transdnistria comprised 294 soldiers, 17 armoured vehicles, 29 other vehicles and 264 firearms. In the *Ilascu* judgment (paragraph 103), the Court did not find that any soldier of the ROG/14th Army had been employed in the Russian peacekeeping force.

3. *International political developments regarding Transdnistria*

20. On 29 July 1994 Moldova adopted a new Constitution. It provided, *inter alia*, that Moldova is neutral, that it prohibits the stationing in its territory of troops belonging to other States and that a form of autonomy may be granted to regions which include some areas on the left bank of the

Dniester. According to Article 13 of the Constitution, the national language is Moldovan, to be written using the Latin alphabet.

21. On 8 May 1997 in Moscow, Mr Lucinschi, the President of Moldova, and Mr Smirnov, the “President of the MRT”, signed a memorandum laying down the basis for the normalisation of relations between the Republic of Moldova and Transdniestria (“the 1997 Memorandum”). Under the terms of the 1997 Memorandum, decisions concerning Transdniestria had to be agreed by both sides, powers had to be shared and delegated and guarantees had to be secured reciprocally. Transdniestria had to be allowed to participate in the conduct of the foreign policy of the Republic of Moldova on questions concerning its own interests to be defined by mutual agreement. Transdniestria would have the right unilaterally to establish and maintain international contacts in economic, scientific, technical, cultural and other fields, to be determined by mutual agreement. The parties undertook to settle conflicts through negotiation, with the assistance where necessary of the Russian Federation and Ukraine, as guarantors of compliance with the agreements reached, and of the OSCE and the CIS. The 1997 Memorandum was countersigned by the representatives of the guarantor States, namely Mr Yeltsin for the Russian Federation and Mr Kuchma for Ukraine, and by Mr H. Petersen, the OSCE President.

4. The presence in Transdniestria of ROG/14th Army equipment and personnel following the ceasefire agreement

22. After the end of the armed conflict, senior officers of the ROG/14th Army participated in public life in Transdniestria. In particular, soldiers of the ROG/14th Army took part in the elections in Transdniestria, military parades of the Transdniestrian forces and other public events. On 11 September 1993 General Lebed, who was then Commander of the ROG/14th Army, was elected a member of the “Supreme Soviet of the MRT”.

23. Article 4 of the ceasefire agreement required Moldova and the Russian Federation to negotiate the withdrawal of the ROG/14th Army from Moldovan territory. On 21 October 1994 an agreement was reached between the Moldovan and Russian Governments whereby Russia would withdraw its military formations within three years of the entry into force of the agreement. The parties further agreed, within the same time-frame, to bring about the political settlement of the Transdniestrian conflict through the establishment of a special status for the “Transdniestrian region of the Republic of Moldova”. Under Article 5 of the agreement, the sale of any type of military technology, weapons or ammunition belonging to the military forces of the Russian Federation stationed in the territory of the Republic of Moldova could take place only by way of a special agreement between the Governments of the two countries.

24. On 9 November 1994 the Moldovan Government adopted the decision to implement the agreement of 21 October 1994. The Russian Government submitted a similar decision for ratification to the Duma. On 17 November 1998, as the agreement had still not been ratified by the Duma, the Minister for Foreign Affairs of the Russian Federation asked the Duma to remove the matter from its order of business, on the ground that “any decision by the Ministry to reconsider this issue will depend on the evolution of relations with the Republic of Moldova and the Transdnistrian region and on a political settlement in the area”. In January 1999 the agreement was removed from the Duma’s order of business and the agreement has not come into force.

25. On 20 March 1998 an agreement concerning the military assets of the ROG/14th Army was signed in Odessa by Mr Chernomyrdin, on behalf of the Russian Federation, and Mr Smirnov, “President of the MRT”. According to the timetable annexed to the agreement, the withdrawal and decommissioning of certain stocks, to be disposed of by explosion or other mechanical process, was to be completed by 31 December 2001. The withdrawal (transfer and decommissioning) of surplus ammunition and other ROG/14th Army equipment and personnel not forming part of the peacekeeping forces was planned to take place by 31 December 2002 at the latest.

26. A number of trainloads of ROG/14th Army equipment left Transdnistria between 1999 and 2002.

27. On 19 November 2001 the Russian Government submitted to the Court a document showing that in October 2001 the Russian Federation and the “MRT” had signed a further agreement on the withdrawal of the Russian forces. Under that agreement, in compensation for the withdrawal of part of the Russian military equipment stationed in Transdnistria, the “MRT” was granted a reduction of one hundred million United States dollars in its debt for gas imported from the Russian Federation, and the transfer to it by the ROG/14th Army of part of its equipment capable of being put to civilian use.

28. According to a document submitted to the Court in November 2002 by the Moldovan Government, the volume of weaponry, ammunition and military equipment belonging to the ROG/14th Army which had been withdrawn by November 2002 from the territory of the Republic of Moldova by virtue of the agreement of 21 October 1994 represented only 15% of the total volume declared in 1994 as being stationed in Moldovan territory.

29. According to an OSCE press release, 29 railway wagons carrying bridge-building equipment and field kitchens were removed on 24 December 2002. The same press release quoted a declaration by the Commander of the ROG, General Boris Sergeyev, to the effect that the latest withdrawals had been made possible by an agreement with the

Transdnistrians under which the “MRT” was to receive half of the non-military equipment and supplies withdrawn. General Sergeyev cited the example of the withdrawal, on 16 December 2002, of 77 lorries, which had been followed by the transfer of 77 ROG lorries to the Transdnistrians.

30. In June 2001, according to information supplied to the Court by the Russian Government, the ROG/14th Army still had some 2,200 troops in Transdnistria. In his witness evidence, General Sergeyev asserted that in 2002 just under 1,500 troops remained. According to the evidence heard by the Court in the *Ilaşcu* case, in 2003 at least 200,000 tonnes of ROG/14th Army arms and ammunition remained in Transdnistria, mainly at Colbasna, together with 106 battle tanks, 42 armoured cars, 109 armoured personnel carriers, 54 armoured reconnaissance vehicles, 123 cannons and mortars, 206 anti-tank weapons, 226 anti-aircraft guns, nine helicopters and 1,648 vehicles of various kinds (see the *Ilaşcu* judgment, cited above, paragraph 131).

5. Economic and political support from the Russian Federation to the “MRT”

31. In the *Ilaşcu* judgment (paragraphs 137-138, 144-145 and 154; and see also paragraph 381) the Court referred to uncontested press and television reports, predating the ratification of the Convention by Russia in May 1998, of statements of support for the separatist regime by eminent Russian political figures, including the President and Vice-President of the Russian Federation at the time, Mr Yeltsin and Mr Rutskoy. It also referred to Resolution no. 1334 IGD of 17 November 1995, where the Duma of the Russian Federation declared Transdnistria a “zone of special strategic interest for Russia”. Before and after ratification of the Convention by the Russian Federation, representatives of the Duma and other prominent figures had travelled to Transdnistria and taken part in official events there and representatives of the “MRT” regime had travelled to Moscow on official visits, notably to the Duma.

32. Both before and after ratification of the Convention by the Russian Federation, prominent members of the “MRT” regime were granted Russian citizenship, including, on 19 May 1994, Lieutenant-General Iakovlev, the former commander of the 14th Army and former head of the “Defence and Security Department of the MRT”; in 1997, Mr Mărăcuță, the “President of the Supreme Soviet of the MRT”; in 1999, Mr Caraman, another “MRT” leader; and Mr Smirnov in 1997 or 1999.

33. In the *Ilaşcu* judgment (paragraphs 150-160 and 390) the Court also found it uncontested that the arms industry, which was one of the pillars of the Transdnistrian economy, was directly supported by Russian firms including the Rosvoorouzhenie (Росвооружение) and Elektrommash companies. The Russian firm Iterra had bought the largest undertaking in Transdnistria, the Râbnîța engineering works, despite the opposition of the

Moldovan authorities. In addition, Russia, through the 14th Army/ROG, constituted a major employer and purchaser of supplies in Transdniestria. The Russian Federation has separate contracts with the “MRT” for the supply of gas and electricity and supplied gas to Transdniestria on more advantageous terms than applied for the rest of Moldova.

C. Events subsequent to the *Ilascu and Others* judgment

1 Arms withdrawal

34. In 2003, the OSCE observed and verified the withdrawal from Transdniestria of 11 trains of Russian military equipment and 31 trains loaded with more than 15,000 tons of ammunition. However, the following year, in 2004, the OSCE reported that only one train containing approximately 1,000 tons of ammunition had been removed.

35. At the end of 2004, approximately 21,000 metric tons of ammunition remained, together with more than 40,000 small arms and light weapons and approximately ten trainloads of miscellaneous military equipment.

36. The Commander of the ROG reported in May 2005 that surplus stocks of 40,000 small arms and light weapons had been destroyed, but the OSCE was not allowed to verify these claims. On 13 November 2006, a group of 30 OSCE Heads of Delegations, along with OSCE Mission members gained access for the first time since March 2004 to the Russian Federation ammunition depot in Colbaşna in northern Transdniestria.

37. Since 2004 there have been no verified withdrawals of any Russian arms or equipment from Transdniestria.

2. Political developments

38. In November 2003, the Russian Federation put forward a settlement proposal, the “Memorandum on the Basic Principles of the State Structure of the United State” (referred to as the “Kozak Memorandum”). The Kozak Memorandum proposed a new federal structure for Moldova, under which the authorities of the “MRT” would have had a substantial degree of autonomy and guaranteed representation in the new “federal legislature”. The Kozak Memorandum included transitional provisions under which, until 2015, a three-quarters majority in a newly created legislative second chamber, composed of four representatives from Gagauzia, nine from Transdniestria and 13 from the new federal legislature’s first chamber, would have been required to confirm federal organic laws. This would have given the “MRT” representatives in the second chamber an effective veto over any legislation affecting all of Moldova until 2015. On 25 November 2003, having previously indicated his willingness to accept these proposals,

the President of Moldova, President Voronin, decided not to sign the Kozak Memorandum.

39. Further five-sided negotiations involving representatives from Moldova, the “MRT”, the Russian Federation, Ukraine and the OSCE took place in the first half of 2004, although no agreements were reached. However, in July 2004, in response to closures of Romanian-language schools in Transdnistria (see paragraphs 43-63 below), Moldova suspended its participation in the five-sided talks.

40. In May 2005, the Ukrainian Government introduced a proposal, “Towards a Settlement through Democratization” (summarized in the report of the Parliamentary Assembly of the Council of Europe: see paragraph 63 below). In July 2005, citing the Ukrainian plan, the Moldovan parliament adopted a law, “On the Basic Principles of a Special Legal Status of Transdnistria”. Formal negotiations resumed in October 2005, with the European Union (“EU”) and the United States of America participating as observers (referred to as “the 5+2 talks”).

41. In December 2005, an EU Border Assistance Mission was established to help combat illegal trade between Ukraine and Moldova and in March 2006 Ukraine and Moldova began implementing a 2003 customs agreement under which Transdnistrian companies engaged in cross-border trade had to register in Chişinău in order to be issued documents indicating the goods’ country of origin, in accordance with World Trade Organisation protocols. Ukraine undertook to refuse to permit goods without such export documents to pass across its border. In what was seen as a response to these new customs measures, Transdnistrian representatives refused to continue with the 5+2 talks. However, President Voronin and Mr Smirnov met in Bender on 11 April 2008 and agreed to initiate confidence-building measures. Informal 5+2 discussions were held in Odessa in April 2008 and in Moldova in July 2008. A further Russian-brokered meeting took place between President Voronin and Mr Smirnov on 18 March 2009.

3. The schools crisis and the facts concerning the applicants’ cases

42. According to Article 12 of the MRT “Constitution”, the official languages within the MRT are “Moldavian”, Russian and Ukrainian. Article 6 of the “MRT Law on languages”, which was adopted on 8 September 1992, states that, for all purposes, “Moldavian” must be written with the Cyrillic alphabet. The “law” provides further that use of the Latin alphabet may amount to an offence and Article 200-3 of the “MRT Code of Administrative Offences”, adopted on 19 July 2002, states that:

“Failure by persons holding public office and other persons in the executive and State administration, in public associations, as well as in other organisations, regardless of their legal status and form of ownership, and in other entities, situated on the territory of the MRT, to observe MRT’s legislation on the functioning of

languages on the territory of MRT ... entails liability in the form of a fine which may amount to 50 (fifty) minimal salaries [approximately EUR 30].”

43. On 18 August 1994 the “MRT” authorities forbade the use of the Latin script in schools. By a decision of 21 May 1999, the “MRT” ordered that all schools belonging to “foreign States” and functioning on “its” territory had to register with the “MRT” authorities, failing which they would not be recognised and would be deprived of their rights.

44. On 14 July 2004 the “MRT” authorities began taking steps to close down all schools using the Latin script. At the date of adoption of the present decision, there remain only six schools in Transdnistria using the Moldovan (Romanian) language and the Latin script.

a. Catan and Others (application no. 43370/04)

45. The applicants are among the 600 children studying at Evrica High School in Rîbnița, their parents and one of the teachers.

46. From 1997 Evrica School used premises situated on Gagarin Street built with Moldovan public funds. The school was registered with the Moldovan Ministry of Education and was using the Latin script and a curriculum approved by that Ministry.

47. Following the “MRT decision” of 21 May 1999 (see paragraph 43 above), Evrika School refused to register, since registration would require it to use the Cyrillic script and the curriculum devised by the “MRT” regime. On 26 February 2004 the building used by the school was transferred by the “MRT” authorities to the “Rîbnița Department of Education”. In July 2004, following a number of closures of Latin-script schools within the “MRT”, the pupils, parents and teachers of Evrika School took it upon themselves to guard the school day and night. On 29 July 2004 Transdnistrian police stormed the school and evicted the women and children who were inside it. Over the following days local police and officials from the “Rîbnița Department of Education” visited the parents of children registered with the school, asking them to withdraw their children from the school and to put them in a school registered with the “MRT” regime. The parents were allegedly told that if they did not do so, they would be fired from their jobs and would even be deprived of their parental rights. As a result of this pressure, many parents withdrew their children and transferred them to another school.

48. On 29 September 2004, and following the intervention of the OSCE Mission to Moldova, the school was able to register with the “Tiraspol Chamber of Registration” as a foreign institution of private education, but could not resume its activity for lack of premises. On 2 October 2004 the “MRT” regime allowed the school to reopen in another building, which had previously housed a kindergarten. The building is rented from the “MRT” and the Moldovan Government has paid for it to be refurbished. The school’s repeated requests to be allowed to return to the building situated on

Gagarin Street, which is bigger and more appropriate, were rejected on the ground that another school was now using that building. The applicants allege that the rented premises are inappropriate for a secondary school, in that the lighting, corridors and classrooms are not fully adapted and there are no laboratories or sports facilities. The school is administered by the Moldovan Ministry of Education, which pays the teachers' salaries and provides educational material. It uses the Latin alphabet and a Moldovan curriculum.

49. The applicants filed a number of petitions and complaints with the authorities of the Russian Federation. The Ministry of Foreign Affairs of the Russian Federation replied by making public general statements about the escalation of the conflict around the Romanian-language schools in Transdnistria. Stating that the underlying problem was the ongoing conflict between Moldova and the "MRT", the Russian Ministry of Foreign Affairs drew the attention of Moldova and the "MRT" to the fact that the use of force to solve the conflict could endanger security in the region and urged them to use various types of negotiations in order to solve the conflict. The applicants also complained about their situation to the Moldovan authorities.

50. The school became the target of a systematic campaign of vandalism and broken windows. The applicants allege that this campaign started in 2004; the Moldovan Government claim that it started in the autumn of 2007. On 10 April 2008 the Moldovan Ministry of Reintegration asked the Special Representative of the Secretary General of the Council of Europe to intervene to try and bring an end to the attacks. The applicants also allege that the children are intimidated by the local Russian-speaking population and are afraid to speak Moldovan outside the school.

51. On 16 July 2008 the Moldovan Ministry of Reintegration sought the assistance of the OSCE Mission to Moldova in transporting educational and construction material and money for teachers' salaries across the "border" with the "MRT".

52. There were 683 pupils at the school during the academic year 2002-2003. During the year 2008-2009 that number had fallen to 345.

b. Caldare and Others (application no. 8252/05)

53. The applicants are children studying at Alexandru cel Bun High School in Tighina, Bender, and their parents. The school had been using premises situated on Kosmodemianskaia Street built with Moldovan public funds and rented to them by the Moldovan authorities. The school was registered with the Moldovan Ministry of Education and was therefore using the Latin script and a curriculum approved by the Ministry of Education.

54. On 4 June 2004, the "MRT Ministry for Education" warned the school that it would be closed down if it did not register with them, and that

disciplinary measures would be taken against the head teacher. On 18 July 2004 the school was disconnected from electricity and water supplies and on 19 July 2004 the school administration was notified that it could no longer use the premises on Kosmodemianskaia Street. However, teachers, pupils and parents occupied the building, refusing to leave. Transdniestrian police tried unsuccessfully to reoccupy the premises, and eventually surrendered the building. They withdrew on 28 July 2004. On 20 September 2004, and following various negotiations with international observers, including representatives of the Council of Europe, the school was reconnected to water and electricity.

55. The “MRT” regime allowed the school to reopen in September 2004, but in different premises, rented from the “MRT” authorities. The school is currently using three buildings, located in separate districts of the town. The main building has no cafeteria, science or sports facilities and cannot be reached by public transport. The Moldovan Government has provided the school with a bus and computers. They are also paying for the refurbishment of the sanitary facilities in one of the buildings.

56. The applicants have filed a number of petitions and complaints with the Russian and Moldovan authorities.

57. There were 1751 pupils at the school in 2002-2003 and 901 in 2008-2009.

c. Cercavschi and Others (application no. 18454/06)

58. The applicants are children studying at the Ștefan cel Mare secondary school in Grigoriopol, their parents and the director of the school.

59. In 1996, at the request of the parents and their children, the school, which was using a Cyrillic alphabet curriculum, filed a number of petitions with the “MRT” regime requesting to be allowed to use the Latin script. As a result, between 1996 and 2002, the “MRT” orchestrated a campaign of hostile press reports, intimidation and threats by security forces. These measures reached a climax on 22 August 2002 when Transdniestrian police stormed the school and evicted the teachers, the pupils and their parents who were inside it. On 28 August 2002 the President of the Pupils Committee was arrested and subsequently sentenced to fifteen days’ administrative imprisonment. Following these incidents, 300 pupils left the school.

60. Faced with the occupation of the building by the “MRT” regime, the Moldovan Ministry of Education decided that the school should be transferred temporarily to a building in Doroțcaia, a village about 20 kilometres from Grigoriopol and which is under Moldovan control. Each day, pupils and teachers are taken to Doroțcaia in buses provided by the Moldovan Government. They are subjected to bag searches and identity checks by “MRT” officials and also, allegedly, acts of harassment such as spitting and verbal abuse.

61. Representatives of the school filed a number of petitions and complained about this situation to the OSCE, the United Nations Organisation, as well as to the Russian and Moldovan authorities. The Russian authorities replied by urging both Moldova and “MRT” to use various types of negotiations in order to solve the conflict. The Moldovan authorities informed the applicants that they could do nothing further to help.

62. There were 709 pupils at the school in 2000-2001 and 169 in 2008-2009.

D. Reports of international bodies concerning the situation with regard to Transnistria during the period since the adoption of the *Ilascu and Others* judgment

1. The Parliamentary Assembly of the Council of Europe

63. On 16 September 2005 the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of the Parliamentary Assembly of the Council of Europe (PACE) issued a report on “The functioning of the democratic Institutions in Moldova”. The section devoted to Transnistria reads as follows:

“31. Major new developments have occurred during the last months which the Assembly has to follow very closely and accompany in the best possible way.

32. Following intense diplomatic contacts between Moldova and Ukraine, at the GUAM Summit in Chisinau on 22 April the Ukrainian President Yushchenko announced a 7-point initiative to settle the Transnistrian issue. ...

The main thrust of this new plan is to achieve a long-lasting solution through the democratisation of Transnistria. This would entail:

– the creation of conditions for the development of democracy, civil society, and a multi-party system in Transnistria;

– holding of free and democratic elections to the Transnistrian Supreme Soviet, monitored by the European Union, the OSCE, the Council of Europe, Russia, United States, and other democratic countries including Ukraine;

– the transformation of the current format of peacekeeping operation into an international mission of military and civil observers under the aegis of the OSCE and the expansion of the number of Ukrainian military observers in the region;

– admission by Transnistrian authorities of an international monitoring mission, to include Ukrainian experts, to military-industrial enterprises in the Transnistrian region;

– a short-term OSCE monitoring mission in Ukraine to verify the movement of goods and persons through the Ukrainian-Moldovan border.

33. The full text of the Ukrainian plan was presented on 16-17 May at a meeting of the representatives of the mediators and Moldova and Transnistria in Vinnitsa, Ukraine after the Ukrainian Secretary of Security Council Pyotr Poroshenko and Moldavian presidential aide Mark Tkachuk spent almost a month doing ‘shuttle diplomacy’.

34. The reactions were varied but cautiously positive.

35. On 10 June the Moldovan Parliament adopted a ‘Declaration on the Ukrainian initiative of settlement of the Transnistrian conflict’ as well as two appeals, on demilitarisation and on promoting the criteria of democratisation of the Transnistrian region of the Republic of Moldova (see appendix II).

36. The declaration welcomed the initiative of President Yushchenko, hoping that it would become ‘a major factor in the achievement by Moldova of its territorial and civil unity’. The parliament however regretted that the Ukrainian initiative did not reflect some important principles of settlement, in the first place the withdrawal of Russian troops; demilitarisation; the principles and conditions of the region’s democratisation and the establishing of a transparent and legal control over the Transnistrian segment of the Moldovan-Ukrainian border. It called for additional efforts by the international community and Ukraine in this respect.

37. The parliament also criticised a number of provisions which might ‘infringe upon the sovereignty of the Republic of Moldova’, such as the co-participation of Transnistria in the conduct of foreign policy of the Republic of Moldova and the proposal to create the so-called conciliation committee. The Parliament insisted on resolving the conflict within the framework of the Moldovan Constitution through dialogue with a new, democratically elected, Transnistrian leadership. There are thus a number of divergences between the Ukrainian initiative and the approach to implementing it chosen by Moldova.

38. The mediators in the Transnistrian conflict (the OSCE, Russia and Ukraine) stated that the plan provided a concrete impetus toward achieving a settlement. At all of their latest meetings they called for resuming direct, continuing dialogue on resolution of the conflict.

39. More delicate is the position of Russia. It is clear that through its military and economic presence and thanks to the strong cultural and linguistic links with Transnistria, Russia would like to retain its strong influence over the territory. The press recently reported the existence of an ‘Action plan of retaining Russian influence in the Moldova Republic’, details of which are kept secret. Russia is still strongly attached to the so-called ‘Kozak Memorandum’ of 2003, which proposed to Moldova a federal solution. Moldova had nearly accepted the plan; it refused to sign it at the last moment, allegedly under Western influence.

40. Over the last months, there have been several signs of tension. For instance, on 18 February the Russian Federation State Duma adopted with a large majority a resolution requesting from the Russian government a number of economic and other sanctions against Moldova, with the exclusion of Transnistria, if the Moldovan authorities did not change their ‘economic blockade of Transdnistria.’ The sanctions

included a ban on imports of Moldovan alcohol and tobacco, world market prices for exports of Russian natural gas to Moldova and visas for Moldovans entering Russia.

41. Both appeals adopted by the Moldovan parliament called on the Council of Europe for support and, concerning the democratisation of Transnistria, to engage actively in the process. During our visit in Chisinau our interlocutors repeatedly stressed the importance they attached to the expertise and experience of our organisation in this respect. The documents adopted by the Moldovan Parliament were officially submitted by its Speaker to the Monitoring Committee ‘for examination in the framework of the Moldova’s monitoring exercise’ and for ‘analysis, comments and recommendations, as well as ideas of the Parliamentary Assembly that could contribute to the democratisation of the Transnistrian region and final settlement of the conflict’.

42. At the first sight, the plan should be followed closely by the Council of Europe, as the leading organisation in the field of democracy, human rights and rule of law. The Committee has therefore entrusted us with the responsibility of visiting Kiev, Moscow, Bucharest and Brussels in order to meet the main figures responsible for the Ukrainian plan and get acquainted with all its details. On the basis of this information we will make specific proposals for the Assembly to play an effective part in the plan’s progress.

43. A number of questions remain about the implementation of the Ukrainian plan and the conditions set by the Moldovan parliament. However, against the background of all the failed diplomatic attempts, it has one strong advantage. It combines diplomatic efforts with specific measures for democratisation, in Transnistria but also in Moldova, which must serve as an example. The initiative also comes at the right moment, as it coincides with a major strive for democratisation and European integration in the entire region.

44. Not only Moldova, whose territorial integrity and sovereignty have been violated, but Europe as a whole can no longer afford to have this ‘black hole’ on its territory. Transnistria is a centre of all kinds of illicit trade and, in the first place arms trafficking and all forms of smuggling. Political life continues to be dominated by the secret police; fundamental freedom and liberties are curtailed.

45. One of the most difficult elements appears to be the possibility to organise democratic elections in Transnistria. For this the region needs to have freely functioning political parties, media and civil society. The 27 March local elections in Transnistria (to elect village, settlement, city and district councils, as well as the chairmen of village and settlement councils) showed that real strong opposition is still missing. These elections by the way were considered as a test for the scheduled December 2005 elections for the Transnistrian Supreme Soviet.

46. However, there are some interesting developments, especially concerning a group of Supreme Soviet members led by the Deputy Speaker Evgeny Shevchuk. On 29 April this group initiated ambitious draft changes to the Transnistrian ‘constitution’ aiming at reinforcing this ‘parliament’’s role vis-à-vis the ‘president’ and the executive – for instance by granting it the right to a no-confidence vote on ‘ministers’ and other officials appointed by the ‘president’, or the right to control the work and the spending of the executive. Some more modest changes, as well as a draft law on local administration, stipulating that the chairmen of raion and city councils have to be elected by the councils by secret vote, were adopted on 18 May at first reading.

Mr Shevchuk is also promoting a legislative initiative to transform the regional official 'TV PMR' into a public broadcasting institution.

47. On 22 June the Supreme Soviet recommended that 'president' Smirnov dismiss the 'minister' of justice Victor Balala. Balala, who is one the closest allies of the 'president', recently decided to transfer registration functions from his 'ministry' to a quasi-commercial 'chamber of experts.'

48. On 22 July the Moldovan parliament approved in two readings the Law on the Main Provisions of a Special Legal Status for Populated Areas on the Left Bank of Dniestr (Transnistria). The law established an autonomous territorial unit which is an inseparable part of Moldova and – within the plenary powers established under the Constitution and legislation of Moldova – decides on questions within its jurisdiction. The law stipulates that populated localities on the left bank of the Dniester may join Transnistria or secede from it on the basis of local referenda and in conformity with the Moldovan legislation."

64. In the light of this report, PACE adopted a resolution in which it resolved, *inter alia*, that:

"10. The Assembly welcomes the resumption of negotiations following Ukraine's optimistic initiative of settling the Transnistrian conflict by giving priority to democratisation. It hopes that the current five-member format, involving Moldova, the Transnistrian region, Russia, Ukraine and the OSCE, will be extended to include also the Council of Europe. It emphasises the need for effective supervision of the border between Moldova and Ukraine, arms stocks and the production of armaments factories. Given their accumulated expertise, the Assembly wishes its rapporteurs to be associated with all these developments.

11. Any settlement of the Transnistrian conflict must be based on the inviolable principle of full respect for Moldova's territorial integrity and sovereignty. In accordance with the rule of law, any solution must accord with the popular will as expressed in fully free and democratic elections run by internationally recognised authorities."

2. *The Organisation for Security and Co-operation in Europe (OSCE)*

65. In its Annual Report for 2004, the OSCE referred to events in Transdniestria as follows:

"...The most disruptive development, however, was the Transdniestrian decision in mid-July to close the Moldovan schools in Transdniestrian territory teaching in Latin script. In response, the Moldovan side suspended its participation in the five-sided political settlement negotiations.

Together with co-mediators from the Russian Federation and Ukraine, the Mission went to extraordinary lengths from mid-July well into autumn to ameliorate the school crisis and to find and implement a solution. The Mission also sought to defuse tensions between the sides concerning freedom of movement, farmlands, and railways."

In 2004 the OSCE also observed that:

“Only one train containing approximately 1,000 tons of ammunition was removed from the Operative Group of Russian Forces depots in Transdnistria in 2004. Approximately 21,000 metric tons of ammunition remain to be removed, together with more than 40,000 small arms and light weapons and approximately ten trainloads of miscellaneous military equipment. The Mission continued to co-ordinate technical and financial assistance to the Russian Federation for these activities.”

66. The 2005 Annual Report stated:

“The Mission concentrated its efforts on restarting the political settlement negotiations, stalled since summer 2004. The mediators from the Russian Federation, Ukraine, and the OSCE held consultations with representatives from Chisinau and Tiraspol in January, May and September. At the May meeting, Ukraine introduced President Victor Yushchenko’s settlement plan, *Toward a Settlement through Democratization*. This initiative envisages democratization of the Transdnistrian region through internationally conducted elections to the regional legislative body, along with steps to promote demilitarization, transparency and increased confidence.

In July, the Moldovan Parliament, citing the Ukrainian Plan, adopted a law On the Basic Principles of a Special Legal Status of Transdnistria. During consultations in September in Odessa, Chisinau and Tiraspol agreed to invite the EU and US to participate as observers in the negotiations. Formal negotiations resumed in an enlarged format in October after a 15-month break and continued in December following the OSCE Ministerial Council in Ljubljana. On 15 December, the Presidents of Ukraine and the Russian Federation, Victor Yushchenko and Vladimir Putin, issued a Joint Statement welcoming the resumption of negotiations on the settlement of the Transdnistrian conflict.

In September, Presidents Voronin and Yushchenko jointly requested the OSCE Chairman-in-Office to consider sending an International Assessment Mission (IAM) to analyse democratic conditions in Transdnistria and necessary steps for conducting democratic elections in the region. In parallel, the OSCE Mission conducted technical consultations and analyses on basic requirements for democratic elections in the Transdnistrian region, as proposed in the Yushchenko Plan. At the October negotiating round, the OSCE Chairmanship was asked to continue consultations on the possibility of organizing an IAM to the Transdnistrian region.

Together with military experts from the Russian Federation and Ukraine, the OSCE Mission completed development of a package of proposed confidence- and security-building measures, which were presented by the three mediators in July. The Mission subsequently began consultations on the package with representatives of Chisinau and Tiraspol. The October negotiating round welcomed possible progress on enhancing transparency through a mutual exchange of military data, as envisaged in elements of this package.”

On the question of Russian military withdrawal, the OSCE observed:

“There was no withdrawal of Russian arms and equipment from the Transdnistrian region during 2005. Roughly 20,000 metric tons of ammunition remain to be removed. The commander of the Operative Group of Russian Forces reported in May that surplus stocks of 40,000 small arms and light weapons stored by Russian forces in the Transdnistrian region have been destroyed. The OSCE has not been allowed to verify these claims.”

67. In 2006, the OSCE reported as follows:

“The 17 September ‘independence’ referendum and the 10 December ‘presidential’ elections in Transnistria – neither one recognized nor monitored by the OSCE – shaped the political environment of this work ...

To spur on the settlement talks, the Mission drafted in early 2006 documents that suggested: a possible delimitation of competencies between central and regional authorities; a mechanism for monitoring factories in the Transnistrian military-industrial complex; a plan for the exchange of military data; and an assessment mission to evaluate conditions and make recommendations for democratic elections in Transnistria. The Transnistrian side, however, refused to continue negotiations after the March introduction of new customs rules for Transnistrian exports, and thus no progress could be made including on these projects. Attempts to unblock this stalemate through consultations among the mediators (OSCE, Russian Federation and Ukraine) and the observers (European Union and the United States of America) in April, May and November and consultations of the mediators and observers with each of the sides separately in October were to no avail. ...

On 13 November, a group of 30 OSCE Heads of Delegations, along with OSCE Mission members gained access for the first time since March 2004 to the Russian Federation ammunition depot in Colbasna, near the Moldovan-Ukrainian border in northern Transnistria. There were no withdrawals, however, of Russian ammunition or equipment from Transnistria during 2006, and more than 21,000 tons of ammunition remain stored in the region ...”

68. The Annual Report for 2007 stated:

“The mediators in the Transnistrian settlement process, the Russian Federation, Ukraine and the OSCE, and the observers, the European Union and the United States, met four times. The mediators and observers met informally with the Moldovan and Transnistrian sides once, in October. All meetings concentrated on finding ways to restart formal settlement negotiations, which have nonetheless failed to resume. ...

The Mission witnessed that there were no withdrawals of Russian ammunition or equipment during 2007. The Voluntary Fund retains sufficient resources to complete the withdrawal tasks.”

69. In 2008, the OSCE observed:

“Moldovan President Vladimir Voronin and Transnistrian leader Igor Smirnov met in April for the first time in seven years and followed up with another meeting on 24 December. Mediators from the OSCE, Russian Federation and Ukraine and observers from the European Union and the United States met five times. Informal meetings of the sides with mediators and observers took place five times. These and additional shuttle diplomacy efforts by the Mission notwithstanding, formal negotiations in the ‘5+2’ format were not resumed. ...

There were no withdrawals of Russian ammunition or equipment from the Transnistrian region during 2008. The Voluntary Fund retains sufficient resources to complete withdrawal tasks.”

3. *International non-governmental organisations*

70. In its report dated 17 June 2004, “Moldova: Regional Tensions over Transdniestria” (Europe Report no. 157), the International Crisis Group (ICG) found as follows (extract from the Executive Summary):

“Russia’s support for the self-proclaimed and unrecognised Dniestrian Moldovan Republic (DMR) has prevented resolution of the conflict and inhibited Moldova’s progress towards broader integration into European political and economic structures. In its recent and largely unilateral attempts to resolve the Transdniestrian conflict, Russia has demonstrated almost a Cold War mindset. Despite comforting rhetoric regarding Russian-European Union (EU) relations and Russian-U.S. cooperation on conflict resolution and peacekeeping within the Newly Independent States of the former Soviet Union (NIS), old habits appear to die hard. Russia remains reluctant to see the EU, U.S. or the Organisation for Security and Cooperation in Europe (OSCE) play an active role in resolving the conflict because Moldova is still viewed by many in Moscow as a sphere of exclusively Russian geopolitical interest.

It has not been difficult for Russia to exploit Moldova’s political and economic instability for its own interests. Despite having accepted concrete deadlines for withdrawing its troops, Russia has repeatedly back-pedalled while trying to force through a political settlement that would have ensured, through unbalanced constitutional arrangements, continued Russian influence on Moldovan policymaking and prolongation of its military presence in a peacekeeping guise. It has so far been unwilling to use its influence on the DMR [“MRT”] leadership to promote an approach to conflict resolution that balances the legitimate interests of all parties.

Ukrainian and Moldovan business circles have become adept at using the parallel DMR economy to their own ends, regularly participating in re-export and other illegal practices. Some have used political influence to prevent, delay, and obstruct decisions which could have put pressure on the DMR leadership to compromise. These include abolition of tax and customs regulations favourable to the illegal re-export business, enforcement of effective border and customs control, and collection of customs and taxes at internal ‘borders’.

With backing from Russian, Ukrainian and Moldovan economic elites, the DMR leadership has become more assertive. Recognising that international recognition is unlikely, it has focused on preserving *de facto* independence through a loose confederation with Moldova. Unfortunately, DMR leaders - taking advantage of contradictions in the tax and customs systems of Moldova and the DMR - continue to draw substantial profits from legal and illegal economic activities including re-exports, smuggling and arms production.

The DMR has become a self-aware actor with its own interests and strategies, possessing a limited scope for independent political manoeuvre but an extensive web of economic and other links across Russia, Moldova, and Ukraine. However, it remains heavily dependent on Russian political and economic support and does not like to put itself in a position where it must act counter to Russian policy. Russian and DMR interests often overlap but in some instances DMR leaders have been able to design and implement strategies to avoid Russian pressure, delay negotiations, obstruct Russian initiatives, and undermine Russian policies by playing up disagreements between the co-mediators and capitalising on alternative sources of external support.

Russia's most recent attempt to enforce a settlement - the Kozak Memorandum in October and November 2003 - has shown that its influence, while pervasive, has clear limits. Russia is unable to push through a settlement without the support of Moldova and the international community, especially key players such as the OSCE, EU, and the U.S. A comprehensive political settlement requires an approach that can bridge the differences between Russia and other key international actors while fairly considering the interests of both the Moldovan government and the DMR.

Despite an understanding that Russia should not be antagonised, the gravitational pull of European integration is strong in Moldova. Recently, even its communist leadership has stressed the need to do more to achieve that goal. The country has rarely been on Western radar screens during the last decade, however, and it will need more demonstrable EU and U.S. backing if it is to resist Russian political and material support for the DMR and Transnistrian obstruction of the negotiation process. International actors must also help Moldova to secure its own borders against the illicit economic activities which keep Transnistria afloat and affect its European neighbours as well.

The conflict can only be resolved if the international community uses its influence on Russia bilaterally and within the OSCE. Only then, and with a substantially more determined commitment to political, economic and administrative reform on its own part, will Moldova be able to realise its European aspirations. A comprehensive strategy towards Moldova, Ukraine and Russia within the EU's Wider Europe Policy would be a critical first step."

71. In its report of 17 August 2006, "Moldova's Uncertain Future" (Europe Report no. 175), the ICG observed (extract from the Executive Summary):

"With Romania's expected entry into the European Union in 2007, the EU will share a border with Moldova, a weak state divided by conflict and plagued by corruption and organised crime. Moldova's leadership has declared its desire to join the EU, but its commitment to European values is suspect, and efforts to resolve its dispute with the breakaway region of Transnistria have failed to end a damaging stalemate that has persisted for fifteen years. Young people have little confidence in the country's future and are leaving at an alarming rate. If Moldova is to become a stable part of the EU's neighbourhood, there will need to be much greater international engagement, not only in conflict resolution but in spurring domestic reforms to help make the country more attractive to its citizens.

Two recent initiatives by the EU and Ukraine gave rise to hopes that the balance of forces in the separatist dispute had changed significantly. An EU Border Assistance Mission (EUBAM) launched in late 2005 has helped curb smuggling along the Transnistrian segment of the Moldova-Ukraine frontier, a key source of revenue for the authorities in Tiraspol, the Transnistrian capital. At the same time, Kiev's implementation of a landmark customs regime to assist Moldova in regulating Transnistrian exports has reduced the ability of businesses in the breakaway region to operate without Moldovan oversight, striking a major psychological blow.

But optimism that these measures would ultimately force Transnistria to make diplomatic concessions appears to have been false. Although EUBAM has had significant success, particularly given its small size and budget, widespread smuggling continues. Nor has the Ukrainian customs regime had a decisive effect on

Transnistrian businesses, which remain capable of profitable legal trade as they were in the past. Moreover, domestic political uncertainty has raised questions about whether Kiev will continue to enforce the new regulations.

Russia has increased its support for Transnistria, sending economic aid and taking punitive measures against Moldova, including a crippling ban on wine exports, one of its main revenue sources. Moscow refuses to withdraw troops based in Transnistria since Soviet times whose presence serves to preserve the status quo. With Russian support, the Transnistrian leader, Igor Smirnov, has little incentive to compromise in his drive toward independence. The internationally-mediated negotiations between the two parties are going nowhere, despite the presence since 2005 of the EU and U.S. as observers. Although some understanding had been reached about the level of autonomy in a settlement, Moldova has hardened its position to match Transnistria's intransigence."

72. In its report entitled "Freedom in the World 2009", Freedom House commented, *inter alia*:

"Moldova rejected a Russian-backed federalization plan in November 2003 after it drew public protests. The latest round of formal multilateral talks collapsed in early 2006, and Transnistrian referendum voters in September 2006 overwhelmingly backed a course of independence with the goal of eventually joining Russia, although the legitimacy of the vote was not recognized by Moldova or the international community.

In the absence of active 5+2 negotiations, Voronin pursued bilateral talks with Russia and took a number of steps to bring Moldova's foreign policy into line with the Kremlin's. For much of 2008, he urged Russia to accept a proposal whereby Transnistria would receive substantial autonomy within Moldova, a strong and unitary presence in the Moldovan Parliament, and the right to secede if Moldova were to unite with Romania in the future. Russian property rights would be respected, and Russian troops would be replaced by civilian observers. Voronin defended his separate 'consultations' with Russia by saying that any settlement would be finalized in the 5+2 format.

The Transnistria issue took on an added degree of urgency in August 2008, after Russia fought a brief conflict with Georgia and recognized the independence of two breakaway regions there. Russian officials said they had no plans to recognize the PMR ['MRT'], but warned Moldova not to adopt Georgia's confrontational stance. The Moldovan government in turn rejected any comparison and repeated its commitment to peaceful negotiations. Some experts expressed concerns that Russia could impose a harsh settlement on Moldova in the bilateral talks and then recognize the PMR if the plan were rejected.

Transnistrian president Igor Smirnov's relations with Voronin remained tense throughout the year, as the Moldovan leader effectively negotiated over Smirnov's head and expressed clear frustration with the PMR leadership. The two men met in April for the first time since 2001, then again in December. Days after the April meeting, Romanian president Traian Basescu indirectly raised the prospect of a partition in which Ukraine would absorb Transnistria and Romania would annex Moldova proper, prompting Voronin to accuse him of sabotaging the negotiations. Meanwhile, Russian president Dmitri Medvedev met with Voronin and Smirnov separately during the year ...

Political Rights and Civil Liberties

Residents of Transnistria cannot elect their leaders democratically, and they are unable to participate freely in Moldovan elections...

Corruption and organized crime are serious problems in Transnistria ...

The media environment is restrictive ...

Religious freedom is restricted ...

Although several thousand students study Moldovan using the Latin script, this practice is restricted. The Moldovan language and Latin alphabet are associated with support for unity with Moldova, while Russian and the Cyrillic alphabet are associated with separatist goals. Parents who send their children to schools using Latin script, and the schools themselves, have faced routine harassment from the security services.

The authorities severely restrict freedom of assembly and rarely issue required permits for public protests ...

The judiciary is subservient to the executive and generally implements the will of the authorities ...

Authorities discriminate against ethnic Moldovans, who make up about 40 percent of the population. It is believed that ethnic Russians and Ukrainians together comprise a slim majority, and as many as a third of the region's residents reportedly hold Russian passports."

RELEVANT INTERNATIONAL LAW

A. The International Law Commission's Draft Articles on the Responsibility of States for Internationally Wrongful Acts

73. The International Law Commission (ILC) adopted its Draft Articles on the Responsibility of States for Internationally Wrongful Acts ("Draft Articles") in August 2001. Chapter II of the Draft Articles deals with "Attribution of Conduct to a State" and provides:

"Article 4: Conduct of organs of a State

1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State.

2. An organ includes any person or entity which has that status in accordance with the internal law of the State.

Article 5: Conduct of persons or entities exercising elements of governmental authority

The conduct of a person or entity which is not an organ of the State under article 4 but which is empowered by the law of that State to exercise elements of the governmental authority shall be considered an act of the State under international law, provided the person or entity is acting in that capacity in the particular instance.

Article 6: Conduct of organs placed at the disposal of a State by another State

The conduct of an organ placed at the disposal of a State by another State shall be considered an act of the former State under international law if the organ is acting in the exercise of elements of the governmental authority of the State at whose disposal it is placed.

Article 7: Excess of authority or contravention of instructions

The conduct of an organ of a State or of a person or entity empowered to exercise elements of the governmental authority shall be considered an act of the State under international law if the organ, person or entity acts in that capacity, even if it exceeds its authority or contravenes instructions.

Article 8: Conduct directed or controlled by a State

The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct.

Article 9: Conduct carried out in the absence or default of the official authorities

The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact exercising elements of the governmental authority in the absence or default of the official authorities and in circumstances such as to call for the exercise of those elements of authority.

Article 10: Conduct of an insurrectional or other movement

1. The conduct of an insurrectional movement which becomes the new government of a State shall be considered an act of that State under international law.

2. The conduct of a movement, insurrectional or other, which succeeds in establishing a new State in part of the territory of a pre-existing State or in a territory under its administration shall be considered an act of the new State under international law.

3. This article is without prejudice to the attribution to a State of any conduct, however related to that of the movement concerned, which is to be considered an act of that State by virtue of articles 4 to 9.

Article 11: Conduct acknowledged and adopted by a State as its own

Conduct which is not attributable to a State under the preceding articles shall nevertheless be considered an act of that State under international law if and to the extent that the State acknowledges and adopts the conduct in question as its own.”

B. Case-law of the International Court of Justice (ICJ)

74. In the *Case Concerning the Application of the Convention on the Prevention and Punishment of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, judgment of 26 February 2007, the ICJ held, on the question of State responsibility:

“391. The first issue raised by this argument is whether it is possible in principle to attribute to a State conduct of persons - or groups of persons - who, while they do not have the legal status of State organs, in fact act under such strict control by the State that they must be treated as its organs for purposes of the necessary attribution leading to the State’s responsibility for an internationally wrongful act. The Court has in fact already addressed this question, and given an answer to it in principle, in its Judgment of 27 June 1986 in the case concerning *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)* (Merits, Judgment, I.C.J. Reports 1986, pp. 62-64). In paragraph 109 of that Judgment the Court stated that it had to

‘determine . . . whether or not the relationship of the contras to the United States Government was so much one of dependence on the one side and control on the other that it would be right to equate the contras, for legal purposes, with an organ of the United States Government, or as acting on behalf of that Government’ (p. 62).

Then, examining the facts in the light of the information in its possession, the Court observed that ‘there is no clear evidence of the United States having actually exercised such a degree of control in all fields as to justify treating the contras as acting on its behalf’ (para. 109), and went on to conclude that ‘the evidence available to the Court . . . is insufficient to demonstrate [the contras’] complete dependence on United States aid’, so that the Court was ‘unable to determine that the contra force may be equated for legal purposes with the forces of the United States’ (pp. 62-63, para. 110).

392. The passages quoted show that, according to the Court’s jurisprudence, persons, groups of persons or entities may, for purposes of international responsibility, be equated with State organs even if that status does not follow from internal law, provided that in fact the persons, groups or entities act in ‘complete dependence’ on the State, of which they are ultimately merely the instrument. In such a case, it is appropriate to look beyond legal status alone, in order to grasp the reality of the relationship between the person taking action, and the State to which he is so closely attached as to appear to be nothing more than its agent: any other solution would

allow States to escape their international responsibility by choosing to act through persons or entities whose supposed independence would be purely fictitious.

393. However, so to equate persons or entities with State organs when they do not have that status under internal law must be exceptional, for it requires proof of a particularly great degree of State control over them, a relationship which the Court's Judgment quoted above expressly described as 'complete dependence'. ..."

The ICJ went on to find that Serbia was not directly responsible for genocide during the 1992-1995 Bosnian war. It held nonetheless that Serbia had violated its positive obligation to prevent genocide, under the Convention on the Prevention and Punishment of the Crime of Genocide, by failing to take all measures within its power to stop the genocide that occurred in Srebrenica in July 1995 and by having failed to transfer Ratko Mladić, indicted for genocide and complicity in genocide, for trial by the International Criminal Tribunal for the former Yugoslavia.

COMPLAINTS

75. The applicants complained about the closure of their schools and their harassment by the "MRT" authorities under Article 2 of Protocol No. 1 to the Convention and Articles 3 and 8 of the Convention, taken alone and in conjunction with Article 14.

THE LAW

I. WHETHER THE APPLICANTS COME WITHIN THE JURISDICTION OF EITHER OR BOTH OF THE RESPONDENT STATES

A. The submissions of the parties

1. *The applicants*

76. The applicants submitted that Moldova had ratified the Convention with effect throughout the whole of its territory. The Court had found that the Government's declaration made at the time of ratification, that it would not be able to guarantee compliance with its provisions in respect of the acts or omissions of the organs of the "MRT", was invalid, since its effect would be to deprive the population of the area controlled by the "MRT" of the

protection of the Convention for an indefinite period (*Ilascu and Others v. Moldova and Russia* (dec), no. 48787/99, ECHR 2004-VII). In the *Ilascu* judgment, cited above, the Court had found that although the Moldovan Government did not exercise authority over the “MRT”, they nonetheless had positive obligations to take measures to secure to the applicants the rights guaranteed under the Convention. Moldova’s positive obligations as regards Transdniestria required it both to withhold support from the separatist regime and to take political, economic and legal action aimed at re-instating its own control over the region. The applicants accused the Moldovan Government of lacking an effective strategy as regards the negotiation of a settlement to the conflict or the destabilisation of the “MRT” regime. In particular, the issue of the withdrawal of Russian weapons and forces from the region had not been raised by Moldova at international level since 2007. Furthermore, it appeared to be Moldovan policy to increase the country’s economic dependence on the Russian Federation. In 2009 the major source of electricity for the entire country became the Moldovan Power Station, owned by a Russian company and situated in Transdniestria. Moldova was also dependent on Russia for gas and had not sought to find an alternative source of supply. Thus Moldova’s political leverage to secure Russian military withdrawal from the region was weak. The applicants also criticised the Moldovan Government for failing to provide sufficient numbers of police officers and judges to enforce Moldovan criminal law within the area controlled by the “MRT” and for failing to ensure that people living in this region had access to Moldovan newspapers and audiovisual media. Their financial assistance to the applicants’ schools was not sufficient to satisfy Moldova’s positive obligation. This was the minimum level of assistance provided to all Moldovan State schools.

77. The applicants pointed out that the closure of the schools occurred in July 2004, very shortly after the Court, in its judgment of 8 July 2004 in *Ilascu and Others* (cited above), had found that events in Transdniestria fell within Russia’s jurisdiction. In the applicants’ submission, the “MRT” separatist regime was created in 1991-1992 with Russia’s support. Although it had its own authorities and administration, it remained under the effective control, or at least the decisive influence, of Russia and survived only by virtue of Russia’s military, economic, financial and political support.

78. Moreover, since July 2004, during the period when the applicants were seeking redress for their situation, Russia’s support for the “MRT” continued. One example was Russia’s reaction to the declaration signed on 30 December 2005 by Moldova and Ukraine with a view to regulating the export of goods produced by Transdniestrian companies. The agreement entered into effect on 1 March 2006. On 4 March 2006 the Russian Ministry of Foreign Affairs reacted with the issue of a press release accusing the Ukrainian Government of failing “to take into account the reality” of the

situation in Transdniestria and of attempting to place the “MRT” under economic pressure and thus force it to capitulate. On 7 March 2006 a delegation including members of the Russian Security Service and the Ministry of Foreign Affairs travelled to Tiraspol. On 25 March 2006, in an action which the Moldovan authorities condemned as unlawful, Russia delivered over 230 tons of medicine and food to Transdniestria. During the same period, Russia imposed an import ban on Moldovan wine on the ground that it did not meet the required standard of quality.

79. The applicants claimed that the “MRT’s” economy was dependent on and oriented towards Russia. The majority of companies in the region were Russian-owned. During the recent “gas crisis”, when the Russian Federation stopped the gas supply to Ukraine and a number of other countries on the ground that they had large outstanding gas bills, Russia continued to supply the “MRT”, which had a similar debt, and in addition supplied it with credits and other forms of aid.

80. The Russian Federation provided educational materials in Russian to the “MRT” without informing or consulting with the Moldovan Government. Numerous Russian institutions of higher education had opened branches within the “MRT” and recognised the educational qualifications issued by the “MRT Ministry of Education”. Russia characterised this aid and cooperation as falling within the framework of its general programme to assist Russian nationals resident abroad. However, the level of the assistance provided and the failure to channel it through the Moldovan authorities amounted to a denial of Moldova’s sovereignty over the region.

81. In addition, Russia had still not withdrawn its military forces from the region, in breach of all its international obligations. Although the number of personnel had decreased since 1992, the existing military presence was still significant, as was the munitions stockpile. At the time of the events complained of in July/August 2004, there were approximately 20,887 tons of Russian munitions and 10 train carriages full of military equipment still stationed in Transdniestria. According to information published by the Organisation for Security and Cooperation in Europe (OSCE), the “MRT” authorities had blocked the withdrawal of Russian troops in protest both at Moldova’s refusal to sign the Kozak Memorandum and at its refusal to annul “MRT” debts to the Russian Gas Company, Gazprom, and as part of an “economic blockade” against Moldova in retaliation for the Moldovan-Ukrainian border agreement (see paragraph 41 above). Following this action by the “MRT”, the withdrawal of Russian equipment and personnel had remained frozen. On 14 March 2006 the Parliamentary Assembly of the Council of Europe adopted a resolution calling upon Russia to cease its cooperation with the “MRT” and remove its ammunition and troops, but Russia had not complied. On 26 August 2008, the day on which Russia acknowledged the independence of South Ossetia and Abkhazia, the Russian Minister for Foreign Affairs was reported as

having said that “the parties involved in the Transdnistrian conflict are ready to come back to the ‘Kozak Plan’”. The applicants interpreted this comment, and particularly its timing, as political blackmail by Russia of Moldova.

82. The Court had examined the relationship between the Transdnistrian separatists and the Russian Federation in the *Ilaşcu* judgment, cited above, paragraphs 137-161. There was circumstantial evidence indicating that the Russian Government enjoyed a close relationship with the “MRT” leaders. The “Minister of Justice” in the “MRT” between 2000 and 2005, Victor Balala, was a member of the Russian Duma until 1996/1997. The “Chief of the MRT Internal Security Service” was Vladimir Antiufeev, a former Russian general. Most of the “MRT” leaders had Russian citizenship and many had obtained it relatively recently. Russia had protested at the European Union policy to refuse visas to the “MRT” leaders. Representatives of Russia and Russian military equipment were involved in annual parades celebrating “the creation of the MRT”.

83. In conclusion, the applicants emphasised that, as was also shown by the reports of highly respected non-governmental organisations such as International Crisis Group (see paragraphs 70-71 above), the actions of the Russian Federation as a guarantor-State in the Transdnistrian conflict undermined efforts to establish the rule of law and respect for human rights in the region. Russia used its influence and control over the “MRT” to pursue its own political and geopolitical interests within the region. Russia bore responsibility for the continued survival of the separatist regime and thus for the violations of human rights suffered by the applicants.

2. The Moldovan Government

84. The Moldovan Government accepted that Transdnistria fell within its territorial jurisdiction. However, they emphasised that the jurisdiction was not effective; Moldovan law could not be enforced within the secessionist territory. They had referred to this situation when Moldova made its reservation upon signing the Convention.

85. The “MRT” regime was not recognised at international level. Nonetheless, although the Moldovan Government had not yet brought any complaint before the International Court of Justice, they considered that the “MRT” was politically, militarily and economically sustained by the Russian Federation, in breach of the principle of State sovereignty. In consequence, the Court had found at paragraph 341 of the *Ilaşcu and Others* judgment that: “... when confronted with a regime sustained militarily, politically and economically by a power such as the Russian Federation, there was little Moldova could do to re-establish its authority over Transdnistrian territory.” Consequently, in terms of international responsibility, the Republic of Moldova could not be considered responsible

for the actions performed by the Transdniestrian separatists in connection with the linguistic and ethnic persecution complained of by the applicants. Moreover, Moldova had taken all measures within its power to secure the applicants' rights.

86. The Court had also held in *Ilaşcu* that the Russian Federation's responsibility was engaged in respect of the unlawful acts committed by the Transdniestrian separatists, regard being had to the military and political support it gave them to help them set up the separatist regime and the participation of its military personnel in the fighting (paragraphs 382 and 394). The Moldovan Government were therefore surprised by the statement made by the Russian Government in its letter to the Court of 7 September 2007, that the situation had changed since early 1990 and that "Transnistria is not a terra nullius in international law terms, it makes itself known as a sovereign state". In support of this position the Russian Government had cited a report entitled "State Sovereignty of Prednestrovskaia Moldavskaya Respublika (Prednestrovie) under International law" prepared by the International Council of democratic Institutions and state Sovereignty (ICDISS). The ICDISS was the only organisation in the world which had dared to publish a report taking a stance in direct opposition to that taken by the international community. Moreover the identity of the members of the ICDISS and their credibility were seriously open to doubts: some commentators alleged that the organisation had been established solely to represent Russian interests in respect of the Transdniestrian conflict, others that its reports were placed on the internet by Transdniestrian counterfeiters.

3. *The Russian Government*

87. The Russian Government emphasised that one of the necessary conditions for State responsibility under international law was the possibility of attributing the conduct in question to the State. They referred to Chapter II of the ILC's Draft Articles and the case-law of the ICJ to the effect that the conduct of persons other than the State's own governmental authorities could be considered the acts of that State only if they acted on the State's instructions or under its direction and control, to the extent that there was a relationship of "complete dependence" between the State authorities and the persons in question and control in respect of each operation in which the alleged violations occurred (see paragraphs 73-74 above). The Convention formed part of international law and the Court should take the judgments of the ICJ into account when interpreting it.

88. Moreover, according to the Court's own case-law, in particular the decision in *Banković and Others v. Belgium and 16 Other Contracting States* (dec.) [GC], no. 52207/99, ECHR 2001-XII, jurisdiction under Article 1 of the Convention was primarily territorial and it was only in exceptional circumstances that an act performed extra-territorially could

amount to an exercise of jurisdiction under Article 1. One such example, referred to in *Banković* (paragraph 70), was “when as a consequence of military action (lawful or unlawful) [a State] exercised effective control of an area outside its national territory” (and see also *Loizidou v. Turkey* (preliminary objections), 23 March 1995, Series A no. 310 and *Cyprus v. Turkey* [GC], no. 25781/94, ECHR 2001-IV). The Russian Government contended that the Court’s conclusion in the *Ilaşcu* judgment, cited above, was incorrect as regards the jurisdiction of the Russian Federation. In *Ilaşcu* the Court did not apply the “effective control” test applied in previous cases. Instead, the Court held in *Ilaşcu*, paragraph 392, that:

“... the ‘MRT’, set up in 1991-92 with the support of the Russian Federation, vested with organs of power and its own administration, remains under the effective authority, or at the very least under the decisive influence, of the Russian Federation, and in any event that it survives by virtue of the military, economic, financial and political support given to it by the Russian Federation”.

The Court’s reliance on Russia’s “decisive influence” involved an application of principles which were inconsistent with the *Banković* decision and which should not be followed in the present case. The Court’s reasoning in *Ilaşcu* was flawed in that it reversed the concepts of “jurisdiction” and “responsibility”. In international law, confirmed in *Banković*, “jurisdiction” was a primary notion and “responsibility” was derivative. However, the Court in *Ilaşcu* in effect held that since Russia had “responsibility” for events in Transdniestria, it also had “jurisdiction”.

89. In any event, they contended that the present case was distinguishable from *Ilaşcu*. The Court had found in *Ilaşcu* that the applicants had been arrested in June 1992 with the participation of soldiers of the 14th Army and this was the decisive factor for the Court in attributing responsibility to the Russian Federation, even though the arrest had taken place some six years before Russia had ratified the Convention. In the present case there was no involvement by Russian troops or other Russian State agents in the closure of the Latin-script schools. Russia’s only involvement was as a mediator.

90. In the Russian Government’s submission, the *de facto* Transdniestrian authorities had never been and were not currently authorities of the Russian Federation, nor did they act on its instructions or under its control. Russia was not an occupying power in Transdniestria and had never assumed the role of the existing Transdniestrian authorities. There was a great difference between the situation in Transdniestria and that in Northern Cyprus. Not least, the Court had found in *Loizidou* and in *Cyprus v. Turkey* that there were over 30,000 Turkish troops stationed in Northern Cyprus, deployed throughout the entire territory and in control of communications. In contrast in Transdniestria there had been no military intervention by Russia in order to exercise control. During the period of the military conflict the Russian troops, who had only just ceased to be Soviet

troops and two-thirds of whom were natives of the region, were caught out by events in the place where they had been stationed for many years. The remainder of the ROG troops in Transdniestria were not engaged in any active duties except guarding the weapon stocks which were due to be moved out. In addition, there were 400 Russian soldiers who formed part of the peace-keeping force stationed in Transdniestria pursuant to international agreements. Any subordination of the Transdniestrian authorities to the authorities of the Russian Federation was out of the question; this was also demonstrated by the fact that the local administration repeatedly hindered efforts to remove the remaining Russian military equipment. The local authorities had always retained their independence and continued to do so. There was no evidence of any relationship of control or coordination between the Russian Federation and the Transdniestrian authorities in respect of the applicants' schools. Transdniestria was an autonomous region within the Republic of Moldova and the Russian Federation had never recognised its independence.

91. The Russian Government took issue with the applicants' claims that the Russian Federation provided continuing economic support to the "MRT". They denied that the public company Gazprom supplied gas separately to Transdniestria at more favourable rates. In fact, there was no separate contract for the "MRT": gas for the entire territory of Moldova was supplied to Moldovagaz, which managed the onward sale and distribution throughout the territory. Moldovagaz had been created for this purpose in 1999 and was owned jointly by Gazprom (50%), the Republic of Moldova (35.33%) and the "MRT" (13.44%). The Russian Government also denied that they had given support to the "MRT" by writing off a USD 1 billion debt. The real position was more complex. Moldovagaz owed a debt of USD 1.8 billion to Gazprom for gas consumed but not paid for, of which USD 1.5 billion related to gas consumed in Transdniestria. Under Russian domestic law, Gazprom was subject to heavy financial sanctions as a result of the unpaid debt. However, it could not simply limit or stop gas supplies to the Republic of Moldova, because it needed to use the pipeline under Moldova to supply the Baltic countries. It therefore entered into negotiations, which were still continuing, for an acceptable solution. Part of the aim of the 2003-2004 agreement between the Russian Federation and the Republic of Moldova was to resolve the debt problem, by writing it off, and also to motivate the "MRT" into consenting to the removal of an equivalent value of military equipment. However, the negotiations failed and the scheme was not implemented. The Russian Government accepted that they had provided humanitarian aid to Transdniestria, but emphasised that this was in accordance with international state practice and that they had also provided such aid to other parts of Moldova and to Ukraine. For example, in 2003-2004, when Moldova was affected by drought, the Russian Federation had supplied it with grain. In 2006 and 2007, following

another drought, the Russian Federation supplied Transdniestria with food and medical aid and short-term credits to help support the agricultural sector; in 2008 humanitarian aid was provided to Ukraine, Moldova and Transdniestria, following a flood.

92. The Russian Government denied the applicants' accusation that they had attempted to put pressure on Moldova following the rejection of the Kozak Memorandum by adopting economic sanctions. Moldovan wine was banned from importation to Russia to protect the Russian market from inferior produce. The measures complied with international trade laws and applied equally to goods from the Transdniestrian region. The ban was lifted in November 2007, following the inspection of Moldovan winemakers by Russian specialists. Similar protective measures were taken in relation to Moldovan meat, fruit and other crops but, following an inspection process, imports resumed in 2007.

93. In conclusion, the Russian Government did not accept that the facts in issue fell within the jurisdiction of the Russian Federation. They considered, however, that the events fell within the jurisdiction of Moldova, as the Court had held in the *Ilașcu* judgment, cited above.

B. The Court's assessment

94. The Court considers that the questions whether the applicants fall within the jurisdiction of either or both of the respondent States is closely linked to the merits of the applicants' complaints. It therefore joins these preliminary questions to the merits.

II. WHETHER THE APPLICANTS HAVE EXHAUSTED DOMESTIC REMEDIES

A. The submissions of the parties

1. The applicants

95. The applicants contended that they were not obliged to exhaust any domestic remedies since there were none which could offer redress. Moldovan court decisions could not be executed on the territory controlled by the "MRT" and so the applicants had not lodged any application with the Moldovan courts but had instead petitioned the Government directly.

2. The Moldovan Government

96. The Moldovan Government submitted that since Moldova was the internationally recognised sovereign State in respect of Transdniestria, the

applicants could have complained about the alleged violations of the Convention before the Moldovan courts. It would, however, have been impossible for any judgment to be effectively enforced within the territory controlled by the MRT.

3. *The Russian Government*

97. It was the Russian Government's position that, since Russia had no jurisdiction, there were no remedies available to the applicants under Russian law. However, the applicants should have used the remedies provided by Moldovan law, since Transdniestria was an integral part of Moldova.

B. The Court's assessment

98. It is primordial that the machinery of protection established by the Convention is subsidiary to the national systems safeguarding human rights. This Court is concerned with the supervision of the implementation by Contracting States of their obligations under the Convention. It cannot, and must not, usurp the role of Contracting States whose responsibility it is to ensure that the fundamental rights and freedoms enshrined therein are respected and protected on a domestic level. The rule of exhaustion of domestic remedies is therefore an indispensable part of the functioning of this system of protection. States are dispensed from answering before an international body for their acts before they have had an opportunity to put matters right through their own legal system and those who wish to invoke the supervisory jurisdiction of the Court as concerns complaints against a State are thus obliged to use first the remedies provided by the national legal system (see *Demopoulos and Others v. Turkey* [GC] (dec.), no. 46113/99, § 69, ECHR 2010-...).

99. Under Article 35 § 1 of the Convention normal recourse should be had by an applicant to remedies which are available and sufficient to afford redress in respect of the breaches alleged. The existence of the remedies in question must be sufficiently certain not only in theory but in practice, failing which they will lack the requisite accessibility and effectiveness (*Akdivar and Others*, cited above, paragraph 66). The burden of proof is on the Government to satisfy the Court that the remedy was an effective one, available in theory and in practice at the relevant time; that is to say, that it was accessible, was one which was capable of providing redress in respect of the applicant's complaints and offered reasonable prospects of success. Once this burden of proof is satisfied, it falls to the applicant to show that the remedy advanced by the Government was in fact exhausted, or was for some reason inadequate and ineffective in the particular circumstances of the case, or that there existed special circumstances absolving him or her from the requirement (*Akdivar and Others*, cited above, paragraph 68). The

exhaustion rule is, however, inapplicable where an administrative practice, namely a repetition of acts incompatible with the Convention and official tolerance by the State authorities, has been shown to exist and is of such a nature as to make proceedings futile or ineffective (see *Ireland v. the United Kingdom*, 18 January 1978, § 159, Series A no. 25; *Akdivar and Others*, cited above, §§ 66-67; *Denmark v. Turkey* (dec), no. 34382/97, 8 June 1999; *Cyprus v. Turkey*, cited above, § 99).

100. The Court recalls that the object of the present applications is to obtain a declaration that the closure of the schools and subsequent harassment of the pupils, parents and teachers fall within the jurisdiction of both Moldova and Russia and that both States are responsible for violations of the applicants' rights and under an obligation to make redress. Other than petitioning the Governments of the two respondent States, the applicants have made no attempt to use national remedies.

101. Given that it is the Russian Federation's position that events in Transdniestria do not fall within its jurisdiction and that no remedies would therefore be available through the Russian legal system, it does not appear that the applicants had at their disposal any remedies under Russian domestic law.

102. As regards the complaints against the Republic of Moldova, it is common ground between the applicants and the Moldovan Government that judgments of Moldovan courts are unenforceable within the territory controlled by the "MRT". On the evidence before it, the Court finds that this is the case; indeed, the lack of control by the organs of the Moldovan State over the Transdniestrian administration is at the heart of the application. Nor has it been demonstrated to the Court's satisfaction that there exists any remedy within the Moldovan domestic legal order which could have compelled the Moldovan Government to take additional measures to seek to regain control over Transdniestria or in some other way to ensure that inhabitants of the region, such as the applicants, were secured their rights under the Convention.

103. Finally, it must be examined whether the applicants should have applied to the "MRT" courts. In this respect the Court recalls its findings in *Cyprus v. Turkey* and *Demopoulos*, both cited above, that, in the interests of the inhabitants, international law cannot entirely disregard the legal systems of *de facto* entities unrecognised by the international community. To hold otherwise would amount to stripping the inhabitants of such territories of all their rights whenever they are discussed in an international context, which would amount to depriving them even of the minimum standard of rights to which they are entitled. Accordingly, the inhabitants of such territories may be required to exhaust local remedies, unless their inexistence or ineffectiveness can be proved – a point to be examined on a case-by-case basis (*Cyprus v. Turkey*, cited above, §§ 90-99; *Demopoulos*, cited above, §§ 92-98). However, in the present case the impugned measures were taken

by the “MRT” authorities in order to enforce compliance with the “MRT Constitution” and “MRT legislation” on the use of languages. The Court has no evidence of the availability of any effective remedy before the courts within the “MRT” and, indeed, the respondent Governments do not contend that the applicants should have attempted to make use of such a remedy.

104. In conclusion, the Court does not find that there were any domestic remedies available to the applicants in respect of the complaints they have raised before the Court. It concludes, therefore, that the application should not be declared inadmissible on grounds of non-exhaustion of domestic remedies.

III. ADMISSIBILITY OF THE COMPLAINT UNDER ARTICLE 3 OF THE CONVENTION

105. The applicants complained of a violation of their rights under Article 3 of the Convention, which provides:

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

106. They contended that the events surrounding the closure of the schools and the restrictions and harassment suffered by them because of the prohibition of the use of the Moldovan/Romanian language in Transdniestrian schools had caused extreme psychological suffering. They submitted three reports prepared on 20 April and 18 May 2009 by a psychologist of the Rehabilitation Centre of Torture Victims “Memoria” (RCTV “Memoria”), a non-governmental organisation based in Chişinău to provide assistance to victims of torture and other cruel, inhuman and degrading treatment. The reports contained a psychological evaluation of the applicants based on the Hopkins Symptoms Checklist (“HSCL-25”), which measures symptoms of anxiety and depression and provides both a general and a depression score for the test participants. A total score over 1.75 is correlated with severe emotional distress of unspecified diagnosis and a depression score over 1.75 is correlated with major depression. According to these reports, 120 applicants, out of a total of 152 tested, reported symptoms of anxiety and 108 reported symptoms of depression over the 1.75 threshold.

107. The Court recalls that ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age and state of health of the victim (see *Kafkaris v. Cyprus* [GC], no. 21906/04, § 95, ECHR 2008). The Court has considered treatment to be “inhuman” because, *inter alia*, it was premeditated, was applied for hours at a stretch and caused either actual bodily injury or intense physical or mental

suffering. It has deemed treatment to be “degrading” because it was such as to arouse in the victims feelings of fear, anguish and inferiority capable of humiliating and debasing them (see, among other authorities, *Kudla v. Poland* [GC], no. 30210/96, § 92, ECHR 2000-XI). Discriminatory treatment can in principle amount to degrading treatment within the meaning of Article 3, where it attains a level of severity such as to constitute an affront to human dignity (see *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, §§ 90-92, judgment of 28 May 1985, Series A no. 94; *Cyprus v. Turkey*, cited above, §§ 305-311).

108. In the present case, the applicants complain of discriminatory treatment at the hands of the Transdniestrian authorities and allege that the schools crisis has caused many of them severe levels of anxiety and depression. They do not, however, provide any objective medical evidence; the self-administered HSCL-25 tests are no substitute for an examination and assessment by a mental health professional. The Court does not doubt that the temporary closure of the schools and the current situation, where the children are required to pursue their studies in poor conditions with the fear of further interference in the future, has caused some or all of the applicants anxiety and depression. However, the evidence before it does not support the view that the high threshold of Article 3 has been reached. It therefore considers that this part of the application is manifestly ill-founded and must be declared inadmissible in accordance with Article 35 § 3 of the Convention.

IV. ADMISSIBILITY OF THE COMPLAINT UNDER ARTICLE 8 OF THE CONVENTION

109. The applicants complained of a violation of their rights under Article 8 of the Convention, which provides:

“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

110. The applicants underlined that, besides language and script, members of the Moldovan community did not differ greatly from other ethnic groups within the “MRT”. Ethnic Moldovans did not have any racially distinctive features; nor did they practice a different religion; they were united by language. For this reason, any restriction on the right or opportunity to use the Moldovan language and Latin script had a great impact on the cultural identity and integrity of the Moldovan community in

the “MRT”. The applicant parents were not able freely to enjoy their right under Article 8 to bring up their children to share their culture and language. The applicant teachers suffered interference with their right to exercise the profession for which they had trained. The children studying at the Ștefan cel Mare secondary school in Grigoriopol had to submit to searches and security checks twice a day when they crossed the “border” between “MRT” controlled and Moldovan controlled territory (see paragraph 60 above). The “MRT” border guards were frequently verbally abusive. All the children, at all three schools, were subjected to harassment from private individuals as a result of “MRT” propaganda against ethnic Moldovans who wished to study in their native language using the Latin script.

111. The applicants contended that the interference with their Article 8 rights was not in accordance with the law, had no legitimate aim and was disproportionate. The “MRT”, as an unrecognised entity under international law, did not have the authority to adopt legislation. Neither respondent Government had attempted to justify the restrictions and abuse suffered by the applicants.

112. The Court considers that the complaint under Article 8 raises serious questions of fact and law, including the preliminary question whether or not Article 8 applies to the facts of the case, which are of such complexity that their determination should depend on an examination on the merits. These complaints cannot, therefore, be considered manifestly ill-founded within the meaning of Article 35 § 3 of the Convention, and no other ground for declaring them inadmissible has been established.

V. ADMISSIBILITY OF THE COMPLAINT UNDER ARTICLE 2 OF PROTOCOL No. 1

113. The applicants invoke Article 2 of Protocol No. 1 which provides:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

A. The submissions of the parties

1. *The applicants*

114. The applicants stressed that from an early age, children learn the core values of their society through the educational system. Disregarding the children’s interests, the “MRT” regime used the schools conflict to attempt to compel the communities using the schools to accept “MRT” rule. The “MRT” authorities, with the assistance of the Russian Federation, were

attempting to put in place an educational system identical to that of Russia. They were prepared to use physical force, psychological pressure, misinformation, manipulation of the crowd and incitement of ethnic and linguistic hatred to achieve their aims.

115. The applicants emphasised that the “MRT” is an illegal structure, unrecognised by the international community, and that its so-called “law” and “Constitution” could have no legal effects. According to the “MRT law”, the applicants’ schools were classified as “non-governmental associations”. The 2004 “resolution” of the “Supreme Soviet of Transdnistria”, which held that there should be no public schools within the region which were not under “MRT” administration, had not been amended or abolished. The schools’ activity, therefore, continued to be illegal according to “MRT law” and their future was precarious. Furthermore, as a result of the actions of the “MRT” authorities, the children were forced to study in very difficult conditions (see paragraphs 45-62 above).

116. The applicants, who are Moldovan citizens, asked only that the children should be permitted to be educated in the Moldovan official language and in accordance with the curriculum and standards applied by the Moldovan Ministry of Education.

2. The Moldovan Government

117. According to the information available to the Moldovan Government, education in the three schools which were the subject of the present applications was currently being carried out in the official Moldovan language, using the Latin script, and based on curricula approved by the Moldovan Ministry of Education and Youth (MEY). The applicants had not provided any evidence to prove that the “MRT” authorities had been successful in their attempts to impose the Cyrillic script and an “MRT” curriculum. The MEY owned the premises, managed the schools, paid the teachers and provided educational materials and other assistance. Qualifications obtained in the schools could be registered with the MEY, which would issue the student with an equivalent Moldovan educational document, which could be used to gain access to higher education in Moldova or abroad. Thus, despite the attempts of the “MRT” authorities, the children were receiving an education in their own language and according to the convictions of their parents.

3. The Russian Government

118. The Russian Government emphasised that since Transdnistria was part of Moldovan territory it was not possible for them to verify the facts as claimed by the applicants. They had, however, been involved in the international mediation process organised under the aegis of the OSCE.

They observed that “according to the laws of Transdniestria, the right to education is guaranteed to its citizens in accordance with the generally accepted international standards fixed in the constitution of the region” and that “the education process [in Transdniestria] complied with the state educational standards equivalent to the standards of other CIS countries.”

119. According to the Russian Government, the “MRT” regime considered that the six Romanian language schools, including the applicants’ schools, had broken “MRT law” by failing to register with the local authorities, effecting financial transactions when unregistered and carrying out educational activities without a licence. The “MRT” authorities took the view that Moldova had blocked their efforts to formalise the schools’ position. The “MRT” had made a number of compromises. In 1996-97 temporary licences for educational activity had been issued to the three schools which were the subject of the present case, on the condition that before the expiry of the temporary licences the schools would bring themselves into line with Transdniestrian educational standards. However, the schools failed to comply with this condition and did not complete the registration and accreditation processes. In 2002-2003 the “Ministry of Education” had written to the head of the OSCE mission in Moldova on seven occasions, informing him of the situation. In Spring 2003 the OSCE made efforts to reach a compromise solution, but this was not acceptable to the applicants’ schools. The Russian Government emphasised repeatedly that they had had no control over nor involvement in the acts of the Transdniestrian authorities in closing the schools temporarily, relocating them or cutting their supplies.

120. In its case-law under Article 2 of Protocol No. 1 the Court usually examined the particular facts in the context of the legal, social and cultural conditions within the State concerned. It would be impossible to determine the merits of the present case *in abstracto*, before the Court had first reached a conclusion about the jurisdiction of the respondent States in relation to Transdniestria.

B. The Court’s assessment

121. The Court considers that these complaints raise serious questions of fact and law which are of such complexity that their determination should depend on an examination on the merits. These complaints cannot, therefore, be considered manifestly ill-founded within the meaning of Article 35 § 3 of the Convention, and no other ground for declaring them inadmissible has been established.

VI. ADMISSIBILITY OF THE COMPLAINTS UNDER ARTICLE 14 OF THE CONVENTION TAKEN IN CONJUNCTION WITH ARTICLES 3 AND 8 OF THE CONVENTION AND ARTICLE 2 OF PROTOCOL No. 1

122. The applicants further complained of a breach of the above provisions taken in conjunction with Article 14, which states:

“The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

They alleged that they had been the victims of discriminatory treatment by the Transdnistrian separatist regime because of their ethnicity and language.

123. The Court recalls that Article 14 complements the other substantive provisions of the Convention and the Protocols. It has no independent existence since it has effect solely in relation to “the enjoyment of the rights and freedoms” safeguarded by those provisions (see, amongst many authorities, *Şahin v. Germany* [GC], no. 30943/96, § 85, ECHR 2003-VIII).

124. The Court has held, above, that the ill-treatment complained of did not meet the threshold of Article 3. It follows that the complaint under Article 14 taken in conjunction with Article 3 is also inadmissible as manifestly ill-founded.

125. The Court has declared the applicants’ complaints under Article 8 of the Convention and Article 2 of Protocol No. 1 admissible. It notes that the applicants complain that they are discriminated against by the Transdnistrian authorities because of their Moldovan ethnicity and mother tongue, which are grounds of discrimination prohibited by Article 14. It considers that these complaints raise serious questions of fact and law which are of such complexity that their determination should depend on an examination on the merits. These complaints cannot, therefore, be considered manifestly ill-founded within the meaning of Article 35 § 3 of the Convention, and no other ground for declaring them inadmissible has been established.

For these reasons, the Court unanimously

Decides to join the applications;

Joins to the merits the question whether the applicants fall within the jurisdiction of either or both respondent States;

Declares admissible the complaints under Article 8 of the Convention and Article 2 of Protocol No. 1, taken alone and in conjunction with

Article 14 of the Convention, against the Republic of Moldova and the Russian Federation, without prejudging the merits;

Declares inadmissible the remainder of the application.

Lawrence Early
Registrar

Nicolas Bratza
President

ANNEX

43370/04 CATAN and Others v. Moldova and Russia

No.	Applicant	Date of birth	Permanent address (city)	Date of introduction of the application
1.	CATAN Alexei	02/06/1962	Râbnîța	25/10/2004
2.	CATAN Elena	09/10/1988	Râbnîța	25/10/2004
3.	TIHOVSCHI Andrei	09/12/1958	Râbnîța	25/10/2004
4.	SARACUȚA Victor	20/08/1967	Râbnîța	25/10/2004
5.	SARACUȚA Doina	14/10/1990	Râbnîța	25/10/2004
6.	SARACUȚA Tatiana	16/05/1996	Râbnîța	25/10/2004
7.	CRIJANOVSKI Anastasia	11/11/1969	Râbnîța	25/10/2004
8.	CRIJANOVSKI Oxana	24/11/1990	Râbnîța	25/10/2004
9.	CRIJANOVSKI Olesea	20/11/1994	Râbnîța	25/10/2004
10.	PRIMAC MARIA	04/05/1961	Râbnîța	25/10/2004
11.	PRIMAC Ana	18/06/1991	Râbnîța	25/10/2004
12.	CACEROVSKI Lilia	14/10/1969	Râbnîța	25/10/2004
13.	CACEROVSKI Andrei	07/01/1990	Râbnîța	25/10/2004
14.	CACEROVSKI Tatiana	31/08/1995	Râbnîța	25/10/2004
15.	DUBCEAC Dora	12/11/1957	Râbnîța	25/10/2004
16.	DUBCEAC Vladimir	22/07/1993	Râbnîța	25/10/2004
17.	SCRIPNIC Tatiana	29/08/1961	Râbnîța	25/10/2004
18.	SCRIPNIC Corneliu	25/04/1989	Râbnîța	25/10/2004
19.	BULGAC Elena	29/01/1968	Râbnîța	25/10/2004
20.	BULGAC Cristina	18/04/1998	Râbnîța	25/10/2004
21.	BULGAC Diana	29/05/1990	Râbnîța	25/10/2004
22.	SAFONOVA Lidia	26/12/1967	Râbnîța	25/10/2004
23.	SAFONOVA Olesea	14/04/1990	Râbnîța	25/10/2004
24.	SAFONOVA Alisa	18/06/1995	Râbnîța	25/10/2004
25.	PETELIN Tatiana	13/06/1969	Râbnîța	25/10/2004
26.	PETELIN Daniel	15/06/1994	Râbnîța	25/10/2004
27.	SALEBA Tatiana	24/05/1969	Râbnîța	25/10/2004
28.	SALEBA Iana	26/09/1989	Râbnîța	25/10/2004

18454/06 CERCAVSCHI and Others v. Moldova and Russia

No.	Applicant	Date of birth	Permanent address (city)	Date of introduction of the application
29.	CERCAVSCHI Eleonora	11/09/1960	Grigoriopol	04/04/2006
30.	JMACOVA Nadejda	05/04/1989	Grigoriopol	04/04/2006
31.	MUNTEAN Ion	03/03/1958	Grigoriopol	04/04/2006
32.	MUNTEAN Dumitru	17/09/1991	Grigoriopol	04/04/2006
33.	JITARIUC Svetlana	31/03/1960	Grigoriopol	04/04/2006
34.	JITARIUC Laura	01/10/1994	Grigoriopol	04/04/2006
35.	PAVALUC Nadejda	08/05/1969	Grigoriopol	04/04/2006
36.	PAVALUC Andrei	19/03/1991	Grigoriopol	04/04/2006
37.	PAVALUC Ion	11/01/1994	Grigoriopol	04/04/2006
38.	BRIGALDA Svetlana	02/09/1971	Grigoriopol	04/04/2006
39.	BRIGALDA Serghei	08/10/1967	Grigoriopol	04/04/2006
40.	CHIRILIUC Natalia	24/05/1966	Grigoriopol	04/04/2006
41.	CHIRILIUC Tatiana	26/04/1991	Grigoriopol	04/04/2006
42.	CHIRILIUC Mihail	08061997	Grigoriopol	04/04/2006
43.	FRANȚUJAN Tatiana	22/03/1968	Grigoriopol	04/04/2006
44.	FRANȚUJAN Victoria	31/10/1988	Grigoriopol	04/04/2006
45.	FRANȚUJAN Elena	23/05/1990	Grigoriopol	04/04/2006
46.	FRANȚUJAN Tatiana	01/02/1971	Grigoriopol	04/04/2006
47.	PLOTEAN Viorelia	25/08/1968	Grigoriopol	04/04/2006
48.	PLOTEAN Cristina	03/07//1990	Grigoriopol	04/04/2006
49.	PLOTEAN Victoria	13/02/1992	Grigoriopol	04/04/2006
50.	ROȘCA Nicolae	17/12/1957	Grigoriopol	04/04/2006
51.	ROȘCA Victoria	09/04/1990	Grigoriopol	04/04/2006
52.	RACILA Zinaida	10/04/1965	Râbnița	04/04/2006
53.	RACILA Ludmila	03/01/1989	Râbnița	04/04/2006
54.	RACILA Ecaterina	01/02/1991	Râbnița	04/04/2006
55.	GORAȘ Vladimir	31/07/1967	Grigoriopol	04/04/2006
56.	GORAȘ Valeriu	29/06/1994	Grigoriopol	04/04/2006
57.	GORAȘ Angela	30/07/1970	Grigoriopol	04/04/2006
58.	COJOCARU Mariana	16/10/1974	Grigoriopol	04/04/2006
59.	COJOCARU Doina	06/11/1994	Grigoriopol	04/04/2006
60.	COJOCARU Corina	11/09/1996	Grigoriopol	04/04/2006
61.	COJOCARU Andrei	03/06/1998	Grigoriopol	04/04/2006
62.	COJOCARU Elena	03/06/1998	Grigoriopol	04/04/2006
63.	BODAC Ion	02/06/1962	Grigoriopol	04/04/2006
64.	BODAC Tatiana	24/07/1994	Grigoriopol	04/04/2006
65.	ROTARU Emilia	17/08/1968	Grigoriopol	04/04/2006
66.	ROTARU Ion	30/08/1989	Grigoriopol	04/04/2006

67.	ROTARU Mihai	16/08/1994	Grigoriopol	04/04/2006
68.	CALANDEA Galina	18/01/1974	Grigoriopol	04/04/2006
69.	CALANDEA Iurie	30/10/1967	Grigoriopol	04/04/2006
70.	CHIRICOI Natalia	27/02/1964	Grigoriopol	04/04/2006
71.	CHIRICOI Dumitru	06/08/1992	Grigoriopol	04/04/2006
72.	ZEABENȚEV Andrei	28/12/1997	Grigoriopol	04/04/2006
73.	GAZUL Svetlana	23/02/1967	Grigoriopol	04/04/2006
74.	GAZUL Victor	05/08/1989	Grigoriopol	04/04/2006
75.	GAZUL Constantin	26/11/1992	Grigoriopol	04/04/2006
76.	TARAN Igor	30/01/1969	Grigoriopol	04/04/2006
77.	TARAN Olga	03/03/1998	Grigoriopol	04/04/2006
78.	IVANOV Lidia	31/03/1967	Grigoriopol	04/04/2006
79.	IVANOV Cristina	30/09/1989	Grigoriopol	04/04/2006
80.	BOVAR Natalia	15/07/1971	Grigoriopol	04/04/2006
81.	BOVAR Alexandru	12/08/1992	Grigoriopol	04/04/2006
82.	BOVAR Ana	14/12/1998	Grigoriopol	04/04/2006
83.	GAVRILAȘENCO Maria	04/02/1964	Grigoriopol	04/04/2006
84.	GAVRILAȘENCO Olga	08/10/1998	Grigoriopol	04/04/2006
85.	PALADI Natalia	24/05/1979	Doroțcaia	04/04/2006
86.	SANDUL Serghei	07/07/1970	Grigoriopol	04/04/2006
87.	SANDUL Liubovi	15/08/1998	Grigoriopol	04/04/2006
88.	GAZ Diana	21/05/1987	Grigoriopol	04/04/2006
89.	TRANDAFIR Natalia	24/11/1987	Grigoriopol	04/04/2006
90.	GOLOVCO Irina	05/05/1987	Grigoriopol	04/04/2006
91.	GOLOVCO Elena	14/06/1987	Grigoriopol	04/04/2006
92.	TIRON Ana	19/06/1987	Grigoriopol	04/04/2006
93.	TIRON Valentina	01/07/1955	Grigoriopol	04/04/2006
94.	TRANDAFIR Galina	26/08/1964	Grigoriopol	04/04/2006
95.	TULCII Igor	07/07/1963	Grigoriopol	04/04/2006
96.	TULCII Olga	01/10/1987	Grigoriopol	04/04/2006
97.	PARVAN Elena	22/10/1973	Grigoriopol	04/04/2006
98.	PARVAN Natalia	26/09/1993	Grigoriopol	04/04/2006
99.	PARVAN Vitalie	29/06/1998	Grigoriopol	04/04/2006
100.	BALTAG Tamara	13/09/1961	Grigoriopol	04/04/2006
101.	BALTAG Igor	16/12/1994	Grigoriopol	04/04/2006
102.	BALTAG Liuba	18/11/1998	Grigoriopol	04/04/2006
103.	GOGOI Svetlana	14/08/1977	Grigoriopol	04/04/2006
104.	GOGOI Nicolae	20/05/1998	Grigoriopol	04/04/2006
105.	MONOLATI Svetlana	16/08/1975	Grigoriopol	04/04/2006
106.	CHIȘCARI Ghenadie	19/12/1961	Grigoriopol	04/04/2006
107.	CHIȘCARI Egor	23/09/1989	Grigoriopol	04/04/2006
108.	NAZARET Natalia	13/11/1958	Grigoriopol	04/04/2006

109.	NAZARET Elena	14/04/1989	Grigoriopol	04/04/2006
110.	NAZARET Gheorghe	04/08/1958	Grigoriopol	04/04/2006
111.	POGREBAN Ludmila	07/07/1968	Grigoriopol	04/04/2006
112.	MASLENCO Boris	07/07/1966	Grigoriopol	04/04/2006
113.	MASLENCO Tatiana	20/05/1989	Grigoriopol	04/04/2006
114.	MASLENCO Valentina	02/02/1966	Grigoriopol	04/04/2006
115.	MASLENCO Ion	25/05/1992	Grigoriopol	04/04/2006
116.	CHIRICOI Liuba	16/04/1960	Grigoriopol	04/04/2006
117.	BACIOI Anatoli	29/08/1960	Grigoriopol	04/04/2006
118.	BACIOI Irina	24/05/1989	Grigoriopol	04/04/2006
119.	BACIOI Nina	18/08/1962	Grigoriopol	04/04/2006
120.	BACIOI Mariana	24/05/1989	Grigoriopol	04/04/2006
121.	BOZU Nina	18/07/1966	Grigoriopol	04/04/2006
122.	BOZU Nicolae	11/10/1964	Grigoriopol	04/04/2006
123.	BOZU Sergiu	20/11/1988	Grigoriopol	04/04/2006
124.	ARCAN Liuba	10/02/1977	Grigoriopol	04/04/2006
125.	ARCAN Irina	08/10/1994	Grigoriopol	04/04/2006
126.	STANILA Raisa	18/02/1961	Grigoriopol	04/04/2006
127.	STANILA Svetlana	20/12/1988	Grigoriopol	04/04/2006

8252/05 CALDARE and Others v. Moldova and Russia

No.	Applicant	Date of birth	Permanent address (city)	Date of introduction of the application
128.	CALDARE Elena	15/08/1969	Bender/Tighina	20/12/2004
129.	CALDARE Ruxanda	02/02/1992	Bender/Tighina	20/12/2004
130.	GĂINĂ Maria	17/11/1967	Bender/Tighina	20/12/2004
131.	GĂINĂ Victoria	02/04/1989	Bender/Tighina	20/12/2004
132.	GĂINĂ Alina	15/12/1992	Bender/Tighina	20/12/2004
133.	PĂDURARU Constantin	02/06/1967	Bender/Tighina	20/12/2004
134.	PĂDURARU Elena	08/06/1995	Bender/Tighina	20/12/2004
135.	MUNTEANU Raisa	04/08/1958	Bender/Tighina	20/12/2004
136.	MUNTEANU Iulia	21/02/1994	Bender/Tighina	20/12/2004
137.	MUNTEANU Veronica	24/09/1987	Bender/Tighina	20/12/2004
138.	SAVA Maria	18/10/1960	Bender/Tighina	20/12/2004
139.	SAVA Roman	22/12/1990	Bender/Tighina	20/12/2004
140.	SAVA Ștefan	22/12/1990	Bender/Tighina	20/12/2004
141.	CARACACI Claudia	05/06/1959	Bender/Tighina	20/12/2004
142.	CARACACI Ala	04/02/1987	Bender/Tighina	20/12/2004
143.	CARACACI Oxana	04/03/1988	Bender/Tighina	20/12/2004
144.	ȚOPA Maria	30/06/1955	Bender/Tighina	20/12/2004
145.	ȚOPA Ana	30/01/1987	Bender/Tighina	20/12/2004
146.	TELPIS Olga	24/10/1955	Bender/Tighina	20/12/2004
147.	TELPIS Alexandra	26/05/1990	Bender/Tighina	20/12/2004
148.	TELPIS Cristina	26/05/1990	Bender/Tighina	20/12/2004
149.	BURAC Tamara	31/08/1965	Bender/Tighina	20/12/2004
150.	BURAC Irina	04/04/1986	Bender/Tighina	20/12/2004
151.	BURAC Dorin	14/07/1994	Bender/Tighina	20/12/2004
152.	CÎRLAN Valentina	01/04/1969	Bender/Tighina	20/12/2004
153.	CÎRLAN Artiom	08/07/1991	Bender/Tighina	20/12/2004
154.	CÎRLAN Sergiu	28/05/1995	Bender/Tighina	20/12/2004
155.	BEIU Elena	06/07/1970	Bender/Tighina	20/12/2004
156.	BEIU Vladimir	28/05/1991	Bender/Tighina	20/12/2004
157.	ȚURCANU Tamara	06/10/1963	Bender/Tighina	20/12/2004
158.	ȚURCANU Andrei	29/09/1987	Bender/Tighina	20/12/2004
159.	CALMÎC Ecaterina	05/07/1971	Bender/Tighina	20/12/2004
160.	CALMÎC Vadim	10/12/1992	Bender/Tighina	20/12/2004
161.	RÎJALO Larisa	01/04/1966	Bender/Tighina	20/12/2004
162.	RÎJALO Rodica	07/10/1989	Bender/Tighina	20/12/2004
163.	SIMONOV Aurelia	18/09/1970	Bender/Tighina	20/12/2004
164.	GRÎȚCAN Natalia	04/09/1994	Bender/Tighina	20/12/2004
165.	GRÎȚCAN Olga	31/07/1996	Bender/Tighina	20/12/2004
166.	LIULICA Victoria	28/04/1963	Bender/Tighina	20/12/2004

167.	LIULICA Elena	10/05/1990	Bender/Tighina	20/12/2004
168.	LIULICA Maxim	26/05/1987	Bender/Tighina	20/12/2004
169.	DOCHIN Elena	29/09/1965	Bender/Tighina	20/12/2004
170.	DOCHIN Cristina	08/08/1989	Bender/Tighina	20/12/2004