



## Grand Chamber hearing on businessman's detention pending trial for ten months

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 7 October 2015 at 9.15 a.m.** in the case of **Buzadji v. the Republic of Moldova** (application no. 23755/07)

The case concerns the complaint by a businessman about his arrest and detention pending trial on charges of defrauding a State company.

*The hearing will be broadcast from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

The applicant, Petru Buzadji, is a Moldovan national who was born in 1947 and lives in Comrat (the Republic of Moldova).

Mr Buzadji, a businessman, was arrested in May 2007 and formally charged with defrauding a State company of which he was the director. He was placed in detention pending trial given the gravity of the charges against him, the complexity of the case and a risk of collusion. This detention was then extended on a number of occasions, for essentially the same reasons, until July 2007 when the national courts accepted Mr Buzadji's request to be placed under house arrest. He remained under house arrest until March 2008 when he was released on bail, the courts finding that he had been in detention and under house arrest for over ten months in total without breaching any of the restrictions imposed on him.

Relying in particular on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) of the European Convention on Human Rights, Mr Buzadji complains that the courts did not give relevant and sufficient reasons for his detention pending trial for ten months. He notably complains that the courts, when dismissing his requests for release, did not take into consideration the fact that he was a well-known businessman with a family and had never obstructed the relevant investigation in any way, always appearing before the authorities whenever summoned.

### Procedure

The application was lodged with the European Court of Human Rights on 29 May 2007.

In its Chamber [judgment](#) of 16 December 2014, the Court held, by four votes to three, that there had been a violation of Article 5 § 3 of the European Convention as the domestic courts had simply paraphrased the reasons for extending Mr Buzadji's detention pending trial and subsequent house arrest, without explaining how they applied in his case, except for the danger of collusion with his

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

sons, a ground which became irrelevant after the courts allowed Mr Buzadji to stay at home without banning him from seeing his sons.

On 16 March 2015 the Government requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 20 April 2015 the panel of the Grand Chamber accepted that request.

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Dean **Spielmann** (Luxembourg), *President*,  
Guido **Raimondi** (Italy),  
Işıl **Karakaş** (Turkey),  
András **Sajó** (Hungary),  
Angelika **Nußberger** (Germany),  
George **Nicolaou** (Cyprus)  
Ledi **Bianku** (Albania),  
Nona **Tsotsoria** (Georgia),  
Nebojša **Vučinić** (Montenegro),  
Vincent A. **de Gaetano** (Malta),  
Erik **Møse** (Norway),  
Paul **Mahoney** (the United Kingdom),  
Krzysztof **Wojtyczek** (Poland),  
Valeriu **Griţco** (the Republic of Moldova),  
Faris **Vehabović** (Bosnia and Herzegovina),  
Branko **Lubarda** (Serbia),  
Yonko **Grozev** (Bulgaria), *judges*,  
Robert **Spano** (Iceland),  
Dmitry **Dedov** (Russia),  
Aleš **Pejchal** (the Czech Republic),  
Hellen **Keller** (Switzerland), *substitute judges*,

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar*.

## Representatives of the parties

### Government

Lilian **Apostol**, *Agent*;

### Applicant

Fadei **Nagacevschi**, *Counsel*.

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### Press contacts

[echrp@echr.coe.int](mailto:echrp@echr.coe.int) | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.