



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

THIRD SECTION

Application no. 21034/05

Claudia SANDU and Others against the Republic of Moldova and Russia
and 7 other applications
(see table appended)

STATEMENT OF FACTS

1. The applicants are Moldovan nationals or companies registered under Moldovan law. They are represented before the Court by Mr A. Postica and Mr I. Manole, lawyers practising in Chişinău.

The circumstances of the cases

2. The facts of the cases, as submitted by the applicants, may be summarised as follows.

3. The applicants live in the villages of Doroţcaia, Pîrîta, Molovata-Nouă, Pohrebea and Cocieri, situated on the left bank of the Nistru river and being under Moldovan control. They own plots of land near their villages. The applicants Posedo-Agro S.R.L., Agro-Tiras S.R.L. and Agro S.A.V.V.A. are companies which rent land from owners in the same situation as that of the rest of the applicants. In all cases the land is situated across a road which links the northern and southern regions of the self-proclaimed Moldovan Transdnistrian Republic (“the MRT”). The applicants’ main source of income is the working of the land owned or rented by them.

4. Between 1992 and 1998 the applicants used the land they owned or rented without interference. In 1998 the MRT authorities installed checkpoints in order to verify the movement of agricultural products across the “border”, coinciding with the above-mentioned road. From then on the applicants had to pay various taxes and fees to MRT authorities, which they accepted since their livelihood depended on working their land.

5. In October 2004 the MRT authorities declared that the land owned or rented by the applicants was the property of the MRT. The applicants could

continue working it, on condition of renting it from the local MRT authorities. The applicants refused to sign rental contracts since they were the lawful owners (or renters) of that land. As a consequence, all access to their land was blocked and the harvest was lost, whereas some of the agricultural machines of those who tried to work their land were seized. The land was not worked in the following years, which made it difficult to bring it back to its former capacity. The situation persists until present.

6. The applicants made numerous complaints to the local MRT authorities, asking for a right of passage to their land, but this was refused since those authorities considered the land in question to be property of the MRT.

7. The applicants also complained to the Moldovan authorities, which replied that they did not have the means to compel the MRT authorities to allow free passage. They asked the Moldovan Prosecutor General's Office to start a criminal investigation against the persons responsible for blocking the applicants' access to their land.

8. The applicants complained to the Russian embassy in Moldova and to the Organization for Security and Co-operation in Europe ("the OSCE"), to no avail. On 26 April 2005 a group of landowners, including some of the applicants, protested in front of the Russian embassy in Moldova, asking the authorities of that State to intervene as a guarantor of peace and stability in the region. A similar protest took place on 11 May 2005.

COMPLAINTS

9. The applicants complain under Article 1 of Protocol No. 1 to the Convention that they lost access to their property and to the fruits of their labour.

10. They also complain under Article 13 that they do not have any remedies in respect of their complaint under Article 1 of Protocol No. 1 to the Convention.

QUESTIONS TO THE PARTIES

1. Do the applicants come within the jurisdiction of the Republic of Moldova and/or the Russian Federation within the meaning of Article 1 of the Convention as interpreted by the Court, *inter alia*, in the cases of *Ilașcu and Others v. Moldova and Russia* [GC], (No. 48787/99, ECHR 2004-VII) and *Catan and Others v. Moldova and Russia* [GC] (nos. 43370/04, 8252/05 and 18454/06, §§ 102-123, 19 October 2012) on account of the circumstances of the present case?

2. Has there been a violation of Article 1 of Protocol No. 1 to the Convention by blocking the applicants' access to the land they owned or rented in 2004 and thereafter?

3. Did the applicants have at their disposal effective remedies in respect of their complaint under Article 1 of Protocol No. 1 to the Convention, as required under Article 13 of the Convention?

SANDU AND OTHERS v. THE REPUBLIC OF MOLDOVA AND RUSSIA
AND OTHER APPLICATIONS – STATEMENT OF FACTS AND QUESTIONS

APPENDIX

No.	Application no.	Lodged on	Application name
1.	21034/05	24/05/2005	SANDU and others v. the Republic of Moldova and Russia
2.	41569/04	28/10/2004	POSEDO-AGRO SRL v. the Republic of Moldova and Russia
3.	41573/04	26/10/2004	AGRO-TIRAS SRL v. the Republic of Moldova and Russia
4.	41574/04	25/10/2004	AGRO-S.A.V.V.A. v. the Republic of Moldova and Russia
5.	7105/06	20/01/2006	CARAUS and others v. the Republic of Moldova and Russia
6.	9713/06	08/02/2006	GAVRILITA and others v. the Republic of Moldova and Russia
7.	18327/06	14/04/2006	GATINA and others v. the Republic of Moldova and Russia
8.	38649/06	06/09/2006	ISACOV and others v. the Republic of Moldova and Russia